



## Committee of the Whole Report For the Meeting of July 18, 2024

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**To:** Committee of the Whole **Date:** July 4, 2024

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Development Variance Permit Application No. 00286 for 1115 Johnson Street, and 1110 and 1120 Yates Street**

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### RECOMMENDATION

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

- "1. That Council authorize the issuance of Development Variance Permit Application No. 00286 for 1115 Johnson Street, and 1110 and 1120 Yates Street, in accordance with plans submitted to the Planning department and date stamped by Planning on July 9, 2024, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the minimum percentage of long-term ground anchored bicycle parking spaces from 50% to 19% for Parcel A and from 50% to 49% for Parcel B
    - ii. reduce the minimum unobstructed height clearance for bicycle parking spaces from 2.1m to 0.0m (for stacked bicycle parking spaces)
    - iii. reduce the minimum distance from the walls/structures within the building to the bicycle parking spaces from 0.45m to 0.30m (for stacked bicycle parking spaces)
    - iv. reduce the minimum bicycle parking space aisle width from 1.50m to 1.13m
    - v. reduce the total number of residential long-term bicycle parking spaces from 233 to 208
    - vi. to be relieved from providing all bicycle parking spaces permanently anchored to the ground or wall, as stacked bicycle parking spaces does not meet this requirement.
2. That the Development Variance Permit lapses two years from the date of this resolution.
3. That Council ratify the decision at the daytime session immediately following the Committee of the Whole Meeting."

## LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a Zoning Regulation Bylaw, provided that the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis, and recommendations for a Development Variance Permit application for the properties located at 1115 Johnson Street, and 1110 and 1120 Yates Street.

The application is to allow changes to the approved bicycle parking layout and type of bicycle parking spaces provided for the Cook Street Plaza mixed-use development project currently under construction. Specifically, the variances are to reduce the requirement for ground mounted bicycle parking spaces, allow for alterations to the various underground bicycle parking areas, decrease the overall number of bicycle parking spaces and remove the requirement of providing bicycle parking spaces permanently anchored to the ground or wall.

The following points were considered in assessing this application:

- The application aligns with the broad objectives of the Transportation and Mobility goals of the *Official Community Plan (OCP, 2012)* and *Fernwood Neighbourhood Plan (2022)*.
- The majority of the original Transportation Demand Management (TDM) measures previously approved under Rezoning Application No. 00681 has been fulfilled, including:
  - purchasing two car share vehicles with assigned parking stalls on-site
  - one MODO car share membership per dwelling unit along with usage credits
  - resident bike share program, which will include the provision of ten electric bikes (five assigned to each residential building)
  - end-of-trip facilities (e.g. bike repair equipment, bike wash station, lockers, showers and changing facilities for employees)
  - 48 electric bike charging stations for residents.
- The applicant is providing three long-term and four short-term commercial bicycle parking stalls in excess of what is required by the *Zoning Regulation Bylaw*.
- To achieve quality bicycle parking, the applicant is providing individual bicycle lockers for residents, which provide free-standing, secure storage for bicycles and gear; however, the lockers do not count as long-term bicycle parking under the *Zoning Regulation Bylaw*.
- Most of the variances are associated with a proposed change from traditional ground anchored bicycle racks to a stacked bicycle parking rack system.
- The situation whereby the applicant is requesting a bike stall variance after the rezoning is approved and the building is substantially complete is not optimal. However, given the absence of viable alternatives, and in the interest of not delaying occupancy of the building, this variance is considered supportable.

