Minutes – Executive Policy Committee – January 20, 2021

Report 'A' – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

Item No. 1 List of Historical Resources – Nomination of T. Eaton Company Mail Order and Catalogue Building, 333 St. Mary Avenue

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That T. Eaton Company Mail Order and Catalogue Building, 333 St. Mary Avenue, be added to the List of Historical Resources, with the proposed character defining elements:

    A. Exterior:

        i. The brick and stone 9-storey building with flat roof filling nearly the entire block bounded by St. Mary Avenue (south), Graham Avenue (north), Donald Street (east) to Hargrave Street (west);

        ii. The north façade facing Graham Avenue, the east façade facing Donald Street and the west façade facing Hargrave Street with their first two storeys clad in smooth limestone with attached columns with heavy bases, a stone belt course leading to the upper storeys clad in dark brick with windows in rectilinear openings joined by continuous sills and heads and flat roof with ornate metal cornice;

        iii. The rear (south) façade with large rectilinear window openings on all upper floors.

2. That the Province of Manitoba be formally requested to designate the property under the Province's Heritage Resources Act.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report 'A' – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Yea:	Bowman, Browaty, Gillingham, Gilroy, Rollins	5
Nay:		0

Carried

COUNCIL DECISION:

On October 29, 2020, Council concurred in the October 20, 2020, recommendation of the Executive Policy Committee, that in accordance with Section 20(1) of the Historical Resources By-law No. 55/2014, an extension of time of 90 days be granted for the Executive Policy Committee to submit a recommendation on the matter.

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Historical Buildings and Resources Committee, with the following amendment:

- Add the following new Recommendation:

  "2. That the Province of Manitoba be formally requested to designate the property under the Province's Heritage Resources Act."

and submitted the matter to the Executive Policy Committee and Council.

Rennie Stonyk, on behalf of Satvir Jatana, Manitoba Public Insurance, submitted a communication titled "List of Historical Resources – Nomination of T. Eaton Company Mail Order and Catalogue Building, 333 St. Mary Avenue" dated September 16, 2020, in opposition of the matter.

Report 'A' – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

COMMITTEE RECOMMENDATION:

On May 26, 2020, the Historical Buildings and Resources Committee recommended that T. Eaton Company Mail Order and Catalogue Building, 333 St. Mary Avenue, be added to the List of Historical Resources, with the proposed character defining elements, and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Cheryl Taylor, on behalf of Manitoba Public Insurance, owner of 333 St. Mary Avenue, submitted a communication dated May 19, 2020, in opposition to the matter.

Planning, Property & Development Department • Service de l'urbanisme, des biens et de l'aménagement

Urban Planning and Design Division • Division de l'urbanisme et de la conception

In reply please refer to / Référence à rappeler :

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PROPOSED CHARACTER-DEFINING ELEMENTS

for Listing as a Historical Resource of:

T. Eaton Company Mail Order & Catalogue Building, 333 ST MARY AVENUE

Note: This completed form will be published on the City Clerks Decision Making Information System website as a part of the meeting agenda. For questions or concerns, please contact the writer.

Exterior-

- The brick and stone 9-storey building with flat roof filling nearly the entire block bounded by St. Mary Avenue (south), Graham Avenue (north), Donald Street (east) to Hargrave Street (west)
- The north façade facing Graham Avenue, the east façade facing Donald Street and the west façade facing Hargrave Street with their first two storeys clad in smooth limestone with attached columns with heavy bases, a stone belt course leading to the upper storeys clad in dark brick with windows in rectilinear openings joined by continuous sills and heads and flat roof with ornate metal cornice;
- The rear (south) façade with large rectilinear window openings on all upper floors.

