

F.3 Bylaws and Update Report for 749-767 Douglas Street: Rezoning Application No. 00746, Development Permit with Variances Application No. 000155 and associated Official Community Plan Amendment

Moved By Mayor Helps
Seconded By Councillor Alto

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 Bylaw, 2012, Amendment Bylaw (No. 38) No. 21-106

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (5 TO 3)

Moved By Mayor Helps
Seconded By Councillor Potts

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.

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Thornton-Joe

That **if the project is approved by Council following a public hearing, 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.

CARRIED UNANIMOUSLY

On the main motion as amended:

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (5 TO 3)



Council Report

For the Meeting of November 25, 2021

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

From: Karen Hoes, 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**

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 Hoes, 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

From: Chris Quigley
Sent: November 17, 2021 12:50 PM
To: Miko Betanzo
Subject: Re: Resubmitted drawings for 767 Douglas (TELUS Ocean)

Hi Miko,

On the drawings, they are complete but require sealing from the architect. Elena is confident this can happen today but may be around 5.30pm. I trust this can work for you.

On the conditions, please see a response below:

- **That the applicant continue to work to address potential bird collisions.**

The design team has ensured that best practices of bird-friendly design are integrated into the project. These design features will ensure the continued health of our ecosystems and local bird populations. A key design strategy is the use of fritted/patterned window glass which is visible to birds only and will warn birds of a potential obstacle. In addition, the building operator will continue to refine the placement of interior and exterior planting to also assist the bird perception of obstacles. As the lighting plan is being finalised, this will give strong consideration of the best practice measures to avoid the confusion of migratory birds. Since Committee of the Whole we have continued to explore this matter and are confident in stating that the proposed measures exceed the best practices established in other cities where bird friendly policy guidelines are in place.

- **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**

The history of the site and the use of the land has been a consideration of the applicant team. To support this the applicant is working with Carey Newman, a multi-disciplinary Indigenous artist, master carver, filmmaker, author and public speaker. As Telus Ocean will be built on the shores of xws3yq'am, a gathering place of Lekwungen people, the applicant is working with Carey to explore how the memory of xws3yq'am can be incorporated into the project. The content of the design will be developed from conversations with Lekwungen knowledge keepers and community members.

Chris

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CA-OV Zone, Olympic View District, and to rezone land known as 749-767 Douglas Street from the CA-4 Zone, Central Area Commercial District, to the CA-OV Zone, Olympic View District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW
(NO. 1264)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of
Schedule “B” under the caption PART 6 – Central Area Zones by adding the following
words:

“6.106 CA-OV, Olympic View District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.105
the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 749-767 Douglas Street, legally described as PID: 001-121-987; Lot 1
of Lots 207, 209, 210, 228, and 1270B, Victoria City, Plan 31886 and shown hatched on
the attached map, is removed from the CA-4 Zone, Central Area Commercial District, and
placed in the CA-OV Zone, Olympic View District.

READ A FIRST TIME the _____ day of _____ 2021

READ A SECOND TIME the _____ day of _____ 2021

Public hearing held on the _____ day of _____ 2021

READ A THIRD TIME the _____ day of _____ 2021

ADOPTED on the _____ day of _____ 2021

CITY CLERK

MAYOR



PART 6.106 – CA-OV ZONE, OLYMPIC VIEW DISTRICT**6.106.1 Definitions**

In this Zone:

- a) “Rooftop Structure” includes antennas, elevator penthouses, elevator landings, stair access and landings, mechanical equipment, chimneys, ventilation systems, solar heating panels, green roof systems and similar structures that project above a roof, are non-habitable and which may be enclosed or unenclosed.
- b) “Projections above maximum building height” means rooftop structures may project above the maximum height to the extent indicated in the zone.

6.106.2 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Office
- b. Public Building
- c. Cultural Facility
- d. Drinking Establishment
- e. Financial Service
- f. Restaurant
- g. Hotel
- h. Personal Service
- i. Retail Liquor Sale
- j. Retail Trade
- k. Small-scale Commercial Urban Agriculture
- l. Utility

6.106.3 Location and Siting of Uses

- a. No first storey office use is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway.
- b. Areas used for the storage of garbage or recyclable materials must be enclosed within a building.

6.106.4 Floor Space Ratio (maximum)

- a. Floor space ratio (maximum) 3:1
- b. Floor space ratio (maximum) where the community amenities have been provided pursuant to part 6.106.8 5.2:1

6.106.5 Height

- a. Building height (maximum) 43m
- b. Projections above maximum building height (maximum)
 - i. Parapets 1.0m
 - ii. Rooftop Structures 5.0m

PART 6.106 – CA-OV ZONE, OLYMPIC VIEW DISTRICT**6.106.6 Setbacks**

- | | |
|---------------------------------|------|
| a. Interior Southeast (minimum) | 4.5m |
| b. Interior Southwest (minimum) | 4.5m |

Setback Plane (minimum)

- | | |
|--|----------------------------|
| c. <u>Buildings</u> abutting Douglas and Humboldt Street, for any <u>building</u> portion above 20.0m in <u>height</u> : | 5:1 (Angle of Inclination) |
|--|----------------------------|