## **BACKGROUND**

### **Description of Proposal**

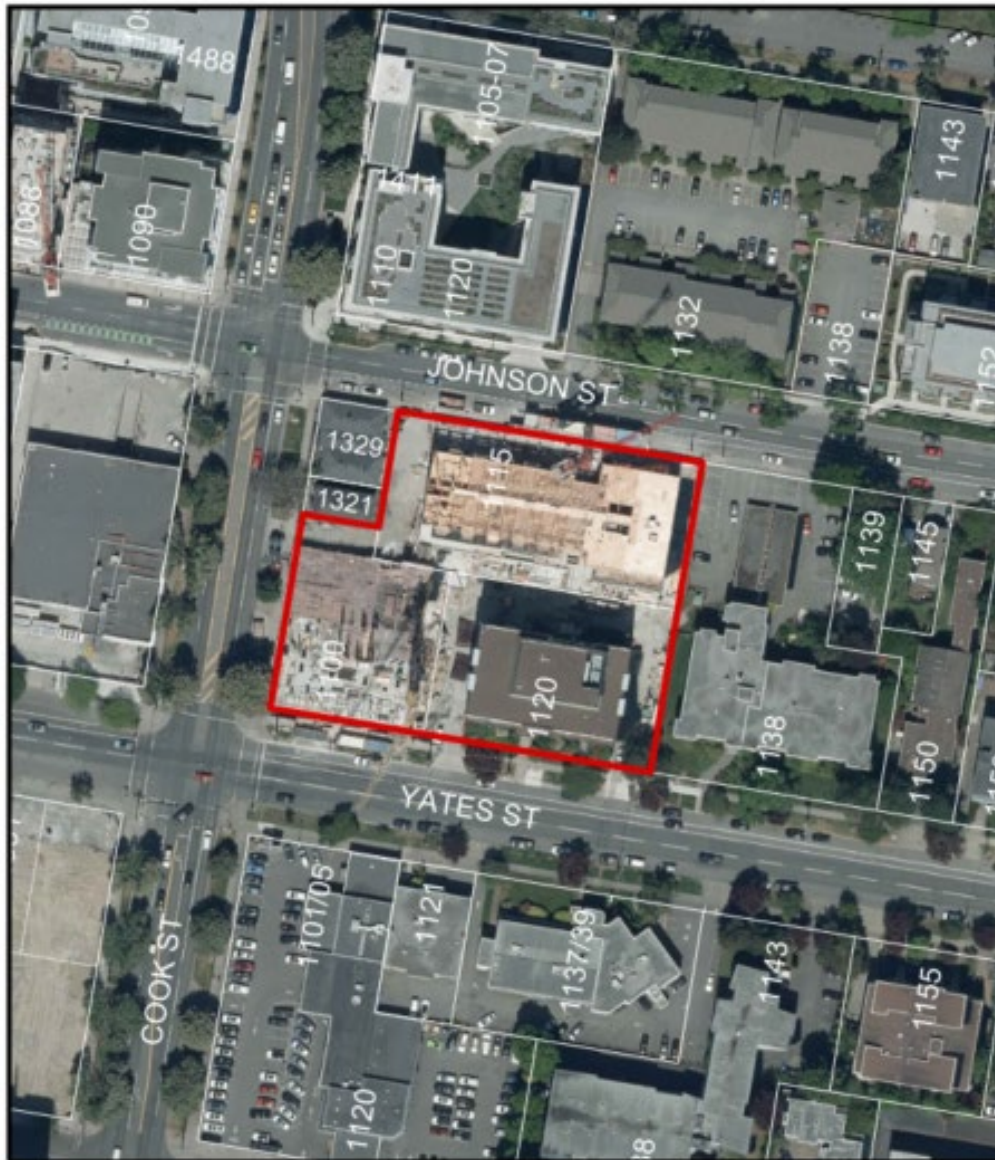
The proposal is to vary the bicycle parking requirements to allow for changes that have been made to the approved underground bicycle parking area layouts as well as changes made to the type and number of bicycle parking spaces provided for the Cook Street Plaza mixed-use development project currently under construction in the Fernwood neighbourhood area.

The following variances to the bicycle parking layout, dimensions and number of long-term bicycle parking spaces are requested:

- reduce the percentage of bicycle parking racks that are ground anchored for 50% to 19% for Parcel A and from 50% to 49% for Parcel B
- reduce the minimum unobstructed height clearance for bicycle parking spaces from 2.1m to 0.0m (for stacked bicycle parking spaces)
- reduce the minimum distance from the walls/structures within the building to the bicycle parking spaces from 0.45m to 0.30m (for stacked bicycle parking spaces)
- reduce the minimum bicycle parking space aisle width from 1.50m to 1.13m
- reduce the total number of residential long-term bicycle parking spaces from 233 to 208
- to be relieved from providing all bicycle parking spaces permanently anchored to the ground or wall, as stacked bicycle parking spaces does not meet this requirement.

