



Committee of the Whole Report For the Meeting of February 6, 2020

To: Committee of the Whole **Date:** January 23, 2020

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

Subject: Development Permit Application No. 000553 for 1040 Moss Street (Art Gallery of Greater Victoria)

RECOMMENDATION

That Council authorize the issuance of Development Permit Application No. 000553 for 1040 Moss Street, subject to plan revisions to increase landscaping on the Moss Street Elevation in accordance with:

1. Plans date stamped December 18, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing three years from the date of this resolution.

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 *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 a Development Permit Application for the property located at 1040 Moss Street, the Art Gallery of Greater Victoria (AGGV). The proposal requires a Development Permit Application for the partial demolition of the existing facility and construction of two new storeys to create a new four storey facility, while retaining the heritage-registered Spencer Mansion.

The following points were considered in assessing this application:

- *The Design Guidelines for Multi-unit Residential, Commercial and Industrial Development* are the guidelines applicable to this application. A significant focus of the analysis was related to the massing and materials of the upper element (roof) and its fit

in the immediate and surrounding neighbourhood. The applicant has provided rationale that the massing is a response to the functionality required by an art gallery and the material choice of a reflective metal with a brushed finish will provide interest and lightness of the upper volume as it reflects the surroundings. Random faceting of the square panels will add an element of movement to further break up the mass.

- The design analysis also looked at the street relationship, specifically along Moss Street. The servicing (Hydro and loading), the material choice, lack of articulation and windows do not contribute to the pedestrian environment or create visual interest. The applicant's design approach is to limit visual competition with the prominent upper level. The design is a response to the functionality of these spaces and site constraints.
- Positive changes to the heritage-registered Spencer Mansion include reducing the physical connection to the gallery and restoring the east building face. The new gallery and stairwell will impact views of the Mansion from Moss Street; however, the applicant has noted that there are new observation points of the Mansion through the lobby and upper levels of the gallery.
- The proposal is consistent with the *Rockland Neighbourhood Plan, 1987*, which emphasizes heritage conservation generally and the retention of landscape features, such as mature trees.
- With respect to the Urban Forest Master Plan, the building expansion will result in the removal of seven bylaw protected trees and eight unprotected trees. Additionally, nine bylaw-protected trees indicated for retention may suffer health impacts. In compliance with the Tree Preservation Bylaw, for each bylaw protected tree removed, two replacement trees will be replanted.
- Positive enhancements to the landscaping include the restoration of some natural areas in place of lawn, introduction of native plantings, better definition and accessibility of pathways, replacement of concrete with permeable paving where possible and introduction of a bench made from reclaimed wood from the site.

Overall, given the unique requirements associated with the art gallery use, the presence of numerous protected trees, and the existence of Spencer Mansion, staff believe that the application adequately responds to the design guidelines and recommend that Council consider approving the Development Permit Application.

BACKGROUND

Description of Proposal

The proposal is to upgrade the Art Gallery of Greater Victoria to a Class A museum facility by expanding the gallery through partial demolition and by retrofitting the existing building and adding two levels using a contemporary architectural approach while retaining the heritage-registered Spencer Mansion. Specific details include:

- removal of the one-storey portion of the AGGV and replacement with a new two storey addition with a similar building footprint
- increasing the floor area of the art gallery to 4907m² to accommodate an expansion to the exhibition galleries, classrooms, gathering spaces, gift shop, archival storage and offices, and to introduce a multipurpose room and a café
- removal of the addition that currently houses the Children's Art Studio next to the existing AGGV main entry

- creation of an expanded public plaza in the northeast corner of the property
- retention of the existing Asian shrine and garden with minor changes to landscaping
- exterior materials for the new addition include concrete and fibre cement panels, the entry area features a double-glazed curtain wall with painted steel columns, and roofing material is faceted aluminium composite panels
- exterior changes to Spencer Mansion include a glazed link to the new addition and infill of the opening at the current gift shop
- bicycle facilities include a new bicycle enclosure with 14 spaces (intended for staff) and 38 spaces for short term visitors
- vehicular parking is in compliance with the site-specific zoning with 26 stalls provided
- in accordance with the Tree Preservation Bylaw, twelve new Garry oak trees are proposed to be planted on the site as designated Replacement Trees for the six onsite trees to be removed. Species and planting locations for two replacement trees required to be planted for the offsite bylaw-protected tree to be removed will be coordinated with the neighbour at building permit stage.

