



Planning and Land Use Committee Report

For the Meeting of March 19, 2015

To: Planning and Land Use Committee **Date:** March 5, 2015
From: Jim Handy, Senior Planner – Development Agreements
Subject: Ogden Point Master Plan – Proposed Time Extension

RECOMMENDATIONS

Staff recommend that Committee forward this report to Council and that Council direct staff to prepare an amendment to the Memorandum of Understanding for Ogden Point to extend the completion date of the Ogden Point Master Plan from December 31, 2014, to December 31, 2016.

LEGISLATIVE AUTHORITY

A Memorandum of Understanding (MoU) is a commonly used document that expresses mutual accord on an issue between two or more parties but is not a substantive contract.

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 the MoU for Ogden Point to extend the completion date of the Ogden Point Master Plan from December 31, 2014, to December 31, 2016.

BACKGROUND

In October of 2006, a MoU was signed between the City of Victoria and the GVHA, where both parties agreed that the GVHA would undertake a comprehensive planning study for Ogden Point. The agreement outlined that the GVHA would complete and present the Master Plan to City Council by December 31, 2010. In the event that the GVHA did not meet this deadline, the agreement outlined that the City of Victoria would consider rezoning the Ogden Point lands to the M-S-1 Zone, Marine Services (Outer Harbour) District. The M-S-1 Zone is recommended in the Victoria Harbour Plan to encourage compatibility with the neighbourhood, but may not reflect the GVHA goals and objectives.

On August 26, 2010, Council approved a request from the GVHA to amend the MoU to extend the completion date of the Ogden Point Master Plan from December 31, 2010, to December 31, 2011. On October 10, 2013, Council approved a further request to extend the completion date from December 31, 2011, to December 31, 2014.

ANALYSIS

In their letter requesting an extended deadline for completion of a comprehensive Master Plan for the lands at Ogden Point, the GVHA indicated that their process and timelines have been restructured due to the importance of the project to the City, local residents and business community. Information outlining the work that has been undertaken to date and a timetable for the remaining work associated with preparing the Master Plan has been provided by the GVHA and is attached to this report.

CONCLUSIONS

Staff recommend that Council consider approving the request to amend the MoU and staff continue to work with the GVHA and their consultants to achieve a comprehensive Master Plan for the lands at Ogden Point.

Alternate Recommendation

That Council decline the request to amend the Memorandum of Understanding to extend the completion date of the Ogden Point Master Plan and instruct staff to proceed with rezoning the Ogden Point lands to the M-S-1 Zone, Marine Services (Outer Harbour) District.

Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services Division



Alison Meyer, Assistant Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:



March 4, 2015

JH:aw

W:\Ogden Point\MoU\MoU Amendment Mar 2015.doc

List of Attachments

- Letter from the GVHA dated January 23, 2015
- Memorandum of Understanding
- MS-1 Zone, Marine Services (Outer Harbour) District

January 28, 2015



Jim Handy, MCIP RPP
Senior Planner - Development Agreements
Sustainable Planning and Community Development Department
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Sent via email: JHandy@victoria.ca

Dear Jim

Re: Request to extend Ogden Point Master Plan deadline

GVHA began the master planning process for Ogden Point in late 2009. At that time, we anticipated completion of the master plan by December 2010 and were given an extension to December 2011 and additional extensions to December 2014. Due to the significance of the project to the City, local residents and business community, we restructured the process and timeline in order to complete a comprehensive plan that fits within the broader context of the City's Official Community Plan and Victoria Harbour Plan.

In consideration of the above, GVHA kindly requests an extension of the MOU deadline for GVHA to submit a comprehensive master plan to December 31, 2016.

At your request, we would be pleased to meet with you and your team to further discuss the details of the process which is currently in development.

