

**City of Nanaimo**  
**REPORT TO COUNCIL**

**FILE COPY**

DATE OF MEETING: 2012-MAY-14

AUTHORED BY: P. MASSE, PLANNING CLERK, CURRENT PLANNING

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2012-MAY-03 FOR BYLAWS  
NO. 4500.014, 4500.017 AND 7146

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STAFF RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2012-MAY-03.

PURPOSE:

The purpose of this report is to summarize the Public Hearing held 2012-MAY-03 in accordance with Section 894 of the *Local Government Act*.

SUMMARY:

A Public Hearing was held on 2012-MAY-03, the subject of which was three items. Approximately 80 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

**1. BYLAW NO. 4500.014:**

*ZA1-51 – Old City Subzone (R1b) (NOCA)*

This bylaw, if adopted, will rezone the subject properties from Single Dwelling Residential (R1) to Single Dwelling Residential (R1b) in order to create a subzone which will increase the minimum required lot area for lots abutting a lane from 450m<sup>2</sup> to 500m<sup>2</sup>; increase the minimum requirement for lot depth for lots abutting a lane from 26.5m to 30m; decrease the allowable height of an accessory building containing a secondary suite from 7.5m to 5.5m; and no longer allow a duplex on a corner lot.

This application appears before Council this evening for consideration of Third Reading.

There were twenty three written and two verbal submissions received with regard to Zoning Bylaw No. 4500.016.

**2. BYLAW NO. 4500.017:**

*ZA1-24 – Containers*

This bylaw, if adopted, will permit containers as an accessory use for temporary periods in all zones on a one time basis only. The length of time the containers will be permitted on a property varies by zone: two years in Heavy Industrial (I4); one year in Highway Industrial (I1), Light Industrial (I2), and High Tech Industrial (I3); six months within a calendar year in City Commercial Centre (CC3), Woodgrove Urban Centre (CC4), and Port Place (DT6); and up to thirty days within a calendar year in all other zones subject to obtaining a location permit. A container will also be permitted for the temporary storage of tools and materials during construction for which a required building permit has been obtained and remains active, provided the container is removed within fourteen days upon completion of the construction.

This application appears before Council this evening for consideration of Third Reading.

There were two written and five verbal submissions received with regard to Zoning Bylaw No. 4500.017.

**3. BYLAW NO. 7146:**

*RA279 – To allow for amendments to Land Use Contract No.1638 (Westwood Tennis Club).  
2367 Arbot Road*

This bylaw, if adopted, will allow Land Use Contract No. 1638 to be amended to permit the general public to use the Westwood Tennis Club facility, as well as other changes to the Land Use Contract. The subject property is legally described as LOT 3, SECTION 10, RANGE 6, MOUNTAIN DISTRICT, PLAN 18793.

This application appears before Council this evening for consideration of Third Reading and Final Adoption.

There were fourteen written and four verbal submissions received with regard to Zoning Bylaw No. 7146.

Respectfully submitted,

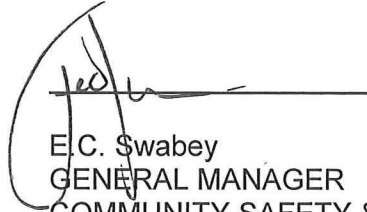
A handwritten signature in cursive script, appearing to read 'P. Masse', is written over a horizontal line.

P. Masse  
PLANNING CLERK  
CURRENT PLANNING

Concurrence by:



B. Anderson  
MANAGER, COMMUNITY PLANNING  
COMMUNITY SAFETY & DEVELOPMENT



E.C. Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2012-MAY-07  
G:\Devplan\Files\Admin\0575\2012\Reports\Staff Rpt 2012May03 PH  
/pm

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE  
LOCAL GOVERNMENT ACT, IN THE VANCOUVER ISLAND CONFERENCE CENTRE,  
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,  
ON THURSDAY, 2012-MAY-03, TO CONSIDER AMENDMENTS TO  
THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"**

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**PRESENT:** His Worship Mayor J.R. Ruttan, Chair  
Councillor G. Anderson  
Councillor W.L. Bestwick  
Councillor M.D. Brennan  
Councillor G.E. Greves  
Councillor D.K. Johnstone  
Councillor J.A. Kipp  
Councillor W.B. McKay  
Councillor J.F. Pattje

**STAFF:** B. Anderson, Manager, Community Planning, Community Safety & Development  
S. Herrera, Planner, Current Planning, Community Safety & Development  
D. Stewart, Planner, Current Planning, Community Safety & Development  
P. Masse, Planning Clerk, Current Planning, Community Safety & Development

**PUBLIC:** There were approximately 80 members of the public present.

**CALL TO ORDER:**

Mayor Ruttan called the meeting to order at 7:03pm and advised that members of City Council, as established by provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Anderson explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 4500.014, 4500.017 and Third and Final Reading of Bylaw No. 7146 at the regularly scheduled Council meeting of 2012-MAY-14.

**1. BYLAW NO. 4500.014:**

*ZA1-51 – Old City Subzone (R1b)*

This bylaw, if adopted, will rezone the subject properties from Single Dwelling Residential (R1) to Single Dwelling Residential (R1b) in order to create a subzone which will increase the minimum required lot area for lots abutting a lane from 450m<sup>2</sup> to 500m<sup>2</sup>; increase the minimum requirement for lot depth for lots abutting a lane from 26.5m to 30m; decrease the allowable height of an accessory building containing a secondary suite from 7.5m to 5.5m; and no longer allow a duplex on a corner lot.

**Mr. Dean Forsyth, 48 Kennedy Street – In Favour**

- Homeowner in the subject neighbourhood and a representative of the Nanaimo Old City Association (NOCA).
- Mr. Forsyth's presentation is attached as part of "Schedule A – Submissions for Bylaw No. 4500.014".



**Mr. Jim Routledge, 5858 Shadow Mountain Road - Opposed**

- Empathizes with and supports NOCA's initiative to preserve and promote form and character, he has spent much time and effort on that issue for the past several years; however, he believes the proposed changes to the Zoning Bylaw is not appropriate.
- The principal purpose of the Zoning Bylaw is to guide the natural growth for the ultimate benefit of the community as a whole. Believes it is an inappropriate use of the Zoning Bylaw to try to preserve and promote character and ambiance of a single neighbourhood.
- The Zoning Bylaw was developed over a long and thorough process and was created in line with the Official Community Plan (OCP); density and tax revenue need to be considered and the Old City should share in that obligation.
- Believes a design review process for development within the Old City would be a better solution to NOCA's concerns.

There were twenty-three written and two verbal submissions received with regard to Zoning Bylaw No. 4500.016.

**2. BYLAW NO. 4500.017:****ZA1-24 – Containers**

This bylaw, if adopted, will permit containers as an accessory use for temporary periods in all zones on a one-time basis only. The length of time the containers will be permitted on a property varies by zone: two years in Heavy Industrial (I4); one year in Highway Industrial (I1), Light Industrial (I2), and High Tech Industrial (I3); six months within a calendar year in City Commercial Centre (CC3), Woodgrove Urban Centre (CC4), and Port Place (DT6); and up to thirty days within a calendar year in all other zones subject to obtaining a location permit. A container will also be permitted for the temporary storage of tools and materials during construction for which a required building permit has been obtained and remains active, provided the container be removed within fourteen (14) days upon completion of the construction.

Councillor McKay asked if Parkway Storage would be affected by the proposed bylaw amendment.

Mr. Stewart stated that containers are not currently permitted for mini-storage purposes.

Councillor McKay noted that the storage facility he is referring to has 75 to 100 Containers on site and has been in business for many years.

Mr. Stewart stated there are currently three existing legal non-conforming container uses within the city, adding he is unsure if Parkway Storage is one of those businesses.

Councillor McKay asked if Parkway Storage would be permitted to continue the use of containers.

Mr. Stewart confirmed if Parkway Storage is one of the city's legal non-conforming users of containers they would be permitted to continue the use.

Mayor Ruttan asked for clarification regarding when to begin the 14-day period after a construction is completed and when a container should be removed from the property.

Mr. Stewart noted the 14-day period would begin once the final occupancy permit is issued.

Councillor Bestwick asked for clarification regarding existing properties that have one or two containers on site and whether or not enforcement is triggered on a complaint basis.

Mr. Stewart reiterated that the city currently has approximately three legal non-conforming properties using containers and those uses would continue to be permitted. Any other container use is currently illegal. If the bylaw is adopted a location permit would be required, which would allow Staff to monitor the length of time the container would be permitted on site. Removal would be based on a complaint basis.

