



Council Member Motion
For the Committee of the Whole Meeting of October 12, 2017

Date: October 4, 2017

From: Councillor Ben Isitt and Councillor Jeremy Loveday

Subject: Emergency Container at 2906 Cook Street

Background:

Residents and owners of the Spencer Castle condominium complex at 2906, 2910, 2920 and 2930 Cook Street have approved the installation of an emergency container on Spencer Castle property, on the parcel at 2906 Cook Street, in order for the residents of the 105-unit, 3-building condominium complex to be self-sufficient in case of an emergency. This objective aligns with the City of Victoria's Strategic Priorities relating to emergency preparedness.

However, installation of the emergency container has been prevented due to technical complications with the zoning of the property. The condominium complex was approved through a Land Use Contract, which is tied to the original plans, and therefore does not permit installation of an emergency storage container. City of Victoria staff explored the option of a Temporary Use Permit (TUP), but the Land Use Contract overrules the TUP.

Terminating the Land Use Contract is insufficient on its own to permit installation of the emergency container, since the underlying zoning for this property is R1-B, meaning that both the use and structure would be legally non-conforming. While a non-conforming use is occurring, no structural alterations or additions are permitted. So the property also requires a rezoning.

City staff have advised Spencer Castle residents that with Council direction, the Land Use Contract could be discharged with the second round of LUC terminations, with a concurrent rezoning that includes the future location of the storage container. This process can be achieved most expeditiously through a concurrent City-initiated rezoning to the R3-A1 Zone, allowing for the emergency container to be installed.

It is therefore recommended that Council provide this direction to staff, to permit Spencer Castle residents to install the emergency container and increase emergency preparedness.

Recommendation:

That Council direct staff to add the property at 2906 Cook Street to the second round of Land Use Contract terminations, and initiate a rezoning to the R3-A1 Zone via a concurrent City-initiated rezoning, to permit the installation of an emergency container on the property.

Respectfully submitted,



Councillor Ben Isitt



Councillor Jeremy Loveday

Attachment:

Letter from Spencer Castle Strata Presidents