



## Council Report

For the Meeting of November 25, 2021

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**To:** Council **Date:** November 17, 2021

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

**Subject:** **Update Report for Rezoning Application No. 00746 for 749-767 Douglas Street, associated Official Community Plan Amendment and Development Permit with Variances Application No. 00155**

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### RECOMMENDATION

That the following bylaws be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1264) No. 21-105
2. Official Community Plan Amendment Bylaw (No. 38) No. 21-106.

That Council direct staff to make the necessary amendments to the Downtown Core Area Plan (2011) to remove View 5: Olympic Mountains from Douglas Street.

### BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Zoning Regulation Bylaw Amendment No. 21-105 and Official Community Plan Bylaw Amendment No. 21-106. This application came before Council, following the Official Community Plan Amendment notification period, at a Committee of the Whole meeting on September 9, 2021, and was ratified at a Council meeting on September 23, 2021 where the following resolution was carried:

#### Rezoning Application No. 00746

"That subject to minor plan amendments to illustrate the landscaping approach for the Humboldt Street Plaza and to update the seating, ramping and curb alignment changes on the Douglas Street frontage, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No.00746 for 749-767 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of legal agreements, executed by the applicant, in a form to the satisfaction of the City Solicitor to secure:
  - i. statutory right-of-way along Humboldt Street to accommodate public vehicle turn-

- around movements;
  - ii. off-site public furniture maintenance agreement to secure the ongoing maintenance of unique street furniture over a period of ten years;
  - iii. statutory right-of-way along Douglas Street to include seating and weather protection of a sufficient size and area to accommodate anticipated transit demand on this future rapid bus corridor and station and 5.5m clear pedestrian passage;
  - iv. statutory right-of-way to secure the through block access path proposed along the east property boundary;
  - v. public realm improvements as indicated on the plans dated June 17, 2021 (including tree grates, soil cells, and revised Douglas Street frontage and Humboldt Plaza landscaping);
  - vi. sustainability and active transportation features identified in the staff report and as committed to by the applicant, including provision of a minimum of 94 BC Transit EcoPasses for a three-year period;
  - vii. commitment to achieve Step Code 3 of the British Columbia Building Code.
  - viii. commitment to ensuring public access to the building lobby.
2. That Council give first reading to the Official Community Plan Amendment Bylaw.
  3. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
  4. That Council give second reading to the Official Community Plan Amendment Bylaw.
  5. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
  6. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for anchor-pinning in the City Right-Of-Way.
  7. That the north facing sign be lowered to mitigate intrusion into the Douglas Street view corridor.
  8. That the applicant continue to work to address potential bird collisions.
  9. That the applicant consider recognition of the history of the site, including the former steam laundry and the ethno-cultural history of the facility on the subject parcel.”

Development Permit with Variances Application No. 00155

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00746, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00155 for 749-767 Douglas Street, in accordance with:

1. Plans date stamped June 17, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. Reduce the interior southwest setback from 4.5m to 0m;
  - b. Reduce the interior southeast side yard setback from 4.5m to 4.0m;
  - c. Increase the height to 53m;
  - d. Relax the requirement for a 1:5 setback ratio from Douglas St. and Humboldt St.
  - e. Reduce the required number of vehicle parking stalls from 205 to 116.

3. The Development Permit lapsing two years from the date of this resolution.”

### **Pre-Conditions**

Regarding the pre-conditions that Council set in relation to this application, staff can report that all conditions and agreements have been executed and the application is ready for Council’s consideration of introductory readings.

The applicant has provided a letter (attached) that addresses the following items from the above Council motion:

8. That the applicant continues to work to address potential bird collisions.
9. That the applicant considers recognition of the history of the site, including the former steam laundry and the ethno-cultural history of the facility on the subject parcel.

### **Downtown Core Area Plan (2011)**

As noted at the Committee of the Whole meeting of September 9, 2021, and following the OCP notification and public consultation on the impacts of this proposal on the Douglas Street view corridor, despite the reorientation of the building, the proposal still significantly infringes into the protected view of the Olympic Mountains. The subject property is located within Development Permit Area 9 (HC) Inner Harbour, and the DP guidelines require special attention to the view corridor policies that are contained within the Downtown Core Area Plan (DCAP). The applicable view corridor that is impacted by this development is View 5 which pertains to developments along Douglas St. As such, the DCAP requires an amendment to remove this view.

Within the recommendation in this report, wording is included to remove reference to View 5: Olympic Mountains from Douglas Street” from the Downtown Core Area Plan (2011) (DCAP).

### **CONCLUSIONS**

The applicant has responded to the pre-conditions that Council set in relation to this proposal, and the required legal agreements will be executed prior to the introductory bylaw readings. As such, this application is now ready to advance to a public hearing.

Respectfully submitted,

Miko Betanzo  
Senior Planner – Urban Design  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

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

### **List of Attachments**

- Applicant’s letter dated November 17, 2021
- Zoning Regulation Bylaw, Amendment Bylaw (No. 1264) No. 21-105
- Official Community Plan Amendment Bylaw (No. 38) No. 21-106