

City of Nanaimo
REPORT TO COUNCIL

FILE COPY

DATE OF MEETING: 2012-APR-16

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

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2012-APR-05 FOR BYLAWS
NO. 4500.016 AND 4500.015

STAFF RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2012-APR-05.

PURPOSE:

The purpose of this report is to summarize the Public Hearing held 2012-APR-05 in accordance with Section 894 of the *Local Government Act*.

SUMMARY:

A Public Hearing was held on 2012-APR-05, the subject of which was two items. Approximately 40 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4500.016:

RA287 – 4830 Vista View Crescent

This bylaw, if adopted, will rezone the subject property from Townhouse Residential (R6) to Single Dwelling Residential (R1) in order to allow for a single dwelling subdivision on the lot. The subject property is legally described as LOT B, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP80460.

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

There were four written and one verbal submission received with regard to Zoning Bylaw No. 4500.016.

2. BYLAW NO. 4500.015:

RA275 – 560 Third Street

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) and Single Dwelling Residential-Small Lot (R2) in order to allow for subdivision and development of mixed use and multi-dwelling buildings, and single dwelling lots. The subject property is legally described as SECTION 33, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630.

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

There were fourteen written and twenty two verbal submissions received with regard to Zoning Bylaw No. 4500.015.

Respectfully submitted,

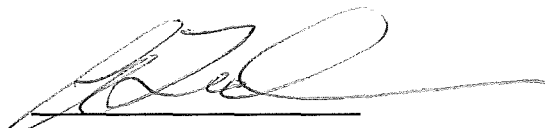


P. Masse
PLANNING CLERK
CURRENT PLANNING

Concurrence by:



A. Tucker
DIRECTOR
PLANNING



E.C. Swabey
GENERAL MANAGER
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

**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-APR-05, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"**

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: T. Knight, Manager, Current Planning, Community Safety & Development
S. Herrera, Planner, Current Planning, Community Safety & Development
P. Masse, Planning Clerk, Current Planning, Community Safety & Development

PUBLIC: There were approximately 40 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:02pm 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. Ms. Herrera explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. She advised that this is the final opportunity to provide input to Council before consideration of Third and Final Readings of Bylaw No. 4500.016 and Third Reading of Bylaw No. 4500.015 at the regularly scheduled Council meeting of 2012-APR-16.

1. BYLAW NO. 4500.016:

RA287 – 4830 Vista View Crescent

This bylaw, if adopted, will rezone the subject property from Townhouse Residential (R6) to Single Dwelling Residential (R1) in order to allow for a single dwelling subdivision on the lot. The subject property is legally described as LOT B, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP80460.

Ms. Maureen Pilcher, Maureen Pilcher & Associates – Applicant Representative

- Ms. Pilcher's presentation is attached as part of "Schedule A – Submissions for Bylaw No. 4500.016".

Councillor Johnstone asked for clarification on the size of the lots in the proposal.

Ms. Pilcher noted all lots would measure between 700m² and 900m².

Councillor Johnstone asked if secondary suites would be included in the proposed homes.

Ms. Pilcher noted the proposed homes would be valued at approximately \$500,000 and that secondary suites would not likely be proposed.

Councillor Pattje noted that one submission identified 'incessant blasting' in the area; asked for clarification on how much blasting would need to be done in the area.

Ms. Pilcher noted that blasting levels have not yet been established as engineering requirements have not been undertaken and will not be until zoning has been achieved. The hope of the developer is that not much rock will need to be removed.

Councillor Bestwick asked for clarification on the proposed density.

Ms. Pilcher noted that 19 multiple family homes could be built on the subject property under current zoning; she is requesting a downzoning in order to construct 10 single family dwellings.

Councillor Bestwick asked why the developer is requesting downzoning.

Ms. Pilcher noted that downzoning the subject property provides better development opportunities as access issues make the property difficult to develop. If multiple family development were proposed a majority of the lot would be needed for access, drive aisles, parking and amenity space.

Mayor Ruttan asked if residents of the area had been polled to ascertain acceptance for the proposal.

Ms. Picher stated she did not see a need to garner public participation as the density proposed is less than what is currently permitted on the subject property. Did not believe a single family development would be as intrusive as a multiple family development would have been. Noted she has not received any contact from any resident neighbours.

There were four written and one verbal submission received with regard to Zoning Bylaw No. 4500.016.

2. BYLAW NO. 4500.015:

RA275 – 560 Third Street

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) and Single Dwelling Residential-Small Lot (R2) in order to allow for subdivision and development of mixed use and multi-dwelling buildings, and single dwelling lots. The subject property is legally described as SECTION 33, RANGE 6, SECTION 1, NANAIMO DISTRICT, PLAN 630.

Mr. Keith Brown, Keith Brown Associates Ltd. - Applicant Representative

- Mr. Brown's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.015".

Ms. Keltie Chamberlain, Landscape Design & Consulting – Landscape Architect

- Ms. Chamberlain's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.015".

Mr. Jeff Tomlinson, J.E. Anderson & Associates – Applicant Engineer

- Mr. Tomlinson's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.015".

Councillor Pattje asked for clarification regarding access / egress from the subject property and whether or not it would only be via Third Street.

Mr. Tomlinson noted that the access to the multiple family portion of the development would be via Third Street; however, there will also be an access from Lambert and Howard Avenues, which creates interconnectivity on the site. Mr. Tomlinson added that a full-movement intersection would be created for the proposal as well a left turn lane going south; therefore, a left turn out of the development would be possible.

Councillor Kipp asked for clarification regarding any changes to the grade onto Watfield Avenue for existing homes.

Mr. Tomlinson noted the majority of the cut would be further west from Watfield Avenue; there would be an approximate cut of 1.5 feet on Watfield Avenue. Grades will be slightly steeper but will be well within required standards. Full movement intersection from Watfield and Lambert Avenues would be included in the proposal.

Councillor Bestwick asked if parallel parking on Third Street and Howard Avenue would be included in the proposal and if it is due to inadequate parking within the proposed development.

Mr. Tomlinson confirmed that street parking on Third Street and Howard Avenue would be included in the proposal; added that the widening of Third Street and Howard Avenue would be to future width. When the area is fully built out there will be an extra 2.4m on the south side, the alignment of both east and west approaches precludes widening of that lane, this extra space can therefore be used for parallel parking until the eventual widening of the road is completed.

Councillor Bestwick asked if there would be a controlled traffic signal at Third Street.

Mr. Tomlinson stated the controlled traffic intersection would be at Howard Avenue and Third Street.

Councillor Bestwick asked if Third Street would have a traffic island.

Mr. Tomlinson noted that a dedicated left turn lane would be included to enter the site as well as onto Watfield Avenue.

Councillor Bestwick asked if vehicles could turn left onto Third Street from Watfield Avenue.

Mr. Tomlinson confirmed that vehicles would be able to turn left onto Third Street; the regrading of Third Street will be done in such a way that an intersection is possible allowing for full movement.

Mayor Ruttan asked for clarification on neighbourhood input regarding the proposal.

Mr. Brown noted he attempted to visit several neighbours and has spoken with several members of the community; he has received both positive and negative input.

Councillor Pattje asked for clarification regarding the proposal being four storeys versus five storeys, as both statements have been made.

Mr. Brown stated he originally presented the proposal as four storeys above ground level commercial development. The proposal is for a five storey development.

Councillor Pattje asked if rental units would be included in the proposal.

Mr. Brown noted that Nanaimo has a vacancy rate of 7.6%; therefore, extra rental suites are currently not needed and are not a viable addition to the proposal.

Councillor Pattje asked what kind of commercial would be on the ground floor of the proposal.

Mr. Brown noted that the commercial would likely include office or public agency uses.

Councillor Johnstone asked for clarification regarding the proposed community contribution.

Ms. Herrera noted that the proposed community contribution includes \$100,000 towards the extraordinary works and services (reprofiling of Third Street).

Councillor Johnstone asked what irrigation opportunities would be accommodated for the existing orchards.

Ms. Chamberlain noted the food garden and orchards would be irrigated with surface runoff water.

Councillor Johnstone asked if the public art requirement is being fulfilled by adding the heritage pieces of the Armishaw farm to the design of the proposal.

Mr. Brown noted that the public art requirement is above and beyond the community contribution proposal.

Councillor McKay applauded the developer for attempting to increase available student housing in Nanaimo and asked for specific numbers in regard to student housing demands.

Mr. Brown confirmed there is a lack of and a demand for affordable student housing in Nanaimo.

Councillor McKay asked for clarification regarding a submission from Mr. Barry Lorton and whether or not he lives adjacent to the subject property or if he lives on Machleary Street, as stated in his submission.

Mr. Brown noted it is his belief that Mr. Lorton resides on Machleary Street.

Councillor Kipp noted that in addition to the \$100,000 community contribution proposal, a \$50,000 cash-in-lieu for parkland would be provided.

Mr. Brown noted that an appraisal regarding the cash-in-lieu contribution would need to be undertaken.

Ms. Margaret Dyke, 657 Beaconsfield Road – Opposed

- Ms. Dyke's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.015".

Mr. Brian Golding, 673 Beaconsfield Road – Opposed

- Noted his concern regarding the plans for the proposal being changed repeatedly, including height and density. Wishes there was more time to assess the proposal as he believes more residents would attend and voice their opposition.

Ms. Bev Whitta, 2545 Edwards Road, Nanoose, BC – In Favour

- Eldest daughter of Mr. Frank Armishaw who owned the property for many years. Believes the proposal is an exciting development for the neighbourhood.
- She is a farmer, like her father, who was a dedicated farmer and a caretaker of the area. The fact that he lived on his property for over 60 years is a powerful statement to that dedication.
- Her father was known for his ability to 'think outside the box'; he knew his land, which was not included in the Agricultural Land Reserve, would evolve in his community. This development encompasses many needs of the surrounding area. She has no doubt that her father would be delighted and proud to see his name permanently displayed on the property. He believed in growing food for his family and his table; the exciting landscaping plan will give children the opportunity to learn and understand the importance of growing your own food.
- Happy that the proposal includes heritage pieces of the property, including use of parts of the barn, cobblestone, and rail fences. Residents will be able to connect the past to the present with the use of the heritage pieces.
- Congratulated the developers.

Ms. Andrea Blakeman, International Education - VIU – In Favour

- Ms. Blakeman's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.015".

Councillor Pattje asked for clarification regarding what affordable housing would entail for international versus domestic students.

Ms. Blakeman noted the issues of affordable housing for domestic students are the same for international students; affordable housing, including all living costs, for all international students ranges from \$700 to \$1100 per month.

Ms. Arlette Golding, 5673 Beaconsfield Road – Opposed

- Loves student housing and believes it is an important issue but does not agree with the proposed density and would only agree to a three-storey development.
- Concerned about water levels in the area after several days of rain; believes it would be highly dangerous for pets and children. Does not believe a split railing fence will be safe enough.

