



## **Committee of the Whole Report**

### **For the Meeting of September 19, 2019**

---

**To:** Committee of the Whole **Date:** August 29, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** **Development Permit Application No. 000544 for 2 Paul Kane Place & Development Permit Application No. 000545 for 1 Cooperage Place**

---

### **RECOMMENDATION**

1. That Council decline Development Permit Application No. 000544 for the property located at 2 Paul Kane Place; and
2. That Council decline Development Permit Application No. 000545 for the property located at 1 Cooperage Place.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for Development Permit Applications for the properties located at 2 Paul Kane Place and 1 Cooperage Place. Both parcels form part of the Victoria International Marina. The proposal is to amend a previously approved Development Permit to add mechanical equipment and screening to the roof of both marina buildings, construct a gas meter enclosure at 2 Paul Kane Place and change several glazed doors to solid doors. The rooftop mechanical equipment, gas meter enclosure and solid doors were constructed without prior consent of the City.

The following points were considered in assessing this application:

- the proposal is not consistent with the objectives for Development Permit Area 13: Core Songhees, as described in the *Official Community Plan, 2012* (OCP)
- the proposal is not consistent with applicable City Design Guidelines

- the proposed utility structure affects access to a public walkway around the marina buildings at 2 Paul Kane Place.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to amend a previously approved Development Permit to add mechanical equipment and screening to the roof of two buildings at the Victoria International Marina, construct a gas meter enclosure at 2 Paul Kane Place and change several glazed doors to solid doors. Specific details include:

- extensive rooftop equipment with a mechanical screen projecting approximately 1.5m above the roof (both buildings)
- gas meter enclosure with facing spandrel panels (1 Cooperage Place)
- solid doors with "glass face" to replace glazed doors (both buildings).

### **Sustainability Features**

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

### **Active Transportation Impacts**

The applicant has not identified any active transportation impacts associated with these applications.

### **Public Realm Improvements**

No public realm improvements are proposed in association with these Development Permit Applications. In fact, staff consider that the proposed development has a detrimental impact on the public realm for the following reasons:

- access to a public walkway around the marina building at 2 Paul Kane Place has been significantly narrowed
- the pedestrian experience along the Songhees Walkway is negatively impacted by virtue of glazed doors being replaced with solid doors and the gas meter enclosure being constructed in a highly visible location adjacent to the walkway.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings. The applicant has not identified any design elements that specifically address accessibility in association with this Development Permit Application. Staff consider that narrowing access to the public walkway from approximately 2.55m to approximately 1.2m would have a negative impact on site accessibility.

### **Existing Site Development**

The subject parcels are presently occupied by buildings associated with the Victoria International Marina. The building at 2 Paul Kane Place is currently operating as a restaurant, whereas the building at 1 Cooperage Place is used for offices associated with marina-related activities.



## Data Table

The following data table compares the proposal with the existing SCR-1 Zone, Songhees Commercial District, and the SCR-2 Zone, Songhees Commercial District, based on the plans provided by the applicant and as-built surveys previously submitted. The application does not propose any variances from the *Zoning Regulation Bylaw*.

Zoning Criteria	Proposal (2 Paul Kane Place)	Existing SCR- 1 Zone	Proposal (1 Cooperage Place)	Existing SCR- 2 Zone
Site area (m <sup>2</sup> ) – minimum	1,500	1,400	1,960	1,400
Total floor area (m <sup>2</sup> ) – maximum	663.1	864	625.1	864
Height (m) – maximum	5.85	6 (from 3m geodetic)	6	6 (from 3m geodetic)
Storeys – maximum	1	1	1	1
<b>Setbacks (m) – minimum</b>				
North	2.42	2	2.41	2
East	17.32	15	6.38	6
South	6.64	6	6.5	6
West	6.4	6	24.69	22
Parking – minimum	45 stalls required (48 stalls provided within adjacent Royal Quays building)			
<b>Bicycle parking stalls – minimum</b>				
Long Term	3	3	3	3
Short Term	3	3	3	3

## Relevant History

Development Permit No. 000104 for the Victoria International Marina, located at 1 Cooperage Place and 2 Paul Kane Place, was approved by Council in September 2011 and Building Permits were subsequently approved in February 2017.

