



Committee of the Whole Report

For the Meeting of September 14, 2023

To: Committee of the Whole

Date: August 24, 2023

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

Subject: Heritage Alteration Permit Application No. 00259 for 539-541 Fisgard Street

RECOMMENDATION

1. That Council authorize the issuance of the Heritage Alteration Permit No. 00259 for 539-541 Fisgard Street in accordance with plans submitted and date stamped May 29, 2023 (the "Plans"), subject to:
 - a. Proposed development meeting all City zoning bylaw requirements.
 - b. Final plans to be generally in accordance with the Plans to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That the Heritage Alteration Permit, if issued, lapses 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 provide Council with information, analysis, and recommendations for a Heritage Alteration Permit Application for the property located at 539-541 Fisgard Street. The proposal is to provide an outdoor covered space in the rear courtyard.

The application is consistent with the *Official Community Plan, 2012* (OCP) and the *Downtown Core Area Plan* (DCAP) in that this proposal aims to conserve and enhance the heritage value, special character and the significant historic building's features, and characteristics of Chinatown.

The *Old Town Design Guidelines* are relied on to ensure new additions contribute to and not

detract from the character of the area, and the Standards and Guidelines for the Conservation of Historic Places in Canada (2003) guide additions to heritage buildings to ensure new work is sensitive, distinguishable from and subordinate to the historic place.

The proposal for this rear addition, will bring a new life to the courtyard space, and highlight a historic space. Staff recommend that Council approve the heritage alteration permit.

BACKGROUND

Description of Proposal

The proposal is to construct an outdoor covered space in the rear courtyard of 541 Fisgard Street, in order to provide shelter for a variety of surrounding commercial uses. Primarily, it will serve as a new covered outdoor seating area that will expand the leasable area for tenants and will extend the operations of the courtyard to shoulder seasons.

Victoria's Chinatown is expressive of a duality in architecture and cultural landscape. On each block, street facades link together, forming a wall that shields interior spaces. Narrow alleyways weave between and through buildings and are linked with central courtyards which were the hidden location of tenements, opium dens, theatres, and gambling houses. This configuration allowed the Chinese community to adhere to and follow traditional religion, kinship and economic practices while projecting the image of assimilation to Western society. The Sheam & Lee building is consistent with such a duality. The commercial façade displays a design typical to Victoria at the time with its Italianate influences such as the segmental-arched windows and pressed metal cornices. Typical features include narrow doorways in the front façade that lead to the upper floor and a 'cheater' mezzanine. The building also links to the interior of the block via Fan Tan Alley, which in the early 1900's housed gambling and opium dens shielded from the non-Chinese community by a series of heavy wooden doors.

The design is a one-storey addition that is a simply constructed shelter. The intent is to allow the historic brick walls to be showcased by using translucent and lightweight materials to contrast the heavy brick and richly textured masonry walls.

The standalone pavilion has no structural connection to the existing buildings and is sensitively located away from the historic wall on the east side. It provides shelter from the elements for approximately two thirds of the space, leaving the remaining courtyard open for an adjacent outdoor patio space. It also provides a covered connecting corridor to shared tenant washrooms.

Proposed materials include:

- existing historic red brick
- existing historic stucco walls
- translucent polycarbonate
- painted steel
- timber structure
- rough concrete
- flagstone unit pavers.

During recent construction activities, the applicant found that there were existing remnants of an historic Chinese opium den. This design has been conceptualized to provide access to these historic remnants.

Sustainability

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

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Relevant History

On October 7, 2021, Council approved a HAP to facilitate the rehabilitation of the exterior of the Sheam & Low Building, the Lee Mong Kow Building and the Sing Lee Building. This work is in progress and under construction.