Sincerely,

Richard (Rick) Crosby
Interim CEO

**GREATER VICTORIA
HARBOUR AUTHORITY**

600 - 1019 Wharf Street
Victoria, British Columbia
Canada V8W 2Y9

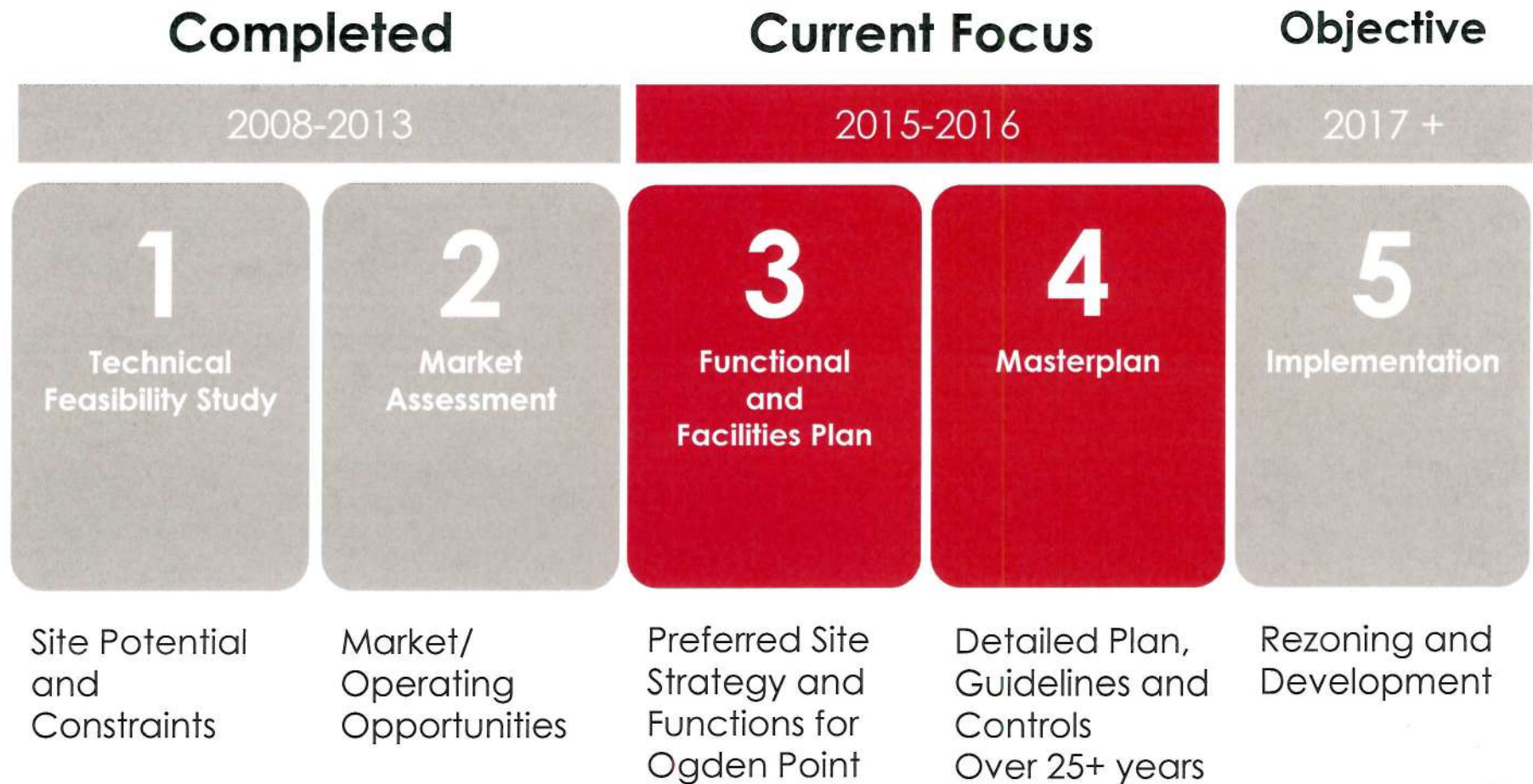
Corporate: 250-383-8300

Marina: 250-383-8326

Fax: 250-383-8306

Web: www.gvha.ca

Ogden Point Masterplanning Process





Currently
Preparing
overarching
Engagement
Plan for Phases
3 and 4
(utilizing the
IAP2 process)



3

**Functional
and
Facilities
Plan**

January – June 2015 *

- Review and validate past Phase 1 and 2 Reports
- Prepare Masterplan Decision Criteria – (Environmental, noise, air quality, traffic, community, technical and economic considerations.)
- Prepare Functional Site Options
- Determine Preferred Site Strategy
- Determine /cost infrastructure needs
- Prepare Draft and Final Plan