Concurrent with approval of the Development Permit, a blanket Statutory Right-of-Way (SRW) was registered on the property with the intention of securing public access to the walkways around the perimeter of the marina buildings. The SRW requires that once the marina

development is constructed and surveyed, a specific SRW be registered on the walkways around the two marina buildings at 2 Paul Kane Place and 1 Cooperage Place.

Several Development Permits, with minor modifications to the original Development Permit, have been approved under delegated powers since the project was originally approved. These approvals have allowed changes to the exterior of the buildings, gates, railings and landscaping.

These previously approved Development Permit plans for the marina have consistently shown a circular mechanical enclosure located centrally on the roof of both marina buildings. All rooftop mechanical equipment was to be installed and screened within this enclosure. In October 2018, staff noted that various mechanical equipment had been installed on the roof of the buildings outside the central mechanical enclosure, contrary to approved plans. The majority of this equipment has been installed on the building at 2 Paul Place in association with a new restaurant.

On subsequent visits to the site, staff also noted that the design of doors fronting the Songhees Walkway had changed on both buildings and a gas meter enclosure had been constructed at 2 Paul Kane Place, again contrary to approved plans.

Staff raised this matter with the applicant and they have chosen to respond with a Development Permit Application proposing the rooftop mechanical equipment, associated screening, revisions to the design of the doors and the gas meter enclosure.

### **Community Consultation**

As the application does not propose variances, it has not been referred to the Victoria West CALUC for comments.

## **ANALYSIS**

### **Official Community Plan**

The subject site is designated as Development Permit Area 13: Core Songhees in the *Official Community Plan* (OCP), 2012.

The objectives of the Development Permit Area designation that are particularly relevant to this proposal are:

- to achieve a high quality of architecture, landscape and urban design that is unique to the Songhees peninsula and its special places, reflecting its former industrial uses and geographic features
- to maintain a pedestrian-oriented environment along the waterfront through a continuous public pathway, and the provision of public vantage points where waterfront access through marine-industrial areas is not possible.

The proposal is not consistent with the above objectives as:

- the rooftop additions negatively impact the visual symmetry and architectural harmony of the two buildings
- the gas meter enclosure obstructs public access around the marina building at 2 Paul Kane Place



- replacing glazed doors with solid doors reduces the quality and detailing of fenestration facing the Songhees Walkway and negatively impacts the public walkway by reducing the visual interest.

## **Development Permit Area and Design Guidelines**

The OCP identifies this property within Development Permit Area 13: Core Songhees, and therefore the following documents were considered in assessing this application:

- *Policy Plan and Design Guidelines for the Songhees Area of Victoria West* (2008)
- *Victoria Harbour Plan* (2001)
- *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981).

The above represent the applicable Design Guidelines for the application site. Specific relevant guidelines in the aforementioned documents relate to:

- the pedestrian environment and waterfront walkway system
- protecting the Cooperage Place and Paul Kane Place view corridors
- screening rooftop mechanical equipment and utility structures from public view, especially along streets, paths and the waterfront area
- the design of buildings and their interface with the street.

The application is not consistent with the applicable Design Guidelines as rooftop mechanical equipment and utility equipment will be visible from public vantage points along the waterfront and from the designated view corridors, and the solid doors do not provide a sensitive interface with the Songhees Walkway. In addition, the utility structure is clearly visible from the public walkway and obstructs public access around the marina building at 2 Paul Kane Place. More detailed analysis is provided below, addressing each parcel in turn.

## **2 Paul Kane Place**

### ***Rooftop Mechanical***

Extensive rooftop mechanical equipment has been installed on the roof of the building at 2 Paul Kane Place, outside the approved mechanical screening structure. The applicant has submitted a letter (attached – see letter from applicant dated June 17, 2019) from a Mechanical Engineer outlining why the equipment was installed outside the previously approved screen. However, as the equipment was installed without consultation with the City, staff were denied the opportunity to discuss whether there were other options relating to the size and location of this equipment. The applicant is now seeking approval of the installed equipment and is proposing to construct an approximately 1.5m tall metal screen to block views of the equipment.