Mr. Jessie Chalmers, 2335 Ashlee Road – In Favour

- Owner of 635 Second Street.
- Has reviewed the proposal in detail and believes it meets the objectives of the Official Community Plan in many ways.
- The subject property is near an abundance of public amenities including all three levels of education, the Nanaimo Ice Centre, the Nanaimo Aquatic Centre, the Third Street fields, shopping, parks and the downtown.

Ms. Lisa Beaudry, 375 Howard Avenue - Opposed

- Concerned about safety issues regarding the creek and traffic issues if the proposal were to be approved.
- Questioned why a playground is not included in the proposal.
- Believes the quality of the neighbourhood will be affected negatively and that five storeys is too big of a change.
- Questioned whether the development would follow LEED regulations and policies.
- Questioned why plans have changed and been amended so many times.

Mr. Bill Derby, Yellowpoint – In Favour

- Grew up in the subject neighbourhood. Believes the proposal adequately responds to the intent of the Official Community Plan as it increases density along the Corridor.
- Believes the density created would create vibrancy and pedestrianize the street. It will support the VIU and international students.
- Proponent has done a good job with his site planning.

Mr. Benjamin Orantes, 274 Lambert Avenue - Opposed

- Concerned about increased traffic as the corner is already dangerous.
- Does not understand why a playground for children has not been included in the proposal.
- Concerned about dust that would be created by the development.

Councillor Anderson noted that Fairview Elementary, which includes a playground, is located on the opposite side of Beaconsfield Road.

Ms. Lori Sorensen, 282 Lambert Avenue – Opposed

- Believes the proposal would introduce too much additional density to the neighbourhood.
- Concerned about the removal of existing trees. Believes five storeys is too much and will block her morning sun.
- Would like to see food security, small animal husbandry or a learning facility on the site.

Ms. Verna Cameron, 671 Beaconsfield Road – Opposed

- Concerned about the five-storey height of the proposal, believes it should be four storeys.

Mr. Kevin Boseley, 2969 Meadow Drive – In Favour

- Having a local developer willing to invest in our community is a real opportunity that should not be missed, given the current economic environment and high unemployment rates.
- Believes supportive infrastructure around VIU is needed and, in the long term, will be a prudent choice.

Mr. Rod Milner, 3311 Westview Acres – In Favour

- Attended the information meeting, believes the proposal meets all City objectives.

Councillor Kipp asked the speaker how dust is usually managed during development projects.

Mr. Milner noted that the dust should be managed by the developer and usually is.

Mr. Ron Smith, 6341 Rodonda Place – In Favour

- Does not live in the subject neighbourhood; however, he does have investments in the surrounding community.
- Believes the proponent has done an excellent job and that the proposal would be a needed asset to the neighbourhood.

Mr. Brian McCullough, Coast Realty – In Favour

- There is a need for student housing, believes the proponent has done a great job. It is a perfect location to include the density the City is looking for.

Mr. Ken Grewel, KSG Consulting Ltd. - Applicant

- Noted that all suggestions voiced at the Hearing are appreciated and what can be incorporated into the design of the project will be. The hope is to improve the Third Street Corridor.
- Proposal conforms to Official Community Plan guidelines.

- Fencing will be in place on the subject property to secure safety and the habitat around the creek.
- The additional road does provide a secondary access to Lambert Avenue.
- Noted that the plans for the proposal have changed over the past 16 months due to discussion with City staff.
- The standard detail for fencing along creeks is a two-rail fence; however, this can be increased to meet neighbourhood concerns.
- Dust will be controlled through current bylaw regulations.
- The Corridor designation recommends up to six storeys, the proposed density is below what the designation allows (50 units per hectare versus 150 units per hectare).
- Street parking will be available on Howard Avenue, Third Street, Lambert Avenue and on the new road. There will be full access at the intersection to the subject property.
- The Building Bylaw requires environmentally sound development, including low-flush toilets, low-ease glass and additional insulation. All requirements will be met or exceeded.
- The 5% cash-in-lieu towards park was established through discussions with Parks, Recreation and Culture. A 8.6m leavestrip exists on the adjacent parcel along the catstream will be dedicated to parkland; the additional 5% will go towards upgrading the Fairview Elementary playground.

Councillor Johnstone asked for clarification regarding any shade studies that may have been conducted for the proposal.

Mr. Grewal noted that 660 Third Street is the only home affected by any shading issues; however, calculation of the shading concluded that the shading created is within what is permitted for a development permit.

Councillor Johnstone asked if any heritage trees on the property would be affected by the proposal.

Mr. Grewal noted that an arborist has confirmed no significant trees would be affected by the proposal.

Mayor Ruttan asked Staff if the developer would have to adjust the proposal from four to five storeys.

Ms. Herrera noted that the COR2 zone permits up to four storeys; when and if the developer applies for a development permit they will be required to request an additional storey.

Mr. Brown stated that the planNanaimo Advisory Committee reviewed the proposal and recommended that the application be approved as presented. The Committee also recommended that the density be increased for the project. The development team believes the density proposed is fair and would be a balance for the community and for the size of the subject property.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Mr. Taylor's presentation is attached as part of "Attachment B – Submissions for Bylaw No. 4500.015".
- Noted that the Fairview Elementary playground would not be open 24/7 and is therefore not a substitution for a playground being included in the proposal.

Councillor Anderson noted that not many children require a playground after 10pm.

Councillor McKay asked the speaker if he is opposed to reprofiling Third Street.

Mr. Taylor stated that the requirement to reprofile Third Street would be a requirement for any developer if undertaking a proposal of this size.

Ms. Herrera noted that general works and services that are standard for new developments relate to the frontage along the property line on their side of the road to the centre line; it would not automatically require that they upgrade the entire road.

Ms. Carole Cleese, 1624 Cormorant Avenue – In Favour

- Has visited the farm for several years and was dismayed to see vandalism on the property. Believes the area residents should be grateful that a great developer is involved as the proposal could be much more detrimental to the neighbourhood.

Mr. Shamus McNalty, VIU Planning Student – Neither Opposed nor In Favour

- Lives in the area, turning left from Howard Avenue onto Third Street is problematic, believes the proposal could make it even more difficult.
- Concerned about the green space trade-off to hardscape and is not sure how it could be compensated.

Councillor McKay asked Mr. Grewal how long the plans for the proposal have been in development and how many amendments to the plan have occurred through discussion with Staff.

Mr. Grewal noted that at least six amendments have been made to the plans through Staff discussion and additional ten or twelve amendments have been made by the development team over the past 16 months.

Councillor McKay asked if the height of the proposed development were to be reduced if the cost of ownership or leases would be increased.

Mr. Grewal confirmed that ownership or lease costs would need to be increased if the proposed density were reduced.

Councillor McKay asked if the proposed height of the development was ascertained through discussion with Staff.

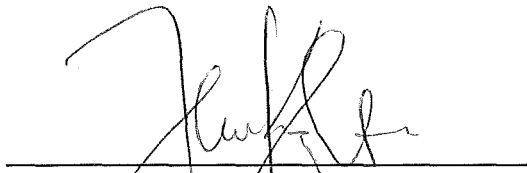
Mr. Grewal confirmed that the height of five storeys has been in place since the inception of the proposed plan.

There were fourteen written and twenty two verbal submissions received with regard to Zoning Bylaw No. 4500.015.

It was MOVED and SECONDED that the meeting adjourn at 9:10 pm.

CARRIED

Certified Correct:

A handwritten signature in black ink, appearing to read 'T. Knight', is written over a horizontal line.

T. Knight, MCIP
Manager, Current Planning
Community Safety & Development

/pm

Council: 2012-APR-16

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Attachment A

Submissions

For

Bylaw No. 4500.016

(RA287 – 4830 Vista View Crescent)

Maureen Pilcher & Associates

Land Use Consultants

PUBLIC HEARING PRESENTATION

2012-APRIL-05

4830 VISTA VIEW CRESCENT

Good Evening Mayor Ruttan, Members of Council, Members of Staff, Ladies and Gentlemen. My name is Maureen Pilcher and I am a Land Use Consultant in the Central Vancouver Island Area.

I am before you this evening to speak in support of a rezoning application for 4830 Vista View Crescent – and I must add that this is a bit of a departure from the usual rezoning applications I bring before you. As you know I am a supporter of densification in Nanaimo – which is a prime objective of the Official Community Plan. This application, however, is to reduce the density in this neighbourhood – basically a downzoning of this property – which would currently permit the construction of nineteen multi-family dwelling units on this property.

This north Nanaimo neighbourhood has undergone intensive development over the last decade – two multi-family projects – one beside and one directly across the road have been completed recently and a 23 lot bare land, high-end strata project – with fabulous views – is being developed above and behind the site. The multi-family developments and homes in this lovely community are finished with a high degree of design and they are beautifully kept. This makes this neighbourhood a prime location for Nanaimo residents, and the area certainly meets the goals and objectives of Plan Nanaimo – it has an exciting community feel and the varied housing styles – multi-family and single family - exist symbiotically. The ten new single-family homes planned for these lots will have a positive impact on the neighbourhood.

I first started working with the owners of this 2.1 acre parcel when they purchased it in 2007 – when the real-estate market was fairly robust – and a multi-family development was envisioned here. Numerous concept plans were discussed – and each concept was rejected – access to the units was a key issue and the steepness of the site and covenant restrictions further impacted the designs. In the meantime other multi-family developments were constructed on properties in the neighbourhood that had fewer physical challenges than this one. Single family homes are being sought after in this area and these new lots can accommodate that need.

1149 Pratt Road
Qualicum Beach, BC
V9K 1W6

Phone: (250) 752-6246
Fax: (250) 752-8513
Cell: (250) 802-6046
E-Mail: mo@maureenpilcher.com

Maureen Pilcher & Associates

Land Use Consultants

The lot we are discussing this evening is exceptionally difficult to develop as it is narrow in width – and further constrained by covenants, easements and servicing right-of-ways. The frontage of the property – Vista View Crescent – further limits development as it is on a bend and at the crest of a hill. This lot slopes rapidly upward from Vista View – the houses will be built at the toe of the slope and no view corridors will be affected by development of the property. There is also a “no-build” covenant of 8 metres which runs across the back of the property – the covenant serves to retain all vegetation in a 26 foot wide area and provide a buffer for the bare land strata development behind and above this property.

We have worked with City of Nanaimo Staff from both the Current Planning Division and the Engineering Department to ensure that we can provide safe and effective accesses to the proposed lots. The planned homes will have a high degree of design so they will integrate well into this North Nanaimo community. The Steep Slope Design Guidelines will be followed during the subdivision process and care will be taken to preserve as many trees as possible on the lots.

I will be pleased to answer any questions you may have – and thank you for your attention.

1149 Pratt Road
Qualicum Beach, BC
V9K 1W6

Phone: (250) 752-6246
Fax: (250) 752-8513
Cell: (250) 802-6046
E-Mail: mo@maureenpilcher.com

April 4, 2012

Vista Ridge Land Management Ltd.
c/o Nored Developments
#2 – 6421 Applecross Rd.
Nanaimo, BC
V9V 1N1

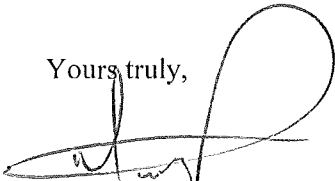
RE: Rezoning Application – 4830 Vista View Crescent, Nanaimo, BC

TO WHOM IT MAY CONCERN:

Please be advised that my wife and I reside in the Arbutus Rock strata, lot 17 at 5060 Banning Court., Nanaimo, BC.

