

## **2.0 DEVELOPMENT PERMIT AREA 2 – MARINE WATERFRONT (DPA-2)**

### **2.1 DPA-2 OBJECTIVES & APPLICATION**

The objectives of this Development Permit Area are to encourage thoughtful building and site design in an effort to:

- (A) Maximize opportunities for public access to the waterfront;
- (A) Build on existing assets and context;
- (B) Protect waterfront views;
- (C) Establish a network of well-connected multi-use public and private spaces;
- (D) Integrate development with the site's natural attributes to reduce negative impacts to coastal ecosystems;
- (E) Reduce conflict and achieve a balance between the different users and uses of commercial waterfronts in each community; and
- (F) Maintain and enhance the existing character of each of the community's commercial waterfronts while facilitating quality development.

North Cowichan's commercial waterfront is perhaps best characterized by its public accessibility and coastal village qualities. These features are hallmarks of the commercial waterfront and are the central theme of the design guidelines. New commercial development will maintain and enhance the positive features of the waterfront. The following considerations should be incorporated into projects at an early stage in the design process to ensure that the important qualities of the commercial waterfront are maintained and enhanced.

Further, this DPA is to protect site archaeology, recognize water side gateway features, encourage a high standard and quality of multi-family, commercial and mixed-use commercial residential development and redevelopment that enhances pedestrian mobility, respects viewscales, ensures quality architecture in keeping with individual waterfront communities, ensures negative impacts of parking and site servicing is mitigated, provides landscaping that enhances the overall development, and provides for pedestrian oriented signage. The objectives will be achieved by:

- (A) encouraging development that is identifiable and compatible with existing waterfront uses in siting, character, massing, form and detail;
- (B) building on the rich industrial and social histories of the communities in which development is proposed;
- (C) ensuring a high quality living, working and recreating environment for all waterfront users;
- (D) creating connections between different waterfront uses within and between communities;
- (E) following principles of sustainability throughout the development process from building siting to detailed design; and
- (F) incorporating best practices to protect and enhance the sensitive ecosystems located in this area and to respect the natural physical processes that occur in this dynamic environment.

The design guidelines encourage orderly, sensitive and attractive development that is compatible with established community character and values. The guidelines outlined below must be considered together with DPA 1 – General guidelines to advise developers and waterfront users of the form and character of future development.

The guidelines contained within DPA-2 will be applied to all multi-family, commercial and industrial developments within the Municipality of North Cowichan that are proposed to be located 100 m above (inland) and 300 m below (seaward) the natural boundary of the foreshore.

### **2.2 DPA-2 EXEMPTIONS**

See Table 1 (Page 6).

## **2.3 DPA-2 SENIOR GOVERNMENT AUTHORITY**

Jurisdiction over coastal areas is split among federal, provincial and local governments, depending on the location along the coast and the relationship to the shore and the type of activity. As a result, senior government agencies may have some approval authority over different activities. Receiving senior government approval is a necessary first step for such developments prior to North Cowichan considering any proposals.

## **2.4 DPA-2 GENERAL GUIDELINES**

Development Permits will only be issued in this Development Permit Area (DPA-2) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

### **2.4.1 PLAN WITH THE ENVIRONMENT**

Foreshore and waterfront environments are unique in their physical challenges and opportunities and are areas with high ecological values. The adjacent communities are highly influenced by this constantly changing environment. The demands on the waterfront environment are considerable. Much of the commercial waterfront area has been modified over time to differing degrees; remnants of the natural condition still exist in many places. Any development activity in these areas must be carefully planned to ensure environmental stability and long-term project success.

- (A) Existing landform and natural feature assets should remain, and should not be modified in a way that could adversely affect the foreshore environment or adjacent land uses. Existing natural conditions must be investigated and incorporated into development plans from the onset.
- (B) Geotechnical issues such as foreshore bank stability and seasonal variation should be considered early on in the planning and design process. Existing vegetation and drainage patterns should be researched and accommodated within the overall plan.
- (C) Modification to the foreshore should receive the same level of attention to design and detail as buildings/structures and open space. Monotonous water edge treatments should be avoided. [See also public access considerations.]

### **2.4.2 ARCHAEOLOGICAL HISTORY**

The marine shoreline was well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The *BC Heritage Conservation Act* governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

### **2.4.3 APPROPRIATE DESIGN ELEMENTS**

While North Cowichan's waterfront communities are not intended to be nautical or maritime theme parks, the incorporation of marine or industrial imagery and elements is a desirable means of enhancing the region's character. Successful design comes from understanding the character and values of the existing waterfront communities and interpreting them in a fresh and innovative way.

