

Item No. 11.6.2
Halifax Regional Council
January 14, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:



Stephen Terauds, Chair, Heritage Advisory Committee

DATE: December 12, 2013

SUBJECT: Case H00381: Substantial Alteration to 1877 Hollis Street, Halifax –
a Registered Municipal Heritage Property

ORIGIN

Staff recommendation report and presentation to the December 11, 2013 meeting of the Heritage Advisory Committee.

LEGISLATIVE AUTHORITY

By-Law H-200 Respecting the Establishment of a Heritage Advisory Committee and A Civic Registry of Heritage Property.

RECOMMENDATION

The Heritage Advisory Committee recommends Halifax Regional Council approve the proposed substantial alteration to 1877 Hollis Street, Halifax, as outlined in Attachment A of the October 1, 2013 staff report with the condition that, instead of 'Jerusalem Warehouse', the painted sign say Morse's Tea on one panel.

BACKGROUND

At the December 11, 2013 meeting of the Heritage Advisory Committee staff presented the application by Starfish Properties for a substantial alteration to their property at 1877 Hollis Street to alter the painted signs on the building to enable a rebranding of the building with its earlier historical association and have the painted sign read, Jerusalem Warehouse instead of Morse's Tea Company.

DISCUSSION

Notwithstanding any legal processes underway, the Committee felt there should be repercussions for the landlord for altering a Character Defining Element without proceeding through the appropriate process. The municipality's Heritage protection tools are limited, and those that remain should be treated seriously by the municipality and those owning, maintaining and developing Registered Heritage Properties. The parged sign bands, with exposed brick lettering, and the references to Morse's Teas are explicitly identified as Character Defining Elements and form part of the Statement of Significance referenced in the Nova Scotia Historic Places Initiative.

The Committee's deliberations did not focus on any repercussions for altering the heritage property without the required process, and urges Council to consider appropriate action.

1. Staff reassured the Committee that the font choice in the images provided by the applicant was not representative of the applicant's intent for the lettering. The lettering is to be sans-serif and similar to the recently removed Morse's Teas lettering.
2. The Committee felt that given the nature of hand painted signage on buildings (often a form of advertising intended to be changeable) it was not unreasonable to expect some change now, and in the future, of the message displayed. For this reason, the Committee supported the applicant's request to change two of the signage bands to allow tenant identification. Understanding that the stylistic and font choices would be in keeping with the recently removed Morse's Teas signage, and not corporate branding. The Committee considers this to be **in keeping with Building Conservation Standard 4**.
3. The Committee does not support changing the building signage to read Jerusalem Warehouse:
 - a. From the historic records provided to the Committee, it appears that the building was informally known as the Jerusalem Warehouse starting in 1841. In 1910, the building was purchased by the president of J.E. Morse & Company Ltd., but anecdotal evidence suggests that Morse's Teas products were featured in the building well before that. The landlord altered the character defining signage in 2012. In mathematical terms, the building was associated with Morse's Teas for longer than the Jerusalem Warehouse. (at most, 69 years as Jerusalem Warehouse, and likely less. At least, 102 years as Morse's Teas, though the Committee would argue, it's still identified as Morse's Teas today in spite of the removal of signage)

- b. The upper portion of the building where character defining signage was removed were constructed in 1927, well after the building was purchased by the president of J.E. Morse & Company Ltd. It is the Committee's opinion that a large banner reading Jerusalem Warehouse would result in a false sense of historical development and be **counter to Building Conservation Standard 3**.
- c. The building is more recently known as Morse's Teas, and the Committee Considers this to be a legitimate change from its former identity as the Jerusalem Warehouse, in keeping with **Building Conservation Standard 4**.