We are writing to support the rezoning application of the property located at 4830 Vista View Crescent from multi-residential to single family dwellings.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mark & Andrea Parry', with a large, stylized loop at the end.

Mark & Andrea Parry
5060 Banning Court., Nanaimo, BC

Penny Masse

From: Webmaster
Sent: Monday, March 26, 2012 3:17 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Georgia Brown has sent a Public Hearing Submission Online.

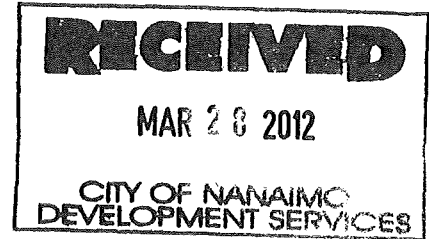
Address: 103 4922 Coral Way

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.016

Comments: My husband and I both believe this is a positive move for our neighbourhood. We would welcome single family dwellings in that area.

4910-102 Coral Way
Nanaimo, BC V9V-0A3
Tel: (250) 756-0645

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



March 25, 2010

Rezoning Application - RA287

My husband and I purchased the above property in August 2009 , and sadly I became a widow in October of the same year. Since then I have been accompanied by construction noise and questionable air quality as The Plateau was completed. Even more disturbing has been the blasting and sawing in Hinrich View, Arbutus Rock as large dwellings began, and continue, to appear.

Will there ever be an end to replacing the beauty and landscape by crowding more residences into established areas? And what about our wildlife, i.e. beautiful deer? What price progress!!

There appears to be no end to the above noise and air pollution, and peaceable enjoyment of my home unlikely for some years. The beautiful trees on the Subject Property will be replaced by more residences, and spoils my view. Sorry, but "no", to any type of rezoning. However, I doubt that this letter will have much impact. I am saddened, and considering relocating.

A handwritten signature in dark ink, appearing to read "E. Dykes". The signature is fluid and cursive, with a large initial "E" and a stylized "Dykes".

Eileen Dykes (Mrs.)

NOTICE OF PUBLIC HEARING

April 5th 2012 at 7:00 pm

CITY OF NANAIMO
THE HARBOUR CITY



There will be a Public Hearing on Thursday, April 5th 2012, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.016 at the Public Hearing.

BYLAW NO. 4500.016

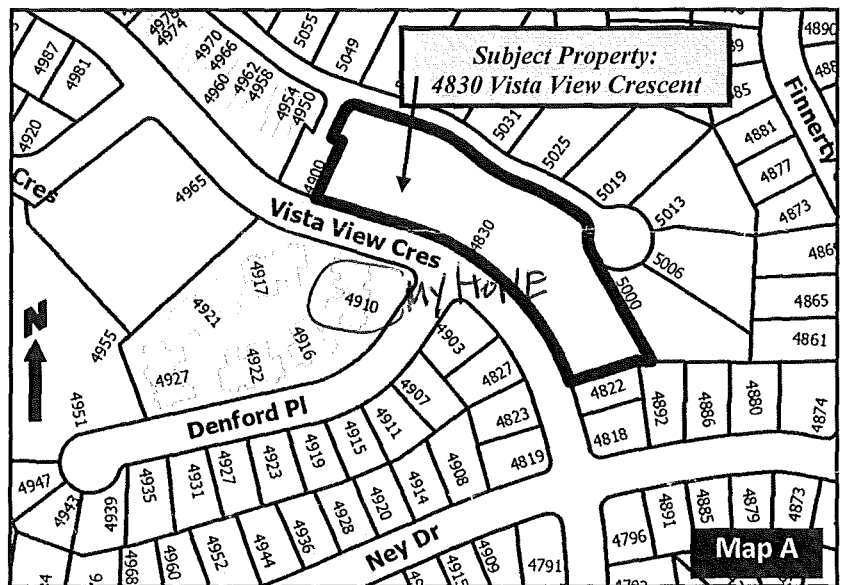
Purpose: To permit the use of land for single dwelling residential development.

Location: 4830 Vista View Crescent, shown on Map A.

File No.: Rezoning Application - RA287

This bylaw, if adopted, will rezone the subject property from Townhouse Residential (R6) to Single Dwelling Residential (R1) in order to allow for a single dwelling subdivision on the lot.

The subject property is legally described as LOT B, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP80460, and is shown on Map A.



WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from March 23rd 2012 to April 5th 2012 from 8:00am to 4:30pm, Monday through Friday, at the City of Nanaimo, Community Safety & Development Division (City Hall Annex Building), located at 238 Franklyn Street.

ONLINE: Application information associated with this bylaw, including a copy of the bylaw, can be accessed on the city's webpage: *What's Building In My Neighbourhood?* www.nanaimo.ca/whatsbuilding

QR CODE: Use this QR code on your mobile device to go directly to the online information.



Please be advised that additional bylaws are scheduled for the Public Hearing. The complete list of public hearing items is available on the City's website and published in local newspapers.

WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, April 5th 2012, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

IN PERSON: Drop off at the reception desk in the City Hall Annex Building, located at 238 Franklyn Street.

POSTAL MAIL: Mail to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC, V9R 5J6.

EMAIL: Email should be sent to public.hearing@nanaimo.ca

WEBSITE: Submit comments directly through the City's website at www.nanaimo.ca/publichearing

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

City of Nanaimo www.nanaimo.ca
Community Safety & Development Division
Location: City Hall Annex Building
Phone: (250) 755-4429 Fax: (250) 755-4439

Attachment B

Submissions

For

Bylaw No. 4500.015

(RA275 – 560 Third Street)

**"ARMISHAW CROSSING"
MIXED USE COMMERCIAL
MULTIPLE DWELLING AND
SINGLE DWELLING DEVELOPMENT**

DATE: April 5, 2012

PREPARED FOR: ALAN STEEVES, PRESIDENT
0766010 B.C. Ltd.
6203 Parktree Court
Surrey, BC V3X 1Z7

PREPARED BY: KEITH BROWN ASSOCIATES LTD.
Land Planning and
Development Consultants
Tel: 250-758-6033
Cel: 250-741-4776
E-mail: keithbrown@shaw.ca

**ASSOCIATE
CONSULTANTS:** KELTIE CHAMBERLAIN
Landscape Design & Consulting
Cel: 250-802-0436
E-mail: keltiecham@shaw.ca

JEFF TOMLINSON,
Manager of Engineering (Nanaimo)
J.E. Anderson & Associates
Engineers & Surveyors
1A – 3411 Shenton Road
Nanaimo, BC V9T 2H1
Office: 250-758-4631
Cel: 250-740-7088
E-mail: jwt@jeanderson.com

KEITH BROWN ASSOCIATES LTD.
5102 Somerset Drive Nanaimo, BC V9T 2K6
Tel. (250)758-6033 Cel. (250)741-4776 Fax (250)758-9961

April 5, 2012

File No. 893.11

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

ATTENTION: Mayor and City Councilors

**SUBJECT: "ARMISHAW CROSSING" 560 THIRD STREET, NANAIMO, BC
SEC. 33, RGE. 6, SEC. 1, NANAIMO DIST., PLAN 630;
ZONING AMENDMENT BYLAW NO. 4500.015;**

The City's Official Community Plan (OCP) was adopted in 2008 under an exhaustive public review process giving direction for the future growth and development in Nanaimo. The City's recently adopted zoning bylaw provides the regulatory standards for development in-keeping with the stated community policies of the OCP.

The City's OCP designates the subject lands as part of the Third Street Corridor. The City Zoning Bylaw provides specific zones for development of lands within the corridor designations. The proposed rezoning application compliments the City's policies relating to the Third Street Corridor and to 560 Third Street being the focal point for development along this corridor.

REZONING PROPOSAL:

The rezoning from the existing Single Family (R1) to Residential Small Lot (R2) will provide for 15 smaller residential lots.

Rezoning from the existing Single Family (R1) to Mixed Use Corridor (COR2) will provide for the following uses:

- 5 storey mixed use building fronting Third Street, which comprises 50 student housing units (includes live-in caretaker) constructed above 3,400 sq. ft. of commercial space at street level.
- 30 residential townhomes (strata) constructed in clusters together with all vehicle parking designed internally and away from the fronting streets.
- 5 storey – 32 unit apartment (strata) fronting Third Street constructed above 6,600 sq. ft. of commercial space at street level.

SITE LOCATION RELATIVE TO OTHER FACILITIES:

The proposed development fronts the Regional Transit System's bus route serving the Vancouver Island University area and the downtown area. Other facilities are within reasonable walking distance (1/2 mile) of the development site. These are:

- Fairway Elementary (Community) School.
- Fire Station No. 1 and RCMP (at gateway to Old City Quarter).
- Nanaimo Aquatic Centre.
- Nanaimo District Secondary School (NDSS).

- Nanaimo Ice Centre.
- University Village Mall.
- Serauxman Sports Fields and Stadium.
- Trailways and linkage to Parkway Trail.
- Vancouver Island University (VIU).

SERVICING COSTS - TAXATION APPLICABLE TO THE DEVELOPMENT:

1. Standard works and services (W&S), cost estimates for installation/ upgrading utilities, roads, curb/gutter/sidewalks fronting Lambert Avenue, Howard Avenue and Third Street are estimated at \$1.25 million.
2. Extraordinary costs of \$100,000. being contributed by the applicant to the City for re-profiling of a portion of Third Street outside of the W&S defined area.
3. Development Cost Charges (DCC) generated through to the completion of the development is estimated at \$1.1 million.
4. The municipal taxes generated, upon completion of all phases of development, are estimated at \$250,000. per year.
5. \$50,000. cash-in-lieu of park dedication payable to the City.

PROJECT PHASING:

- Phase 1:** consists of construction and marketing of the single family homes.
- Phase 2:** consists of construction of the mixed use commercial/50 unit student housing project.
- Phase 3-4:** consists of construction of the 30 residential townhomes (strata).
- Phase 3-4:** consists of construction of the mixed use commercial/32 unit apartment (strata). This phase is dependant upon market conditions.

MEETINGS WITH ADJACENT RESIDENTS:

Visits were made to the occupants' homes adjacent to the proposed development site. Support was receive by several of the residents with others somewhat supportive and choosing to attend the Public Hearing. Two separate occupants were preoccupied for personal reasons and did not provide time for discussion. One resident has expressed his concern that the student housing project adjacent to his home would block the morning sun and express concerns regarding traffic issues. The same resident telephoned months earlier advising he was not supportive of the 5 storey building looking down on his home. If the 5 storey building were relocated to the opposite side he could be supportive of the plan.

PROJECT DESIGN – LANDSCAPE:

This presentation will follow this planning submission.