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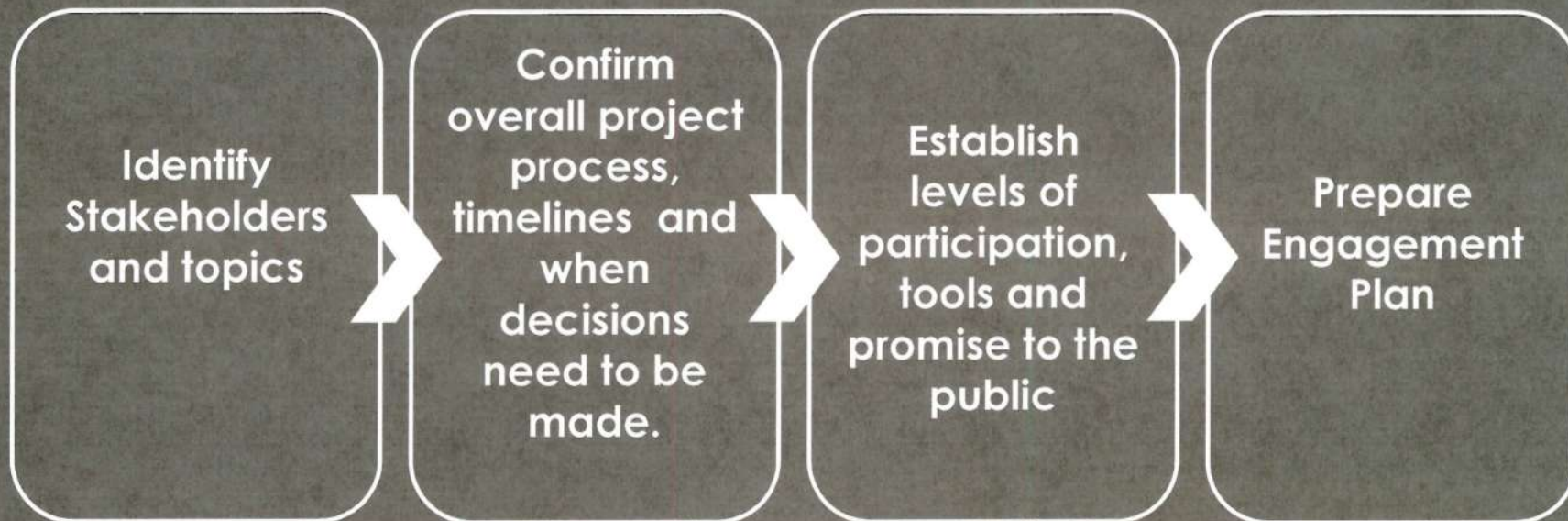
Masterplan

June – December 2015 – 2016*

- Integrate Functional and Facilities Plan
- Prepare Masterplan Concepts/Ideas
- Prepare Detailed Plan /Urban Design Guidelines
- Prepare Development Controls
- Develop Infrastructure/Transportation Plan
- Prepare Implementation and Phasing Plan
- Prepare Draft and Final Masterplan

