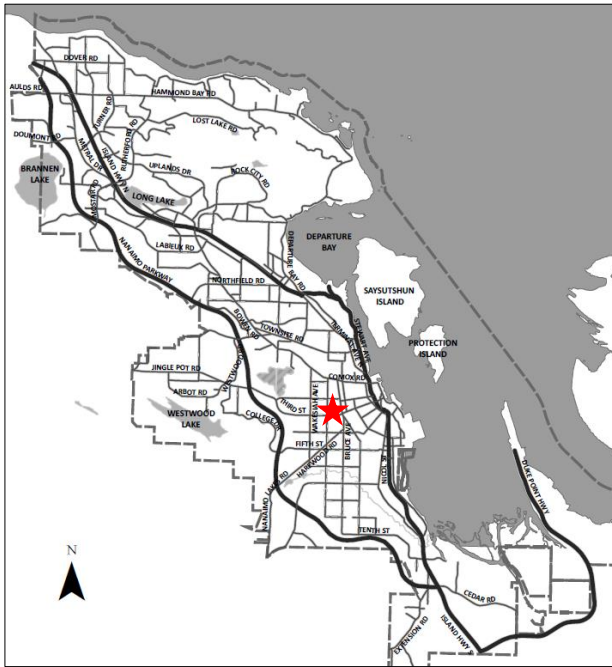


DATE OF MEETING July 24, 2023

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT DEVELOPMENT VARIANCE PERMIT NO. DVP00448 – 300  
HOWARD AVENUE



**Proposal:**  
Reduce parking requirements for a proposed neighbourhood pub.



**Zoning:**  
COR2 - Mixed-Use Corridor

**City Plan Future Land Use Designation:**  
Mixed-Use Corridor

**Lot Area:**  
1.26ha



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to vary the minimum parking requirement for a proposed neighbourhood pub at 300 Howard Avenue. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP448 at 300 Howard Avenue to reduce the minimum parking requirement for a proposed neighbourhood pub as outlined in the "Proposed Variance" section of the Staff Report dated 2023-JUL-24. |

## **BACKGROUND**

A development variance permit application, DVP448, was received from Jason Wertman of Third Street Nanaimo Holdings Ltd. to vary the provisions of the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" (the "Parking Bylaw") for a proposed neighbourhood pub within a recently constructed mixed-use building located at 300 Howard Avenue.

Development Permit No. DP1126, for a mixed residential and commercial project, was previously approved by Council on 2019-JUL-08. The development consists of two four-storey buildings with a total of 181 residential rental units and ground-level commercial space (423m<sup>2</sup>) in one of the buildings. The development was approved with a variance to allow 188 parking spaces utilizing a Shared Parking Reduction, with unassigned parking for both residential and commercial users. A subsequent Development Permit amendment (DP1164) was approved to allow the 188 spaces without requiring the shared parking arrangement, as the applicant preferred to assign spaces separately to the residential and commercial uses. Of the existing 188 spaces, 170 spaces were allocated for residential use (including visitor parking) and 18 spaces allocated for commercial use.

A building permit application has been received to divide the existing (unoccupied) commercial space into two separate CRUs, one for a future commercial tenant (CRU1) (150m<sup>2</sup>) and the other to be occupied by a proposed student-oriented neighbourhood pub (273m<sup>2</sup>) (CRU2). The applicant is requesting a parking variance for the pub use based on the anticipated parking demand. No parking variance is proposed for the existing residential use or the unoccupied commercial unit (CRU1).

### **Subject Property & Site Context**

The subject property is bound by Third Street to the south, Lambert Street to the west, and Howard Avenue to the east. The property is surrounded by residential uses, including single residential dwellings to the north and west, and townhouses across Howard Avenue to the east. Across Third Street to the south are single residential dwellings and a new development containing townhouses and a mixed use building with ground-level commercial and residential units above. The site is located on a frequent transit (bus) route and is within walking distance to Vancouver Island University (VIU).

Statutory Notification has taken place prior to Council's consideration of the variance. |

## **DISCUSSION**

The applicant proposes to reduce the minimum parking requirement to allow a neighbourhood pub within a recently constructed mixed-use development. A separate liquor license application and provincial approval would also be required to allow liquor service in this location.