CIVIL SERVICING:

This presentation will follow this planning submission.

SUMMARY:

The proposed rezoning application complies with many of the City's OCP objectives and policies. These are:

- Supports higher intensity land use mixed commercial/residential uses.
- Increases residential densities to 50 units per ha (OCP allows 50 – 150 units/ha).
- Encourages sensitivity in the form of residential densities (apartments, townhomes and single family homes).
- Supports transit, cyclists and pedestrian mobility (project fronts Regional Transit and bicycle path).

New construction within this corridor should provide an incentive to help stimulate further building improvements throughout the neighbourhood. This pattern is becoming evident on Nicol Street, Wakesiah Avenue, Bowen Road, Metral Drive and other neighbourhoods within the City. The project will be subject to the City's Guideline Requirements for issuance of a Development Permit.

We submit that the "Armishaw Crossing" development reflects the policy objectives of the City's OCP. The planned improvements within the corridor will enhance the neighbourhood and reflect the City's efforts for infilling.

We seek Council's support for the rezoning application and thank you for your consideration.

Respectfully submitted,



R.K. Brown,
Consultant Planner

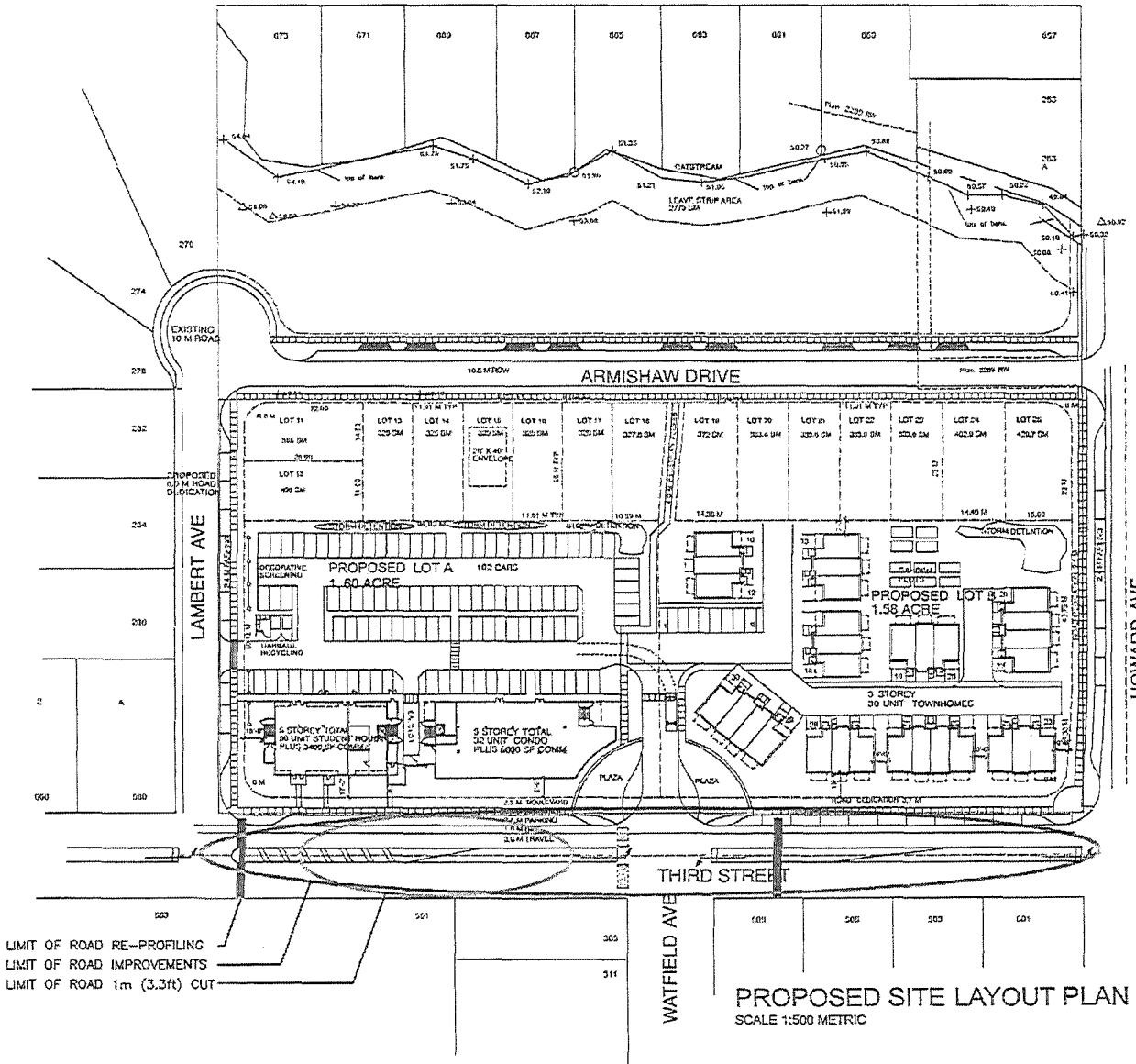
Enc.

cc. 0766010 B.C. Ltd.
Mr. Alan Steeves, President

APPROXIMATE LIMITS OF THIRD STREET CONSTRUCTION BEACONSFIELD STREET



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LIMIT OF ROAD RE-PROFILING
LIMIT OF ROAD IMPROVEMENTS
LIMIT OF ROAD 1m (3.3ft) CUT

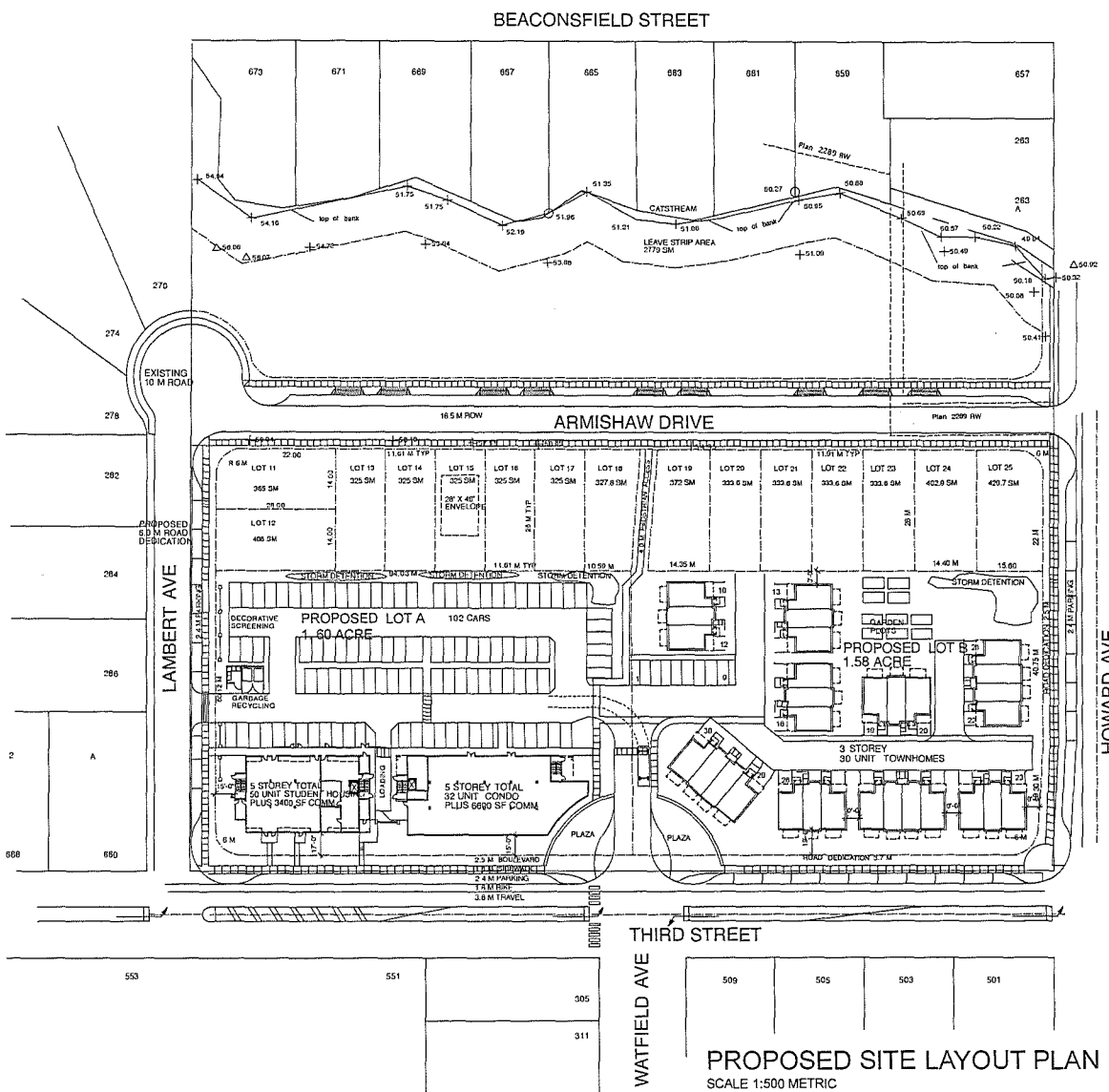
PROPOSED SITE LAYOUT PLAN
SCALE 1:500 METRIC

SITE DATA 560 THIRD STREET

GROSS SITE AREA: 20229 SQM (4.99 ACRES)
CURRENT ZONE: R1
PROPOSED REZONING: SUBDIVISION
STRATA LOT A COR2
6581 SQM (1.59 AC) MIXED USE: COMMERCIAL / RESIDENTIAL / 4 STORY
TOTAL COMMERCIAL: 1000 SQM (24000 SF)
TOTAL COMMERCIAL: 32 B. BEDROOM UNITS
7 GROSS FLOOR AREA ON 4 FLOORS (3487 SQM)
TOTAL STUDENT HOUSING UNITS: 24 STUDIO UNITS
1 GROSS FLOOR AREA ON 4 FLOORS (1770 SQM)
FAR FOR COMMERCIAL/RESIDENTIAL IS 0.75 FOR LOT A
SITE COVERAGE: 18 %
PARKING PROVIDED
COMMERCIAL 4.3 UNITS NET = 30 CARS
RESIDENTIAL 1 SUITE #13 CAR (12000 SF) = 10 CARS (MANAGER)
STUDENT HOUSING = 100000 UNITS (OCCUPANCY) = 20 CARS
MANAGER SUITE 1 CAR
TOTAL REQUIRED 14 CARS / PROVIDED 102 CARS
ONE LOADING BAY PROVIDED
STRATA LOT B COR2
6300 SQM (1.56 AC) MULTI FAMILY TOWNHOUSE / 3 STORY
PROPOSED 30 UNITS (10 THREE BED AT 1000 SF, 12 TWO BED/400 SF)
GARAGES NOT INCLUDED IN FAR
FAR IS (4000 SQM GROSS)
SITE COVERAGE: 34 %
OPEN SPACE PROVIDED: 20 %
PARKING PROVIDED: 60 CARS IN SURFACE/200 GARAGE
REMAINDER OF 560 THIRD STREET
2025 SQM (1.38 AC) TO REZONE TO R2 (SMALL LOT SINGLE FAMILY)
(LOTS 11 THRU 25)