Interior-

- None

Suggested Changes (continue on next page if necessary):

Reviewed by:

(Owner or Owner's Representative) *Date*

ADMINISTRATIVE REPORT

Title: List of Historical Resources – Nomination of 333 St. Mary Avenue (T. Eaton Company Mail Order and Catalogue Building)

Critical Path: Standing Policy Committee on Property & Development, Heritage, and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Kowalke A/Manager	J. Kiernan	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The Public Service does not concur with the recommendations of the Historical Buildings and Resources Committee (HBRC) to add 333 St. Mary Avenue (T. Eaton Company Mail Order and Catalogue Building) to the List of Historical Resources.

The property is owned by Manitoba Public Insurance, which is an agency of the Crown. The owner was opposed to designation at the HBRC meeting.

The City has the authority to designate this property but could not enforce that designation while it is owned by an agency of the Crown. However, the Province could designate the property under the Province's Heritage Resources Act.

RECOMMENDATIONS

1. That the Historical Buildings and Resources Committee recommendation to add 333 St. Mary Avenue (T. Eaton Company Mail Order and Catalogue Building) to the List of Historical Resources not be approved and that the Director of the Planning, Property and Development Department adds the resource to the Commemorative List instead.

2. That the Province be formally requested to designate the property under the Province's Heritage Resources Act.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Pursuant to 17(2) of the Historical Resources By-law, the Director is authorized to provide a report with respect to the nomination for consideration by the Standing Policy Committee on Property and Development, Heritage and Downtown Development (SPC) at the time it considers the recommendations of the HBRC.

IMPLICATIONS OF THE RECOMMENDATIONS

333 St. Mary Avenue (T. Eaton Company Mail Order and Catalogue Building) will not be added to the List of Historical Resources but will be added to the Commemorative List instead.

Inclusion of a resource on the Commemorative List is intended to recognize significant historical and architectural resources and to encourage their conservation. It does not restrict the owner of the resource from developing or demolishing the resource.

The Province may consider the designation of the property under the Heritage Resources Act.

HISTORY/DISCUSSION

Nomination of 333 St. Mary Avenue

333 St. Mary Avenue (T. Eaton Company Mail Order and Catalogue Building) was on the Inventory of Buildings under the former Historical Buildings By-law 1474/77, and pursuant to the provisions of the Historical Resources By-law 55/2014 section 8(4), it was deemed Nominated to be added to the List of Historical Resources on the date that the new Historical Resources By-law 55/2014 came into effect, June 1, 2014.

Out of 135 resources that were transferred from the former Inventory to the Nominated List, this is one of the final two resources under consideration for addition to the List of Historical Resources.

Under the By-law, the deadline for the HBRC to evaluate and make recommendations on whether or not to add this nominated resource to the List of Historical Resources was May 30, 2020.

On May 26, 2020, the HBRC recommended that the subject property be added to the List of Historical Resources (listed), with the proposed character defining elements as noted in the minutes from that meeting, published online as a part of the agenda.

The HBRC's recommendation must now be considered by the SPC and will be considered by the Executive Policy Committee (EPC) and Council if the owner is opposed to the recommendations of the HBRC and/or the SPC.

Heritage Evaluation

As a part of the nomination process, an historical report was prepared which outlines the heritage values of this property.

The T. Eaton Company Mail Order and Catalogue Building is deemed to embody heritage values attributed to the following:

(a) It was built in 1916 and 1920, during and after World War I and was an important addition to the T. Eaton's Company downtown Winnipeg presence and a tangible illustration of the importance of the city within the company's national organization;
(b) It is associated with Canadian retail giant T. Eaton's Company and the evolution of its important mail order and catalogue sector;
(c) It is an excellent example of a Chicago School or Sullivanesque Style building and was designed by one of the leading early 20th century Chicago, Illinois architectural firms, Graham, Burnham Company;
(d) Clad in brick with stone accenting on a heavy reinforced concrete support system, the block is an excellent example of the type of warehouse structure developed and built during this period;
(e) It is a highly conspicuous building within the downtown; and
(f) The building's exterior maintains much of its original architectural integrity.

For more information on the heritage values the T. Eaton Company Mail Order and Catalogue Buildings, please see the Building Synopsis attached with agenda.

