

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-APR-20

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING AND DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP253 - 135 NICOL STREET

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP253 at 135 NICOL STREET to reduce the required parking for a 26 seat restaurant to 2 spaces.

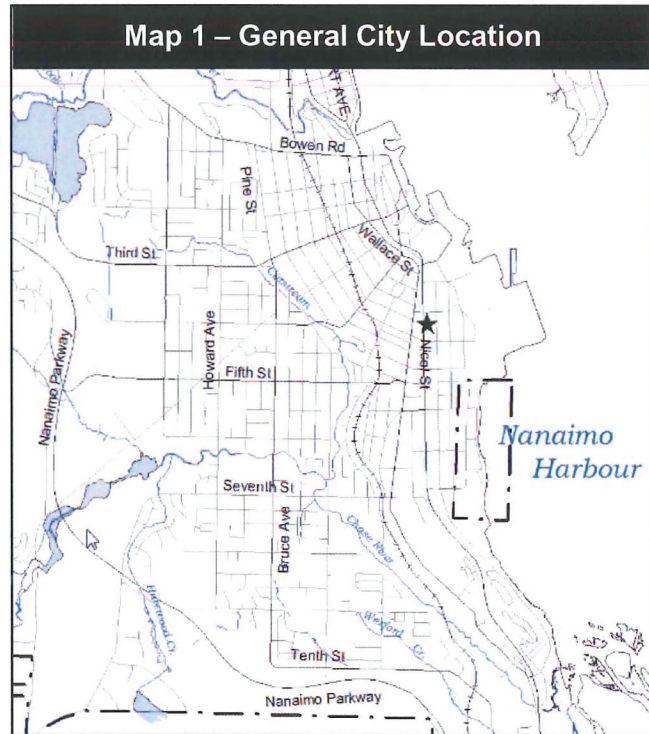
PURPOSE:

The purpose of this report is to seek Council authorization to vary the parking requirement for a restaurant use.

BACKGROUND:

A Development Variance Permit application was received from IAN NIAMATH ARCHITECT, on behalf of EL BAKKAR ENTERPRISES LTD., to vary the provisions of the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" in order to reduce the parking requirement for a restaurant use, from 8 parking spaces to 2 parking spaces.

Statutory Notification has taken place prior to Council's consideration and approval of the variances.



Subject Property

Zoning	DT12- Gateway
OCP	The subject property is designated Urban Node- Downtown
Neighbourhood Plan	The subject property is included within the South End Neighbourhood Plan and is designated as Urban Node within the plan.
Location	The subject property is located on Nicol Street and is accessed from a laneway located between Nicol Street and Haliburton Street
Total Area	368m ²

Council
 Committee.....
 Open Meeting
 In-Camera Meeting
 Meeting Date: 2015-APR-20

The subject property is located on Nicol Street and is designated as Downtown Urban Node within the Official Community Plan and the South End Neighbourhood Plan. The property is approximately 1 ½ blocks (150m) south of the “Downtown Specified Parking Area” where on-street commercial parking is not required; as such, on-street parking is required for the subject property. The closest commercial parking lot is 325m south of the subject property on the corner of Victoria Road and Cavan Street.

DISCUSSION:

Proposed Development

The applicant is proposing to open a 26 seat restaurant (Aladdin’s) within the existing building on the subject property. The building will also include an accessory residential dwelling and a home based business within the dwelling.