PROPOSED DEVELOPMENT 560 THIRD STREET ARMISHAW CROSSING NANAIMO, B.C.	
DRAWING:	
SCALE:	
DATE:	DEC 5, 2011
DRAWN BY:	HCN
REVISION:	DEC 14, 2011 FOR R2012 MARCH 20, 2012
SHEET:	

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SITE DATA 560 THIRD STREET

GROSS SITE AREA 20229 SM (4.96 ACRES)

CURRENT ZONE R 1

PROPOSED REZONING/ SUBDIVISION

STRATA LOT A COR2

6501 SM (1.60 AC) MIXED USE COMMERCIAL / RESIDENTIAL / 5 STOREY

TOTAL COMMERCIAL 629 SM (10000 SF)

TOTAL CONDOMINIUMS 32 U. BEDROOM UNITS
(GROSS FLOOR AREA ON 4 FLOORS 2460 SM)

TOTAL STUDENT HOUSING UNITS 50 STUDIO UNITS
(GROSS FLOOR AREA ON 4 FLOORS 1725 SM)

FAR FOR COMMERCIAL/RESIDENTIAL 10.079 FOR LOT A

SITE COVERAGE 10 %

PARKING PROVIDED

COMMERCIAL 4.3/1078 NET = 35 CARS
RESIDENTIAL 1.5/UNIT = 53 CARS (1.55/UNIT = 48 CARS VARIANTE)
STUDENT HOUSING = 50/UNIT SINGLE OCCUPANCY = 25 CARS
MANAGER SUITE 1 CAR

TOTAL REQUIRED 114 CARS / PROVIDED 102 CARS

ONE LOADING BAY PROVIDED

STRATA LOT B COR2

6300 SM (1.58 AC) MULTI FAMILY TOWNHOUSE / 3 STOREY

PROPOSED 30 UNITS (18 THREE BED AT 1030 SF, 12 TWO BED/1404 SF)
GARAGES NOT INCLUDED IN FAR
FAR 83 (4380 SM GROSS)

SITE COVERAGE 34 %

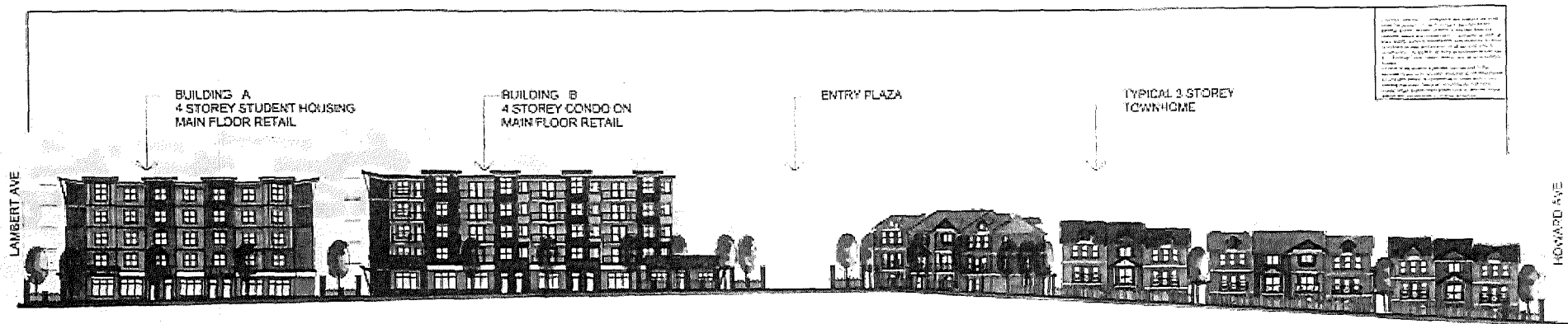
OPEN SPACE PROVIDED 20 %

PARKING PROVIDED 60 CARS 30 SURFACE/30 GARAGE

REMAINDER OF 560 THIRD STREET

5265 SM (1.38 AC) TO REZONE TO R 2 (SMALL LOT SINGLE FAMILY)
(LOTS 11 THRU 25)

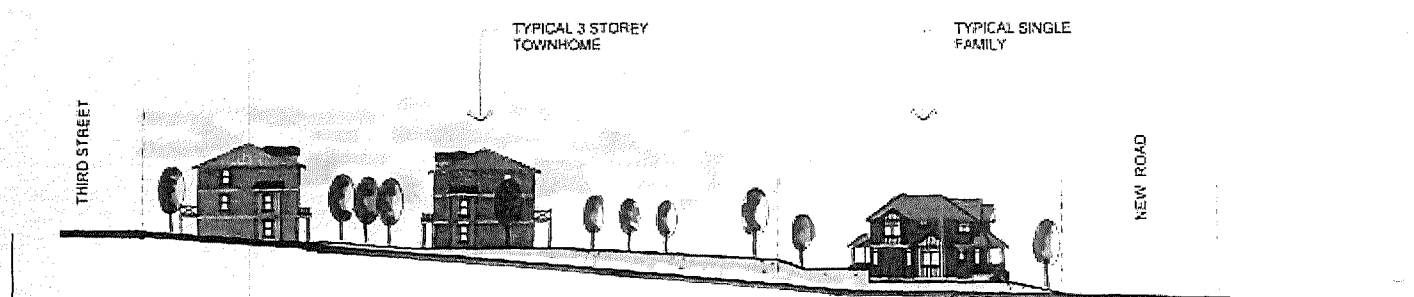
PROPOSED DEVELOPMENT 560 THIRD STREET	
ARMISHAW CROSSING	
NANAIMO, B.C.	
DRAWING:	
SCALE:	
DATE:	DEC 5, 2011
DRAWN BY:	KEN
REVISION:	
	DEC 14, 2011
	FEB 6, 2012
	MARCH 20, 2012
SHEET:	



THIRD STREET STREETSCAPE



NEW ROAD STREETSCAPE

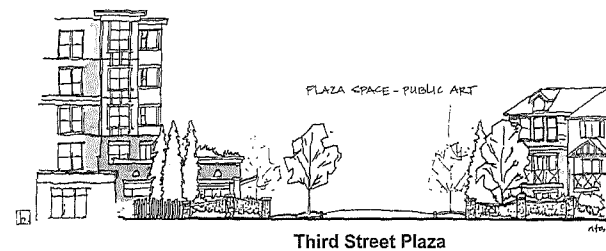


HOWARD AVENUE STREETSCAPE

1. The proposed development is located on the east side of Third Street, between Howard Avenue and Lambert Avenue. The development consists of a 4-storey student housing building, a 4-storey condo building, an entry plaza, and a row of 3-storey townhomes. The development is designed to be a high-quality, walkable neighborhood with a mix of housing types and amenities. The development is designed to be a high-quality, walkable neighborhood with a mix of housing types and amenities. The development is designed to be a high-quality, walkable neighborhood with a mix of housing types and amenities.

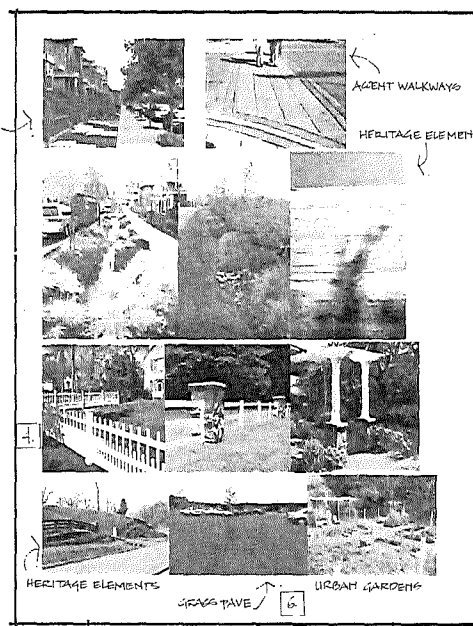
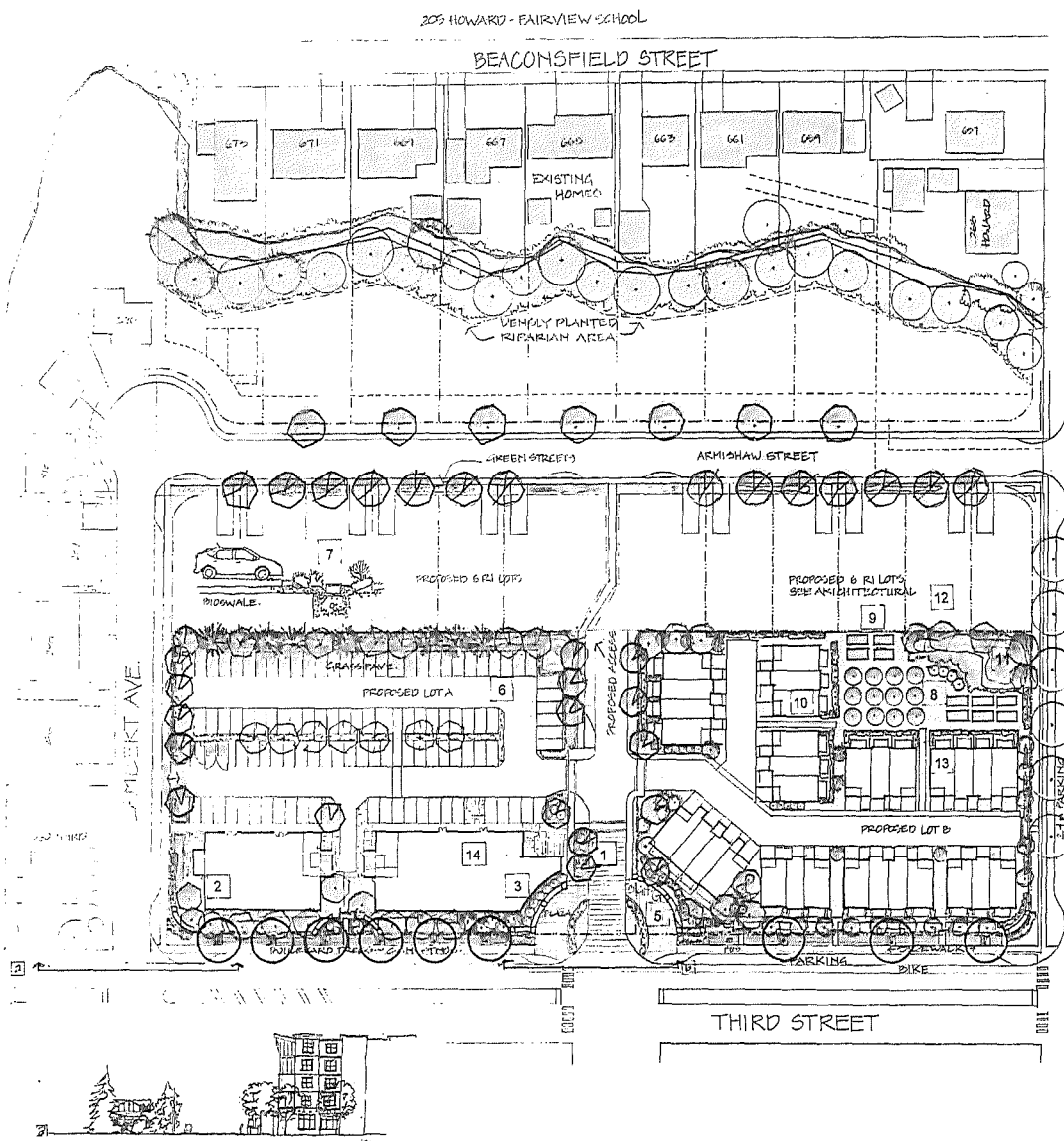
PROPOSED DEVELOPMENT 560 THIRD STREET	
ARMISHAW CROSSING	
NANAIMO, B.C.	
DRAWING	
SCALE	
DATE	
DRAWN BY	
REVISION	
SHEET	