Landscape features include:

- a concrete plaza inlaid with permeable pavers
- permeable paving of the parking stalls
- pathways along Moss Street that direct pedestrians to the main entrance/plaza
- a custom bench within the Moss Street side yard
- low level lighting to illuminate paths, under bench, parking wheel stops and bike enclosure
- parking lot illumination by lighted bollards and posts
- new understorey planting with native vegetation will replace the existing lawn area on the Moss Street frontage
- a new Hydro transformer on Moss Street screened by vegetation
- planting areas around perimeter and pathways protected by a metal edge, with some of the existing curbs and sidewalks maintained to protect existing tree roots.

There are no variances associated with this application, as the property complies with the site-specific zone created for the Art Gallery in 2015.

Sustainability Features

As indicated in the applicant's letter dated November 21, 2019, the following sustainability features are associated with this application:

- building retention and reuse
- a high-performance building envelope and mechanical systems
- permeable pavement to cover the tree root zones in the existing parking lot area.

Active Transportation Impacts

The applicant proposes the following features which support active transportation:

- six bicycle storage units for staff
- end of trip shower facility for staff
- staff bicycle spaces in an enclosure
- visitor bike racks near the main entry plaza.

Public Realm Improvements

No public realm improvements beyond the City's standards are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathways from the parking area to the building are designed to be accessible.

Existing Site Development and Development Potential

The site is presently within the AGGV Zone, Art Gallery of Greater Victoria.

Data Table

The following data table compares the proposal with the AGGV Zone. The proposal is consistent with the zoning of this property.

Zoning Criteria	Proposal	Zone Standard AGGV
Site area (m ²) – minimum	5701	5700
Density (Floor Space Ratio) – maximum	0.86:1	0.99:1
Total floor area (m ²) – maximum	4906	5643
Height (m) – maximum	17.08 (parapet exempt to 0.6m max)	20
Storeys – maximum	4 (Spencer Mansion) 3 (new addition)	4
Site coverage (%) – maximum	39	40
Open site space (%) – minimum	52	44
Seats in restaurant	32	36
Setbacks (m) – minimum		
Front (Moss Street)	7.0	7.0
Rear (west)	5.7	5.7
Side (south)	1.0	0.6
Side (Wilspencer Place)	16.8	16.8

Zoning Criteria	Proposal	Zone Standard AGGV
Vehicle parking – minimum	26	26
Bicycle parking – minimum		
Short term	38	38 Schedule C
Long term	14	11 Schedule C

Relevant History

In 2015, Council approved a Rezoning and Development Permit Application for the expansion of the Art Gallery. The site-specific zoning incorporated the development standards provided for that application. The AGGV now wishes to revise that proposal, and since there are significant changes from the previous proposal, a new development permit is required.

The term of the previous development permit was for three years. Due to the complexity of this project, another three-year term is presented for Council's consideration.

Community Consultation

This application does not propose variances; therefore, in accordance with Council's Community Association Land Use Committee (CALUC) procedures, there is no requirement for community consultation. However, the applicant has undertaken consultation as noted in their letter dated November 21, 2019.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area 16, which is designated for general form and character. The *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* apply; however, these Development Permit Guidelines are intended to offer more general guidance in accordance with the designation which is limited to general form and character and they do not anticipate a single function building with specific user needs. However, overarching design principles should be considered in any context, specifically the sensitivity to the existing context through the use of appropriate forms, massing, building articulation, features and materials that add interest to the streetscape, while at the same time encouraging innovation and flexibility.