### **Proposed Variance**

#### *Minimum Required Parking*

The Parking Bylaw calculates the required parking for a neighbourhood pub based on a rate of one parking space per three seats. The applicant proposes to vary this requirement to provide 13 parking spaces based on a rate of one parking space per 21m<sup>2</sup> of gross floor area. The proposed pub is 273m<sup>2</sup> in floor area with approximately 96 seats indoors and 34 seats within a seasonal outdoor patio facing Third Street.

The existing development has 18 parking spaces allocated to commercial use, and the applicant proposes to revise the Site and Parking Plan (Attachment C) to add one additional parking space for a total of 19 commercial spaces. Thirteen (13) of these spaces would be allocated to the pub and six spaces would remain for CRU1, which would provide the required parking to allow the unit to be used for permitted uses such as retail, personal service use or take-out restaurant.

In accordance with the City's Policy for Consideration of a Parking Variance, the proposed variance is supportable with the following considerations:

- *Parking Study* - A Parking Study prepared by a professional transportation consultant was submitted in support of the application which concluded that the proposed parking variance is supportable. The Study assumed a peak summer parking demand, including indoor and outdoor patio areas, and determined that 14 parking spaces are needed. The analysis considered data collected from comparable sites/businesses in Nanaimo (five other sites), Saanich, Colwood and Victoria. The required parking rate (1 space per 3 seats), however, applies only to indoor seating, which is approximately 96 seats in this case requiring 32 spaces. The seating capacity is estimated and will be confirmed when the CRU is occupied. The Parking Study recommended using a parking rate based on the anticipated peak demand, including indoor and outdoor seating. The anticipated demand for the proposed pub is 14 parking spaces. With 13 spaces proposed, the Study recommended Transportation Demand Management (TDM) measures, to encourage alternative modes of transportation and reduce the parking demand, including surplus bike parking and participation in the BC Transit ProPASS program. Staff have reviewed and accepted the Parking Study, however it was determined that a monetary contribution towards active transportation improvements would provide a more direct and effective contribution than the optional ProPASS program.
- *Location* – The property is designated Mixed Use Corridor which envisions more intensive residential and commercial uses with a vibrant street life, diverse travel modes and public spaces. The site is well positioned along a frequent transit (bus) route and within 500m of the VIU express bus route; within 750m of the Downtown Primary Urban Centre; and within walking distance of the university campus (approximately 650m) and surrounding residential neighbourhood. Active transportation improvements have been

completed and are in-progress adjacent to and near the site including sidewalks, Harewood Bikeway (along Fourth Street) and the Third Street Complete Streets project with upgrades completed at the intersection of Howard Avenue and Third Street to improve the safety and comfort of pedestrians, cyclists, and transit users in the area.

- *Neighbourhood Engagement* - The applicant provided information regarding the proposed variance to residents in the surrounding neighbourhood and to the Harewood Neighbourhood Association. A summary of comments received are included in Attachment D.
- *Site Constraints* – The existing buildings and site improvements have been completed in a way that addresses a grade change across the site. The applicant was able to revise the Site Plan to add one parking space, but it would not be practical to re-design for more parking without significantly compromising the building design, landscaping and amenity areas. The parking, however, is provided to the rear of the building in compliance with the approved Development Permit, and the required parking for the residential use is maintained.
- *On-street Parking* - Some on-street parking is available on Third Street, Lambert Avenue and Howard Avenue immediately adjacent to the site with additional on-street parking in the neighbourhood.

#### *Proposed TDM Measures*

The applicant proposes to secure the following TDM measures as conditions of the permit to encourage alternate modes of transportation and reduce parking demand:

##### 1. Surplus Short-term Bicycle Parking

As recommended in the Parking Study, the applicant proposes to provide a surplus of 20 short-term bicycle parking spaces to add to the existing eight short-term bicycle parking spaces provided onsite for staff and patrons to arrive by bike. The applicant also proposes to install a bike shelter over one of the racks for weather protection and to provide a bicycle repair station (with a post/lift, tools and an air pump) to further support and encourage cycling as an alternative mode of transportation.