560 Third Street

Armishaw Crossing



DESIGN ELEMENTS

- 1 Pedestrian access and routes
- 2 Green Street and Urban Forestry
- 3 Native plants and Heritage plant palette
- 4 Decorative Fencing
- 5 Arbours and stone clad pillars and walls
- 6 Permeable surfaces – grass pave
- 7 Cut curbing and Bio-swales
- 8 Common areas
- 9 Raised food / herb gardens
- 10 Orchard trees
- 11 Rain Gardens / Storm water management
- 12 Habitat areas
- 13 Meadow lawns
- 14 Roof top planters

[illegible]



Keltie Chamberlain, Landscape Design & Consulting

3160 Robin Hood Drive, Nanaimo, BC V9T 1P1

Phone: (250) 802-0436 Fax: (250) 729-0810

Email: keltiecham@shaw.ca

April 5, 2012

File No. 893.11

City of Nanaimo
455 Wallace Street
Nanaimo BC V9R 5J6

Attention: Mayor and City Councilors

SUBJECT: Section 33, Range 6, Sec. 1, Nanaimo Dist., Plan 630;
Zoning Amendment Bylaw No. 4500.015;
560 Third Street, Nanaimo BC

LANDSCAPE CONCEPT DESIGN

The landscape concept for this site builds on the design principles provided by the City of Nanaimo. The principles of the design concepts focus on the following items:

1. The historical value of the property as a landmark, and as an important piece of the City's history in Harewood Estates. Referenced by:
 - Public art and Plaques in the Plaza
 - Visual cues to the past throughout the site
 - Heritage value in the design elements
2. The relationship to Third Street and the property's street presence. Represented by:
 - The Plaza on Third Street
 - The boulevard/sidewalks lined with street trees
 - Heritage plantings on the street frontages
 - Welcoming entrances to residences and commercial spaces
 - A unique blend of past and future in the landscape treatments
3. The protection and improvement of the Environmentally Sensitive Area (ESA) adjacent to the Cat Stream. Accomplished with:
 - Dense riparian planting of native species in the ESA
 - Improvement of habitat
 - Storm water management within the landscape

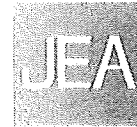
4. The opportunity to create a space that has a sense of community. Community space on the property includes:

- The Plaza on Third at Armishaw Crossing

- The orchard

- The communal food gardens

- A neighbourhood with connectivity to adjacent streets and amenities



**Armishaw Crossing
Civil Servicing**

**Dated April 5, 2012
File No. 87242**

**RE: Section 33, Range 6, Section 1, Nanaimo District, Plan 630
Civic: 560 Third St**

ROADS

We have worked with the City of Nanaimo Engineering and Subdivision Department to establish conceptual and high level designs for road improvements on Third Street, Howard Avenue and Lambert Avenue.

The new road, shown as Armishaw Drive, will be designed in accordance with the City Standards and Specifications through a subdivision process.

The complete road improvements will include approximately 600m (1970ft) of curb and gutter and sidewalk as well a total road surface of 1900m² (21000ft²).

Third Street

- Re profile the existing hump, currently limiting sight distance, over a distance of approximately 158m (518ft). The maximum cut to finish top through this section will be approximately 1m (3.3ft) fronting 305 Watfield Avenue to 551 Third Street.
- Widen Third Street for a full movement intersection to the proposed development and Watfield Avenue. This will improve through traffic flow along by avoiding waits for left turning vehicles.
- Widening to the north at Howard Avenue to allow for left turn lane access onto Howard Avenue and prepare for possible future intersection signalization.
- General widening to the north will provide a suitable cross section for a 1.8m wide bicycle lane and parallel parking area for the foreseeable future.

Howard Avenue

- Widen the intersection at Howard Avenue to the west for future full width intersection.
- Widening to the west to permit a parallel parking area for the foreseeable future.

Lambart Avenue

- Improve the road surface to include curb, gutter sidewalk and parallel parking area by widening along the east side.

☒ 1A - 3411 Shenton Road
Nanaimo, BC V9T 2H1
Phone 250-758-4631
Fax 250-758-4660

☐ 4212 Glanford Avenue
Victoria, BC V8Z 4B7
Phone 250-727-2214
Fax 250-727-3395

☐ 170 Morison Ave, PO Box 247
Parksville, BC V9P 2G4
Phone 250-248-5755
Fax 250-248-6199

RE: Section 33, Range 6, Section 1, Nanaimo District, Plan 630
Civic: 560 Third St

Page 2

Proposed Road (Armishaw Drive)

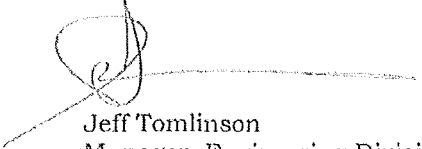
- Will provide interconnectivity for the local area that will provide for alternate access points and continual flow snow plowing between Lambert Avenue and Howard Avenue.

Services (Water/Sewer/Storm Drain)

- The site will be serviced by connection to existing water, sewer and storm drain mains. City engineering has not indicated that servicing will require upgrading at this point of the process. If upgrading is required we will complete the work to the greater standards of the City.
- The general site elevations indicate that the site drains towards Catstream Creek, with fairly flat contours adjacent to the creek. Building elevations will be set a minimum of 0.5m above the Catstream Creek high water mark.
- Storm water management will limit the 2 and 10 year storm flows through the bioswales and detention ponds. The larger storm events, such as 100 year and 200 year flow would be controlled by the possible use of permeable surfaces, wet wells, rock pits or underground detention tank. The detailed design process will determine the most suitable methods.

Yours truly,

J.E. Anderson and Associates


Jeff Tomlinson
Manager, Engineering Division

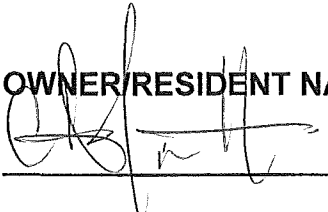
DATE: 04/01/2012

TO: Mayor and City Councilors
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

RE: REZONING APPLICATION NO. RA275; 560 THIRD STREET, NANAIMO, BC

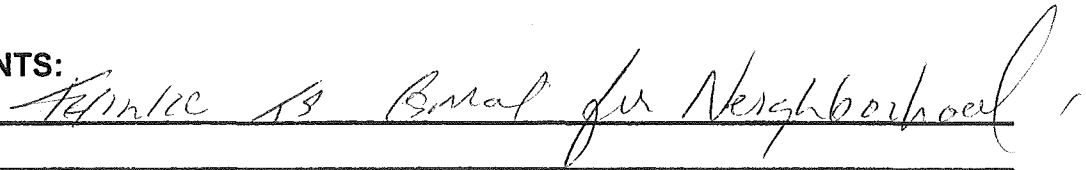
I/We the undersigned owners/residents have reviewed the Preliminary Development Plans for the subject property being presented to Public Hearing.

I/We hereby support the application for rezoning as presented.

OWNER/RESIDENT NAME:


OWNER/RESIDENT ADDRESS:

COMMENTS:



CORNER LOT — 509 THIRD STREET

DATE: April 01/12

TO: Mayor and City Councilors
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

RE: REZONING APPLICATION NO. RA275; 560 THIRD STREET, NANAIMO, BC

I/We the undersigned owners/residents have reviewed the Preliminary Development Plans for the subject property being presented to Public Hearing.

I/We hereby support the application for rezoning as presented.

OWNER/RESIDENT NAME:

MARK WARRINER

OWNER/RESIDENT ADDRESS:

505 THIRD ST.

COMMENTS:

Development in the neighborhood

Surinder Loomba [loombasurinder@gmail.com]

Hi Keith,

Thanks for the details on the plans for development in my neighborhood. I am in support of the details you have provided me.

Thanks
Surinder Loomba
284 Lambert Street
Nanaimo, BC

Margaret Dyke 657 Beaconsfield Road I am opposed to Bylaw 4500.015 RA000275 at 560 Third Street.

I'd like to refer council to the front cover of *A Walk Through Time: Harewood*, which illustrates the green lane leading into the farm, as well as the historic description within, and the back cover of the *City of Nanaimo Arts Heritage & Culture Guide*. I think these items in your package will give you a more realistic look at the Third Street Farm than the maps/aerial views.

I have lived here since 1992. I am able to see the seasonal changes on the farm from my kitchen window. On my neighbourhood walks I enjoy the view of Mount Benson across the fields and hedgerows that provide food and shelter for a variety of wildlife. The land drains into the Catstream, which like the historic farm is a special amenity for the neighbourhood. What may happen to the farm is therefore of great interest to me and my neighbours.

I participated in the Imagine Nanaimo process, which led to Plan Nanaimo and the 2008 Adoption of the OCP. Development of neighbourhood plans is considered critical to achieving the objectives of Plan Nanaimo, there is a specific commitment in the OCP to complete a corridor plan for Third Street, and there are numerous requests for the corridor plan from residents. As a major gateway to downtown Nanaimo well thought out development of this corridor is very important. On March 26th, just over a week ago, Council voted to initiate the neighbourhood planning process for the Harewood Area/Third Street Corridor.

It's ironic that the Third Street farm, which extensive research identifies as the only recognized intact acreage from B.C.'s earliest (1884) planned agricultural community is now being considered for development ahead of the current neighbourhood planning process. I cannot support this 5-acre rezoning and development proposal being approved before adoption of the Neighbourhood Plan.

That being said I will take the opportunity to address the proposal now it has reached this stage in the development approval process.

I chose to live in my neighbourhood because of its unique character with a mix of one and two storey single family houses, the Fairview Corner Store, Fairview School, heritage buildings, townhouses, home based businesses, small duplexes, the Third Street Farm and the Catstream. The population likewise is a mix, spanning economic and age ranges. I do support OCP referenced infill projects in neighbourhoods and medium density residential mixed-use developments that are sensitive to, and respect adjacent residential values of privacy, quiet, access to views and sunlight. Likewise I expect to see building design, massing and siting that respect neighbourhood character and support the needs of pedestrians (I'm a lifelong pedestrian)/cyclists with human scale corridor links as referenced in the OCP.

