



AGENDA

FOR THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO (PUBLIC HEARING)

Thursday, September 6, 2018, 7:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:
2. INTRODUCTION OF LATE ITEMS:
3. ADOPTION OF AGENDA:
4. CALL THE PUBLIC HEARING TO ORDER:
5. PUBLIC HEARING AGENDA

Lainya Rowett, Manager, Current Planning and Subdivision, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

- | | | |
|----|---|---------|
| a. | <u>Covenant Amendment Application No. CA9 - 6201 Oliver Road</u> | 6 - 25 |
| | To be introduced by David Stewart, Planner, Current Planning and Subdivision. | |
| | <u>Presentation:</u> | |
| | 1. MacDonald Gray Consultants, the Applicant. | |
| | Call for submissions from the Public. | |
| b. | <u>Rezoning Application No. RA389 - 65 and 77 Chapel Street</u> | 26 - 37 |
| | To be introduced by David Stewart, Planner, Current Planning and Subdivision. | |
| | <u>Presentation:</u> | |
| | 1. Peter de Hoog, de Hoog & Kierulf Architects, the Applicant. | |
| | Call for submissions from the Public. | |

- | | | |
|----|---|----------|
| c. | <u>Cannabis Zoning Regulation</u> | 38 - 45 |
| | To be introduced by David Stewart, Planner, Current Planning and Subdivision. | |
| | Call for submissions from the Public. | |
| d. | <u>Off-Street Parking Regulations Bylaw</u> | 46 - 112 |
| | To be introduced by David Stewart, Planner, Current Planning and Subdivision. | |
| | Call for submissions from the Public. | |
- 6. FINAL CALL FOR SUBMISSIONS:**
- Following the close of a Public Hearing, no further submission or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.
- 7. ADJOURNMENT OF THE PUBLIC HEARING**
- 8. BYLAWS:** 113
- | | | |
|----|---|-----------|
| a. | <u>"Zoning Amendment Bylaw 2018 No. 4500.126"</u> | 114 - 115 |
| | That "Zoning Amendment Bylaw 2018 No. 4500.126" (To rezone 65 and 77 Chapel Street to allow a site-specific Floor Area Ratio of 25 and a site-specific maximum building height of 78.5m in the Chapel Front [DT5] zone) pass third reading. | |
| b. | <u>"Zoning Amendment Bylaw 2018 No. 4500.127"</u> | 116 - 117 |
| | That "Zoning Amendment Bylaw 2018 No. 4500.127" (To regulate the sale, production, processing, and distribution of cannabis within the City of Nanaimo) pass third reading. | |
| c. | <u>"Off-Street Parking Regulations Bylaw 2018 No. 7266"</u> | 118 - 144 |
| | That "Off-Street Parking Regulations Bylaw 2018 No. 7266" (To regulate parking within the City of Nanaimo) pass third reading. | |

9. REPORTS:

- a. Bylaw Contravention Notice - Construction Started Without A Building Permit - 2309 Kingsford Place 145 - 146

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2309 Kingsford Place.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2309 Kingsford Place.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2309 Kingsford Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- b. Bylaw Contravention Notice - Construction Started Without A Building Permit - 320 Hecate Street 147 - 148

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 320 Hecate Street.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 320 Hecate Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 320 Hecate Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- c. Bylaw Contravention Notice - Construction Not Completed As Per Conditions Of Building Permit - 151 Roberta Road West 149 - 150
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 151 Roberta Road West.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 151 Roberta Road West.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 151 Roberta Road West for construction not completed as per the conditions of the building permit.
- d. Bylaw Contravention Notice - Construction Not Completed As Per Conditions Of Building Permit - 899 Beaufort Drive 151 - 152
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 899 Beaufort Drive.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 899 Beaufort Drive.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 899 Beaufort Drive for construction not completed as per the conditions of the building permit.
- e. Bylaw Contravention Notice - Construction Started Without A Building Permit - 154 Royal Pacific Way 153 - 154
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 154 Royal Pacific Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 154 Royal Pacific Way.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 154 Royal Pacific Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- f. Bylaw Contravention Notice - Construction Started Without A Building Permit - 5009 Sedona Way 155 - 156

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5009 Sedona Way.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 5009 Sedona Way.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5009 Sedona Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- g. Bylaw Contravention Notices - Secondary Suites 157 - 158

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1115 St. Patrick Crescent.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following property:

1. 1115 St Patrick Crescent – authorized secondary suite

10. **ADJOURNMENT:**

DATE OF MEETING | August 13, 2018 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | COVENANT AMENDMENT APPLICATION NO. CA9 –
6201 OLIVER ROAD |

OVERVIEW

Purpose of Report

To present Council with an application to amend the Section 219 covenant registered on the title of 6201 Oliver Road that contains terms that pertain to a previous development plan. |

Recommendation

That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA9 at 6201 Oliver Road. |

BACKGROUND

The City has received a covenant amendment application, CA9, for 6201 Oliver Road from MacDonald Gray Consultants on behalf of Insight Holdings Ltd. to amend the Section 219 covenant (FA009239) in order to remove language referencing a previous development plan regarding geotechnical considerations, works and service requirements, tree protection, use, density, and height. The covenant also includes a condition that 57% of the required parking be located underground, which will remain on title.

The existing covenant was registered as part of a rezoning application (RA113), which was adopted on 2005-JAN-24. At the time of the rezoning, the property included the lot now known as 6205 Oliver Road, which currently includes Origin at Longwood, seniors' housing. The properties were rezoned from RS-1 to RM-5 and C-15 in order to permit the development of multiple-family dwellings and a small office complex. The area of the subject property was rezoned to C-15 at that time. As a condition of rezoning, Council directed that a covenant amendment be registered on title securing the following:

1. Limited commercial development scale;
2. Off-site road improvements;
3. Tree retention;
4. Development of land in general compliance with the plan proposed at the time of rezoning;
5. Underground parking; and
6. Community contribution.

The covenant was later amended on 2005-NOV-28 (RA154) in order to reduce the required amount of underground parking for the residential portion from 65% to 50% and to revise the existing site plan to allow for the development of a seniors' congregate housing facility.

When Zoning Bylaw 4500 was adopted in 2011, the subject property was rezoned to Mixed Use Corridor (COR2).

Subject Property

Zoning	COR2 - Mixed Use Corridor
Location	The subject is located on the northwest corner of the intersection of Oliver Road and Uplands Drive, to the east of the Origin at Longwood.
Total Area	2,147m ²
Official Community Plan	Map 1 – Future Land Use Plans – Corridor Map 3 – Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/ Residential Development

The subject property is located on the corner of Oliver Road and Uplands Drive. Nanaimo North Town Centre is on the opposite side of the property to the south and the Thornbridge at Longwood multiple-family development is located to the north. |

DISCUSSION

The applicant is proposing to amend the covenant in order to remove the following conditions:

Covenant Section	Condition	Rationale for Amendment
2 (a)	Commercial development shall be limited to one professional office building with: <ul style="list-style-type: none"> i. no greater than 550m² in gross floor area; and, ii. a maximum height of two storeys above underground parking. 	The covenant was created prior to adoption of the current OCP and Zoning Bylaw. The use and size restrictions are inconsistent with the intent of the Official Community Plan, which supports a mixed-use, two- to six-storey building form within the Corridor designation. In addition, the COR2 zone limits the scale of office on the ground floor to 500m ² .
2 (b)	Residential - the residential development of the land shall be limited to two buildings providing no less than 50% of the required parking underground.	A minimum of 57% of the total required parking must be underground regardless of use. This portion of the covenant was intended to apply to the development at 6205 Oliver Road and creates confusion by having it remain on title for the subject property.
3 (a) and (b)	Storm Water - requires post-development flows to not exceed the pre-development storm flow levels.	Our current engineering requirements match this standard, and as such, the covenant requirement is redundant and can be removed.

4 Schedule B	Geotechnical - requires a Geotechnical report be updated with an erosion and sediment control plan for site development.	An updated geotechnical report will be required for a future building permit to meet current standards, so this section is redundant and can be removed.
5	Tree Management - tree removal is prohibited until a Development Permit is issued.	The Management and Protection of Trees Bylaw has been adopted since the covenant was registered and will ensure significant trees are protected prior to construction, and that a tree management plan is submitted prior to development of the property.
6 Schedule C	Works and Services - the covenant requires works and services, including the profiling of Oliver Road.	The re-profiling was completed with the development of 6205 Oliver Road. Any outstanding works in the frontage of the site can be obtained through a future building permit frontage works and services requirements.
7	Community Contribution - the covenant secured a \$25,000 community contribution towards parks.	The community contribution was paid to the City.
8	Highway Improvements - requires the lengthening of a left-turn lane onto Oliver Road from Highway 19A.	The City's Transportation Manager and the Ministry of Transportation have confirmed the turn lane improvements are constructed.
Schedule A	Development Plan - the covenant includes a development plan for the property at 6205 Oliver Road.	The plan does not reference the subject property.

The covenant conditions that no surface parking be provided between the building and adjacent streets (Uplands Drive and Oliver Road) and that no less than 57% of required parking to be underground will remain in the amended covenant. All other restrictions within the covenant will be removed as outlined in the table above.

Staff are requesting Council's direction to proceed with public notification and a Public Hearing for this application.

SUMMARY POINTS

- A covenant amendment application (CA9) was received to amend an existing covenant by removing conditions that relate to geotechnical considerations, works and service requirements, tree protection, use, density, and height.
- The covenant relates to an older development plan and is no longer relevant.
- Underground parking and siting restrictions related to the permitted surface parking will remain.
- Staff support the proposed amendments to the Section 219 covenant.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Existing Covenant
ATTACHMENT C: Aerial Photo |

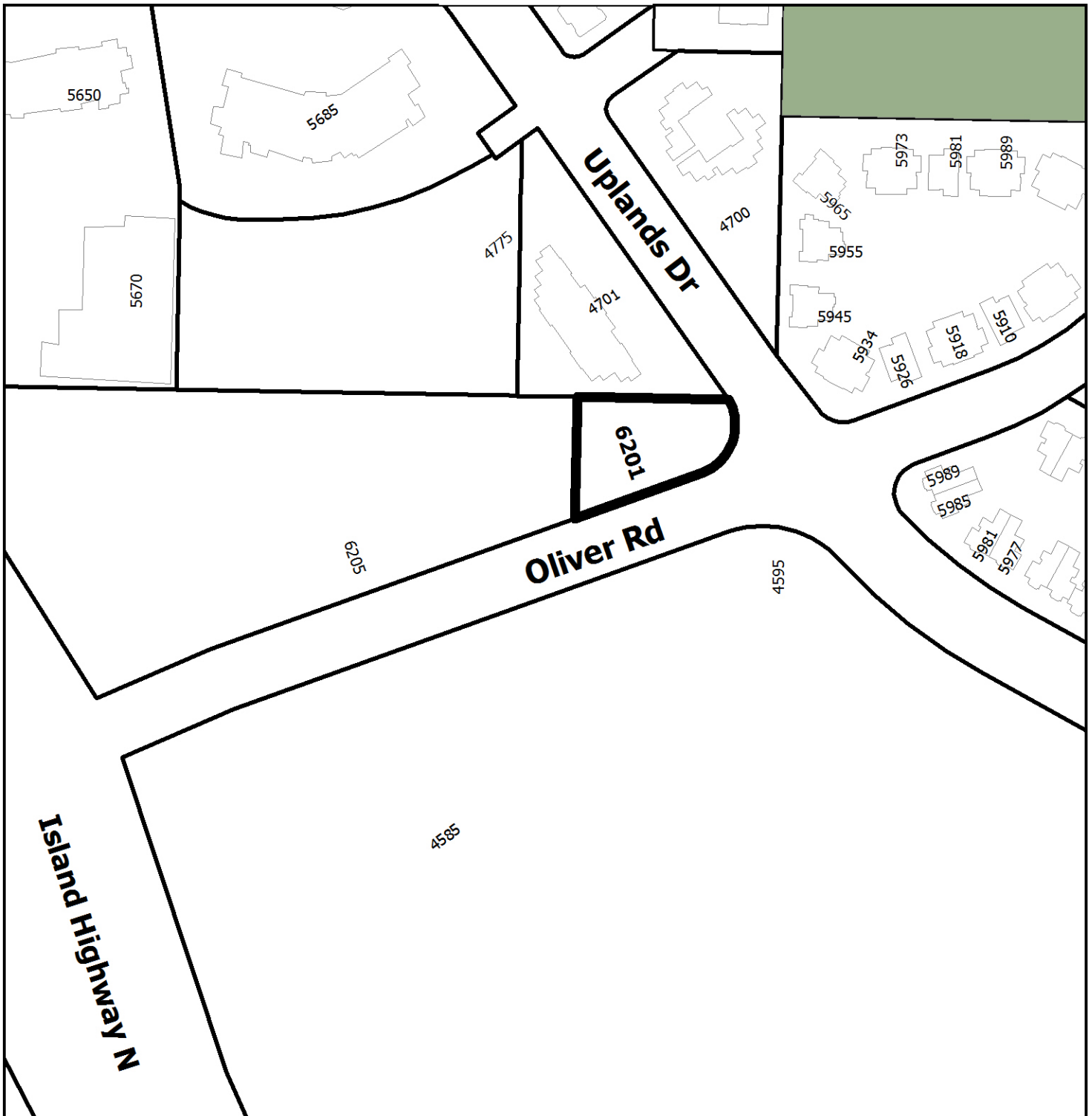
Submitted by:

L. Rowett
Manager, Current Planning and Subdivision |

Concurrence by:

D. Lindsay
Director, Community Development |

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000394

LOCATION PLAN

Civic : 6201 Oliver Road
Lot 2, District Lot 14,
Wellington District, Plan VIP81792



**ATTACHMENT B
EXISTING COVENANT**

1 of 14

Status: Registered

Doc #: FA9239

RCVD: 2006-01-19 RQST: 2017-10-23 11:03:03

**LAND TITLE ACT
FORM C**

19 JAN 2006 09 46

FA009239

(Section 233)

Province of
British Columbia

GENERAL INSTRUMENT -- PART 1

(This area for Land Title Office use)

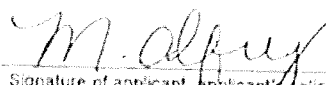
PAGE 1 of 14 pages

1. APPLICATION (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

1C
MACKENZIE FUJISAWA LLP
Barristers & Solicitors
1600 - 1095 West Pender Street
Vancouver, British Columbia V6E 2M6
(604) 689-3281

10388-002

DYE & DURHAM


Signature of applicant, applicant's solicitor or agent
Robert H. Wynick

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND *
(PID) (LEGAL DESCRIPTION)

018-184-669

Lot B, District Lot 14, Wellington District, Plan VIP56222, Except Plan
VIP71177

3. NATURE OF INTEREST *
DESCRIPTION

DOCUMENT REFERENCE
(Page and paragraph)

PERSON ENTITLED TO INTEREST

Section 219 Covenant

Entire Instrument

Grantee

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
(b) Express Charge Terms
(c) Release

- ☐ D.F. No.
☒ Annexed as Part 2
☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(s)/Mortgagor(s): *

INSIGHT HOLDINGS LTD. (Inc. No. 0521297)

6. TRANSFEREE(s)/Grantee(s): *

CITY OF NANAIMO, 455 Wallace Street, Nanaimo, BC V9R 5J6

02 06/01/19 09:46:52 02 VI 679590
CHARGE 164.75

Status: Registered

Doc #: FA9239

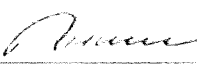
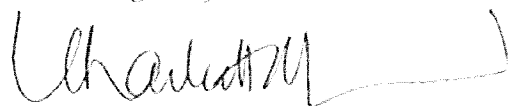



RCVD: 2006-01-19 RQST: 2017-10-23 11:03:03

GENERAL INSTRUMENT - PART 1

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7. Additional or Modified Terms: • N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any:

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
 ROBERT H. WYNICK Barrister & Solicitor MacKENZIE FUJISAWA LLP 1600-1095 West Pender Street Vancouver, B.C. V6E 2M8 604-689-3281	06 05	01 12	6	INSIGHT HOLDINGS LTD. by its authorized signatory  Print Name: CHARLES KOO
 BRIAN SAVAGE Commissioner for taking Affidavits for British Columbia 455 Wallace Street Nanaimo, BC V9R 5J6	06 05	01 12	12	CITY OF NANAIMO by its authorized signatories  General Manager of Development Services BRIAN McHAFFEY  General Manager of Administrative Services KAREN BURLEY

OFFICER CERTIFICATION

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- ** If space insufficient, continue executions on additional page(s) in Form D.

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TERMS OF INSTRUMENT - PART 2**WHEREAS:**

- A. The Grantor is the registered owner in fee simple of:
 PID 018-184-669
 Lot B, District Lot 14, Wellington District, Plan VIP56222, Except Plan VIP71177
 (the "Land");
- B. The Grantee is the City of Nanaimo;
- C. The Grantor acknowledges that it is in the public interest that the subdivision, use and development of the Land be limited and that a community contribution be voluntarily provided and wishes to grant this Covenant to the Grantee;
- D. The Grantor has agreed to enter into this Covenant and to register it against the title to the Land as a covenant and indemnity under section 219 of the *Land Title Act*.

NOW THEREFORE, in consideration of the payment of the sum of \$1.00 by the Grantee to the Grantor and the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

- 1. In this Covenant,
 - (a) "Development Plan" means the "Conceptual Site Plan" dated September 29, 2005, as submitted to the Grantee's Council on September 29, 2005, as attached to and forming part of this Covenant as Schedule "A";
 - (b) "Geotechnical Report" means the Geotechnical Evaluation report dated September 15, 2005 and received by City of Nanaimo Development Services on September 19, 2005, as attached to and forming part of this Covenant as Schedule "B";
 - (c) "Oliver Road Reprofiting Plan" means Newcastle Engineering's drawing L230-01-11 dated July 26, 1999, as attached to and forming part of this Covenant as Schedule "C";
 - (d) "Tree" means any standing, living, woody plant which is five (5) metres (16.3 feet) or more in height and ten (10) centimetres (3.9 inches) or more in diameter;
 - (e) "Zoning Bylaw" means the Grantee's Zoning Bylaw 1993 No. 4000 as may be amended from time to time; and
 - (f) the definitions of the Zoning Bylaw shall otherwise apply.

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- 2 Notwithstanding broader or greater permitted uses, density and other regulations in the Zoning Bylaw and other bylaws, as may be amended from time to time, development of the Land shall not proceed except as approved by the Grantee and in general compliance with the Development Plan, and shall be limited as follows:
 - (a) the commercial development of the Land shall be limited to one professional office building:
 - (i) no greater than 550 square metres in gross floor area, 5920 sq ft
 - (ii) no higher than two storeys above underground parking,
 - (iii) providing no less than 57% of required parking underground, and
 - (iv) having no surface parking between the building and adjacent streets, being Uplands Drive and Oliver Road,
 - (b) the residential development of the Land shall be limited to two buildings providing no less than 50% of required parking underground
- 3 The Grantor covenants and agrees to:
 - (a) prior to the issuance of a building permit, determine and provide to the Grantee the level of pre-development flows onto adjacent properties and highways, and
 - (b) at no time permit storm water flows onto adjacent properties and highways to exceed pre-development flow levels
- 4 The Grantor covenants and agrees not to apply for subdivision, a Development Permit or Building Permit with respect to the Land until it has updated the Geotechnical Report to include provisions dealing with erosion and sediment control during development of the Land. The Grantor must not subdivide or develop the Land in a manner inconsistent with the updated geotechnical report.
- 5 The Grantor covenants and agrees not to cut, trim, prune, damage, defoliate or remove any Tree until securing a Development Permit for the Land, regardless of whether any Development Permit is normally required by the Grantee's bylaws for tree removal
- 6 The Grantor covenants and agrees not to apply for a Development Permit or a Building Permit with respect to the Land until it:
 - (a) has reprofiled and constructed Oliver Road in substantial compliance with the Oliver Road Reprofiting Plan, which shall include:
 - (i) full works and services fronting the Land to the centre line of Oliver Road, and
 - (ii) full works and services, but not including curb, gutter and sidewalk, from the centre line of Oliver Road to the side opposite the Land, or

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- (b) has provided an amount of security, as determined by the Grantee in its sole discretion, sufficient to conduct the works and services in paragraph (a) on this clause
7. The Grantor covenants and agrees not to apply for a Development Permit or Building Permit with respect to the Land until it has voluntarily provided a community contribution in the amount of \$25,000.00, in addition to and without expectation of credit towards other fees, charges, dedications and other requirements of the Grantee or other governmental authority
8. The Grantor covenants and agrees not to apply for a Building Permit to construct any building or structure on the Land until the left turn lane onto Oliver Road from Highway 19A has been lengthened to a sufficient capacity to accommodate the proposed development on the Land, as determined by the Ministry of Transportation in its sole discretion. The Grantor will either conduct the necessary works to satisfy this provision or make arrangements to pay for the works
9. The Grantor and the Grantee agree that the enforcement of this Covenant shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Covenant
10. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Covenant had not been executed and delivered by the Grantor.
11. The Grantor hereby releases and forever discharges the Grantee of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury that the Grantor may sustain or suffer arising out of the subdivision, development or the use of the Land
12. The Grantor covenants and agrees to indemnify and save harmless the Grantee from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of the subdivision, development or the use of the Land
13. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Covenant
14. This Covenant shall be registered as a first charge against the Land and the Grantor agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Covenant

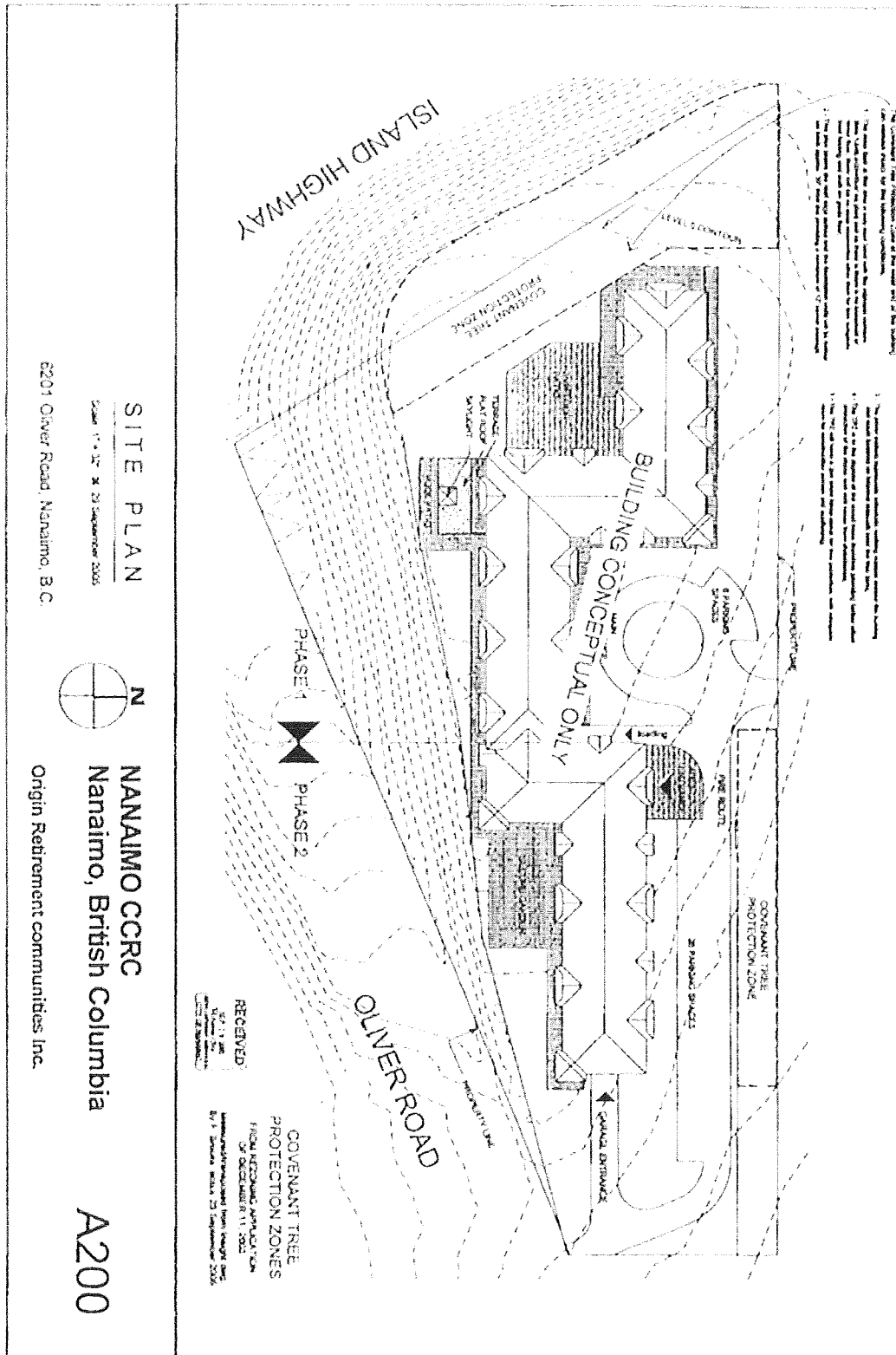
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15. The Grantor shall pay the legal fees of the Grantee in connection with the preparation and registration of this Covenant.
16. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.
17. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Grantee as a first charge against the Land.
18. This Covenant shall enure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
19. Wherever the expressions "Grantor" and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Covenant has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

SCHEDULE A

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SCHEDULE B

Lewkowich Geotechnical Engineering Ltd.

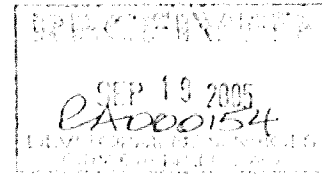
File: G3665.01
September 15, 2005

Insight Group Development Corporation
#6 - 5769 Turner Road
Nanaimo, B.C.
V9T 6L8

Attention: Ms. Tracy McLean

**PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
6201 OLIVER ROAD, NANAIMO**

SUBJECT: GEOTECHNICAL EVALUATION



Dear Ms. McLean:

1. Introduction

- a. As requested by Ms. Tracy McLean of the Insight Group Development Corporation, Lewkowich Geotechnical Engineering Ltd. evaluated geotechnical site conditions at the referenced property. The purpose of this work was to determine whether the property is geotechnically safe and suitable for the intended use. "Intended use" as defined for the purposes of this report is taken as including a multi-phased residential structure up to four storeys high with associated parking. This letter summarizes the results of our evaluation, and provides our comments, conclusions and recommendations.

- b. Our evaluation was based on the City of Nanaimo "Guidelines for the Preparation of Geotechnical Reports". Briefly, these guidelines stipulate that the report is to identify natural hazards that may affect the "safe" development of the land, and to provide recommendations to reduce the risk of damage to the land, buildings and the Works and Services. Lewkowich Geotechnical Engineering Ltd. had previously evaluated conditions on this property in 2003. However, we have re-visited the site given changes in proposed land use, as well as completion of conceptual drawings prepared by A. Robert Murphy Architect Incorporated.

Suite A - 2569 Kenworth Road, Nanaimo, British Columbia, V9T 3M4
Telephone: (250) 756-0355 Facsimile: (250) 756-3831

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Insight Group Development Corporation
 File: G3665.01
 September 15, 2005
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- c. In general, the proposed project area will include an initial phase consisting of a four storey building within the western part of the development area. The second phase will include a three storey addition to the east. The structure will have associated underground and surface parking, as well as ancillary landscaping features. An examination of building elevations indicates that the building area will include excavation into the existing ground surface of about two to three metres.
- d. The site is located north-west of the intersection of the old Island Highway and Oliver Road, and has the legal description of Lot B, District Lot 14, Wellington District, Plan VIP56222 Except Plan VIP71177.

2. Site Conditions

- a. The study area consists of a triangular shaped property with its long axis parallel to Oliver Road. (For the purposes of description in this report, please note that we have taken Oliver Road as being oriented at an east/west direction, and the Island Highway as being in a north/south direction) The subject property is currently undeveloped.
- b. The property essentially consists of a knoll, sloping down gently to the north and east. However, the southern and western sides of the property have been graded to accommodate road alignments for the old Island Highway and Oliver Road. These excavation faces vary up to about 15 metres in height for the Island Highway. Relief within the property, outside of the two roadway cuts, is about ten metres. Slope inclinations for the roadway cuts are typically 1.7 Horizontal: 1 Vertical for the Highway cut, and 2 Horizontal: 1 Vertical for the Oliver Road cut.
- c. The roadway cuts are vegetated with grasses and other low shrubs. The upper plateau area is largely forested with a mature mixed growth of arbutus, maple, fir, and other mixed coniferous trees.

Lewkowich Geotechnical Engineering Ltd.

Page 10 of 14 pages



Insight Group Development Corporation
 File: G3665.01
 September 15, 2005
 Page 3 of 6

- d. As part of our site assessment, we examined the cut slopes for evidence of instability. There were no signs of any large scale instability at either road cut. A small, localized and shallow area of raveling is present near the base of the Highway cut, although this area has remained essentially unchanged for several years. Minor rilling appears to have occurred prior to establishment of ground cover vegetation, but there is no evidence of more recent erosion within the property, or within the roadway cuts flanking the site.
 - e. Exposures within the property indicate that the site's soils consist of a veneer of sand and gravel below the natural topsoil horizon. Soils exposed at depth along the faces of the roadway cuts indicate that this veneer is underlain by a dense to very dense mixture of silt, sand and gravel with occasional cobbles. This latter material is interpreted to be a glacial till deposit.
 - f. As part of our site evaluations, we have reviewed composite plans prepared by Island Geotechnical Services Ltd. in 1979. Those plans show the extent of underground abandoned coal mining in the Nanaimo area. This site is well away from any documented mines.
 - g. Following our visual examination of this property, and of immediately adjacent land, we conclude that the site is not impacted by flooding, shallow ground water conditions, or liquefaction (such as from seismic action). Slope stability issues are discussed in the following section of this report.
3. **Conclusions and Recommendations**
- a. Comments and conclusions presented here take into account guidelines dated May, 1997 by the City of Nanaimo for the preparation of geotechnical reports. Specifically, our evaluation took into account those natural hazards which may affect the safe development of the land. Therefore, this report is intended to meet the following stated objectives:

Lewkowich Geotechnical Engineering Ltd.

Page 11 of 14 pages

Insight Group Development Corporation
File: G3665.01
September 15, 2005
Page 4 of 6



- i. acknowledge that the City, its Approving Officer and building inspectors may rely on the Report when making a decision on applications for the subdivision or development of the land;
 - ii. whether the land is geotechnically safe and suitable for the intended purpose of siting for residential and commercial structures, with a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years;
 - iii. identify any geotechnical deficiency for the design of buildings, proposed service lines, drainage, or roadworks or construction standards intended for the development; and
 - iv. prescribe the geotechnical works and any changes in the standards of the design of the development which are required to ensure the land, buildings, and Works and Services are developed safely for the use intended and which maintain the safety of the land, buildings, and any Works and Services as a condition of approval of the development.
- b. We examined the development area relative to Environmentally Sensitive Area (ESA) and Natural Hazard Area (NHA) designations and Development Permit guidelines of the Official Community Plan (OCP). We noted that this property is outside of any designated Natural Hazard Area, and is not within a Development Permit Area (other than Development Permit Area 21 - Form and Character).
- c. Based on our review of available mine information, it is concluded that the site lies outside of the area of influence of known underground coal mine workings.

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Insight Group Development Corporation
File: G3665.01
September 15, 2005
Page 5 of 6

- d. While the site is not designated as a steep sloping area, the proposed development is potentially impacted by cut slopes that were constructed for installation of the old Island Highway and for Oliver Road. It is our opinion that these slopes are currently in a stable condition, with no signs of large scale instability. A localized and minor slough was observed within a segment of the cut face along the Island Highway. However, we conclude that this is a minor slough, probably due to an isolated weeping sand lens. Additionally, this feature has remained unchanged for several years and is not considered to be of concern.
- e. In addition, the cut face inclinations are not considered to be excessively steep considering the competence of the glacial till soils comprising the bulk of the exposed subsurface soils. However, as a precautionary measure, we recommend that buildings be set back a minimum of five metres from slope crests as measured from the outer face of structurally loaded foundation walls to slope crests. This setback is considered warranted to preclude future slope movements as might occur from seismic action, or from severe storm water flows after the property is developed.
- f. The excavation slopes shall be preserved in a vegetated manner, to mitigate the potential for erosion action.
- g. An examination of the proposed building layout indicates that the building area will include soil removals in the range of two to three metres. In general, this removal will enhance overall site stability, since it represents a net "unloading" of stresses - including an accounting of building loads - within the subsurface soils.
- h. Our comments, conclusions and recommendations take into account a maximum probability of risk up to ten percent in fifty years. We conclude that the subject site is geotechnically safe and suitable for the intended use of siting a residential subdivision, provided recommendations given here are followed during design and construction.

Lewkowich Geotechnical Engineering Ltd.

Page 13 of 14 pages

Insight Group Development Corporation
File: G3665.01
September 15, 2005
Page 6 of 6

4. Closure

Lewkowich Geotechnical Engineering Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further service, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Geotechnical Engineering Ltd.

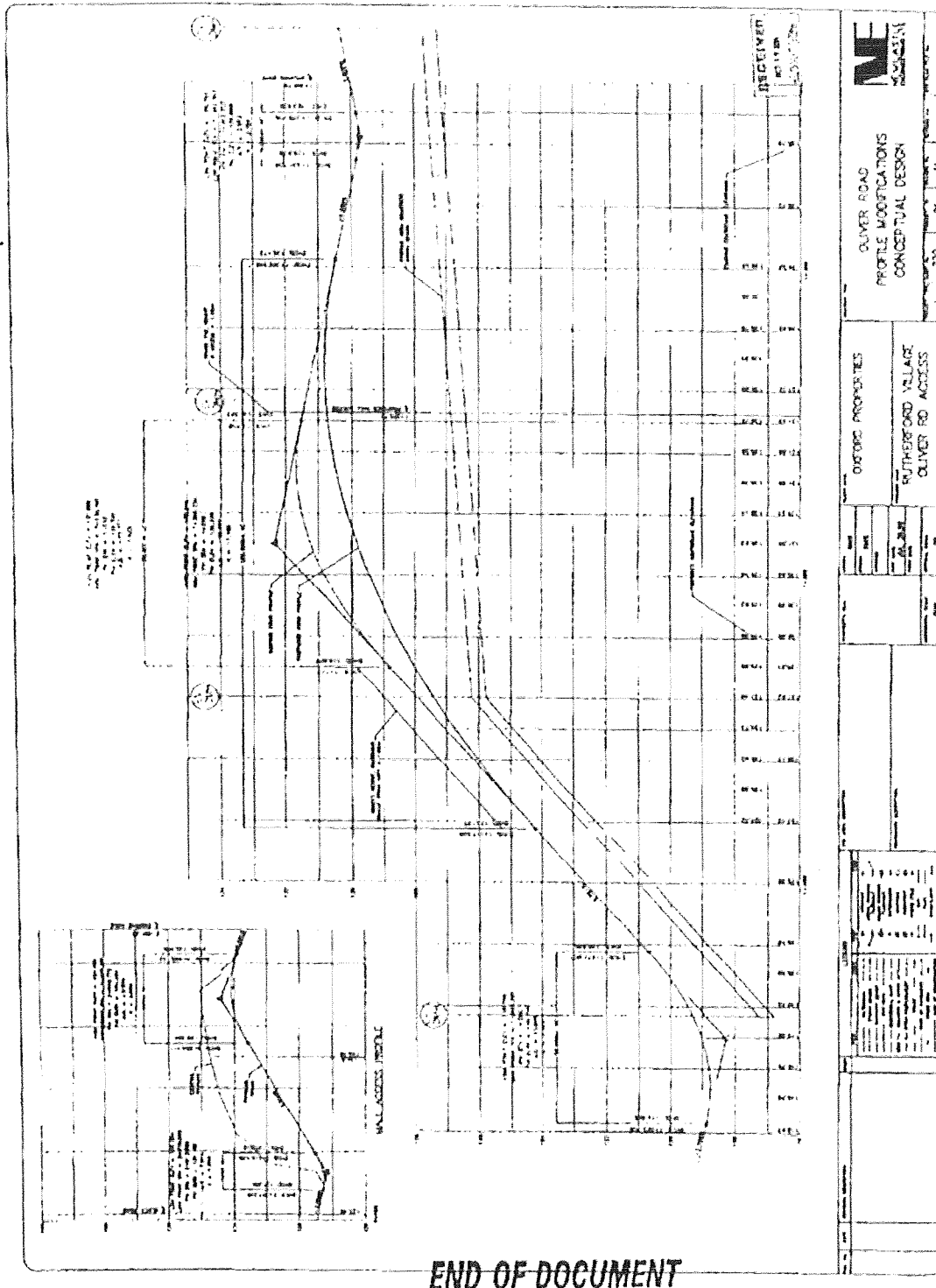
G.F. Lewkowich,
Principal



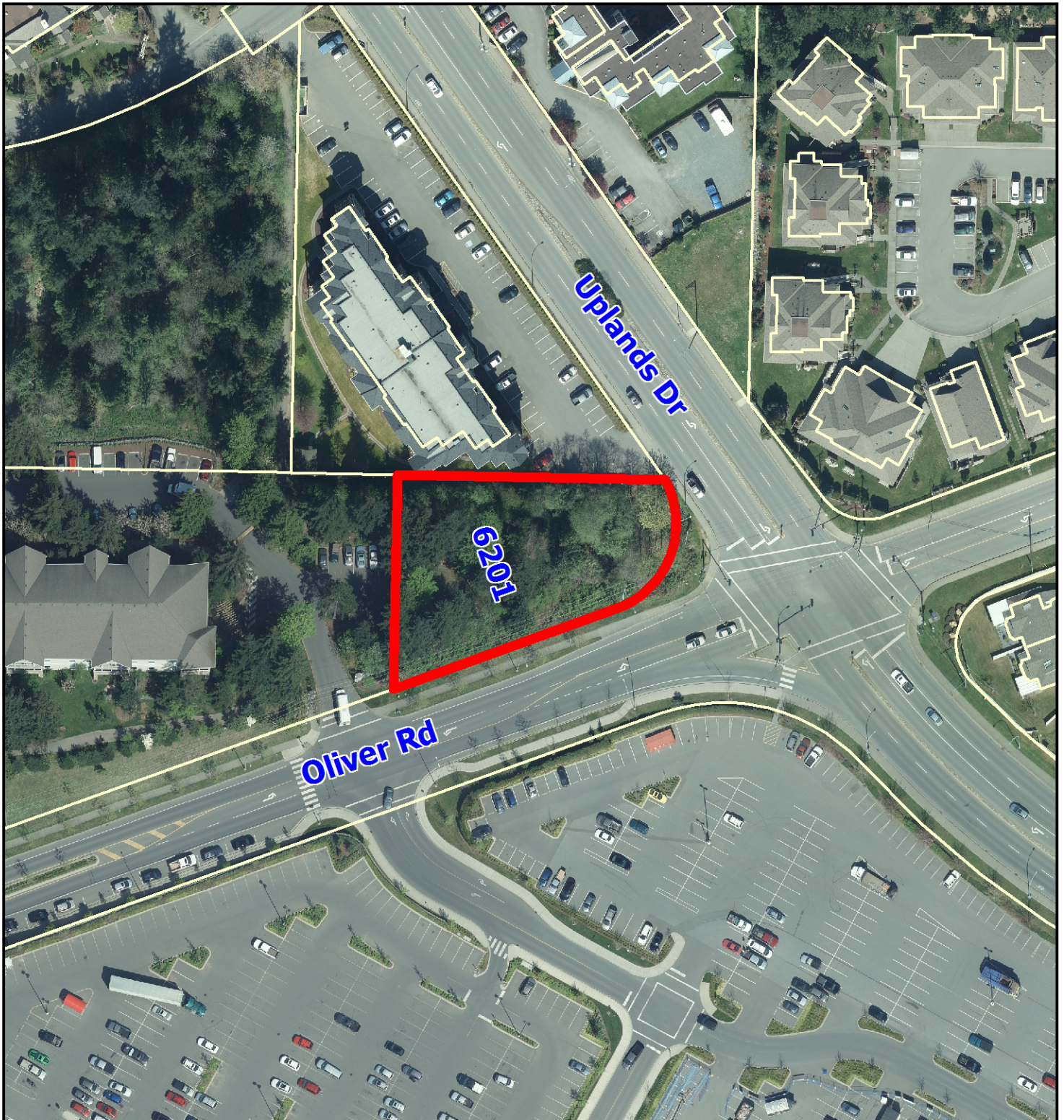
Lewkowich Geotechnical Engineering Ltd.

Page 14 of 14 pages

SCHEDULE C



ATTACHMENT C
AERIAL PHOTO



REZONING APPLICATION NO. RA000394



DATE OF MEETING | August 13, 2018 |

AUTHORED BY | TAMERA ROGERS, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | **REZONING APPLICATION NO. RA389 – 65 AND 77 CHAPEL
STREET** |

OVERVIEW

Purpose of Report

To present Council with a rezoning application for site-specific amendments to the Chapel Front (DT5) zone to increase the allowable Floor Area Ratio and the maximum building height to allow a 24-storey high-rise, mixed-use building at 65 and 77 Chapel Street.

Recommendation

1. That “Zoning Amendment Bylaw 2018 No. 4500.126” (To rezone 65 and 77 Chapel Street to allow a site-specific Floor Area Ratio of 4.25 and a site-specific maximum building height of 78.5m in the Chapel Front [DT5] zone) pass first reading;
2. That “Zoning Amendment Bylaw 2018 No. 4500.126” pass second reading; and
3. That Council direct Staff to secure the community contribution and road dedication prior to the adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA389) for 65 and 77 Chapel Street was received from Peter de Hoog (de Hoog & Kierulf Architects) on behalf of 6577 Nanaimo Holdings Ltd (Joseph and Jason Wertman). The applicant is requesting site-specific amendments to the Chapel Front (DT5) zone to increase the maximum allowable Floor Area Ratio (FAR) and the maximum building height to allow a 24-storey high-rise, mixed-use building.

Subject Property & Site Context

<i>Location</i>	The subject properties are located at the corner of Chapel and Skinner Streets.
<i>Total Lot Area</i>	4,364m ² (65 Chapel Street – 1,359m ² ; 77 Chapel Street - 3,005m ²)
<i>Current Zone</i>	DT5 – Chapel Front
<i>Proposed Zone</i>	DT5 – Chapel Front with site-specific provisions for FAR and building height
<i>Official Community Plan Designation</i>	Downtown Centre Urban Node
<i>Nanaimo Downtown Plan</i>	Character Area – Chapel Front Land Use Designation – Residential Office Retail

The subject properties are through-lots fronting both Skinner and Chapel Streets with views of Mount Benson, Maffeo Sutton Park, Downtown, and the Nanaimo Harbour. The sites slope up

from south to north by approximately 5m and the grade change between Chapel and Skinner Street is also approximately 5m.

The surrounding neighbourhood context includes:

- A restaurant, mid-rise condo, and high-rise apartment building to the north;
- The Law Courts to the east;
- A restaurant and Benson Street connecting down to the services on Cliff Street to the west; and,
- A proposed mixed-use building (91 Chapel Street) and Studio NA located immediately to the south.

The property at 65 Chapel Street is currently used as a surface parking lot and 77 Chapel Street is a parkade. The applicant proposes to consolidate the properties into one lot. As they are located in the heart of downtown, the properties are in walking distance of a variety of commercial and professional services, night-life activities, cultural facilities, recreational opportunities, as well as transit and seaplanes.

DISCUSSION

The applicant proposes site-specific amendments to the DT5 zone to increase the maximum FAR from 2.3 to 4.25 and to increase the maximum building height from 19.8m to 78.5m to allow a 24-storey mixed-use development on a one- to five-storey podium including:

- 109 residential units (condo);
- ground floor commercial units and second floor office space (2,160m² total) on Chapel Street;
- a two-storey athletic club;
- five live/work townhouse units on Skinner Street; and
- 167 underground parking spaces (109 required) accessed from Chapel and Skinner Streets.

The conceptual Site Plan includes a public space at the north end of the site with public art and outdoor seating. The building design includes ground floor commercial units to provide street animation along Chapel Street and townhouse units along Skinner Street to continue the residential street wall created by Studio NA and by the future midrise building at 91 Chapel Street.

Road dedication (approximately 1m) is required along the Skinner Street frontage as part of the rezoning application. Full works and services will be required through a future building permit, including sidewalks to complete the sidewalk network around the site, street trees, streetlights, and on-street parking, where possible.

A shadow study has been provided in support of the application to show that the proposed building height will not negatively impact adjacent properties. A more detailed design review will be completed through a future development permit application.

See the Attachments for more information.

Official Community Plan

The subject properties are located within the Downtown Centre Urban Node of the Official Community Plan (OCP). The Downtown Centre Urban Node is envisioned as the civic heart of Nanaimo and as a welcoming place for citizens to live, work, and visit. High-rise building forms, including residential densities greater than 150 units per hectare, are supported. The proposed residential density equates to 250 units per hectare. For reference, Pacifica equates to 445 units per hectare. A mix of commercial and professional uses is also anticipated and public gathering places should be provided where possible.

Staff considers the high-rise, mixed-use development to comply with OCP policies to contribute to the mix of uses and residential density needed to support a vibrant downtown; and to achieve infill development in downtown near services, transit and parks.

Nanaimo Downtown Plan

The subject properties are located in the Chapel Front character area of the Nanaimo Downtown Plan, which anticipates a mix of residential, office, and retail land uses. This area is in the High Rise Zone, an area where high-density, high-rise forms are encouraged to increase the residential population in Downtown. Significant public view corridors identified in the plan should be maintained.

The proposed development meets the intent of the Chapel Front character area and provides a high-rise form that will not impact identified view corridors. The development also provides a mix of residential, office, and retail uses that will animate the street level, provide services for residents and visitors, and add to the residential density needed to support the local economy.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant proposes a community amenity contribution valued at \$182,400 (calculated based on \$1,000 per residential unit and \$34/m² of commercial gross floor area). It will be comprised of a monetary contribution of \$144,400 to be divided equally between improvements to Maffeo Sutton Park (\$72,200) and the Housing Legacy Reserve Fund (\$72,200). Public art with a minimum value of \$38,000 will also be provided as an on-site public amenity. Staff are supportive of the community contribution proposal.

Transportation Master Plan

The proposed development is located within the Downtown Mobility Hub, which has the highest proportion of sustainable transportation trips in the city. The Transportation Master Plan supports medium- and high-rise development forms in mobility hubs to establish the higher densities needed to support alternative modes of transportation. A mix of uses, sidewalks, and pedestrian-oriented design is also recommended to create vibrant and safe streetscapes that encourage walking and cycling.

The development proposal meets the intent of the Transportation Master Plan by adding a mix of uses, high residential density, and a pedestrian-oriented streetscape with continuous sidewalk that will encourage sustainable modes of transportation in the city.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2018 No. 4500.126”, Staff recommend the following items be secured through covenant prior to final adoption of the bylaw:

1. *Community Contribution*

A \$144,400 monetary contribution to be divided equally between improvements to Maffeo Sutton Park (\$72,200) and the Housing Legacy Reserve Fund (\$72,200), and public art to be provided as an on-site amenity with a minimum value of \$38,000.

2. *Road Dedication (Skinner Street)*

Approximately 1m of road dedication is required along the Skinner Street frontage.

Community Planning and Development Committee

The Community Planning and Development Committee, at its meeting held on 2018-JUN-19, recommended that Council approve the rezoning application.

SUMMARY POINTS

- The application is for site-specific amendments to the Chapel Front (DT5) zone to increase the allowable Floor Area Ratio and maximum building height to allow a 24-storey high-rise, mixed-use building at 65 and 77 Chapel Street.
- The proposed development meets the policy objectives of the OCP and offers an infill development in downtown near services, transit, and parks.
- The applicant proposes a community contribution valued at \$182,400, including monetary contributions toward improvements to Maffeo Sutton Park (\$72,200) and the Housing Legacy Reserve Fund (\$72,200) and the provision of public art with a minimum value of \$38,000.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Renderings
ATTACHMENT D: Shadow Study
ATTACHMENT E: Aerial Photo
“Zoning Amendment Bylaw 2018 No. 4500.126”

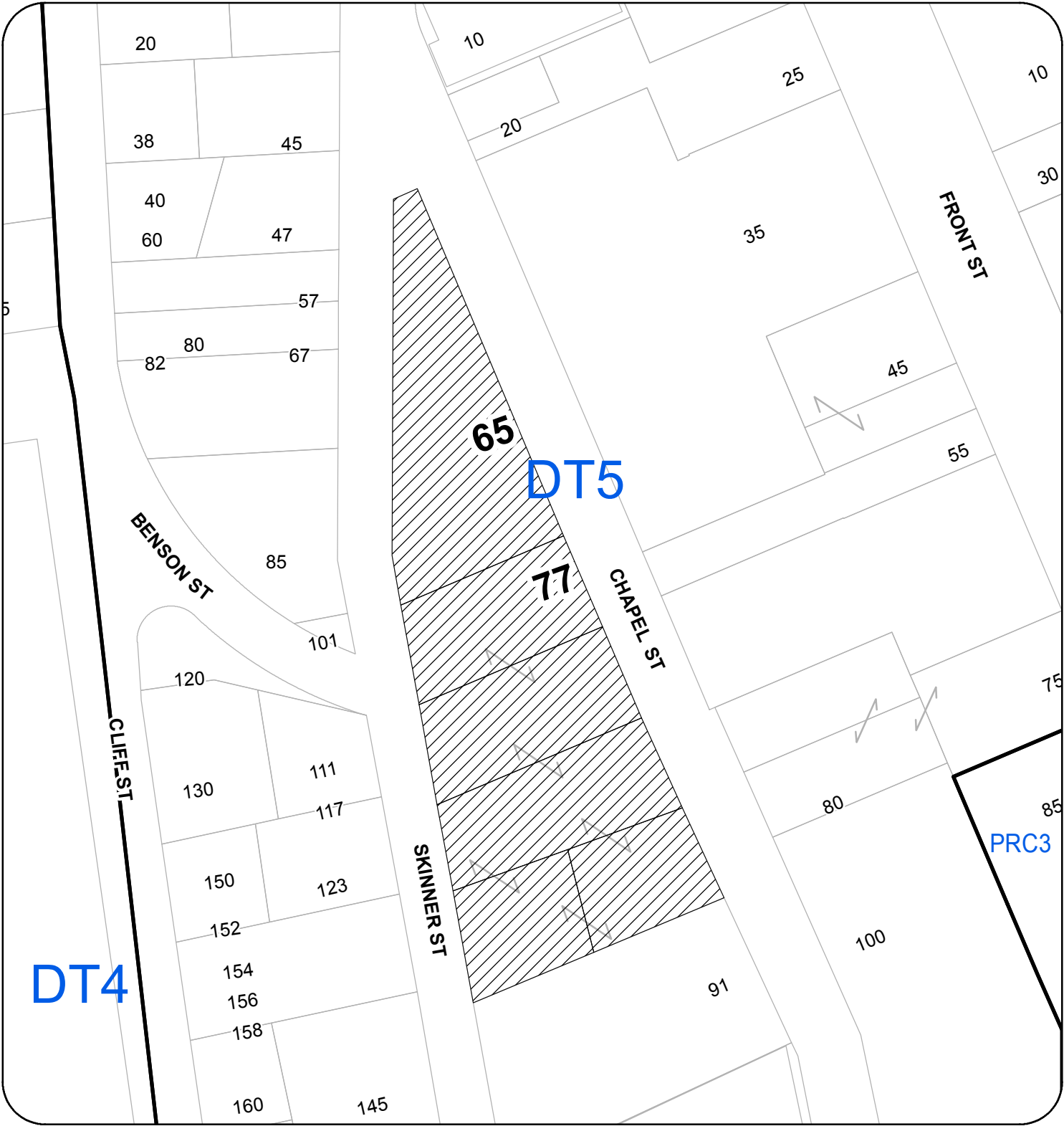
Submitted by:

L. Rowett
Manager, Current Planning & Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000389

LOCATION PLAN

Civic: 65 and 77 Chapel Street

 Subject Property

GRADE CALCULATION

$19.8 + 19.9 + 20.7 + 23.8 + 23.9 + 23.8 + 23.6 + 19.5 + 16.1 + 17.6 = 209$

$209 / 10 = 20.9\text{m GEODETIC}$



Rev	Date	Description
18-05-30		Issued for Rezoning Revisions
18-03-28		Issued for Rezoning Revisions
18-01-19		Issued for Rezoning Application
18-05-30		1727 A200 Plans
1200		1727

NOTE: All dimensions are shown in millimeters U.N.O.

MARCILO
77 Chapel Street
Nanaimo BC
Site Plan



dH α A101

de Hoog & Kierulf architects
Victoria
977 Fort Street V8V 3K3 T 1-250-658-3367
Nanaimo
102-5190 Dubin Way V9T 2K8 T 1-250-585-5810

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ATTACHMENT C CONCEPTUAL RENDERINGS

1 of 2



VIEW LOOKING NORTH-EAST OVER NANAIMO HARBOUR

RECEIVED
RA 389
2018-JUL-17
City of Nanaimo

Rev	Date	Description	Issued for Review
18-05-30	18-05-30	Issued for Review	1727 A502 Supplemental
18-05-30	18-05-30	Issued for Review	1727 A502 Supplemental
18-05-30	18-05-30	Issued for Review	1727 A502 Supplemental
18-05-30	18-05-30	Issued for Review	1727 A502 Supplemental

NOTES: All dimensions are shown in millimeters (M.M.).

MARCILO
77 Chapel Street
Nanaimo BC
Colour Rendering

dhKa A502

de Hoog & Kierulff architects
Victoria
577 Fort Street V8V 3K3 T 1-250-695-3367
Nanaimo
502-5190 Dublin Way V8T 2K8 T 1-250-585-5810
COMMITMENT: THESE PLANS AND DESIGN ARE NOT A FINAL DESIGN. THE PROPERTY OF DE HOOG & KIERULFF ARCHITECTS IS TO BE USED FOR THE PROJECT SHOWN AND NOT BE REPRODUCED WITHOUT PERMISSION.



VIEW LOOKING SOUTH AT RESIDENTIAL ENTRANCE



VIEW LOOKING SOUTH AT ATHLETIC CLUB ENTRANCE



VIEW LOOKING NORTH ALONG CHAPEL STREET



VIEW LOOKING NORTH ALONG SKINNER STREET

RECEIVED
R A 3 8 9
2018-JUL-17
City of Nanaimo - Planning & Development

Rev	Date	Description
1	17/07/2018	1727 A500 Supplemental
2	17/07/2018	1727 A500 Supplemental
3	17/07/2018	1727 A500 Supplemental
4	17/07/2018	1727 A500 Supplemental
5	17/07/2018	1727 A500 Supplemental
6	17/07/2018	1727 A500 Supplemental
7	17/07/2018	1727 A500 Supplemental
8	17/07/2018	1727 A500 Supplemental
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99	17/07/2018	1727 A500 Supplemental
100	17/07/2018	1727 A500 Supplemental

MARCILO
77 Chapel Street
Nanaimo BC
Street Views

dHKA A504

de Hoog & Kierulff architects
Victoria
577 Fort Street V8V 3K3 T 1-250-656-3367
Nanaimo
100-1190 Dublin Way V8T 2K6 T 1-250-585-5810
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ATTACHMENT D SHADOW STUDY



EQUINOX 9:00 a.m.



EQUINOX 12:00 p.m.



EQUINOX 3:00 p.m.

RECEIVED
RA389
2018-JUL-17
Current Planning & Subdivision

-	18-05-30	Issued for Rezoning Revisions
-	18-03-28	Issued for Rezoning Revisions
-	18-01-19	Issued for Rezoning Application
Rev	Date	Description
plot date	18-05-30	drawing file 1727 A500 Supplemental
drawing	lgl	checked by pdh
scale	N.T.S.	project number 1727

NOTE: All dimensions are shown in millimeters U.N.O.

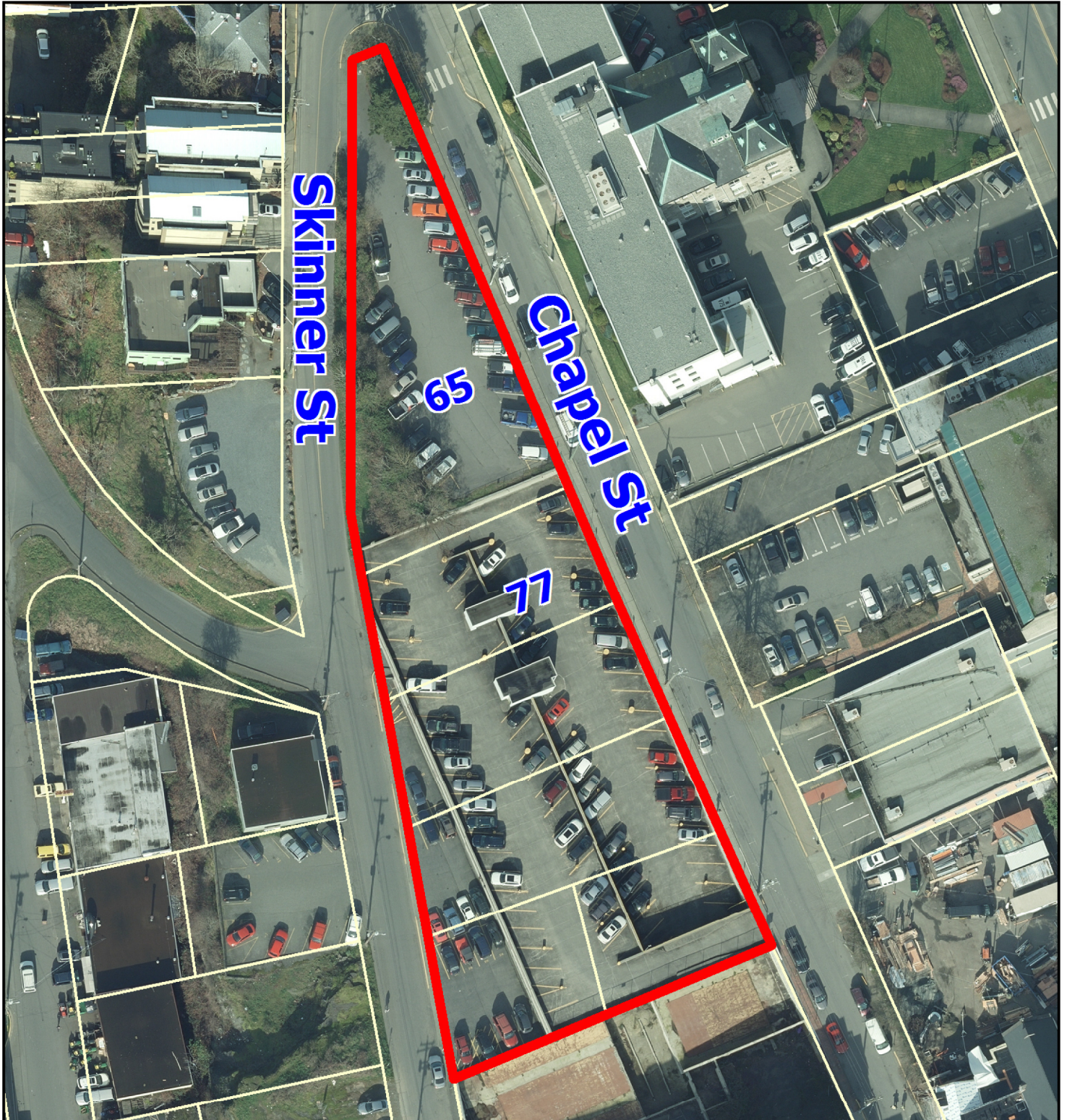
MARCILO
77 Chapel Street
Nanaimo BC
Shadow Study

dHka A501

de Hoog & Kieruff architects
Victoria
977 Fort Street V8V 3K3 T 1-250-658-3367
Nanaimo
102-6190 Dublin Way V9T 2K8 T 1-250-585-5810

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ATTACHMENT E
AERIAL PHOTO



REZONING APPLICATION NO. RA000389



CITY OF NANAIMO

BYLAW NO. 4500.126

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2018 No. 4500.126".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (A) By rezoning the lands legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49727 (65 Chapel Street) and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP57801 (77 Chapel Street) as shown on Schedule A for site-specific provisions to increase the maximum allowable Floor Area Ratio to 4.25 and to increase the maximum building height to 78.5m in the Chapel Front (DT5) zone.

- (B) By amending Subsection 11.3.2 by adding the following after 1 Chapel Street:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
65 and 77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49727; and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP57801	4.25

- (C) By amending Subsection 11.7.2 by adding the following after 1 Chapel Street:

Civic Address	Legal Description	Maximum Allowable Height
65 and 77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49727; and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP57801	78.5m

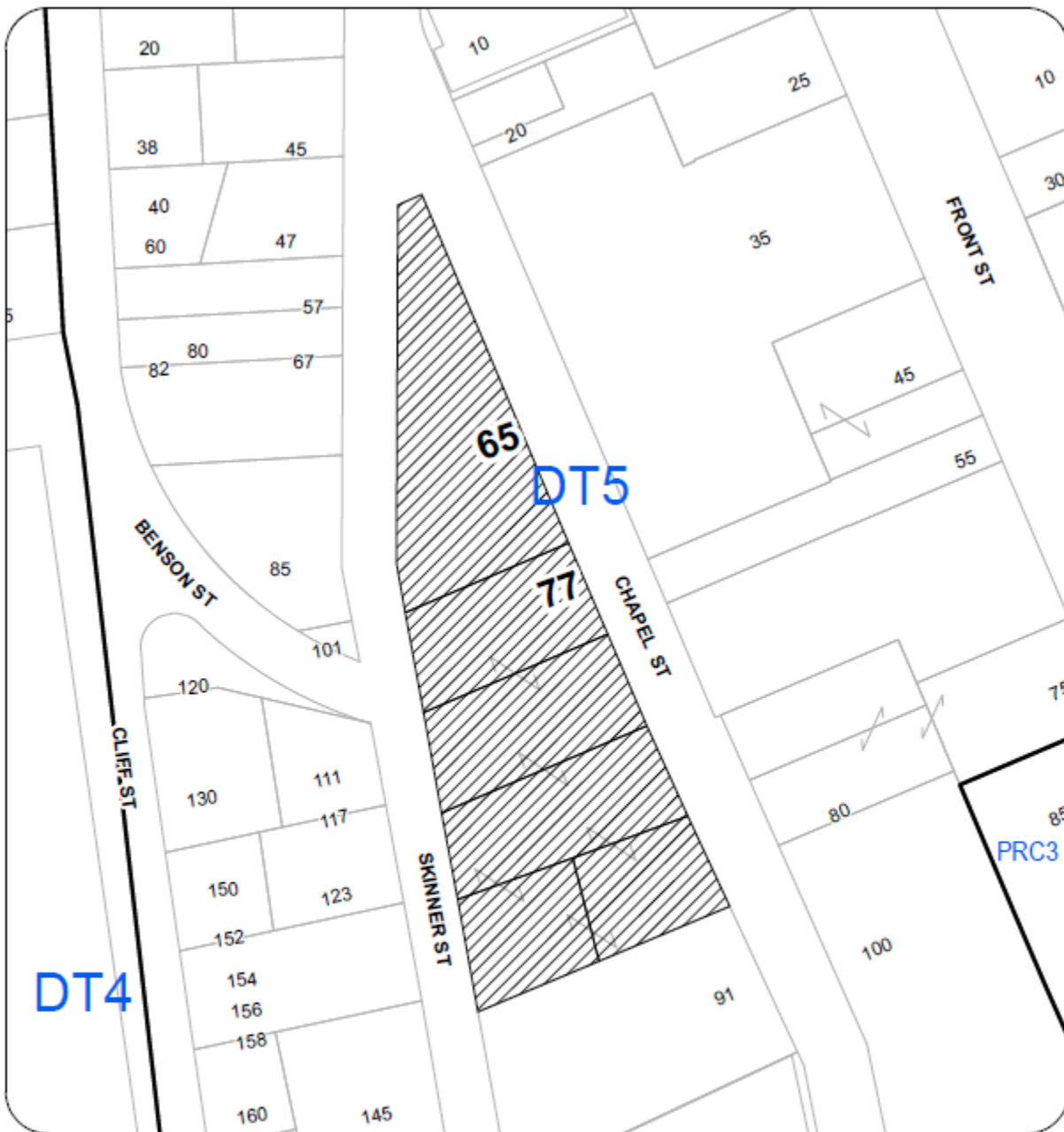
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
COVENANT REGISTERED: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000389
Address: 65 and 77 Chapel Street

SCHEDULE A




REZONING APPLICATION NO. RA000389



LOCATION PLAN

Civic: 65 and 77 Chapel Street

 Subject Property

DATE OF MEETING | August 13, 2018 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | CANNABIS ZONING REGULATION |

OVERVIEW

Purpose of Report

To present Council with proposed amendments to City of Nanaimo "Zoning Bylaw 2011 No. 4500" in order to regulate the sale, production, processing, and distribution of cannabis in the city of Nanaimo.

Recommendation

1. That "Zoning Amendment Bylaw 2018 No. 4500.127" (To regulate the sale, production, processing, and distribution of cannabis within the city of Nanaimo) pass first reading;
2. That "Zoning Amendment Bylaw 2018 No. 4500.127" pass second reading; and
3. That Council direct Staff to proceed and advertise a Public Hearing related to "Zoning Bylaw Amendment No. 4500.127" and the 'Cannabis Retail Store Rezoning Criteria'.

BACKGROUND

At their regular meeting of 2018-JUL-09, Council received eleven recommendations from the Cannabis Task Force ("the task force") regarding the regulation of production, distribution and consumption of cannabis in the city of Nanaimo. A number of the proposed recommendations require Zoning Bylaw amendments in order to recognize and regulate the use of a Cannabis Retail Store and Cannabis Production and Processing Facility within the Zoning Bylaw.

The Zoning Bylaw currently includes a definition for Medical Marihuana Growing and Production and permits it as a site-specific use within the I4 (Industrial) zone for a number of properties on Maughan Road operated by Tilray Inc. The Medical Marihuana Growing and Production definition was written in response to the *Federal Marihuana for Medical Purposes Regulation* (MMPR), which has since been superseded by the *Federal Cannabis Act* (Bill C-45) that will come into force on 2018-OCT-17. The previous MMPR limited cannabis production to medicinal cannabis only and distribution was only permitted through the mail. Bill C-45 will permit the production, growing, and the storefront retail sale of recreational cannabis in conjunction with Provincial regulations.

DISCUSSION

In order to respond to the change in Federal regulation regarding the production and distribution of recreational cannabis, and the task force recommendations, a number of Zoning Bylaw amendments are necessary, including the following:

- adding a definition of Cannabis and Cannabis Retail Store and clarifying that Cannabis Retail Stores are a separate use from retail;
- replacing the existing use of “Medical Marihuana Growing and Production” with “Cannabis Production and Processing” and permit this as a use in the I4 (Industrial) zone; and
- allowing Micro Cannabis Production in the I1 (Highway Industrial) and I2 (Light Industrial) zones subject to the development of an odour abatement strategy.

Retail Sale of Cannabis

The task force has recommended that Cannabis Retail Stores (CRS) be permitted as a site-specific use only. Like liquor retail stores, all proposed CRS operators will be required to submit a rezoning application to permit the use on a property. In order to regulate the use, a definition must be added to the Zoning Bylaw. The proposed amendment includes the following definitions for ‘Cannabis’ and ‘Cannabis Retail Store’:

CANNABIS – means cannabis as defined within the *Federal Cannabis Act*.

CANNABIS RETAIL STORE – means a retail store licensed under the *British Columbia Cannabis Control and Licensing Act (Bill 30)* where cannabis is sold or otherwise provided to a person who attends at the premises but is not consumed on the premises.

By adding the definition of Cannabis Retail Store to the Zoning Bylaw and not adding it as a permitted use within any zone, the bylaw will only permit a CRS as a site-specific use through rezoning. The bylaw will also be amended to clarify that cannabis and liquor sales are a separate use from retail by amending the definition of retail store as follows:

RETAIL STORE – means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored or sold from within a building. This definition specifically includes *Personal Service Use* and *Pharmacy*, but excludes Cannabis Retail Store and Liquor Store.

In order to provide guidance related to a rezoning application for a CRS as recommended by the task force, Staff have created rezoning criteria for consideration of a CRS (see Attachment A). The proposed policy includes a number of siting criteria for a CRS including:

- The CRS should be located on, or in close proximity to a major road or in an urban node, commercial centre, or corridor as designated in the City’s Official Community Plan;
- A minimum 150m separation from a school or licensed daycare as measured from the front door of the CRS to the school or daycare property line;
- Not permitting a CRS on a lot located adjacent, or in close proximity to a nightclub or liquor retail store; and
- A recommended minimum 300m separation from another CRS as measured between the front doors of each CRS.

School District 68 recommends a greater separation of 300m between a CRS and a school or daycare facility. While the proposed CRS rezoning policy will not form part of the bylaw, Staff recommend the policy be presented at the public hearing for discussion along with the amendment bylaw.

Commercial Production and Processing

The amendment bylaw will replace the existing definition of ‘Medical Marihuana Growing and Production’ with the following definition of ‘Cannabis Production and Processing’:

CANNABIS PRODUCTION AND PROCESSING - means the commercial growing and production of cannabis or cannabis products as permitted by *Bill C-45 (the Federal Cannabis Act)*, and any subsequent regulation or acts which may be enacted in substitution therefore. The definition shall also include the wholesale or mail order distribution of cannabis products produced on the property.

The above definition will permit the growing, production, and processing of both recreational and medicinal cannabis as permitted within Bill C-45. If the amendment is approved, “Cannabis Production and Processing” will be allowed on all properties within the I4 zone without the need for rezoning. As noted in the 2018-JUL-09 report, cannabis production is consistent with the intent of the zone and in keeping with other heavy industrial uses. As a result of this change, cannabis production and processing will be permitted at the Tilray facility (1100, 1110, 1120, and 1140 Maughan Road) so that the site-specific provision for medical marihuana production and processing is no longer needed and will be deleted from the Zoning Bylaw.

The Zoning Bylaw will also permit smaller micro cannabis producers to operate within the Highway Industrial (I1) and Light Industrial (I2) zones. To distinguish between a micro cannabis producer and a larger operation, the bylaw amendment includes the following definition of ‘micro cannabis production and processing’:

MICRO CANNABIS PRODUCTION AND PROCESSING - means a small-scale *Cannabis Production and Processing* facility contained entirely within a building where the production and growing of cannabis products is limited to no more than 200m² of gross floor area per lot.

The 200m² gross floor area restriction is in keeping with the Federal Government’s own definition of a micro cannabis producer. The Zoning Bylaw will clarify that micro cannabis production may only occur within a building, and an odour abatement plan will be required as a condition of use, to be provided through the business licence or building permit.

SUMMARY POINTS

- “Zoning Amendment Bylaw 2018 No. 4500.127”, if adopted, will amend “Zoning Bylaw 4500” to regulate the production, processing, distribution, and retail sale of cannabis in the city of Nanaimo.
- The proposed zoning amendments respond to new Federal and Provincial regulations and to the City’s Cannabis Task Force recommendations, as presented to Council on 2018-JUL-09.
- Cannabis Retail Stores will be permitted only as a site-specific use and will require rezoning. The Cannabis Retail Store Rezoning Criteria will provide Staff and Council direction in reviewing Cannabis Retail Store rezoning applications.

ATTACHMENTS

ATTACHMENT A: Cannabis Retail Store Rezoning Criteria |
"Zoning Amendment Bylaw 2018 No. 4500.127"

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision |

Concurrence by:

D. Lindsay
Director, Community Development |



CANNABIS RETAIL STORE REZONING CRITERIA

The intent of this policy is to be used to guide Staff and Council in considering CRS rezoning applications.

CRITERIA

1. Location

- 1.1. The proposed CRS should be located on, or in close proximity to, a provincial highway, urban arterial or urban major collector road, as defined in the City's *Functional Road Classification Working Plan*, or in an urban node, commercial centre or corridor, as designated in the City's Official Community Plan.
- 1.2. The proposed CRS should not be located directly adjacent, or in close proximity to a school or licensed daycare facility. A minimum separation of 150m from these facilities is considered necessary, as measured from the front door of the CRS to the school or daycare property line.
- 1.3. The proposed CRS may not be located adjacent, or in close proximity to a nightclub or liquor retail store
- 1.4. The proposed CRS should not be located within 300m of another CRS as measured from the front doors of the CRS. Where the CRS is to be located within a dense urban area (ie: downtown) consideration shall be given to the overall urban density and context of the area.

2. Building & Site

- 2.1. The size of the proposed CRS should be consistent with the nature of the immediate area and the size of existing retail stores within the area.
- 2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.
 - 2.2.1. The revitalization of heritage buildings is encouraged.
- 2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.

3. Community Impact



- 3.1. The applicant must outline his or her awareness of potential negative impacts of the proposed CRS on the community, and must identify the specific measures that will be taken to minimize or prevent these impacts from occurring.
 - 3.1.1. Possible measures could include efforts to prevent service to minors, minimize smells, prevent smoking or cannabis consumption on or near the premises, property maintenance and beautification programs designed to prevent unsightliness, etc.
 - 3.1.2. Consideration must be given to the impact CRS's will have when they are located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.
- 3.2. Projected traffic volumes and on-street parking demands associated with a proposed CRS should not adversely impact nearby residential and commercial areas.
- 3.3. The support of the local community, neighbouring property owners and the local neighbourhood association for the proposed CRS is important to Council's decision.
- 3.4. All rezoning applications for CRS's must be reviewed by the Community Vitality Committee and the RCMP, in addition to being reviewed by the City's Community Planning and Development Committee.

APPLICATION REQUIREMENTS

In order to be considered, each rezoning application for a CRS must be accompanied by a number of specific items, in addition to the standard items which must accompany all rezoning applications. In all, each rezoning application for a CRS must include:

- a copy of the Provincial preliminary letter of approval for the proposed CRS with a description of the proposed CRS outlining:
 - the proposed size of the facility;
 - the facility's proposed operating hours;
 - the specific market segment being targeted; and,
 - measures taken to minimize odours associated with cannabis.
- a market study, which clearly indicates the evidence of market demand for the proposed facility.
- a community impact statement that outlines the proposed CRS's potential:
 - positive impacts on the community;
 - negative impacts on the community; and,
 - measures to be taken to prevent and/or address the negative impacts.

CITY OF NANAIMO

BYLAW NO. 4500.127

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464. 465. 469. 477. 479. 480. 481. 482 and 548 of the *Local Government Act*,

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.127".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
 - (1) Part 5- Definitions: by deleting the definition of "Medical Marihuana Growing and Production"
 - (2) Part 5 Definitions: by adding the following definitions of 'Cannabis', 'Cannabis Production and Processing' and 'Cannabis Retail Store' after 'Camping Space':

CANNABIS - means cannabis as defined within the *Federal Cannabis Act*.

CANNABIS PRODUCTION AND PROCESSING - means the commercial growing and production of cannabis or cannabis products as permitted by *Bill C-45 (the Federal Cannabis Act)*, and any subsequent regulation or acts which may be enacted in substitution therefore. The definition shall also include the wholesale or mail order distribution of cannabis products produced on the property.

CANNABIS RETAIL STORE – means a retail store licensed under the *British Columbia Cannabis Control and Licensing Act (Bill 30)* where cannabis is sold or otherwise provided to a person who attends at the premises but is not consumed on the premises.

- (3) Part 5 Definitions: by adding the following definition of 'Micro Cannabis Production and Processing' after 'Micro Brewery':

MICRO CANNABIS PRODUCTION AND PROCESSING - means a small scale *Cannabis Production and Processing* facility contained entirely within a building where the production and growing of cannabis products is limited to no more than 200m² of gross floor area per lot.

- (4) Part 5 Definitions: by deleting the definition of 'Retail Store' and replacing with the following:

RETAIL STORE – means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored or sold

from within a building. This definition specifically includes *Personal Service Use* and *Pharmacy* but excludes *Cannabis Retail Store* and *Liquor Store*.

- (5) By amending Subsection 13.2.1 by adding 'Cannabis Production and Processing' as a permitted use within the Industrial (I4) zone.
- (6) By amending Subsection 13.2.1 by adding 'Micro Cannabis Production and Processing' as a permitted use within the Highway Industrial (I1) and Light Industrial (I2) zones.
- (7) By amending Subsection 13.2.1 by adding the following as a condition of use for 'Micro Cannabis Production':

"All processing and storage of materials must occur within a building. An odour abatement plan shall be required for all micro cannabis production uses"

- (8) By amending Subsection 13.2.3 by deleting the following site specific use:

Use	Permitted Location Address	Legal Description of Permitted Location
Medical Marihuana Growing and Production	1100 Maughan Road	LOT A, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP77217
	1110, 1120 and 1140 Maughan Road	LOT 7, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1110 Maughan Road); LOT 6, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1120 Maughan Road); and LOT A, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP77420 (1140 Maughan Road)

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: ZA1-71
Address: N/A

DATE OF MEETING | AUGUST 13, 2018 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT OFF-STREET PARKING REGULATIONS BYLAW

OVERVIEW

Purpose of Report

To present Council with the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266", which, if adopted, will replace "Development Parking Regulations Bylaw 2005 No. 7013" in order to regulate required off-street parking within the city. |

Recommendation

1. That City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" (To regulate parking within the city of Nanaimo) pass first reading;
2. That City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" pass second reading; and
3. That Council direct Staff to proceed and advertise for a Public Hearing related to the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266" and the City of Nanaimo "Parking Variance Policy".

BACKGROUND

Since 2015, the City of Nanaimo has been working on a bylaw to update and replace the existing "Development Parking Regulations Bylaw 2005 No. 7013" (Parking Bylaw). The Parking Bylaw regulates off-street parking within the city of Nanaimo, including the number of parking spaces required for different land uses and the dimensions and design of parking areas. The existing Parking Bylaw is more than 13 years old and, since its inception, a new Official Community Plan (OCP) and a Transportation Master Plan (TMP) were adopted in 2008 and 2014, respectively. A review of the parking standards is included as a short-term goal within the OCP work plan.

On 2017-JUN-26, Council received a report from Staff highlighting the work to date on the proposed replacement Parking Bylaw, which included the following:

- Presenting the Parking Bylaw review at the 2015-JUN-16 meeting of the Planning and Transportation Advisory Committee (since replaced with the Community Planning and Development Committee);
- Reviewing existing policies within the TMP and OCP which relate to parking;
- Researching municipal best practices, including parking rates in other municipalities;
- Review of historic parking variances within the city;
- Onsite observations and parking counts of multiple-family and commercial parking lots;

- The hiring of a parking consultant (WATT Consulting Group) to review technical specifications of the bylaw, including stall dimensions, small car spaces, and loading bays; and
- The collection of stakeholder feedback from frequent users of the Parking Bylaw, including architects, developers, engineers, and planning consultants.

Since Council received the 2017-JUN-26 report, Staff have further researched and refined the draft bylaw and sought additional input from stakeholders and the general public. A summary of the public consultation is discussed later in this report.

DISCUSSION

The draft City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” includes a number of key changes from the existing bylaw, including:

- Allowing some parking to be provided off-site on a nearby property;
- Removing the minimum floor area requirement for a retail trade and service centre to allow a single parking rate where there is multiple commercial uses on a property;
- Increasing the percentage of small car parking spaces permitted on a site from 33% to 40%;
- Reducing the minimum required size of loading bays;
- Requiring a permeable parking surface where more parking than the minimum bylaw requirement is provided;
- Requiring bicycle parking;
- Redefining the boundaries of the downtown exempt commercial parking area;
- The addition of new parking rates for student housing, float homes, rooming houses, and supportive housing;
- Amended parking rates for a retail store, retail warehouse, mobile home, assembly hall, boarding kennels, lumber and building supply yard, and a shopping centre;
- A requirement for electrical vehicle charge stations,
- Providing opportunities for reduced parking where parking spaces are shared between uses with different peak hours of parking demand, and
- Amending the parking rate for multiple-family housing to include variable rates based on location and number of bedrooms.

A summary of the proposed changes within the Parking Bylaw and the rationale for those changes is included within the report as Attachment A - Proposed Changes Summary. A few of the more significant proposed changes are discussed in this section.

Multiple-Family Parking

Multiple-family developments and mixed-use development projects represent 86% of all parking variances approved by Council since 2015. Of all the multiple-family development permits approved since 2015, 31% included a variance to the minimum required number of parking spaces. Parking variances were included in 64% of all mixed-use development applications approved since 2015. As such, the multiple-family parking rate was a considerable focus of the bylaw review.

The proposed bylaw replaces the 1.66 parking spaces per multiple-family unit that currently applies to all multiple-family developments outside of the downtown area, regardless of the number of bedrooms within the units. The proposed bylaw will include a table of different rates based on the location of the property and the number of bedrooms included within the development. For example, a three-bedroom unit would require more parking than a one-bedroom or studio apartment in the same area. It is expected residents within a three-bedroom unit are more likely to own multiple vehicles than a resident within a one-bedroom unit.

Location was considered within the variable multiple-family parking rate as Staff believe vehicle ownership and parking demand varies based on location. For example, a resident living in the downtown core or near a major transit hub is less likely to own a vehicle than a resident located within a neighbourhood not well served by transit. Locations were determined based on the following five criteria:

- OCP designation
- TMP designation
- Walkability (walk score)
- Employment density
- Transit availability and frequency

Rates are equally distributed from a high of two parking spaces per unit for a three-bedroom townhouse within Area 1 (away from services and transit) to a low of 0.45 parking spaces per unit for Area 5 (downtown) studio apartment. Rates were based on the following:

- **Existing Regulation** – The 1.66 current rate was used as a base rate and was reduced where conditions supported a reduced parking requirement, and increased in other areas.
- **Site Observation** – Parking counts were conducted at five separate properties in Nanaimo on at least two separate occasions in the late evening. Parking assignment data was provided by rental building managers in Nanaimo for a number of other locations.
- **Best Practices** – Staff researched municipal family parking rates in a number of similar municipalities, including Kelowna, Kamloops, Langford, Victoria, North Cowichan, and Saanich. Staff also consulted the Institute of Transportation Engineers' parking generation handbooks' suggested rates for various forms of multiple-family housing.
- **Development Permit Review** – Staff reviewed past parking variances that have been supported with a parking study and approved by Council. Proposed parking requirements were compared with past variances and existing parking requirements. The proposed bylaw rates have been tested within parking variances supported for a number of recent developments throughout the city.

The proposed multiple-family rates are as follows. Areas indicated on the following chart are shown on Schedule A – Multiple Family Parking Areas of the draft bylaw:

# of Bedrooms	Location Score Area/ Required Parking				
	Area 1	Area 2	Area 3	Area 4	Area 5
3+	2.00	1.84	1.68	1.52	1.20
2	1.80	1.62	1.44	1.26	0.90
1	1.45	1.26	1.07	0.88	0.50
Studio	1.20	1.05	0.90	0.75	0.45

A chart summarizing site observations and the proposed parking rates' impact on a number of multiple-family developments in Nanaimo is included within this report as Attachment B - Multiple Family Comparison Chart.

Shopping Centre Parking/ Retail Trade and Services Centre

The draft bylaw proposes to amend the definition of retail trade and services centre in order to remove the existing 500m² minimum floor area requirement for a development to be considered a retail trade and services centre. As such, any property with two or more businesses will be considered a retail trade and services centre for the purposes of calculating the required parking.

The bylaw will also replace the existing parking rate used for shopping centres and retail trade services centres with a flat rate of one space per 30m² of gross floor area. The proposed rate has been tested against a number of Nanaimo shopping centres and compared with best practices in other municipalities. A chart summarizing the number of spaces that would be required for shopping centres in Nanaimo is based on various rates and includes Staff parking count observations as included as Attachment C - Shopping Centre Comparison Chart.

Bicycle Parking

The current Parking Bylaw does not require developments to provide parking or storage for bicycles. The proposed bylaw will add requirements for short- and long-term bicycle parking. Short-term bicycle parking generally means outdoor parking designated for short-term visitors. Long-term parking refers to covered and secured bicycle storage for employees or residents. The bicycle parking requirements will also include size and accessibility requirements.

Requiring bicycle parking within the Off-Street Parking Bylaw is included as a policy within both the OCP and TMP.

Offsite Parking

The proposed bylaw will allow a property owner or business to provide the required parking on a separate property, provided that the off-site parking area:

1. is located on a lot within 50m of the subject property, as measured lot line to lot line;
2. is not located on a lot zoned as residential within Part 7 of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" or used to support a residential use parking requirement;
3. is protected by a covenant in favour of the City of Nanaimo that ensures that the land will be used to provide parking in accordance with this Bylaw;

4. is not located across a road designated as an Urban Arterial or Major Collector road within the City's Official Community Plan or highway under the jurisdiction of the Provincial Ministry of Transportation; and
5. does not include any of the required accessible parking, which must be provided on the lot.

The intent of this proposed change is to allow property owners and businesses more flexibility in meeting their parking requirement both on and off site. This is particularly beneficial where it is impractical to accommodate all of the required parking on existing smaller urban lots.

Parking Variance Guidelines

In addition to the bylaw revisions, Staff are requesting Council endorse the accompanying City of Nanaimo Policy for Consideration of a Parking Variance, which is included as Attachment D within the report. The proposed policy includes directions for reviewing variance requests including:

- a variance rationale that must be provided by the applicant;
- locational criteria for the consideration of a parking variance;
- where the inclusion of a CarShare vehicle or membership may be included within a parking variance rationale; and
- where a parking study should be provided.

While it is expected the proposed new parking rates will reduce the number of variance requests, a bylaw cannot adequately address unique site-specific conditions; some variance requests may still be necessary. If endorsed, the policy document will help provide clarity for applicants, concerned residents, Staff, and Council when a variance request may be supported.

Public Consultation

A public open house was held on 2018-APR-03 in the Bowen Park Social Centre. The open house was advertised in the 2018-MAR-27 and 2018-MAR-29 editions of the Nanaimo News Bulletin. Approximately 60 persons attended the open house. An online survey was published on the City website and advertised through traditional and social media. 683 Nanaimo residents completed the online survey.

Overall, those members of the public who completed the survey expressed support for:

- allowing off-site parking;
- requiring permeable paving where a development provides more parking spaces than required by bylaw;
- increasing the required drive aisle width;
- requiring variable parking rates for multiple-family parking based on location and number of bedrooms;
- providing reduced parking rates for shared parking within mixed-use developments; and
- requiring bicycle parking.

The majority of survey respondents did not support:

- reducing the size of parking stall dimensions;
- decreased parking requirements for rental housing;
- reduced parking requirements for shopping centres;
- increasing the percentage of small car parking spaces permitted; and
- counting mobility scooter parking spaces towards the overall parking space requirement.

A summary of the survey responses received is included as Attachment D - Survey Results.

In addition to the open house and survey, Staff also met with the Neighbourhood Network and the Hospital Area Neighbourhood Association; as well an external stakeholder group comprised of frequent users of the bylaw including architects, engineers, and other development professionals. As a result of the feedback received during the public consultation, Staff made the following changes to the draft bylaw:

- Added a parking requirement and rough-in electrical requirement for electric vehicles (EV). EV parking was not included within the original draft of the Parking Bylaw but has since been added based on recommendations received through the public survey, open house, and stakeholder meetings.
- Eliminated a proposed 10% reduction to the multiple-family residential parking requirement where rental housing is provided. Over 71% of survey respondents did not support the rental reduction. As such, the reduction has been eliminated. The proposed 10% reduction was based on recommendations included within the Metro Vancouver Parking Study, which noted a reduction in parking for rentals, but advised that reduction was less pronounced in suburban areas. Removing the 10% reduction for rental housing also allows the required parking within the bylaw to more closely match observed parking demand.
- Added a separate accessible parking rate for Seniors Congregate Housing and Personal Care Facility. It was suggested during the open house that a higher accessible parking rate may be required for seniors' housing uses. The rate included within the proposed bylaw is based on a report on accessible parking prepared by the City of Vancouver.
- Revised stall widths back to the dimensions currently included within the bylaw. Staff had previously proposed small stall widths with a wider drive aisles based on recommendations provided by WATT consulting. Over 88% of survey respondents did not support the proposed changes to parking stall size. As such, the parking dimensions will remain unchanged within the proposed bylaw.
- Mobility scooters will no longer count towards a parking stall requirement. This proposed change was unpopular within the survey and as such has been eliminated.
- Amended multiple family map to change the Dufferin Crescent portion of the Hospital Area from Area 4 to Area 3, thereby requiring more parking within this area. The mapping change was made based on a request from the Hospital Area Neighbourhood Association and is consistent with observed parking demand.

Community Planning and Development Committee

At its meeting held on 2017-DEC-19, the Community Planning and Development Committee received a Staff report, draft bylaw, and variance parking policy. The Committee voted to receive the Staff report and support, in principle, the draft Off-Street Parking Regulations Bylaw,

generally as included within Attachment A, and the draft Guidelines for Consideration of a Parking Variance, generally as included within Attachment B of the Staff report, with the comment that Staff review the parking variance guidelines to consider shared parking between neighbouring properties. The motion carried unanimously.

SUMMARY POINTS

- The City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266”, if adopted, will replace “Development Parking Regulations Bylaw 2005 No. 7013”, which regulates required off-street parking within the city.
- A review of the parking standards is included as a short-term goal within the OCP.
- The proposed bylaw is accompanied by a policy document to be used to provide direction to Staff and Council when considering a development application that includes a parking variance.
- The draft bylaw and policy document were developed over three years of research, site observations, and consultation with bylaw stakeholders, neighborhood groups, and the public.

ATTACHMENTS

ATTACHMENT A: Proposed Changes Summary
ATTACHMENT B: Multiple-Family Parking Comparison Chart
ATTACHMENT C: Shopping Centre Comparison Chart
ATTACHMENT D: City of Nanaimo Parking Variance Policy
ATTACHMENT E: Survey Results Summary
“Off-Street Parking Regulations Bylaw 2018 No. 7266”

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A PROPOSED CHANGES SUMMARY

Page 1 of 3

Proposed Change	Section	Rationale
Offsite Parking: allows a property owner or business to provide the required parking on a separate property provided that the offsite parking area is: <ul style="list-style-type: none"> • Within 50m of the property • Protected by a restrictive that ensure the parking area remained • Not located in a residential zone or across from a highway or major road Accessible parking must be provided on site.	2.1	The intent of this proposed change is allow property owners and businesses with more flexibility in meeting their parking requirement both on and off-site. This is particularly beneficial where it is impractical to accommodate all of the required parking on existing smaller urban lots. The cities of Victoria, Abbotsford, Hope, Kelowna, Kamloops, and New Westminster currently have similar offsite parking regulations.
Retail Trade and Services Centre Floor Area: The minimum floor area requirement for a retail trade and services centre has been eliminated; as such parking for any building that contains two or more commercial uses will be calculated at the retail trade and services centre/ shopping mall rate regardless of the size of the development.	1.6	This change will enable more commercial developments to supply parking based on a blended rate that better reflects a shared parking arrangement and more flexibility to enable future changes of uses
Change of Use: The percentage in which a change use can which would otherwise result in a parking increase is exempt from the parking requirements has been increased from 10% to 20%.	2.2 (ii)	The proposed change will allow more flexibility to permit changes of use within an existing building.
Small Car Parking Spaces: Increase the maximum percentage of small car parking spaces from 33% to 40% of the required parking.	4.3	As part of the review process Staff retained Watt Consulting group to review the Off Street Parking stall and aisle width dimensions as well as loading bay requirements. As part of their review Watt observed over 1,100 parked vehicles in Nanaimo and noted 59% of the vehicles observed were included within a vehicle class that will fit within small car parking space. Increasing the allocation of Small Car spaces to 40% will better reflect the proportion of Small Cars seeking parking. Changes are proposed as a result of the consultants' recommendations.
Loading Space Dimensions: Recommended dimensions are 3.0m wide, 10.0m long, and 4.2m high. The dimensions are smaller than the existing requirements are designed to reflect the MSU mid-sized commercial vehicle as opposed to a larger trailer truck. Additional language is included to ensure the 'loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload'.	6.3	The City currently requires that loading spaces are of sufficient size to accommodate large trailer trucks, which is thought to mandate an over-sized loading facilities where the size and type of truck accessing the facility may not necessitate it. Proposed approach relies on market demand, uses requiring larger loading spaces will need to find locations that can accommodate their needs As part of their review WATT Consulting recommend that the required minimum loading space dimensions are reduced to reflect the MSU mid-sized commercial vehicle.

Proposed Change	Section	Rationale
Permeable Paving/ Excess Parking: Any at-grade parking spaces provided beyond the minimum bylaw requirement must be surfaced with permeable materials.	5.3 (iii)	The change is intend to support the City's storm water retention efforts by increasing permeability on development sites while discouraging developments from providing parking in excess of the bylaw requirements.
Variable Multiple Family Parking Rate: The proposed bylaw replaces the current 1.66 multiple family parking rate with a table of different rates based on the location of the property and the number of bedrooms included within the development.	7.1	Parking demand is driven by the number of bedrooms in dwelling and the location of the dwelling. The proposed variable rate replaces the one size fits all rate with rates that better reflect the proposed development. Location rates are based on OCP and TMP land use designation, walkability (walk score), employment density and access to transit. More discussion on the individual multiple family rates is included elsewhere in this report.
New Parking Uses: Parking rates have been added for a number of uses including: <ul style="list-style-type: none"> • Student housing • Supportive housing • Float Homes 	7.2	These uses were identified as uses supported within the zoning bylaw that require a unique parking rate, separate from the multiple family parking requirements.
Shared Parking: The proposed bylaw will allow for a reduction in the required parking where two or more uses exist on a lot and have different peak parking periods. Shared parking must be accessible and unassigned to specific users or property owners.	7.3 (i)	The bylaw recognize that different uses have different peak parking demand times. A shared parking reduction will reduce the need for parking stalls where parking may be shared between complimentary uses.
Downtown Specified Area: Commercial parking will now be required after the first 100 spaces within the downtown area where commercial parking not otherwise required. The boundaries of the downtown specified area have been redefined to include all commercial properties within the Old City.	7.3 (ii)	The 100 space parking cap was added to ensure a large downtown commercial use such as hotel or shopping centre provides some parking on site so as not to place too large a burden on downtown parkades and public parking areas. The downtown specified area boundary is currently poorly defined with some Old City lots included while others are not.
Cash-in-lieu: The cash-in-lieu portion of the bylaw which allows a property to owner provide cash in lieu of a parking space has been amended as follows: <ul style="list-style-type: none"> • Cash-in-lieu expanded outside of the downtown core to include urban nodes and commercial centres • Money received as cash-in-lieu will be directed towards local transportation improvements that encourage non-automobile transportation as opposed to public parking infrastructure where money is currently directed • The cost for a cash-in-lieu space has increased from \$3,000 to \$10,000 	7.3 (iii)	Expanding the cash-in-lieu area outside the downtown core will allow for more cash-in-lieu opportunities and allow more flexibility in the development of urban nodes and commercial centres. Recent changes to the Local Government Act now allow cash-in-lieu of parking funds to be directed towards non-automotive transportation improvements. Cash-in-lieu funds may be used to support cycling infrastructure, pedestrian improvements or bus shelter construction.

<ul style="list-style-type: none"> • Cash-in-lieu payment limited to no more than 10% of the required parking 		The proposed increase in cost for a cash-in-lieu space is more reflect of the true cost of a typical above grade parking stall.
Online or mobile Home Based Business: Where a Home Based Business operates exclusively online or as a mobile business, as declared on the business licence application no parking will be required.	7.3 (iv)	Currently all home based businesses regardless of the business activity require one additional parking space. Online or mobile businesses do not generate additional traffic to the home and have no need for client parking.
Accessible Parking: A separate accessible parking rate of 1 accessible space per 15 required spaces has been added for Seniors Congregate Housing and a Personal Care Facility	7.5 (ii)	It was suggested during the Parking Bylaw Open House that a separate rate for accessible parking should be required for seniors housing uses which may have a higher percentage of residents with accessibility needs than other housing forms.
Bicycle Parking: The current Parking Bylaw does not require developments to provide parking or storage for bicycles.	7.6	Requiring bicycle parking within the Off-street parking bylaw is included as a policy within both the OCP and Transportation Master Plan.
Electrical Vehicle Parking: The proposed bylaw will include a requirement to provide electrical vehicle parking charge receptacles and/or rough in wiring for a charge receptacle for all development types	7.7	Electrical vehicles (EV) are quickly replacing internal combustion engine vehicles in popularity. EV sales numbers for 2017 ran up to approximately 18,560 vehicles, an increase of 68% over the previous year. Both the general public and the parking bylaw stakeholders identified the importance of requiring EV charging infrastructure within the Off Street Parking Bylaw.

ATTACHMENT B
MULTIPLE FAMILY PARKING COMPARISON CHART

Address	Multiple Family Parking Area	# of Units	# of Bedrooms	Current Bylaw: # of Spaces	# of Spaces Provided	New Requirement	Parking Survey
3701 Country Club Drive (Madrona Green)	Area 3	33 units	3 Bedroom: 4 2 Bedroom: 4 1 Bedroom: 25	54	47	39	August 9 th 2016 9:30pm 31- in use July 18 th , 9:30pm 31- in use
1820 Summerhill Place	Area 3	103 units	2 Bedroom: 31 1 Bedroom: 64 Studio: 8	170	109	120	June 2017, 9pm 121 including on-street parking*
775 Terminal Avenue (The Crest)	Area 2	121 units	3 Bedroom: 3 2 Bedroom: 13 1 Bedroom: 97 Studio: 8	200	145	157	August 9 th 2016 9:30pm 97 in use July 19 th 2016 103 in use
1500 Boundary Cres (Parkland)	Area 4	46	2 Bedroom: 15 1 Bedroom: 31	76	43	46	39 assigned to tenants
1055 St. George Manor	Area 2	60	2 Bedroom: 41 1 Bedroom: 19	99	62	90	53 assigned to tenants

ATTACHMENT C **SHOPPING CENTRE COMPARISON CHART**

Shopping Centre	Size	Required Parking- Nanaimo Current	Required Parking Nanaimo Proposed 1 space per 30 sq. m. of gross floor area (GFA)	September Parking Count # of spaces used (total spaces)	Kamloops 4 spaces per 100 sq. m. of GLA*	Maple Ridge/ Province of NS (Model Bylaw)/ Chilliwack** 1 space per 30 sq. m. of gross floor area (GFA)	Kelowna/ Vernon 4.4 spaces per 100 sq. m. of gross leasable area (GLA)*	Prince George 5 per 100 sq. m. of gross floor area
Woodgrove	66,326m2	3,044	2,211	1,363 (3,289)	2,255	2,211	2,481	3,316
NNTC	55,740m2	2,558	1,858	814 (2,571)	1,895	1,858	2,085	2,787
Country Club	27,870m2	1,019	929	N/A	948	929	1,042	1,396
University Village	10,431m2	381	348	145 (446)	355	348	390	522
Metal/ Enterprise (Marks Work Warehouse)	3,271m2	120	109	N/A	111	109	122	164
601 Bruce (Proposed QF)	2,118m2	77	71	N/A	72	71	79	106

*GLA equals 85% of gross floor area for purposes of this comparison

**The proposed City of Nanaimo rate is the same as these municipalities



CITY OF NANAIMO POLICY FOR CONSIDERATION OF A PARKING VARIANCE

Where an applicant wishes to provide less parking than the amount of parking required by the City of Nanaimo Off-Street Parking Bylaw 7266, the following considerations shall be used to evaluate the variance request.

SECTION 1- DEFINITIONS

Definitions

Car Share Organization – means a legal entity whose principal business objective is to provide its members, for a fee, with a car-sharing service by which such members have access to a fleet of car share vehicles which they may reserve for use on an hourly basis, and does not include a car rental agency or a developer/strata owned car share.

Car Share Vehicle - means a four-wheeled automobile owned and operated by a car share organization and available at a pre-determined location.

SECTION 2- VARIANCE EVALUATION CRITERIA

1. Proposed Development Rationale

The application should demonstrate the proposed variance is supported by the following land use justifications:

- a. Compliance with the bylaw requirements would unreasonably constrain or hinder development which is otherwise permitted on the property. The applicant should demonstrate unique site conditions, such as property size, location, shape, natural features or topography on the property and how strict application of the parking bylaw requirements would result in unreasonable constraint.
- b. There is a net benefit to the community, environment and/ or immediate area that would be achieved through the variance approval. The applicant should demonstrate the proposed variance would benefit the community and meets the goals and objectives of the Official Community Plan (OCP) and Nanaimo Transportation Master Plan (NTMP).
- c. The proposed variance will result in a development that is consistent with the City's development guidelines, any applicable neighbourhood plan and meets the character of surrounding land uses.
- d. The applicant has discussed the variance with surrounding property owners, residents and the relevant neighbourhood association.

2. Location

The following location criteria should be used to evaluate parking variance requests:

- a. The subject property is located within a mobility hub or mobility hub buffer as included within the NMTP.
- b. The subject property located immediately adjacent to a Frequent Transit Network (Short Term) or Rapid Bus Transit Corridor (Short Term) as identified within the NMTP.
- c. On-street parking for commercial use is immediately adjacent of the subject property.
- d. There are other opportunities for parking on adjacent properties. The developer has entered into a shared parking agreement (covenant and easement) which permits additional parking for the proposed development on a nearby lot.
- e. The proposed development is mixed use and there are opportunities to share parking between two or more uses on the property that have different peak parking hours.

3. Parking Study

Where the proposed development is requesting a parking variance greater than 15% of the required parking or 8 more parking spaces would otherwise be required, whichever is greater, a parking study must be prepared by a professional traffic consultant. The study will be referred to the Manager of Transportation engineering for review.

4. Car Share

If a parking variance is required, and the applicant is proposing to support car share as part of the variance rationale, the applicant must provide evidence that the proposal will result in a satisfactory parking scenario. The applicant may choose to support a car share organization through the purchase of a car share vehicle and/or subsidizing car memberships for tenants within the proposed development. Any proposal to support a car share organization in exchange for a parking variance must be accepted by a recognized car share organization. A copy of a formal written agreement between the property owner and the car share organization will be required as part of the variance application. All funds will be directed to a recognized car share organization as approved by the applicant and the City of Nanaimo.

A variance to the parking requirement based on the inclusion of a car share vehicle or memberships shall be supported primarily within the Mobility Hub designated areas within the Transportation Master Plan and may be considered within areas designated as Urban Node, Commercial Centre or Corridor within the Official Community Plan.

The following options to support a car share organization may be considered:

A – Subsidized Car Share Memberships

Where the applicant purchases a membership share(s) to a recognized car share at a one time cost of \$750 per individual membership for the exclusive use of tenants of the subject property a parking reduction will be available as described in 'Table 1- Parking Reduction per Subsidized

Membership'. The developer and car share provider shall enter into a covenant requiring that the memberships be made exclusively available to building tenants for a minimum period of ten years. A variance will not be supported where the car share vehicle is located more than 800m of the subject property.

Table 1 - Parking Reduction per Subsidized Membership

Distance to Nearest Car Share Vehicle	Required Parking Reductions
Less than 400m	0.10 spaces/membership
400 - 600m	0.08 spaces/membership
600 - 800m	0.06 spaces/membership
Greater than 800m	Variance application not supported.

B – Car Share Vehicle Purchase

Where a car share vehicle is desired within the area by recognized car share organization and a car share vehicle is made available within a multiple family development, the vehicle and associated parking space (on or off site) may be substituted for up to 4 off-street multiple family residential parking spaces, provided the following conditions are met:

- i. The proposed development includes a minimum of 60 multiple family dwelling units for each proposed car share vehicle. Where developments are phased; units from previous phases may be considered as part of the total.
- ii. The applicant provides a contribution to an approved car share provider covering the initial vehicle purchase and initial 5 year operating costs as described within Table 2 – Vehicle Purchase Costs. Operating expenses (marketing, repair, insurance) vary by the location with a greater subsidy required in areas of lower car share potential.
- iii. The car share operator and developer agree by covenant to locate a car within the development site for a minimum of 5 years. The City of Nanaimo must be party to this covenant.
- iv. The applicant provides a publicly accessible parking space with way-finding signage from the public street.
- v. Notwithstanding the above, where on street parking is available the vehicle may be located within an on-street location within 100m of the subject property, where approved by the City of Nanaimo Transportation Engineering Department.
- vi. The parking requirements for the site will be reduced at a rate of 4 parking spaces inclusive of the car share parking space if provided on site.
- vii. The car share operator provides 35 subsidized memberships for residents of the site for 5 years, based on the one time price of \$750 per membership.

Table 2 - Vehicle Purchase Costs

The following table includes the vehicle purchase cost and operating subsidy required based on the location of the subject property with respect to the City of Nanaimo Off-Street Parking Bylaw Multiple Family Dwelling Parking Requirement Map (Schedule 'A' of the Off Street Parking Bylaw 7266)

<i>Multiple Family Parking Area</i>	<i>Vehicle Purchase Cost</i>	<i>Operating Subsidy (for first 5 years)</i>	<i>Total Vehicle Cost</i>
5	\$25,000	\$4,500 (30%)	\$29,500
4	\$25,000	\$6,000 (40%)	\$31,000
3	\$25,000	\$8,250 (55%)	\$33,250
2	Not Supported		
1	Not Supported		

ATTACHMENT E SURVEY RESULTS SUMMARY

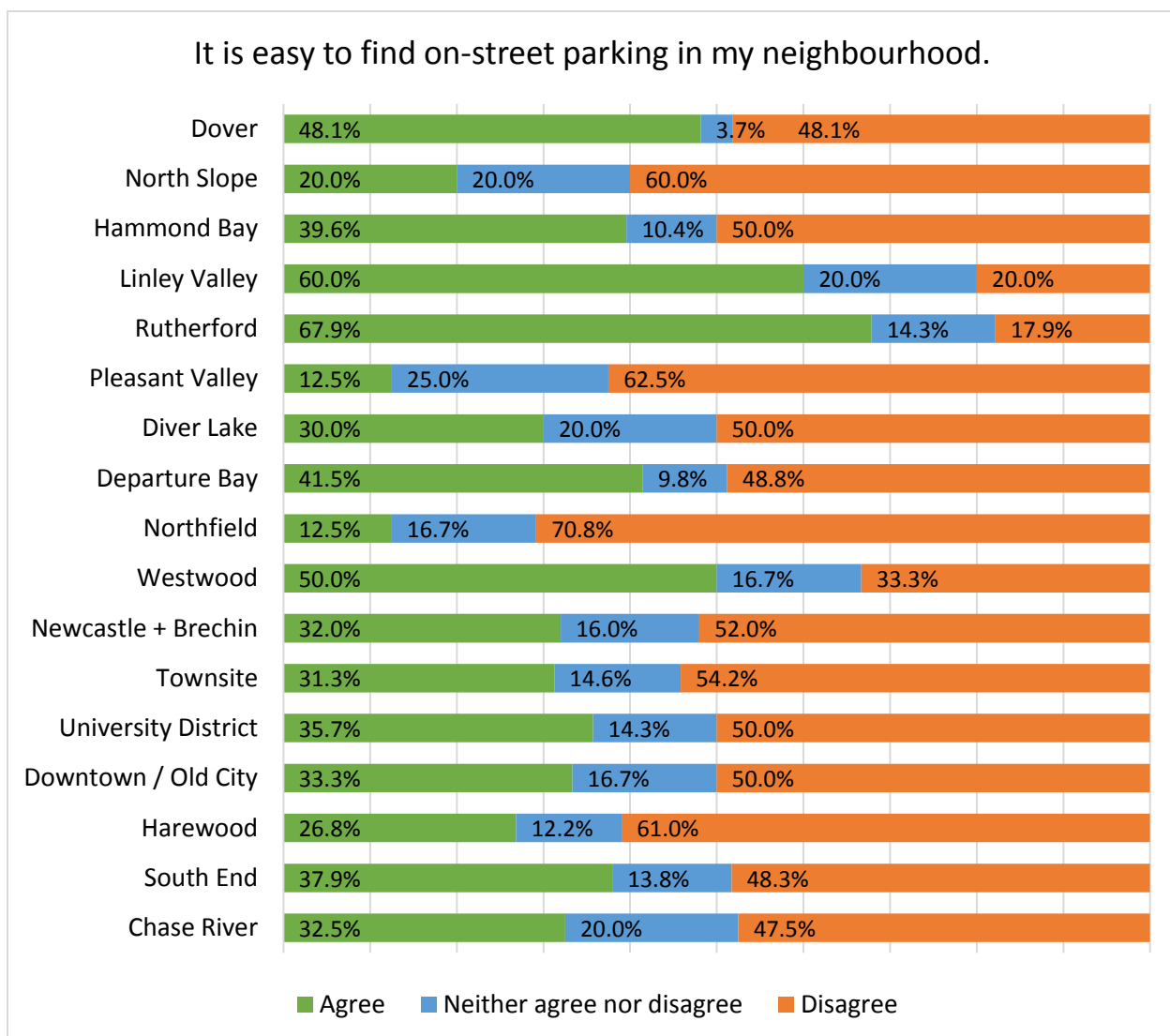
1. It is easy to find on-street parking in my neighbourhood.

683 responses



- **247** (36.1%) Agree
- **106** (15.5%) Neither agree nor disagree
- **330** (48.3%) Disagree

As broken down by neighbourhood:



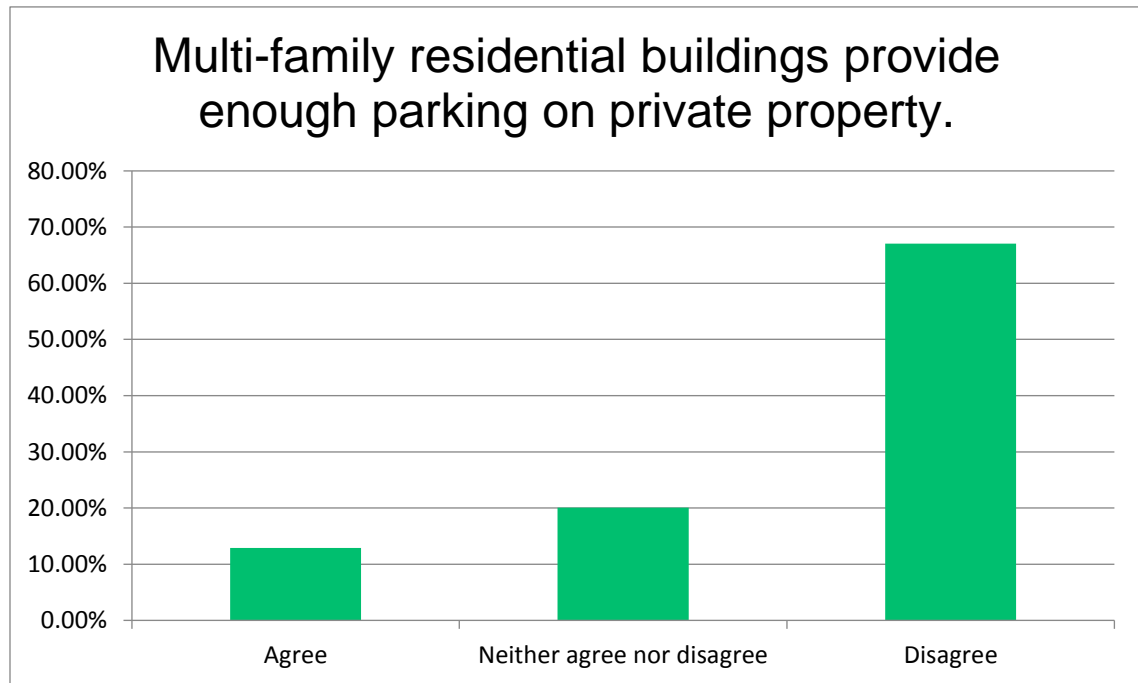
Responses by neighbourhood:

27	<i>Dover</i>	24	<i>Westwood</i>
5	<i>North Slope</i>	25	<i>Newcastle + Brechin</i>
48	<i>Hammond Bay</i>	48	<i>Townsite</i>
10	<i>Linley Valley</i>	28	<i>University District</i>
28	<i>Rutherford</i>	42	<i>Downtown / Old City</i>
16	<i>Pleasant Valley</i>	41	<i>Harewood</i>
20	<i>Diver Lake</i>	29	<i>South End</i>
41	<i>Departure Bay</i>	40	<i>Chase River</i>
24	<i>Northfield</i>		

Note: Responses from participants not living in the City of Nanaimo and from Protection Island and Duke Point (where there was only one respondent each) were not included.

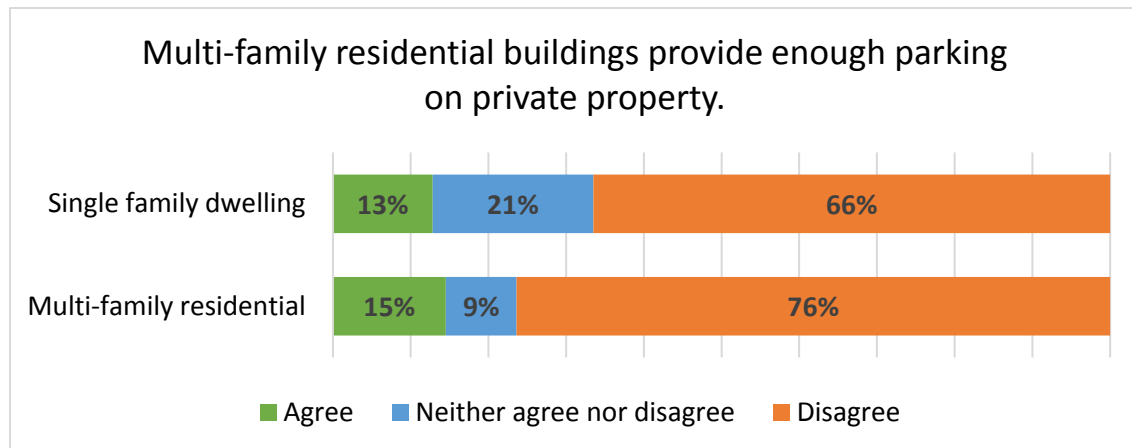
2. Multi-family residential buildings provide enough parking on private property.

683 responses



- **88** (12.9%) Agree
- **137** (20.1%) Neither agree nor disagree
- **458** (67.1%) Disagree

By housing type:



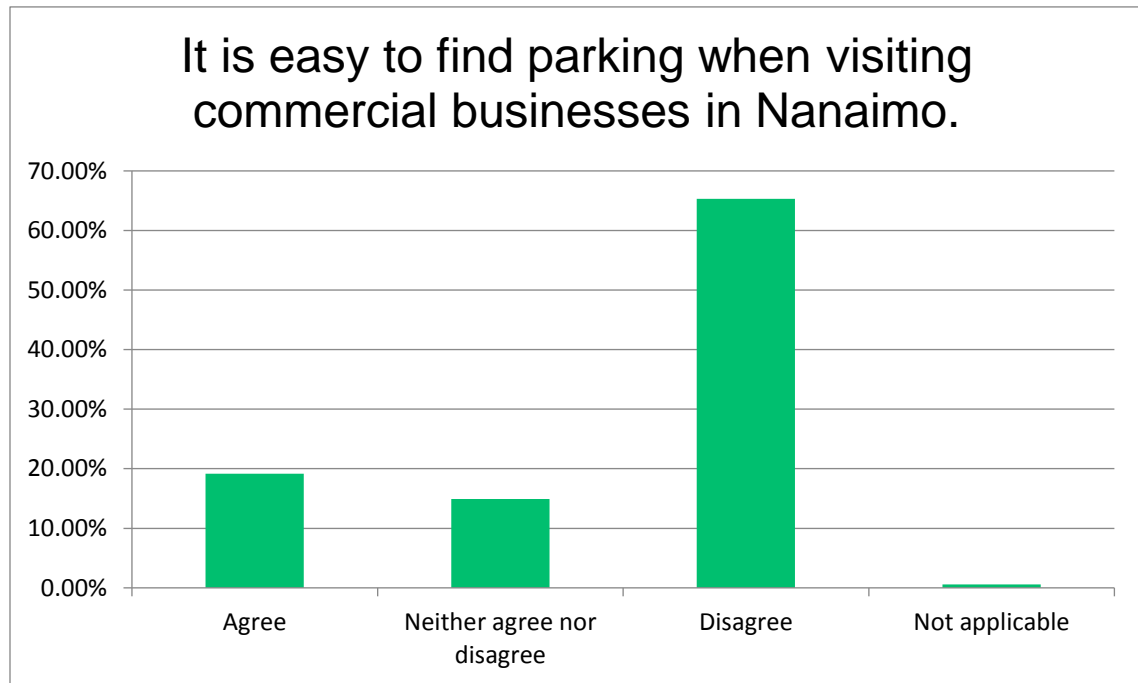
Responses by housing type:

382 *Single family dwelling, incl. secondary suite*

110 *Townhouse, rowhouse, duplex, multi-family, or mixed-use building*

3. It is easy to find parking when visiting commercial businesses in Nanaimo.

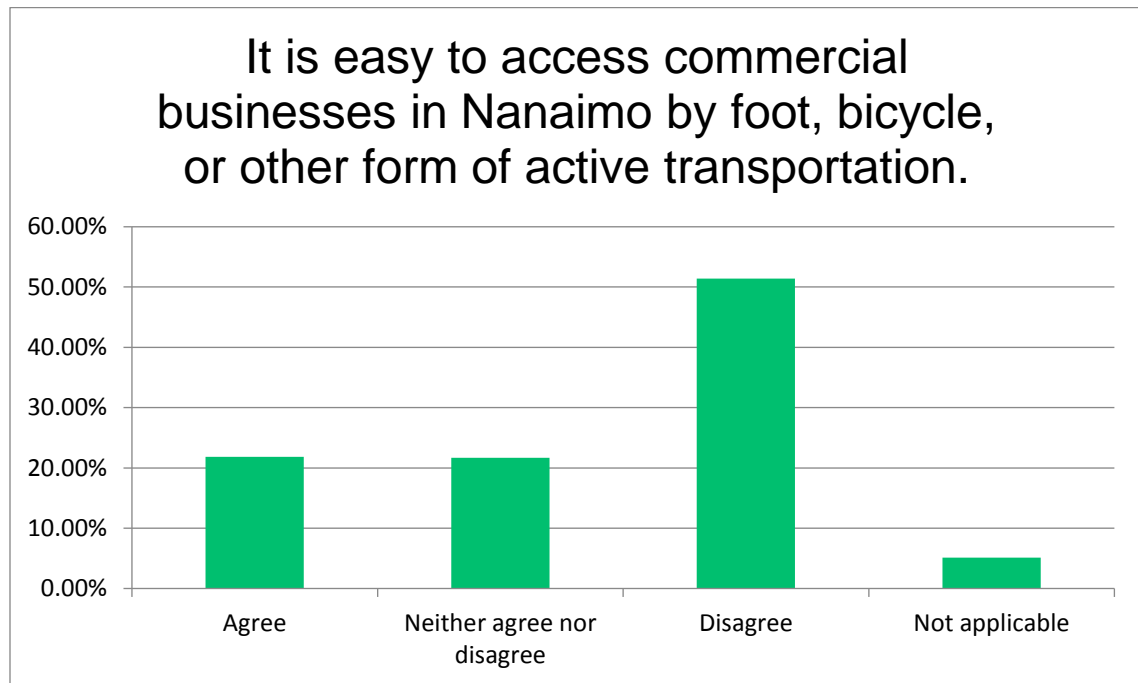
683 responses



- **131** (19.2%) Agree
- **102** (14.9%) Neither agree nor disagree
- **446** (65.3%) Disagree
- **4** (0.6%) Not applicable

4. It is easy to access commercial businesses in Nanaimo by foot, bicycle, or other form of active transportation.

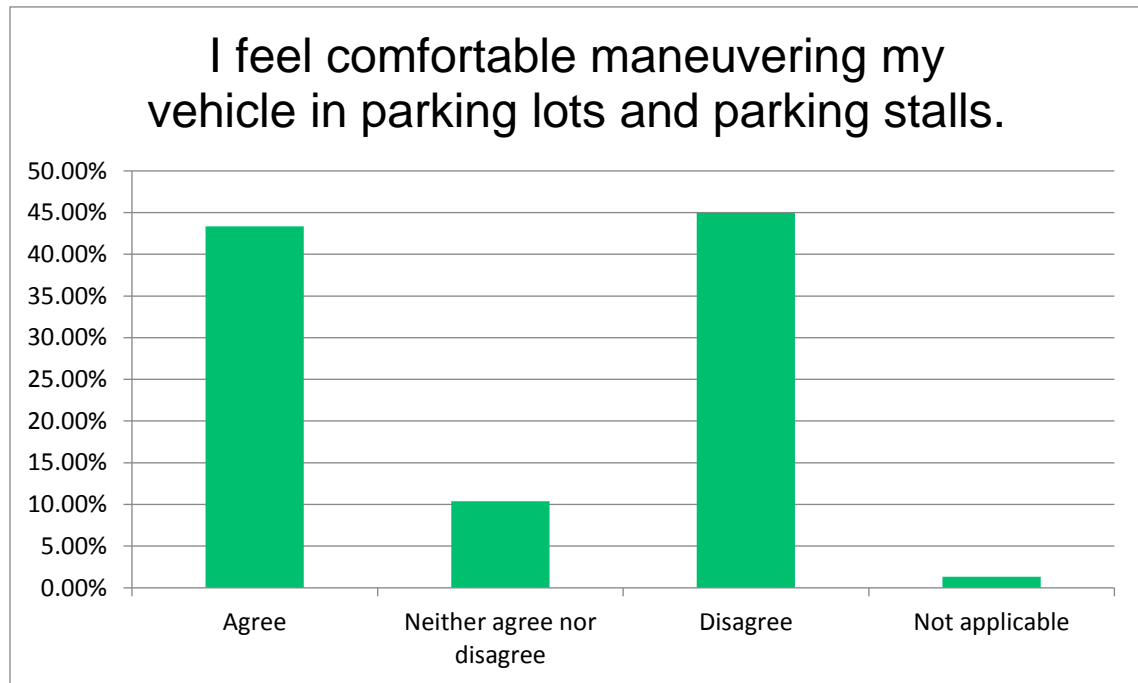
683 responses



- **149** (21.8%) Agree
- **148** (21.7%) Neither agree nor disagree
- **351** (51.4%) Disagree
- **35** (5.1%) Not applicable

5. I feel comfortable maneuvering my vehicle in parking lots and parking stalls.

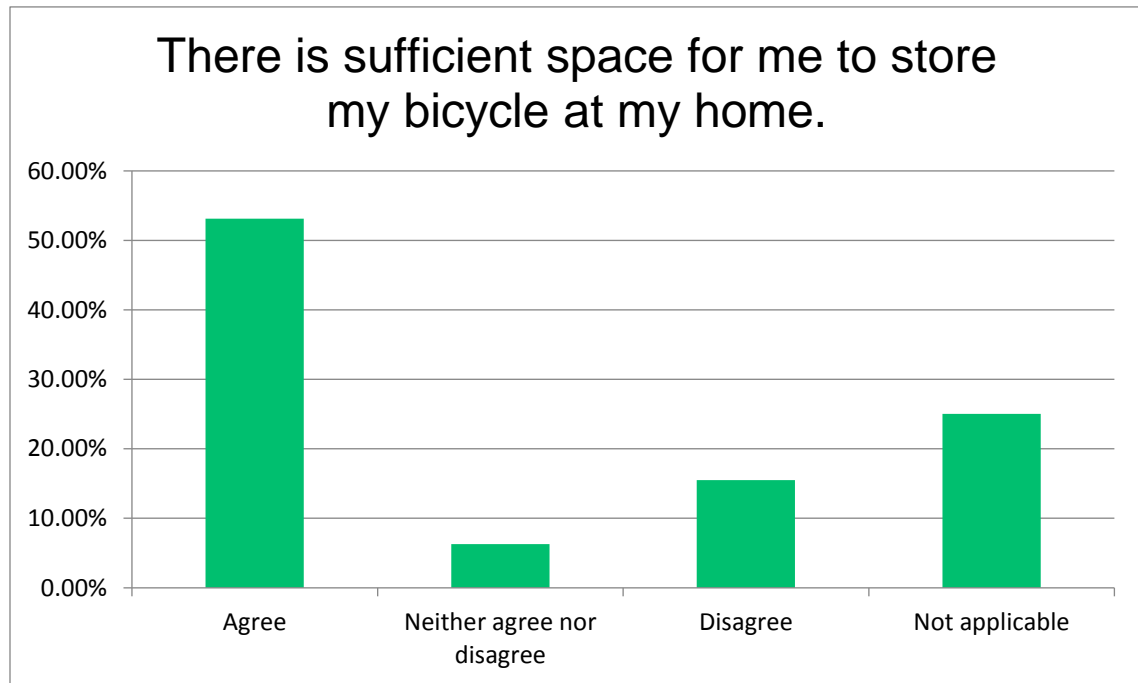
683 responses



- **296** (43.3%) Agree
- **71** (10.4%) Neither agree nor disagree
- **307** (45.0%) Disagree
- **9** (1.3%) Not applicable

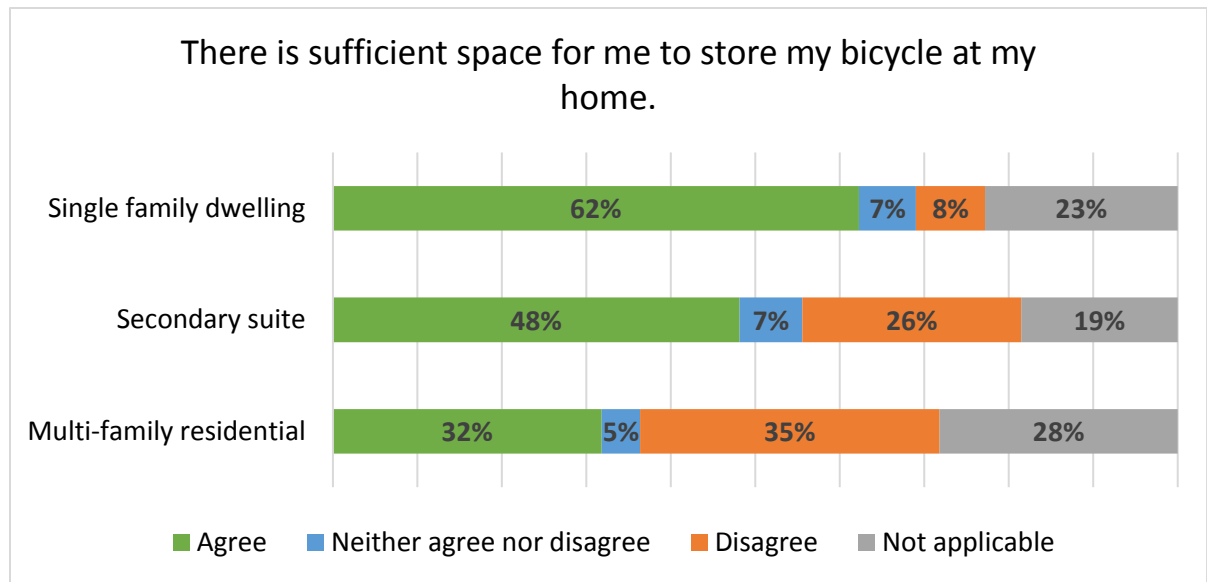
6. There is sufficient space for me to store my bicycle at my home.

683 responses



- **363** (53.2%) Agree
- **43** (6.3%) Neither agree nor disagree
- **106** (15.5%) Disagree
- **171** (25.0%) Not applicable

By housing type:



Responses by housing type:

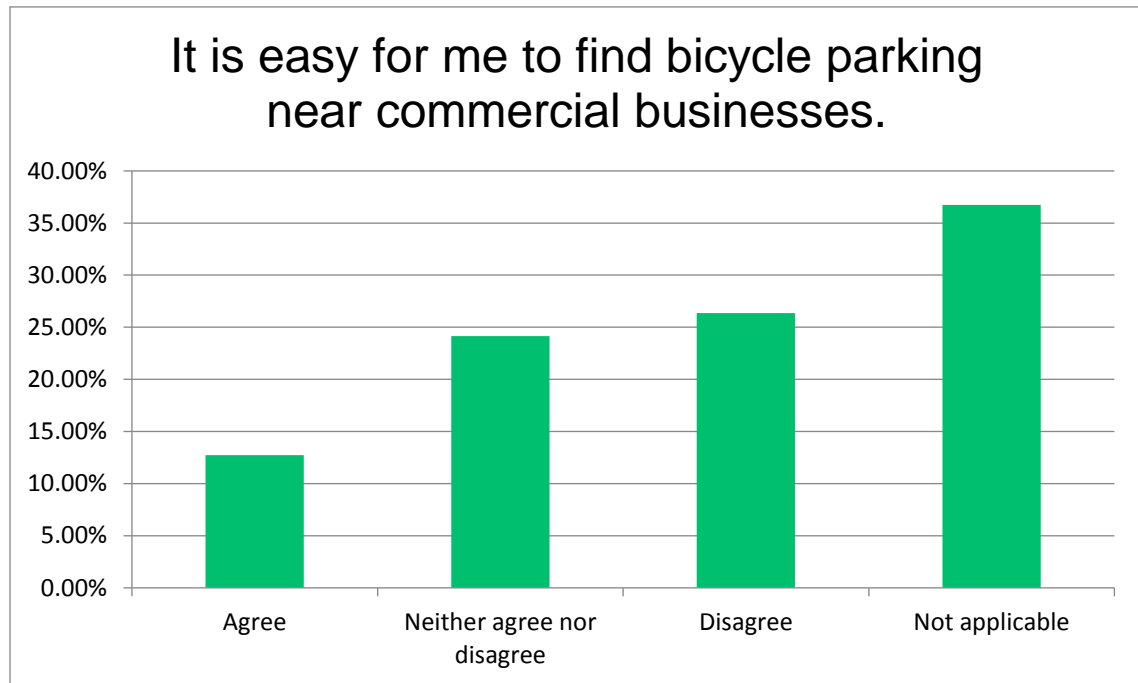
355 Single family dwelling

27 Secondary suite

110 Townhouse, rowhouse, duplex, multi-family, or mixed-use building

7. It is easy for me to find bicycle parking near commercial businesses.

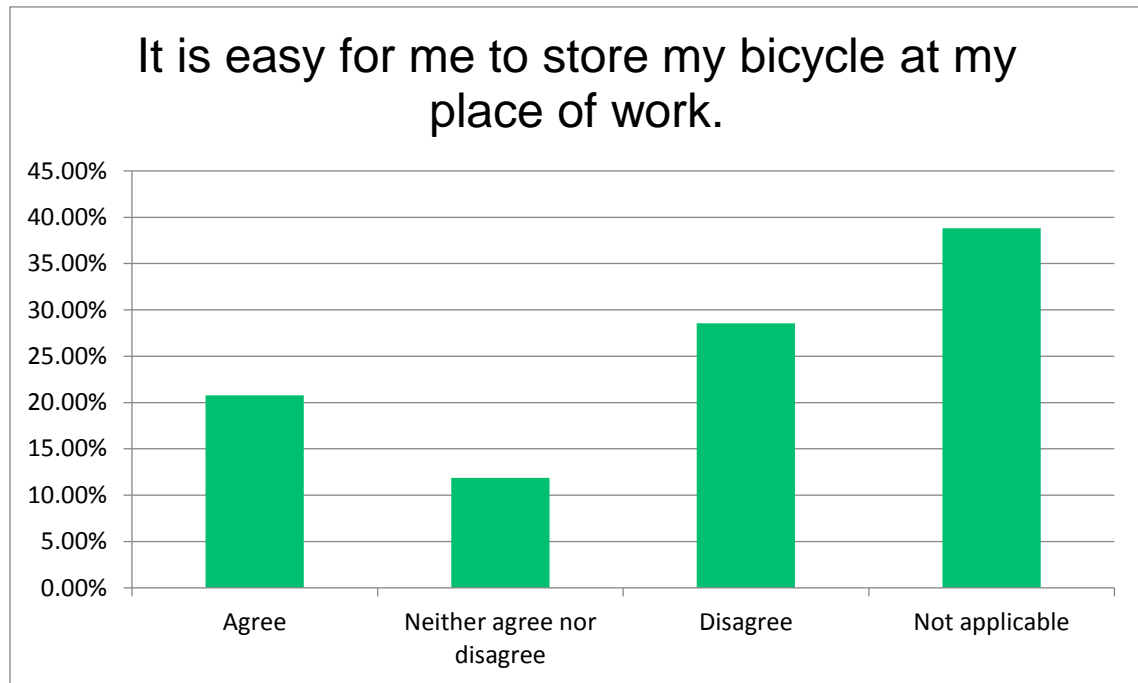
683 responses



- **87** (12.7%) Agree
- **165** (24.2%) Neither agree nor disagree
- **180** (26.4%) Disagree
- **251** (36.8%) Not applicable

8. It is easy for me to store my bicycle at my place of work.

683 responses



- **142** (20.8%) Agree
- **81** (11.9%) Neither agree nor disagree
- **195** (28.6%) Disagree
- **265** (38.8%) Not applicable

9. What is your overall perception of parking in Nanaimo?

Open-ended

554 responses. Broken up into categorized comments below. Comments made fewer than 2 times not recorded.

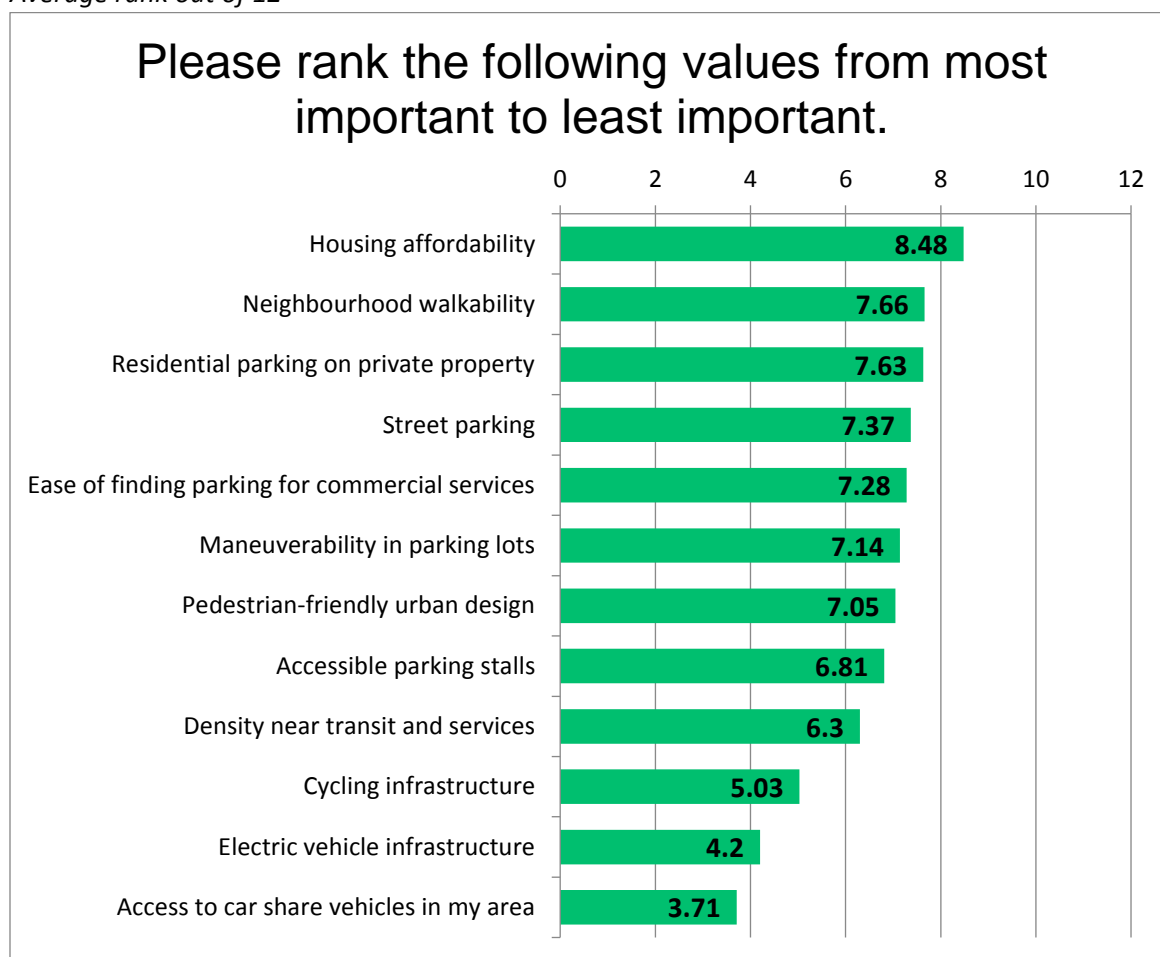
- **379** comments that parking is inadequate, poor, or bad. These comments can be broken down into:
 - **110** general comments on inadequate parking.
 - **129** comments that parking downtown is inadequate. These comments referred generally to both on-street and off-street parking.
 - **83** comments that new residential developments provide inadequate parking.
 - **33** comments that parking at or around the hospital is inadequate.
 - **15** comments that parking at or around Vancouver Island University is inadequate.
 - **9** comments that individual businesses do not provide adequate parking.
- **189** comments directly related to on-street parking. These comments can be broken down into:
 - **65** comments that on-street parking is too expensive or that there should not be any pay parking downtown.
 - **64** comments that residential streets are too congested. Many of these comments specifically referred to newer subdivisions where streets are narrower and most homes contain secondary suites.
 - **15** comments that Nanaimo needs more on-street parking.
 - **13** comments that new infrastructure (sidewalks, line painting) is desired.
 - **11** comments that there is too much on-street parking provided.
 - **11** comments that better enforcement of parking is needed. Specifically these comments referred to vehicles parked too close to driveways and vehicles parked for more than 24 hours in the same location.
 - **8** comments that on-street parking was cheap or affordable.
 - **2** comments that on-street parking in downtown areas should be angled.
- **131** comments directly related to off-street commercial parking lots. These comments can be broken down into:
 - **85** comments that stall sizes are too narrow.
 - **44** comments that parking lots are difficult to maneuver within. Many of these comments specifically identified newer commercial plazas and shopping centres.
 - **2** comments that shopping centre parking lots are underutilized.
- **90** comments that parking is adequate, sufficient, or good. Of these, **16** comments specifically identified parking lots as being adequate and **10** comments specifically identified downtown parking as being adequate.
- **32** comments on the need for better public transit in Nanaimo.

- **26** neutral comments that parking is neither good nor bad.
- **24** comments related to cycling and cycling infrastructure. Of these, **13** comments on the difficulty of cycling in Nanaimo, **7** comments on inadequate short-term bicycle parking, and **2** comments on inadequate long-term secure bicycle parking.
- **12** comments on the need for accessible parking for persons with disabilities.
- **9** comments that better long-term planning needed.
- **9** comments that bad drivers make parking difficult.
- **3** comments that more electric vehicle charging stations are needed.
- **2** comments that RVs should not be parked in driveways in residential areas.
- **2** comments that more motorcycle parking is needed.
- **2** comments that more car-sharing should be encouraged.

10. Please rank the following values from most important to least important.

563 responses

Average rank out of 12



11. Do you have any further comments regarding the above values?

Open-ended

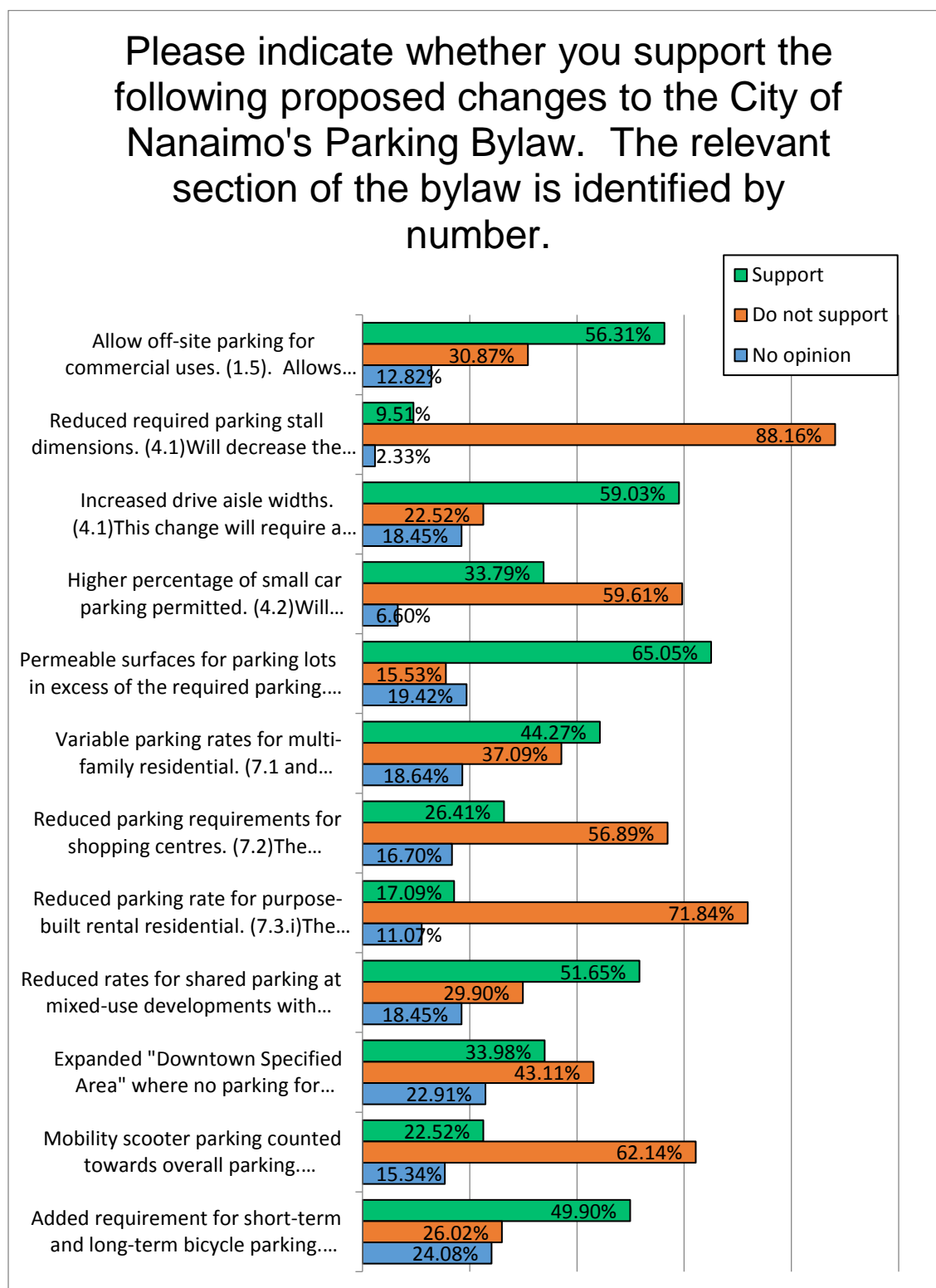
173 responses. *Broken up into categorized comments below. Comments made fewer than 2 times not recorded.*

- **81** comments on the need for better planning in Nanaimo. These comments can be broken down into:
 - 27 comments on the need for better transit in the region.
 - 21 comments on the need for more active transportation infrastructure (sidewalks, cycling infrastructure, etc.)
 - 11 comments on the decentralized nature of Nanaimo and the need for more services within walking distance in existing neighbourhoods.
 - 6 comments on the need for increased density, especially downtown and along transit corridors.
 - 5 comments on the difficulty of cycling in Nanaimo.
 - 3 comments on the need to plan for climate change.
 - 3 comments on the need for increased car sharing.
 - 3 comments on the importance of promoting car-free lifestyles.
 - 2 comments on the need for more electric vehicle charging.
- **48** comments regarding residential developments and housing. These comments can be broken down into:
 - 22 comments the multi-family residential buildings should provide adequate onsite parking.
 - 10 comments that affordable housing is a top priority.
 - 8 comments that housing shouldn't be developer-driven.
 - 8 comments that more parking is required for secondary suites.
- **46** comments about parking. These comments can be broken down into:
 - 13 general comments that parking is difficult or inadequate.
 - 12 comments that parking lot design is poor.
 - 9 comments that on-street parking needs to be better regulated to decrease the amount of vehicles on streets.
 - 5 comments that there is too much parking in Nanaimo.
 - 4 comments that more covered or underground parking is needed.
 - 3 comments that inadequate parking hurts the economy.
- **17** comments that the previous "values" question was difficult or that they were not able to fill it out.
- **10** comments that driving is important to Nanaimo residents and will continue to be.
- **6** comments that downtown is unpleasant or dangerous.

- **6** comments that cyclists are dangerous or that cycling is not important.
- **6** comments that electric vehicles are too expensive.

12. Please indicate whether you support the following proposed changes to the City of Nanaimo's Parking Bylaw. The relevant section of the bylaw is identified by number.

515 responses



13. Are there any other land uses not considered by the draft Parking Bylaw?

Open-ended

60 responses. Broken up into categorized comments below. Comments made fewer than 2 times not recorded except for in answer to the first question.

- **8** responses that directly responded the question of a “land use” not perceived as being covered by the draft Parking Bylaw:
 - **2** for university parking
 - **1** for bed & breakfast parking
 - **1** for parks & recreational parking
 - **1** for BC Ferries parking
 - **1** for employee-specific parking
 - **1** for hospital parking
 - **1** for commercial vehicle fleet parking
- **36** comments related to the draft Parking Bylaw. Of the comments made 2 or more times, they can be broken down into:
 - **8** comments on requiring for multi-storey parking such as parkades or underground parking.
 - **3** comments on requiring electric vehicle charging stations.
 - **3** comments on reducing parking in front yards.
 - **2** comments on requiring parking for suites.
 - **2** comments on requiring parking for multi-family developments.
 - **2** comments on minimum stall sizes.
 - **2** comments on increasing permeable parking surfaces.
 - **2** comments on increasing accessible parking.
 - **2** comments on requiring secure bicycle parking.
- **6** comments related to on-street parking.
- **2** comments on the need for more greenery.

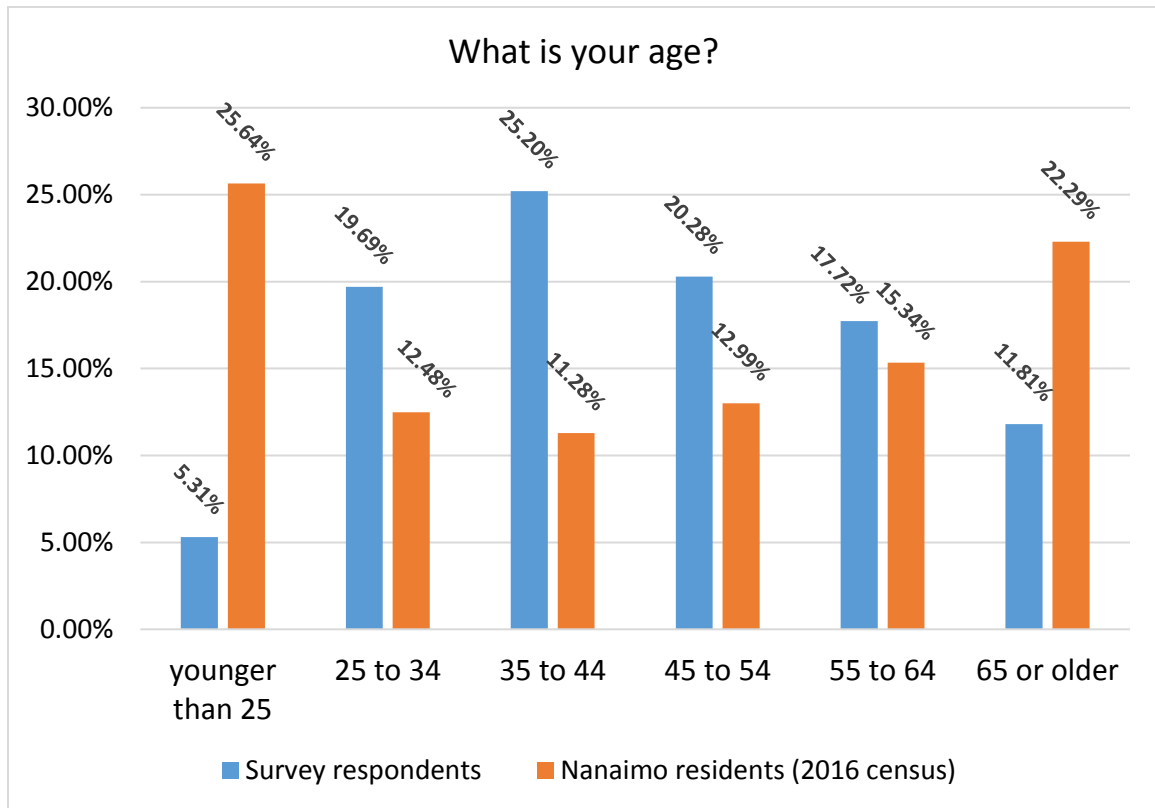
14. Do you have any other comments about the draft Parking Bylaw?

Open-ended

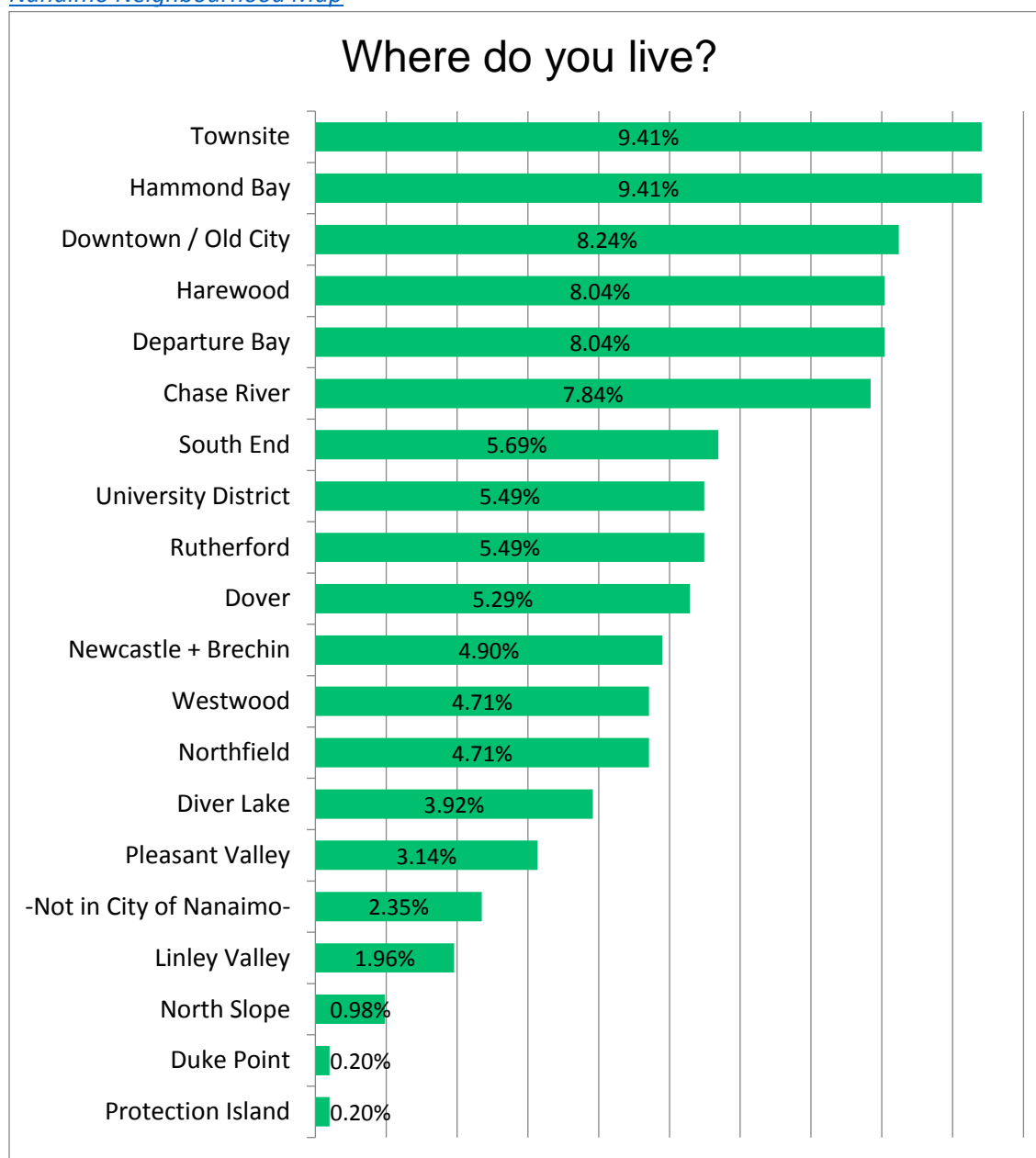
122 responses. *Broken up into categorized comments below. Comments made fewer than 2 times not recorded.*

- **15** general comments on the draft Parking Bylaw. This included **7** comments that the proposed Parking Bylaw is supportable, and **6** comments the proposed Parking Bylaw is not supportable.
- **75** specific comments on the draft Parking Bylaw. Of the comments made 2 or more times, they can be broken down into:
 - **19** comments that minimum stall sizes should not be decreased.
 - **14** comments that further parking reductions should not be approved.
 - **12** comments that multi-family residential developments should provide adequate parking.
 - **3** comments that required bicycle parking is important.
 - **3** comments that reductions should not be granted for purpose-building rental projects.
 - **3** comments that electric vehicle parking should be required.
 - **3** comments that accessible parking is important and should be increased with an aging population.
 - **2** comments that mobility scooter parking should not count towards parking requirements.
 - **2** comments that pedestrian access through parking lots is important.
 - **2** comments that allowing off-site parking could be dangerous for clients or visitors.
 - **2** comments that only small cars should be allowed to park in small car parking.
- **46** other comments not directly addressed by the draft Parking Bylaw. Of the comments made 2 or more times, they can be broken down into:
 - **12** comments that better transit is needed in the region.
 - **7** comments that driving is important to residents.
 - **4** comments that downtown parking need more on-street or free parking.
 - **4** comments that more parking is required in the Hospital Area.
 - **4** comments that better on-street parking enforcement is needed.
 - **4** comments that all parking should be free.
 - **4** comments that better pedestrian infrastructure is needed.
 - **3** comments that better cycling infrastructure is needed.

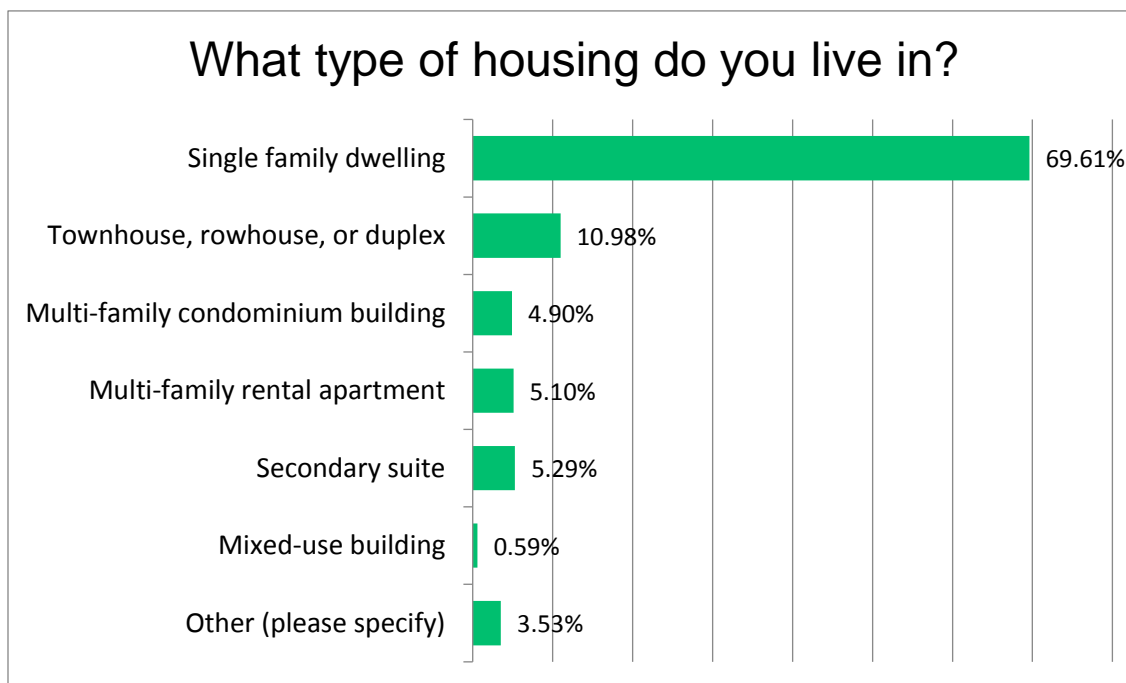
15. What is your age?
508 responses



16. Where do you live?

510 responses[Nanaimo Neighbourhood Map](#)**48** Hammond Bay**48** Townsite**42** Downtown / Old City**41** Departure Bay**41** Harewood**40** Chase River**29** South End**28** Rutherford**28** University District**27** Dover**25** Newcastle + Brechin**24** Northfield**24** Westwood**20** Diver Lake**18** Pleasant Valley**12** -Not in City of Nanaimo-**10** Linley Valley**5** North Slope**1** Duke Point**1** Protection Island

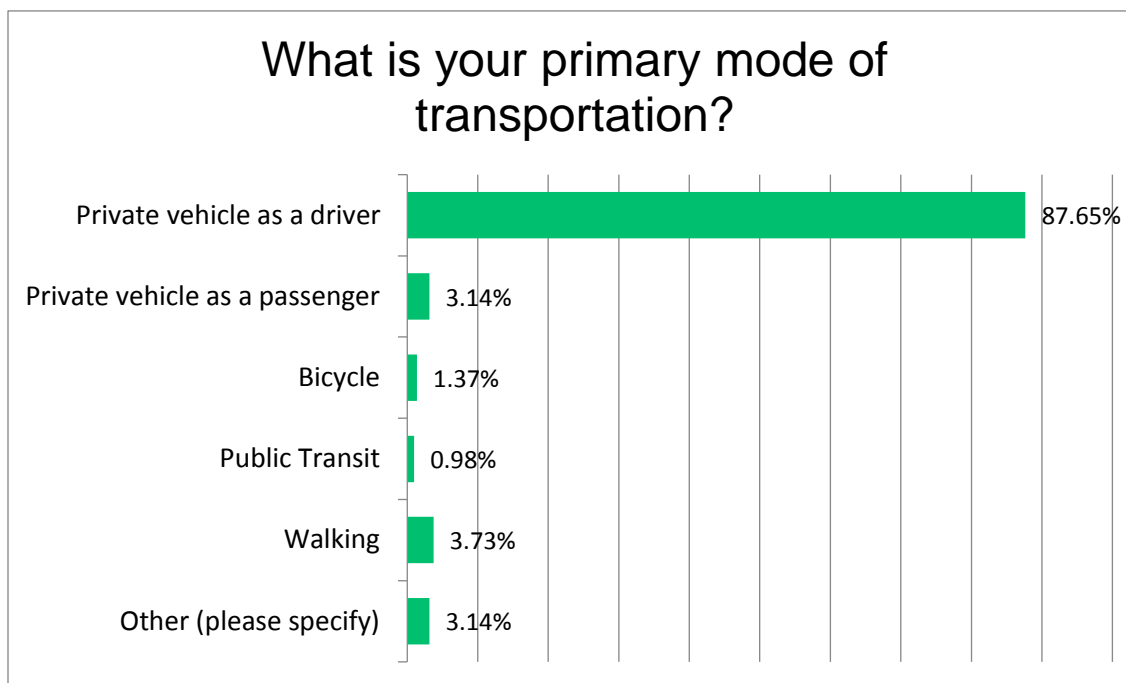
17. What type of housing do you live in?

510 responses

- **355** Single family dwelling
- **56** Townhouse, rowhouse, or duplex
- **25** Multi-family condominium building
- **26** Multi-family rental apartment
- **27** Secondary suite
- **3** Mixed-use building
- **18** other

18. What is your primary mode of transportation?

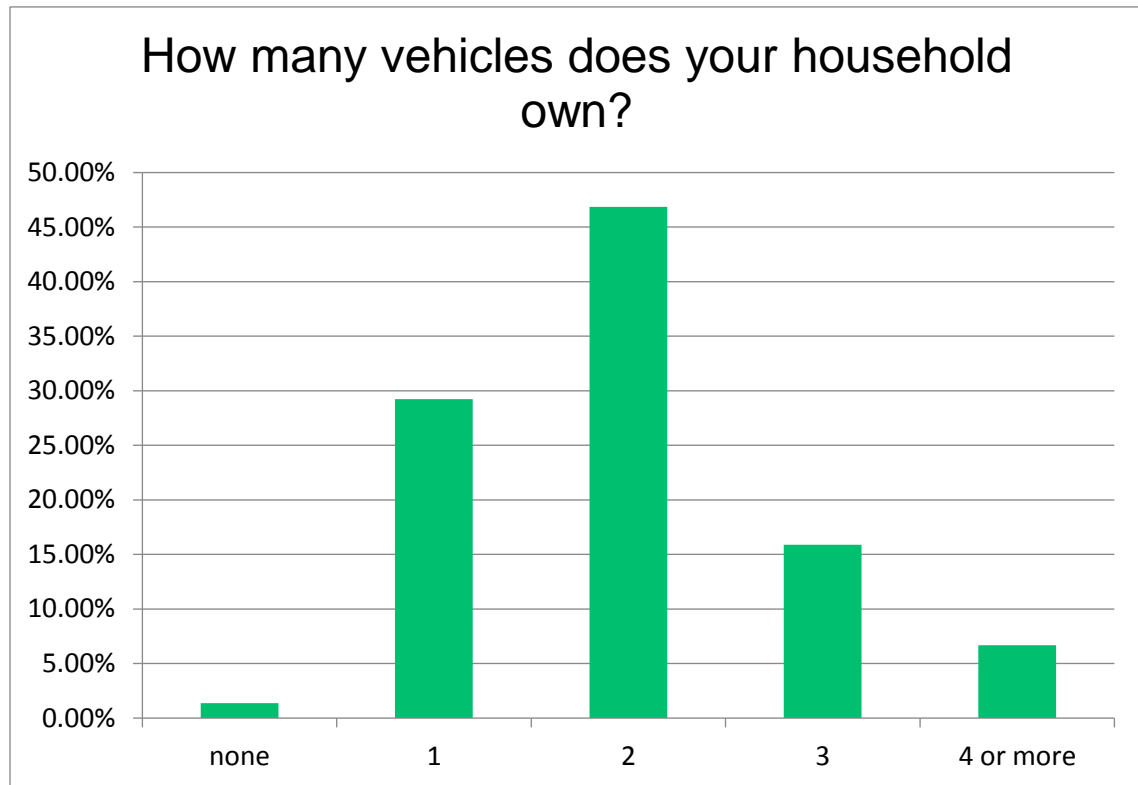
510 responses



- **447** Private vehicle as driver
- **16** Private vehicle as passenger
- **7** Bicycle
- **5** Public Transit
- **19** Walking
- **16** Other

19. How many vehicles does your household own?

510 responses



- **7** (1.37%) none
- **149** (29.22%) one
- **239** (46.86%) two
- **81** (15.88%) three
- **34** (6.67%) four or more

CITY OF NANAIMO

BYLAW NO. 7266

A BYLAW TO REGULATE DEVELOPMENT OFF-STREET PARKING AND LOADING WITHIN
THE CITY OF NANAIMO

WHEREAS the Council may require owners or occupiers of any land, or of any building or other structure, to provide off-street parking and loading spaces pursuant to Section 525 of the *Local Government Act*;

THEREFORE be it resolved that the Council at the City of Nanaimo in an Open Meeting assembled; hereby enacts as follows:

PART I – TITLE, APPLICATION AND INTERPRETATION

Title

- 1.1 This Bylaw may be cited as the City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266”.

Application

- 1.2 When any development takes place on a lot within the boundaries of the City of Nanaimo, off-street parking and the provision of loading spaces for each use:
- i. shall be provided and maintained in accordance with the regulations of this Bylaw; and
 - ii. where a use is not specifically mentioned, the required number of off-street parking spaces shall be the same as a similar use as determined by the Director of Community Development or her or his designate.

Severability

- 1.3 If any section of this Bylaw is held to be invalid by a Court of competent jurisdiction, that section may be severed and the validity of the remaining portions of this Bylaw shall not be affected.

Conflict Between this Bylaw and the Zoning Bylaw

- 1.4 In the event of a conflict between this Bylaw and the Zoning Bylaw regarding a regulation or requirement for off-street parking and loading spaces, this Bylaw shall prevail.

Repeal of Previous Bylaw

- 1.5 The “Development Parking Regulations Bylaw 2005 No. 7013” and amendments thereto are hereby repealed.

Definitions

1.6 In this Bylaw, the following words, terms, phrases or expressions shall have the respective meaning hereinafter assigned to them:

"ACCESSIBLE PARKING"	means parking spaces for use by a vehicle displaying a valid accessible parking permit.
"BYLAW ENFORCEMENT OFFICER"	means a person appointed by the City of Nanaimo to enforce regulatory bylaws of the municipality.
"BEDROOM"	means a room used or designed for use for sleeping persons in which there is no kitchen or cooking facility.
"DRIVEWAY"	means a vehicle path of egress or ingress used for access to or from any parking area.
"ELECTRIC VEHICLE"	means a vehicle that uses electricity for propulsion, and that can use an external source of electricity to charge the battery.
"ELECTRIC VEHICLE CHARGING RECEPTACLE"	means a receptacle intended for providing charging for electric vehicles.
"LANE"	means a narrow thoroughfare or any way which affords a primary or access to a lot.
"LEVEL 1 ELECTRIC VEHICLE CHARGE RECEPTACLE"	means an electrical charger through a 120 volt (V), alternating-current (AC) plug which requires a dedicated circuit.
"LEVEL 2 ELECTRIC VEHICLE CHARGE RECEPTACLE"	means an electrical charger through a 240 volt (V), alternating-current (AC) plug with a dedicated 40 amp circuit.
"LOADING SPACE"	means an area on a lot set aside for persons accessing a vehicle, leaving a vehicle, loading or unloading a vehicle.
"LONG-TERM BICYCLE PARKING"	means a secure, weather-protected bicycle parking facility used to accommodate long-term parking, such as for residents or employees within a building or covered compound with lockable doors.
"OFF-STREET PARKING"	means the onsite parking allotment required for a given lot based on a specific use of the land, building or structure.
"OFF-STREET PARKING PLAN"	means a plan prepared by or on behalf of an owner and submitted to the City prior to the use of the land, or a building or structure that illustrates the provision of off-street parking required under this Bylaw.
"PARKING LOT"	means an area of land divided into two or more off-street parking spaces used for the parking of motor vehicles.

"PARKING SPACE"	means a space within a building or a parking area, for the parking of one vehicle, excluding driveways, ramps, columns, office and work areas.
"RETAIL TRADE AND SERVICES CENTRE"	means one or more buildings containing two or more retail, office or service-related uses, which share common services and parking on a lot.
"SHORT-TERM BICYCLE PARKING"	means a short-term bicycle facility that is accessible to visitors and located near the building entrance.
"STACKING LANE"	means a lane reserved for cars waiting to access a drive-through service window.
"STALL"	has the same meaning as Parking Space.
"VEHICLE"	includes a motor vehicle as defined within the Zoning Bylaw.
"ZONING BYLAW"	means the City of Nanaimo "Zoning Bylaw 2011 No. 4500" and amendments thereto or any bylaw which amends or replaces this Bylaw.

1.7 The Zoning Bylaw applies for the purposes of this Bylaw.

PART II – OFF-STREET PARKING REQUIREMENT AND REGULATIONS

Off-Site Parking

- 2.1 Unless otherwise specified, all required parking within this Bylaw must be located on the same lot as the use or building for which the parking is required or on a lot located within 50m, as measured lot line to lot line, provided that the off-site parking:
- is not located on a lot zoned as residential within Part 7 of the City of Nanaimo "Zoning Bylaw 2011 No. 4500", or used to support a residential use parking requirement;
 - is protected by a covenant under Section 219 of the *Land Title Act* in favour of the City of Nanaimo that ensures that the land will be used to provide parking in accordance with this Bylaw;
 - is not located across a road designated as an Urban Arterial or Major Collector road within the City's Official Community Plan or highway under the jurisdiction of the Provincial Ministry of Transportation and Infrastructure; and,
 - does not include any of the required accessible parking, which must be provided on the lot.

Existing Uses

- 2.2 The regulations contained within this Bylaw shall not apply to buildings, structures or uses existing at the time of adoption of this Bylaw, except:
- i. where there is a cumulative increase in gross floor area of a building or structure over a five-year period due to an addition or external renovation and the gross floor area is increased by more than 10% or 100 m², whichever is lesser, the off-street parking shall be increased to equal or exceed the parking required in applying the provisions of this Bylaw to the entire building, structure or lot, including the addition or external renovation; and
 - ii. where any building or structure undergoes a change of use that results in an increase in the parking requirement beyond 20% of the required parking prior to the change of use, the off-street parking shall be increased to equal or exceed the parking required in applying the provisions of this Bylaw to the entire building, structure or lot that results from the change in use; and
 - iii. off-street parking existing at the time of adoption of this Bylaw shall not be reduced below the applicable off-street parking regulations of this Section.

Bylaw Amendments

- 2.3 An amendment to this Bylaw shall be given a public hearing prior to final adoption.

Fractional Numbers

- 2.4 Where the calculation of a parking requirement results in a fractional number, the number shall be rounded up to the nearest whole number where the fractional portion equals or exceeds 0.5.

Benches, Pews, Booths

- 2.5 Where seating accommodation is used as a unit of measurement and the actual seating used consists of benches, pews, booths, or similar seating, each 0.5m of length of such seating accommodation shall be counted as one seat.

Multiple Uses

- 2.6 Where there is more than one use on a lot, parking shall be provided for each use cumulatively in accordance with Part 7 of this Bylaw, except:
- i. where the use is retail trade and service centres or shopping centre, then parking shall be provided for these uses as specified in Part 7 of this Bylaw;
 - ii. where parking is included within a Comprehensive Development District Zone, parking shall be required as specified within the zone; and,
 - iii. where shared parking is provided in accordance with Subsection 7.3 (i) of this Bylaw.

PART III – OFF-STREET PARKING COMPLIANCE AND ENFORCEMENT

Unlawful Uses

- 3.1 i. No person may use any required off-street parking or loading facility for repair, service, display or sales of motor vehicles except as expressly permitted in the Zoning Bylaw.
- ii. No person shall use a parking space that is required for a designated building or use under this Bylaw as commercial parking space.

Compliance

- 3.2 i. No person shall use or permit the use of land or a building or structure or the surface of water unless the off-street parking and off-street loading requirements for that use have been provided and are made available as off-street parking in accordance with this Bylaw.
- ii. The required paving shall be completed in compliance with the Off-Street Parking Plan either:
- a. Prior to granting an occupancy permit; or
- b. Where seasonal conditions prevent compliance or if the applicant requests occupancy prior to completion of the paving, the applicant will provide security to the City in the form of a Standby Irrevocable Letter of Credit, cash or certified cheque in the amount of the estimated cost of the outstanding work, and shall fix a completion date satisfactory to the City.
- iii. If the required paving has not been completed by the completion date, the City of Nanaimo may use the security for the purpose of entering onto the property and completing the paving.
- iv. Where off-street parking is provided that is not required, the location, design and operation of such facilities shall comply with all of the regulations of this Bylaw.

PART IV – PARKING SPACE DIMENSIONS AND DESIGN

Standard Vehicle Parking Stall Dimensions

- 4.1 Table 1 establishes the minimum dimensions and designs for standard size off-street parking spaces and off-street parking areas as required in this Bylaw:

Table 1 - Parking Stall Dimensions (Standard Vehicle)

Angle of Parking Spaces		45°	60°	90°	Parallel	Accessible Parking
Description	Symbol (Figure 1)	Dimensions in Metres				
Stall Width	A	2.75	2.75	2.75	2.50	3.70
Stall Length	B	5.80	5.80	5.80	6.71	5.60
Stall Depth to Curb	C	6.05	6.40	5.80	2.50	N/A

Aisle Width	D	3.90	5.50	6.70	3.96	N/A
Module	E	16.00	18.30	18.30	N/A	N/A
		1-way aisle	1-way aisle	2-way aisle	1-way aisle	N/A

Figure 1 - Parking Dimension Areas

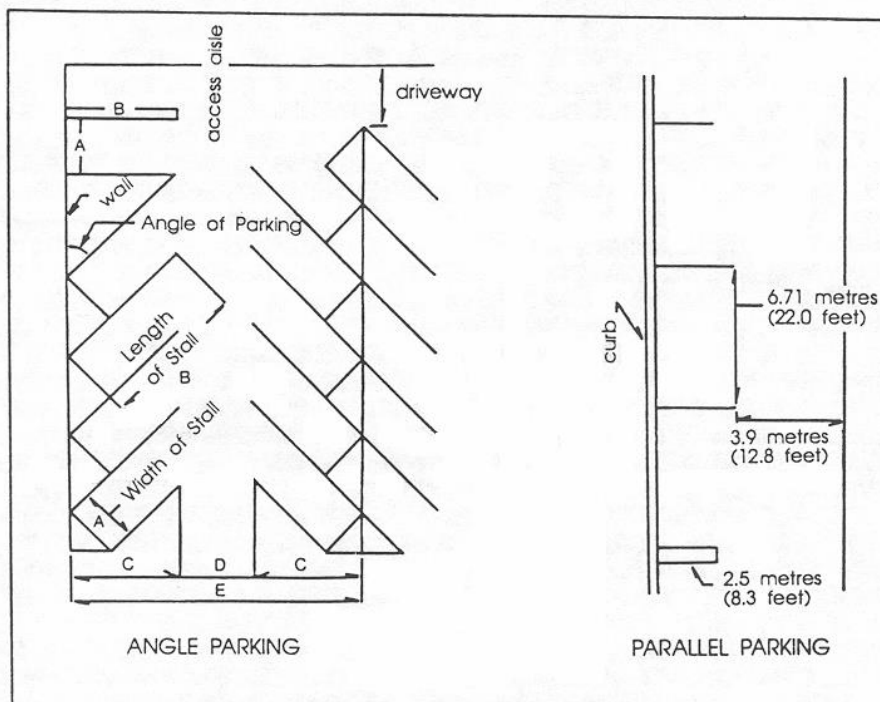


Figure 1 illustrates the parking space dimensions and requirements outlined in Subsections 4.1 and 4.3.

- 4.2 In addition to Section 4.1, Table 1 - Parking Stall Dimensions, where a parking space abuts an obstruction (including but not limited to columns, property lines, curbs, walls and fences) the parking space shall:
- i. be an additional 0.3m wider where the parking space abuts an obstruction on one side; or
 - ii. be an additional 0.6m wider where the parking space abuts an obstruction on both sides; or
 - ii. be an additional 0.8m wider where the parking space abuts a doorway; and
 - iv. the parking space shall be measured to the edge of the obstruction closest to the parking space.

Small Car Spaces

- 4.3 Notwithstanding Section 4.1, the following table establishes the minimum dimensions and design for small car off-street parking spaces as required within this Bylaw:

Table 2- Parking Dimensions (Small Car)

Angle of Parking Spaces		45°	60°	90°	Parallel
Description	Symbol (Figure 1)	Dimensions in Metres			
Stall Width	A	2.50	2.50	2.50	2.50
Stall Length	B	4.60	4.60	4.60	4.60
Stall Depth to Curb	C	5.00	5.30	4.60	2.50
Aisle Width	D	3.90	5.50	7.00	3.96
Module	E	14.30	16.10	15.90	N/A
		1 way aisle	1 way aisle	2 way aisle	1 way aisle

A maximum of 40% of the required off-street parking spaces may be reduced in size to accommodate small cars in accordance with the dimension requirements outlined in Table 2. Each off-street parking space and each off-street parking area for small cars shall be clearly identified.

Location of Parking

- 4.4 i. Where parking is being provided for multiple-family residential developments comprised of five or more dwelling units per lot, off-street parking shall be located only on that part of the lot lying to the rear of the front line of the building.
- ii. Where lots are serviced by a lane, driveway access to the off-street parking spaces shall be from the lane.

PART V – DEVELOPMENT AND MAINTENANCE STANDARDS

Curbs and Wheel Stops

- 5.1 The owner of land shall ensure that:
- i. all parking spaces shall be provided with adequate curbs to retain all vehicles within the parking spaces, and to ensure that required fences, screens, walls, hedges or landscape areas, as well as any buildings, are protected from damage during the parking of vehicles;
- ii. all parking areas abutting a landscape area, building or pedestrian pathway shall have wheel stops no less than one metre from the end of each parking space, except where parking is parallel or underground; and,
- iii. where continuous curbs are used as wheel stops, the measured size of parking spaces shall be reduced one metre in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by one metre and such overhang area must be clear of all obstructions (signs, shrubs, trees, etc.), must be distinguished from the pedestrian pathway using different paving treatment or a physical barrier and may not be regarded as a required landscape area.

Drainage and Grading

5.2 The owner of land shall ensure that:

- i. all parking and loading areas are graded and drained so as to shed and dispose of all surface water without directing or allowing surface water to flow across sidewalks;
- ii. drainage plans are subject to the approval of the Director of Community Development or designate to prevent damage or inconvenience to abutting properties and/or public streets;
- iii. pedestrian sidewalk ramps shall be installed to provide access from parking areas to the building served for accessibility at a grade not exceeding 8%;
- iv. the maximum grade and cross slope for a parking space or parking lot required by this Bylaw shall not exceed 8%;
- v. that portion of any lot used as a driveway from the property line to a required parking space, garage or carport shall not exceed a grade of 20%;
- vi. notwithstanding Subsection 5.2 (iv), where a driveway slopes downward from a highway, the change of grade between the lot line and a point on a perpendicular line 3.5 metres into the lot shall not exceed 6%; and,
- vii. where the dedicated area of a highway contiguous to the lot line has a change of grade equal to or less than 6% between the highway pavement edge and the lot line, that portion of the highway may be used to calculate slope for the purposes of Subsection 5.2 (iii) the perpendicular distance requirement.

Paving

5.3 The owner of land shall ensure that:

- i. all required off-street parking and loading areas, except those accessory to single family dwellings, are surfaced with asphalt, concrete, pavers or similar durable, dust free surface;
- ii. notwithstanding Subsection 5.3 (i), the requirements to pave a parking lot shall not apply where the cumulative value of the building permit for additions and external renovations over a five-year period prior to and including the date of building permit application is less than \$150,000.00 or less than 25% of the assessed value of the building or structure, whichever is greater; and,
- iii. where an owner provides more surface parking vehicle spaces than the minimum required by Part 7 of this Bylaw, that portion of the parking which exceeds the minimum bylaw requirements must be surfaced with a durable permeable material.

Lighting

- 5.4 The owner of land shall ensure that lighting used to illuminate any parking area or parking garage shall be arranged and installed so that all direct rays of light are reflected upon such parking area or parking garage, and not on any adjoining premises.

Driveways

- 5.5 The owner of land shall ensure that the width of a driveway shall be sufficient to provide a clear, unobstructed width of not less than:
- i. 5.5m for double lane driveways or 6.0m if the driveway is required for fire access; and,
 - ii. 2.74m for single lane driveways, or 3.66m if the driveway is required for fire access.

Signs and Markings

- 5.6 The owner of land shall ensure:
- i. the borders of all required off-street parking and loading spaces are marked with durable painted lines at least 100mm wide and extending the length of the space or by curbs or other means approved by the Director of Community Development or designate to indicate individual spaces.
 - ii. signs or other markers are installed within a parking lot to ensure efficient and safe traffic operation; and,
 - iii. all signs, markers, or any other method used to indicate direction of traffic movement and location of off-street parking and loading spaces are maintained in a clean and legible condition.

Stacking Lanes

- 5.7 Where a stacking lane is used on a lot for drive-through services, the owner of land shall provide an adequate stacking lane of sufficient length to accommodate the actual number of vehicles waiting at least 90% of the time the business is open so that congestion is not created by vehicles waiting for service.

PART VI - LOADING SPACE REQUIREMENTS

Required Number of Loading Spaces

- 6.1 i. The owner of land on which a building or structure used for commercial, industrial, institutional or other similar use involving the movement of goods, materials or items by truck is located shall provide the required number of off-street loading spaces specified below:
- a. On a lot used for retail, retail trade and services centre or shopping centre, industrial, warehouse or other similar use involving the movement of goods, materials or items by truck, the minimum number of off-street loading spaces shall be as follows:

Total Gross Floor Area of Building(s) and Structures	Spaces Required
Less than 465m ²	1
465m ² to 2,325m ²	2
2,325m ² to 4,650m ²	3
Each additional 4,650m ² or fraction thereof in excess of 2,325m ²	1 additional loading space

- b. On a lot used for an office building, place of public assembly, hospital, institution, personal care facility, seniors' congregate housing, student housing, hotel, club or lodge, auditorium, public utility, school or other similar use involving the movement of goods, materials or items by truck, the minimum number of off-street loading spaces shall be as follows:

Total Gross Floor Area of Buildings(s)	Spaces Required
Less than 2,800m ²	1
2,800m ² to 5,600m ²	2
Each additional 5,600m ² or fraction thereof in excess of 2,800m ²	1 additional loading space

Location and Screening

6.2 An owner of land shall ensure that:

- i. a required off-street loading space shall not encroach onto any street or onto any off-street parking space, parking area, driveway aisle, pedestrian pathway, or landscape buffer;
- ii. access and egress for a loading space shall not interfere with adjacent street traffic;
- iii. loading bays and docks shall be located away from areas of pedestrian movement and screened from view from driveway entrances, parking areas, adjacent properties, and adjacent streets; and,
- iv. unobstructed access and egress from a street must be provided for each required off-street loading space.

Dimensions and Design of Loading Spaces

6.3 An owner of land shall ensure that:

- i. each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload, but in no case shall a loading space be less than 10m in length, 3m in width and have an over-height clearance of less than 4.2m; and,
- ii. all off-street loading spaces must be clearly be marked with signage as loading areas.

PART VII - REQUIRED NUMBER OF OFF-STREET STREET PARKING SPACES

Multiple-Family Dwelling Parking Table

7.1 This subsection includes the minimum number of off-street parking spaces required for a multiple-family dwelling use. The required parking rate per unit for a multiple-family dwelling varies based on the number of bedrooms and the location of the property within Areas 1 to 5 as shown on Schedule 'A'.

Table 3 - Multiple Family Dwelling Parking Requirements

# of Bedrooms	Parking Requirement (m)				
	Area 1	Area 2	Area 3	Area 4	Area 5
3+	2.00	1.84	1.68	1.52	1.20
2	1.80	1.62	1.44	1.26	0.90
1	1.45	1.26	1.07	0.88	0.50
Studio/ Micro	1.20	1.05	0.90	0.75	0.45

All Other Uses Parking Table

7.2 This Subsection identifies the minimum number of off-street parking spaces required for all other uses, exclusive of reductions identified within Subsection 7.3.

Table 4 - All Other Uses Parking Requirement

Use	Parking Requirement
RESIDENTIAL	
Accessory dwelling unit	1 space
Duplex or two detached dwelling	4 spaces
Mobile home/ park model trailer	1.5 spaces per unit
Multiple-family dwelling	As required within Subsection 7.1 (Table 3)
Personal care facility	0.2 spaces per sleeping unit
Recreational vehicle (RV) park	2 spaces per RV park space
Rooming house	0.5 spaces per sleeping unit
Row house	2 spaces per dwelling unit
Secondary suite	1 space
Seniors congregate housing	0.3 spaces per dwelling or sleeping unit
Single residential dwelling	2 spaces
Student housing	The required parking rate for student housing varies based on location as shown on Schedule B

	Area 1- 0.2 spaces per bed Area 2- 0.4 spaces per bed Lands outside of Area 1 and 2- 0.65 spaces per bed
Supportive housing	0.2 spaces per bed
INSTITUTIONAL	
Commercial, trade, technical, vocational schools and colleges	1 space per 20m ² of gross floor area
Daycare facility (commercial)	2 spaces plus 1 space for every 30m ² of gross floor area or portion thereof used by the daycare facility
Hospitals	1 space per 33m ² of gross floor area
Laboratory, research centre or similar facility	1 space per 20m ² of gross floor area
School, elementary, primary, or junior high school	2.3 spaces for each classroom, library, cafeteria, gymnasium, multi-purpose room, and special education room
School, senior high school	3.3 spaces for each classroom, library, cafeteria, gymnasium, multi-purpose room, and special education room
ASSEMBLY, CULTURAL, AND RECREATIONAL	
Amusement centre, arcades, billard halls	1 space per 30m ² of gross floor area
Assembly hall, community centre, gymnasium, health club	1 space per 15m ² of gross floor area
Auction	1 space per 20m ² of gross floor area
Billiard halls	1 space per 30m ² of gross floor area
Bingo halls and casinos	1 space for every 3 seats
Clubs or lodges	1 space per 12m ² of gross floor area or 1.5 spaces per 4 seats, whichever is greater
Curling rinks	8 spaces for each ice sheet or lane plus 1 space for each 3 seats for bars, lounges or viewing areas
Funeral parlours and similar facilities	1 space for each 3 seats
Golf course	4 spaces for each hole, plus the required number of spaces for each accessory use
Golf driving range	1 space for each tee off box
Injury management centre	1 space per 30m ² of gross floor area
Library, gallery, museum, court of law, nature sanctuary or similar place of public assembly	1 space per 40m ² of gross floor area
Mini-golf course	1 space for each hole
Religious institution	1 space for each 4 seats in an area used for religious worship or 1 space for each 10m ² of gross floor area used for assembly, whichever is greater
Stadium, arena, rink, swimming pool or similar use	1 space for every 5 seats and 1 space per 10m ² of playing surface and/or water surface area
Theatre and cinema	1 space for every 10 seats
MARINE <i>(parking to be located on upland property)</i>	
Aquariums, marine museums	1 space for each 40m ² of gross floor area
Boat sales, service and repair	1 space per 70m ² of sales floor area or 5 spaces, whichever is lesser
Float Home	1 space per float home

Marinas, commercial mooring facilities, power boat rentals and similar uses	1 space per 3 berths
Canoe/Kayak/Paddle Board Rentals and other marine uses which are not otherwise classified in this section	1 space for each 40m ² of gross floor area
Passenger ferry terminal, water taxi, seaplane terminal	1 space per 10m ² of waiting area or lobby
Yacht clubs	1 space per 3 berths plus 1 space for each 15 m ² of gross floor area in the clubhouse

AGRICULTURE

Accessory retail of agriculture products (commercial produce stands)	4 spaces
Boarding kennels/ animal shelter	1 space per 9 dog enclosures (runs, cages, pens) or one space per 80m ² of gross floor area where no runs, pens or cages are provided
Urban food garden roadside stand	No parking required

INDUSTRIAL

Auto salvage and wrecking yard	1 space per 100m ² of gross floor area
Custom workshop	1 space per 100m ² of gross floor area
Manufacturing and industrial uses, including food and beverage processing	1 space per 100m ² of gross floor area
Machinery and equipment sales and service	1 space per 100m ² of gross floor area
Production studio	1 space per 100m ² of gross floor area
Service industry, repair (excluding appliance and automotive) and similar uses	1 space per 100m ² of gross floor area
Sign shop	1 space per 40m ² of gross floor area
Trucks, trailers and heavy equipment sales, service and rentals	1 space per 100m ² of sales floor area plus 1 space per service bay plus 5 spaces
Warehousing, storage, mini-storage, wholesale and similar uses	1 space per 200m ² of gross floor area

COMMERCIAL

Administration building for strata corporation	1 space per 22m ² of net floor area
Animal grooming, animal training, pet daycare and veterinary clinic	1 space per 20m ² of gross floor area
Appliance repair shop	1 per 20m ² of gross floor area
Automotive sales, service, rentals and repair shops and autobody shops	1 per 10m ² of sales floor area plus 1 space per service bay
Auto part sales	1 per 25m ² of gross floor area
Bed and breakfast	1 space per sleeping unit used as a bed and breakfast
Campground	1 space per camping space

Dry cleaner	1 per 20m ² of gross floor area
Fast food restaurant	1 space per 3 seats plus 15 additional spaces
Financial institution	1 space per 20m ² of net floor area
Furniture and appliance store	1 space per 200m ² of sales floor area
Gas station or car wash	1 space per 15m ² of sales floor area plus 2 spaces per service bay or car wash bay
Home-based business	1 space per principal dwelling
Home centre/ garden centre/ nursery/ lumber supply	1 space per 30m ² of net floor area
Hotel	1 space per sleeping unit, plus the required number of spaces for each accessory use
Laundromat	1 space per 20m ² of gross floor area
Neighbourhood pub, lounge, nightclub, convention centre	1 space per 3 seats
Medical or dental office	1 space per 18m ² of net floor area
Office	1 parking space per 22m ² net floor area for the first 1,000m ² of net floor area and 1 space per 25 m ² of net floor area for the remainder
Restaurant	1 space per 3 seats, plus 1 space for every 2 seats of lounge area
Retail store, personal service establishments and liquor store	1 space per 25m ² of gross floor area
Retail warehouse	1 space per 20m ² of net floor area
Shopping centres, retail trade and service centres	1 space per 30m ² of gross floor area
Take-out restaurant	1 space per 25 m ² of gross floor area with a minimum of 3 spaces for any use with a gross floor area less than 100 m ²
Transportation terminal, depot and facilities	1 space per 10m ² of waiting room or lobby area

Reduced Parking Conditions

7.3 Notwithstanding Subsections 7.1 and 7.2 the minimum off-street parking requirement may be reduced as follows:

- i. **Shared Parking:** Where more than one of the uses listed in Subsections 7.1 and 7.2 are located on the same lot, parking spaces may be shared between the uses, and the cumulative total of parking spaces required for all the uses on the lot may be reduced from that required in Subsections 7.1 and 7.2 to the amount calculated using Table 5 'Shared Parking Reduction':
 - a) The number of parking spaces required for the lot under this subsection is calculated by multiplying the number of parking spaces required for each land use in Subsections 7.1 and 7.2 by the percentage shown in the Table 5 - Shared Parking Reduction where the listed uses intersect.
 - b) Where three or more uses are located on the same lot, the lowest reduction rate between any two of the uses shall apply.

Table 5 - Shared Parking Reduction

				Hotel
			Theatre	90%
		Religious institution	85%	90%
	Multiple-Family Dwelling	90%	90%	90%
Office	80%	65%	75%	90%
Retail store	90%	85%	85%	85%
Commercial school	85%	85%	80%	90%
Retail trade and service centre	90%	85%	85%	85%
Restaurant / pub	90%	85%	90%	90%

- c) Where the use is a “retail trade and services centre”, as defined within this Bylaw, the parking rate for retail trade and service centre rate shall apply.
 - d) Where multiple-family dwelling parking is included within the shared parking table, at least 80% of the required parking spaces must be unassigned and accessible to both commercial employees, customers and residential owners and tenants.
 - e) Where multiple-family parking is included within the shared parking table, the residential use must occupy 25% to 75% of the total gross floor area of all buildings on the lot.
- ii. **Downtown-Specified Area:** Off-street parking is not required for the first 100 parking spaces that would otherwise be required under Subsection 7.2 for buildings or structures located within the area identified as the Downtown-Specified Area (shown on Schedule ‘C’), except where the use of a lot is residential wherein the regulations of this Bylaw shall apply.
 - iii. **Cash-in-lieu:** In accordance with Section 525 (1) (d) of the *Local Government Act*; where a property is designated as indicated on Schedule ‘D’, an owner or occupier of that property in may, in lieu of providing off-street parking spaces required under this Bylaw, pay to the City the sum of \$10,000 per required off-street parking space. The money received as cash-in-lieu of parking will be included within a dedicated City reserve fund to be used towards local transportation improvements by the City that encourage non-automotive transportation. No more than 10% of the required parking space may be substituted as cash-in-lieu.

- iv. Online or mobile Home Based Business: Where a Home-Based Business operates exclusively online or as a mobile business as declared on the business licence application, the parking space(s) that would otherwise be required for a Home-Based Business under Subsection 7.2 shall be not be required.

Visitor Parking

- 7.4 Where a lot is developed for multiple-family residential use, designated visitor parking shall be assigned and identified for this purpose at a ratio of 1 space for every 22 required parking spaces or portion thereof. The number of visitor parking spaces count towards the total number of required off-street parking spaces required.

Accessible Parking

- 7.5 Parking spaces for the use of persons with physical disabilities shall be provided according to the following cumulative ratios:

Table 6 - Accessible Parking Requirement

No. of Required Parking Spaces	No. of Accessible Parking Spaces
1-10	0
11-20	+1
21-100	+2
101-1000	+2 per 100 required spaces or part thereof
1001+	+1 per 100 required spaces or part thereof

- i. In addition to the requirements of Subsection 7.5, an owner of land shall ensure that one accessible parking space shall be provided for every residential dwelling unit used, designed or intended to be used by a person with a physical disability.
- ii. In addition to the requirements of Subsection 7.5, the owner shall ensure that all accessible parking is provided in accordance with Section 3.8 "Building Requirements for Persons with Disabilities" of the British Columbia Building Code.
- iii. Notwithstanding the requirements of Subsection 7.5, where the use is Seniors' Congregate Housing or Personal Care Facility, one accessible parking space shall be provided per 15 required parking spaces.
- iv. Notwithstanding the foregoing, the number of accessible parking spaces count towards the overall number of parking spaces required.
- v. Each accessible parking space shall be:
 - a. a minimum of 3.7m in width and a minimum of 5.6m in depth;
 - b. clearly identified as being for use only by persons with physical disabilities;
 - c. located within the convenient access of an accessible building entrance or in a central location where a parking lot serves several buildings; and
 - d. the maximum grade of the parking space and access from the parking space to a building or structure shall not exceed 5%.

- vi. Notwithstanding Subsection 7.5 (v) (a), an accessible parking space may be a minimum 2.75m in width provided an additional 1.2m wide loading zone is included and is shared with an adjacent accessible parking space. The minimum functional width for each accessible parking space shall be 3.7m.

Bicycle Parking

- 7.6 This Subsection identifies the required number of, size, location and access to bicycle parking spaces that must be provided in accordance with Table 7 - Bicycle Parking Requirements. Where a use is not listed, no bicycle parking spaces are required.

Table 7 - Bicycle Parking Requirements

Use	Number of Short Term Bicycle ¹ Parking Spaces Required	Number of Long Term Bicycle ² Parking Spaces Required
Multiple-Family Dwelling/ Student Housing	0.1 space per dwelling	0.5 per dwelling unit
Hotel	1 per 20 rooms or units	1 per 30 rooms or units
Hospital	4 space rack at each public entrance	0.2 spaces per 100m ² of gross floor area
Elementary or Primary School	2 per classroom, gymnasium, cafeteria, library, special education, or multipurpose room.	0.25 per classroom
High School (junior or senior)	3 per classroom, gymnasium, cafeteria, library, special education, or multipurpose room.	0.25 per classroom
Commercial, Trade, Technical, Vocational Schools and Colleges.	1 spaces per 100m ² of gross floor area	0.2 spaces per 100m ² of gross floor area
Recreation Centre, Assembly Hall, Billiard Hall, Gymnasium, Bowling Alley	6 space rack at each public entrance	None required
Marina, Yacht Club	1 space per 20 berths for the first 120 berths Plus 1 space per 40 berths for additional berths	None required
Custom Workshop, Manufacturing and Industrial Uses	None required	0.1 per 100m ² of gross floor area
Shopping Centre or Retail Trade or Service Centre	0.2 spaces per 100m ² for the first 5000m ² (with a minimum of 6 spaces required) Plus 0.04 spaces for each additional 100m ²	0.1 space per 100m ² gross floor area for the first 5000m ² plus 0.02 spaces for each additional 100m ²
Retail	0.6 spaces per 100m ² of gross floor area	0.2 spaces per 100m ² of gross floor area
Office	0.1 spaces per 100m ² of gross floor area	0.35 spaces per 100m ² of gross floor area
Office (medical/ dental)	0.2 spaces per 100m ² of gross floor area	0.25 spaces per 100m ² of gross floor area
Restaurant/ Neighbourhood Pub	1 space per 15 seats	None Required

- All short-term bicycle parking spaces are included within racks or bicycle lockers that provide a minimum width of 0.3m for each bicycle, are accessible with a minimum aisle width of 1.2m and are provided in a convenient well-lit location;
- The location of a Short-Term Bicycle Parking must not interfere with pedestrians and shall be separated from car parking;

- iii. All long-term bicycle parking spaces shall have a minimum vertical clearance of 1.9m, be a minimum of 0.6m in width and shall be a minimum of 1.8m in length if bicycles are to be placed horizontally, or 1.0m in length if bicycles are to be placed vertically. Bicycles shall be accessible by a 1.2m dedicated aisle width; and
- iv. all long-term bicycle parking storage areas shall have an electrical outlet for electric bicycle charging.

Electric Vehicle Parking

- 7.7
- i. A minimum of 10% of all required off-street parking stalls within any common parking areas for multiple-family residential uses shall have shared access to a Level 2 Electric Vehicle Charge Receptacle or more efficient charger;
 - ii. An additional 20% of required parking spaces for a multiple-family dwelling use shall be provided with an electrical outlet box wired with a separate branch circuit capable of supplying electricity to support the installation of a Level 2 Electric Vehicle Charge Receptacle;
 - iii. All required off-street parking spaces within a single residential dwelling or dedicated multiple-family dwelling parking space such as a garage for an individual unit shall include an electric outlet box wired with a separate branch circuit capable of supplying electricity to support a Level 1 Electric Vehicle Charge Receptacle; and
 - iv. Five percent (5%) of all required off-street parking spaces within a retail trade and services centre or shopping centre shall have access to a Level 2 Electric Vehicle Charge Receptacle or more efficient charger.

PART VIII – OFFENCE AND ENFORCEMENT

Violation

- 8.1 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act in contravention of this Bylaw or who neglects to do or refrains from doing any act or thing which is required to be done under any of the provisions of this Bylaw, commits an offence and is liable to a fine not exceeding Ten Thousand Dollars (\$10,000.00).
- 8.2 Each day that a violation continues or is permitted to exist shall constitute a separate offence.

- 8.3 Section 8.1 does not limit the power of a judge of a Provincial Court, or any other judge from imposing any other lawful remedy in relation to the offence.

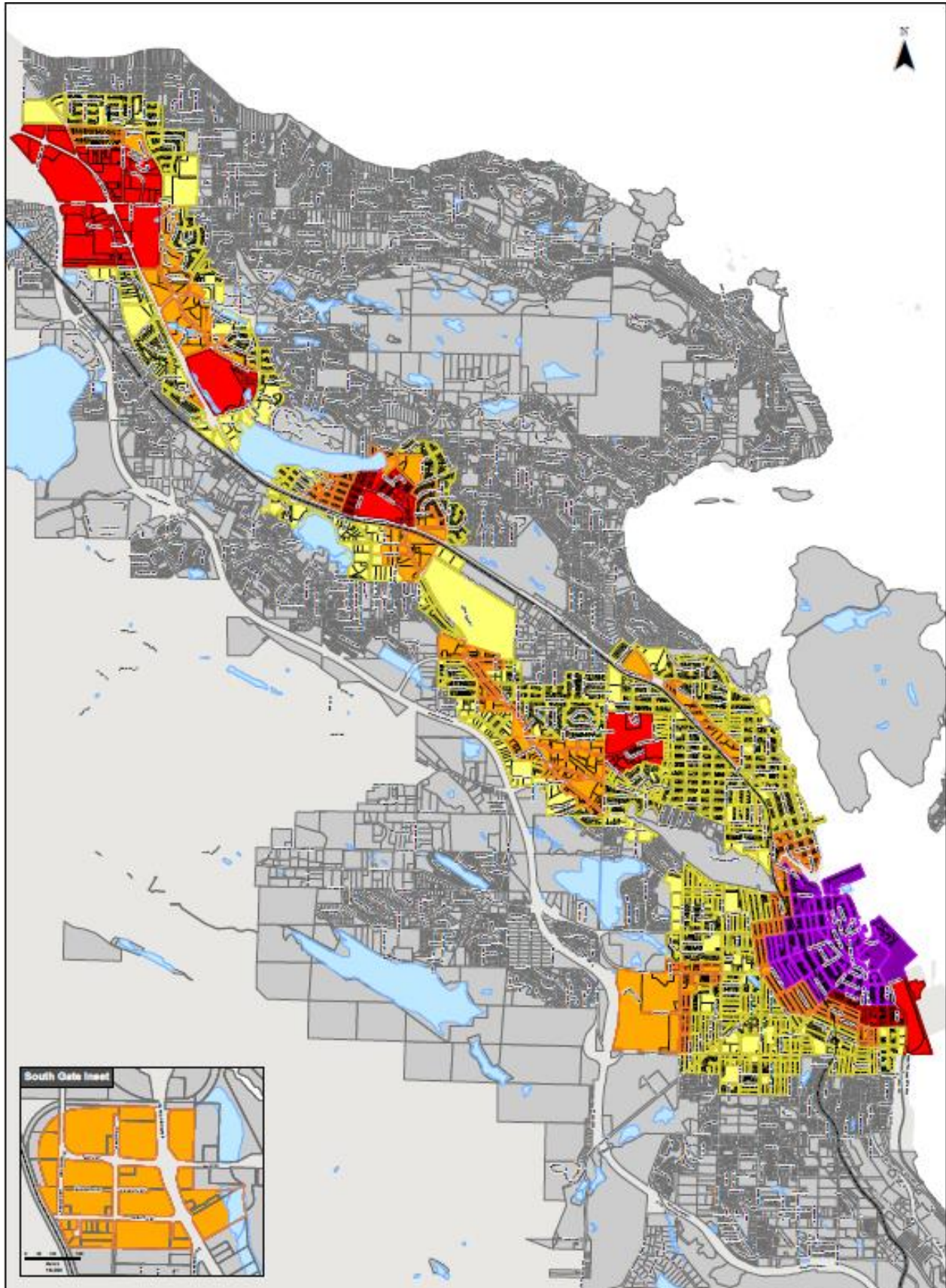
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

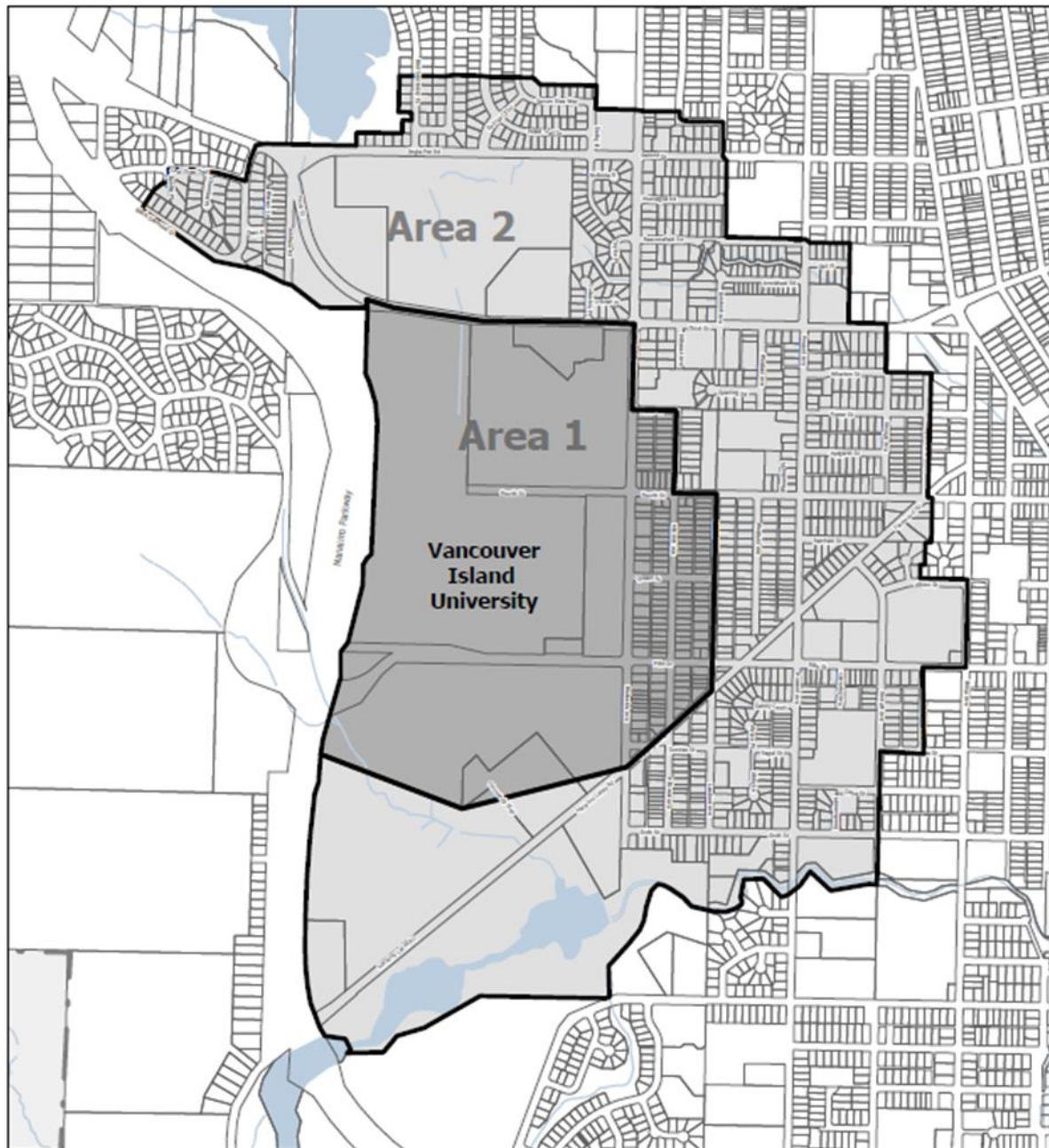
SCHEDULE A

MULTIPLE-FAMILY PARKING MAP





SCHEDULE B

STUDENT HOUSING PARKING MAP



STUDENT HOUSING PARKING AREAS

- Area 1 
- Area 2 

SCHEDULE C

Downtown-Specified Area Map

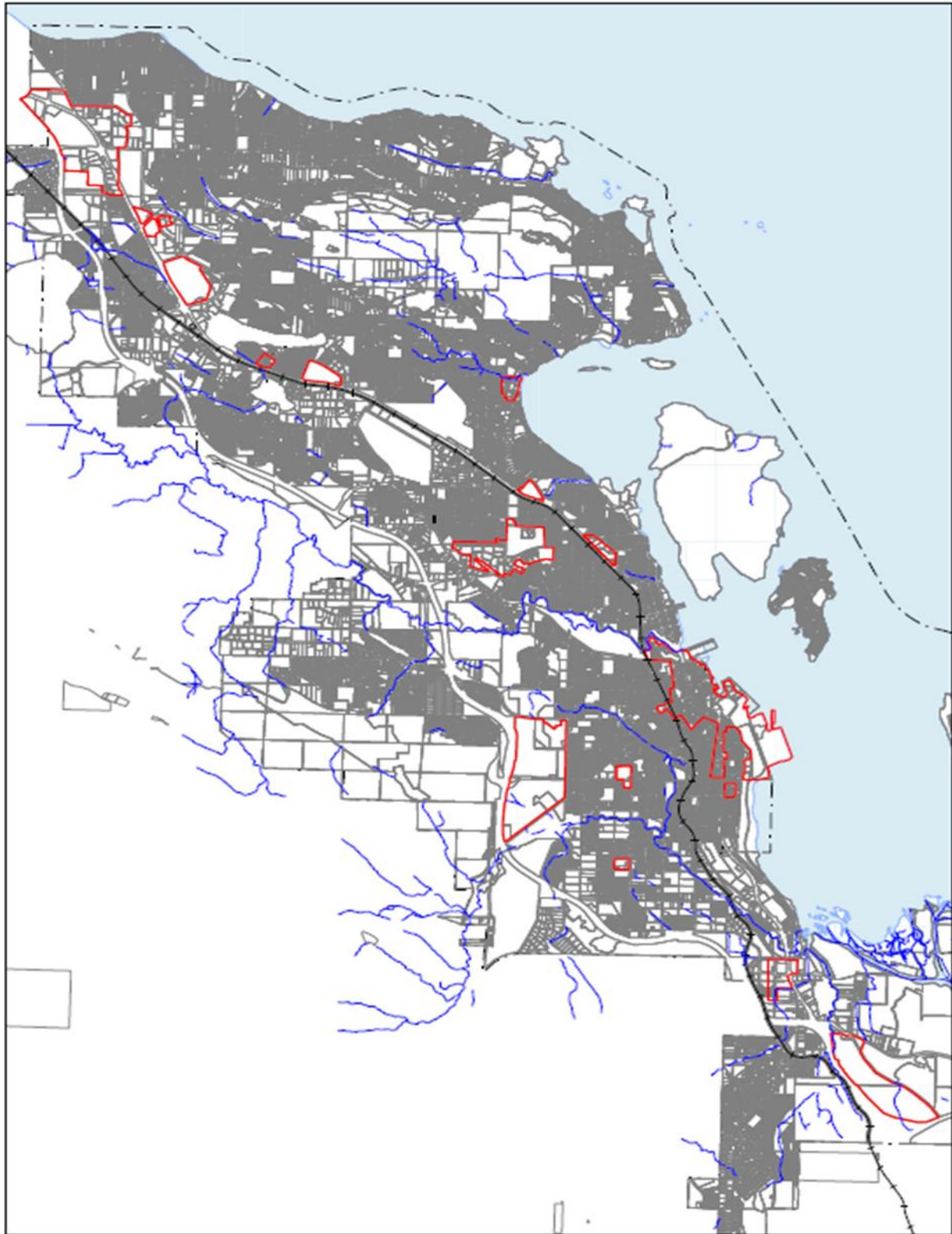


DOWNTOWN-SPECIFIED AREA MAP



SCHEDULE D

Cash-in-lieu Parking Area Map



CASH-IN-LIEU PARKING AREA MAP

8. Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.126

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2018 No. 4500.126".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (A) By rezoning the lands legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49727 (65 Chapel Street) and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP57801 (77 Chapel Street) as shown on Schedule A for site-specific provisions to increase the maximum allowable Floor Area Ratio to 4.25 and to increase the maximum building height to 78.5m in the Chapel Front (DT5) zone.

- (B) By amending Subsection 11.3.2 by adding the following after 1 Chapel Street:

Civic Address	Legal Description	Maximum Allowable Floor Area Ratio
65 and 77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49727; and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP57801	4.25

- (C) By amending Subsection 11.7.2 by adding the following after 1 Chapel Street:

Civic Address	Legal Description	Maximum Allowable Height
65 and 77 Chapel Street	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49727; and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP57801	78.5m

PASSED FIRST READING: 2018-AUG-13

PASSED SECOND READING: 2018-AUG-13

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

COVENANT REGISTERED: _____

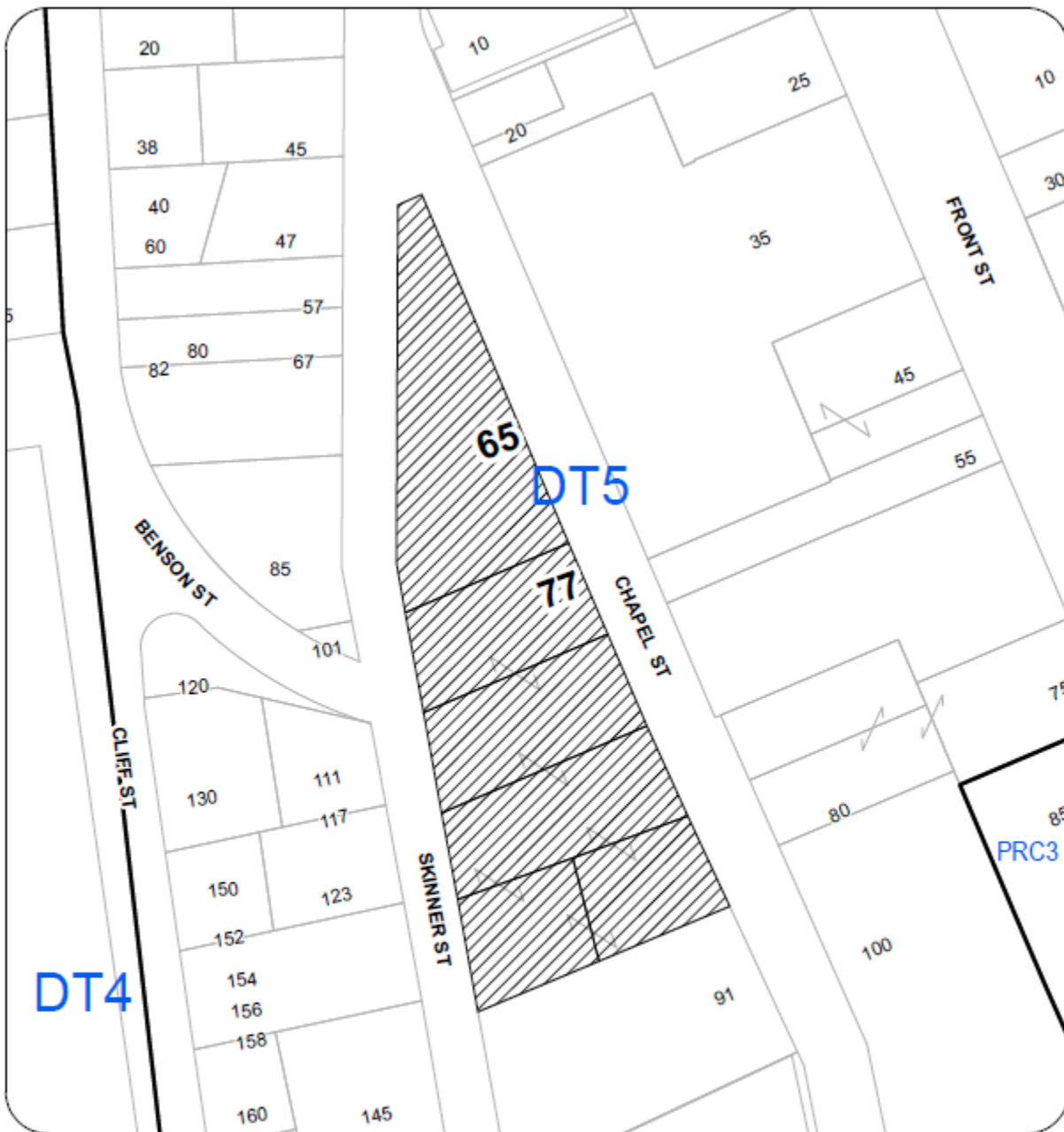
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000389
Address: 65 and 77 Chapel Street

SCHEDULE A




REZONING APPLICATION NO. RA000389



LOCATION PLAN

Civic: 65 and 77 Chapel Street

 Subject Property

CITY OF NANAIMO

BYLAW NO. 4500.127

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464. 465. 469. 477. 479. 480. 481. 482 and 548 of the *Local Government Act*,

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.127".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
 - (1) Part 5- Definitions: by deleting the definition of "Medical Marihuana Growing and Production"
 - (2) Part 5 Definitions: by adding the following definitions of 'Cannabis', 'Cannabis Production and Processing' and 'Cannabis Retail Store' after 'Camping Space':

CANNABIS - means cannabis as defined within the *Federal Cannabis Act*.

CANNABIS PRODUCTION AND PROCESSING - means the commercial growing and production of cannabis or cannabis products as permitted by *Bill C-45 (the Federal Cannabis Act)*, and any subsequent regulation or acts which may be enacted in substitution therefore. The definition shall also include the wholesale or mail order distribution of cannabis products produced on the property.

CANNABIS RETAIL STORE – means a retail store licensed under the *British Columbia Cannabis Control and Licensing Act (Bill 30)* where cannabis is sold or otherwise provided to a person who attends at the premises but is not consumed on the premises.

- (3) Part 5 Definitions: by adding the following definition of 'Micro Cannabis Production and Processing' after 'Micro Brewery':

MICRO CANNABIS PRODUCTION AND PROCESSING - means a small scale *Cannabis Production and Processing* facility contained entirely within a building where the production and growing of cannabis products is limited to no more than 200m² of gross floor area per lot.

- (4) Part 5 Definitions: by deleting the definition of 'Retail Store' and replacing with the following:

RETAIL STORE – means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored or sold

from within a building. This definition specifically includes *Personal Service Use* and *Pharmacy* but excludes *Cannabis Retail Store* and *Liquor Store*.

- (5) By amending Subsection 13.2.1 by adding 'Cannabis Production and Processing' as a permitted use within the Industrial (I4) zone.
- (6) By amending Subsection 13.2.1 by adding 'Micro Cannabis Production and Processing' as a permitted use within the Highway Industrial (I1) and Light Industrial (I2) zones.
- (7) By amending Subsection 13.2.1 by adding the following as a condition of use for 'Micro Cannabis Production':

"All processing and storage of materials must occur within a building. An odour abatement plan shall be required for all micro cannabis production uses"

- (8) By amending Subsection 13.2.3 by deleting the following site specific use:

Use	Permitted Location Address	Legal Description of Permitted Location
Medical Marihuana Growing and Production	1100 Maughan Road	LOT A, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP77217
	1110, 1120 and 1140 Maughan Road	LOT 7, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1110 Maughan Road); LOT 6, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1120 Maughan Road); and LOT A, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP77420 (1140 Maughan Road)

PASSED FIRST READING: 2018-AUG-13

PASSED SECOND READING: 2018-AUG-13

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: ZA1-71
Address: N/A

CITY OF NANAIMO

BYLAW NO. 7266

A BYLAW TO REGULATE DEVELOPMENT OFF-STREET PARKING AND LOADING WITHIN
THE CITY OF NANAIMO

WHEREAS the Council may require owners or occupiers of any land, or of any building or other structure, to provide off-street parking and loading spaces pursuant to Section 525 of the *Local Government Act*;

THEREFORE be it resolved that the Council at the City of Nanaimo in an Open Meeting assembled; hereby enacts as follows:

PART I – TITLE, APPLICATION AND INTERPRETATION

Title

- 1.1 This Bylaw may be cited as the City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266”.

Application

- 1.2 When any development takes place on a lot within the boundaries of the City of Nanaimo, off-street parking and the provision of loading spaces for each use:
- i. shall be provided and maintained in accordance with the regulations of this Bylaw; and
 - ii. where a use is not specifically mentioned, the required number of off-street parking spaces shall be the same as a similar use as determined by the Director of Community Development or her or his designate.

Severability

- 1.3 If any section of this Bylaw is held to be invalid by a Court of competent jurisdiction, that section may be severed and the validity of the remaining portions of this Bylaw shall not be affected.

Conflict Between this Bylaw and the Zoning Bylaw

- 1.4 In the event of a conflict between this Bylaw and the Zoning Bylaw regarding a regulation or requirement for off-street parking and loading spaces, this Bylaw shall prevail.

Repeal of Previous Bylaw

- 1.5 The “Development Parking Regulations Bylaw 2005 No. 7013” and amendments thereto are hereby repealed.

Definitions

1.6 In this Bylaw, the following words, terms, phrases or expressions shall have the respective meaning hereinafter assigned to them:

"ACCESSIBLE PARKING"	means parking spaces for use by a vehicle displaying a valid accessible parking permit.
"BYLAW ENFORCEMENT OFFICER"	means a person appointed by the City of Nanaimo to enforce regulatory bylaws of the municipality.
"BEDROOM"	means a room used or designed for use for sleeping persons in which there is no kitchen or cooking facility.
"DRIVEWAY"	means a vehicle path of egress or ingress used for access to or from any parking area.
"ELECTRIC VEHICLE"	means a vehicle that uses electricity for propulsion, and that can use an external source of electricity to charge the battery.
"ELECTRIC VEHICLE CHARGING RECEPTACLE"	means a receptacle intended for providing charging for electric vehicles.
"LANE"	means a narrow thoroughfare or any way which affords a primary or access to a lot.
"LEVEL 1 ELECTRIC VEHICLE CHARGE RECEPTACLE"	means an electrical charger through a 120 volt (V), alternating-current (AC) plug which requires a dedicated circuit.
"LEVEL 2 ELECTRIC VEHICLE CHARGE RECEPTACLE"	means an electrical charger through a 240 volt (V), alternating-current (AC) plug with a dedicated 40 amp circuit.
"LOADING SPACE"	means an area on a lot set aside for persons accessing a vehicle, leaving a vehicle, loading or unloading a vehicle.
"LONG-TERM BICYCLE PARKING"	means a secure, weather-protected bicycle parking facility used to accommodate long-term parking, such as for residents or employees within a building or covered compound with lockable doors.
"OFF-STREET PARKING"	means the onsite parking allotment required for a given lot based on a specific use of the land, building or structure.
"OFF-STREET PARKING PLAN"	means a plan prepared by or on behalf of an owner and submitted to the City prior to the use of the land, or a building or structure that illustrates the provision of off-street parking required under this Bylaw.
"PARKING LOT"	means an area of land divided into two or more off-street parking spaces used for the parking of motor vehicles.

"PARKING SPACE"	means a space within a building or a parking area, for the parking of one vehicle, excluding driveways, ramps, columns, office and work areas.
"RETAIL TRADE AND SERVICES CENTRE"	means one or more buildings containing two or more retail, office or service-related uses, which share common services and parking on a lot.
"SHORT-TERM BICYCLE PARKING"	means a short-term bicycle facility that is accessible to visitors and located near the building entrance.
"STACKING LANE"	means a lane reserved for cars waiting to access a drive-through service window.
"STALL"	has the same meaning as Parking Space.
"VEHICLE"	includes a motor vehicle as defined within the Zoning Bylaw.
"ZONING BYLAW"	means the City of Nanaimo "Zoning Bylaw 2011 No. 4500" and amendments thereto or any bylaw which amends or replaces this Bylaw.

1.7 The Zoning Bylaw applies for the purposes of this Bylaw.

PART II – OFF-STREET PARKING REQUIREMENT AND REGULATIONS

Off-Site Parking

- 2.1 Unless otherwise specified, all required parking within this Bylaw must be located on the same lot as the use or building for which the parking is required or on a lot located within 50m, as measured lot line to lot line, provided that the off-site parking:
- is not located on a lot zoned as residential within Part 7 of the City of Nanaimo "Zoning Bylaw 2011 No. 4500", or used to support a residential use parking requirement;
 - is protected by a covenant under Section 219 of the *Land Title Act* in favour of the City of Nanaimo that ensures that the land will be used to provide parking in accordance with this Bylaw;
 - is not located across a road designated as an Urban Arterial or Major Collector road within the City's Official Community Plan or highway under the jurisdiction of the Provincial Ministry of Transportation and Infrastructure; and,
 - does not include any of the required accessible parking, which must be provided on the lot.

Existing Uses

- 2.2 The regulations contained within this Bylaw shall not apply to buildings, structures or uses existing at the time of adoption of this Bylaw, except:
- i. where there is a cumulative increase in gross floor area of a building or structure over a five-year period due to an addition or external renovation and the gross floor area is increased by more than 10% or 100 m², whichever is lesser, the off-street parking shall be increased to equal or exceed the parking required in applying the provisions of this Bylaw to the entire building, structure or lot, including the addition or external renovation; and
 - ii. where any building or structure undergoes a change of use that results in an increase in the parking requirement beyond 20% of the required parking prior to the change of use, the off-street parking shall be increased to equal or exceed the parking required in applying the provisions of this Bylaw to the entire building, structure or lot that results from the change in use; and
 - iii. off-street parking existing at the time of adoption of this Bylaw shall not be reduced below the applicable off-street parking regulations of this Section.

Bylaw Amendments

- 2.3 An amendment to this Bylaw shall be given a public hearing prior to final adoption.

Fractional Numbers

- 2.4 Where the calculation of a parking requirement results in a fractional number, the number shall be rounded up to the nearest whole number where the fractional portion equals or exceeds 0.5.

Benches, Pews, Booths

- 2.5 Where seating accommodation is used as a unit of measurement and the actual seating used consists of benches, pews, booths, or similar seating, each 0.5m of length of such seating accommodation shall be counted as one seat.

Multiple Uses

- 2.6 Where there is more than one use on a lot, parking shall be provided for each use cumulatively in accordance with Part 7 of this Bylaw, except:
- i. where the use is retail trade and service centres or shopping centre, then parking shall be provided for these uses as specified in Part 7 of this Bylaw;
 - ii. where parking is included within a Comprehensive Development District Zone, parking shall be required as specified within the zone; and,
 - iii. where shared parking is provided in accordance with Subsection 7.3 (i) of this Bylaw.

PART III – OFF-STREET PARKING COMPLIANCE AND ENFORCEMENT

Unlawful Uses

- 3.1 i. No person may use any required off-street parking or loading facility for repair, service, display or sales of motor vehicles except as expressly permitted in the Zoning Bylaw.
- ii. No person shall use a parking space that is required for a designated building or use under this Bylaw as commercial parking space.

Compliance

- 3.2 i. No person shall use or permit the use of land or a building or structure or the surface of water unless the off-street parking and off-street loading requirements for that use have been provided and are made available as off-street parking in accordance with this Bylaw.
- ii. The required paving shall be completed in compliance with the Off-Street Parking Plan either:
- a. Prior to granting an occupancy permit; or
- b. Where seasonal conditions prevent compliance or if the applicant requests occupancy prior to completion of the paving, the applicant will provide security to the City in the form of a Standby Irrevocable Letter of Credit, cash or certified cheque in the amount of the estimated cost of the outstanding work, and shall fix a completion date satisfactory to the City.
- iii. If the required paving has not been completed by the completion date, the City of Nanaimo may use the security for the purpose of entering onto the property and completing the paving.
- iv. Where off-street parking is provided that is not required, the location, design and operation of such facilities shall comply with all of the regulations of this Bylaw.

PART IV – PARKING SPACE DIMENSIONS AND DESIGN

Standard Vehicle Parking Stall Dimensions

- 4.1 Table 1 establishes the minimum dimensions and designs for standard size off-street parking spaces and off-street parking areas as required in this Bylaw:

Table 1 - Parking Stall Dimensions (Standard Vehicle)

Angle of Parking Spaces		45°	60°	90°	Parallel	Accessible Parking
Description	Symbol (Figure 1)	Dimensions in Metres				
Stall Width	A	2.75	2.75	2.75	2.50	3.70
Stall Length	B	5.80	5.80	5.80	6.71	5.60
Stall Depth to Curb	C	6.05	6.40	5.80	2.50	N/A

Aisle Width	D	3.90	5.50	6.70	3.96	N/A
Module	E	16.00	18.30	18.30	N/A	N/A
		1-way aisle	1-way aisle	2-way aisle	1-way aisle	N/A

Figure 1 - Parking Dimension Areas

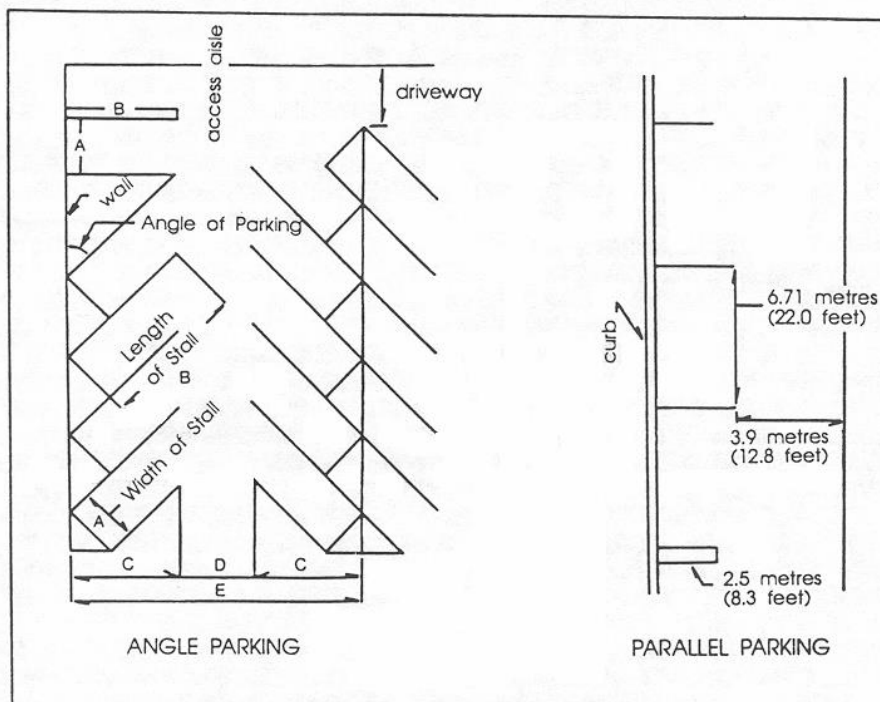


Figure 1 illustrates the parking space dimensions and requirements outlined in Subsections 4.1 and 4.3.

- 4.2 In addition to Section 4.1, Table 1 - Parking Stall Dimensions, where a parking space abuts an obstruction (including but not limited to columns, property lines, curbs, walls and fences) the parking space shall:
- i. be an additional 0.3m wider where the parking space abuts an obstruction on one side; or
 - ii. be an additional 0.6m wider where the parking space abuts an obstruction on both sides; or
 - ii. be an additional 0.8m wider where the parking space abuts a doorway; and
 - iv. the parking space shall be measured to the edge of the obstruction closest to the parking space.

Small Car Spaces

- 4.3 Notwithstanding Section 4.1, the following table establishes the minimum dimensions and design for small car off-street parking spaces as required within this Bylaw:

Table 2- Parking Dimensions (Small Car)

Angle of Parking Spaces		45°	60°	90°	Parallel
Description	Symbol (Figure 1)	Dimensions in Metres			
Stall Width	A	2.50	2.50	2.50	2.50
Stall Length	B	4.60	4.60	4.60	4.60
Stall Depth to Curb	C	5.00	5.30	4.60	2.50
Aisle Width	D	3.90	5.50	7.00	3.96
Module	E	14.30	16.10	15.90	N/A
		1 way aisle	1 way aisle	2 way aisle	1 way aisle

A maximum of 40% of the required off-street parking spaces may be reduced in size to accommodate small cars in accordance with the dimension requirements outlined in Table 2. Each off-street parking space and each off-street parking area for small cars shall be clearly identified.

Location of Parking

- 4.4 i. Where parking is being provided for multiple-family residential developments comprised of five or more dwelling units per lot, off-street parking shall be located only on that part of the lot lying to the rear of the front line of the building.
- ii. Where lots are serviced by a lane, driveway access to the off-street parking spaces shall be from the lane.

PART V – DEVELOPMENT AND MAINTENANCE STANDARDS

Curbs and Wheel Stops

5.1 The owner of land shall ensure that:

- i. all parking spaces shall be provided with adequate curbs to retain all vehicles within the parking spaces, and to ensure that required fences, screens, walls, hedges or landscape areas, as well as any buildings, are protected from damage during the parking of vehicles;
- ii. all parking areas abutting a landscape area, building or pedestrian pathway shall have wheel stops no less than one metre from the end of each parking space, except where parking is parallel or underground; and,
- iii. where continuous curbs are used as wheel stops, the measured size of parking spaces shall be reduced one metre in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by one metre and such overhang area must be clear of all obstructions (signs, shrubs, trees, etc.), must be distinguished from the pedestrian pathway using different paving treatment or a physical barrier and may not be regarded as a required landscape area.

Drainage and Grading

5.2 The owner of land shall ensure that:

- i. all parking and loading areas are graded and drained so as to shed and dispose of all surface water without directing or allowing surface water to flow across sidewalks;
- ii. drainage plans are subject to the approval of the Director of Community Development or designate to prevent damage or inconvenience to abutting properties and/or public streets;
- iii. pedestrian sidewalk ramps shall be installed to provide access from parking areas to the building served for accessibility at a grade not exceeding 8%;
- iv. the maximum grade and cross slope for a parking space or parking lot required by this Bylaw shall not exceed 8%;
- v. that portion of any lot used as a driveway from the property line to a required parking space, garage or carport shall not exceed a grade of 20%;
- vi. notwithstanding Subsection 5.2 (iv), where a driveway slopes downward from a highway, the change of grade between the lot line and a point on a perpendicular line 3.5 metres into the lot shall not exceed 6%; and,
- vii. where the dedicated area of a highway contiguous to the lot line has a change of grade equal to or less than 6% between the highway pavement edge and the lot line, that portion of the highway may be used to calculate slope for the purposes of Subsection 5.2 (iii) the perpendicular distance requirement.

Paving

5.3 The owner of land shall ensure that:

- i. all required off-street parking and loading areas, except those accessory to single family dwellings, are surfaced with asphalt, concrete, pavers or similar durable, dust free surface;
- ii. notwithstanding Subsection 5.3 (i), the requirements to pave a parking lot shall not apply where the cumulative value of the building permit for additions and external renovations over a five-year period prior to and including the date of building permit application is less than \$150,000.00 or less than 25% of the assessed value of the building or structure, whichever is greater; and,
- iii. where an owner provides more surface parking vehicle spaces than the minimum required by Part 7 of this Bylaw, that portion of the parking which exceeds the minimum bylaw requirements must be surfaced with a durable permeable material.

Lighting

- 5.4 The owner of land shall ensure that lighting used to illuminate any parking area or parking garage shall be arranged and installed so that all direct rays of light are reflected upon such parking area or parking garage, and not on any adjoining premises.

Driveways

- 5.5 The owner of land shall ensure that the width of a driveway shall be sufficient to provide a clear, unobstructed width of not less than:
- i. 5.5m for double lane driveways or 6.0m if the driveway is required for fire access; and,
 - ii. 2.74m for single lane driveways, or 3.66m if the driveway is required for fire access.

Signs and Markings

- 5.6 The owner of land shall ensure:
- i. the borders of all required off-street parking and loading spaces are marked with durable painted lines at least 100mm wide and extending the length of the space or by curbs or other means approved by the Director of Community Development or designate to indicate individual spaces.
 - ii. signs or other markers are installed within a parking lot to ensure efficient and safe traffic operation; and,
 - iii. all signs, markers, or any other method used to indicate direction of traffic movement and location of off-street parking and loading spaces are maintained in a clean and legible condition.

Stacking Lanes

- 5.7 Where a stacking lane is used on a lot for drive-through services, the owner of land shall provide an adequate stacking lane of sufficient length to accommodate the actual number of vehicles waiting at least 90% of the time the business is open so that congestion is not created by vehicles waiting for service.

PART VI - LOADING SPACE REQUIREMENTS

Required Number of Loading Spaces

- 6.1 i. The owner of land on which a building or structure used for commercial, industrial, institutional or other similar use involving the movement of goods, materials or items by truck is located shall provide the required number of off-street loading spaces specified below:
- a. On a lot used for retail, retail trade and services centre or shopping centre, industrial, warehouse or other similar use involving the movement of goods, materials or items by truck, the minimum number of off-street loading spaces shall be as follows:

Total Gross Floor Area of Building(s) and Structures	Spaces Required
Less than 465m ²	1
465m ² to 2,325m ²	2
2,325m ² to 4,650m ²	3
Each additional 4,650m ² or fraction thereof in excess of 2,325m ²	1 additional loading space

- b. On a lot used for an office building, place of public assembly, hospital, institution, personal care facility, seniors' congregate housing, student housing, hotel, club or lodge, auditorium, public utility, school or other similar use involving the movement of goods, materials or items by truck, the minimum number of off-street loading spaces shall be as follows:

Total Gross Floor Area of Buildings(s)	Spaces Required
Less than 2,800m ²	1
2,800m ² to 5,600m ²	2
Each additional 5,600m ² or fraction thereof in excess of 2,800m ²	1 additional loading space

Location and Screening

6.2 An owner of land shall ensure that:

- i. a required off-street loading space shall not encroach onto any street or onto any off-street parking space, parking area, driveway aisle, pedestrian pathway, or landscape buffer;
- ii. access and egress for a loading space shall not interfere with adjacent street traffic;
- iii. loading bays and docks shall be located away from areas of pedestrian movement and screened from view from driveway entrances, parking areas, adjacent properties, and adjacent streets; and,
- iv. unobstructed access and egress from a street must be provided for each required off-street loading space.

Dimensions and Design of Loading Spaces

6.3 An owner of land shall ensure that:

- i. each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload, but in no case shall a loading space be less than 10m in length, 3m in width and have an over-height clearance of less than 4.2m; and,
- ii. all off-street loading spaces must be clearly be marked with signage as loading areas.

PART VII - REQUIRED NUMBER OF OFF-STREET STREET PARKING SPACES

Multiple-Family Dwelling Parking Table

7.1 This subsection includes the minimum number of off-street parking spaces required for a multiple-family dwelling use. The required parking rate per unit for a multiple-family dwelling varies based on the number of bedrooms and the location of the property within Areas 1 to 5 as shown on Schedule 'A'.

Table 3 - Multiple Family Dwelling Parking Requirements

# of Bedrooms	Parking Requirement (m)				
	Area 1	Area 2	Area 3	Area 4	Area 5
3+	2.00	1.84	1.68	1.52	1.20
2	1.80	1.62	1.44	1.26	0.90
1	1.45	1.26	1.07	0.88	0.50
Studio/ Micro	1.20	1.05	0.90	0.75	0.45

All Other Uses Parking Table

7.2 This Subsection identifies the minimum number of off-street parking spaces required for all other uses, exclusive of reductions identified within Subsection 7.3.

Table 4 - All Other Uses Parking Requirement

Use	Parking Requirement
RESIDENTIAL	
Accessory dwelling unit	1 space
Duplex or two detached dwelling	4 spaces
Mobile home/ park model trailer	1.5 spaces per unit
Multiple-family dwelling	As required within Subsection 7.1 (Table 3)
Personal care facility	0.2 spaces per sleeping unit
Recreational vehicle (RV) park	2 spaces per RV park space
Rooming house	0.5 spaces per sleeping unit
Row house	2 spaces per dwelling unit
Secondary suite	1 space
Seniors congregate housing	0.3 spaces per dwelling or sleeping unit
Single residential dwelling	2 spaces
Student housing	The required parking rate for student housing varies based on location as shown on Schedule B

	Area 1- 0.2 spaces per bed Area 2- 0.4 spaces per bed Lands outside of Area 1 and 2- 0.65 spaces per bed
Supportive housing	0.2 spaces per bed
INSTITUTIONAL	
Commercial, trade, technical, vocational schools and colleges	1 space per 20m ² of gross floor area
Daycare facility (commercial)	2 spaces plus 1 space for every 30m ² of gross floor area or portion thereof used by the daycare facility
Hospitals	1 space per 33m ² of gross floor area
Laboratory, research centre or similar facility	1 space per 20m ² of gross floor area
School, elementary, primary, or junior high school	2.3 spaces for each classroom, library, cafeteria, gymnasium, multi-purpose room, and special education room
School, senior high school	3.3 spaces for each classroom, library, cafeteria, gymnasium, multi-purpose room, and special education room
ASSEMBLY, CULTURAL, AND RECREATIONAL	
Amusement centre, arcades, billard halls	1 space per 30m ² of gross floor area
Assembly hall, community centre, gymnasium, health club	1 space per 15m ² of gross floor area
Auction	1 space per 20m ² of gross floor area
Billiard halls	1 space per 30m ² of gross floor area
Bingo halls and casinos	1 space for every 3 seats
Clubs or lodges	1 space per 12m ² of gross floor area or 1.5 spaces per 4 seats, whichever is greater
Curling rinks	8 spaces for each ice sheet or lane plus 1 space for each 3 seats for bars, lounges or viewing areas
Funeral parlours and similar facilities	1 space for each 3 seats
Golf course	4 spaces for each hole, plus the required number of spaces for each accessory use
Golf driving range	1 space for each tee off box
Injury management centre	1 space per 30m ² of gross floor area
Library, gallery, museum, court of law, nature sanctuary or similar place of public assembly	1 space per 40m ² of gross floor area
Mini-golf course	1 space for each hole
Religious institution	1 space for each 4 seats in an area used for religious worship or 1 space for each 10m ² of gross floor area used for assembly, whichever is greater
Stadium, arena, rink, swimming pool or similar use	1 space for every 5 seats and 1 space per 10m ² of playing surface and/or water surface area
Theatre and cinema	1 space for every 10 seats
MARINE <i>(parking to be located on upland property)</i>	
Aquariums, marine museums	1 space for each 40m ² of gross floor area
Boat sales, service and repair	1 space per 70m ² of sales floor area or 5 spaces, whichever is lesser
Float Home	1 space per float home

Marinas, commercial mooring facilities, power boat rentals and similar uses	1 space per 3 berths
Canoe/Kayak/Paddle Board Rentals and other marine uses which are not otherwise classified in this section	1 space for each 40m ² of gross floor area
Passenger ferry terminal, water taxi, seaplane terminal	1 space per 10m ² of waiting area or lobby
Yacht clubs	1 space per 3 berths plus 1 space for each 15 m ² of gross floor area in the clubhouse

AGRICULTURE

Accessory retail of agriculture products (commercial produce stands)	4 spaces
Boarding kennels/ animal shelter	1 space per 9 dog enclosures (runs, cages, pens) or one space per 80m ² of gross floor area where no runs, pens or cages are provided
Urban food garden roadside stand	No parking required

INDUSTRIAL

Auto salvage and wrecking yard	1 space per 100m ² of gross floor area
Custom workshop	1 space per 100m ² of gross floor area
Manufacturing and industrial uses, including food and beverage processing	1 space per 100m ² of gross floor area
Machinery and equipment sales and service	1 space per 100m ² of gross floor area
Production studio	1 space per 100m ² of gross floor area
Service industry, repair (excluding appliance and automotive) and similar uses	1 space per 100m ² of gross floor area
Sign shop	1 space per 40m ² of gross floor area
Trucks, trailers and heavy equipment sales, service and rentals	1 space per 100m ² of sales floor area plus 1 space per service bay plus 5 spaces
Warehousing, storage, mini-storage, wholesale and similar uses	1 space per 200m ² of gross floor area

COMMERCIAL

Administration building for strata corporation	1 space per 22m ² of net floor area
Animal grooming, animal training, pet daycare and veterinary clinic	1 space per 20m ² of gross floor area
Appliance repair shop	1 per 20m ² of gross floor area
Automotive sales, service, rentals and repair shops and autobody shops	1 per 10m ² of sales floor area plus 1 space per service bay
Auto part sales	1 per 25m ² of gross floor area
Bed and breakfast	1 space per sleeping unit used as a bed and breakfast
Campground	1 space per camping space

Dry cleaner	1 per 20m ² of gross floor area
Fast food restaurant	1 space per 3 seats plus 15 additional spaces
Financial institution	1 space per 20m ² of net floor area
Furniture and appliance store	1 space per 200m ² of sales floor area
Gas station or car wash	1 space per 15m ² of sales floor area plus 2 spaces per service bay or car wash bay
Home-based business	1 space per principal dwelling
Home centre/ garden centre/ nursery/ lumber supply	1 space per 30m ² of net floor area
Hotel	1 space per sleeping unit, plus the required number of spaces for each accessory use
Laundromat	1 space per 20m ² of gross floor area
Neighbourhood pub, lounge, nightclub, convention centre	1 space per 3 seats
Medical or dental office	1 space per 18m ² of net floor area
Office	1 parking space per 22m ² net floor area for the first 1,000m ² of net floor area and 1 space per 25 m ² of net floor area for the remainder
Restaurant	1 space per 3 seats, plus 1 space for every 2 seats of lounge area
Retail store, personal service establishments and liquor store	1 space per 25m ² of gross floor area
Retail warehouse	1 space per 20m ² of net floor area
Shopping centres, retail trade and service centres	1 space per 30m ² of gross floor area
Take-out restaurant	1 space per 25 m ² of gross floor area with a minimum of 3 spaces for any use with a gross floor area less than 100 m ²
Transportation terminal, depot and facilities	1 space per 10m ² of waiting room or lobby area

Reduced Parking Conditions

7.3 Notwithstanding Subsections 7.1 and 7.2 the minimum off-street parking requirement may be reduced as follows:

- i. **Shared Parking:** Where more than one of the uses listed in Subsections 7.1 and 7.2 are located on the same lot, parking spaces may be shared between the uses, and the cumulative total of parking spaces required for all the uses on the lot may be reduced from that required in Subsections 7.1 and 7.2 to the amount calculated using Table 5 'Shared Parking Reduction':
 - a) The number of parking spaces required for the lot under this subsection is calculated by multiplying the number of parking spaces required for each land use in Subsections 7.1 and 7.2 by the percentage shown in the Table 5 - Shared Parking Reduction where the listed uses intersect.
 - b) Where three or more uses are located on the same lot, the lowest reduction rate between any two of the uses shall apply.

Table 5 - Shared Parking Reduction

				Hotel
			Theatre	90%
		Religious institution	85%	90%
	Multiple-Family Dwelling	90%	90%	90%
Office	80%	65%	75%	90%
Retail store	90%	85%	85%	85%
Commercial school	85%	85%	80%	90%
Retail trade and service centre	90%	85%	85%	85%
Restaurant / pub	90%	85%	90%	90%

- c) Where the use is a “retail trade and services centre”, as defined within this Bylaw, the parking rate for retail trade and service centre rate shall apply.
 - d) Where multiple-family dwelling parking is included within the shared parking table, at least 80% of the required parking spaces must be unassigned and accessible to both commercial employees, customers and residential owners and tenants.
 - e) Where multiple-family parking is included within the shared parking table, the residential use must occupy 25% to 75% of the total gross floor area of all buildings on the lot.
- ii. Downtown-Specified Area: Off-street parking is not required for the first 100 parking spaces that would otherwise be required under Subsection 7.2 for buildings or structures located within the area identified as the Downtown-Specified Area (shown on Schedule ‘C’), except where the use of a lot is residential wherein the regulations of this Bylaw shall apply.
 - iii. Cash-in-lieu: In accordance with Section 525 (1) (d) of the *Local Government Act*; where a property is designated as indicated on Schedule ‘D’, an owner or occupier of that property in may, in lieu of providing off-street parking spaces required under this Bylaw, pay to the City the sum of \$10,000 per required off-street parking space. The money received as cash-in-lieu of parking will be included within a dedicated City reserve fund to be used towards local transportation improvements by the City that encourage non-automotive transportation. No more than 10% of the required parking space may be substituted as cash-in-lieu.

- iv. Online or mobile Home Based Business: Where a Home-Based Business operates exclusively online or as a mobile business as declared on the business licence application, the parking space(s) that would otherwise be required for a Home-Based Business under Subsection 7.2 shall be not be required.

Visitor Parking

- 7.4 Where a lot is developed for multiple-family residential use, designated visitor parking shall be assigned and identified for this purpose at a ratio of 1 space for every 22 required parking spaces or portion thereof. The number of visitor parking spaces count towards the total number of required off-street parking spaces required.

Accessible Parking

- 7.5 Parking spaces for the use of persons with physical disabilities shall be provided according to the following cumulative ratios:

Table 6 - Accessible Parking Requirement

No. of Required Parking Spaces	No. of Accessible Parking Spaces
1-10	0
11-20	+1
21-100	+2
101-1000	+2 per 100 required spaces or part thereof
1001+	+1 per 100 required spaces or part thereof

- i. In addition to the requirements of Subsection 7.5, an owner of land shall ensure that one accessible parking space shall be provided for every residential dwelling unit used, designed or intended to be used by a person with a physical disability.
- ii. In addition to the requirements of Subsection 7.5, the owner shall ensure that all accessible parking is provided in accordance with Section 3.8 "Building Requirements for Persons with Disabilities" of the British Columbia Building Code.
- iii. Notwithstanding the requirements of Subsection 7.5, where the use is Seniors' Congregate Housing or Personal Care Facility, one accessible parking space shall be provided per 15 required parking spaces.
- iv. Notwithstanding the foregoing, the number of accessible parking spaces count towards the overall number of parking spaces required.
- v. Each accessible parking space shall be:
 - a. a minimum of 3.7m in width and a minimum of 5.6m in depth;
 - b. clearly identified as being for use only by persons with physical disabilities;
 - c. located within the convenient access of an accessible building entrance or in a central location where a parking lot serves several buildings; and
 - d. the maximum grade of the parking space and access from the parking space to a building or structure shall not exceed 5%.

- vi. Notwithstanding Subsection 7.5 (v) (a), an accessible parking space may be a minimum 2.75m in width provided an additional 1.2m wide loading zone is included and is shared with an adjacent accessible parking space. The minimum functional width for each accessible parking space shall be 3.7m.

Bicycle Parking

- 7.6 This Subsection identifies the required number of, size, location and access to bicycle parking spaces that must be provided in accordance with Table 7 - Bicycle Parking Requirements. Where a use is not listed, no bicycle parking spaces are required.

Table 7 - Bicycle Parking Requirements

Use	Number of Short Term Bicycle ¹ Parking Spaces Required	Number of Long Term Bicycle ² Parking Spaces Required
Multiple-Family Dwelling/ Student Housing	0.1 space per dwelling	0.5 per dwelling unit
Hotel	1 per 20 rooms or units	1 per 30 rooms or units
Hospital	4 space rack at each public entrance	0.2 spaces per 100m ² of gross floor area
Elementary or Primary School	2 per classroom, gymnasium, cafeteria, library, special education, or multipurpose room.	0.25 per classroom
High School (junior or senior)	3 per classroom, gymnasium, cafeteria, library, special education, or multipurpose room.	0.25 per classroom
Commercial, Trade, Technical, Vocational Schools and Colleges.	1 spaces per 100m ² of gross floor area	0.2 spaces per 100m ² of gross floor area
Recreation Centre, Assembly Hall, Billiard Hall, Gymnasium, Bowling Alley	6 space rack at each public entrance	None required
Marina, Yacht Club	1 space per 20 berths for the first 120 berths Plus 1 space per 40 berths for additional berths	None required
Custom Workshop, Manufacturing and Industrial Uses	None required	0.1 per 100m ² of gross floor area
Shopping Centre or Retail Trade or Service Centre	0.2 spaces per 100m ² for the first 5000m ² (with a minimum of 6 spaces required) Plus 0.04 spaces for each additional 100m ²	0.1 space per 100m ² gross floor area for the first 5000m ² plus 0.02 spaces for each additional 100m ²
Retail	0.6 spaces per 100m ² of gross floor area	0.2 spaces per 100m ² of gross floor area
Office	0.1 spaces per 100m ² of gross floor area	0.35 spaces per 100m ² of gross floor area
Office (medical/ dental)	0.2 spaces per 100m ² of gross floor area	0.25 spaces per 100m ² of gross floor area
Restaurant/ Neighbourhood Pub	1 space per 15 seats	None Required

- All short-term bicycle parking spaces are included within racks or bicycle lockers that provide a minimum width of 0.3m for each bicycle, are accessible with a minimum aisle width of 1.2m and are provided in a convenient well-lit location;
- The location of a Short-Term Bicycle Parking must not interfere with pedestrians and shall be separated from car parking;

- iii. All long-term bicycle parking spaces shall have a minimum vertical clearance of 1.9m, be a minimum of 0.6m in width and shall be a minimum of 1.8m in length if bicycles are to be placed horizontally, or 1.0m in length if bicycles are to be placed vertically. Bicycles shall be accessible by a 1.2m dedicated aisle width; and
- iv. all long-term bicycle parking storage areas shall have an electrical outlet for electric bicycle charging.

Electric Vehicle Parking

- 7.7
- i. A minimum of 10% of all required off-street parking stalls within any common parking areas for multiple-family residential uses shall have shared access to a Level 2 Electric Vehicle Charge Receptacle or more efficient charger;
 - ii. An additional 20% of required parking spaces for a multiple-family dwelling use shall be provided with an electrical outlet box wired with a separate branch circuit capable of supplying electricity to support the installation of a Level 2 Electric Vehicle Charge Receptacle;
 - iii. All required off-street parking spaces within a single residential dwelling or dedicated multiple-family dwelling parking space such as a garage for an individual unit shall include an electric outlet box wired with a separate branch circuit capable of supplying electricity to support a Level 1 Electric Vehicle Charge Receptacle; and
 - iv. Five percent (5%) of all required off-street parking spaces within a retail trade and services centre or shopping centre shall have access to a Level 2 Electric Vehicle Charge Receptacle or more efficient charger.

PART VIII – OFFENCE AND ENFORCEMENT

Violation

- 8.1 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act in contravention of this Bylaw or who neglects to do or refrains from doing any act or thing which is required to be done under any of the provisions of this Bylaw, commits an offence and is liable to a fine not exceeding Ten Thousand Dollars (\$10,000.00).
- 8.2 Each day that a violation continues or is permitted to exist shall constitute a separate offence.

- 8.3 Section 8.1 does not limit the power of a judge of a Provincial Court, or any other judge from imposing any other lawful remedy in relation to the offence.

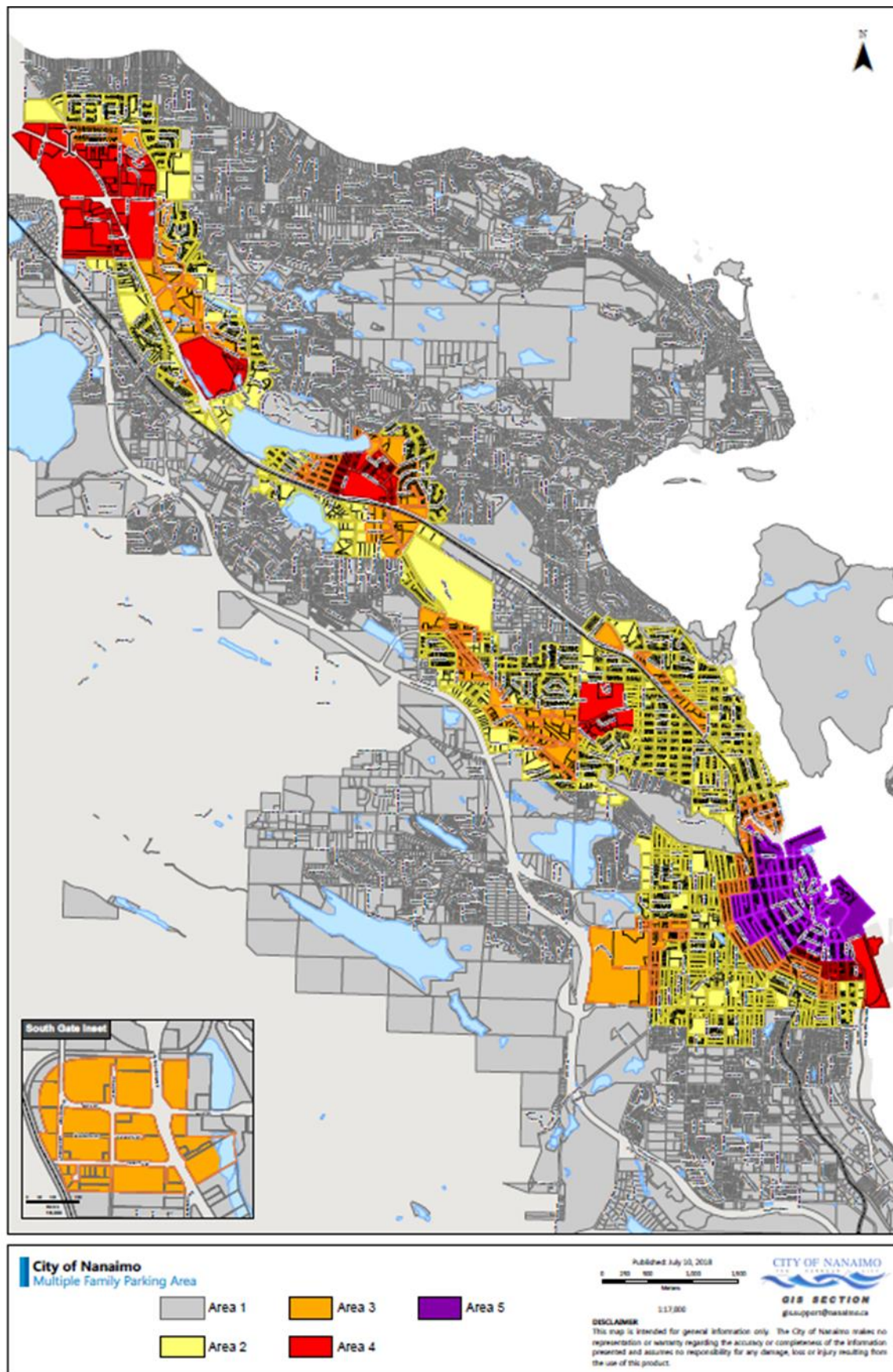
PASSED FIRST READING: 2018-AUG-13
PASSED SECOND READING: 2018-AUG-13
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

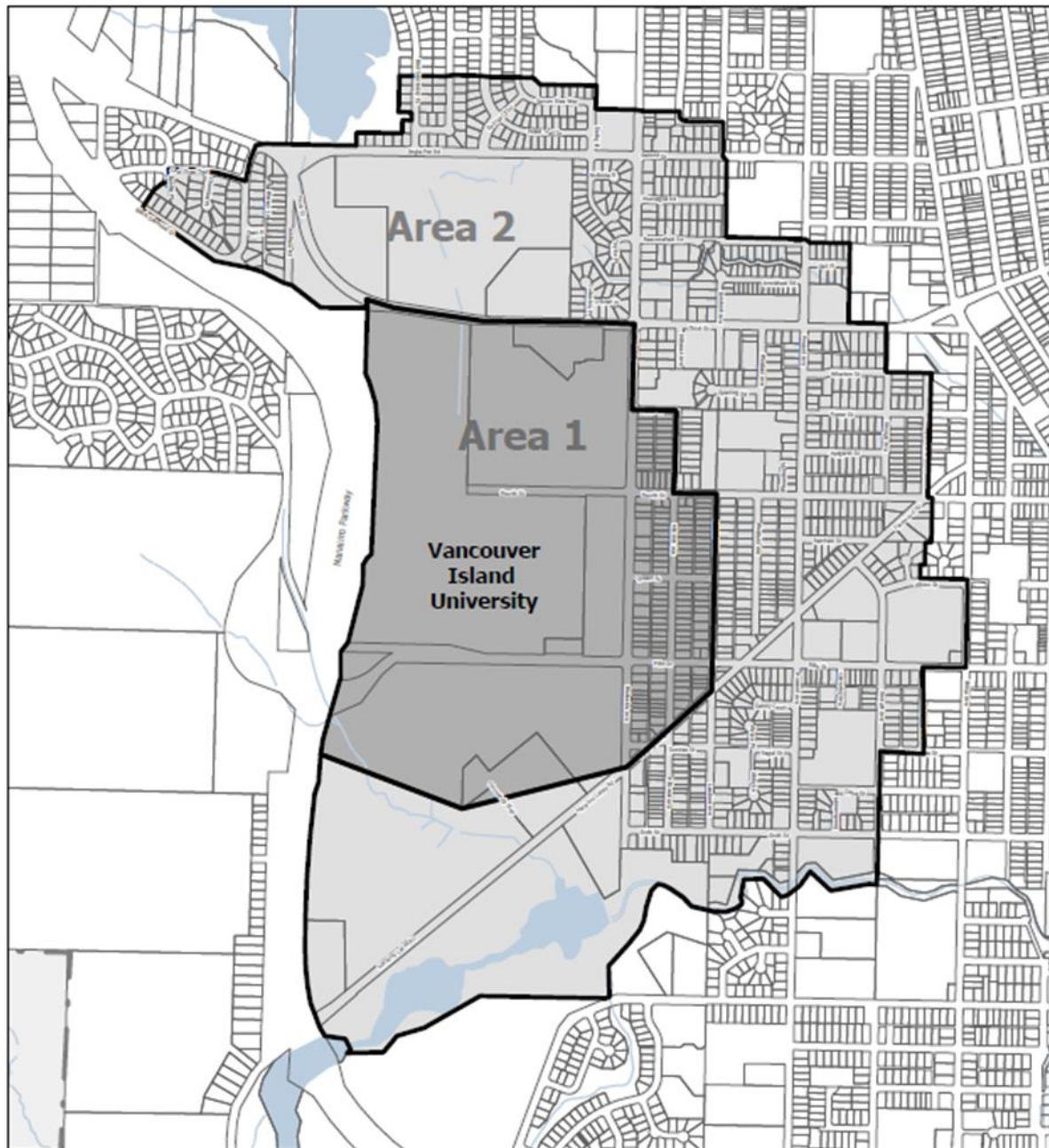
SCHEDULE A

MULTIPLE-FAMILY PARKING MAP





SCHEDULE B

STUDENT HOUSING PARKING MAP



STUDENT HOUSING PARKING AREAS

- Area 1 
- Area 2 

SCHEDULE C

Downtown-Specified Area Map

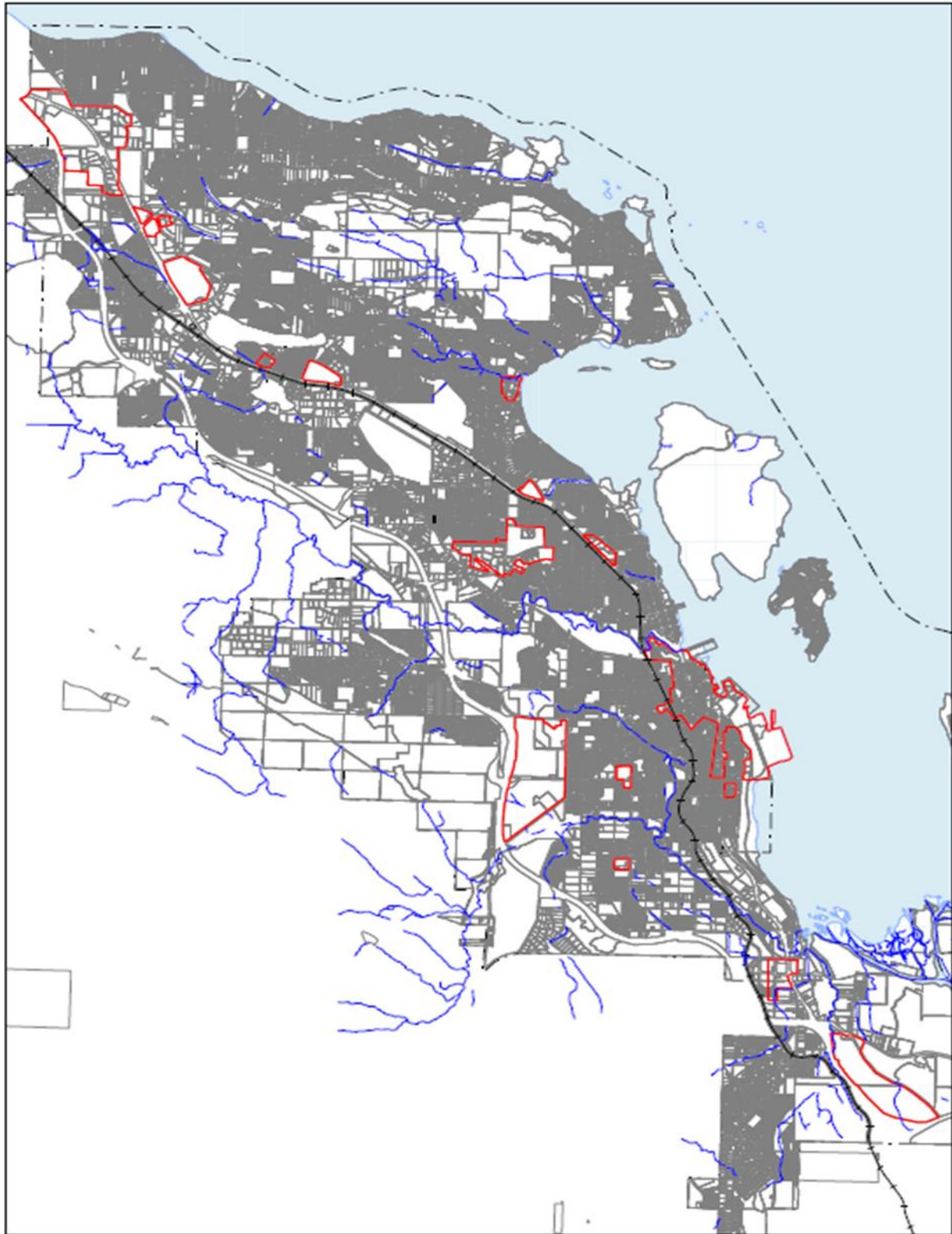


DOWNTOWN-SPECIFIED AREA MAP



SCHEDULE D

Cash-in-lieu Parking Area Map



CASH-IN-LIEU PARKING AREA MAP



DATE OF MEETING | September 6, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2309 KINGSFORD PLACE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2309 Kingsford Place. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2309 Kingsford Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection on 2018-MAY-09 revealed that multiple retaining walls had previously been constructed without permit that require geotechnical engineering. Correspondence was sent to the property owner advising that a building permit was required for this completed work. To date, a building permit has not been received, nor has the owner contacted the City. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224” for the unpermitted work. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations

contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | September 6, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 320 HECATE STREET** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 320 Hecate Street. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 320 Hecate Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2018-JUN-18 in response to a complaint received regarding illegal construction. The inspection confirmed that work had taken place to construct a 10’x16’ accessory building without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2018-JUL-23. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.

- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING September 6, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 151 ROBERTA ROAD WEST

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 151 Roberta Road West.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 151 Roberta Road West for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for renovations, including the addition of plumbing, a porch and a deck, was issued 2016-MAY-25. This work was originally started without a building permit. However, the permit has now expired with deficiencies remaining outstanding, in contravention of the Building Bylaw. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING September 6, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 899 BEAUFORT DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 899 Beaufort Drive.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 899 Beaufort Drive for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for the conversion of a carport into a garage, work that was originally started without permit, was issued 2016-MAY-30. However, the permit has now expired without any inspections being called and with deficiencies remaining outstanding, in contravention of the Building Bylaw. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | September 6, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 154 ROYAL PACIFIC WAY** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 154 Royal Pacific Way. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 154 Royal Pacific Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection on 2018-JUL-03 revealed work had been completed to attach stairs and a landing to the dwelling without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2018-JUL-23. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.

- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | September 6, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 5009 SEDONA WAY** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5009 Sedona Way. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5009 Sedona Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection on 2018-JUN-18 revealed that a secondary suite was constructed within the dwelling’s basement and garage area, which was finished without a permit or inspections. An application has been received to remove partition walls so as to deem the suite removed, and to legitimize the second kitchen; however, as per Council’s Secondary Suite Policy, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended in order to reflect the work completed without a permit or inspections. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING |SEPTEMBER 6, 2018|

AUTHORED BY |DARCY FOX, MANAGER, BUILDING INSPECTIONS|

SUBJECT |BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES|

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following property:

1. 1115 St Patrick Crescent – authorized secondary suite|

BACKGROUND

As determined through an inspection, the secondary suite located at the following address was constructed prior to 2005. As per Council's Secondary Suite Enforcement Policy adopted on 2005-FEB-07, the suite is permitted to remain if upgrades are completed, through the issuance and completion of a building permit as per "Building Bylaw 2016 No. 7224", to ensure that life-safety issues are addressed.

Authorized Suites

A building permit application has been received to upgrade and authorize the secondary suite located at the following property:

- 1115 St Patrick Crescent

As such, the Building Inspection Section, with the assistance of the Bylaw Enforcement Section, will seek further action and/or removal of the secondary suite. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected property in order to identify construction that was originally

completed without a building permit and it is, therefore, unknown if the completed works are compliant with the standards of the BC Building Code.

SUMMARY POINTS

- A Bylaw Contravention Notice is being registered in compliance with the Secondary Suite Enforcement Policy.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners, and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development