



Committee of the Whole Report

For the Meeting of June 13, 2024

To: Committee of the Whole **Date:** May 30, 2024
From: William Doyle, Acting Director, Engineering and Public Works
Subject: 1601 Douglas Street – Building and Aerial Encroachment Consideration

RECOMMENDATION

1. That Council authorize the Director of Engineering and Public works to enter into and execute, on behalf of the City, an encroachment agreement with the owner of 1601 Douglas Street for certain structural (non-decorative) and decorative encroachments generally as shown on at Attachments A and B to this report, over a portion of each of Douglas Street and Cormorant Street on terms to the satisfaction of the Director of Engineering and Public Works and in a form to the satisfaction of the City Solicitor (the “Agreement”);
2. That Council authorize the raising of title for portions of affected City streets for the purpose of registration of appropriate easements for those encroachments described in this report; and
3. That no legal right or obligation will be created, and none shall arise until the Agreement is fully executed by the City and has been registered in the Land Title Office at the owner’s cost and to the satisfaction of the City Solicitor.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval to enter into an encroachment agreement for an area of approximately 63.5 square metres in total: 1.0m in width and an approximately 28m in length on Douglas Street, and approximately 0.8m in width by 6m in length on Cormorant Street, plus the area of awning 1.3m by 4.2m, in relation to the existing building at 1601 Douglas Street. The parcel is legally described as the South 90 ft of lots 672 & 673, Victoria City, (PID 009-402-641). See attachment A and B for a sketch plan of the areas.

The owner recently applied to the City for a building permit for interior changes to the 1912 constructed building. During the building permit review process, staff noted some of the existing decorative encroachments. It has been determined that portions of the building, including an awning, listed on the City Heritage Register, encroach upon the City right-of-way along Douglas Street and Cormorant Street by varying amounts (ranging from 0.22m on Douglas down to 0.05m onto Cormorant Steet), as well as encroachments of roof top decorative cornices, and the existing awning. As the building and encroachments exist, this Agreement would authorize an existing condition.

The Agreement contains language to protect the City’s interests, such as indemnity provisions and the requirement for acceptable liability insurance.

Staff have been working with the landowner and surveyor and acknowledge the existing nature of the encroachment. The landowner agrees to entering into an encroachment agreement with the City. The sketch of encroachment (Douglas Street and Cormorant Street) is included in Attachment A and B.

The landowner has borne all costs for survey and will be responsible for the costs of registration at the BC Land Title Office.

Respectfully submitted,

Brent Molnar
Supervisor, Land Development

William Doyle
Acting Director, Engineering and Public Works

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A – Sketch Plan - Encroachments – Douglas and Cormorant
Attachment B – Sketch Plan - Volumetric Easements