

COUNCIL POSTING MEMO

TO: Dale Lindsay, Director
Community Development

FROM: Dave Stewart, Planner
Planning & Design Section

DATE: 2015-APR-09

FILE: DVP00253

SUBJECT: 135 NICOL STREET

This project has been posted in the Councillors' office for the duration of 2015-APR-09 to 2015-APR-20 inclusive.

Statutory Notification: 2015-APR-09.

If you have any questions with regard to the attached Project Summary or schedules, please feel free to contact me.

Dave Stewart
Planner

DS/lb

attach.

*ec: Mayor & Council
Bruce Anderson, Manager, Planning & Design
Bill Corsan, Manager, Real Estate
Tom Weinrich, Manager, Building Inspections*

DVP00253

135 NICOL STREET

Notification Period:

2015-APR-09 – 2015-APR-20

RE: RESTAURANT PARKING

(El Bakkar Enterprises Ltd.)

PROJECT SUMMARY FOR PERMIT APPROVAL

DEVELOPMENT VARIANCE PERMIT PERMIT NO. DVP253 – 135 Nicol Street

Applicant: IAN NIAMATH ARCHITECT

Owner(s): EL BAKKAR ENTERPRISES LTD, INC. (EL BAKKAR TALAL MERHI)

Zoning: DT12 - GATEWAY

OCP Designation: Map 1 - Future Land Use Plan – Downtown Urban Node; Map 3 – Development Permit Area DPA No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development

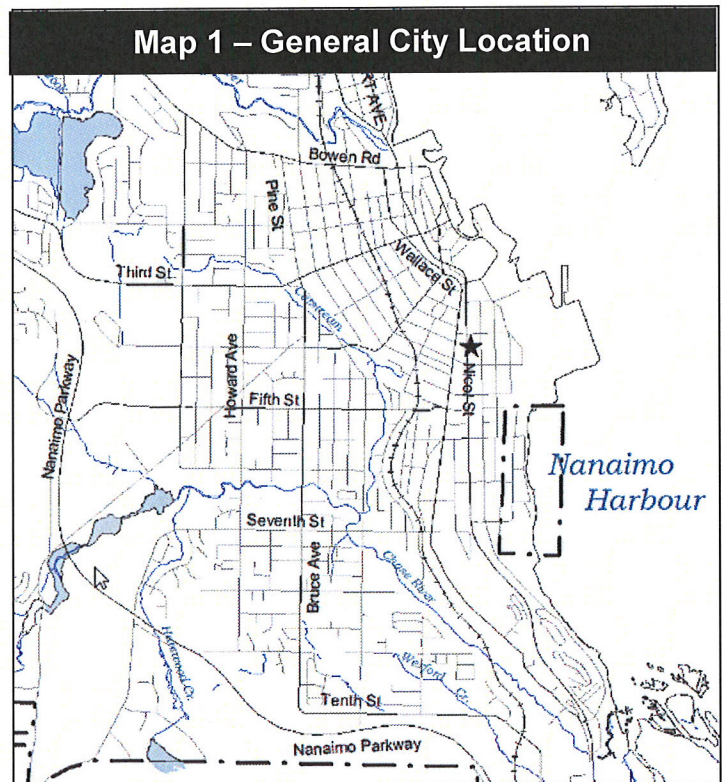
PURPOSE

The purpose of this report is to inform Council that Staff will begin the Notification process for a Development Variance Permit (DVP) for 135 NICOL STREET to vary the provisions of the City of Nanaimo “DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013” in order to reduce the required parking for a 26 seat restaurant from 8 parking spaces to 2 parking spaces.

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.

The applicant is proposing to open up 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 City of Nanaimo “DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013” requires 1 parking space for every 3 seats within a restaurant. One additional parking space each is also required for the accessory dwelling unit and the home based business respectively. The total required parking for the subject property is 10 parking spaces.



See Attachment A – Applicant’s Variance Rationale.

