

**TO:** Electoral Area Services Committee      **DATE:** October 2, 2018  
**FROM:** Greg Keller  
Senior Planner      **FILE:** PL2018-078

**SUBJECT: Development Variance Permit Application No. PL2018-078  
1600 Brynmarl Road – Electoral Area E  
Strata Lot 7, District Lot 38, Nanoose District, Strata Plan VIS2554 Together  
With an Interest in the Common Property in Proportion to the Unit  
Entitlement of the Strata Lot as Shown on Form 1 And  
Common Property Strata Plan VIS2554**

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**RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2018-078 to reduce the minimum parking requirements from one space per every two berths plus one per two employees, to one space per every three berths plus one per two employees subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-078.

**SUMMARY**

This is an application to reduce the minimum parking requirements in relation to Beachcomber Marina. Given that no negative impacts are anticipated as a result of the proposed parking variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 and 3.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Ian Barnes of Beachcomber Marina Ltd. on behalf of the Beachcomber Strata Council – VIS2554 to reduce the minimum marina parking requirements. No additional parking spaces are proposed to be constructed as part of this application (see Attachment 2 – Terms and Conditions).

The subject property is approximately 2.1 hectares in area and is zoned Commercial 5 (CM5), Subdivision District 'N' and Water 2 Subdivision District 'Z' (WA2Z) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the south and east of Brynmarl Road in Beachcomber (see Attachment 1 – Subject Property Map). The property contains a 20 unit resort condominium development and an existing recently reconfigured private marina with 110 mooring berths which are associated with Strata Lot 7 of

the resort condominium. The subject property is serviced by community water and onsite wastewater disposal.

Development Permit (DP) PL2016-074 was issued on August 25, 2016 pursuant to “Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999” to permit parking lot reconfiguration within the subject property. In the absence of a coastal development permit area in the Electoral Area E Official Community Plan, a DP was not required for the marina reconfiguration.

DP PL2016-074 replaced a number of previously issued DPs as they pertain to the number of parking spaces and parking lot configuration. DP PL2016-074 clarified that there are 51 existing parking spaces dedicated to marina use. Following the issuance of DP PL2016-074, the applicant completed a redevelopment and reconfiguration of the marina to include 110 berths. Use of a maximum of 102 berths is currently supported by the existing 51 parking spaces given the minimum parking requirement of one parking space per two berths.

The applicant indicates that the marina docks were designed and ordered prior to making application for DP PL2016-074 based on a minimum of 55 parking spaces for marina use being provided (excluding employee parking) (see Attachment 3 – Existing Site Plan & Variances). Review of DP PL2016-074 identified that four of the proposed parking spaces exceeded the maximum gradient requirement of six percent as specified in Schedule 3B of Bylaw 500. As a result, these four parking spaces cannot be used to satisfy the minimum parking requirements for marina use and 51 marina parking spaces were recognized through DP PL2016-074. Although eight additional berths have been constructed, the applicant has advised that they will not be used unless a parking variance is granted.

If approved, this development variance permit would reduce the minimum parking requirements from one parking space per two mooring berths to one parking space per three mooring berths. The employee parking provisions would remain unchanged. The applicant’s intent is to allow the use of eight existing berths and to accommodate a potential marina expansion. Based on the proposed variance and having 51 existing parking stalls, a maximum of 153 berths could be accommodated. However the exact number of berths may be less than this amount to accommodate the requirement for employee parking. Marina expansion could be accommodated within the existing Water 2 zone, however, from a practical perspective, it is highly unlikely given the design of the reconfigured marina, the location of the breakwater, and the 3.0 metre minimum setback requirement from all lot lines or lease boundaries (see Attachment – Reconfigured Marina Plan). A rezoning would be required in order to expand the marina beyond the existing Water 2 Zone. At the time of this report, a zoning amendment application has not been submitted by the marina owner.

### ***Proposed Development and Variance***

The applicant is proposing to reduce the minimum parking requirements to allow the use of an additional eight existing mooring berths and to facilitate a potential future expansion of the marina. As no additional parking spaces beyond those approved through DP PL2016-078 are proposed to be constructed as part of this application, a development permit is not required.

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Schedule 3B – Off-Street Parking and Loading Spaces** to reduce the minimum parking requirements from 1 space per 2 marina berths and 1 space per 2 employees to 1 space per 3 marina berths and 1 space per 2 employees.

### ***Land Use Implications***

In support of this application, the applicant submitted a Parking Study dated April 17, 2018 prepared by Watt Consulting Group. The Parking Study states that the Institute of Traffic Engineers Parking Generation Manual indicates that the average parking demand rate for marinas is one vehicle per three berths. The Parking Study, which initially included parking observations occurred on March 17, 2018 at Boat Harbour Marina and Schooner Cove Marina, suggests that parking demand at that time at Boat Harbour was one vehicle per five berths and at Schooner Cove was one vehicle per 16 berths.

As the study was done prior to what would typically be considered the start of boating season, the applicant submitted a summer parking review (the review) prepared by Watt Consulting Group dated July 24, 2018. The review is based on observations taken on July 21, 22, and 24 on the subject property, Schooner Cove Marina, and Boat Harbour Marina. The review found that the highest number of observed vehicles parked on the subject property was 29. This resulted in a parking ratio of one parking space per 3.5 berths. Both the Parking Study and the review recommend a parking ratio of one stall for every three berths.

