



Committee of the Whole Report

For the Meeting of June 23, 2016

To: Council **Date:** June 9, 2016
From: Peter Rantucci, Manager of Strategic Real Estate
Subject: 2582 Cook Street – Additional Information

RECOMMENDATION

That Council receive this report for information.

EXECUTIVE SUMMARY

In response to a proposal to develop 2582 Cook Street for a temporary micro-housing project, Council requested a report back on its current use as parking for neighbouring properties.

The City acquired this property in 1937 through a tax sale. Prior to the widening of Cook Street in the early eighties, the lot was essentially vacant with some limited use by a local resident as a garden. As part of the City's Cook Street widening project, the City paved the lot and erected signage to provide parking to replace on-street parking. While the property has posed some issues to the City and local residents due to misuse in the past, it has for the most part functioned as off-street parking since the widening project.

As a result of the City providing this property for parking for more than 30 years and anecdotal information, many local residents believe the City must be under an obligation to continue to provide the property. However, extensive searches of old files and Council and Committee minutes, as well as other enquiries, failed to find any record of a formal decision or commitment by the City to local residents in respect of the parking.

PURPOSE

The purpose of this report is to update Council on staff research into the use of 2582 Cook Street by the owners of neighbouring properties for parking.

BACKGROUND

At the May 12, 2016 Committee of the Whole Meeting, Council reviewed a Sustainable Planning and Land Use report to consider authorizing an application for a Temporary Use Permit for a Microhousing project on City owned land at 2582 Cook Street. During the consideration of that request, Council passed the following motion:

That Council direct an investigation by staff on any agreements or discussions made in the past by the City of Victoria with immediate neighbours in relation to this property.

The City acquired 2582 Cook Street in 1937 through a tax sale and title to the property was registered in 1939. As part of the Cook Street road widening project, the lot was paved and turned into a parking lot to replace on-street parking lost through the project. Although 2582 Cook Street has certainly been used for parking, it has also been used by a local resident, from time to time, for unauthorized storage of construction materials and other items. Staff intervention was required in 2015 to re-establish the site as a parking lot. The previous and current parking notices are attached in Appendices A and B, respectively. Regular checks are now made to ensure compliance with the current notices. Currently, between six to eight vehicles regularly use the site. On street parking on the 2500 block of Cook Street is restricted 7am to 6pm Monday to Saturday and no parking restrictions on Sundays.

SEARCH OF CITY RECORDS

A significant search was undertaken with staff members from legislative services, real property, engineering and the city solicitor's office to attempt to find any evidence of agreements, communications or other records regarding 2582 Cook Street. The searches and their results are the following:

Historical Council and Committee Minutes

The minutes of all Council meetings for the relevant period were read and found to contain very brief updates only on the Cook Street road widening.

More information was found in Committee of the Whole minutes for the relevant period, including a list of the twelve properties that sold strips of land to the City for the project. No mention was found, however, of any agreement relating to the provision of parking at 2582 Cook Street nor decisions authorizing the conversion to a parking site. Additionally, the search could find no records of property being expropriated on the 2500 block and it appears all portions of properties acquired were purchased voluntarily versus expropriated.

Road Dedication Bylaw

Highway Dedication (Cook Street) Bylaw 83-202 and corresponding Council minutes make no mention of parking at 2582 Cook Street.

Land Title Searches

There is no parking agreement registered on the title of 2582 Cook Street or on the titles of any of the properties that sold strips of land to the City for the project.

Engineering Files

Although an original construction drawing for the road widening was located, engineering files speaking to the administration of this project cannot be located and have likely been disposed of.

City Solicitor's Files

The search through old City Solicitor files related to the acquisition of properties for the widening of Cook Street did not reveal any arrangement or agreement with the sellers of those properties in respect of parking at 2582 Cook Street. Certainly, no such provision is included in the individual contracts of purchase and sale into which the City entered; although this would be one legal document where you would expect this type of agreement could be located if it was intended to be formalized.

The neighbouring property owners do not have any special privileges with regard to parking at 2582 Cook Street – any person can park there. The only parking restrictions posted on the site, is to limit parking to licenced residential vehicles as per the posted notices.

City Manager's Files

A City Manager's file regarding the road widening project which was located in offsite storage made no mention of parking at 2582 Cook Street.

Adjacent Property Owners

Given the length of time, most properties have changed hands several times since the widening project occurred. Staff contacted property owners, focussing on those who had resided on the block longest. In all instances, the current owners stated that through anecdotal information they believed the lot was provided for the neighborhood to use in exchange for the loss of on street parking that occurred during the Cook Street widening.

Staff were also able to contact two previous owners who resided in their Cook Street properties during the widening. Neither owner recalls receiving any formal agreement, or other City documents which reflected an agreement by the City, to provide 2582 Cook Street as parking. However, they both confirmed that the issue of losing on street parking was a contested issue and they understood that the City was providing the parking to address the loss. One of the two owners said City staff told him at the time that the City was providing the parking for guests and visitors of residences given the loss of the on street parking. Additionally, one of the owners also stated that the City offered to pave and install two, or where space allowed, four vehicle driveways on their residence at no cost to the property owners.

Retired Staff Members

Two former members of staff who were involved in the road widening project were contacted. Both confirmed that the City intentionally paved 2582 Cook Street as off street parking replacement and residents were aware of this at the time. However, neither could recall whether this was ever documented, either formally or informally. Nor could either retired staff member recall with certainty who or how the City made the decision to convert the City owned property.

CONCLUSION

Although there is general acceptance that the lot at 2582 Cook Street was intentionally paved and turned into a parking in the 1980s to replace on-street parking lost through the widening of Cook Street, no record has been found of such a provision despite extensive research. It also appears that the City's intention to create replacement off street parking, by paving this lot, was communicated to some or all residents of the 2500 block of Cook Street.

As a result of the City providing this property for parking for more than 30 years and anecdotal information, many local residents believe the City must be under an obligation to continue to provide the property. However, extensive searches of old files and Council and Committee minutes, as well as other enquiries, failed to find any record of a formal decision or commitment by the City to local residents in respect of the parking. Consequently, given the information available, there is no formal obstacle to the property being used for a micro-housing project, provided Council grants the necessary regulatory approvals. Council may wish to give further consideration to the concept of the Temporary Use Permit application. The Sustainable Planning and Land Use report that Council reviewed previously will be brought forward to follow this Report.

Respectfully submitted,



Peter Rantucci
Manager of Strategic Real Estate



Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager:



Date:

June 16, 2016

List of Attachments

- Appendix A – Previous parking notices.
- Appendix B – Current parking notices.

Appendix A
Previous Parking Notices



Appendix B
Current Parking Notices



**Residential parking
for licensed
vehicles only.**

No trailers or campers.
No commercial vehicles.

Violators will be towed
at owner's expense.