### **Land Use Context & Existing Site Development**

The area around the Cook Street Plaza mixed-use development is primarily characterized by a mix of residential and commercial uses (Figure 1). The adjacent properties are mixed use buildings, residential buildings, the new City of Victoria Fire Department and supportive housing building, (the Dalmatian), as well as multiple commercial sites with some undergoing redevelopment. Construction of a six-storey building (Haven) and a 12-storey building (Nest) is nearly completed on the subject property. Under the CD-16, Fernwood Comprehensive Development District zone, a mix of uses are permitted on the subject lots such as a daycare, financial services, high tech, home occupation, multiple dwellings, office, personal services, restaurant and retail.



1100 Yates, 1120 Yates and 1115 Johnson Street  
 Development Variance Permit No.00286



Figure 1: Subject Property

### Data Table

The following data table details the different types of bicycle parking requirements for the Cook Street Plaza development. An asterisk is used to identify where the development does not currently comply with the requirements of Schedule C of the *Zoning Regulation Bylaw*.

Zoning Criteria	Proposal				Zone Standard (CD-16)
	DA-1 (Parcel A)	DA-2 (Parcel B)	DA-3 (Parcel C)	Total	
Bicycle parking stalls - minimum					
Long-term (residential)	<b>105*</b>	<b>103*</b>	n/a	208	Parcel A: 118 Parcel B: 115 Parcel C: n/a Total: 233
Short-term (residential)	11	10	n/a	21	Parcel A: 11 Parcel B: 10 Parcel C: n/a Total: 21
Long-term (commercial)	5	n/a	27	32	Parcel A: 5 Parcel B: n/a Parcel C: 24 Total 29
Short-term (commercial)	13	n/a	18	31	Parcel A: 9 Parcel B: n/a Parcel C: 18 Total: 27
Percentage of long-term ground anchored (%)	<b>19%*</b>	<b>49%*</b>	59%		Parcel A: 50% Parcel B: 50% Parcel C: 50%

### Relevant History

On February 27, 2020, Council approved Rezoning Application No. 00681 and Development Permit with Variances No. 00104 which proposed the following bicycle parking features:

- 233 long-term and 21 short-term residential bicycle parking spaces and 29 long-term and 29 short-term commercial bicycle parking spaces
- end-of-trip facilities (showers and lockers) adjacent to the long-term commercial bicycle storage room in the medical office building to be utilized by all employees on-site.

In addition to the primary development permit, the applicant has applied for and received four delegated Development Permits to facilitate modifications made to the overall design, including:

- relocation of an entrance for a commercial retail unit
- allowing for multiple exterior design changes
- modifications to hard and soft landscaping
- minor civil frontage design amendments
- updated outdoor play area on site
- relocation of the PMT station.

Modifications made to the overall bicycle parking design and layout was not previously captured in the delegated Development Permits and requires retroactive approval of what has been built.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 18, 2024, the application was referred for a 30-day comment period to the Fernwood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

Pursuant to section 31 of the City's *Land Use Procedures Bylaw*, Council may provide an opportunity for public comment before considering a development variance permit application.

Should Council wish to hold an opportunity for public comment, an alternate motion has been provided at the end of this report.

## **ANALYSIS**

### **Official Community Plan**

Despite lowering the overall quantity of bicycle parking spaces and reducing the amount of ground mounted bicycle parking spaces in the long-term bicycle parking areas, many of the original Transportation Demand Management (TDM) measures proposed at rezoning have been met by the applicant, such as providing electrification infrastructure and shared mobility services.

On balance, the Cook Street Plaza project remains in alignment with the broad objectives of the transportation and mobility goals within the OCP which encourage access for all Victorians to low carbon and accessible mobility through road space allocation, incentives, electrification infrastructure, shared mobility services and transportation demand management initiatives.

### **Fernwood Neighbourhood Plan**

The local mobility policies in the *Fernwood Neighbourhood Plan* speak to safe, comfortable, and efficient walking, wheeling, and rolling options being available to advance sustainability initiatives and contribute to happier, healthier and more vibrant communities. The bicycle parking provided for the Cook Street Plaza development aligns with these objectives.

## **Variances**

### *Number of Bicycle Parking Spaces*

In order to provide quality bicycle parking spaces for residents, the applicant is requesting a reduction in the total number of residential long-term bicycle parking spaces that were required through the rezoning process in order to allocate space for larger items like cargo style e-bikes and mobility scooters.