Board Policy B1.5 *Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation* for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. In this case, the applicant indicates that this is a private marina that only offers annual moorage, thus dramatically reducing the traffic and parking demand. Also, as a comparison, the Schooner Cove Comprehensive Development Zone 45 (CD45) subzone marina requires a minimum of one parking space per four marina slips. If approved, the proposed variance would still result in more parking per berth at Beachcomber Marina than what is required for Schooner Cove Marina.

Given that the applicant has provided sufficient rationale and the Parking Study and review support that the variance will not result in negative implications for adjacent properties, the applicant has made reasonable efforts to address Policy B1.5 guidelines.

### ***Intergovernmental Implications***

The application was referred to the Ministry of Transportation and Infrastructure. No concerns were expressed with the proposed variance.

### ***Public Consultation Implications***

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will

have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2018-078 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2018-078.

### **FINANCIAL IMPLICATIONS**

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

### **STRATEGIC PLAN IMPLICATIONS**

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



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September 17, 2018

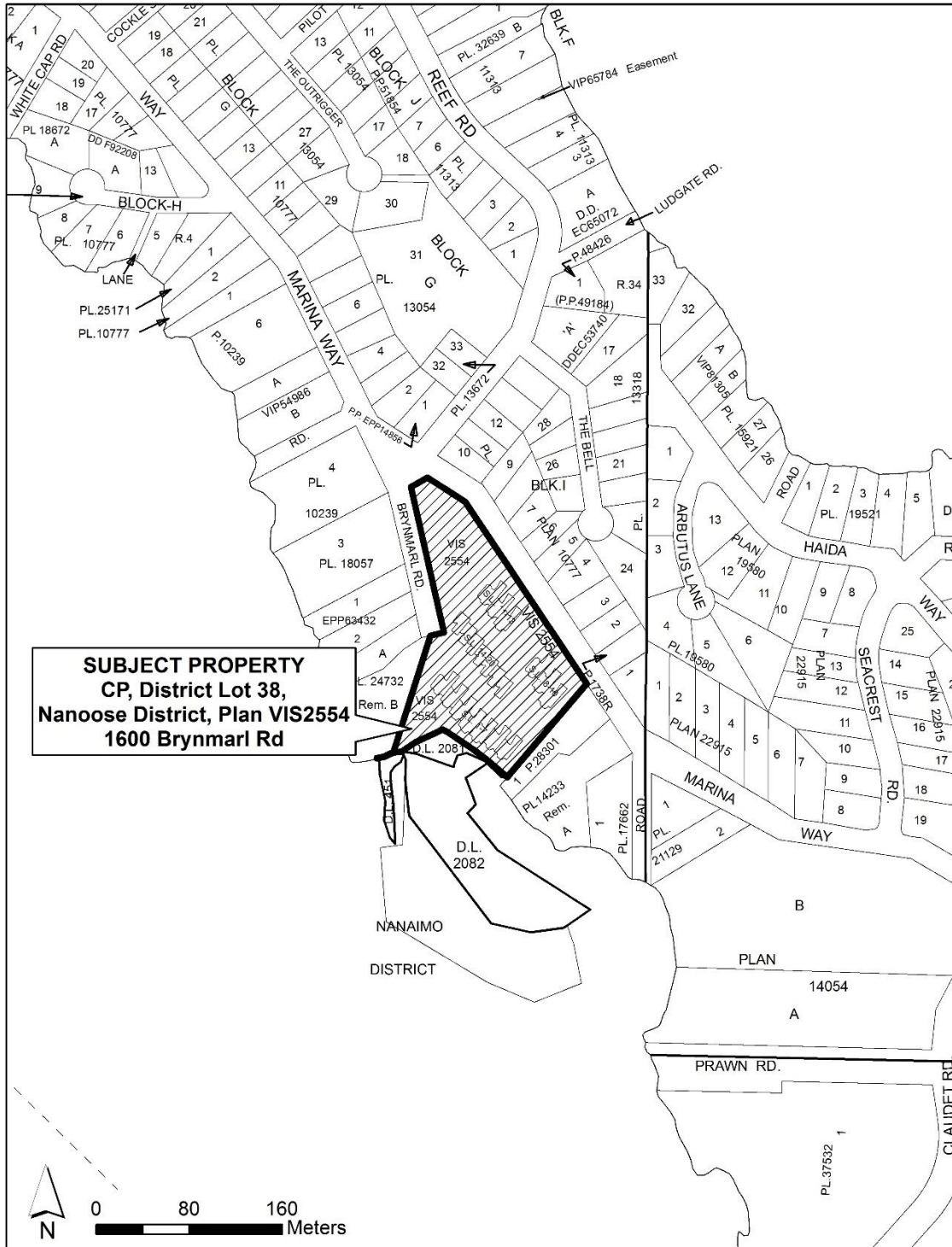
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, A/Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Terms and Conditions of Permit
3. Existing Site Plan and Variances
4. Existing Reconfigured Marina Plan

**Attachment 1**  
**Subject Property Map**



## **Attachment 2 Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2018-078:

### Bylaw No. 500, 1987 Variance

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Schedule 3B – Off-Street Parking and Loading Spaces** to reduce the minimum parking requirements from 1 space per 2 marina berths and 1 space per 2 employees to 1 space per 3 marina berths and 1 space per 2 employees.

### Conditions of Approval

1. In relation to marina parking, the site is to be developed in accordance with Development Permit No. PL2016-174.
2. A maximum of 51 parking spaces are recognized by this permit as per Development Permit No. PL2016-174.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3  
 Existing Site Plan and Variances**

Proposed variance to reduce the minimum parking requirements from 1 space per 2 marina berths and 1 space per 2 employees to 1 space per 3 marina berths and 1 space per 2 employees.