Councillor Bestwick asked if the one-year stipulation applies only to a single container and what would happen if an industrial property had more than one container on site.

Mr. Stewart noted that any container is an illegal use unless it is non-conforming. If a light industrial property has more than one container it will continue to be illegal; if a complaint were received by the City then removal would be enforced. One container would be permitted up to a year and any additional containers would not be permitted in the light industrial zones.

**Mr. Fred Taylor, 204 Emery Way - Opposed**

- Mr. Taylor's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.017".

Councillor Bestwick asked Staff for clarification on whether or not BC Ferries is one of the existing legal non-conforming users of containers.

Mr. Stewart noted that he is unaware of the status of BC Ferries and whether or not it is one of the existing legal non-conforming users of containers within the city. Added it is most likely an illegal use of containers.

Councillor Bestwick asked if there are more than three existing legal non-conforming users of containers within the city.

Mr. Stewart noted there may be many illegal users of containers within the city. Under the existing bylaw, the city responds on a complaint basis.

Mr. Taylor noted BC Ferries has communicated with him that all existing container use by them is legal non-conforming.

**Mr. Randy Shaw, 2559 Stampede Trail - Opposed**

- Currently has one container on his I1 zoned business site, it is used for security and storage. He has had numerous attempted break-in's on his site that were unsuccessful due to the container. The container has improved the aesthetics on his property. Would be happy to pay a fee for use of the container.

Councillor Bestwick asked Staff what a location permit would cost to allow for a container on an industrial property.

Mr. Stewart stated a location permit is based upon the value of construction. Staff will confirm this information with Council prior to Third Reading of this bylaw.



Mr. Stewart noted containers have been prohibited in Nanaimo since 2004; in order for a container to have non-conforming status, it would be required to prove that it has been in place prior to 2004.

Councillor Bestwick asked for clarification on whether or not the City receives any revenue from existing container use.

Mr. Stewart confirmed that the City does not receive any revenue for existing containers.

Councillor Brennan asked if the BC Assessment Authority considers a container to be an improvement and therefore subject to property tax.

Mr. Stewart confirmed that the BC Assessment Authority does not consider a container to be an improvement; containers are intended to be temporary in nature.

Councillor Brennan asked if a container were attached to the land in the same way as a mobile home if it would generate property tax.

Mr. Stewart noted that it would then require a building permit and would be considered a permanent structure and would therefore be taxed.

Councillor Brennan asked if an individual could use a container if was secured to the land and therefore be subject to property improvement and taxed.

Mr. Stewart stated that containers are not permitted under the Zoning Bylaw; therefore, a container could not be secured to the land. Under the proposed bylaw amendment, containers are not permitted on a permanent basis. The container would have to be altered in such a way that Staff would be satisfied it is no longer a container but is a permanent structure.

Councillor Greves asked if a container were altered by adding a foundation, a window, and wiring if it would be considered a permanent structure.

Mr. Stewart noted Staff would have to confirm through Building Inspections, but it would likely not be considered a permanent structure by the Building Code.

**Mr. Greg McCarley, 566 Stewart Avenue - Opposed**

- Owns a Highway Industrial zoned property at 1710 Fleet Place and operates a sheet metal business from the property.
- Believes the proposed bylaw impedes businesses such as his own to operate in a safe and secure manner. His container is used for earthquake preparedness and security reasons only.
- Noted the City has many containers on several of its properties; asked what the taxpayer cost would be for the City to conform to its own bylaw and remove existing containers.

Councillor McKay asked the speaker if he would object to an annual assessment and fee on his containers in order to keep them permanently.

Mr. McCarley stated he would agree to a fair and equitable annual assessment on his containers in order to keep them on his property permanently.

Councillor Pattje asked Staff for clarification regarding container use on City owned property.

Mr. Anderson noted the City uses containers as emergency preparedness kiosks in Public Service zones and Public Works uses containers on its properties.

Councillor Pattje asked for clarification on how many containers are in the Public Works yard.

Mr. Anderson stated that as of 2004 there were six containers in the Public Works yard and two at a Fire Hall.

Councillor Pattje asked if the containers on City owned properties are legal non-conforming uses.

Mr. Anderson confirmed that the containers on City owned properties are legal non-conforming uses.

Councillor McKay asked for clarification on what the use and purpose of containers are on Public Works lands.

Mr. Anderson stated that the container use on Public Works land is for storage and security.

Councillor Brennan asked if the container use on City owned properties was in place prior to the 2004 bylaw.

Mr. Anderson confirmed container use on City owned properties was in place pre-2004.

**Mr. Ron Bolin, 3165 King Richard Drive – Neither in Favour nor Opposed**

- Asked for clarification regarding the stipulation in the bylaw that two containers are permitted for a two-year term in the I-4 zone.

Mr. Stewart noted that two containers are permitted on I-4 zoned lands for two years over the life of that property. A development variance permit application would be required for any container use past the two-year permitted period.

There were two written and four verbal submissions received with regard to Zoning Bylaw No. 4500.017.

**3. BYLAW NO. 7146:**

RA279 – To allow for amendments to Land Use Contract No.1638 (Westwood Tennis Club).  
2367 Arbot Road

This bylaw, if adopted, will allow Land Use Contract No. 1638 to be amended to permit the general public to use the Westwood Tennis Club facility, as well as other changes to the Land Use Contract. The subject property is legally described as LOT 3, SECTION 10, RANGE 6, MOUNTAIN DISTRICT, PLAN 18793.

**Mr. Richard Rhodes, 111 Wallace Street – Applicant Representative**

- Mr. Rhodes' presentation is attached as part of "Attachment C – Submissions for Bylaw No. 7146".



**Sister Mary Ann Gisler, 2929 Arbot Road – Bethlehem Retreat Centre – In Favour**

- Thanked Council and Staff for their encouragement and support over the past six months related to the Land Use Contract (LUC) for the Westwood Tennis Club.
- At Council's direction, Mr. Ted Swabey and Mr. Andrew Tucker have worked with concerned members of the Westwood neighbourhood including the businesses of Bethlehem Retreat Centre and the Westwood Tennis Club. They met with all parties to address the concerns of the neighbours and to arrive at amendments to the LUC No. 1638.
- As Director of the Bethlehem Retreat Centre, her hope is that the Centre will continue to work closely with the Club to assure that the needs of both businesses are adequately met in a timely way.
- In support of the proposed amendments to the LUC.

**Mr. Maurice Blackhurst, Chemainus – In Favour**

- Has been a member of the Westwood Tennis Club for 12 years. Eighty percent of the members are 50+ in age; there is no excessive drinking or drug use.
- The owners of Westwood Tennis Club are caring and considerate and have gone out of their way to ensure the concerns of the neighbourhood are considered. Noise levels have always been well below acceptable levels.
- The restaurant is a five-star facility and should be experienced. Westwood is a jewel in the crown of Nanaimo.

**Dr. Alexandra Weissfloch, 96 Timber View Drive – In Favour**

- Lives in the Westwood neighbourhood; believes amenities in a neighbourhood enhance that neighbourhood. Westwood is tranquil and peaceful, does not believe the amendments to the LUC would in any way harm the serenity of the neighbourhood.
- The restaurant is refined with a quiet ambiance and would not cause any increases in traffic or noise levels.

There were fourteen written and four verbal submissions received with regard to Zoning Bylaw No. 7146.

It was MOVED and SECONDED that the meeting adjourn at 8:17 pm.

**CARRIED**

Certified Correct:



B. Anderson, MCIP  
Manager, Community Planning  
**Community Safety & Development**

**Attachment A**

**Submissions**

**For**

**Bylaw No. 4500.014**

*(ZA1-51 – Old City Subzone -Rb1)  
Nanaimo Old City Association*

Opposed

## Penny Masse

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 12:43 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Kevin Krastel has sent a Public Hearing Submission Online.

Address: 4116 Orchard Circle

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: Dear Mayor & Council,

I am urging you to vote AGAINST the proposed Bylaw Amendment 4500.014.

There are better methods to deal with these issues...like the requirement for Development Permits.

If you vote in favour of this amendment, you are voting against the OCP and the need for Density and development near the downtown core.

I've been a Home Building Designer for 30 years.