### **2.4.4 SIGHTLINES, VIEWS AND VISTAS**

Waterfront environments are unique and identifiable areas within communities. They are viewed from numerous directions both off and onshore. Protecting public views to, from and within waterfront communities is very important to maintaining the character and visual quality.

- (A) New developments should consider view impacts and opportunities from all directions during the planning stages.
- (B) Existing street-end views or long range vistas should be maintained and incorporated into development plans.
- (C) Significant or interesting sightlines of natural features or industrial activities should be identified and framed or enhanced through building form, massing or landscaping.
- (D) Minimize impact that structures and landscaping will have on existing public views.
- (E) Buildings, open space and circulation should be designed to maximize ocean views while not impacting the privacy of adjacent land uses.
- (F) Where safety or security of industrial uses is required, screening or fencing should be transparent to maintain visibility.

#### 2.4.5 INTERACTION, INTEGRATION AND PUBLIC ACCESS

Public access to the waterfront is very important to communities in North Cowichan. One of the greatest attractions of waterfront communities is the high level of activity – commercial, recreational and residential. Many of the most successful and vibrant waterfronts “blur the edges” between activities and places, allowing for more interaction between people.

- (A) Where safe to do so, public access walkways to and/or along the waterfront should be incorporated into any development. Walkways should be made prominent and marked for easy identification.
- (B) A mix of land-based and water-based activities and industries should be encouraged on and along the waterfront to encourage integration of the waterfront community.
- (C) Strong visual and physical connections are encouraged through the addition of piled boardwalks and floating docks or structures.
- (D) New commercial waterfront development should provide a balance between public and private spaces.
- (E) Public views of all areas of the waterfront should be maximized, especially for zones where public access is not safely possible (industrial uses).

#### 2.4.6 CIRCULATION, ARRIVAL POINTS AND ENTRANCES

The enjoyment of a place is often determined by initial impressions, ease of access and getting around. As waterfront communities are often destinations unto themselves, it is important that they have defined entry points. Waterfronts have two “front doors”: water edge and street front. Both should exhibit a clear and welcoming presence for people whether they arrive by boat, seaplane, car, ferry or bicycle.

- (A) Waterfront areas should support distinct gateway features at key arrival points. In form, character and detailing, developments should articulate the type of activity and local context.
- (B) Developments should incorporate clearly defined parking areas and well- connected pedestrian routes, linked to internal and community amenities.
- (C) Buildings that are visible from the street and waterfront should treat both as front elevations to ensure that the structures do not appear to be turning their backs on either street or waterfront.

#### 2.4.7 BUILDING MATERIALS AND DETAILING

Buildings should be of quality design and detailing and built for durability.

- (A) Consideration should be given to how colours and natural materials weather in a marine environment over time.

- (B) Building colour can be used to provide interest, highlight architectural features or acknowledge a buildings use. Colour choices and architectural detailing should reflect the waterfront context and community patterns.
- (C) Exterior lighting should be oriented away from adjacent residential areas or residential components of mixed-use developments, and should be shielded so as not to affect marine navigation.
- (D) Lighting should avoid glare and the spillover of light from its intended focus. Illumination should not exceed 2 foot candles at the water's edge.

#### 2.4.8 OUTDOOR SPACE, LANDSCAPING AND FEATURES

Successful developments take a comprehensive approach to planning and design by including site, buildings, open space and detailing in the design process. Each component is equally important to the creation of a quality development. Well-designed outdoor space adds to the quality of life in communities. Usable outdoor space should be incorporated into developments at the site planning stage of the process.

- (A) Planting schemes based on native or natural-looking landscapes with reduced water and maintenance requirements are recommended, as are plants suited to the salt water environment.
- (B) Existing native vegetation, particularly trees, should be preserved wherever possible.
- (C) Walkways, gangways and piers should have pedestrian-scale lighting, but the lighting should be shielded so as to not affect marine navigation. Illumination should not exceed 2 foot candles at the water's edge.
- (D) Variation in treatment along the foreshore (e.g. boardwalks, floating docks and decks) is encouraged where it can be environmentally supported.
- (E) Retaining walls will, in general, be discouraged.

#### 2.4.9 STRUCTURES ON THE WATER

Buildings and structures on the water as part of marina developments are common in maritime communities. The design and treatment of these structures requires the same amount of consideration as any upland development.