FINANCIAL IMPLICATIONS

None associated with this report. The attached staff report addresses financial implications associated with processing the application.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is an Advisory Committee to Regional Council comprised of 10 volunteer members of the public and two Councillors. The meetings are open to the public and the agendas and minutes are posted at www.Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

The Committee did not provide Alternatives. The attached staff report provides Alternatives

ATTACHMENTS

Attachment 'A': Staff report dated October 1, 2013.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stephen Terauds, Chair, Heritage Advisory Committee
 Sheilagh Edmonds, Legislative Assistant



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

**Heritage Advisory Committee
November 27, 2013**

TO: Chair and Members of the Heritage Advisory Committee

SUBMITTED BY: Original Signed
Brad Anguish, Director of Community and Recreation Services

DATE: October 1, 2013

SUBJECT: **Case H00381: Substantial Alteration to 1877 Hollis Street, a municipally registered heritage property**

ORIGIN

Application by Starfish Properties

LEGISLATIVE AUTHORITY

Heritage Property Act

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Halifax Regional Council approve the proposed substantial alteration to 1877 Hollis Street, Halifax, as outlined in Attachment A of this report.

BACKGROUND

The property at 1877 Hollis Street, Halifax, is a municipally registered heritage property (Map 1). The subject property contains a six storey commercial building presently referred to as the Morse's Tea building.

Prior to October 27, 2012, two large, white painted signs were located on the building at the 5th storey on the north and west elevations. The sign on the north elevation read "Morse's Tea's", and the sign on the western elevation read "Home of Morse's Tea's" (Attachment B). On October 27 and 28, 2012, the building owner, without HRM approval, altered the two signs on the building by having the exposed letters painted, thereby leaving solid white bands in their place (Attachment C). It is staff's position that their alteration constitutes a substantial alteration to the building. In accordance with Section 17 of the Nova Scotia *Heritage Property Act*, any substantial alteration to a municipal heritage building requires Regional Council to consider the application and approve or refuse the request.

Status of Sign Alteration Violation

At Council's request, on December 19, 2012, an information report was forwarded to Council outlining the provisions of the *Heritage Property Act* pertaining to the available legal remedies when a municipal heritage property owner is found to be in contravention of the Act.

Staff investigated the alteration of the signs and opened a by-law compliance case to address the matter. As per standard practice, the owner was provided with an order to bring the property into compliance with the law. The subject proposal represents the owner's response to comply with the *Heritage Property Act*. Following the outcome of this request, staff will determine whether further legal action is necessary. However, it is also important to point out that the *Heritage Property Act* allows the owner to carry out the alteration three years from the date of the application even if Council refuses the request.

Heritage Value

The *Heritage Property Act* defines "heritage value" as "*the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings*". 1877 Hollis Street is valued for its association with early trade in Halifax, its associations to J.S. MacLean and J.E. Morse and Company Ltd., and for its Georgian architectural features. The building is also valued for its association with Canada's first tea company.

Constructed in 1841 for David & Edward Starr and Company, the Morse's Tea building has served as a warehouse for several businesses. It was known locally as the Jerusalem Warehouse, a name derived from when the building was occupied by the Jerusalem Coffee House. The coffee house originally operated for nearly a century in the residence of Thomas Saul, a British army agent from Lancashire, England. Saul's house dated to 1753 but it was lost to fire in 1837. The Morse's Tea building was erected on the site of Saul's house, and many building stones were salvaged from the ruins.

In 1855, J.S. MacLean, a New York businessman, purchased the building and based his grocery store there. Importing products from overseas, his business specialized in tea, which he transported in small sailing vessels and horse-drawn wagons to communities throughout Nova Scotia, New Brunswick and Prince Edward Island. Respected not only for his successful business, MacLean later became president of the Bank of Nova Scotia. After 30 years in business, he sold the building to another local merchant, Cyril H. Gorham, and in 1910, Gorham sold it to O.E. Smith, president of J.E. Morse and Company Ltd.

Under Smith's direction, tea was blended, packaged and shipped to wholesalers and retailers, establishing the property as Canada's first tea business. Most sales were to Atlantic Canada though tea was also shipped to destinations in the U.S. and West Indies. Beyond his business endeavours, Smith was also a philanthropist and donated money to local hospitals and Dalhousie University. The building underwent several changes after sustaining damage from a fire in 1927: the loading doors were relocated from the north and east walls to the west side of the building, two additional storeys were constructed and the pitched roof was replaced with a flat roof. The building remained in the Smith family until the late 1970's. In 1973, the building was threatened with demolition to make way for a proposed highway but Halifax City Council saved the building along with several other heritage structures in the vicinity.