The building is substantially completed, and the previously required number of bike stalls have not been provided. There are limited options available to provide the space necessary for bike stalls, but could include reducing the number of vehicle stalls provided, or reducing the size of commercial retail units. The applicant has indicated that due to signed residential and commercial lease agreements, they are unable to utilize either option without breaking agreements to incoming residents and occupants.

The situation whereby the applicant is requesting a bike stall variance after the rezoning is approved and the building is substantially complete is not optimal. However, given the absence of suitable alternatives, and in the interest of not delaying occupancy of the building, this variance is considered supportable.

### *Anchored Bicycle Parking Spaces*

The applicant is providing a significant number of stacked bicycle parking spaces. While this style of bicycle parking is available for developers to utilize, these types of stalls do not meet the requirements of Schedule C of the *Zoning Regulation Bylaw*, which specifies that every long-term bicycle parking space must be permanently anchored to the ground or the wall and that 50% of the parking must be ground mounted. Therefore, variances are required to facilitate permitting the stacked bicycle parking spaces that have been installed.

To help mitigate the impact of reduced parking, the applicant is proposing to provide multiple individual bicycle storage lockers for residents. The lockers provide free-standing, secure storage for bicycles and gear; however, individual lockers do not count as ground or wall anchored bicycle parking spaces, as per Schedule C of the *Zoning Regulation Bylaw*. Given that the stacked bicycle parking and bicycle storage lockers meet the general intent of providing usable bicycle parking spaces for residents as a means of promoting active transportation, the variances are considered supportable.

### *Bicycle Parking Design Specifications*

Schedule C of the *Zoning Regulation Bylaw* sets out specifications for the configuration of a secured long-term bicycle storage area, which include requirements for unobstructed height clearances, distances from the walls/structures within the buildings, and individual stall widths. The stacked bicycle parking configuration triggers the following variances:

- reducing the required minimum unobstructed height clearance
- reducing the required distance from the walls/structures within the building to the bicycle parking space
- reducing the minimum bicycle parking space width.

While the stacked bicycle parking style attempts to fit more bicycles into a smaller dedicated bicycle parking area, it provides a style of secured bicycle parking space for residents with traditional style bicycles, maintains adequate functionality and meets the general intent of transportation and mobility policies. Therefore, support for these variances is recommended.

## **CONCLUSION**

The recently constructed secured long-term bicycle parking areas, and type of bicycle parking spaces provided for residents of the new Cook Street Plaza development, aligns with the general objectives for active transportation and mobility in the OCP and *Fernwood Neighbourhood Plan*.

No impacts to neighbouring properties are anticipated as a result of the variances requested by the applicant. Therefore, it is recommended that Council consider supporting this application.

## ALTERNATE MOTIONS

### Option 1 – Hold an Opportunity for Public Comment

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

- “1. That Council authorize the issuance of Development Variance Permit Application No. 00286 for 1115 Johnson Street, and 1110 and 1120 Yates Street in accordance with plans submitted to the Planning department and date stamped June 3, 2024, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the minimum percentage of long-term ground anchored bicycle parking spaces from 50% to 19% for Parcel A and from 50% to 49% for Parcel B
    - ii. reduce the minimum unobstructed height clearance for bicycle parking spaces from 2.1m to 0.0m (for stacked bicycle parking spaces)
    - iii. reduce the minimum distance from the walls/structures within the building to the bicycle parking spaces (for stacked bicycle parking spaces) from 0.45m to 0.30m
    - iv. reduce the minimum bicycle parking space aisle width from 1.50m to 1.13m
    - v. reduce the total number of residential long-term bicycle parking spaces from 233 to 208
    - vi. to be relieved from providing all bicycle parking spaces permanently anchored to the ground or wall, as stacked bicycle parking spaces does not meet this requirement.
2. That the Development Variance Permit lapses two years from the date of this resolution”

### Option 2 – Decline

That Council decline issuance of Development Variance Permit Application No. 00286 for 1115 Johnson Street, and 1110 and 1120 Yates Street.

Respectfully submitted,

Kasha Janota-Bzowska  
Planner  
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: Subject Map
- Attachment B: Plans date stamped July 9, 2024
- Attachment C: Letter to Mayor and Council dated June 18, 2024.