The Advisory Design Panel reviewed this application at its meeting of July 24, 2019, and the recommendation is as follows:

"That the Advisory Design Panel recommend to Council that Development Permit Application No. 000553 for 1040 Moss Street be approved subject to the following:

- further consideration of the materiality, including reflectivity and connection detailing of the upper cloud element (roof)

- reconsideration of the northwest stair tower
- serious consideration to retain the trees identified as “to be determined”, especially those in the parking lot and those located on adjacent properties
- inclusion of a landscape strategy for the establishment and implementation of the Garry oak meadow.”

Streetscape

The Design Guidelines encourage new development to add interest to the streetscape through variations in height, rooflines and massing. In addition, new development on corners should contribute to both streetscapes and have a strong relationship to the street. Of concern is the Moss Street elevation (east elevation), as the materials and lack of articulation and windows do not create a strong interaction with the street or visual interest. In addition, the loading area and Hydro kiosk are located on this frontage, which do not contribute to the pedestrian environment. The applicant's design approach is to limit visual competition with the prominent upper level, and as a result the cladding on the lower levels is textured fiber cement panels in natural tones emphasizing simplicity.

A further rationale provided by the applicant for this design approach is that the public interaction space is focussed on the plaza space, and interaction is minimized in other areas to respect the neighbourhood. Along the Moss Street frontage, the applicant has shown an area reserved for artwork to add visual interest. In addition, a custom bench is provided forming a delineation between the hard surface and landscaping. The trees on this elevation and the native understory plantings (replacing the lawn) will serve to create a green foreground softening the building mass. Staff are recommending that this greening concept be further expanded and recommend that the applicant explore opportunities for landscape options along the blank wall in this location, wording to ensure this occurs is included in the staff recommendation.

Form, Massing and Materials

Generally, the building appears to overwhelm the street and the context. The roofline and material choice make the upper storeys appear bulky, whereas the previous design intended to keep the upper volume as light as possible. The design approach has been to create the effect of the ‘uninterrupted floating upper volume’. The new material (faceted aluminium brushed panels) has been chosen to create a reflection of the surrounding, whereas the previous material appeared lighter (steel mesh) and was a defining feature termed an ‘art cloud’ with the intent of showing light and movement within the gallery at night. During the iterations of the new submission, the architect has refined the renderings of the roof to show more faceting and variations in tone aimed at creating more visual interest.

The gallery has stressed that to preserve its collections and to accommodate travelling exhibits, natural light into the gallery areas is discouraged. Additionally, temperature and humidity control are required to preserve the collections, and this is achieved more efficiently by limiting the openings in the building. In essence, the upper galleries contained within the roof mass address the environmental control requirements of the art gallery and the use and somewhat irregular placement of the faceted panels is intended to soften the appearance of the massing associated with the top two levels.

Landscaping

With respect to the subject property, many of the trees are protected and significant (Garry oaks and Giant Sequoias) and contribute to the established streetscape and to the Urban Forest.

Any significant excavation on the AGGV site will have an impact on the landscape because of the proximity of mature trees on the subject site and adjoining lots. This is more fully discussed in the Section entitled Tree Preservation Bylaw and Urban Forest Master Plan.

Overall, the other landscaping features are considered positive, as the approach has been to replace concrete with permeable paving where possible, establish native plantings, and create defined pathways that will improve flow and accessibility. Additionally, there is the introduction of a bench, which will be made of wood from the removed Garry oaks.

Heritage Considerations

A Heritage Alteration Permit is not required because the Spencer Mansion is not protected through a Heritage Designation Bylaw or located in a Heritage Conservation Area, although the Spencer Mansion is considered a significant heritage asset. The Statement of Significance is attached to this report.