##### 2. Monetary Contribution

A monetary contribution of \$10,000 is proposed and is anticipated to be directed towards the completion of a pedestrian crossing on Third Street, which the City would incorporate into the overall Third Street Corridor upgrade. This crossing would not only improve pedestrian access to the site and onsite uses but would improve broader pedestrian connectivity in the Harewood neighbourhood. Pedestrian access would be available from Armishaw Road through the subject property (via existing statutory right-of-way) to properties south of Third Street along Watfield Avenue, extending to Fourth Street with the recently approved townhouse development at 385 Watfield Avenue.

The subject property is not in a cash-in-lieu area for a parking reduction in accordance with the Parking Bylaw, however, the monetary contribution amount (\$10,000) is equivalent to what would

be required for one parking space if the property were in a cash-in-lieu area. The rationale for this amount is based on the anticipated demand being 14 spaces with 13 provided.

The proposed pub is strategically located within an existing neighbourhood and within walking distance of services, recreational amenities and the University. It is anticipated the pub would contribute to community vitality with opportunities for gathering and employment along a connected corridor. While the proposal encourages cycling, it is anticipated that much of the patronage will walk to the pub including residents living onsite and nearby. The proposal meets the intent of the Policy for Consideration of a Parking Variance, and Staff support the proposed variance.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP448 to vary the “Off-Street Parking Regulations Bylaw 2018 No. 7266” by reducing the minimum parking requirement for a proposed neighbourhood pub from 1 space per 3 seats to 1 space per 21m<sup>2</sup> gross floor area at 300 Howard Avenue.
- The applicant provided a Parking Study which concluded that the variance is supportable.
- In support of the variance request, the applicant is proposing to provide surplus bicycle parking, a bike shelter and repair station, as well as a monetary contribution towards active transportation improvements.
- Staff support the proposed variance.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Site Plan and Details  
ATTACHMENT D: Neighbourhood Comments

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO

# **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

## **TERMS OF PERMIT**

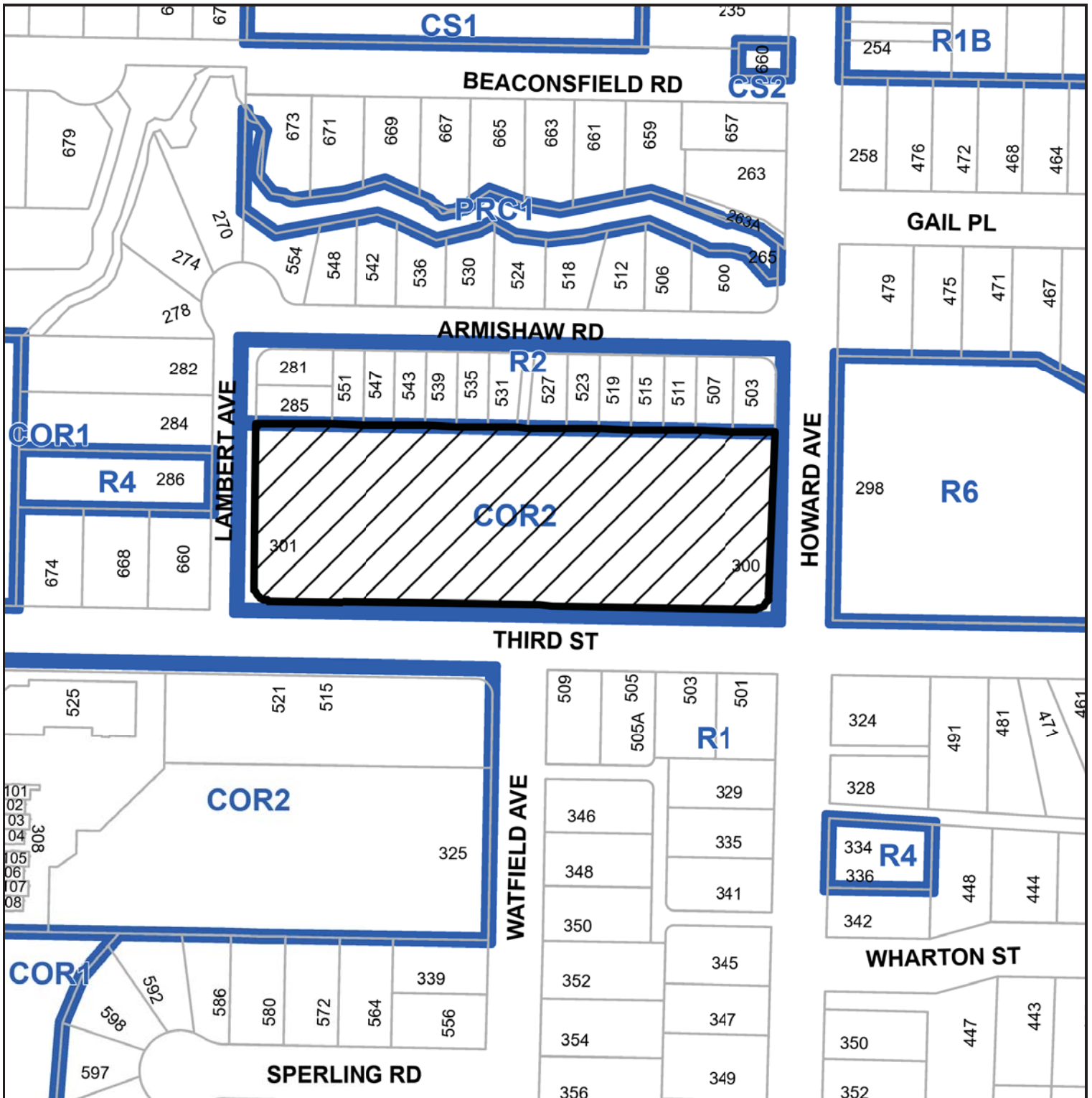
The City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” is varied as follows:

1. *Section 7.2 – All Other Uses Parking Table* – to vary the minimum off-street parking requirement from 1 parking space per 3 seats to 1 space per 21m<sup>2</sup> gross floor area for a proposed neighbourhood pub (273m<sup>2</sup>) with a minimum of 13 parking spaces provided.

## **CONDITIONS OF PERMIT**

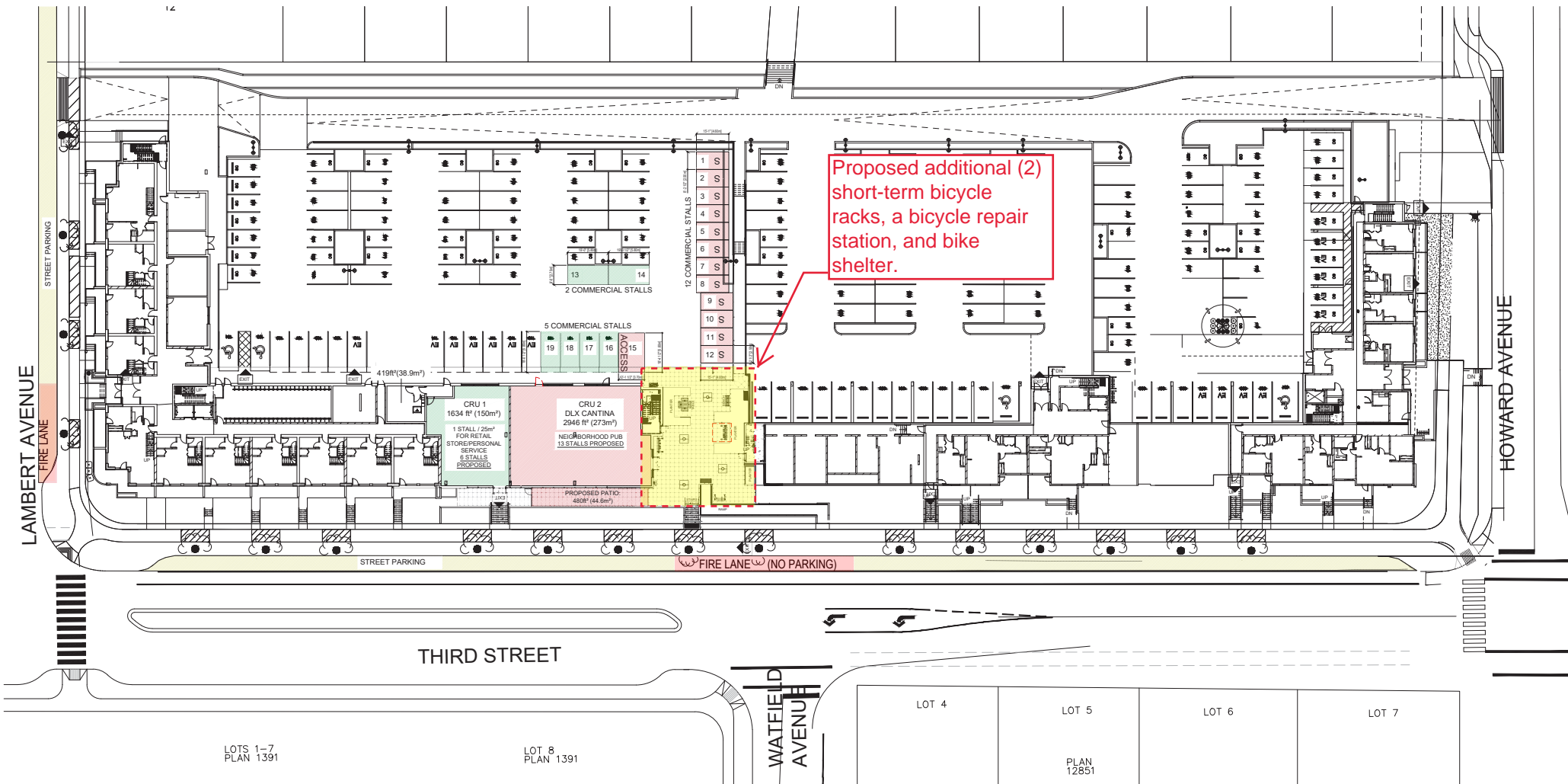
1. The subject property shall be developed generally in accordance with the proposed Site Plan and Details prepared by WA Architects, dated 2023-JUN-27, including the installation of two (2) short-term bicycle racks, 1 bicycle rack shelter, and a bicycle repair station substantially as shown on Attachment C.
2. A monetary contribution in the amount of \$10,000 to be directed toward active transportation improvements in the City.

# ATTACHMENT B SUBJECT PROPERTY MAP



300 Howard Ave

# ATTACHMENT C SITE PLAN & DETAILS

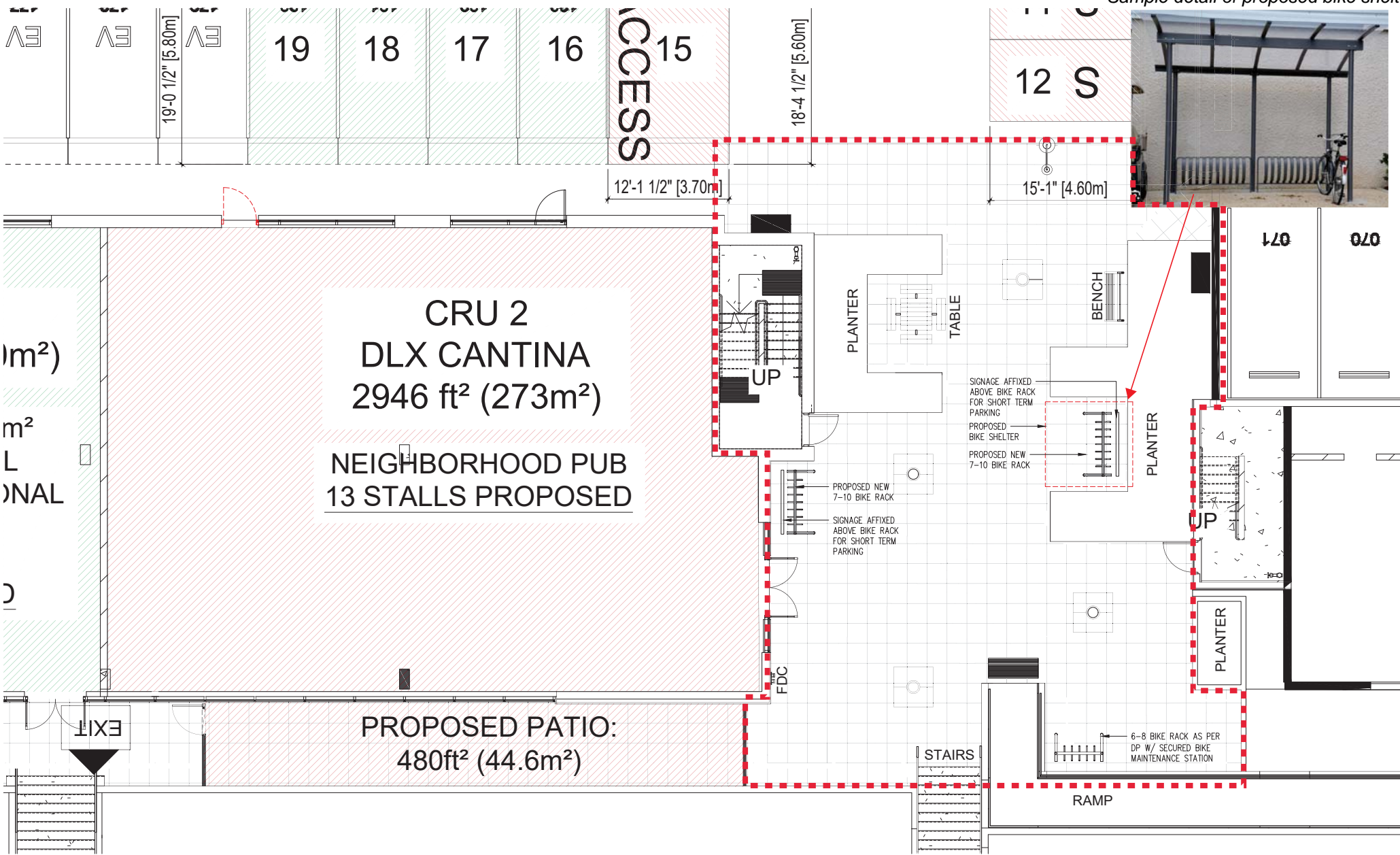


**IWA ARCHITECTS**  
DLX CANTINA  
560 THIRD STREET, NANAIMO, BC

RECEIVED  
**DVP448**  
**2023-JUN-27**  
Current Planning



Sample detail of proposed bike shelter



**Example of Proposed Bike Repair Station**



**Proposed Short-Term Bike Racks**

Pi 10

Capacity: 10 Bikes (5 per side)

Height: 30"

Length: 58"





# ATTACHMENT D NEIGHBOURHOOD COMMENTS

June 20, 2023

## Response to Neighbourhood outreach letter re: Proposed Parking Variance at 301 Lambert for new Cantina

### Resident 1 on Armishaw Rd:

*"We were one of the first homes to build on Armishaw almost 9 years ago now and have been waiting a very long time for this development to come to fruition. It's changed hands and changed plans but all along the while there was talk of a restaurant or pub which we thought would be a great idea. Although parking in the neighbourhood is already scarce sometimes and could be even more congested with 180 residential units being completed we would definitely become walking patrons of this establishment and I do think there would be great business not only from the DLX tenants but from the local homeowners as well.*

*Keep us posted on updates, excited to see it."*

### Nearby Resident:

*"Hi,*

*Thank you for reaching out. I am in support for the parking variance and looking forward to having a new pub in the neighbourhood. My wife is too. Indeed we are glad for the whole new development. As for the menus we hope for some vegan options there. In this department Nanaimo seems to be lagging behind pretty much every one including smaller places like Ladysmith and Port Alberni.*

*Thank you.*

*[Redacted signature]*

### Resident 2 on Armishaw Rd:

*"Hello,  
My name is [Redacted]. I live at [Redacted], in a house that contains 8 people and 5 vehicles.*

*If you have even a shred of dignity, you'll add as much parking as you possibly can to help our neighborhood.*

*We don't have enough parking on our street already as it's only on one side, and it's a constant war to get a parking spot any day of the week. We can't even peacefully come and go during the day without dreading a return to no parking spaces. Bylaw is harsh on us and refuses to understand the predicaments we are in, and refuses to let us park on the other side of the street as well.*

#### WA Architects Ltd.

#### | PRINCIPALS

Barry Weih  
ARCHITECT AIBC, AAA,  
SAA, LEED® AP

Neil Banich  
DESIGN DIRECTOR

Joel Smith  
ARCHITECT AIBC, AAA, SAA

David Echaiz-McGrath  
ARCHITECT AIBC, AAA, SAA

#### | STUDIOS

##### VAN

950 — 1500 W Georgia Street  
Vancouver, BC V6G 2Z6  
604.685.3529

##### VIC

104 — 3212 Jacklin Road  
Victoria, BC V9B 0J5  
250.391.4933

[wa-arch.ca](http://wa-arch.ca)