Architecturally, 1877 Hollis Street has retained elements of the Georgian style, which include its symmetrical façade, six-over-six windows with quoins and stone and brick construction. It has maintained its original masonry, a feature also mirrored in other historic properties along Halifax's waterfront. Built out of native ironstone with granite trim similar to other warehouse buildings in the area, the large rectangular building boasts similar unadorned construction techniques. It initially stood just four storeys tall, but two storeys were added following a fire in 1927, and on the south side of the building, the outline of the former pitched roof is still visible. The building is also distinguished by its unusual trapezoidal footprint.

Character Defining Elements

Under the *Heritage Property Act*, the "character-defining elements" of a heritage building are defined as "*the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.*" The following is a list of character-defining elements of the building:

- original size and massing;
- trapezoidal footprint;
- six-bay symmetrical façade;
- flat roof;
- quoined corners on each wall;
- ironstone building with granite trim for the first four storeys, and brick construction for the top two storeys;
- string course runs between the fourth and fifth storeys;
- recessed, six-over-six windows;
- windows on the bottom four storeys have granite lintels, lug sills and quoins;
- windows on levels five and six also include lintels and lug sills but lack quoins; and
- large Morse's Teas signs of exposed brick lettering in parged sign bands, located between the fifth and sixth levels on the north and west sides.

Registration

1877 Hollis Street was registered by the former City of Halifax on November 26, 1981.

Heritage Building Conservation Standards

The Heritage Building Conservation Standards are used when evaluating proposed alterations to registered heritage buildings throughout the region. The Conservation Standards ensure that careful consideration is given when alterations are contemplated, and that different strategies may apply in different contexts to better integrate new development with existing heritage buildings.

DISCUSSION

Proposal

On April 10, 2013, the applicant submitted a written request to alter the painted signs located on 1877 Hollis Street (Attachment A). The owner has purposely chosen not to re-create any of the signs referring to the Morse's Tea Company, and instead is rebranding the building with its earlier historical association, the Jerusalem Warehouse. The building has been recently rehabilitated and will now provide a restaurant and office uses, and the owner believes the Morse's Tea signs will be problematic for leasing to new tenants. Therefore, the painted sign bands on the Hollis and Cogswell Street facades will provide signage for new tenants in the building.

The proposed alteration involves recreating painted signs on 1877 Hollis Street using similar type font as what was previously on the building and creating the sign 'message' through the use of brick coloured paint. The signs will be different, but the appearance will be replicated, and the content of the sign will be altered. It is the staff's opinion that the heritage value of the signs were in both the method of creating the sign (paint/font type/location) as well as message of the sign itself.

A previously removed painted sign on the eastern elevation (Upper Water Street) is proposed to be recreated (Attachment D), however this sign will read "Jerusalem Warehouse". The use of the phrase "Jerusalem Warehouse" in the sign band is a reference to an earlier historical association. The two existing painted sign bands on the north and west elevations (Cogswell and Hollis Streets) will be reserved for the new tenant in the building (Attachment A). All three signs will be in the same font, and in the same location as the painted band at the 5th floor, and will have the same overall appearance.

Heritage Building Conservation Standards

The proposal has been evaluated against HRM's Heritage Building Conservation Standards (Attachment E) and staff offer the following comments relative to the applicable standards:

- **Historic Character:** It is unclear how long the previous Morse's Tea signs had been on the building, photographs indicate that they have been in place since at least 1960 (Attachment D). The modification of the two signs, and reinstatement of the third sign, will have a slight effect on the historical character of the property. The alteration is being

done in a manner sensitive to the building; the font chosen to replace the signs is similar to that of the original 'Morse's Tea' signs, and one will read 'Jerusalem Warehouse' which is an earlier historic name of the building. It is staff's opinion that the overall historic character of the property will be preserved.

- **Historical Development:** The alteration of the signs will not create a false sense of historical development, but rather allow the building to continue to evolve and change with the new uses put in it. The Morse's Tea Company ceased occupancy of the building in the early 1970's, but the use of an earlier name of the building would not be out of keeping with the historical development of the building.
- **Preserve Historic Changes:** Most properties change over time and those changes that have acquired historic significance in their own right shall be retained and preserved. The painted sign bands are being retained, the signage font will be similar, and only the message of the signs is being altered.

