



## Committee of the Whole Report

For the Meeting of October 3, 2019

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**To:** Committee of the Whole **Date:** September 19, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Request to amend Section 219 Covenant for 189 Dallas Road (Ogden Point)

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### RECOMMENDATION

"That Council accept the request to amend the Section 219 Covenant to allow the temporary building to remain in place until November 8, 2022, and direct staff to amend the Section 219 Covenant to reflect the new timeline, to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor."

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding a request from the Greater Victoria Harbour Authority (GVHA) to amend a Section 219 Covenant to allow a temporary building at 189 Dallas Road (Ogden Point) to remain in place until November 8, 2022.

On January 27, 2011, Council approved a Development Permit allowing a temporary building at Ogden Point, subject to a Section 219 Covenant being registered on the property title requiring that the building be removed from the site by January 20, 2016. On December 18, 2014, Council agreed to an amendment to the Covenant allowing the building to remain in place until November 8, 2019. The GVHA have now requested that Council grant a further extension of time, allowing the building to remain in situ until November 8, 2022. The GVHA have indicated that the temporary building is currently being used by the Victoria Marine Rescue Society (VMRS) to support their vessels moored at Ogden Point.

The following points were considered when reviewing this request:

- the proposal is consistent with the *Official Community Plan* (OCP, 2012)
- the temporary building is in good condition and continues to be used for purposes ancillary to the marine-related activities at Ogden Point.

Staff recommend that Council approve the request to amend the Section 219 Covenant.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to amend a Section 219 Covenant to allow a temporary building at 189 Dallas Road (Ogden Point) to remain in place until November 8, 2022.

### **Relevant History**

On January 27, 2011, Council approved a Development Permit allowing a temporary building at Ogden Point. In order to ensure that the building is only located on the site on a temporary basis until more permanent accommodation becomes available, a Section 219 Covenant was registered on the property's title requiring that the building be removed from the site by January 20, 2016. On December 18, 2014, in response to a formal request from the Greater Victoria Harbour Authority (GVHA), Council agreed to an amendment to the Covenant allowing the building to remain in place until November 8, 2019.

## **ANALYSIS**

The key issues arising from the proposal relate to:

- consistency with the *Official Community Plan*
- whether the Section 219 Covenant should be amended to allow the building to remain in place until November 8, 2022.

These issues are discussed in the sections below.

### **Consistency with the OCP**

Council's approval of the Development Permit for the temporary building preceded the adoption of the OCP. However, the proposal is consistent with the OCP, which identifies Ogden Point within a Marine Industrial Urban Place Designation where marine-related and working harbour facilities are envisioned.

### **Amendment to the Section 219 Covenant**

The temporary building is still in good condition and continues to be used for purposes ancillary to the marine-related activities at Ogden Point, namely as a training and emergency response room for the Victoria Marine Rescue Society (VMRS).

In their letter to the City (attached), the GVHA state that they would like to be able to offer a longer tenure to the VMRS for use of this temporary structure while more permanent facilities can be considered once the GVHA completes a Master Plan for the Ogden Point site.

An amendment to the Section 219 Covenant allowing the temporary building to remain in place until November 8, 2022 will provide the VMRS with short term accommodation while acknowledging that the building is temporary in nature and that, unless Council grants a further extension of time, it will be removed from site when this timeline expires.

## **CONCLUSIONS**

Staff recommend that Council approve the request to amend the Section 219 Covenant. The proposal is consistent with the OCP and would allow the temporary building to remain in place until

November 8, 2022, providing the VMRS with accommodation while acknowledging that the building is temporary in nature that and it will be removed from the site when the timeline stated in the Covenant expires, unless Council grants a further extension of time.

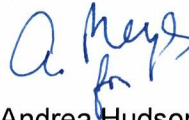
#### ALTERNATE MOTION

That Council decline the request to amend the Section 219 Covenant to allow the temporary building to remain in place until November 8, 2022.

Respectfully submitted,

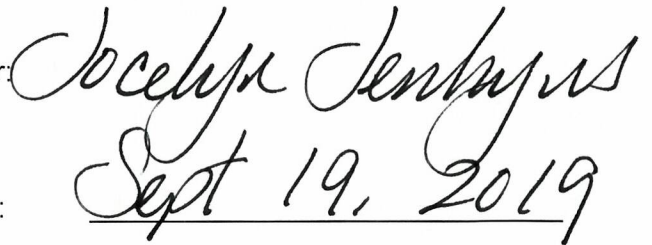


Jim Handy  
Senior Planner – Development Agreements  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Sept 19, 2019

#### List of Attachments

- Letter from GVHA dated August 9, 2019
- Section 219 Covenant.