

6.1.1



August 24, 2011

**Mr. Stephen Terauds, Chair,  
And Members of the Heritage Advisory Committee  
Halifax Regional Municipality**

**Dear Mr. Terauds and Committee Members:**

**On March 22, 2010, the Heritage Trust asked to be allowed to make an oral presentation regarding the TDB Halifax Holdings proposal to demolish most of the Macara Barnstead Building. You deferred this matter until the proposal comes before you.**

**In attached documents, we describe the heritage value of the building, we show that the proposal does not meet HRM's Heritage Building Conservation Standards, and we discuss the many variances, bonuses and exemptions requested by the developer.**

**The entire Macara Barnstead Building should be repaired and conserved. The Heritage Property Act has provisions that can assist with the long-term preservation of this property. Council may enter into an agreement with the owner (Section 20 of the Act), Council may acquire the property and potentially sell it. (Section 21. The assessed value is \$147,700.) Council may provide financial assistance to any person to assist in the restoration or renovation of the property. (Section 22) The Heritage Trust has recommended that the proposed Historic Properties Heritage Conservation District be extended south to include the Macara Barnstead property.**

**We hope you will agree that the proposal does not meet the Conservation Standards. Please recommend that Council turn down the application for substantial alteration of the Macara Barnstead Building and that the Design Review Committee turn down the application for site plan approval and for variances to the Land Use By-law.**

**Yours sincerely,**

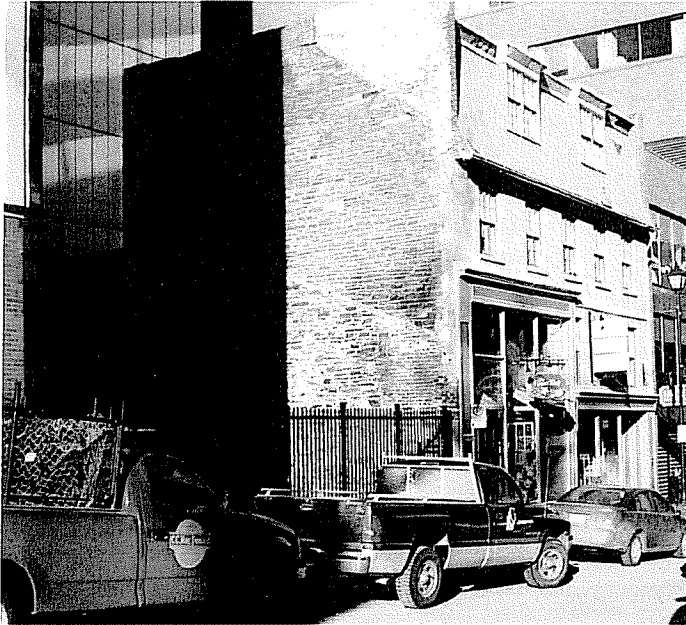
**Phil Pacey  
Chair, HRM Committee  
Heritage Trust of Nova Scotia**

A handwritten signature in black ink, appearing to read 'Phil Pacey'. The signature is written in a cursive, flowing style.

## Heritage Value of the Macara Barnstead Building

The Macara Barnstead Building is a registered heritage property. The building was constructed of stone in 1825 by Matthew Richardson for William Macara, an apothecary. The other side of the building was the office and residence of Dr. Charles W. Wallace. In 1854 the middle floor housed a railway office. In 1871 J.P. Hagerty sold musical instruments in the southern shop and Everett Bros. sold hats and caps in the northern shop. The upper floors were occupied by Thomas Hutchins, an insurance agent, and by McAlpine's City Directories. The building returned to its original use from 1904 until 1974, when it housed Barnstead Drugs. The building is now occupied by The Flower Shop and Nic Nax General Store.

This building is one of the stone Georgian buildings that are very important to the identity and character of Halifax. It is similar in age to Province House, Collins Bank and the National School. William Macara was selling drugs and Charles Wallace was treating patients in this building when most of North America was uncharted territory.



A heritage impact statement submitted by the applicant compares this building unfavourably to buildings in Bath and Edinburgh. Edinburgh has 37 heritage conservation districts, and protects a wide range of buildings, some with alterations. Edinburgh allows no buildings over six storeys, and would not allow this application.

The applicant demolished the Kelly Building and revealed the south side wall. Reading from bottom to top, the south side wall speaks volumes about the history of this building. First, there was a one-and-a-half-storey, stone building with a gently sloping roof. This was expanded upwards, to two-and-a-half, and then to three-and-a-half storeys, with a steeper roof. In 1922 the side wall was squared off in brick to four storeys, with a Mansard roof in the front. Finally, a brick addition was constructed behind the main structure.

