



## Committee of the Whole Report For the Meeting of September 23, 2021

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**To:** Committee of the Whole

**Date:** September 10, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Heritage Alteration Permit Application No. 00242 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley

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### RECOMMENDATION

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00242 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley in accordance with:

1. Plans, date stamped July 12, 2021.
2. Conservation Plan by Donald Luxton and Associates Inc., dated July 2020
3. Development meeting all *Zoning Regulation Bylaw* requirements.
4. Council authorizing decorative features, cornices and balconies to project over the City Right-of-Way on 539-545½ Fisgard Street and 16-20 Fan Tan Alley, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
5. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Development Services Division, Sustainable Planning and Community Development.
6. Heritage Alteration Permit lapsing two years from the date of this resolution.

### LEGISLATIVE AUTHORITY

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis, and recommendations concerning a proposal to rehabilitate the exterior of the Sheam & Low Building (543-545½ Fisgard Street), the Lee Mong Kow Building (539-541½ Fisgard Street), and the Sing Lee Building (16-20 Fan Tan Alley), three heritage-designated, two-storey masonry buildings in Chinatown.

The application is consistent with heritage policies under Chapter 8: “Placemaking - Urban Design and Heritage” of the *Official Community Plan, 2012* (the “OCP”), which supports enhancements to the heritage value, character and special features of individual properties throughout the City. The application is consistent with the Downtown Core Area Plan, 2011 (DCAP). It is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standards and Guidelines). Staff therefore recommend that Council consider approving the proposal.

The application was reviewed by the Heritage Advisory Panel (HAPL) at its April 13, 2021 meeting and was recommended for approval with changes. The applicant has made some revisions in response to HAPL’s recommended changes.

## BACKGROUND

### Description of Proposal

The applicant intends to complete a major interior and exterior upgrade of the Sheam & Low Building (543-545½ Fisgard Street), the Lee Mong Kow Building (539-541½ Fisgard Street), and the Sing Lee Building (16-20 Fan Tan Alley).

The proposal includes the following major design components:

- reconstruct the level two balcony of the Sheam & Low Building facing Fisgard Street and incorporate the original steel balustrade in front of a new code compliant guardrail
- rehabilitate the storefront of the Sheam & Low Building based on historic photographs and remaining original windows in the facade
- construct a new wood and glass canopy structure in a rear courtyard area of the three buildings on the foundation of the former Shon Yuen Opium Factory warehouse to create outdoor seating for a restaurant in the Sheam & Low Building
- rehabilitate windows in all three buildings in accordance with the Conservation Plan:
  - historic glass is to be retained where possible, particularly historic cylinder glass
  - where broken glass exists in historic wood-sash windows, the broken glass is to be replaced
- all windows are to be primed and repainted based on historical colour scheme devised by the heritage consultant
- a new washroom is to be installed in a shed area on the south side of the Lee Mong Kow Building, serving the Shon Yuen courtyard
- the south balconies to suites 539½, 541½, and 543½ Fisgard that face the Shon Yuen Courtyard are proposed to be rebuilt in wood
- seismically upgrade all parapets
- new seismic roof diaphragm for all buildings
- implement general repairs including masonry repointing and repair

- repainting of the Fiskard Street elevation of the building and storefront areas in Fan Tan Alley in accordance with the Conservation Plan.

The proposal does not result in any zoning variances, so a data table has not been included.

## Description of Historic Place

The applicant's statement of significance for the site is included on pages 22 and 23 of the attached Conservation Plan (Attachment E). The heritage consultant describes the significance of the property as follows:

*The three conjoined buildings on this site reflect the successive boom and bust cycles that defined Victoria's Gateway economy. The 1888 Sheam & Low Building was built at a time when the economy was racing ahead due to burgeoning resource industries and railway connections, when the city's population, including the Chinese, was increasing rapidly. The 1901-02 Lee Mong Kow Building is an early addition that filled in the remainder of the lot. It resulted from both the civic campaign to remove early wooden 'shacks' that were considered an unsanitary fire hazard, as well as the economy that was rising from the doldrums of the 1890s. The final section of the complex, the Sing Lee Building that fronts onto Fan Tan Alley, represents the ongoing development of infill buildings in the middle of the Chinatown blocks, plus the end of the Edwardian era boom that had already peaked.*

All three buildings have culturally specific design features. The Lee Mong Kow building at 539-541½ Fiskard was designed in 1901 by architect Thomas Hooper as an addition to 541-545 Fiskard Street. The upper floors of this building and the original building are an integrated unit. It was designed as a "shophouse", an architectural typology prevalent in Hong Kong, Macau and Guangdong. Shophouses have a long, narrow footprint, with a small, street level retail space and an upper floor apartment for the shopkeeper. The owner Lee Mong Kow developed the building, and was a partner in Shon Yuen & Co., an opium manufacturer and retailer. He lived on the second floor with his family from 1902 to 1908. He raised funds for the first Chinese free school in Victoria, the Lequn Yishu (Sociability Free School), and is a very significant figure in Chinatown history.