I urge you to check with city staff to fully understand that there would be absolutely no difference in the total massing on a piece of land whether it is a single family dwelling, a duplex, a dwelling combined with a coach house, or if the property is subdivided into 2 lots...this is because there are only two limiting factors: building height and lot coverage which affect the mass or size of a building. The max coverage regardless of whether a duplex, a dwelling, with or without a coach house or 2 dwellings (if subdivided) is 40%. All you need to do is do the math, there is no difference in the total massing. In fact, wouldn't it look nicer to have a piece of land with smaller buildings on it compared to one massive house or duplex. (and remember, it is not possible to build a duplex any bigger than a dwelling) The neighbourhood has been misinforming council with ideas that duplexes will be bigger than dwellings when the bylaw doesn't allow that. Also, they have shown pictures of old, rundown examples of duplexes they expect to see. Also, they made comments that 2-Storey coach houses will block the sun, when in fact trees block much more sun.

I lived my entire childhood in this area.

Many homes are destined for the wrecking ball due to their condition or lack of foundations. The only way we are going to be able to preserve many of the nicer homes in this area is to allow carriage houses which might encourage people to find value in keeping their homes.

It is obvious that the neighbourhood does not want increased density. They don't want change. They don't want to support the OCP and encourage growth and development near the downtown core. The new Bylaw should apply to all Nanaimo, we all must do our part.

We need you to stop this amendment. If necessary, require that smaller lots, duplexes and 2-Storey Coach House require Development Permits to ensure they are designed aesthetically to fit properly into this area.

Thank you

Kevin Krastel

Krastel Design Group Inc.

**Penny Masse**

*Opposed*

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 1:17 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Rob Grey has sent a Public Hearing Submission Online.

Address: 470 Franklyn Street

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment 4500.014

Comments: I am opposed to this amendment to the downtown zoning. Our original plan was well thought out and I support it, not further restrictions on how people develop their own land.



*Opposed*

## **Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 2:17 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Jim Routledge has sent a Public Hearing Submission Online.

Address: 5858 Shadow Mtn

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment 4500.014

Comments: This amendment says "no" to the main "OCP supportive" features of the New Zoning Bylaw. This is an inappropriate use of the Zoning Bylaw. There is a better way. A Development Permit Area (DPA) designation for the NOCA area would require developers to submit plans for feedback/approval. This approach is better - Please see what developers have in mind before, and instead of, just saying "no".

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 4:29 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

AJ Hustins has sent a Public Hearing Submission Online.

Address: 1450 Loat Street

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: I am encouraging Council to vote against zoning amendment 4500.014

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 6:16 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Andrea Rosato-Taylor has sent a Public Hearing Submission Online.

Address: 3172 Farrar Rd

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: changing this bylaw goes against ocp and the whole point of creating density downtown.

I vote strongly against this amendment. Let's stay true to our vision of downtown and not let another nimbiism change the plan.

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 6:50 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Jolyon Brown has sent a Public Hearing Submission Online.

Address: 373 Trinity Drive, Nanaimo BC, V9R 5X3 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: I wish to speak against the Zoning Amendment ZA1-Old City Sub-zone, as I believe it goes against the objects of the OCP and the aim of densifying the downtown area. Although I do not live in the affected area, I can relate to the proposed amendment as a semi-retired architect. I am occasionally approached by older home-owners or their contractors, to design secondary suites either in their homes, or as an accessory building. Enlarging the lot area requirements will effectively counter the idea of allowing lane-way homes. Also decreasing the height of secondary-suited accessory buildings, like garages, will prevent many home-owners from continuing to live in their older homes by subsidizing their cost-of-living by adding a secondary suite or a lane-way home. In many cases this is the only recourse for older home-owners who wish to remain in their family homes, when they no longer need all the space for themselves, as "empty-nesters". I believe city staff have laboured long and hard to create the New Zoning Bylaw 4500, and it shouldn't be changed piece-meal, area by area. Beware, as this may just be a beginning. The recent 9M height change helped this to be achieved in some cases. Voting for this amendment could well be a reversal of this easing of restrictions. As City Council Members, I ask you to please vote against this amendment.



*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, April 26, 2012 11:03 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Alex Munro has sent a Public Hearing Submission Online.

Address: 708-38 Front St

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment 4500.014

Comments: We live in the downtown core and do not wish to see this zoning amendment approved by council  
- it goes against the OCP.

Alex Munro

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Friday, April 27, 2012 8:36 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Brock Williamson has sent a Public Hearing Submission Online.

Address: 1447 Rose Ann Drive Nanaimo B.C.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: I do not support this Bylaw; and am in full support of the submission made by Kevin Krastel.

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Friday, April 27, 2012 9:41 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Byron Gallant has sent a Public Hearing Submission Online.

Address: 104 Tait road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: This amendment would go against the OCP, the need for affordable rental housing and the density in the downtown core and all of Nanaimo that we need to control urban sprawl and escalating infrastructure cost. Council needs to stand behind the OCP, drive the bus on it's already determined route and do not let one or two riders take the wheel.

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Friday, April 27, 2012 3:34 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Cliff Thompson has sent a Public Hearing Submission Online.

Address: 4361 Stonewood Place, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning  
Amendment 4500.014

Comments: Density is already controlled by building height and lot coverage. There is no need to Amend the  
Bylaw.



*Opposed*

April 30, 2012

City of Nanaimo  
Community Safety and Development Division

Re: Public Hearing May 3<sup>rd</sup>, Bylaw 4500.014

Dear Councilors

I did receive the voting notice last year and voted against the changes. Many of my neighbours feel the same way but did not vote, thinking it wouldn't happen. It seems like it was just to test the waters to see what the public reaction would be. There is a dedicated group promoting this bylaw change. However there is no one or a group supporting the bylaw as it currently stands.

First I do not full understand why the changes to lot size with lanes as they are all in place and I do not see undeveloped land within the boundaries. I live in one of the 450m lots with a lane. Yes my yard is small but I also do not have much grass to cut (More garden) I do not feel that we should be increasing lot sizes especially in the downtown area. We are trying to densify downtown and stop the spread to the suburbs. The local newspaper recently reported that Bowser, Qualicum, Parksville and Nanoose have all had reductions in total residence, and Nanaimo had an increase. People want to get away from large yards and endless maintenance. (I used to live in Bowser too!)

It is no different than the government telling us that we need to drive around in a big old Chevrolet Impala so it suits the neighbourhood. That's trying to roll to clock back to an era that has passes. Yes there are a few nice old houses that someone might like to save but who wants an old inefficient house that cost a fortune to operate. If there are more new high efficient houses and condos on smaller yards, we damage this fragile earth less.

As far as duplexes on corner lots, there is one on my street and they are renters. Yes they are young but have never had any problems with the fact that it is a duplex. Better use of the land.

Laneway house are getting very exciting. Its one way of utilizing the land better and densifying the downtown, without going to towers. Yes 7.5 meters seems high especially if the main house is small. However I have spent a few day travelling the laneways of North Vancouver and there are quite a few (over 50) that are 7.5 meters. They do seem to blend in after a while. There are still quite a large number of old houses in the downtown core that exceed the current building heights and everyone is used to those.

In closing, I feel frustrated that this change is being proposed by a group of individuals who are trying to impose their vision of Downtown on the rest of us. I moved downtown because it is going to be an exciting, growing, changing, and wonderful place. It will be the best community in Canada one day. Please do NOT make these changes. That is going backwards.

Yours sincerely

(cannot sign my email)

Dave Metcalfe  
226 Manning Street  
Nanaimo, BC V9R 3T7  
Email [mevad@shaw.ca](mailto:mevad@shaw.ca)

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 2:12 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Andre Sullivan has sent a Public Hearing Submission Online.

Address: 106 Pine St

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Please Help To  
Stop Zoning Amendment 4500.014

Comments: I feel this unfairly restricts property owners

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 2:22 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Brian Anderson has sent a Public Hearing Submission Online.

Address: 916 Spring Place, Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment 4500.014

Comments: a SFD or a duplex is subject to restriction already in the bylaw. I feel that a duplex approval is more about it's appropriatness rather than being a blanket exclusion, when we are attempting to add density to all areas in the city, to make more effective use of our infrastructure.



*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 2:23 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Blair Dueck has sent a Public Hearing Submission Online.

Address: #3 4515 Uplands Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment 4500.014

Comments: I am against this amendment, please allow for further development and density within our city.

Thanks

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 2:31 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Rob MacCallum has sent a Public Hearing Submission Online.

Address: 10969 Hilsea Crescent Ladysmith Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: The size or mass of a building is already controlled by other means. Higher density and higher population in the city core is beneficial and in keeping with the OCP.

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 2:35 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Troy Felske has sent a Public Hearing Submission Online.

Address: 1941 Trans Canada Hwy

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: Against this!!!!

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 4:14 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Ian Wilson has sent a Public Hearing Submission Online.

Address: 221 Welbury Dr SSI

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: I Urge you to vote against proposed bylaw 4500.014 we need development in the down town core  
this bylaw is counter productive to the OCP.