Development specific to the Spencer Mansion includes:

- a glazed link between the new addition and the Spencer Mansion (reduced from two storeys in the previous submission to one storey). It is noted that a second storey link is indicated for future expansion; however, since it is not presently proposed it is outside the scope of this application
- filling in the opening at current gift shop to restore the east elevation
- deletion of the garage addition on the north elevation (current children's studio) to restore the mansion
- repairs to the basement level doors, windows and exterior walls.

This application was presented to the Heritage Advisory Panel at its meeting of August 20, 2019, and the Panel's recommendation is as follows:

"That the Heritage Advisory Panel recommend to Council that Development Permit Application No. 000553 for 1040 Moss Street be advanced subject to the applicant considering the following:

- consider taking measures to improve the visibility (of the Mansion) from Moss Street
- reconsider the heritage designation of the mansion
- consider design refinements, including the stair element at the northwest corner of the building, in order to conserve the concentration of character-defining elements on the mansion as viewed from Moss Street."

The *Official Community Plan*, Section 8, Placemaking, Policy 8.49, provides the following direction: Continue to support new additions that conserve and enhance heritage property, as consistent with the *National Standards and Guidelines for the Conservation of Historic Places in Canada*. The standards and guidelines relevant to the Spencer Mansion can be summarized as follows:

Standard 11 - Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

In relation to Spencer Mansion, a concentration of character-defining elements as seen from Moss Street occurs within the upper storey and the roofscape. The main outstanding issue is

that the proposed building form and massing would obscure the current visibility of the upper storey of Spencer Mansion from vantage points along Moss Street. The design approach has been to pull back the entrance lobby to create better sight lines to the lower portion of the mansion from Moss Street and Wilsperencer Place. As such, there is a trade-off between the loss of these existing sight lines with opening-up new views to the lower portion of Spencer Mansion from Moss Street, which are presently blocked by the one-storey addition. Additionally, views to the mansion as experienced from the interior of the art gallery will be improved.

Both the Heritage Advisory Panel and the Advisory Design Panel commented on the aesthetics of and the obstruction of the view to the mansion by the proposed northwest stair tower. The architect has indicated that this stair tower is necessary to the operations of the gallery. The architect has also provided a visual study that indicates no significant gain will be achieved by reducing the volume of this element.

The proposed development addresses Standard 11 by being distinguishable from the historic place; and the one-storey glazed link to the mansion will provide a better distinction between the two buildings. However, with regard to matters of compatibility (of scale, massing, materials and setting) and to maintaining a subordinate relationship to the mansion, the recommended approach outlined in the Standards and Guidelines is a challenge to meet, particularly given the site constraints.

Guidelines for Buildings - Exterior Form, Guideline 13

Selecting the location for a new addition that ensures that the heritage value of the place is maintained.

The heritage value of the place and the setting of the mansion are defined by the mature tree canopy. The gallery expansion has been sited to have a similar footprint as the existing one-storey section of the gallery, which will reduce some of the impacts on landscape. Trees are further discussed in the Section entitled Tree Preservation Bylaw and Urban Forest Master Plan.

Local Area Plan

The proposal for the AGGV is consistent with the *Rockland Neighbourhood Plan, 1987*, which emphasizes heritage conservation generally and the retention of landscape features, such as mature trees.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan (UFMP) include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

The Tree Resource Inventory for the proposal identifies 73 trees potentially impacted by the development, 47 onsite and 26 offsite, as outlined in the Arborist Report by Talbot Mackenzie and Associates dated November 21, 2019. Since the permit application was received prior to October 24, 2019, it falls under Tree Preservation Bylaw No. 05-106 consolidated June 1, 2015. There are seven bylaw-protected trees and eight unprotected trees proposed for removal. Tree preservation measures will be required for the 49 trees proposed for retention, 39 onsite and 20 offsite. However, nine bylaw-protected trees indicated for retention may still suffer health impacts.