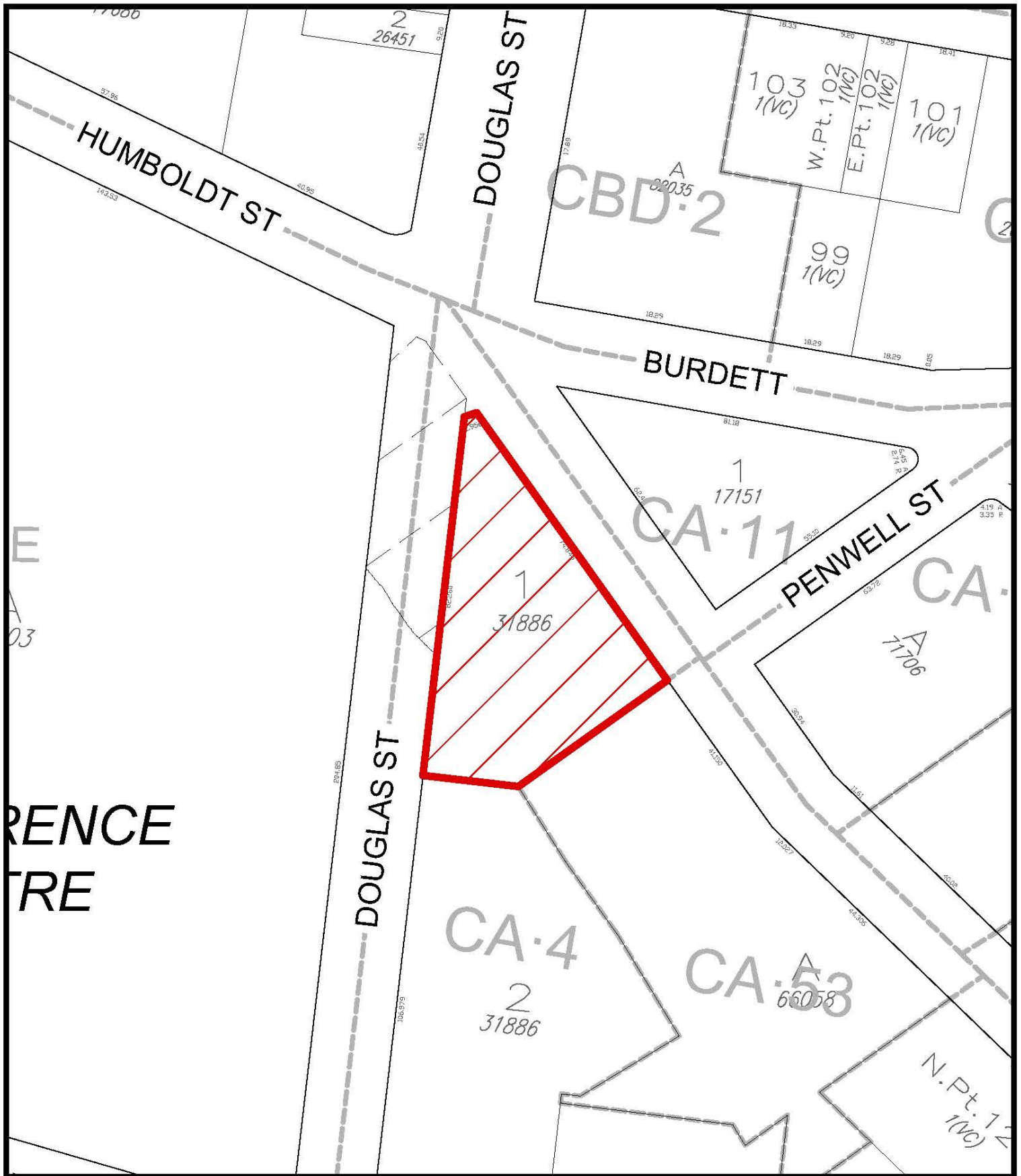
6.106.7 Vehicle and Bicycle Parking

- | | |
|-------------------------------------|---|
| a. <u>Vehicle parking</u> (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" except as otherwise specified in this Part |
| Bicycle parking spaces (long term) | 100 |
| Bicycle parking spaces (short term) | 42 |

6.106.8 Community Amenities

As a condition of additional density pursuant to section 6.106.4, the following amenities must be provided:

- a) statutory right-of-way along Humboldt Street to accommodate public vehicle turn-around movements;
- b) statutory right-of-way along Douglas Street to include sidewalk and seating 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;
- c) provision of transit shelter areas on Douglas St. to include bench seating to accommodate a minimum of 64 people seated and overhead weather protection over 63% of the seating area that extends beyond the seating by 1.5m;
- d) statutory right-of-way to secure pedestrian through-block access path along the east property boundary;
- e) provision of a minimum of 94 BC Transit EcoPasses per year for a three-year period;
- f) commitment to achieve Step Code 3 of the British Columbia Building Code.



