



Council Report

For the Meeting of May 19, 2022

To: Council **Date:** April 19, 2022
From: Philip Bellefontaine, Director, Engineering & Public Works
Subject: Zoning Bylaw Amendments – Accessible Parking Requirements

RECOMMENDATION

1. That the following bylaws be given introductory readings:
 - a. Zoning Regulation Bylaw 22-024, Amendment Bylaw (No. 1260).
 - b. Zoning Bylaw 2018 22-025, Amendment Bylaw (No. 10).
2. If the Zoning Regulation Amendment Bylaw and Zoning Bylaw 2018 Amendment Bylaw identified in #1 are adopted, Council directs the City Solicitor to draft bylaw amendments to the Victoria Subdivision and Development Servicing Bylaw to update supplementary drawings and specifications for accessible parking stalls.
3. If the Zoning Regulation Amendment Bylaw and Zoning Bylaw 2018 Amendment Bylaw identified in #1 are adopted, Council directs the City Solicitor to draft bylaw amendments to the Land Use Procedures Bylaw to delegate, to the Director of Sustainable Planning and Community Development, approval of variances related to the accessible parking regulations.

EXECUTIVE SUMMARY

The Zoning Regulation Bylaw and Zoning Bylaw 2018 amendments recommended within this report propose new and increased supply rates and design requirements for off-street accessible parking stalls for private development.

Publicly provided accessible parking (on streets and within City parkades) is not a focus of this report as the delivery of new and upgraded stalls is already being actioned by staff through existing programs. The City delivered forty-one new or retrofitted stalls in 2021 using a portion of the \$350,000 multi-year capital fund that Council approved in 2021. Efforts will continue in 2022 and 2023 targeting new and upgraded stalls in coordination with roadway and facility improvements (eg: community centres, parkades etc) in the downtown core, village centres and in Parks.

BACKGROUND

Following the removal of accessible parking requirements from the BC Building Code Regulations in December 2018, municipalities were left to adopt their own design standards and supply rates within their respective Zoning Bylaws for off-street parking.

Undertaking this work was identified as a 2020 action in the City's Short Term Accessibility Action Plan. While work was initially delayed due to the COVID-19 pandemic, between May and December 2020, staff worked with consultants, industry representatives, and stakeholders to develop recommendations for new accessible parking stall designs and supply requirements. Recommendations were informed by demographic information, a comparative analysis of accessible parking regulations in other municipalities, a review of Accessible Design for the Built Environment (CSA B-651) and the American Disability Act, and a targeted six-month consultation process with stakeholders including SPARC BC, the Action Committee for People with Disabilities, the BC Aboriginal Network on Disability Society, the Victoria Disability Resource Centre, and the Urban Development Institute.

In February 2021, staff provided recommendations on accessible parking rates and design guidelines. At this meeting, Council directed staff to proceed with preparing Bylaw amendments while continuing to gather additional input from individuals with lived experience, including on proposed rates for institutional and industrial developments prior to the public hearing process.

For the remainder of the year, the City collected additional feedback from users, caregivers, and agency partners through several activities. This included consulting with the newly established Accessibility Advisory Committee, conducting an on-line survey, and inviting users with lived experience to provide their feedback on using accessible parking stalls where updated design treatments had been applied on Dallas Road. Several hundred accessibility permit holders were directly invited to provide feedback through the Victoria Disability Resource Centre's email distribution list in June 2021. Over 250 individuals were also made aware of the City's intent to update accessible parking requirements and design guidelines through presence on the "Have Your Say" engagement portal. To further advertise the opportunity to provide feedback, information signs were also placed at accessible parking stalls. Comments and survey responses were received from a total of 76 stakeholders who identified either as permit holders or as caregivers of those with accessible parking needs. The number of stalls (supply), overall design and functionality, and user safety were cited as top priorities. City staff returned to the Accessibility Advisory Committee in May 2022 to share the updated bylaw direction and thank them for their feedback.

The Zoning Bylaw amendments contained in Appendix A include recommended development supply rates for both accessible and van-accessible stalls, as well as associated dimensions, paint and signage. As a direct result of additional engagement, a scan of newly adopted bylaws in other BC communities, and Council discussions during recent land use applications, staff have recommended an increase to proposed rates for industrial, commercial, and institutional buildings and introduced a requirement for the first visitor stall in residential developments to be a van accessible stall.

The proposed changes will result in more accessible spaces and a consistent and predictable parking experience for users at new developments. Similar to changes requiring EV-ready parking stalls, staff have included a four-month transitional provision within the Bylaws to allow the industry a period to integrate new requirements into proposals and address those projects which are already "in stream", although several developments are already voluntarily providing accessible parking spaces. Following the adoption of updated Zoning bylaws, the City will also update its supplementary design standards and drawing specifications.

Delegation of Variances to Director of Sustainable Planning and Community Development

The proposed Zoning Bylaw amendments set out detailed regulations relating to the required number of and specifications for off-street accessible parking stalls for various uses. There may be instances where unique site characteristics result in a developer or property owner being unable to meet all accessible parking requirements or where a reduced number of conventional

parking stalls is required to accommodate accessible parking stalls and their associated design requirements. In such instances, under the City's current Land Use Procedures Bylaw, an applicant has to apply for a parking variance which must be determined by Council following an Opportunity for Public Comment. For applicants, this process adds time, cost, and risk implications.

In consideration of the above, staff are recommending that these applications be delegated to staff. Consistent with the authority that is already given to staff for minor, non-residential parking variances, this delegated authority will help to keep applications moving forward without additional burden or time delays in the development process. In order for any variance to be considered by the Director, the application must include a satisfactory analysis as to why the Zoning regulations cannot be satisfied or must be modified or, why compliance with the regulations will create undue hardship.

In cases where conventional stalls are being varied to accommodate accessible stalls, staff will consider whether appropriate transportation demand management measures are required to offset on-site parking demand. In cases when accessible parking stalls are being varied, an inter-departmental assessment of the situation will determine whether the proposals are, as far as physically possible, addressing requirements and that where regulations are not being satisfied, alternate design solutions are being pursued to their fullest degree, wherever possible. If Zoning bylaw changes are approved, the final wording of this condition will be presented to Council as part of a future Land Use Procedures Bylaw amendment.

CONCLUSION

Since the removal of requirements as part of the BC Building Code, the City has relied on voluntary provision of accessible parking stalls within new development projects. While recent developments have been supportive of including accessible parking in their projects, the absence of regulations for accessible parking has made it more challenging to ensure a consistent approach in terms of design features and supply rates.

In February 2021, Council directed additional engagement among stakeholders with lived experience prior to bringing forward Bylaw amendments. This work was completed between March and September 2021 and outcomes have been incorporated into the recommended Bylaws. Accessible parking provisions will continue to be an area of focus for the City, including in the Missing Middle Housing Initiative and the Schedule C Parking review project in 2022/2023.

Respectfully submitted,

Sarah Webb
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Report accepted and recommended by the City Manager.

List of Attachments:

Appendix A: Zoning Regulation Bylaw 22-024, Amendment Bylaw (No. 1260).
Zoning Bylaw 2018 22-025, Amendment Bylaw (No. 10).

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