



## Committee of the Whole Report For the Meeting of September 5, 2024

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**To:** Committee of the Whole **Date:** August 22, 2024

**From:** Karen Hoese, Director, Planning and Development

**Subject:** Development Permit with Variance Application No. 00278 for 309-329 Belleville Street

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### RECOMMENDATION

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

- "1. That Council authorize the issuance of Development Permit with Variances No. 00278 for 309-329 Belleville Street, in accordance with plans date stamped July 16, 2024, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce open site space from sixty percent to thirty-nine percent
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

Relevant Development Permit considerations relate to the application's consistency with design guidelines and the impact of the variance.

### Enabling Legislation

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 with Variance application for the property located at 309-329 Belleville Street.

The proposal is to add eight small buildings for sauna use and associated facilities (reception, washroom and changing area) in the space between the two existing hotel uses on the subject property.

A variance is required to reduce the minimum open site space.

The following points were considered in assessing this application:

- The proposal is consistent with the use envisioned for the location in the *James Bay Local Area Plan*.
- The design is generally consistent with the applicable design guidelines for *Development Permit Area 9 (HC) Inner Harbour*.
- The open site space variance is considered supportable because it is an existing condition and the proposal only represents a minor increase.

## DESCRIPTION OF PROPOSAL

The proposal is to add a series of eight small buildings (ranging from approximately 5.71m<sup>2</sup> to 14.53m<sup>2</sup>) in the area (lease area) that lies between Huntington Manor and the Pendray Inn and Tea House in the James Bay neighbourhood. The total lease area is approximately 258.8m<sup>2</sup>. The eight buildings will consist of four saunas, two washroom and change room facilities, a storage building, and one reception building. The buildings will be connected via raised wood decking and will also feature four outdoor cold plunge pools.

The proposed variance relates to reducing the minimum open site space from sixty percent to thirty-nine percent.

## BACKGROUND

### Land Use Context and Existing Site Development Potential

The area is characterized by commercial uses (accommodation, restaurants), residential uses, and the Belleville Terminal.

The site is presently used for several commercial uses, including Huntington Manor, Pendray Inn and Teahouse, The Pedaler Cycling Tours and Rentals, and Santiagos' Café.



Figure 1: Subject site

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Development Permit with Variance Application, it was referred to the James Bay CALUC for a 30-day comment period. At the time of writing this report, a letter from the CALUC has not been received.

The application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances. The notice would invite all owners and occupiers of the subject property and adjacent properties to provide written comments prior to Council's consideration of the application.

## ANALYSIS

### Official Community Plan: Design Guidelines

The subject property is designated Urban Core Inner Harbour/Legislative in the *Official Community Plan (OCP)*, which supports a mix of building forms and a diversity of uses including visitor accommodation, commercial, recreation and tourism-related uses.

The OCP identifies the subject properties within Development Permit Area 9 (HC) Inner Harbour, which supports revitalization of areas in which commercial use is permitted and establishes objectives for the form and character of commercial development. The Urban Core Inner Harbour/Legislative area functions as the marine gateway to Victoria and the surrounding region, with areas for potential improvements through infill and building additions.

The applicable Development Permit Area 9 (HC) Design Guidelines for this application are:

- [\*Downtown Core Area Plan \(2011\), revised 2021\*](#) – with special attention to appendices (i) to (iv)
- [\*Advisory Design Guidelines for Buildings, Signs and Awnings \(2006\)\*](#)
- [\*Guidelines for Fences, Gates and Shutters \(2010\)\*](#)
- [\*Standards and Guidelines for the Conservation of Historic Place in Canada\*](#)

The *Downtown Core Area Plan* (DCAP) are the guidelines against which the application has primarily been reviewed. The DCAP guidelines offer direction on aspects such as relationship to the street, outdoor spaces, and heritage. As the subject property is already substantially developed and the proposed additional buildings are relatively minor in comparison to the overall site, not all guidelines are relevant to the application. The noted guidelines are generally satisfied by the proposal, and options to further address them (e.g. relationship to the street) are limited by the level of the development on the site and the limited lease area location.