The minimum height for COR 2 is two storeys. Existing townhouses on Howard Avenue are two storeys (and apartment buildings on Wakesiah are 3 storeys). Existing student housing on the VIU campus is 3- storeys. The new unit at 440 Wakesiah ...I don't know how to describe this building I only hope nothing remotely like it goes here...even at 3 storeys dominates surrounding homes. I don't see the need for anything higher at 560 Third Street. The two proposed large five-story buildings in particular do not harmonize with the existing neighbourhood in mass or height. They are not human scale. The number of units this development proposes (i.e. 50 student rooms, 32 apartments, the associated commercial units, 30 three-story townhouses, and 15 single family houses) plus a new road will inevitably bring increased traffic with associated noise and pollution on to Howard Avenue and Third Street. Pedestrians (especially local school children), cyclists and electric scooter users will face access and safety challenges.

Development of the adjoining 2 1/2 acres will only add to this effect. The land base of this neighbourhood is losing a large open space with not even a 5% park designation at subdivision in the rezoning plan. Surely the developer can set aside 5% (only 10.890sq.ft) to leave a little piece of the wild rural area for the community. At least room for an urban food garden/permaculture project to benefit the community.... *the landscape plan illustration of an area with raised beds/trees is an amenity within the development not open to the whole community...* and provide a real

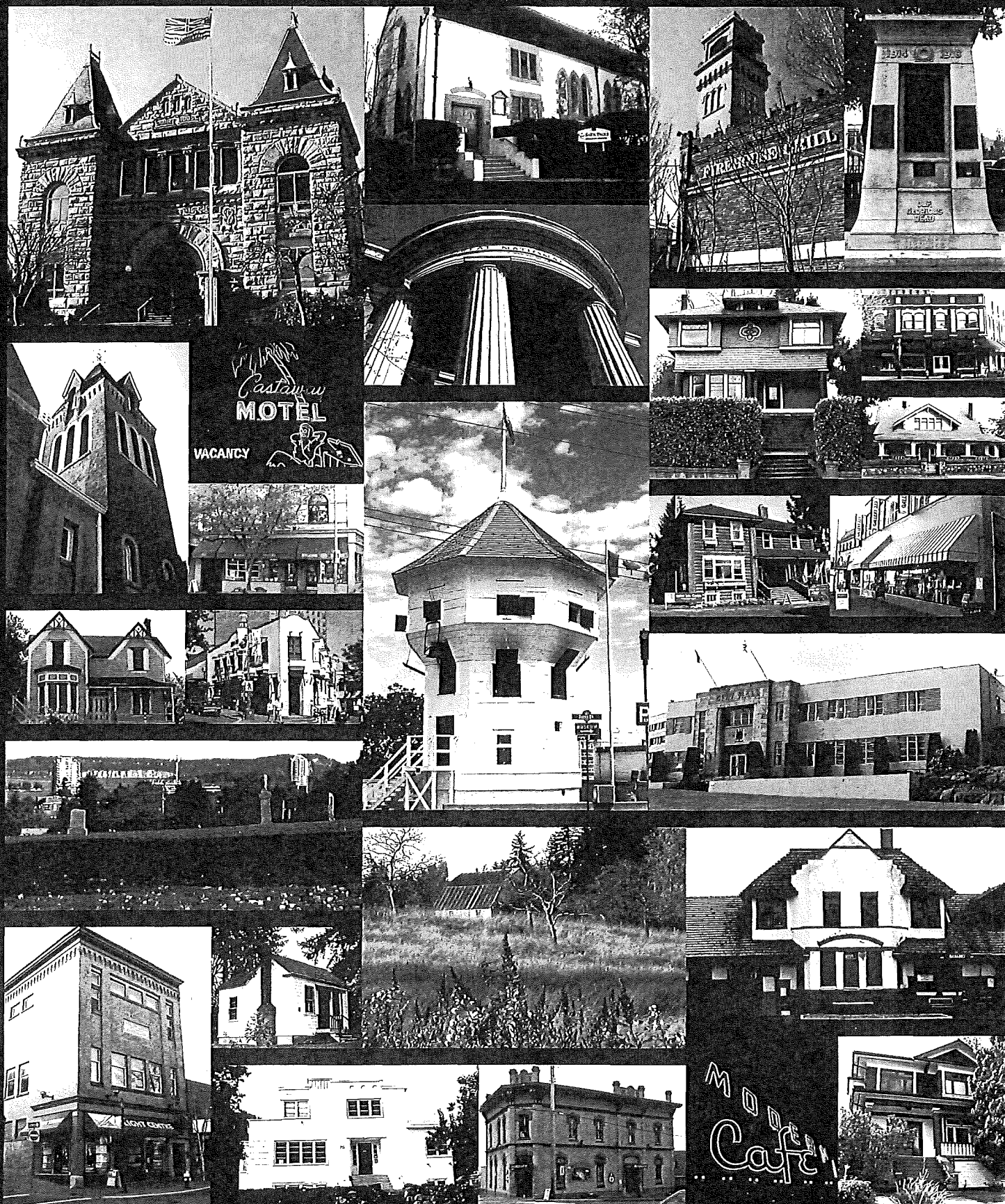
link to Nanaimo's agricultural history...the Mottishaws and Armishaws and all those families the 5-Acre Plots have nourished

I would support a development with lower building heights consistent with the neighbourhood, reduced parking ** complemented by a car share program and a green space, maybe it could include a co-op housing component. Something that would enhance our neighbourhood not overwhelm it.

***I was concerned to hear tonight about parking envisioned on Howard Avenue*

The Old City Neighbourhood (on the east side of Howard Avenue) has been given special consideration to enable specific zoning exemptions. The Third Street Five Acre Farm is "an exceptionally important site" and deserves similar consideration in the form of good planning, design and creativity... rather than needing a special zone... in order to respect our neighbourhood values.

In closing I'd like to thank especially city planner Sheila Herrera for sharing her knowledge so clearly and patiently every time I came to her, also Chris Sholberg, Richard Harding and other city staff for assisting me with my many questions around the rezoning process. Thank you for this opportunity to express my concerns.



HERITAGE NANAIMO

buildings and sites

More information on these buildings and sites included in the City of Nanaimo Heritage Register. Available online at: www.nanaimo.ca

April 2, 2012

Public Hearing at City Council April 5, 2012

Re: 560 Third Street (COR2 and R2) development Site

Presenter: Andrea Blakeman, International Education at Vancouver Island University (VIU)

Good evening Mayor Rattan and Council members. I am here to outline the availability of housing as it pertains specifically to international students in addition to providing general information about housing for all students at VIU, now and in the future

As of 2011, VIU enrolls approximately 18,000 full and part-time students including between 1100 and 1500 international students annually (VIU website). On-campus housing consists of approximately 385 dormitory beds with a variety of single-bedroom/shared bathroom options. Students share kitchen space to prepare and cook their own food. In the past 5-7 years, the VIU residence has hundreds of students on waiting lists to obtain a room on campus. In August 2010, it was reported that more than 700 students were on the waiting list for September 2010. This figure of waiting students has been fairly typical for some years, and is most notable during the period of September to April annually.

International students pose a unique challenge in relation to accommodation in that 100% of new, incoming international students require housing. Unlike Canadian students, they most often have limited ability to function in English. Suffice it to say that it is extremely difficult to locate a furnished, clean, safe place to live when relocating from Morocco, China or Nigeria, even if fully competent in the languages and culture of Canada. Compounding the challenge is that for many students coming from outside Canada, this is their first time away from home and the supports of family, friends and community.

The majority of international students at VIU require the following as a minimum:

- Clean, affordable, safe and culturally appropriate housing close to VIU
- Fully/partially furnished private room including a sleeping space, study area, kitchen(ette), private bathroom, common space/ social space
- Public transportation to larger areas of commerce, shopping, recreation and some access to connect with the larger Nanaimo community
- Amenities nearby that include a food store, pharmacy, café/restaurant(s), bank, etc

While the current state of available rental accommodation in the Nanaimo area is higher than it has been in some years, this will inevitably end with changes to interest rates, economy and city growth. This leaves all students at a disadvantage locating appropriate and affordable housing within a reasonable distance to VIU, most notably international students.

*Anderson
School grounds not
open to public 24/7*

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

April 5, 2012

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

Mayor Ruttan & Council Members:

I speak against Bylaw 4500.015, a bylaw for the rezoning of 560 Third Street.

The first 'open house' of the 'Armishaw properties' conducted by Maureen Pilcher, Land Consultant included 560 Third Street and 265 Howard Avenue.

Yes, the application tonight is only for 560 Third Street.

I note 560 Third Street is divided into Strata Lot A and Strata Lot B and 15 single dwelling small lots numbered 11 to 25.

Just a minute, lots 11 to 25 clearly indicate they are part of a subdivision plan as lots 1 to 10 are within 265 Howard Avenue.

If one saves money by only one (1) subdivision plan then one should amalgamate both properties, 560 Third Street and 265 Howard Ave.

In my opinion, this was the 'picture' first portrayed to the public.

** many speakers
not resident of area.*

*street
parking
no.*

There is very strong evidence subdivision is in the works which demands 5% parkland -

560 Third Street is 5 acres or 217,800 square feet

265 Howard Ave. is 2.27 acres or 116,305 square feet.

Five percent (5%) of the combined properties is 17,205 sq. ft. which would equal 4.9 single dwelling lots.

R2 single dwelling small lots are 325 square metres each.

Yes, the 5% of raw land always appears of small value, but there is nothing stopping the City from acquiring the 17,205 sq. feet (4.9 lots, a land bank) and later sale of the property, property gained by subdivision can be sold by the municipality. when value increases after the development of the surrounding land.

I do not accept a \$100,000 community contribution in the way of extraordinary works and services on Third Street.

I believe the city demands for the construction and improvements of adjoining roadways to any project are sufficient, the offer may open the door to the question of any additional extraordinary works and services value and in this case is already offered 23% lower than staff estimates. What extraordinary works and services do we need to waste money on and who judges the amount of works for \$1000,000 ?

I believe any and all community funds must go to reserve account for expenditure of greater value, such as parkland or of value to the community as a whole.

I believe there is \$123,000 community contribution and 4.9 lot (\$100,00 ea.) value to our community, shall we say \$500,000 ± on the table or shall we say a 1% taxation value to the community.

Yours truly,

Fred Taylor

From: Teresa McGown <tjmcgown@shaw.ca>
Subject: **April 5th - Public Hearing - Zoning Bylaw 2011 No. 4500**
Date: April 5, 2012 3:43:55 PM PDT
To: public.hearing@nanaimo.ca
Cc: Teresa McGown <tjmcgown@shaw.ca>, John Ruttan <john.ruttan@nanaimo.ca>, Diana Johnstone <diana.johnstone@nanaimo.ca>, Diane Brennan <diane.brennan@nanaimo.ca>, Jim Kipp <jim.kipp@nanaimo.ca>, George Anderson <george.anderson@nanaimo.ca>, Fred Pattje <fred.pattje@nanaimo.ca>, Bill Bestwick <bill.bestwick@nanaimo.ca>, Bill McKay <bill.mckay@nanaimo.ca>, Adrian Piloto <apiloto1@shaw.ca>, Sheila Herrera <sheila.herrera@nanaimo.ca>
1 Attachment, 2.7 MB

To whom it may concern...

