



Committee of the Whole Report

For the Meeting of September 29, 2022

To: Committee of the Whole **Date:** September 15, 2022

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

Subject: **Rezoning Application No. 00813 and Associated Development Permit Application No. 000616 for 700 Government Street**

RECOMMENDATION

Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00813 for 700 Government Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit

That Council, after the Public Hearing for Rezoning Application No. 00813, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit Application No. 000616 for 700 Government Street, in accordance with:
 - a. Plans date stamped June 3, 2022
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit Application. Relevant rezoning considerations include the proposal to add "recreational facility" as a new use while the relevant Development Permit considerations relate to the mooring of a floating sauna and its consistency with design guidelines.

Enabling Legislation

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

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 a Zoning 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 Rezoning Application and concurrent Development Permit Application for the property located at 700 Government Street. The proposal is to rezone the Inner Harbour Ship Point South District (IHSS Zone) to permit “recreational facility” use to allow a floating sauna facility. There is a concurrent Development Permit application pertaining to the proposed form, character, exterior design and finishes of the floating structure.

The following points were considered in assessing the Rezoning Application:

- The proposed addition of recreational facility uses to the inner harbour are consistent with the *Official Community Plan* (OCP) objectives to diversify and activate the harbour as well as the goals for a potential tourist attraction.
- As a floating and landscaped structure, the proposal helps to advance the aims of the *Downtown Core Area Plan* (DCAP) to promote vitality and diversity without detracting from the qualities that make Victoria’s harbour attractive and unique.
- Being similar in size to a large vessel, due consideration has been given to mitigate potential conflicts with the variety of uses that utilize the harbour, as required by the *Victoria Harbour Plan*.

The following points were considered in assessing the Development Permit:

- Views of the harbour and relative impacts to adjacent heritage assets are unaffected by the proposal, consistent with the DCAP.
- The proposed landscaping and active uses advance aesthetic and vitality goals within DCAP and provide a diverse asset to the harbour that operates year-round.

BACKGROUND

Description of Proposal

This proposal is to moor a converted barge at an existing pier at Ship Point in Victoria’s Inner Harbour. The barge is to be converted into a floating sauna facility. It is proposed to amend the

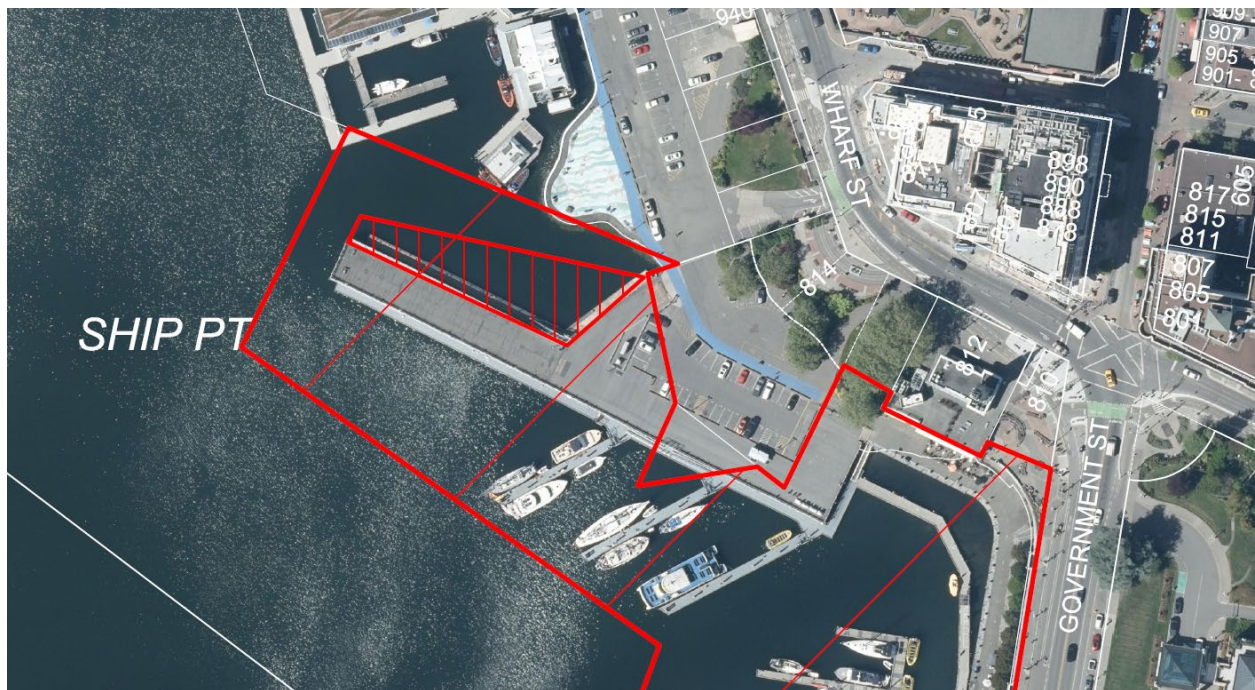
current zone to allow a “recreational facility” use and to not require vehicle parking.