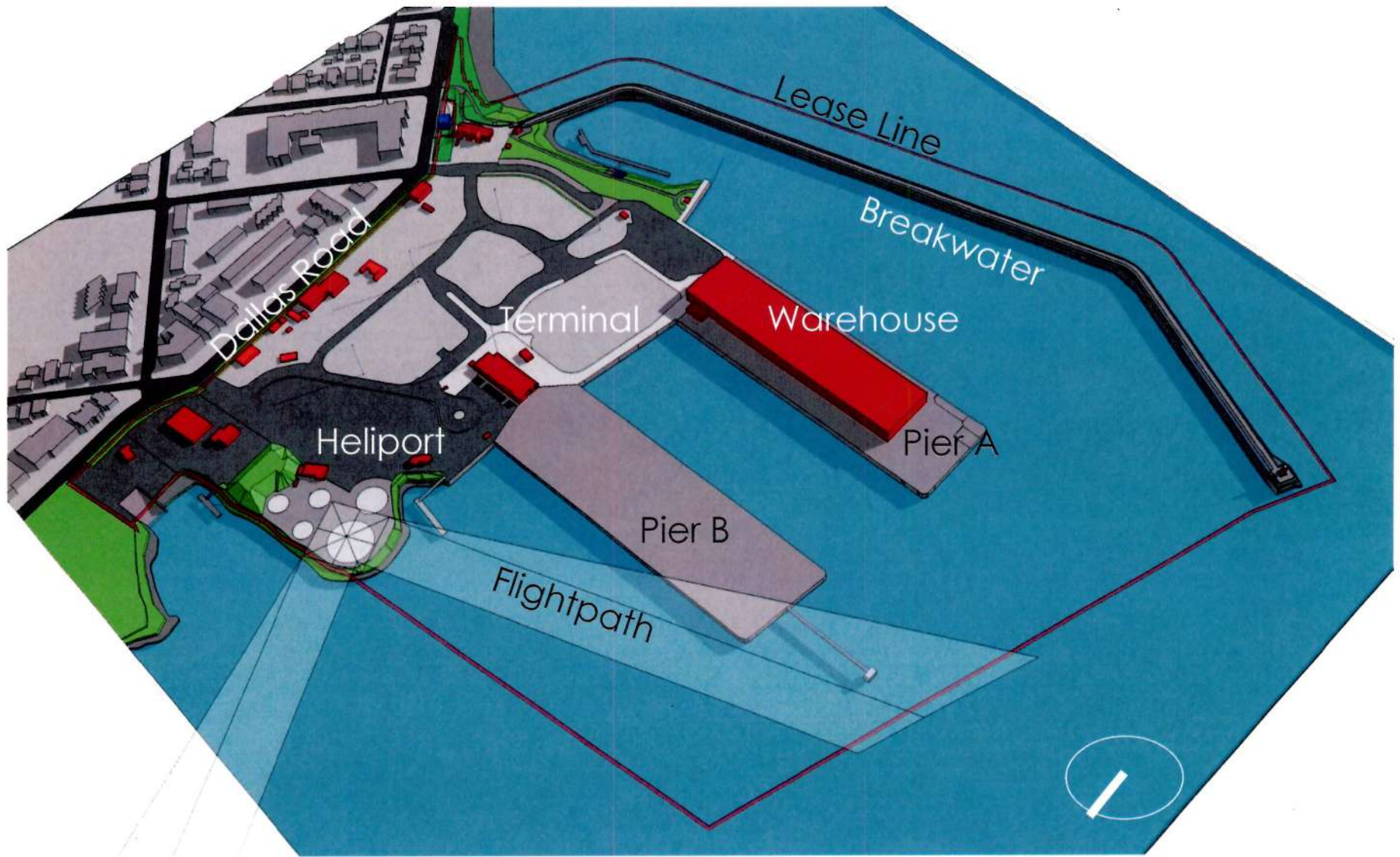
Engagement Planning 2015 -2016

Coordinated with GVHA Communication Plan



Prepare facilitation plans for each major phase of engagement

Summarize what is heard and show how it has impacted the plan in following sessions



Existing Site and Context Massing Diagram

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING dated the 19 day of October, 2006.

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

THE GREATER VICTORIA HARBOUR AUTHORITY
(#0153466)
202 - 468 Belleville Street
Victoria, B.C. V8V 1W9

(the "GVHA")

OF THE SECOND PART

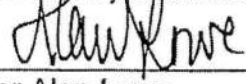
WHEREAS:

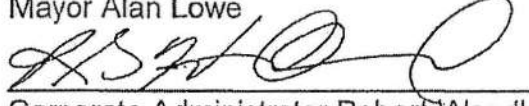
- A. GVHA is the owner of the lands and premises described in Schedule "A", which lands are commonly known and described as Ogden Point;
- B. Under the provisions of City of Victoria Zoning Bylaw No. 05-01, Council for the City initiated a process to rezone Ogden Point from the M-2 Zone (Light Industrial District) to the MS-1 Zone (Marine Service (Outer Harbour) District);
- C. Municipal Council for the City has resolved that it will not proceed with Bylaw No. 05-01 at this time, in the event the GVHA enters into this Memorandum of Understanding;
- D. The City and GVHA wish to set out in this Memorandum of Understanding their respective understanding with respect to future development of Ogden Point;
- E. This Memorandum of Understanding is not intended to create any binding, legal obligations on the part of either party, but merely sets out their respective intentions.