- (A) No new float homes are permitted unless they can be connected to an approved sewage treatment facility.
- (B) Boat shelters are permitted only in marinas located in Bird's Eve Cove and Genoa Bay.
- (C) Colours for float homes and boat shelters should be non-reflective and should be consistent with the character of the area.
- (D) Colour variations and vertical or horizontal bands are encouraged to reduce the visual impact of height and mass by giving the appearance of variation and form.
- (E) A variety of pitched and angular, along with domed or rounded roof lines on all structures on the water, are encouraged.
- (F) All structures on the water (including boat shelters, float homes service and other building) should be sited carefully so as to avoid obstructing the waterfront view from public roads, walkways and trails that intersect with the shoreline.
- (G) Boat shelters and float homes should be clustered together in locations that create the least impact from public access, viewpoints and existing residential sight lines.
- (H) Boat shelters of different heights should be distributed with some randomness to avoid a monotonous roof line and to create view corridors.
- (I) Lighting within boat shelters should be low level and full cut off in order to minimize creation of a night-time glow effect and mitigate against any off-site / spill-over impacts.
- (J) A maximum of 25% of the frontage of a marina development (from land and water) should consist of float homes and boat shelters. For the purposes of this section, frontage shall mean the water

lot boundaries that are generally parallel with the shoreline and provide primary access and views of the marina from land and water.

- (K) Boat shelters under 200m<sup>2</sup> are encouraged, but boat shelters over 200m<sup>2</sup> may be supported where it can be demonstrated that a variety of boat shelters are being provided and the overall average boat shelter size on a water lot does not exceed 200m<sup>2</sup>.
- (L) Boat shelters must not contain habitable space or toilet facilities.
- (M) Any potable water supply plumbed to a boat shelter must have a backflow prevention device installed.
- (N) Any new float home and boat shelter design must be certified by a professional engineer or equivalent, confirming that it is safe for the intended use and conditions (e.g., snow loads and wind patterns).
- (O) Noise impacts from both marine and upland developments should be considered in an effort to minimize impact on residential uses in proximity to the marine environment.
- (P) All new docks must be certified by a professional engineer or equivalent, confirming that they are safe for the intended use and conditions.
- (Q) Marine pump out facilities are required for marina (re)development where there is adequate upland waste water treatment facilities.

## **2.5 DPA-2 COMMUNITY SPECIFIC GUIDELINES**

Each of the five waterfront areas (Chemainus, Crofton, Maple Bay, Bird's Eye Cove and Genoa Bay) expresses a unique character in terms of their natural environments, community culture and context. A pre-existing cultural emphasis may exist in some, biased towards industrial, environmental or artistic activities. Developers should consider these localized opportunities and constraints when interpreting the development guidelines for North Cowichan's waterfronts.

Development Permits will only be issued in this Development Permit Area (DPA-2) subject to consideration of the following specific design practices. These guidelines should be carefully considered from conceptual design through to detailed design and refinement of a development proposal.

### **2.5.1 CHEMAINUS**

The commercial waterfront of Chemainus is characterized by a steep natural foreshore edge condition with little passable space at sea level. Existing structures are perched or cantilevered over the slope, resulting in an unstable or temporary character to the built environment. The working nature of the foreshore and close proximity of existing docks and ramps to each other and to marine and industrial related activities creates a vibrant and interesting environment. The predominant imagery of this waterfront area stems from the strong industrial presence.

- (A) Planning for new development on Chemainus' waterfront should address the physical and aesthetic challenges associated with the steep foreshore banks.
- (B) Buildings should terrace down slopes, minimizing exposed foundations and supports. Decks, retaining walls and landscape features should be used to reduce the visual massing of structures.
- (C) Careful thought should be given to roof forms to reduce their impact as seen from both the water and the upland.
- (D) Developments are encouraged to consider the industrial marine context in form, materials, detailing and colours.
- (E) A continuous public pedestrian corridor (with viewing platforms, decks and wharves) should be established along the waterfront edge connecting developments with each other and public amenities.

## 2.5.2 CROFTON

Crofton's waterfront, on Osborne Bay, is central to its identity and to its success today and in the future. It is located in a picturesque setting and affords an ideal environment to enable people to interact with the ocean. Crofton slopes gently downhill to the water and most areas have a view of the waterfront and Saltspring Island. A variety of different uses (including but not limited to: public boat launch; BC Ferries dock, terminal and trestle; Department of Fisheries and Oceans small craft harbour dock and parking lot; museum/seniors' centre and park; elevated seawalk, gazebo and access stairs; sandy/gravelly spit; RV park; streams and natural vegetation; and Berridge Street park and sandy beach along the waterfront) are enjoyed by local area residents and visitors alike. The community exhibits a vibrant spirit that focuses on the waterfront. Historic smelting operations have left a legacy of contamination on the waterfront, which requires remediation to achieve ecological integrity.