*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Tuesday, May 01, 2012 8:46 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Robert Fuller, C.A. has sent a Public Hearing Submission Online.

Address: 5260 Fillinger Cres, Nanaimo, BC Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Zoning Amendment 4500.014

Comments: I agree with many elements of the OCP. I firmly believe the need for Density and development near the downtown core as an integril component of the revialization of this area.

I have experienced the success of density and encouraging development in older city cores that have been resurrected by this positive influence.

The proposed amendment will be counter to Council's general direction of allowing the downtown core to grow.

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Tuesday, May 01, 2012 10:30 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Steve Leckie has sent a Public Hearing Submission Online.

Address: 457 Poet's Trail

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: There are better methods to deal with these issues...like the requirement for Development Permits.

If you vote in favour of this amendment, you are voting against the OCP and the need for Density and development near the downtown core.

*Opposed*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Tuesday, May 01, 2012 11:02 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Craig Cookman has sent a Public Hearing Submission Online.

Address: 198 Cross Bow Dr

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: I am against the proposed bylaw ammendment, it goes against the OCP and encouraging density in the downtown core which is key to the positive growth of our beautiful city.

*In Favour*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Tuesday, May 01, 2012 9:15 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Alexia Penny has sent a Public Hearing Submission Online.

Address: 301, 240 Milton Street

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.014

Comments: I fully support the amendment asked for by the Nanaimo Old City Association. Clearly NOCA is not requesting a halt to densification in the Old City area but rather that the small area zoned single family be left as such. This is a relatively small area of the neighbourhood and the character of this area is well worth preserving. Much appropriate densification has already taken place or is planned in the Old City which NOCA has in fact supported. The request for amendment is most reasonable and represents the best possible outcome for what is a unique area of our city.



In Favour

**Penny Masse**

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**From:** Webmaster  
**Sent:** Wednesday, May 02, 2012 6:44 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

barbara schreiber has sent a Public Hearing Submission Online.

Address: 212 milton street

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: zoning bylaw amend. 4500.014

Comments: the change in this amendment will most definitely affect the area in terms of parking and traffic. if we are so interested in in-filling the old city core, how about stopping the use of homes as businesses in that particular area. every home that is now a business could be re-converted to a residential property, which would then re"in-fill" the area. traffic and parking would be reduced and the neighborhood would then again see an increase in families and available living space.

NOCA

In Favour

PUBLIC HEARING – Thursday, May 3<sup>rd</sup>, 2012

To create subzone R1b for single family lots within the Old City Neighbourhood.

This presentation is a brief reminder of the facts at issue in this matter, as we see them.

In terms of decreasing density, radiating west, away from the Downtown core, different land use designators (zoning) apply through nine sub-areas of the Old City Neighbourhood. Furthest from Downtown, at the northwest corner, representing perhaps a sixth of the total land area, is the Single Family sub-area (sub-area one). It is a relatively small area that includes a public park and a cemetery within its boundary. This is what we are concerned with today. Much higher density sub-areas exist within the Old City Neighbourhood, including one specifically zoned for single family and duplexes. None of them are built out to maximum possible density.

In 1992, following two years of consultation, council passed the Old City Neighbourhood Concept Plan. It *"provides a future land vision for the neighbourhood. .... outlines land use objectives. .... provides a framework of how change may be managed and growth accommodated at the neighbourhood level"*.

The Vision for residential development includes: *"Established areas of single family residential development are preserved"*.

Planning Goals include: *"Preservation of public view corridors". "Preservation of the heritage character of the neighbourhood". "Maintenance of the pedestrian orientation – in terms of form, character, and scale of development"*.

Land Use Objectives include: *"Preserve architecturally/historically significant older houses". Identify and maintain established areas of single family housing"*.

The Land Use Designation for Sub-area "One" is *"Single Family"*. Maximum Build Out density for the "362" parcels available for development is *"One Unit per Parcel"*. Even the estimated population is included. Sub-Area One has been at maximum build out for decades now, with the requisite population in place. There are no empty lots. New building would mean demolition of an existing old one. The plan was designed to preserve this area well into the future.

The Old City Neighbourhood Concept Plan was the very first such plan in the City of Nanaimo. It is special, and different from all that followed. At its inception the policies and land designations in this plan were given priority over other policies in the OCP where they might conflict. This precedence was reiterated in the new Plan Nanaimo OCP. Our plan was and still is incorporated into the OCP, virtually without change from the original. In October 2010, with regard to the proposed new Zoning Bylaw, staff from the City Planning Department reinforced the special protection provided by the Old City Neighbourhood Plan. It was this assurance that only brought us late (but not out of time) to the new Zoning Bylaw process. At the Public Hearing in June last year, we (Nanaimo Old City Association) objected to the changes in our single-family zoning and subsequently presented the proposals here before you today. The residents wanted and still want, the same conditions that they have long enjoyed. We felt that we spoke with some authority, as we had recently surveyed the entire single-family area in regard to a proposed subdivision. Of the population of about 365 houses, about half responded. Two thirds signed a petition against the changes proposed and very few were in favour of development. The rest were undecided.



Following our submission to the Zoning Bylaw Public Hearing, staff was directed to meet with NOCA. In September, they conducted their own survey of owners of properties in the single-family sub-zone. Their results confirmed ours. About a quarter of the owners responded, and two thirds rejected the changes wrought by the new Zoning Bylaw. The results were released late in the fall at an open house and so, coupled with a municipal election this matter was delayed into this year. A hiccup at PNAC with regard to duplexes and its reintroduction by the Mayor to council has further delayed the passing of this bylaw.

Why are we against the Zoning Bylaw changes? Many of the lots and houses in the single-family area are small. With the coming of legal secondary suites and accessory buildings our potential density is already double from that envisioned in the neighbourhood plan. Further subdivision for lane access (which staff admit is actually intended for new subdivisions) would increase our density still further, destroy mature gardens and trees, cause traffic and parking problems and generally interfere with the appreciation of the ambience of the neighbourhood. As already stated, there are sub-areas within the neighbourhood already zoned for greater density. There is no current pressure to densify this area. City wide, in April, the vacancy rate was at an all time high of seven percent. Since 2006 the population of the City has increased by 5,118 in 5 years. That's an average increase of 1,024 persons per year. If you take the 35-year population increase figure from 1976 (post 1975 amalgamation) to 2011 we get 43,474. That translates to 1,242 persons per year. In other words, while generally in keeping with historical numbers, we are actually slowing down. Previous zoning (before the Urban Containment Boundary was extended to the city limits) could accommodate a population of up to 120,000. At the present rate that could take at least another 35 years, and we'd still have space. To reiterate, density is not the issue at this time. It is the desirability of this area that is attracting development.

With regard to 7.0 metre high accessory buildings, recent experience has already shown us that these items do not belong in sub-area one. Again, many houses and lots are small and dwarfed by these new buildings. They do not protect public or private view sight lines, particularly along laneways. While we have not objected to the increased footprint allowed for accessory buildings, we must point out that they are quite inconsistent with developing larger cultivated areas for food safety, and also tend to destroy mature vegetation and gardens.

The sticking point seems to be disallowing duplexes on corner lots. We have had several poorly designed duplexes added to the area some decades back. While it must not be assumed that a newly built duplex will automatically be badly designed, there is currently no legislation to guide the form and character of such building. This applies whether the duplex is a double or two single units. To help counter inappropriate design in any new building, including replacement single-family dwellings, staff has proposed the use of an Intensive Residential Development Permit Area. NOCA will continue to develop a policy with staff but both parties anticipate that it will take some time. This legislation is in addition to the amendments that we want, not instead of. It might be easy to say, there are only sixteen potential sites. How much change would that cause? Well, the converse is true too. If it's no big deal, why are certain developers so interested? Sixteen is too many. Duplexes are inconsistent with single-family zoning. The bottom line is that the majority of residents/owners don't want duplexes, don't see any need for them and want to be heard. This is a local zoning issue, but the preservation of this part the Old City also needs the strength of Council again, just like it did twenty years ago.



We have only one Old City Neighbourhood. It is the original city, laid out around 1860. Of that neighbourhood, only the single-family sub-area retains the original low-density single-family zoning. This is reflected in the streetscape that is essentially 150 years old. Much of the housing stock is one hundred years old (give or take twenty years). We have mature gardens, with mature trees and shrubs, which add to the overall sense of history and charm. Perhaps not surprisingly, the Old City neighbourhood has more heritage buildings than any other area. A substantial number are within the single-family area. Generally, owners of all homes are proud to maintain them in the best possible way. Much effort has been expended in recent years to upgrade and repair shabby looking homes. It is assumed that this trend will continue across the whole sub-area. If the economic hopes of the City rest on tourism, it may well behoove us to preserve as much as possible of the neighbourhood in its original form. It is clear that the authors of the Old City Neighbourhood Plan wanted to ensure the preservation of area and particularly the single-family area.