749-767 Douglas Street
Rezoning No.00746



A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to change the urban place designation for 749-767 Douglas Street from Core Inner Harbour / Legislative to Core Business.

Under its statutory powers, including Division 4 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the “OFFICIAL COMMUNITY PLAN BYLAW, 2012,
AMENDMENT BYLAW (NO. 38)”.
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended as follows:
- (a) in connection with the land known as 749-767 Douglas Street by changing its urban place designation from Core Inner Harbour / Legislative to Core Business;
 - (b) repealing Map 2 of section 6 and replacing it with the Map 2 attached to this bylaw as Schedule “A”;
 - (c) repealing Map 20 of section 21 and replacing with the Map 20 attached to this bylaw as Schedule “B”.

READ A FIRST TIME the _____ day of _____ 2021

READ A SECOND TIME the _____ day of _____ 2021

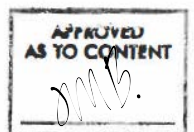
Public hearing held on the _____ day of _____ 2021

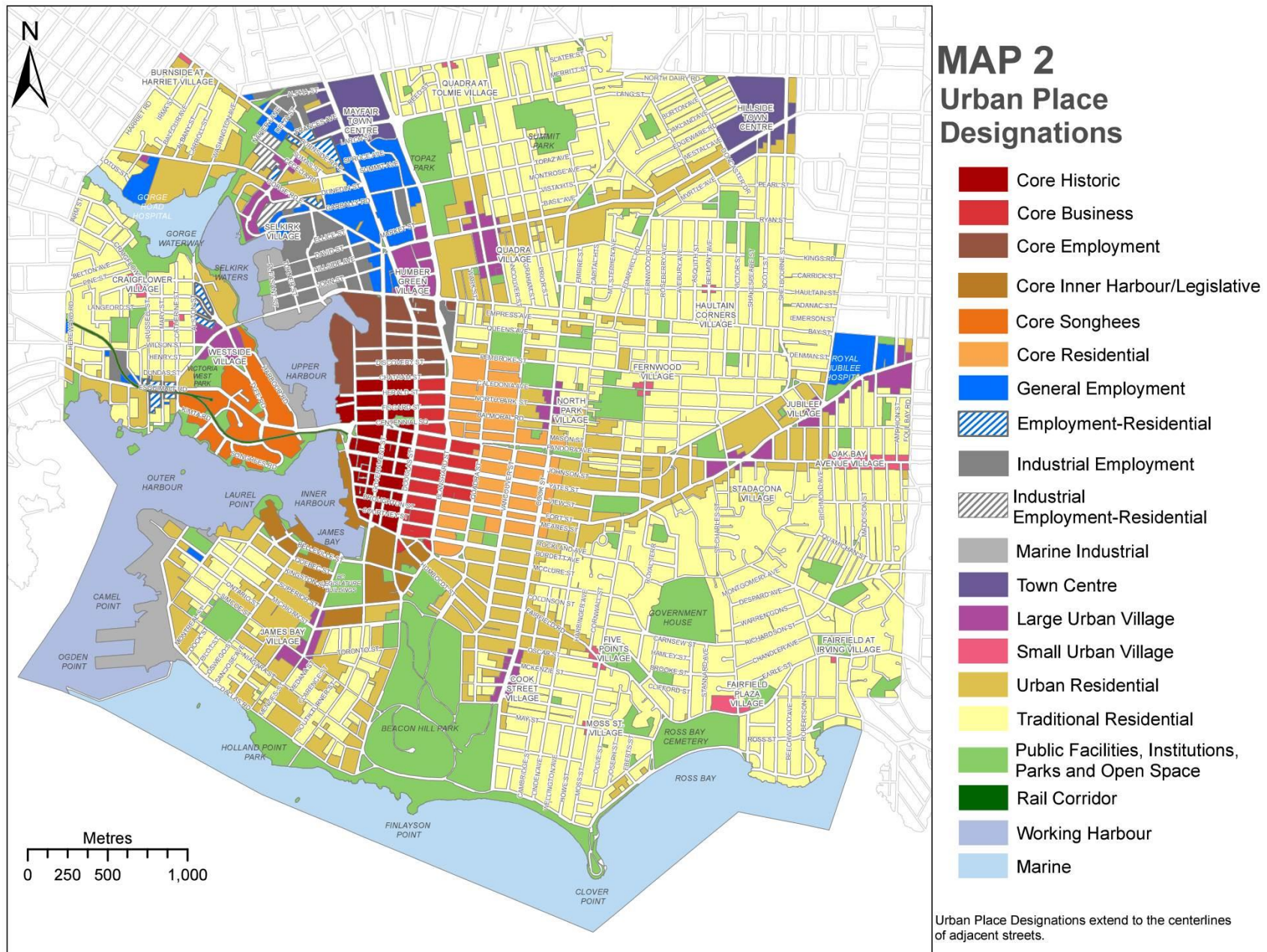
READ A THIRD TIME the _____ day of _____ 2021

ADOPTED on the _____ day of _____ 2021

CITY CLERK

MAYOR





SECTION 21: NEIGHBOURHOOD DIRECTIONS