Heritage Property Act

Apart from a review of the Heritage Conservation Standards to the requested alteration, it is important to note the following provisions of the *Heritage Property Act*:

"Section 17(1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

Section 18(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application."

Accordingly, the municipality does not have the authority to stop the requested alteration, but rather may only delay it for a three year period.

Conclusion

The Morse's Tea signs did hold heritage value for the building; however, the signs were one of a list of character defining elements that spoke to the heritage values. The signs have been removed, and a new application has been received to replace the signs and the municipality must consider the application accordingly. Heritage buildings must be permitted to evolve and change, but in a sympathetic manner. Often a heritage building will have more than one 'common name', and this may change with the uses within the building.

The proposed replacement signs have been designed in a way that is sensitive to the building, and which preserves a large amount of the heritage value. The removal of the text 'Morse's Tea' will not remove the heritage value associated with J. E. Morse or the Morse's Tea Company, however those associations will not be visible on the outside of the building. The alteration to the painted signs will allow the building to continue to evolve and change with its occupants. Therefore, staff recommend that the Heritage Advisory Committee recommend that Regional

Council approve the substantial alteration to 1788 Hollis Street, Halifax, as illustrated in Attachment A.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications. HRM is not responsible for renovation costs.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through the HRM website and public accessibility to the required Heritage Advisory Committee meeting and Regional Council.

ENVIRONMENTAL IMPLICATIONS

No concerns identified.

ALTERNATIVES

1. The Heritage Advisory Committee may recommend that Regional Council approve the proposed substantial alteration to 1877 Hollis Street building as outlined in this report. This is staff's recommendation.
2. The Heritage Advisory Committee may recommend that Regional Council approve the proposed substantial alteration to the 1877 Hollis Street with conditions or modifications and in doing so should provide reasons for the conditions based on applicable conservation standards.
3. The Heritage Advisory Committee may recommend that Regional Council refuse the proposed substantial alteration to 1877 Hollis Street as outlined in this report. The owners would, however, be permitted under the *Heritage Property Act* to proceed with their proposal three years from the date of the application.

ATTACHMENTS

- Map 1: Location Map – 1877 Hollis Street, Halifax
- Attachment A: Rendering illustrating proposed new signs
Attachment B: Photograph of 1877 Hollis Street (c.1980)
Attachment C: Recent Photograph of 1877 Hollis Street
Attachment D: Photograph of 1877 Hollis Street (c.1960)
Attachment E: HRM Heritage Building Conservation Standards, By-law H-200