There has been concern about setting a precedent with this amendment. Bylaw No 4500 was implemented almost a year ago. We are unaware of any other neighbourhood applications for amendments and it's unlikely any will occur. The precedence was set by Westwood Lake Neighbourhood which retained larger minimum lot size, and other housekeeping amendments.

Another issue has democracy at its roots. A legitimate petition and a survey were conducted on the populace of sub-area one. The single-family owners and residents overwhelmingly supported a move back to the zoning in place before the introduction of the Bylaw 4500 last year. We believe this should be honoured. Bylaw 4500 was promoted, in part, as equitable zoning. Frankly, equality does not exist across the city. There are potentially thousands of homes in Nanaimo built between the 1950s and 1970s that have restrictive covenants that protect them from the new Zoning Bylaw. One size does not fit all. We merely want what we previously had.

The City has made policies and designations for the benefit of Neighbourhood residents. It should now also protect them, lest we simply fall prey to unnecessary development.

*"The vision of the city that emerged during "Imagine Nanaimo" was that Nanaimo should be a community that respects people. It should hold neighbourhoods as the building blocks of the city." (OCP 1996)*

*"This Plan for the City of Nanaimo is not a significant departure from the vision, goals and policy established with the adoption of Plan Nanaimo in 1996. Indeed, the vision remains the same.....a community that respects people" (OCP 2008)*

*"A Neighbourhood plan is a plan which encompasses the needs and desires of Neighbourhoods".*

*"A Neighbourhood has unique character – a combination of history, housing style, physical setting, location and people. Objectives include maintaining the character and livability of the existing older neighbourhoods and providing for neighbourhood planning". (OCP 2008)*

During the past year, we have heard no opposition from those who live within the sub-area. Perhaps it's because, at the end of the day, we are still neighbours. We are vaguely aware of the activities of one or two developers who live elsewhere in the city. Our question is why should their opinions matter at all when set against perhaps several hundred local residents, especially those who have lived here a very long time.



**Attachment B**

**Submissions**

**For**

**Bylaw No. 4500.017**

*(Containers)*

*Opposed*

432841 BC LTD,  
313-150 PROMENADE DRIVE,  
NANAIMO, BC V9R 6M6

ATTENTION: CITY OF NANAIMO COUNCILLORS

Regarding: Bylaw 4500.017

We write this letter in defense of containers being allowed AT ALL TIMES on the various zoned properties referred to in the by-law amendment.

We own properties at 1941-61 Wilfert Road and 2294-98 McCullough Road and have been made aware of, by our tenants, that at various times they would like to have a secure place to store items not required in their day to day business and so would like to have containers available to them. One very important reason is that they are a much cleaner and neater way to store things then having those items lying about on the land outside the rented premises. We also know that theft is prevalent (the thieves often cut through the fence at Wilfert Road) and being able to use a container that can be locked is very important to their business.

We realize that these containers should not be a blight on the "landscape" but as we keep our property well maintained we see no reason not to have containers for the betterment of our tenants.

We cannot understand why this by-law would be a "one time only" and have a time limit on it and are requesting that the wording be changed to allow containers permanently on our property should they be needed by our tenants. This seems to be a good use of space and would not cause a problem.

Thank you for your attention.

Garry and Gail Revesz

*Opposed*

**Fred H.J. Taylor**  
204 Emery Way  
Nanaimo, B.C.  
Canada V9R 5Z8  
Tel 250-754-6917  
Fax 250-753-8124  
[fhjtaylor@telus.net](mailto:fhjtaylor@telus.net)

May 3, 2012

City of Nanaimo  
455 Wallace Street  
Nanaimo, B.C.

Mayor & Council:

I oppose Amendment Bylaw 4500.017, a bylaw to allow use of containers in all zones; containers do not provide physical improvement to land, assessment or property tax revenue

**AGAIN, CONTAINER USE DOES NOT GENERATE TAXES!**

To date our bylaw only allows containers for

1. emergency storage within Public Institutional Zones
2. the manufacturing of containers in Industrial 2, 3, and 4 Zones
3. the sale of containers in Commercial Industrial 2 and Industrial 3 Zones.
4. the use within truck and boat terminals, dock and railway yards.
5. the temporary use on site for construction of improvements to land (storage of tools, construction materials etcetc.)

I believe our Bylaw does permit reasonable use of containers in our community

I can recall a recent issue where a very large corporation was using containers for storage, welding shop, roof supports etcetera without assessment and taxation, only to argue non-conforming existence; city air photos proving otherwise; apparently a lot of staff time to catch the violator and removal demand.

Eight (8) containers remain today, no taxes.

Eight (8) containers X 30 m<sup>2</sup> per container = 2583 sq. ft.; a property improvement of 2583 sq. ft. ( a warehouse ) generates tax revenue!

IN MY OPINION THE CORPORATION CAN AFFORD PHYSICAL IMPROVEMENT (warehouse) TO THEIR PROPERTY AND TAX REVENUE TO OUR CITY.

The Bylaw Department was enforcing our regulations in regards to containers.

Upon demand for removal of an illegal container, a person appeared before the Council, in support of the violator, the person requested change to our bylaw in order to accommodate the violator.

Since Council's direction March 28, 2011 to withhold enforcement action on the use of containers pending a decision of an amendment bylaw, many containers have appeared; I suggest taking advantage of Council's direction of delay of enforcement of our Bylaw.

As we all know, a new Zoning Bylaw 4500 has been adopted August 8, 2011.

In my opinion there has been lots of opportunity -

a) open Council meetings prior to the adoption of 4500



- b) the Public Hearing process for adoption of 4500
- c) open Council meetings and Public Hearings for amendments to Bylaw 4500.

No valid concern has been raised in regards to container amending regulation to date, apparently the public content with the continuing demands of our new Zoning Bylaw 4500.

There appears someone and some staff eager to change the rules.

Now the joke starts.

Now that a nightmare of many more containers, is an unenforceable regulation proposed?

As in many circumstances in the past, illegal placement of containers to date may be recognized as illegal non-conforming, no removal after the proposed time limits.

Who, as added expense to the taxpayer, is going to issue permits and control the suggested length of temporary use.

Example, a bus remains after a 14 day removal order many months ago.

I suppose, as all other bylaw infractions, upon a complaint basis as to 30 days, 6 months, 1 year or 2 years will involve much staff time or we may just ignore and the free from assessment and taxation revenue will grow.

Would you build any improvement to land to pay taxes when a container is free?

Don't forget, only one (1) person has raised question to a violation / enforcement of our bylaw.

Yours truly,

A handwritten signature in cursive script, appearing to read "Fred Taylor". The signature is written in dark ink and is positioned above the printed name.

Fred Taylor

**Attachment C**

**Submissions**

**For**

**Bylaw 7146**

*(Land Use Contract Amendment – LUC No. 1638)  
Westwood Lake Tennis Club*

**Rick Rhodes**

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**Subject:**

Westwood

My name is Richard Rhodes and I am speaking tonight on behalf of the applicant, Westwood Tennis Club in support of its application to amend the Land Use Contract on the Tennis Club property. I am a member of Westwood and I spend a fair bit of my free time enjoying the Club Facilities but my comments tonight are largely from my perspective as the lawyer for Westwood in connection with its application to amend its land use contract.

The Westwood Tennis Club was established on its present site in 1978, 34 years ago, and has operated continuously since that time under a Land Use Contract with the City of Nanaimo which governs its activities. Among the requirements of the LUC is the stipulation that the use of the tennis courts be limited to Club Members and invited guests. While the Club has always been primarily a private club there have always been exceptions to this and over the years the courts have been regularly used by the local schools and college, kids camps have been operated and inter-club tournaments and even BC summer games events have been hosted at the Club.

Westwood Tennis Club has about 200 members and, as you have heard before and will no doubt hear at this meeting, its members are very passionate about the Club and its significance to their lives both recreationally and socially. Westwood Tennis Club also relieves pressure on the limited supply of civic tennis courts and, quite simply, provides an amenity to this City that we can be proud of.