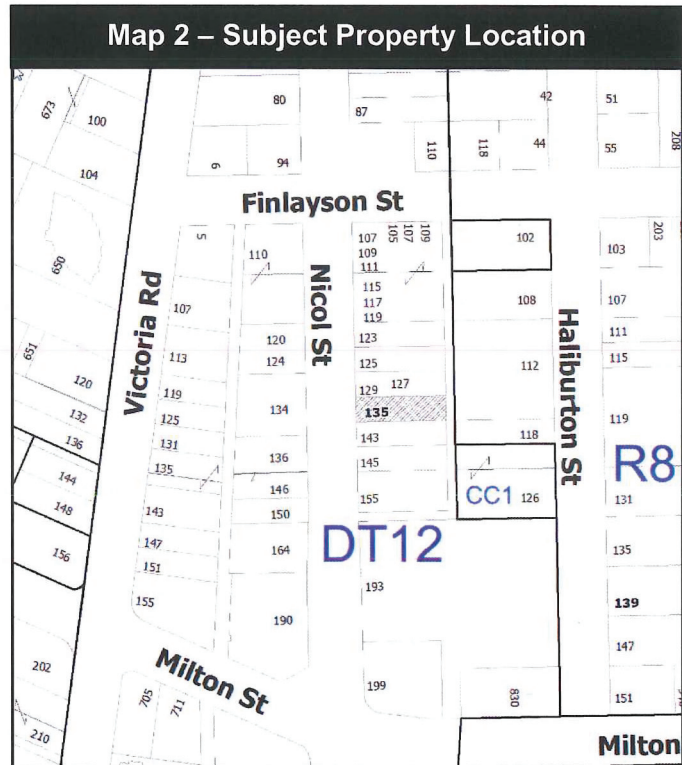
The building occupies the majority of the property and leaves little space on-site to accommodate parking. The applicant’s site plan (Figure 1) includes 4 parking spaces on-site, 3 exterior spaces are accessed from the lane, and 1 space within the residential garage. Two of these spaces will be utilized to meet the parking requirements for the accessory dwelling unit and home based business, while the remaining 2 will be available for restaurant patrons.

The parking requirement for the proposed development is as follows:

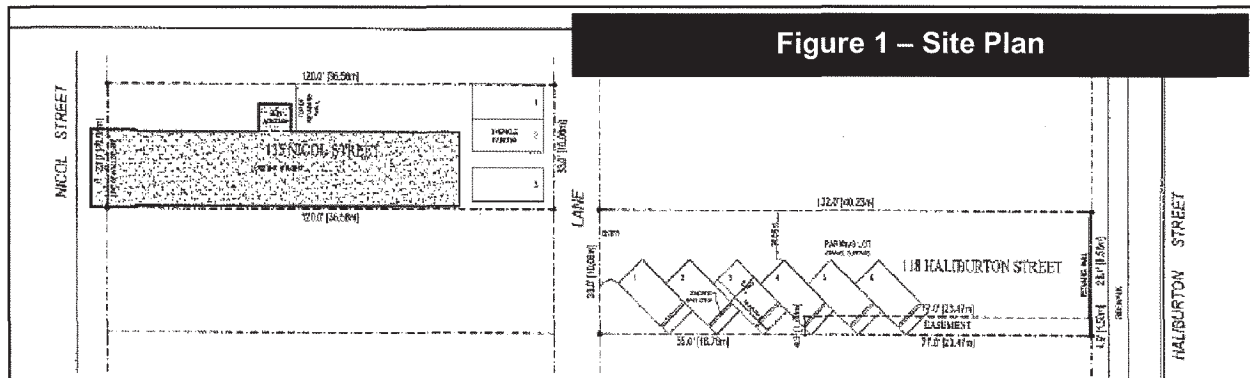
Restaurant (26 seats)	8 spaces
Accessory Dwelling Unit	1 space
Home Based Business	1 space
Total	<u>10 spaces</u>

Four of the 10 required spaces will be accommodated on-site; a variance is required for the remaining 6 spaces.

In order to accommodate the parking demand for the restaurant, the owner has purchased the adjacent property at 118 Haliburton Street to be used for restaurant patron parking. The property is located across the lane and one property to the south of the restaurant property. The remaining 6 spaces will be provided on the Haliburton Street property, as shown on the applicant’s site plan (Figure 1). The owner has agreed to enter into a restrictive covenant with the City in order to ensure 118 Haliburton Street will be retained as an accessory parking for the restaurant at 135 Nicol Street.