- (A) A strong focal point should be created through enhancing positive sightlines and public view corridors that work within the community grid pattern.
- (B) Buildings should be sited and designed in a manner that helps to establish a strong sense of place.
- (C) Where possible, remediation of the historic contamination along the waterfront should form part of any redevelopment plan.
- (D) New waterfront development should reflect Crofton's historic context by incorporating elements of the marine industrial heritage both symbolically and with the addition of asymmetrical and irregular building massings.
- (E) New construction should be made predominantly from natural materials with a rustic finish; and, in the arrangement of how buildings meet the street and shore, should include inviting areas to congregate.
- (F) To lessen the impact of development on the natural shoreline, buildings should be stepped back from the waterfront to make way for important public view corridors.
- (G) The volume of buildings should not dominate the waterfront and should blend in with the natural form and landscape.
- (H) Preservation of any native vegetation should be emphasized, and future plant selection based on a range of existing native species and/or plants that mix well with the natural landscape.
- (I) The arrangement of buildings and structures along the waterfront should strive to: maintain public views; create engaging space for people to congregate; and create connected pathways that encourage travel down to and along the waterfront.
- (J) Storefronts should meet the street and have a varied structure that offers visual intrigue, shelter to walkers and the possibility of places to sit and chat.

## 2.5.3 MAPLE BAY

A strong residential community dominates the shoreline of this spectacular natural bay. The marine commercial area in Maple Bay is limited to a relatively small portion of the foreshore. The marine-related activities are currently limited to the public wharf that provides temporary, unserviced moorage for small watercraft. The foreshore edge is defined by retaining walls separating the pebble beach from upland uses.

- (A) Building forms should recall historic precedents and be stepped away from the water edge.
- (B) Buildings should be designed to be compatible with the residential context, in materials, character and detailing. Architecture that reflects local character is recommended using traditional elements including roof forms and glazing.
- (C) The foreshore edge should be maintained in as natural a state as possible.

#### 2.5.4 BIRD'S EYE COVE

Bird's Eye Cove is located in a picturesque inlet just south of Maple Bay proper. The majority of the commercial waterfront is focused on the busy recreational marina and associated businesses. The upland uses are currently located on a flat bench protected by a riprap edge, with a steep hillside rising behind. A portion of the foreshore is accessible to the public. The existing character of the area is defined by a blend of elements found in a working marina along with elements from a transient recreational environment.

- (A) A strong sense of arrival should be established near Genoa Bay Road to set the tone of the area.
- (B) The scale of new developments should be compatible with the cove context. Buildings should be clustered, leaving irregularly shaped open spaces in between.
- (C) Developments located on steep slopes should be terraced with careful attention paid to the retention of the natural environment. Broad scale slope manipulation is discouraged. Future development should incorporate a variety of open space opportunities along the water edge. Wharves that extend out over the water, a widow's walk or tidal steps could be considered to provide variety and interest in the public realm.
- (D) Building design should be based on regional imagery. Building details, colours and amenities may feature more unique solutions. Highlight colours may be brighter or marine artifacts used in unusual ways to enhance the flavour of the community.

#### 2.5.5 GENOA BAY

Genoa Bay is a small, geographically isolated but scenic community focused on its waterfront. It is a popular marine destination and supports residential and seasonal public moorage facilities. The marine commercial areas are located in an intimate bay closely surrounded by adjacent hills and smaller shallow coves. The distinct character of Genoa Bay is based on the human scale of its context in landform, marine environment and built form. There is a seamless transition between land- and water-based activities because of numerous floating commercial and residential structures and compatible design styles. The existing development leans towards a functional though eclectic aesthetic.

- (A) New developments in Genoa Bay should be sympathetic to the unique scale of the natural environment and existing built form. Buildings and open spaces should be intimate in scale and detail.
- (B) Building form and character should appear to be equally at home on water as land.
- (C) Buildings should be uncomplicated structures with small detailing elements. Simple local materials and colours that weather well should be considered.
- (D) Historic or contemporary local elements used in unique ways as public art features are encouraged.