The Sing Lee Building at 16-20 Fan Tan Alley was built in 1913 by Sing Lee, with its main frontage on Fan Tan Alley. The building had two ground floor retail stores, and gambling rooms upstairs, contributing to the alley's numerous other gambling dens and clubs.

Character defining elements of all three buildings include:

- form, scale and massing, including "cheater" mezzanines
- Italianate features like pressed-metal brackets, cornices and brick pilasters
- Chinese features, such as: second-storey wood-panelled doors with segmental-arched transoms opening to a projecting iron balcony; narrow doorways leading to upper floors; and additional features on the Fan Tan Alley elevation, including two wooden storefronts, segmental-arched window openings and parged doorway surrounds
- Fan Tan Alley features including two wooden storefronts, and segmental arched window openings
- original two-over-two, four-over-four and six-over-six double-hung sash windows
- decorative flashed transoms.

## **Sustainability**

The applicant has not identified any sustainability features associated with this proposal.

## **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

## **Public Realm**

No public realm improvements beyond the City's standard requirements are proposed in association with this Development Permit Application/Heritage Alteration Permit.

## **ANALYSIS**

The following sections provide a summary of the application's consistency with the relevant City policies, regulations and guidelines.

### **Consistency with Policies and Design Guidelines**

#### Official Community Plan

The proposal is generally consistent with the policies of the *Official Community Plan, 2012* (OCP), which promotes the conservation of heritage property for current and future generations (Policy 8(j)) and the consideration of heritage values in land management (Policy 8(i)). The proposed window rehabilitation, era appropriate paint colours and the rehabilitation of the storefront of 543 Fisgard Street are significant enhancements to the heritage character of the building, which will improve the prominence of the building in the Fisgard streetscape. The rehabilitation of the second storey balcony modernizes a culturally specific design feature of the building, enabling an historic use to continue in the present. The revitalization of the rear courtyard of the building also makes a culturally significant exterior space accessible for the first time. The seismic upgrade of the roofs and parapets of the building meets OCP objectives and policies under Chapter 6 - Land Management and Development and Chapter 18 - Emergency Management, which encourage the City to support seismic upgrades to existing buildings.

#### Downtown Core Area Plan

The proposal is consistent with the heritage objectives of the DCAP, which encourages owners to retain, protect and improve real property with heritage character as a benefit to the public. The applicant's work on the project is guided by a Conservation Plan, consistent with policy 7.21 of the DCAP. The seismic upgrades proposed are encouraged under policy 7.26. The DCAP also directs staff to support new development that conserves and enhances the form, character and features of heritage property. The proposal includes a wide variety of building improvements, all of which enhance the character and features of the heritage property.

## Standards and Guidelines for the Conservation of Historic Places in Canada

The proposed improvements to the building are consistent with the Standards and Guidelines. The scope of work includes aspects of restoration, rehabilitation and preservation. The proposal is consistent with the following standards, among others:

3. *Conserve heritage value by adopting an approach calling for minimal intervention.*
5. *Find a use for an historic place that requires minimal or no change to its character defining elements.*
9. *Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable upon close inspection. Document any intervention for future reference.*

### Masonry

The applicant proposes to rehabilitate the exterior masonry by repainting the fronts of the Sheam & Low and Lee Mong Kow building, a section of the side elevation extending into Fan Tan Alley and the upper parapet of the Sing Lee Building (see Plan HAP202). The majority of the Sing Lee building is unpainted and will remain unpainted in this proposal. All three buildings were originally unpainted, however the layers of paint built up on the brickwork now make removal very expensive. The applicant proposes to repaint all existing painted areas.

### Windows and Doors

The door and window openings on the upper storeys of the Sheam & Low and Lee Mong Kow buildings are original, however transom windows have been replaced with solid wood panels. The applicant intends to rehabilitate the missing transoms with new single paned glass windows. The overall window strategy is consistent with all relevant standards and guidelines.

### Storefronts

The Conservation Plan notes that the Fiskard storefronts were designed to be completely different and that the building displays an evolution of functional parts over time. The consultant's strategy is to rehabilitate the Sheam and Low building, accepting its evolution and replace unsympathetic aluminum window details with wood details and replacing unsympathetic unoriginal doors. The result will dramatically improve the appearance of unit 543½ Fiskard, the west half of the façade, however 545 Fiskard Street will remain largely unchanged. Granite curbs are to be retained and wood elements will be repainted. The overall finished look of the rehabilitated storefront will be more historically correct and cohesive than its present appearance.