The associated Development Permit is for a converted barge structure to house a floating sauna. Specific details include:

- a floating converted barge with a variety of hot and cold pools, small sauna enclosures, extensive landscaping and flex spaces for special event programming on the exterior surface deck
- interior reception space, change rooms, saltwater pool and sauna
- charcoal painted exterior with glazed and un-glazed new openings, cedar batten deck structures and guards and extensive landscaping.

Land Use Context

The area is characterized by large format piers and docks, the harbour air floating terminal and its associated small marina and float plane piers and surface parking.



Existing Site Development and Development Potential

The site is presently used as a dock for the Greater Victoria Harbour Authority.

Under the current IHSS Zone, the property could be developed for open markets, temporary exhibits, ancillary surface parking, a dock and as a park.

Data Table

The following data table compares the proposal with the existing IHSN Zone, Inner Harbour Ship Point South District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	IHSS Zone	OCP Policy
Density (Floor Space Ratio) – maximum	0.014	0.8	n/a
Total floor area (m ²) – maximum	464	n/a	n/a
Height (m) – maximum	9.42	n/a	15
Vehicle parking – minimum	0*	9	9
Bicycle parking stalls – minimum			
Long Term	2	2	2
Short Term	8	2	2

Active Transportation

The Application proposes six additional short term bicycle parking stalls beyond the city requirement, which supports active transportation.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the Downtown Residents Association CALUC was notified of the application. The CALUC indicated that they believe the application is outside of their jurisdiction. Staff confirmed that this application is in fact within their jurisdiction, however, the CALUC declined to comment. Inadvertently, the notifications that typically advertise the CALUC meeting as well as invite community commentary were not circulated as a result. To address this, mailed notification was sent to owners and occupiers of property within 100m of the subject property on August 31, 2022, advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. Typically, this notification process occurs prior to the application formally being submitted to the City. A sign was also posted on site per the normal notification processes, to notify those passing by of this application.

ANALYSIS

Rezoning Application

Official Community Plan

The *Official Community Plan* (OCP) Urban Place Designation is Working Harbour. Under this designation, a mixed-use harbour environment is envisioned. This includes uses such as marine

traffic, marine industry, open water areas, moorage, and water-oriented recreation. Densities are to be determined on a site-specific basis and must be considered through a rezoning process that considers the policies of the OCP, relevant context and other plans, policies and design guidelines.

In more general terms, the OCP seeks to manage the harbour as a strategic resource by strengthening the Working Harbour, enhancing linkages between land and water uses, and improving waterfront access and vitality.

Encouraging a mix of active shoreline uses and reinforcing the role of Downtown Victoria as a vibrant, entertainment and tourism destination are relevant OCP objectives that are advanced with the proposal to add recreational facility uses to this zone. The proposed uses further diversify the types of activities within the harbour and create an opportunity to interact with the waterfront in a new way, year-round.

Other relevant OCP policies that are advanced with this application include:

- promoting strong local communities and enhancing sense of place and the uniqueness of Victoria's neighbourhoods
- encouraging and supporting businesses and organizations whose purpose is to solve a market failure or to improve social wellbeing in other ways.

Downtown Core Area Plan

Located within the Inner Harbour District in the *Downtown Core Area Plan* (DCAP), the general objectives of this area are to promote vitality and diversity without detracting from the qualities that make Victoria's harbour attractive and unique. The floating structure aspect of the proposal is consistent with uses commonly seen and envisioned for the harbour and the addition of a recreational sauna provides a diverse take on adding vitality. Aesthetic aspects of the proposal are discussed in the Development Permit section of this report.

While most policies in DCAP relate to building proposals, the view policies provide guidance to evaluate water-based applications as well. Two protected views are considered, Laurel Point and Songhees. Each protected view aims to ensure that proposals complement and enhance the area with sensitive and appropriate design solutions. Given that this proposal generally resembles a floating barge with a landscaped deck, its inclusion in the harbour does not adversely impact the protected DCAP views.

Victoria Harbour Plan 2001

The overarching purpose of the *Victoria Harbour Plan* is to provide direction and certainty to the variety of uses that utilize the harbour, to mitigate conflict between these uses and to take advantage of the potential opportunities and compatibilities between them. To this end, the Plan focuses on functions more than design, however, to maintain the tourist functions of the waterfront, the plan encourages compatible and complementary designs and additions to the harbour.

Relative to the *Harbour Plan* objectives to mitigate conflicts between uses, the applicant carried out a navigation safety review for the placement of the proposed structure/ vessel. The findings of this review (see attached Design Brief "Navigation and Aviation review" dated November 30, 2021) confirm that the safety of navigation or aviation in and around this area will not be negatively

impacted. In general terms, the proposed structure is equivalent in size to a large yacht, which would regularly utilize this same berth.

The Harbour Plan also identifies this area of the waterfront as part of Ship Point and as a festival site. Under this objective, goals for a revitalized Ship Point are expressed along with design guidelines for the area's revitalization. Part of the objectives for a revitalized Ship Point include activation, and the inclusion of a waterfront sauna facility aligns with this desire.

