



Committee of the Whole Report For the Meeting of January 14, 2021

To: Committee of the Whole **Date:** December 31, 2020
From: Karen Hoesel, Director, Sustainable Planning and Community Development
Subject: Request to amend Section 219 Covenant for 187 Dallas Road (Ogden Point)

RECOMMENDATION

That Council accept the request of the Greater Victoria Harbour Authority and

- (a) allow the temporary pedestrian ramp at 187 Dallas Road to remain in place until May 22, 2024,
- (b) provide an option to extend for an additional two years (until May 22, 2026) provided that the Director of Engineer and Public Works is satisfied that the ramp is functioning without any significant vehicular or pedestrian safety concerns,
- (c) include a provision that, if in the opinion of the Director of Engineering and Public Works the ramp is functioning in a way that negatively impacts traffic or pedestrian safety, would allow the City to close the ramp at any time until such time that the conditions are corrected to the satisfaction of the City.

and authorize amendment of the Section 219 Covenant to reflect these directions, in a form satisfactory to the City Solicitor.

PURPOSE

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 pedestrian ramp at 187 Dallas Road (Ogden Point) to remain in place until May 22, 2024, with an option to extend the time period for an additional two years.

BACKGROUND

On May 22, 2019, the City issued a Development Permit permitting a temporary ramp to be constructed at Ogden Point. The ramp provides an additional pedestrian access point out of and into the site from Dallas Road. In association with the Development Permit, and as the structure is temporary in nature, a Section 219 Covenant was registered on the property's title requiring that the ramp be removed from the site by May 22, 2021. This time period would have allowed the GVHA to investigate more permanent pedestrian access/egress solutions and allowed the City the opportunity

{00067814:1}

to review how the ramp functioned from a transportation safety perspective (see analysis section below). The GVHA have now requested that the City grant an extension of time, allowing the ramp to remain in situ for an additional five years.

ANALYSIS

Traffic and Pedestrian Safety

The temporary ramp is located directly opposite the cruise ship terminals on the east side of the Ogden Point site, adjacent to Dallas Road. The location for the ramp was chosen as it provides cruise ship visitors with a visible and direct pathway from the terminal to the pedestrian network and an existing transit stop. The ramp also provided an alternative route for pedestrians when existing access points into the site were disrupted by work associated with the Capital Regional District's Wastewater Treatment Plant. However, at the time the proposal originally came forward, there were some concerns with the location of the ramp as it encourages passenger transportation (buses, taxis, pedicabs etc.) to stop for customers at the ramp exit in an area designated as a curb side travel lane, bus zone and no stopping zone. Furthermore, the closest crosswalk is approximately 175m from the ramp exit and this could result in some pedestrians stepping into the street to cross the road, in conflict with the frequent traffic movements that occur at the time visiting cruise ships are in dock.

As a result of these concerns, it was considered that the original two-year period would allow the City to monitor how the ramp functions, before determining whether this was a suitable location for a longer-term access/egress point. The Covenant did include provisions which would potentially allow an extension of time for the ramp to remain in situ for a further two years. In addition, the Covenant included provisions requiring that the GVHA have a plan in place to effectively manage vehicular and pedestrian traffic movement to and from the ramp to the City sidewalk. This plan includes having GVHA staff in place to manage traffic and pedestrian movements. However, due to the COVID-19 pandemic and the suspension of the 2020 cruise ship season, the ramp has not been utilized as planned for the permitted two-year period.

Given the above and considering that in 2021 the cruise ship season will likely still be significantly impacted by COVID-19, it is reasonable to extend the timeline for the ramp for a further three years. It is also recommended that the Covenant include provisions that, after the initial three years, if the ramp has been functioning effectively without resulting in any significant traffic or pedestrian safety issues, that the timeline be extended for a further two years, at the discretion of the Director of Engineering and Public Works. This would respond to both the GVHA request to extend the timeline for the ramp for a period of up to five years in total and would allow the City to continue to monitor the situation and require that the ramp be closed after an initial three-year period, if demonstrable safety issues occur.

In addition to the above, it is further recommended that a provision be added to the Covenant ensuring that, if at any time the ramp is functioning in a way that negatively impacts traffic or pedestrian safety, then the City can require that the ramp be closed to pedestrians until the concerns have been satisfactorily resolved.

These recommendations have been discussed with the GVHA and they are amenable to the provisions identified in this report, subject to reasonable notice of any required ramp closures in order that pedestrians can be redirected when cruise ships are visiting.

{00067814:1}

CONCLUSIONS

The Director of Sustainable Planning and Community Development recommends that Council approve the GVHA request to amend the Section 219 Covenant to allow the temporary ramp to remain in place until May 22, 2024, with an option to extend this timeline for two years (approximately five years in total), subject to ongoing monitoring and the ramp functioning in a manner that does not negatively impact traffic or pedestrian safety.

ALTERNATE MOTION

That Council decline the request to amend the Section 219 Covenant to allow the ramp to remain in situ for an extended time period.

Respectfully submitted,

Jim Handy
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

List of Attachments

- Attachment A: Letter from GVHA dated December 3, 2020
- Attachment B: Section 219 Covenant.