This story can be told, and the historic building techniques can be studied and researched, as long as this wall remains intact. Even if the wall is covered over again, it is important that it continues to exist. If the TDB Holdings proposal is accepted, this heritage value will be lost forever. A 3-metre remnant does not tell the same story as a complete, structure-supporting wall.

The exterior of this building should be kept in its entirety.

## **The Proposed Substantial Alterations Would Not Meet the HRM Heritage Building Conservation Standards**

The purpose of the Heritage Property Act is "...preservation, conservation, protection and rehabilitation of buildings, structures ... of historic, architectural and cultural value..." Section 17(1) provides that "municipal heritage property shall not be substantially altered in exterior appearance or demolished without the approval of the municipality." "Alter the exterior appearance" is defined as including "move in whole or in part". Clearly the south wall, the upper rear wall, and the roof are part of the "exterior appearance" of the Macara Barnstead Building. The applicant's proposal to remove these features is subject to the Act.

HRM has adopted a set of Heritage Building Conservation Standards. These Standards were adopted on the recommendation of the HAC in the 1990s, following a previous facadism application. Clause 12 of By-law H-200 states, "**Applications for alteration of a registered heritage property shall be evaluated in accordance with the Heritage Building Conservation Standards as set forth in Schedule 'B'.**"

The introduction to these Standards says, "The historic character of a heritage resource is based on the assumptions that (a) **the historic materials and features and their unique craftsmanship are of primary importance** and that (b) in consequence, **they are to be retained, and restored to the greatest extent possible**, not removed and replaced with materials and features which appear to be historic, but which are in fact new." The TDB Halifax Holdings application would remove most of the historic materials of the Macara Barnstead Building. It would not retain these materials. It does not comply.

The second Standard says, "The historic character of the property shall be retained and preserved. **The removal of historic materials** or alteration of features and spaces that characterize the property **shall be avoided.**" The proposal would remove historic materials and features. The proposal would not comply with this Standard.

The fifth Standard says, "**Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.**" The proposal would remove the rear wall and windows and most of the side wall and roof. It would not preserve these features and finishes. The proposal would not comply.

The ninth Standard says, "New additions, exterior alterations, or related new construction **shall not destroy materials that characterize the property.** The new work shall be differentiated from the old **and shall be compatible with the massing, size, scale, and architectural features** to protect the historic integrity of the property and its environment. (See Note 2)" Note 2 says, "Within the Downtown Halifax Secondary Planning Area and the Barrington Street Heritage Conservation District, section 4 of the Design Manual of the Downtown Halifax Land Use By-law shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features." The Design Manual says in Section 4.1, "As a principle of both heritage compatibility and sustainability, new additions, exterior alterations, or new construction **should not destroy historic materials, features, or spatial relationships that characterize a property.**"

In this case, the new addition would destroy most of the materials that characterize the property. The new work would not be “compatible with the massing, size, scale, and architectural features” of the Macara Barnstead Building. The proposal would not comply with the ninth Standard.

Section 4.4 of the Design Manual states, “In instances where the heritage value of a building includes its three-dimensional character (width, depth and height), the entire building envelope should be conserved, and the transition of new construction to, and from, heritage buildings should respect all three dimensions.” The Trust considers that **all three dimensions contribute to the heritage character of the Macara Barnstead Building.**

The tenth Standards says, “New additions and adjacent or related new construction shall be undertaken in such a manner **that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**” If the new construction is removed in the future, all that would remain of the Barnstead Building would be the stones of the front façade and part of the side walls. The essential form and integrity of the historic property would be impaired. The proposal would not comply with the final Standard.

**The proposal does not comply with the Building Conservation Standards.** Please recommend that the Design Review Committee reject the application and that Regional Council reject the substantial alteration.

The exterior of the building should be kept in its entirety.

### **TDB Halifax Holdings Is Requesting Major Variances**

The TDB Halifax Holdings property at the corner of Barrington, George and Granville Streets in downtown Halifax is approximately 120 feet (36.6 metres) square. The land area is 1,380 square metres. The property contains the TD Bank Building, the Macara Barnstead Building, a registered heritage property, and a small vacant lot on Granville Street, where TDB Halifax Holdings demolished the Kelly Building, a registered heritage property, in 2006.

The base of the existing TD building covers about two-thirds of the site. This extends up to a viewplane, which covers a 9 m wide strip at the southern edge of the property, adjacent to George Street. North of the viewplane is a tower, 17 storeys high. **Each storey of the tower has a floor area of about 471 square metres.** Floor plans are available at [www.compassbroker.com](http://www.compassbroker.com).