Like all policies dealing with the waterfront, the *Harbour Plan* speaks to the Harbour Pathway. This proposal does not conflict with the pathway, but it does sit alongside it. From a planning perspective, having active uses along pedestrian pathways is a positive aspect of this proposal. Activating the edges of public spaces helps to address Crime Prevention Through Environmental Design (CPTED) concerns and creates a destination magnet and visible activity that adds vibrancy to the area.

Development Permit Application

Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 9 (HC), Inner Harbour.

The relevant goals of this DP area are to:

- to sustain the Working Harbour through the revitalization of key waterfront and adjacent lands, including but not limited to Ship Point
- to conserve the heritage value, special character and significant historic buildings, features and characteristics in the Inner Harbour area
- to enhance the Inner Harbour through high-quality architecture, landscape and urban design that reflects the area's functions as a marine entry, working harbour and community amenity in scale, massing and character, while responding to its historic context.

The proposal helps to revitalize the area by providing a year-round use to an area that is generally dormant in the off-season. Heritage values are not affected as most buildings with heritage value are located well upland of the application. Similarly, the special character of the Harbour is enhanced with a well landscaped and active addition.

The key difference between this application and what would be expected of a large vessel at this location, is that the proposal will be a more permanent fixture. Its alignment with the goals of the OCP and DCAP, in terms of activating the area, help to offset this impact and the proposed landscaping adds a soft element to the area which is largely dominated by paved surfaces and concrete.

Other relevant objectives of the DCAP that the proposal is consistent with are:

- supporting the location of leisure, education, arts and cultural activities within the Downtown Core Area to successfully maintain and strengthen the Inner Harbour as the focus for tourism, government, culture, heritage, and economic development
- developing and maintaining a cohesive, well-designed and vibrant waterfront area
- developing new tourist visitor attractions
- improving public access to the waterfront.

Accessibility

Per the Application Brief (see Attachment C), it is noted that universal washrooms and changing rooms are proposed and that the lower deck of the facility will also be accessible to anyone with limited mobility.

It is noted that getting to the facility can be considered only partially accessible. Key challenges exist with the Ship Point site itself, as it is currently not considered accessible due to extremely steep sidewalk access. Other challenges exist in accessing the dock via Greater Victoria Harbour Authority (GVHA) ramp infrastructure. However, it is noted that access to the facility is similar to access to the float plane terminal and other, marine oriented activities that rely on the surrounding piers and dock infrastructure.

Regulatory Considerations

The data table notes a parking shortfall of nine vehicle parking stalls compared to the existing zone. Consistent with other applications in the downtown, as properties are rezoned, their regulations are updated to be consistent with the new *Zoning Bylaw 2018*, which does not require vehicle parking for commercial activities. The proposed new zone will follow this standard.

In addition to the above, it is proposed that the new zone will limit the location within the property where the new “recreation facility use” may be permitted. The subject property extends from the Harbour Air terminal to Belleville Street and staff would not recommend supporting the new proposed use for the entire property. As such the rezoning is intended to affect the area only where this proposed structure is to be located and this will be specified within the new zone should this proposal be approved.

Sustainability

The applicant proposes to meet or exceed current Step Code 3 energy requirements for the proposed small buildings on the vessel’s deck. High-efficiency electric heaters are proposed which also avoid the production of smoke when compared to typical wood heaters used in saunas.

In addition to the re-purposing of a vessel, the applicant has also expressed a desire to use 90% reused and recycled materials for the construction of the facility and the proposal also includes green roofs.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on May 25, 2022. At that meeting, the following motion was passed:

“It was moved by David Berry, seconded by Devon Skinner, that the Advisory Design Panel recommend to Council that Development Permit with Variance(s) Application No. 000616 for 700 Government Street be approved as presented.”

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application and there are no impacts to public trees.

CONCLUSIONS

This application proposes a novel use within the harbour that helps to advance goals for diversifying waterfront activities, providing a connection between land and water and creating vibrancy in the area. While novel to Victoria's harbour, floating sauna structures are not new and can be found in other waterfront metropolitan areas. They help to bring people to the waterfront, create a potential tourist attraction and serve a wellness function for community physical, mental, and social well-being. The design of the facility, as part of a floating barge, is consistent with the harbour aesthetic and it proposes extensive landscaping to an area generally devoid of green amenity. As such, this application is consistent with the relevant policies and design guidelines for the harbour and staff therefore recommend for council consideration that this application advance to a public hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00813 and Development Permit Application No. 000616 for the property located at 700 Government Street.

Respectfully submitted,

Miko Betanzo
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Development Services Division

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped June 3, 2022
- Attachment C: Application Brief, received March 9, 2022
- Attachment D: Letter from applicant to Mayor and Council dated June 2, 2022
- Attachment E: Pre-Application Consultation Comments from Online Feedback Form
- Attachment F: Correspondence (Letters received from residents).