The LUC in question is 34 years old and it would benefit from some clarification. When it was originally put in place, the LUC provided a basic framework for the facilities to be permitted but it didn't specifically contemplate the updating and evolution of its facilities which have occurred over time. The proposed amendment unambiguously allow for modernization of existing facilities and construction of facilities originally contemplated for the site but not yet built. However, it does not expand upon the facilities beyond those originally contemplated. In fact it imposes a number of restrictions and requirements to



ensure that the Club does not grow to a scale beyond what was contemplated in 1978.

The proposed amendment also clearly permits public usage. This will regularize the activities that have been carried on since 1978 such<sup>a</sup> school programs, lessons to the public and tennis camps for children. It will also unambiguously allow the public use of the Westwood Bistro Restaurant.

It is this last matter, the public use of the restaurant, that has caused concern among some neighbours. However, I note that the restaurant is of a modest size and is just large enough to accommodate Club functions such as awards dinners following tournaments. The restaurant also allows club members to enjoy high quality cuisine before or after tennis and is the finishing touch on a first class facility. But clearly a high quality restaurant in Central Vancouver Island cannot sustain itself by catering strictly to a membership of 200 and hosting a few membership events each year. Even with much large membership, clubs like the Nanaimo Golf Course feel the need to open their restaurant facilities to the public.

Westwood Tennis Club has responded to concerns of neighbours by agreeing to the following compromises aimed at ensuring that the neighbourhood is not negatively impacted by the restaurant:

- To avoid concern of late night operation, nobody will be seated in the Restaurant after 8:30 p.m.;
- To avoid late night patio noise, the patio will be closed at 10 p.m. each night;
- The size of the Restaurant is capped at its existing size;
- The liquor licence has been amended to Food Primary in the Restaurant;
- The number of weddings from April to September are limited to 3 and no outside hospitality services will be permitted after 10 pm.
- Although an engineering report suggested that sound levels would be acceptable without any fencing, the Club has agreed to build an engineered sound attenuation fence which will further reduce any patio noise;
- If a permanent cover is built over the tennis courts, it will be of insulated steel construction for further sound attenuation;
- future expansion area between the patio and the lake are eliminated;

- the future outdoor pool is eliminated;
- there will be no lighting of outside courts for nighttime use;
- significant new construction will trigger municipal parking requirements and a requirement to pave the parking lot; and
- the number of residential units will be capped at 3 in the clubhouse as presently exist and the future owners residence will be single family and not for employee use.

In addition new facilities will trigger DCCs.

The process to accommodate the concerns of neighbours has been ongoing for more than 6 months. Even after the last Council Meeting, Westwood has met further with Sister Mary Ann of the Bethlehem Retreat and they have also hosted an informational meeting attended by about 20 neighbours. Clearly it is not possible to please everyone on every single point and, as is the nature of compromises, nobody is getting exactly what they want. Nonetheless, with the assistance of City Staff, the interested parties have been able to voice their concerns and the Tennis Club has responded very constructively. It is an indication of the extent to which the Westwood Owners have compromised that at the last council meeting the most significant debate among members of council was not whether the Westwood owners had made enough compromises but whether they had perhaps made too many compromises.

I encourage Council to approve this Land Use Contract Amendment.

Richard N. Rhodes, Barrister and Solicitor  
Ramsay Lampman Rhodes  
111 Wallace Street, Nanaimo, BC V9R 5L9  
Phone: 250-754-3321 Fax: 250-754-1148



*In Favour*

**Penny Masse**

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**From:** Public Hearing  
**Subject:** FW: Westwood Tennis Club Land Use Contract Amendment Bylaw 2012 No. 7146

April 25<sup>th</sup>, 2012

Gentlemen:

**Re: LAND USE CONTRACT AMENDMENT BYLAW 2012 NO. 7146**

When we retired from Toronto seven years ago, the Westwood Tennis Club (the Club) was the reason we chose to live in Nanaimo as it is one of the few tennis facilities on the Island that allows year round play. We have been members of the Club since 2005 during which time, the Club operated in harmony with its neighbors until the rezoning application was tabled. We were shocked and amazed by the actions, complaints and misinformation by some neighbors opposed to the Club's very existence. Even more so as the Club's hours and operating procedures would essentially be unchanged. We understand the Club has been serving food and beverages since its inception.

When we joined the Club we asked why there was no night tennis under floodlights and were informed that night tennis ceased in the late 90's to accommodate neighborhood objections.

Most of the Club's members are retired or within 20 years of retirement, definitely not what you could call a rowdy or irresponsible bunch. The hours of operation are 11:30 am to 9:00 pm Tuesday to Saturday and 11:00 am to 3:00 pm and 5:00 pm to 9:00 pm Sundays as posted on the Club's website with rare exceptions such as December 31<sup>st</sup> when the Club stays open late so that members can celebrate the New Year.

We are very disappointed by the allegations from the Club's detractors about the noise emanating from the Club as most of the people objecting live 0.5 kilometres or more from the Club. We are at the Club often and have not noticed any change. In fact far more noise comes from heavy trucks and City busses travelling along Arbot / Mill Roads and the dirt bikes, ATVs and chain saws operating on the other side of Westwood Lake. During the summer evenings teenagers partying with their "boom boxes" at the public beach on Westwood Lake make far more noise than ever comes from the tennis players or the patio patrons.

The Club was established in 1977 when all the surrounding land was undeveloped. We find it ironic that people who have purchased and built in the area since are now objecting to the Club's very existence. It is like people purchasing property next to an airport then wanting it closed because of aircraft noise!

We are very proud of the Club and its contribution to making Nanaimo a desirable place to live and respectfully ask that you approve the rezoning application without delay.

Yours truly,  
Michael & Bertie Hallam  
4690 Lost Lake Road,  
Nanaimo

In Favour

**Penny Masse**

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**From:** Webmaster  
**Sent:** Friday, April 27, 2012 11:08 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Stu and Lynne Maple has sent a Public Hearing Submission Online.

Address: 2480 Sinclair Road, Victoria B.C V8N 1B4 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Bylaw #7146 re: 2367 Arbot Road, Nanaimo, B.C. V9R6S9

Comments: Dear Mayor and Council,

We are long time out-of-town members of Westwood Tennis Club. We could not be happier with the addition of the new restaurant. Westwood is a unique and beautiful facility providing both tennis and an opportunity for people of all ages to come together in community to play and socialize together. We appreciate the beauty and tranquility of Westwood Lake. We have attended many functions over the past several years, from tennis tournaments to memorial luncheons for members who have passed. We have attended and participated in tournaments and celebrations. We are confident to say that we have never witnessed loud or disrespectful behavior.

We have had the pleasure of dining at Westwood's new restaurant several times. Each time was a wonderful experience with excellent food and service. The ambience was quiet and peaceful. We overheard Westwood neighbors making a reservation and saying that they had already been back several times. The feedback was excellent. Gaton and Cheryl have done a superb job of making the restaurant first class. It will provide an opportunity for people who do not play tennis to enjoy the special beauty and tranquility of Westwood Lake. It will be an important amenity for Nanaimo as people who are enjoying the park and trails will be able to enjoy a meal and a beverage while doing so.

Beyond being a private tennis club, we feel it is important to point out that Westwood is an asset to the entire community. It was the venue for the BC Summer Games tennis events. They host many open tennis tournaments sanctioned by Tennis BC, which offer the public the opportunity to compete with tennis players from all over the Island, Vancouver and beyond. If it were not for Westwood Racquet Club, many of these events would not be played in Nanaimo.

Westwood owner, Cheryl Miller, is a tireless ambassador for tennis and has been recognized by Tennis Canada for her service to the game. She is a dedicated champion of junior tennis and always makes time and space available for young players through court time, lessons, and summer camps. Westwood has produced many fine tennis players who have gone on to play at the University level and beyond. Many of these junior programs are open to the public and promote a game that can be played for a lifetime. Several Westwood seniors compete at the National level and one, age 75, competes at the World Senior event in Turkey. The partnership of Gaton and Cheryl Miller is beneficial to the neighbors of Westwood Lake, the community in general, as well as the Westwood Racquet Club and its members.

Sincerely,

Stu and Lynne Maple  
(250) 477-6232



*In Favour*

**Penny Masse**

---

**From:** Webmaster  
**Sent:** Sunday, April 29, 2012 11:10 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Patrick Moore has sent a Public Hearing Submission Online.

Address: 1437 Rose Ann Drive Nanaimo

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Bylaw No. 7146

Comments: I had the opportunity to use the facilities at Westwood Tennis Club on a trial basis.

More specifically I was able to dine on the patio of the reataurant at The Westwood Lake Tennis Club. It was a wonderful experience with a very quiet and relaxed atmosphere.