ANALYSIS

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

Official Community Plan

The *Official Community Plan, 2012* (OCP) identifies this property within DPA 1 - Core Historic (Heritage Conservation). The objectives of this designation are generally to conserve and enhance the heritage value, special character and the significant historic buildings, features, and characteristics of this area. To achieve these objectives, proposals are subject to review against the following design guidelines:

- *Downtown Core Area Plan*, updated 2022 (DCAP)
- *Old Town Design Guidelines for New Buildings and Additions to Existing Buildings, 2019*
- *Standards and Guidelines for the Conservation of Historic Places in Canada, 2003* (Standards and Guidelines)

Downtown Core Area Plan

The intent of the design guidelines laid out in DCAPs section, Heritage Buildings – Additions and Adjacencies, is to ensure that the design of additions complement adjacent heritage buildings. In this case, the addition will be constructed in such a manner that if removed in the future, the essential form and integrity of the heritage building would still be legible. The proposal also plans to conserve and reuse original features and finishes uncovered from past additions, such as the brick and stucco walls, the remnants of the opium den, and the footprint of the original shed building.

Old Town Design Guidelines

This proposal's intent is to provide a courtyard addition that is quiet in its design so as to not overwhelm the historic context and follows the design principles in the *Old Town Design Guidelines*, which are to ensure new additions contribute to and not detract from the character of the area. The proposal is appropriately scaled and does not affect the street or alley facing facades.

Standards and Guidelines for the Conservation of Historic Places in Canada

The proposal conserves the heritage value of the place by:

- adopting an approach that calls for minimal intervention. (Standard 3)
- finding a use for a historic place that requires minimal or no change to its character-defining elements (Standard 5)
- making the new work physically and visually compatible with, subordinate to and distinguishable from the historic place. (Standard 11)

The proposal for the courtyard space is distinguishable from the historic context yet, uses the footprint of the original shed building to highlight its existing use. The wood construction is also a nod to the original shed building, and the translucent materials allows the historic building materials and structures that make up the courtyard space to be a feature. The adaptive reuse of the courtyard space brings new activity to a currently underutilized space and its uncovered remnants of its history as an opium den will be appreciated.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received after July 1, 2021, so Tree Protection Bylaw No. 21-035 applies.

There are two trees on the subject property, including a bylaw protected 32 cm diameter Scot's pine. The pine tree will be retained, and mitigation measures will be required during construction. Two existing municipal trees on the Fisgard Street frontage will be retained. There are no new trees proposed with this application.

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	1	0	0	0
On-site trees, not bylaw unprotected	1	0	0	0
Municipal trees	2	0	0	0
Neighbouring trees, bylaw protected	0	0	0	0
Total	4	0	0	0

Heritage Advisory Panel

In accordance with Council's motion of July 6, 2023, which stated: "*Council direct staff to continue processing land-use applications, without sending applications to the Heritage Advisory Panel..., until August 31, 2023 or until such time that Council appoints new members, and all members have received the required onboarding, whichever comes first*", this application has not been reviewed by the Heritage Advisory Panel. It was slated to go to the July 2023 Heritage Advisory Panel meeting, but that meeting was canceled due to delays in panel appointments. Under the

above motion, staff have brought the application forward for Council's review instead of holding the application for the Panel's review.

CONCLUSIONS

The proposal is to provide a modern but sensitively designed outdoor covered space in the rear courtyard of 539-541 Fisgard, which is currently under-utilized even though it is rich in its Chinese historic urban context. It is consistent with the policies on retaining and conserving heritage buildings and places in Old Town, and consistent with the rehabilitation policies described in the Standards and Guidelines. The proposal for this rear addition, will bring new life to the courtyard space, and highlight a historic space, which has previously been closed off from public viewing. Staff recommend that Council approve the heritage alteration permit.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00259 for the property located at 539-541 Fisgard Street.

Respectfully submitted,

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Senior Heritage Planner
Development Services Division

Karen Hoesel, 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 - Plans date stamped, March 29, 2023
- Attachment D - Applicant's Letter, dated March 30, 2023
- Attachment E - Statement of Significance