### Balconies

The applicant proposes to sensitively reconstruct the second storey balcony of the Sheam & Low building in order to make the balcony code compliant and usable. The existing guardrail would be retained. Set behind would be a code compliant steel guardrail with pickets that match the dimensions of existing pickets. It would be built at a sufficient height to prevent accidental falls.

*Recommended:*

*18. Adding new features to meet health, safety and security requirements, such as a new handrail, in a manner that conserves the heritage value of the entrance, porch or balcony and minimizes impact on its character-defining elements.*

*19 Working with code specialists to determine the most appropriate solution to health, safety, and security requirements with the least impact on the character-defining elements and overall heritage value of the historic building.*

The proposed guardrail solution is consistent with the above guidelines. The projecting balcony is a character-defining element, but the guardrail is not explicitly referenced in the statement of significance.

The rear balconies overlooking the courtyard are also proposed to be replaced. They are constructed from wood and have detailing that is historically accurate.

### Courtyard Canopy Structure

The applicant proposes a wood and glass canopy structure to cover a portion of the courtyard behind the three heritage buildings. The canopy is constructed on the footprint of an old opium factory. The courtyard space is not identified as a character-defining element of the property and is not included in the designation; however it is an important historic feature. To construct the canopy, the applicant is proposing to remove one bylaw protected tree. An adjacent tree would be preserved. The canopy is a simple, modern wood and glass design that shelters an area of the courtyard, without distracting from the surrounding masonry walls and remnants of the opium factory.

## **Regulatory Considerations**

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are three trees protected by the Tree Preservation Bylaw on the subject property, all of which are located in the courtyard behind the buildings. There are two European plum trees and one Scots Pine tree. One plum tree (#1792) is proposed to be removed to create space for the proposed glass canopy. According to the Arborist Report prepared by Talbot McKenzie & Associates (Attachment G), the tree has structural deficits, including an asymmetric crown due to its proximity to the existing building. The Tree Preservation Bylaw requires that two trees be planted to compensate for removal of one bylaw protected tree. Given that the site is constrained, and that the courtyard has limited space for trees, the applicant will provide a cash-in-lieu payment as compensation for the tree removals.

### **Encroachment Agreement**

The buildings facing Fisgard Street have multiple existing cornices, pilasters, brackets and moldings that project over the property line. There is also a projecting balcony at the second storey of the Sheam & Low Building (543-545½ Fisgard Street). These are heritage features of the building whose conservation is encouraged under the OCP. In order to facilitate the conservation of these features, the applicant is required to enter into an Encroachment

Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

### **Heritage Advisory Panel**

HAPL reviewed the application on April 13, 2021 and made the following motion:

*That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit Application No. 00242 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley be approved with the following changes:*

- *Ensure the final canopy design incorporates design elements of the Chinatown neighbourhood*
- *Details of courtyard landscaping, both hard and soft, and adding greenery where possible*
- *Minimize vertical divisions of the new balcony guardrail on Fisgard Street to lighten it visually*
- *Additional consideration to rehabilitating the brick on the Fisgard building elevation instead of repainting*
- *That the storefront rehabilitation will be in a wood material.*

The applicant has added notations to confirm that the rehabilitated storefront will be constructed out of wood. A more detailed courtyard landscaping plan is included, which confirms that the courtyard will be surfaced in tumbled brick pavers. Additional soft landscaping has not been added due to space constraints. Other recommended changes were not implemented, because the applicant determined they were not economically feasible or did not add value to the project.

### **CONCLUSION**

The proposed exterior rehabilitation of three significant buildings in the heart of Chinatown meets OCP objectives for conserving, enhancing and revitalizing significant historic buildings in the downtown. Another significant and unique project benefit is the rehabilitation of the courtyard adjoining Fan Tan Alley in order to make it suitable for commercial uses and private events. This courtyard has never been open to the public and increasing the level of access will illuminate a unique dimension of Chinatown's history for visitors. Staff therefore recommend that Council consider approving Heritage Alteration Permit Application No. 00242 for 539-545½ Fisgard Street and 16-20 Fan Tan Alley.

### **ALTERNATE MOTION**

That Council decline Heritage Alteration Permit Application No. 00242 for the property located at 539-545½ Fisgard Street and 16-20 Fan Tan Alley.

Respectfully submitted,

John O'Reilly  
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Karen Hoese, Director  
Sustainable Planning and Community  
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**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photographs
- Attachment D: Plans date stamped July 12, 2021
- Attachment E: Conservation Plan dated July 2020
- Attachment F: Applicant's letter dated March 5, 2021
- Attachment G: Construction Impact Assessment and Tree Management Plan for Fisgard Courtyard by Talbot Mckenzie & Associates dated May 13, 2021

cc: Robert Fung; Will King