The clientele at the restaurant were of a more 'mature' age group and, given the overheard conversations, they were equally impressed with the setting, food and service. And the quiet.

The restaurant at Westwood Lake Tennis Club is a jewel of a place and an absolute asset for Nanaimo's citizens and tourists alike.

Should the Westwood Lake Tennis Club make the dining area available to the public, and should council support such an effort, it would be a wonderful advancement for the city.

*In Favour*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Sunday, April 29, 2012 1:20 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Ernest Pallot has sent a Public Hearing Submission Online.

Address: 529 Viking Way, Parksville, BC V9P 1Y1 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2367 Arbot Road, Nanaimo, BC, V9R 6S9

Comments: I whole heartily support the Westwood Tennis Club application for property rezoning to include the operation of the Westwood Lake Bistro.

I firmly believe that this Tennis Club's future existence is dependent upon the additional revenue source provided by this Restaurant.

The impact on the local neighborhood is nearly transparent, while the impact of the failure to achieve rezoning is significant.

In Favour

**Penny Masse**

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**From:** Webmaster  
**Sent:** Sunday, April 29, 2012 1:25 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Linda Pallot has sent a Public Hearing Submission Online.

Address: 529 Viking Way, Parksville, BC V9P 1Y1 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2367 Arbot Road, Nanaimo, BC, V9R 6S9

Comments: I have been a member of the Westwood Tennis Club for over 12 years. The Club has existed a lot longer than that. A great majority of our members are Seniors who are more interested in physical exercise than partying. The Club employs a number of people. I am in favor of the re-zoning application

In Favour

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 11:08 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Les Dickason has sent a Public Hearing Submission Online.

Address: 3377 Edgewood Drive Nanaimo V9T 5V2 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: BYLAW 2012 NO. 7146

Comments: Thank you for this opportunity to make a written submission in connection with "LAND USE CONTRACT AMENDMENT BYLAW 2012 NO. 7146", which would amend the existing Westwood Tennis Club Land Use Contract (LUC) No.1638. I am sorry I cannot be present to speak to the amendment on May 3rd 2012.

To begin, in the interest of disclosure, two pieces of information about me:

I was a member at the Club at Westwood and played tennis there for about 5 years until degenerative spine problems caused me to give up active sport and resign as a member a decade ago. I have no vested interest in the Club.

Some of you may remember that I was a restaurant critic here in Nanaimo many years ago - my column, Fare Comment, appeared regularly in the Nanaimo Times [now Harbour City Star], but I retired from that part-time job more than 25 years ago and have no vested interest in any restaurant.

However, with those two disclaimers, my wife and I dined maybe 3 or 4 times a year at The Wesley Street Cafe and were disappointed to discover it was closing. We were happy to find that Gaetan, his experience, and his chef would resurface at the Bistro at Westwood. Since it opened we have had a meal there on four separate occasions, and we have enjoyed it each time.

We have found our experiences there to be extremely positive ones - this Bistro venue with its view and skilled staff is a welcome addition to the dining scene in Nanaimo, and I would encourage Council to support the revised land use contract for the Westwood Club so that the Bistro restaurant can continue as an option for the dining pleasure of the general public as well as for members of the Club.

Thank you.



*In Favour*

**Periny Masse**

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**From:** Barbara Rinehart [barbrinehart@shaw.ca]  
**Sent:** Monday, April 30, 2012 8:32 PM  
**To:** Public Hearing  
**Cc:** sharonlkofoed@shaw.ca; jimrus@telus.net; Mary Ann Gisler; lucia gamroth; drlwink@gmail.com; Andrew Tucker; Ted Swabey  
**Subject:** written submission for public hearing to be held May 3rd 2012

Mayor Ruttan and Members of the Council,

I'll be out of the country on May 3rd and so unable to attend the public hearing. I would appreciate my letter being read into the minutes.

As a member of the Westwood neighborhood group that engaged with the Westwood Racquet club to resolve very challenging issues, I want to thank you for your help. You directed staff to work with both parties to determine a solution. Mr. Ted Swabey and Mr. Andrew Tucker provided invaluable assistance to this end. While I do not believe that it is good planning practice to allow a restaurant in a neighborhood setting, I do believe both parties have cooperated to move the existing situation toward resolution.

I encourage you to exercise the leadership necessary to make it possible for each person choosing to speak at the public hearing to be able to do so freely and without fear of having his/her character attacked. The legacy we leave future generations has as much to do with our actions as with our words. My hope is that our children will learn that public debate can happen in a respectful manner.

I believe that the healing that needs to happen within the neighborhood will now be a possibility.

Thank you,  
Sister Barbara Rinehart  
2329 Arbot Road  
Nanaimo, B.C.

In Favour

May 3, 2012

City of Nanaimo  
Community Safety & Development Division  
455 Wallace Street  
Nanaimo BC V9R 5J6

**RE: Land Use Contract No. 1638 – Westwood Tennis Club**

We are writing this letter in support of the Westwood Tennis Club Land Use Contract amendment. We personally feel there should be more of these types of businesses added to our neighbourhoods. With the rising awareness and enforcement of drinking and driving laws local residents should be encouraged to walk to restaurants have dinner and drinks and walk home.

Our family has lived in the neighbourhood for the past 12 years and we have never had any issues with the Tennis Club. Furthermore, since the restaurant expanded we have not noticed any increase in traffic or noise.

We would also like to note that we were offended by the 'fear mongering' comments that the supposed 'Neighbourhood Association' used when going door to door. Comments were made that a 'Bingo Hall or Biker Bar' could open if the Land Use Contract was amended. It is my understanding that this would not be an issue.

Respectfully submitted,



D. Brown & D. Graves  
2383 Mill Road  
Nanaimo, BC

*In Favour*

**Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, May 03, 2012 11:31 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Alexandra Weissfloch has sent a Public Hearing Submission Online.

Address: 96 Timber View Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2367 Arbot rd  
Comments: I believe that having a nice neighborhood restaurant within walking distance from my home is fantastic.

In Favour

**Penny Masse**

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**From:** Webmaster  
**Sent:** Thursday, May 03, 2012 11:34 AM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Dennis Frost has sent a Public Hearing Submission Online.

Address: 96 Timber View Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 2367 Arbot rd  
Comments: I fully agree with the reasons for this rezoning application. I feel that all neighborhoods should have a few amenities within walking distance.



In Favour

**Penny Masse**

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**From:** icebear [icebear@shaw.ca]  
**Sent:** Thursday, May 03, 2012 1:05 PM  
**To:** Public Hearing  
**Subject:** Westwood Tennis Club

To: Mayor and Council of Nanaimo

re: bylaw #7146

We would like to submit this letter in support of Westwood Tennis Club's proposal to amend their land use contract.

Although we are not area residents, my husband is a long time club member and so we are at Westwood very frequently. His artwork hangs on the club walls.

We have a fine art studio, located in Duncan, with an international cliental. When off island collectors, fans and friends arrive, Westwood is always our first choice as a place to take them. It is an elegant, relaxing establishment where our guests are comfortable and impressed with the surroundings and the service.

In the past few months, we have hosted friends from Los Angeles, a collector with business interests on 3 continents who now makes his home in Warsaw, Poland, and the owner of one of the galleries that shows our artwork to collectors from all over the world. We would not entertain any of these people in restaurants with rock music or sporting events blaring out of a TV, or where the staff starts a conversation with 'Hi, I'm George and I'll be your waiter', with the intent of getting your order, getting you fed and getting you out to make room for the next customers.

We choose to entertain at Westwood because it is relaxed and upscale and the grounds offer a picturesque and quiet place to walk about before or after a meal that can compare favourably with anything our guests experience in their travels.

As many of our clients spend much of their travelling time in 4 and 5 star kinds of places, Westwood fits well within their comfort zone, making it an ideal place to conduct our art business.

Westwood Tennis Club is a huge asset to Nanaimo, a jewel in a beautiful location. It deserves your support and encouragement as it moves into the future.

My husband and I will be at the public hearing this evening, but are submitting this in writing, in case we are not allowed to speak, as we are not resident in the immediate area.

Sincerely

Chris and Charronne Johnston  
IceBear Studios  
103C Trans Canada Highway  
Duncan, BC

250-246-5356

<"[www.icebearstudios.com](http://www.icebearstudios.com)">

*IceBear*

'Westwood', IceBear's vision of Westwood Lake as seen from the club grounds.





Opposed

**Penny Masse**

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**From:** Webmaster  
**Sent:** Monday, April 30, 2012 8:48 PM  
**To:** Public Hearing  
**Cc:** webmaster@nanaimo.ca  
**Subject:** Send a Submission Online

Dr Lawrence Winkler has sent a Public Hearing Submission Online.