Onsite bylaw-protected trees proposed for removal include four Garry oaks, a blue atlas cedar, and a Douglas-fir. An unprotected holly and spruce on the site are also planned for removal. Specific reasons for removal for each tree are identified in the Arborist Report. In general, the reason for tree removal is due to one or more of the following: location within the building footprint, location within the plaza, location within driveway/parking area, conflict with the overhead portion of building, excavation for the foundation, or poor structural condition of the tree.

The Arborist Report identifies nine bylaw-protected trees on the site that are to be retained, but may be negatively impacted: two giant sequoias due to excavations for underground servicing and the building foundation, a Garry oak due to water service installation, and six Garry oaks due to installation of surfacing within their critical root zones.

Offsite at 1010 Moss Street, a bylaw-protected elm tree as well as three unprotected elms, a Douglas-fir, and a juniper are planned for removal due to excavation for underground hydro; also, an unprotected Douglas-fir requires removal due to overhead conflict with the building addition.

In accordance with the Tree Preservation Bylaw, twelve new Garry oak trees are proposed to be planted on the site as designated Replacement Trees for the six onsite trees to be removed. Species and planting locations for two replacement trees required to be planted for the offsite bylaw-protected tree to be removed will be coordinated with the neighbour at building permit stage.

Mitigation measures such as Arborist supervision, tree protection fencing, ground protection, and low-impact excavation have been recommended in the Arborist Report to minimize negative impacts to trees.

There are no impacts to public trees with this application as no City trees are located on the perimeter of this lot.

Regulatory Considerations - Parking

As part of the Rezoning application, the parking requirements were established to reflect the number of stalls provided on-site, given the limited opportunity for additional parking: 21 existing stalls and five new stalls (plaza area). At the time of rezoning, the applicant provided a Transportation Demand Management (TDM) study and Parking Impact Study. To help address potential concerns about parking, the applicant is proposing an end of trip shower facility for staff, six bicycle storage units for staff, and 21 staff bicycle spaces within an enclosure. A rack accommodating 38 bicycles for the public will also be installed.

CONCLUSIONS

Overall, the applicant has chosen a design approach that tries to strike a balance between respecting heritage conservation principles, retaining many of the Gary Oak trees and integrating a development project into the surrounding established neighbourhood. Working within the site constraints and needing to ensure building functionality for use as an art gallery, the applicant is aiming to integrate the art gallery in a manner that creates a unique sense of place with the inclusion of a plaza and entrance feature appropriate to the building's function, and in the applicant's words becomes a 'neighbourhood living room'. While the upper element massing appears dominant, the pattern, material, palette and reflectivity are intended to address lighten its appearance.

The integrity of Spencer Mansion is not impacted by the proposal and some of the interventions represent an improvement to the mansion, specifically the new glazed link between the mansion and the gallery and restoration of the east elevation. The form and massing of the new wing of the Gallery would remove the visibility of the second floor of Spencer Mansion as it can be seen today from Moss Street, while opening up other views to the Mansion from Moss Street and the gallery interior spaces.

Overall, given the unique spatial and facility requirements associated with the art gallery use, site constraints, the presence of numerous protected trees and the existence of Spencer Mansion, staff recommend that the application adequately responds to the design guidelines and recommend that Council consider approving the Development Permit Application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 00553 for the property located at 1040 Moss Street.

Respectfully submitted,



Lucina Baryluk
Senior Planner
Development Services



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped December 18, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 21, 2019
- Attachment E: Statement of Significance for Spencer Mansion
- Attachment F: Minutes of the Advisory Design Panel Meeting held July 24, 2019
- Attachment G: Minutes of the Heritage Advisory Panel Meeting held August 20, 2019
- Attachment H: Tree Retention and Construction Damage Mitigation Plan, prepared by Talbot, Mackenzie & Associates, last draft dated November 21, 2019.