The applicable Design Guidelines state that, “*The quality and flavour of the Songhees Lands is largely dependent on the quality, form and detailed design of its buildings.*” Following this statement are a number of Guidelines how the quality, form and detailed design of buildings should be achieved, including the following; “*Roof mechanical elements that are screened from view.*” The marina buildings were initially designed with a relatively small, inconspicuous central mechanical equipment rotunda that was largely hidden from view by the curving rooftop design, and located in the centre of the roof, thus maximizing the distance from the edge of the rooftop. In addition, the approved mechanical screening is fully enclosed; therefore, equipment within the structure cannot be seen from elevated views. The location and scale of the proposed mechanical equipment situated outside the rotunda would result in a screening solution that is approximately 1.5m tall (taller than the edges/eaves of the approved screen) and located close



to the edge of the roof. This results in a prominent and highly visible addition to the roof of the existing single-storey building. The mechanical screening (and to a lesser extent the equipment) would be clearly visible from public view. In addition, as vertical screening is proposed and the rooftop equipment is not fully enclosed, equipment could be visible from elevated views (e.g. from Paul Kane Place).

It should also be noted that City Policy and Design Guidelines identify Paul Kane Place as a view corridor and major vista. The proposed rooftop additions would be partially visible from views south along Paul Kane Place.

With specific reference to the Marina, the applicable Design Guidelines also state "*Repetitive modulation of formally proportioned facades is desirable for buildings facing the circular boat basin. A visual and architectural harmony should be sought for all areas of the development.*" The previously approved mechanical screening has a curved/domed roof that responds to the curving rooftop design of the marina buildings. In addition, the rooftop screening was identical on both marina buildings, resulting in a symmetrical building design. The location and scale of the currently proposed rooftop screens are significantly different on each of the buildings, with more screening proposed and the screens situated closer to the edge of the roof on the building situated at 2 Paul Kane Place. The additional screening and change in screening location are due to more mechanical equipment being placed on the roof at 2 Paul Kane Place, as compared to the building located at 1 Cooperage Place. This negatively impacts the visual symmetry and architectural harmony of the two buildings, contrary to the aforementioned Design Guideline. In addition, the vertical screens appear incongruous with the elegant curving roof forms of the buildings.

### **Utility Enclosure**

The applicant has constructed a wire mesh utility enclosure to house a gas meter at 2 Paul Kane Place, in close proximity to the Songhees Walkway. The applicable Design Guidelines state the following; "*Hydro Kiosk – conceal from public view, especially along streets, paths and waterfront area.*" Staff believe that it was the intent of this Guideline to ensure that utility structures be screened from public view in sensitive areas such as the Songhees Walkway. In this instance, an approximately 2m tall gas enclosure has been installed in a highly visible location adjacent to the Songhees Walkway. The utility enclosure can be clearly seen when passing the site, when approaching the site from the east and when looking south from the Paul Kane Place view corridor.

The applicant is seeking approval of the structure; however, they have indicated that the mesh screen would be replaced with spandrel glass. Staff do not consider this to be an appropriate solution as it would introduce more blank material along the walkway, thereby reducing visual interest and potentially having some impact on views towards the water.

As outlined earlier in this report, a Statutory Right-of-Way (SRW) has been registered on title with the intention of securing public access to the walkways around the perimeter of the marina buildings. This allows general public access to the walkways "*at all hours of the day or night.*" The SRW states that the proponent must also obtain the "*advance written consent*" of the City if they wish to place a structure in the SRW area. The gas meter enclosure has been placed at the entrance to the walkway without prior consent of the City, which may deter pedestrians from making use of it. The walkway is reduced to from 2.55m to 1.2m in width in the vicinity of the utility enclosure. In addition, it has recently been observed that the area adjacent to the enclosure is also being used for the storage of kegs and kitchen equipment, further impacting access to the walkway. It is considered that location of the gas meter enclosure is not



consistent with the applicable Design Guidelines outlined in the *Policy Plan and Design Guidelines for the Songhees Area of Victoria West*, which state that the following elements contribute to a successful pedestrian system:

- *walkways that are wide enough for two couples to pass comfortably*
- *handicapped access should be recognized along with general access*
- *internal pedestrian circulation (on private lands) should complement the system of public walkways and streets for convenient access.*

In addition, the *Advisory Design Guidelines for Buildings, Signs and Awnings* stress the importance of pedestrian access:

*"In evaluating a design, particular emphasis will be placed on the solution to these general aspects:*

*d. pedestrian access."*

The applicant has not provided evidence to demonstrate that there are no other options for locating the gas meter enclosure. Furthermore, as it was installed without the necessary approvals from the City, staff were denied the opportunity to investigate alternative options for the design and location of this structure with the applicant.

It should be noted that there is an error on the plans submitted by the applicant with the gas meter enclosure being shown in the wrong location on the site plan.

### ***Exterior Alterations fronting the Songhees Walkway***

Several glazed doors shown on the previously approved Development Permit plans have been replaced with solid doors. The applicant states that solid doors were installed along the northern elevation of the buildings as a response to BC Building Code fire separation requirements. The City's Permits and Inspections Division have reviewed this and confirmed that glazing could in fact be added along this frontage without being in contravention to the BC Building Code.

The *Policy Plan and Design Guidelines for the Songhees Area of Victoria West* cite the following as an important consideration:

- *"Façade areas where quality and detailing are particularly important are doors, windows, parapets, eaves, cornices, roofs, dormers, pediments and chimneys"*
- *"Quality of materials and design in buildings and landscape supports permanency and stability."*

In addition, the *Advisory Design Guidelines for Buildings, Signs and Awnings* state that *"an acceptable application will consider an attractive streetscape."*

In response to staff concerns, the applicant is proposing to add a "glass face" to the solid doors. However, while it is noted that the previously approved glazing was to be largely opaque, it is the opinion of staff that this revision to the north elevation of the building at 2 Paul Kane Place does not sufficiently address concerns relating to the façade treatment, and that the alterations reduce the quality and detailing of fenestration on the north elevation and negatively impact the public walkway by reducing the visual interest.

Notwithstanding the above, the as-built interior layout of the restaurant may now be such that any glazing added to the north facade would give the public views of areas that may not be



particularly active or attractive. However, as these exterior alterations took place without the necessary City approvals, staff were denied the opportunity to review the interior layout with the applicant and were thus unable to explore whether more active restaurant operations (such as the dining room, kitchen or customer waiting area) could have been located to maximize glazing and create an active, interesting and attractive pedestrian experience consistent with the applicable Design Guidelines and the approved plans.

## **1 Cooperage Place**

### ***Rooftop Mechanical***

Rooftop mechanical equipment has been installed on the roof of the building located at 1 Cooperage Place, albeit this is less extensive than the equipment installed at 2 Paul Kane Place. A mechanical equipment screen, again standing approximately 1.5m tall, is also proposed to screen the installed equipment, although in this instance the screen is set back from the roof edge.

Notwithstanding the fact that the equipment and screening is less intrusive at 1 Cooperage Place, staff consider that the rooftop additions are not consistent with the applicable Design Guidelines for reasons outlined above (with respect to the rooftop additions at 2 Paul Kane Place), particularly the fact that the additions negatively impact the visual symmetry and architectural harmony of the two buildings and the vertical screens appear incongruous with the elegant curving roof forms of the buildings.

### ***Exterior Alterations Fronting the Songhees Walkway***

Similar to 2 Paul Kane Place, glazed doors shown on the previously approved Development Permit plans have been replaced with solid doors on the north facing elevation of the building at 1 Cooperage Place. Again, the extent of the changes are comparably less extensive at 1 Cooperage Place; however, staff still consider that the alterations reduce the quality and detailing of fenestration on the north elevation and negatively impact the public walkway by reducing the visual interest, contrary to the applicable Design Guidelines.