The Barnstead Macara Building is 12.4 m wide and about 12 m deep, and 4 storeys high. There is a lower brick addition at the rear.

The Downtown Halifax Land Use By-law (DHLUB), passed as part of HRMbyDesign in 2009, has rules that any towers must follow. The high-rise portion of a tower, above 33.5 m in height, is required to be stepped back from the abutting sidewalks by 4.5 m. (Section 9 (7)(b)) For the TDB site, a tower would need a stepback of 4.5 m from Barrington and Granville Streets. The high-rise portion of a tower is required to be stepped back by 11.5 m from an interior lot line, in this case the northern boundary, abutting the CIBC Building. (Section 10(7)) **The allowed floor area of a tower on this site would be about 440 square metres. The existing tower already exceeds the allowed floor area by 7%.**

There are many reasons for these by-law provisions. The setbacks reduce the bulk of buildings, allowing sunlight to penetrate to the sidewalk, and allowing pedestrians to see the sky. It has been suggested that the setbacks can reduce the effects of winds on pedestrians. The spacing between buildings also allows occupants of the buildings to have views beyond the adjacent buildings. There is also a safety issue. Bricks and windows have fallen from buildings in downtown Halifax. It is less dangerous if these fall on a roof, instead of directly on a pedestrian on the sidewalk.

The existing TD building does not comply with these regulations. It has no step back from Barrington and no step back from the north lot line. It is a non-conforming building.

TDB Halifax Holdings have applied for an expansion of the TD Bank Building onto the area formerly occupied by the Kelly Building and the land occupied by the Macara Barnstead Building. Based on the material presented to the Design Review Committee, only the stones of the front façade and 3 metres of the side walls of the heritage building would be retained.

The existing TD Bank Building is a non-conforming structure, because it is too tall, too close to the lot line and is not sufficiently stepped back from Barrington Street. According to Section 257(1)(a) of the HRM Charter, a non-conforming structure may be enlarged, but only if the municipal planning strategy allows for enlargement and only if this policy is carried out through the land use by-law (Sections 257(1) and 257(2)). The Downtown Municipal Planning Strategy or Land Use By-law have no provisions allowing such expansions, so the TD Bank Building cannot be enlarged.

The applicant is seeking major variances from several provisions of the Land Use By-law, including Sections 10(7), (8) and (11).

These variances would be decided by the Design Review Committee (DRC) based on the Design Manual. We have examined the manual and can find no justification for these variances. One blank wall on the TD Bank Building would just be replaced by another blank wall.

The proposed height is 77 metres. The maximum pre-bonus height in this area according to the new Land Use By-law is 49 metres. Section 12(6) of the by-law says development which proposed the demolition of a registered heritage building is not eligible for bonus height and cannot exceed the pre-bonus height. So the proposed height is 28 metres or 58% too high.

The proposal does not comply with the part (Section 10(7)) of the Land Use By-law that requires portions of buildings above 33.5 metres (seven storeys) to be set back 11.5 metres from the common lot line, in this case the Canadian Imperial Bank of Commerce Building lot line. The proposed set back is zero.

Section 10(8) of the Land Use By-law says portions of the building above 33.5 metres must be separated from the CIBC Building by 17 metres. Again the proposal does not comply.

Section 10(11) says portions of buildings above 33.5 metres shall have a maximum depth of 27.5 metres. This means the upper portion of the building would have to be stepped back about 9 metres from Granville Street. The proposal does not comply.

Most of the air space above the Macara Barnstead Building is protected from the construction of high-rise towers under the By-law. This includes the 11.5 m setback from the lot line and the 9 m setback from Granville.

Because the applicant plans to destroy most of the Barnstead Drugs Building, no variances should be granted. If no variances are granted, it is unlikely that a tower development would be financially feasible. This development should be dropped.

The TDB Halifax Holdings proposal does not deserve any support. It would result in the demolition of most of a heritage building. There are 500,000 square feet of vacant downtown office space already, and more than 500,000 square feet of additional space have been approved but not constructed, because of lack of demand. This development proposal would have a negative impact on downtown Halifax.

**The existing tower, at 471 square metres, is already 7% larger than the 440 square metres allowed on this site by HRMbyDesign. The tower portion of the proposal would have floor areas between 739 and 891 square metres, between 66 and 102% greater than the size allowed by the By-law. We should not make a bad situation worse.**

**The developer is seeking enormous bonuses. To award these bonuses or variances would be to provide a financial incentive for the demolition of most of the Macara Barnstead Building. It would also create an incentive for owners of other heritage buildings to apply to demolish all but one façade and place a tower behind. Please recommend that the application for variances and site plan approval be turned down.**