The *Advisory Design Guidelines for Buildings, Signs and Awnings* specify a range of design aspects to be considered when evaluating a proposal. These considerations include attractive streetscape, architecture, and landscape features; new construction that compliments existing adjacent heritage buildings; and emphasis on features such as, but not limited to a comprehensive design approach, context, scale, landscaping plan, colours, and textures.

The proposal generally satisfies the *Advisory Design Guidelines for Buildings, Signs and Awnings* through the comprehensive design approach to the architecture and landscaping design. Options to address the relationship with the adjacent heritage building are limited by non-combustible material requirements.

The *Guidelines for Fences, Gates and Shutters* are substantially satisfied as the proposed fencing maintains transparency, is consistent and integrates with the building design, is of a high-quality material and is not the dominant façade feature.

*Standards and Guidelines for the Conservation of Historic Place in Canada* is not applicable to the application as there is no alteration to the heritage building proposed.

## **James Bay Neighbourhood Plan**

The *James Bay Neighbourhood Plan* (JBNP) identifies the site as within the James Bay Tourist Precinct and encourages the improvement of the quality and character of tourist amenities. The JBNP notes the financial importance of tourism for the local economy, but also notes that the improvement of tourist amenities must complement the neighbourhood to minimize disruptions. The JBNP also identifies that the relevant Development Permit Area is intended to ensure that any development is complimentary to the area. While the proposed sauna uses are not intended solely for tourist use, the proximity of the use to commercial accommodation would make the customer base likely to be drawn from the tourist population. The proposed use is consistent with the improvement of amenities within the Tourist Precinct.

## **Accessibility**

The applicant has indicated that portions, but not all, of the proposed sauna development is designed to be accessible. Patrons with accessibility requirements will be able to access all offered services, but not all buildings will be accessible. The applicant has indicated that the slope of the site and the raised decking that will accommodate the use prevents the entire site from meeting accessibility requirements.

## **Sustainable Mobility**

No bicycle parking is required per the BPT Zone, Belleville Park Tourist District. However, the applicant is proposing to provide a six-stall bike rack to accommodate patrons and employees of the proposed business use.

## **Advisory Design Panel Review**

The application was reviewed by the Advisory Design Panel on May 22, 2024. At that meeting, the following motion was passed:

*That the Advisory Design Panel recommend to Council that Development Permit Application No. 000640 for 309-329 Belleville Street, 660 Oswego Street, and 330 Quebec Street be approved as presented.*

No changes to the application have been made since the ADP review.

## **Variances**

The attached data table compares the proposal with the BPT Zone, Belleville Park Tourist District. An asterisk is used to identify where the proposal does not meet the requirements of this Zone.

### Open Site Space

The proposal does not achieve the minimum open site space required in the BPT Zone, Belleville Park Tourist District, with 39 percent achieved as opposed to the 60 percent required. The proposal under consideration does not significantly impact the open site space percentage, as the lease area (258.8m<sup>2</sup>) is minor when considering the overall site size (7691.90 m<sup>2</sup>).

As the deficiency on open site space is an existing condition, and the proposed sauna use has a minor impact on the calculation, the open site space variance is recommended for support.

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

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

There are no tree impacts with this application.

One tree will be planted on the property in compliance with the tree bylaw

## **Conclusion**

The proposed sauna addition to the subject site is consistent with the OCP and JBNP policies that support visitor accommodation, commercial, recreation and tourism-related uses. The addition of eight small buildings to an already developed site is minor and satisfies a majority of the applicable and relevant design guidelines. The open site space variance is a minor increase to an existing condition. For these reasons, support for the application is recommended.

Respectfully submitted,

Geordie Gordon  
Senior Planner  
Development Services Division

Andrea Hudson, Assistant Director – Citywide Planning  
***On Behalf of:***  
Karen Hoese, Director  
Planning and Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Plans date stamped July 16, 2024
- Attachment B: Letter from applicant to Mayor and Council dated March 6, 2024
- Attachment C: Advisory Design Panel Meeting Minutes from May 22, 2024
- Attachment D: Zoning Data Table