### **Advisory Design Panel**

The Advisory Design Panel (ADP) reviewed the proposal at their June 26, 2019 meeting. As indicated in the ADP motion, members of the ADP were concerned that installation of the proposed screening was required due to the unauthorized addition of rooftop mechanical equipment and acknowledged that the screens would detract from the previously approved building architecture.

The ADP moved:

*"That the Advisory Design Panel recommend to Council that Development Permit Application No. 000544 for 2 Paul Kane Place and Development Permit Application No. 000545 for 1 Cooperage Place be approved as presented, recognizing that the screens detract from the curving form, symmetrical design and clear architectural composition of the buildings. Further, it is the opinion of the Panel that although the screening had to be accommodated after the fact, the approval of these applications sets a dangerous precedent for future development."*

and



*"That the owner of 2 Paul Kane Place and 1 Cooperage Place explore opportunities to improve the interface between the public and private realms."*

The applicant has confirmed that they do not wish to make any further revisions to the plans presented to the ADP (see attached letter dated August 15, 2019).

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

There are no *Tree Preservation Bylaw* impacts with this application.

### **CONCLUSIONS**

The proposal is not consistent with the objectives for Development Permit Area 13: Core Songhees and is also inconsistent with the relevant Design Guidelines relating to the design of building façades and their relationship to the street, screening of rooftop mechanical equipment, location of utility equipment and pedestrian circulation. Staff recommend that Council decline these Development Permit Applications.

### **ALTERNATE MOTION (Approve Subject to Conditions)**

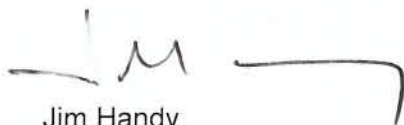
1. That Council authorize the issuance of Development Permit Application No. 000544 for 2 Paul Kane Place in accordance with plans date stamped June 17, 2019, subject to:
  - a. Submission of revised plans, within 2 months of the date of this resolution, removing the spandrel panels from the gas meter enclosure, providing details of the rooftop mechanical equipment, indicating and addressing errors and inconsistencies (the "Approved Plans"), to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That as a condition of the Development Permit, the rooftop mechanical screening must be fully installed and the "glass face" installed on the solid doors, in accordance with the Approved Plans, within 4 months of issuance of the Development Permit.
3. That the Development Permit, if issued, lapses 6 months from the date of this resolution.

and

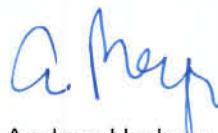
1. That Council authorize the issuance of Development Permit Application No. 000545 for 1 Cooperage Place in accordance with plans date stamped June 17, 2019, subject to:
  - a. Submission of revised plans, within 2 months of the date of this resolution, providing details of the rooftop mechanical equipment and addressing errors and inconsistencies (the "Approved Plans"), to the satisfaction of the Director of Sustainable Planning and Community Development.
2. That as a condition of the Development Permit, the rooftop mechanical screening being fully installed and the "glass face" installed on the solid doors, in accordance with the approved plans, within 4 months of issuance of the Development Permit
3. The Development Permit lapsing 6 months from the date of this resolution.



Respectfully submitted,



Jim Handy  
Senior Planner – Development Agreements  
Development Services Division

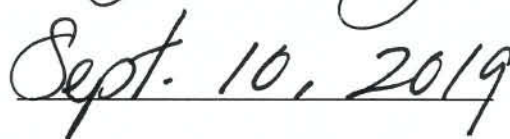


Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:



#### List of Attachments

- Attachment A: Subject Maps
- Attachment B: Aerial Maps
- Attachment C: Plans date stamped June 17, 2019
- Attachment D: Letters from applicant to Mayor and Council dated April 8 and June 17, 2019
- Attachment E: Minutes from the June 26, 2019 ADP meeting
- Attachment E: Applicant response to ADP comments dated August 15, 2019
- Attachment F: Correspondence.