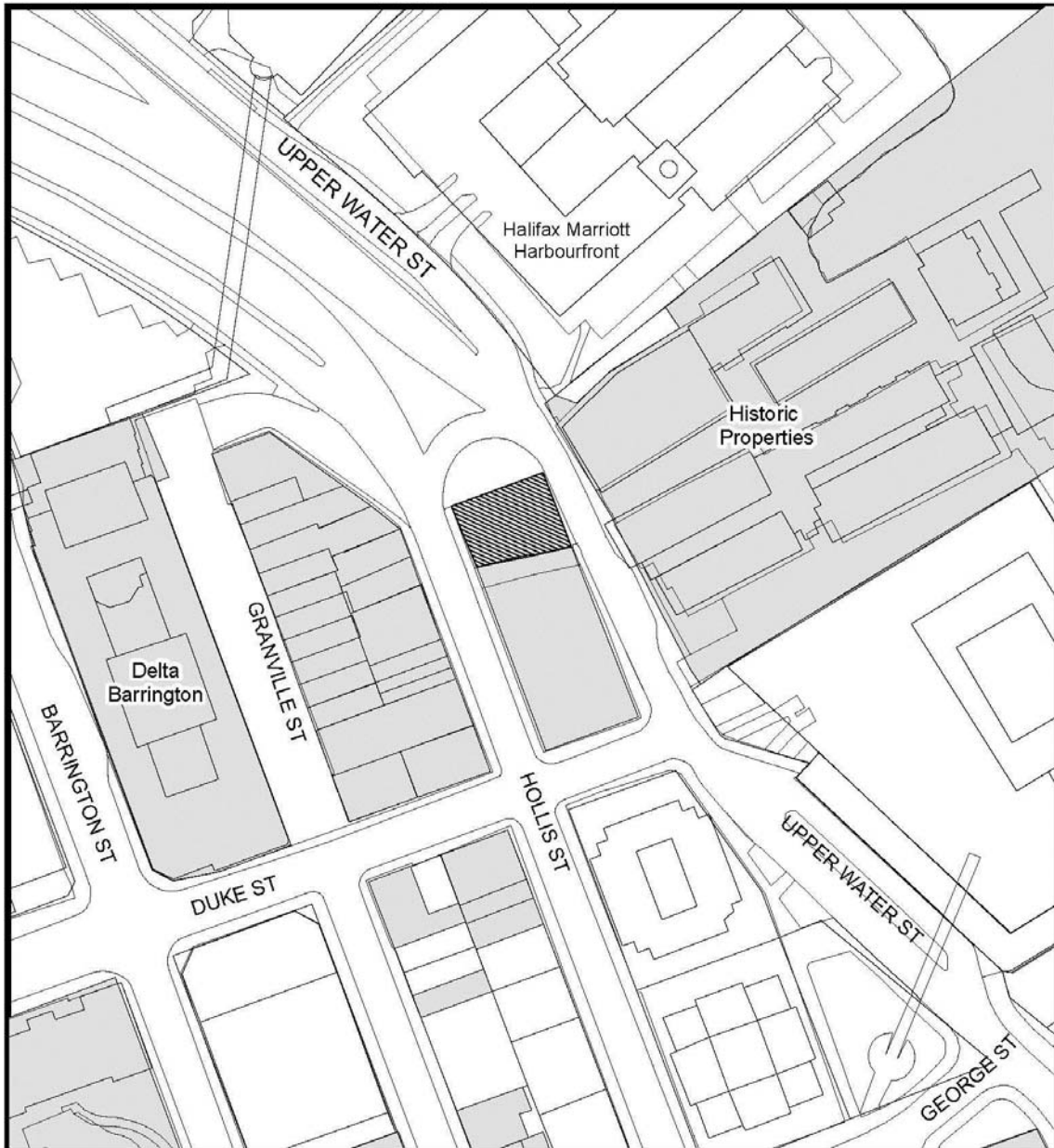
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Maggie Holm, Heritage Planner, 490-4419
Original Signed

Report Approved by: Kelly Dent, Manager of Development Approvals, 490-4800

Report Approved by: John Traves, Director of Legal, Insurance and Risk Management Services, 490-6532
Original Signed

Map 1: Location Map



Location Map



Subject Property - 1877 Hollis Street,
(Morse's Tea Building)



Municipally Registered Heritage Property



HRM does not guarantee the accuracy of any base map information on this plan.

Attachment A: Rendering illustrating proposed new sign image



Rendering submitted by applicant illustrating appearance of the proposed sign band on Upper Water Street.

These sign bands will be replicated on the Hollis Street and Cogswell Street elevations but will carry tenant messaging.

Attachment B: Photograph of 1877 Hollis Street (c.1980)



Attachment C: Recent Photograph of 1877 Hollis Street



(Photo credit to the Coast – October 28, 2012)

Attachment D: Photograph of 1877 Hollis Street (c.1960)



Attachment E: Building Conservation Standards

These Conservation Standards are based on Conservation Standards used by the United States Secretary of the Interior (36CFR67)(1991) and are in keeping with most conservation principles, including the Venice Charter (1964).

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.

1. The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment (see Note 1).
2. 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.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding hypothetical features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used.
8. Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. 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).
10. 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.

Note 1: This standard is not intended to regulate the use of property. Land use regulation is implemented through the Land Use By-law under authority of the Municipal Government Act.

Note 2: Within the Downtown Halifax Secondary Planning Area and the Barrington Street Historic District, section 4 of the Design Manual of the Downtown Halifax Land Use Bylaw shall be considered in evaluating matters relating to compatibility of massing, size, scale and architectural features.