Address: 2343 Arbot Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: BYLAW NO. 7146

Comments: Your Worship, City Councillors, and Fellow Supplicants,

As one of the two of most affected neighbours living adjacent to the proposed legitimization of the public restaurant at the Westwood Racquet Club, I would request that this submission be read into the minutes at the upcoming Public Hearing.

I would appeal for some understanding of my choice to present my insights, without appearing in person. But for the rather unfortunate defamatory invective from one of the club owners and several of his patrons at the last council meeting, I would have been more confident that my viewpoint would have been more respectfully heard, had I and others attended. I would ask that Mayor Ruttan ensure that presenters confine themselves to the issues at hand, and not be permitted to engage in any further malicious ad hominem attacks.

I would first like to thank Andrew Tucker and Ted Swabey, whose sincere dedication to finding a solution to this dilemma had been very much appreciated by all the parties involved. The task they were charged with is a difficult one. That said, we still believe that the refusal of the Club owners to continue with a process that was working, when we were so close to a more equitable comprehensive solution, was clearly too much for even their efforts to accomplish. I would also like to thank the Councillors, those on the previous Council and this one, who took the time, and their civic responsibilities seriously enough, to consult with and consider the impact of this problem on the community.

The hundreds of hours that staff purportedly have spent was on a mishap not of our making, not proportionately with us, and not something that couldn't have been avoided if the bylaws that govern Land Use Contract violations had been enforced from the beginning. The essence of the problem has consistently been the refusal of the Club to consult in good faith with their neighbours. This began with the misrepresentation of the construction of their intended public restaurant to us as a 'smaller scale dining room expansion' in an email response September 13th, 2010. After the new outdoor flagstone terrace was laid in the spring of last year, and initial concerns about possible noise were raised, the Club owners agreed to meet with the Director of the Bethlehem Retreat Centre and my wife and I. At this meeting on June 2, 2011, they reaffirmed their intentions to be good neighbours, and agreed to consider our proposals for a noise baffle, and get back to us. This not only did not happen, despite numerous email requests from both neighbours, but a Club owner, unbeknownst to us, subsequently appeared before Council on June 13, 2011 to request an extension for a liquor license, without disclosing to the Liquor board, City Staff or Council, the intention to open a public restaurant, which would have required an amendment to the Land Use Contract which had served the neighbourhood well for the previous seventeen years. At the point he received this endorsement without appropriate disclosure, there were already problems of stealth, misrepresentation, and bad faith negotiation. On August 3, 2011 we received an email from Dave Stewart, the City's Community and Safety

planner, affirming that he had sent a letter to the Club, indicating to them that they were in violation of their LUC, and requiring them to use the restaurant exclusively for club members. The Club owners only entered into indirect negotiations when Council instructed them to do so on October 17, 2011. Even at this stage, their approach was adversarial rather than accommodative, and the process was perverted into a windfall of further concessions that went far beyond the original intent of legitimizing the restaurant's opening to the public.

So now we have a new Land Use Contract with a list of concessions, most of which are, at most, nominal. Aristotle defined justice as giving people what they deserve. If we decide that the owners of the Racquet Club deserve to be rewarded and legitimized, despite their history of corporate misbehaviour, then we need to also decide that the neighbours deserve to have their amenity rights, as recognized under English tort Law, protected and preserved. We all need assured safeguards that the club owners that were allowed to violate the terms of the last Land Use Contract, will not be allowed to violate the terms of this one.

To this day the club owners have refused to reengage direct communication with their neighbours. More recently they have unseemingly adopted the rhetoric of the oppressed. I find this puzzling, as most business operations would consider good relations with the community they operate in to be essential to their success.

For the historical record, I would like to take moment to correct some of the misinformation that has been disseminated about our position. The first correction is one of provenance. My wife and I had lived at our current address for six years before Ms. Miller and her partner bought the club from Kathy Fox, and a quarter of a century before the two new nonresident co-owners arrived on the scene. We had enjoyed a good relationship with the club owners, and have looked out for each other until this latest debacle. Second, despite suggestions by one of the patrons at the last Council meeting, we are on record, in our meetings with Staff, and elsewhere, as wanting their enterprise to succeed. We told the owners this as well at our meeting on June 2, 2011. Third, Gaetan Brousseau and I were friends for many years, and I brought no small amount of business his way when he had the Wesley Street Cafe. It is still my hope that this can be settled so that is possible again.

But this cannot happen without some 'practical wisdom': If one proceeds with virtue and character, there is no need for superfluous rules and inducements; if one proceeds with only self-interested disregard for the amenities of your neighbours, no Land Use Contract, even with an infinite number of provisions, will be enough to create a harmonious outcome. We need the club to take their lights out of our bedrooms, the noise back across the fence line, and their snow-blower plumes off our driveway. Hopefully, these last few issues can be expeditiously resolved, and we can all return to more noble endeavors.

I leave you with the words of Councillor Bill Holdom:

"This whole contract was set up as a way to allow that use within that rural neighbourhood and I think we should continue to respect that...

I would like to hold some people accountable for the statements they are making. I would like a covenant in which the applicant actually declares and certifies exactly what she and her supporters said will be true. In other words, that they won't make any changes that affect the harmonious relationship they've had with their neighbours for so long...

what the owner wants to do, within what the neighbourhood will accept."

Thank you.

Dr. Winkler



Opposed

Mayor and Councillors,

3<sup>rd</sup> May 2012

Thank you for the opportunity to have this letter read into the minutes of the Public Hearing on 3<sup>rd</sup> May 2012. I have recently become uneasy with the process of public presentations in my effort to speak to neighbourhood issues, but I trust my written comments & submission is worthy of consideration in your deliberations.

I oppose the amendments, in part, to the Land Use Contract at the Westwood Racquet Club. The main change to this property, the opening of a Public Restaurant and outdoor Patio is a huge departure from a small dining room (originally restricted to the Clubs membership and their guests only) Additionally, the request for this Recreational Facility as a whole to now be open to the General Public is a far cry from the intention of maintaining through the years, a private club, servicing their members. Some years back when I played tennis, I also enjoyed the benefits of my membership. Sadly the most notable change is that the harmonious relationship between the Club & the neighbours most impacted has been spoiled. The Land Use Contract was designed to ensure this recreational facility was in keeping with the character of the Westwood neighbourhood and the surrounding environment in that it borders the popular Westwood Lake, nature trails and Mount Benson.

I am grateful that in our negotiations some of our concerns will be addressed by the Racquet Club, in total or to some degree. They are:

1. Noise abatement (with the addition of engineered sound barriers)
2. Earlier closing hours of food service and the last time of all service allowed on the outside patio. The closing time of 1am (Liquor License) and that it applies 6 days of 7 every week of the year, remains a serious concern for a quiet residential neighbourhood. **Also note there is a discrepancy in the closing time advertised on the Clubs website and that written in the LUC.**
3. Paving of the driveway and parking surface (noise abatement)
4. Limited number of weddings and special events to 3 (April-Sept) (noise abatement)
5. Swimming Pool removed from the contract (noise abatement)

**(These should not be confused with the list suggesting compromises that appear in Staffs Report to Council 16 April 2012 Pg 3 that accompanies the amended LUC)**

I would remind you that there has not been any new employment opportunities here as the Wesley Street Café has simply moved with a new name to a new location. Of note, two of the three investors in the Club do NOT live in the area. Still at this time, I am very disappointed that the rug was pulled from underneath us in our effort to find further important and valuable compromise. With polite persistence, I urge you to be certain that all of these changes will not adversely affect the neighbourhood, that is, the density of the buildings, the additional business uses and the increased numbers of people, traffic & lighting that these will bring. (These are not written into the Contract). Last summer we experienced the negative aspects of "commercial" intrusion particularly with the food & drink service on the patio. I truly hope that this kind of negative impact on the amenities of existing adjoining neighbours can be avoided in the future.

As with any legal document and agreement, it will only be valuable if the Club owners are inclined or better, truly committed to completing all of the changes within the time frames determined in the LUC.

Westwood is an established neighbourhood including many residents who have lived there for 30+ years. We are settled in, put heart and soul into our land & homes. We are not going anywhere anytime soon. If we can regain the harmony and respect we have all enjoyed in the past, we have all succeeded. For the Club owners it will be economic success, for the rest of us, it will be the simple enjoyment of the peace & security of the *place we live*.

Thank you  
Robyn Winkler  
2343 Arbot Road

A final thought.....

*A society grows great when old men plant trees whose shade they know they shall never sit in.*

*Greek Proverb.*