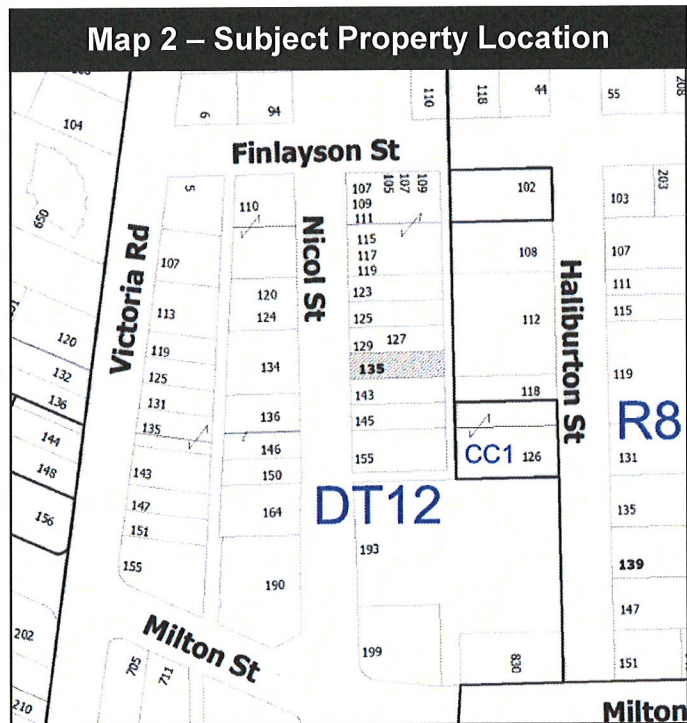
DISCUSSION

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 off-street commercial parking is not required; as such, off-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.

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 is located 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:

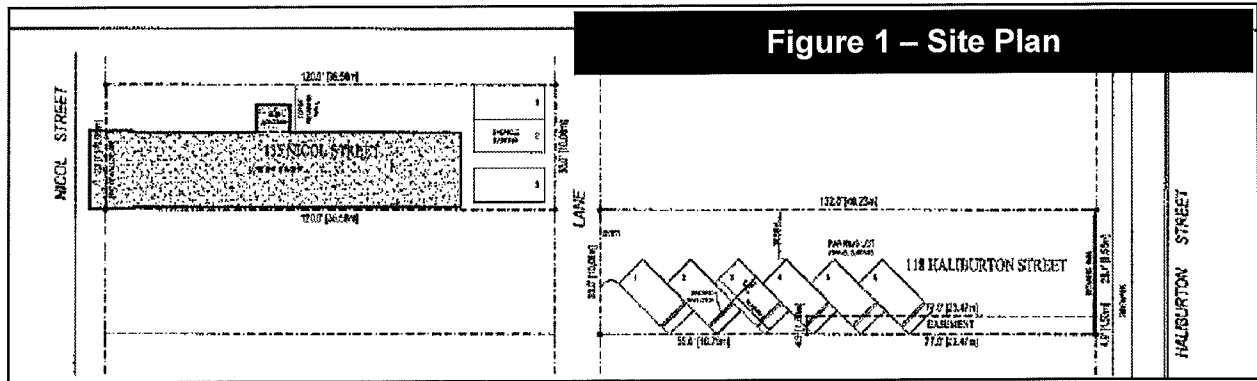
Restaurant (26 seats) -	8 spaces
Accessory Dwelling Unit -	1 space
Home Based Business -	1 space
Total-	10 spaces



Four of the 10 required spaces will be provided 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 the accessory parking area will be retained at 118 Haliburton Street for the restaurant at 135 Nicol Street.

While the remaining required 6 parking spaces for the restaurant will be provided on the Haliburton Street property, as the City’s parking bylaw requires off-street parking to be accommodated on-site, a variance of 6 parking spaces is still required.



ATTACHMENT A



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