Criteria for the HBRC's Recommendation to the SPC

As per section 13 of the Historical Resources By-law, the HBRC must make a recommendation to the Standing Policy Committee on Property and Development, Heritage and Downtown Development (SPC) that a nominated resource should be listed only if the resource is of outstanding architectural or historic significance in the heritage values it embodies.

In making a recommendation to list a resource, the HBRC must identify which character-defining elements of the resource it considers should be protected in the listing because they contribute to the heritage values of the resource through their materials, form, location, spatial configuration, use, or cultural association.

Criteria for Decision Making by the SPC, EPC, and Council

As per Section 18, the SPC must decide whether the resource is of outstanding architectural or historical significance in the heritage values it embodies and may, in addition, consider the economic viability of conserving the resource.

A determination of the economic viability of protecting and preserving a resource under this section must be based on the following criteria:

a. The condition of the resource;
b. The costs of the continued repair and maintenance of the resource;
c. The importance and value derived from the conservation or continued conservation of the resource;
d. The efforts that have been made by the owner to date to conserve the resource; and
e. The merits of alternative proposals for the resource or the site on which it is located, other than conserving the resource by adding it to the List.

In considering a nomination, the EPC and Council must use the same criteria as are required to be considered by the SPC.

Although this is the criteria for decision making for these committees and Council under the By-law, a resource cannot be designated if the City does not have the authority to do so.

Owner's Opposition to Designation

333 St. Mary Avenue is owned by Manitoba Public Insurance (MPI), which is an agency of the Crown. The owner made a submission to the HBRC that stated that they were opposed to designation because they questioned the City's authority to designate a building that is owned by an agency of the Crown. In summary, MPI had suggested that the building could only be designated under the Province's Heritage Resources Act and not the City's Historical Resources By-law.

The City's Authority to Designate a Property Owned by an Agency of the Crown

The City conducted an analysis of whether or not it has the authority to designate a property that is owned by an agency of the Crown. In summary, as an agent of the Crown, MPI would not be bound by a historical designation, which means that they would not be obliged to comply with the Historical Resources By-law. In short, the City would not be able to enforce the designation.

Proposed Request to Designate by the Province

Since the HBRC has determined that the building is worthy of heritage protection but the City could not enforce a heritage designation under the Historical Resources By-law while it is owned by an agency of the Crown, the Province may instead designate it under the Heritage Resources Act. Like the City's designation, the Province's designation would protect the building from demolition and would permit suitable alterations through a heritage permitting process.

The Province has established their own criteria, processes, and timelines concerning historical designations. It is unknown whether or not this property would meet the criteria for Provincial designation.

Potential Future Nomination by the City

Should MPI sell the property in the future to an owner who is not an agent of the Crown, the Director may nominate the property at that time, as long as a period of 5 years has lapsed from the time a final decision has been made on the current nomination, as per section 7(2) of the By-law. The nomination may be initiated either by the new owner or by the Director.

FINANCIAL IMPACT

Financial Impact Statement Date: August 6, 2020

Project Name:

List of Historical Resources, 333 St. Mary Avenue

COMMENTS:

There are no financial implications associated with the recommendations contained in the report.

"Original Signedg By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services Department (as to Legal Issues)
- Historical Buildings and Resources Committee (Chair)

OURWINNIPEG POLICY ALIGNMENT

The recommendation to add 333 St. Mary Avenue (T. Eaton Company Mail Order and Catalogue Building) to the Commemorative List aligns with policies under OurWinnipeg Section 02 “A Sustainable City,” 02-3 Heritage.

Although the Commemorative List does not restrict development or demolition, it is intended to encourage the conservation of the resources on this list, and information about the building will be posted on the City’s website.

Direction 6: Plan for the sustainable development of healthy neighbourhoods based on their particular historic identity and character.

- Work with community stakeholders to identify unique heritage identities and neighbourhood legacy elements.
- Encourage the sustainable reuse of existing building stock and historic infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning & Design
Prepared by: R. Ricci
Date: August 14, 2020
File No: