

DATE OF MEETING JULY 26, 2021

AUTHORED BY WENDY FULLA, MANAGER BUSINESS, ASSET AND FINANCIAL PLANNING

SUBJECT OFF-STREET PARKING RESERVE FUND BYLAW

OVERVIEW

Purpose of Report

To introduce “Off-Street Parking Reserve Fund Bylaw No. 7328” for first, second and third readings, to establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”.

Recommendation

1. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” (To establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”), pass first reading;
2. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass second reading; and,
3. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass third reading.

BACKGROUND

Under Section 525 (1)(d) of the *Local Government Act* Municipalities may as an alternative to complying with a requirement to provide off-street parking allow the owner or occupier of property within a designated area to offer a payment (cash-in-lieu), as specified in a bylaw.

Sections 525 (7) (a) (b) & (8) of the *Local Government Act* requires:

1. The municipality to establish a reserve for the purpose of providing:
 - a. New and existing off-street parking spaces, or,
 - b. Transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
2. Cash-in-lieu received must be credited to the reserve fund; and,
3. A separate reserve must be established for each of the purposed purposes.

In 1994, Council adopted the “Old City Neighbourhood Off-Street Parking Reserve Fund Bylaw 1993 No. 4737” (Bylaw 4737) for cash-in-lieu payments for the purposes of providing new and existing off-street parking spaces. At the time, Bylaw No. 4737 was governed by the “Nanaimo Zoning Bylaw 1993 No. 4000” that outlined the cash-in-lieu criteria for the City.

DISCUSSION

On 2018-SEP-18, Council adopted a new parking regulation bylaw “Off-Street Parking Regulations Bylaw 2018 No. 7266” (Bylaw 7266). The new Bylaw expanded the cash-in-lieu parking areas and directed that funds received under the Bylaw be used towards local transportation improvements by the City that encourage non-automotive transportation.

As the *Local Government Act* requires that the City establish separate reserves for each proposed purpose under Section 525, the City needs to establish a second reserve for cash-in-lieu payments received under Bylaw 7266.

“Old City Neighbourhood Off-Street Parking Reserve Fund Bylaw 1993 No. 4737” (Bylaw 4737) will remain as the funds were collected for new and existing off-street parking spaces. A new reserve “Off-Street Parking Reserve Fund Establishing Bylaw 2021 No. 7328” will be established for cash-in-lieu payments received under Bylaw 7266 for transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

Two cash-in-lieu payments have been received since September 2018 under Bylaw 7266. These payments, plus applicable interest total \$70,684.15 and will be transferred to the new reserve once it is established. |

FINANCIAL CONSIDERATIONS

Once established, \$70,684.15 will be transferred from the Old City Neighbourhood Off-Street Parking Reserve Fund to the new Off-Street Parking Reserve Fund. Future cash-in-lieu contributions received under Bylaw 7266 will be deposited to the new reserve fund and the available balance can be used to support transportation infrastructure that encourages non-automotive transportation. The funds in the Old City Neighbourhood Off-Street Parking Fund will continue to be used for the provision of new and existing off-street parking spaces.

OPTIONS

1.
 1. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” (To establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”), pass first reading;
 2. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass second reading; and,
 3. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass third reading.
 - The advantages of this option: Ensures the City is in compliance with the requirement to establish a separate reserve for each proposed purpose for cash-in-lieu payments received.
 - Financial Implications: Reserve funding will be available to support projects that support transportation infrastructure that encourages non-automotive transportation.
2. That Council table the report and request more information from Staff.

SUMMARY POINTS

- The establishment of the reserve is required under Section 525 of the *Local Government Act*.
- The City will use the reserve to assist in funding transportation infrastructure that encourages non-automotive transportation.

ATTACHMENTS:

“Off-Street Parking Reserve Fund Establishing Bylaw 2021 No. 7328” |

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