*The fact that you want to have EVEN LESS SPACES than you should is outrageous. Consider the people you're imposing this on. We have to live next to you and your lack of parking.*

*If you do not provide your patrons parking (and allow them to leave cars overnight, because they are NOT leaving them on our street), you will be creating enemies out of everyone on this street. We have discussed amongst ourselves and most of us are not in support of this whatsoever.*

*Please have some consideration for the people who just want to park near their own homes at night. There are too many people and cars per household in almost every single house on this street. Don't add to our problems.*

*Thank you”*

**Nearby Resident:**

*“Hello!*

*Thank you for your letter today, our family is very excited for your arrival. We are the blue house on the corner [REDACTED]. And hope to be regular patrons of your establishment!*

*Thank you for looking into traffic, parking, as you can imagine it's very busy around here. We have been in this house since 2009 and have had many run-ins with car accidents and speeders!*

*That being said, we are very excited to be able to walk, and enjoy some food and drinks! please keep us in mind when you do a grand opening, as I can assure you, we will bring friends! (We like to entertain, and they can park at our house!).*

*Look forward to your openings!*

[REDACTED]

*Family of 6 (4 Kids)”*

**Resident 3 on Armishaw Rd:**

*“Hi,*

*My name is [REDACTED] and we are located at [REDACTED]. While my children & neighbours are excited to have an eatery close by, we ARE NOT in support of the parking variance. On Armishaw we already have bylaw concerns with all of our neighbours having tenants & only parking on one side of our street. With the construction our tenants and neighbours are not able to find parking currently. Now if you minimize your parking stalls we*



*will obviously start competing with patrons of your establishment just to try to park and go to our homes where we live.*

*I think you should have the parking spots equal to the capacity of patrons as 13 parking spots will NOT be enough for the high flow of people I'm sure will be influxing to your establishment and we on Armishaw we be completely blocked from parking in front of our homes. I'm seriously concerned about this.*

*Kind regards,*



### **Nearby Block Watch Group:**

*"Hello,*

*Thank you for the letter that was provided to some of our Block Watch members. We consist of 14 households actively engaged in our block in terms of safety and community. Though it will be great to have another restaurant option nearby, we have compiled a list of questions that we are hoping Cantina will respond to. The responses will be shared in our social media group.*

- 1) What will the restaurant hours be? The hours are a concern due to noise (many of us have small children or work varied hours. In addition, the supportive housing unit on 3rd street is for families and Armishaw street's houses -with young children- back onto the new development's property. The noise, increased litter, and disturbances we have all had to endure during the construction of the development through the last few years has been disruptive.)*
- 2) What assurance is Cantina providing to our neighbourhood that there were not be an increase in alcohol fuelled disturbances? What time will alcohol stop being served?*
- 3) We support green initiatives, but with reduced parking, what steps will be taken so that parking doesn't subsequently overflow onto Gail Place and neighbouring residential streets?*
- 4) What unit will Cantina be in/which street will it be facing?*
- 5) Will there be taxi spaces in lieu of parking to encourage safe ways home for people who are intoxicated? What other measures will be offered to prevent intoxicated driving?*
- 6) What measures will Cantina take to limit waste in our neighbourhood? Re: take-out litter, enviro-friendly packaging?*
- 7) What are Cantina's plans to contribute to our neighbourhood/surrounding community other than being a being a nearby restaurant (as the letter's introduction of Cantina is as a neighbour).*
- 8) What assurance will Cantina provide to our block that there will not be an issue with noise coming from the restaurant and patio after 9pm? (Many of*



*our properties have a river running through them, which is great, but it amplifies sound)*

*Thank you in advance and we appreciate your response.*

*Sincerely,  
Gail Place Block Watch”*

**Nearby Resident:**

*“Hi,  
Just got down to reading your flyer and have a couple of questions before I can respond fully.*

- 1. Where exactly on the development site will the pub be located?*
- 2. Where will the 13 parking spots fit on the development?*

*Thank you,  
[REDACTED]”*

No follow up from resident after our reply.

END