NOW THEREFORE the parties state their mutual understanding and intentions as follows:

1. The GVHA agrees to undertake, at its sole cost, a comprehensive planning study for Ogden Point. The preparation of that planning study shall include reasonable consultation with the community and the City. The comprehensive planning study must be presented to Victoria City Council for approval no later than December 31, 2010.
2. Until the completion of the comprehensive planning study for Ogden Point, and Victoria City Council's approval of the planning study, the GVHA agrees that it shall not apply for any development approvals or building permits for any development on Ogden Point which:
 - (a) exceeds a density of 1.5:1; and
 - (b) any part of which is within six (6) metres of Dallas Road.
3. The GVHA acknowledges that Victoria City Council has directed staff to prepare a bylaw, the purpose of which is to rezone Ogden Point to the MS-1 Zone (Marine Services (Outer Harbour) District) in the event that the comprehensive planning study is not completed and presented to City Council by December 31, 2010.
4. Nothing in this Memorandum of Understanding shall be interpreted as fettering or hindering the City's exercise of any of its statutory powers, duties or functions, including its powers under Part 26 of the *Local Government Act* (British Columbia).

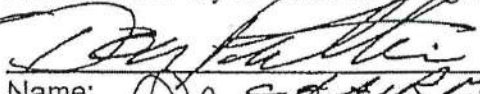
THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories)

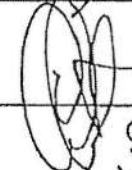


Mayor Alan Lowe)


Corporate Administrator Robert Woodland)

THE GREATER VICTORIA HARBOUR)
AUTHORITY by its authorized signatories)