A copy of the applicant's Letter of Rationale is included as Schedule A.



Required Variance

The City of Nanaimo “DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013” requires 1 parking space for every 3 seats within a restaurant. Two additional parking spaces are also required; 1 space for the accessory dwelling unit; and, 1 space for the home based business. The required 10 parking spaces must be provided on the subject property.

A variance of 6 parking spaces is required for the proposed restaurant use.

STAFF COMMENT:

Due to site constraints, the applicant is unable to provide the parking required for the restaurant use on the subject property, but is able to provide customer parking on 118 Haliburton Street nearby. The property at 118 Haliburton is located less than 4m from the subject property. Both properties are accessed from the lane and the Haliburton property can easily be identified with the restaurant use through directional signage and line of sight. By entering into a covenant with the City regarding both properties, the applicant has agreed to ensure parking will be available for restaurant customers at the nearby site.

While the City's parking regulations state the required parking must be provided on-site, in the past, applicants have entered into similar agreements in order to provide customer parking on a nearby lot in order to support a parking variance.

118 Haliburton is currently zoned Medium Density Residential (R8). The property is a paved vacant lot located between the Canadian Mental Health Association property (the old Balmoral Hotel) to the south and a Medium Density Residential (R8) property to the north.

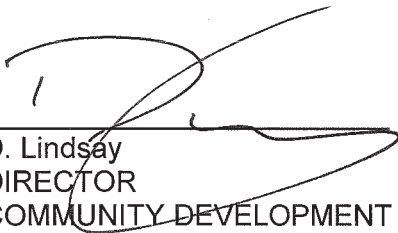
Staff supports the requested variance and recommends that Council consider this application.

Respectfully submitted,

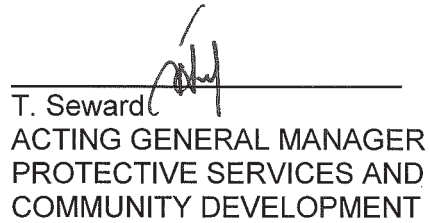


B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



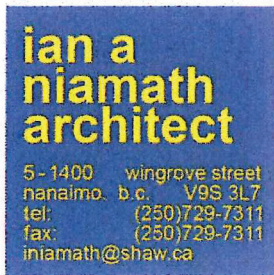
T. Seward
ACTING GENERAL MANAGER
PROTECTIVE SERVICES AND
COMMUNITY DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2015-MAR-31
Prospero Attachment: DVP000253
DS/lb*

Letter of Rationale



February 18, 2015
City of Nanaimo
411 Dunsmuir Street,
Nanaimo, BC.

Re: Development Variance Permit Application - 135 Nicol Street

Rational:

The owner of the property is in the process of opening a new restaurant at this location, (Alladins Restaurant) with a seating capacity of 26.

The Parking Bylaw regulations stipulate that 1 car space is to be provided for each 3 seats of the restaurant.

The project requires a total of 10 spaces with the following breakdown:

Restaurant 26 seats	8 spaces
Dwelling unit	1 space
Home based business	1 space

The building site at 135 Nicol Street is able to accommodate 4 car spaces, 3 exterior at the lane and 1 space in the residential garage.

The building occupies most of the site (see site plan) so there is no physical space of the site to accommodate the parking, the owner has acquired an adjacent site across the rear lane at 118 Halliburton Street to accommodate the remaining 6 spaces. (site plan attached)

The additional site at 118 Halliburton Street will be used for the required parking and the property will have a restrictive covenant registered to ensure this use will be maintained for parking for the restaurant patrons.

Documents attached:

Site Plan

Floor Plan

Building Elevations

Building Sections

Site Data

Legal Documents for access easement on 135 Nicol Street

Restrictive covenant for parking on 118 Halliburton Street

Ian Niamath Architect