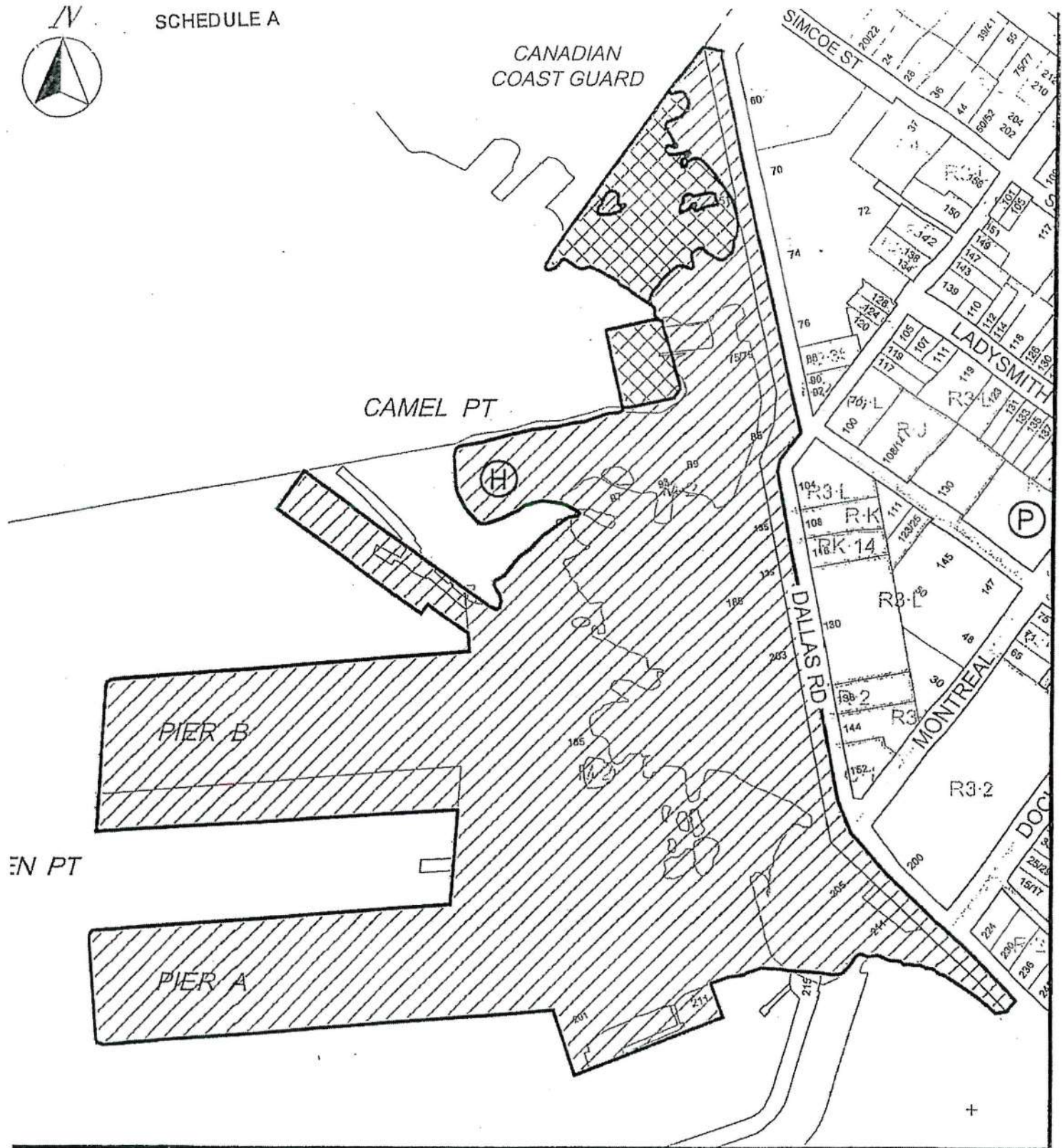


Name: CHAIRMAN)
- DON PRITTIE)


Name: STEWART JOHNSTON)
Post Chair)



SCHEDULE A



) That part of Section 31, Beckley Farm, Victoria City, Plan 4 shown outlined in red on Plan 1845R and shown hatched on the Plan attached to Bylaw 05-1;

) Part of Lot A, part of the bed of Victoria Harbour, Victoria District, Plan VIP73883 and shown hatched on the Plan attached to Bylaw 05-1;

) That part of Section 31, Beckley Farm, Victoria District, Plan 4 shown coloured in red on Plan 7990S, except parts in Plans 1845R, 26729 and VIP73680 and shown hatched on the Plan attached to Bylaw 05-1;

Lot 1, Section 31, Victoria City, Plan 26729 and shown hatched on the Plan attached to Bylaw 05-1; and

Those parts of the bed of Victoria Harbour, lying to the north of Plan VIP73883 and west of Dallas Road shown cross-hatched on the Plan attached to Bylaw 05-1



PART 7.9M-S-1 ZONE, MARINE SERVICE (OUTER HARBOUR) DISTRICT

Permitted Uses

1. The following uses are permitted:

- (a) docks, wharfs, piers, and similar structures used or intended to be used for or in connection with the use and enjoyment of the Victoria Harbour or for navigational purposes;
- (b) facilities for the construction, repair and maintenance of marine vessels, including work on hulls, decks, holds and engines;
- (c) activities associated with commercial fishing, including fish packing and processing plants and ship chandlers;
- (d) retail businesses associated with the fishing industry;
- (e) radio and radar sales and service facilities;
- (f) storage, repair and supply of fishing equipment;
- (g) electrical shops;
- (h) restaurants and canteen facilities;
- (i) parking and loading facilities;
- (j) bulk storage of oil, gasoline or propane, volume not to exceed 135,000 litres on any lot.

Height

2. No building shall be constructed or extended to exceed a height of 10 m.

Floor Space Ratio

3. The total floor space ratio of buildings on a lot shall not exceed 1.5 to 1.

- 2 -

Setbacks

4. No building shall be erected within a distance of 6 m from any boundary of a lot or the high water mark.

Landscaping

5. Except where access driveways are provided, the street setback area of 6 m shall be landscaped and planted with shrubs or trees having a minimum height of 1 m.

Prohibitions

6. No industrial activity which generates noise levels, dust, odors, or emissions incompatible with adjoining office, commercial or residential uses shall be permitted.

Exception

7. The preceding provision shall not apply to any industrial activity which is a permitted use within this zone and which is a continuation or resumption of that activity carried on prior to the date of adoption.

Note: Parking - for requirements see Schedule "C"