My name is Teresa McGown - my Husband (Adrian Piloto) and I have lived at 665 Beaconsfield Road since 1993. We also purchased 659 Beaconsfield for our sons family in 2006. Due to a medical procedure earlier today, I won't be able to make this evenings Public Hearing re: Zoning Bylaw No. 4500.015 - 560 Third St. We hope the following and attached photo of our recent discovery can be shared and considered...

- We trust the property owner and developer are truly in tune with the vision of Nanaimo's future - what our community needs, what will make our community members and future generations proud. Too much of Nanaimo's history has already been lost and with the recent attention on Food Security, we hope that this property's history can be honoured in a much larger scale than outlined in the developers plans. The proposed density is a huge concern for the safety of those that live in the area and the young school aged children walking to/from Fairview Elementary. An increase of 160+ vehicles in the area is not only a huge concern re: safety but, air quality and increased traffic noise levels as well. Questions... with so many local developments - housing, commercial and retail spaces in Nanaimo - sitting empty or half full... is the proposed density truly needed - will it be utilized and does the developer have the funds to complete the proposed? Why doesn't the proposed development make allowances for electric cars, electric bikes, car sharing, etc.
- As the subject property is located within a "Corridor" - the Gateway to/from our lovely Heritage Mews/Old City Quarter/Downtown... we hope/trust that what's approved will present an image of Nanaimo that reflects the message we want residents and visitors to see - one that invokes pride and forward thinking.
- Since the abutting property to the North, 265 Howard Avenue (already zoned Single Dwelling Residential) isn't part of this rezoning application - runs along the Cat Stream - a stream and habitat that time/money/energy has gone into to restore - keep "Live"... we'd like to suggest that it's made available to purchase either by the city or residents that's wish to preserve the habitat. At no time was this or the other mentioned property offered up for sale to LOCAL developers, businesses or residents - a HUGE disappointment to many residents that have visualized keeping the inner city Historical Farm just that - a Farm. This smaller portion could serve many a beneficial purpose to the community - future Farmers Market site, Stream and Habitat education facility, community gardens, park, playground, safe walking corridor/bike path to/from school route, etc, - the possibilities for something extraordinary are endless.
- "Building A" and "Building B"... why has the developer proposed 5 storey buildings when other student housing projects in Nanaimo (new/under construction and established) are 3 storey - wouldn't it make sense to keep continuity? 5 storey buildings will only dwarf all other buildings in the area and it seems logical to many that future buildings be no more than the existing barn height. Also... what is VIU's position re: the proposed - have they provided a long term projection of enrolment?
- We truly appreciate what the city of Nanaimo "staff have recommended re: Street Trees, Art and Interpretive Information, Landscape Design and Exterior Building Treatments. We truly hope these all come to fruition.

- With that said... we'd like to know what's happened to the green spaces, park and playground components as per previous plans/proposals by the developer.

We realize there's nothing that be done/it's too late to turn things around re: the loss of what's referred to as "exceptionally important as the only recognized, intact acreage in one of British Columbia's earliest planned communities" and its mention on the "A Walk Through Time" brochure from the City of Nanaimo. It's darn shame that the city of Nanaimo didn't have the foresight to secure the property. Maybe it's not too late???

In addition to the above, there was an article in the Nanaimo Daily News on Saturday, March 10th that generated a number of comments about the property - here's the link for your review/records....

<http://www2.canada.com/nanaimodailynews/news/story.html?id=c89af5e6-3d15-4c4a-82a6-94774b48940e>

On Thursday, March 29th - page 3 of the Nanaimo News Bulletin - "Work starting on new plan for Harewood" by Toby Gorman - this article has us questioning what our actual neighbourhood is and also what the plan is. We've seen nothing solid so, how is it that 560 Third St can be developed without a Neighbourhood Plan in place?

The recent results of "Your Voice Our Nanaimo" made some very good points...

- Under "The Question of Sustainable Growth" - the possibility that the current population level is unsustainable - citing water, food security, the desire to preserve agricultural land, open spaces, green spaces
- Under "Social Inclusion" - subsidized housing for seniors - promote coops for cars, tools, bicycles, etc - promote urban agriculture to bring the cost of food down - in private and public spaces
- Under "Support Neighbourhood Diversity" - make neighbourhoods attractive and desirable
- Under "A Culture Shift": - build an image around Nanaimo of sustainability, quality of life and artisanship
- Under "Visible Environment/Sense of Place" - the city has great visible environment potential - more to be done to generate true pride of place - continue to protect green space and backdrop views as a priority - walkable city: bike lanes, pleasant streetscapes, car free Commercial St
- Under "Transportation Services" - cycle paths - continue to provide alternatives to car dependency - use hub to encourage car sharing - consider trolley buses for downtown core (this one makes a lot of sense) - need hop on/hop off buses - safer bike routes
- Under "Food Security" - Vacant land not being utilized - Nanaimo needs to plan for food security - develop a year round farmers market to support growers and make locally grown food more accessible - perhaps Beban park (I vote for the Armishaw property - the other portion not mentioned in this public hearing as it's close to downtown and a trolley car system could be used by residents and visitors to the city)
- Under "Nanaimo - the Age Friendly City" - subsidized, supportive housing for seniors - a cheaper alternative than formal care facilities - Recognize and celebrate talented seniors. I've included this one as maybe a blend of housing for students and seniors might cover more needs of our city. Add a trolley car to/from downtown and it would make a functional community.

Both my husband and I participated in - put a lot of time/energy into - the Plan Nanaimo back in the 1990's plus another study four or so years ago now "Your Voice Our Nanaimo" and must say feel very frustrated that most of what many folks expressed have not been taken seriously. We hope our time/energy this time is taken more seriously - some of it put into action.

My husband and I recently made a discovery which explains - to us as homeowners of 665 Beaconsfield Rd since 1993 - why we've been unsuccessful with restoration of native plantings along a portion of the bank of the Cat Stream. Up until two years ago, sticky/slimy goo was seeping out of the bank and nothing will grow near it. Please see the attached and note this shed is in line with the bank area of the Cat Stream - appears that whatever the previous owner disposed of made it's way down the slop of property to the bank/Cat Stream. A call was placed to the Department of the Environment but, no one has called us back. We hope/trust this will be investigated and dealt with.

Our hope with the recent talk and publications requesting residents feedback on Nanaimo's future... that some of what's been shared will be listened to/acknowledged/utilized. We are not against development - just trying to encourage growth/development that makes sense - compliments our city - gives us something to be proud of and stand out from the rest - setting an excellent example for others and future generations. Thank you for the opportunity - your time and attention.

Best regards,
Teresa McGown, Adrian Piloto and family :)



| Sent from my iPhone

Colliery Dam Park

Built in 1910 by the Western Fuel Company to supply water for coal washing and for use by miners, mules and horses in the mines, the Colliery Dam water system quickly developed an important secondary use. Homes near the pipeline were allowed to tap the line for domestic uses and eventually this water was carried to most of the homes in South Harewood.



8 645 Wakesiah Avenue

Farland Farm House

This residence, built around 1912, is a very good example of an Edwardian farmhouse. The building's solid appearance and minimal decoration reflect the era's move away from the ornamental excesses of the Victorian era.



9 467 Eighth Street

Spence Residence

Built around 1912, the house is a very good example of an eclectic Edwardian era design. Its highly refined details include a belcast roof line, a central corbelled chimney, a stained glass transom in the front bay and a very distinctive scalloped inset arch over the second floor balcony.



10 746 Railway Avenue

Robins Park

Robins Park, originally known as the Cricket Field, was constructed in 1903-04. The park was the site of many soccer and cricket championship matches, and also featured a horse race track. Its name was later changed to honour Samuel Robins, the Superintendent of the Vancouver Coal Mining and Land Company.



11 620 Park Avenue

Brookside Residence

Built around 1913, the house is very similar to buildings at 746 Railway Avenue, 648 and 650 Halliburton Street and was likely built by the same builder. The sophisticated design includes battered foundation skirting and an unusual scalloped inset arch over the second floor front and rear balconies. This house was built on a lot subdivided as part of the "Brookside" Subdivision in 1912.



12 465 Park Avenue

Brochure Produced By: Nanaimo Community

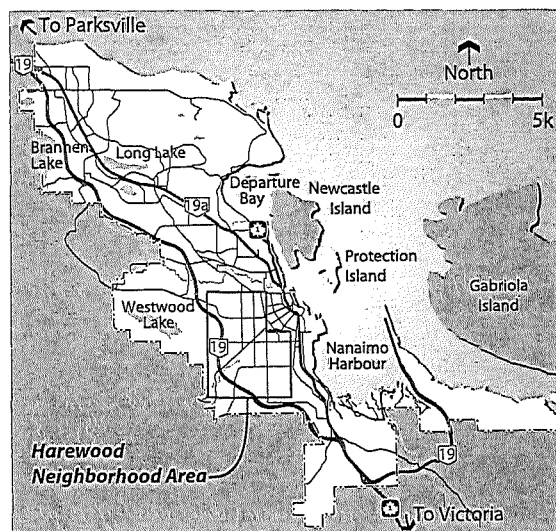


Heritage Commission

For more information about the buildings featured in this brochure, please ask for a copy of the City's Heritage Register at the Development Services Department, 238 Franklyn Street or visit the City's web site at www.nanaimo.ca

If you have questions about the City's Heritage Register or Heritage Conservation Program please contact:

Heritage Planner
City of Nanaimo
455 Wallace Street
Nanaimo, B.C. V9R 5J6
(250) 755-4429



Continue your visit to
Nanaimo's past at the:

Nanaimo District Museum,
100 Museum Way (250-753-1821).
Nanaimo Community Archives,
150 Commercial Street (250-753-4462).



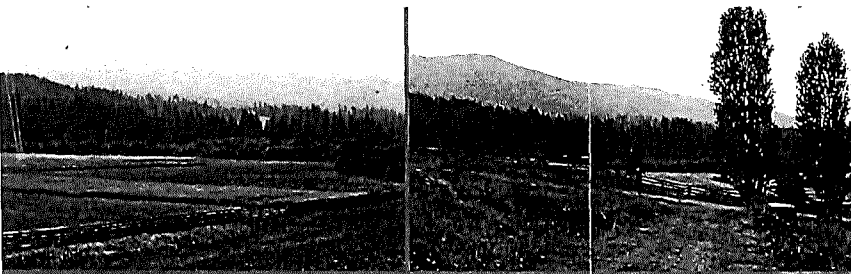
All historical photos courtesy Nanaimo Community Archives
© Nanaimo Community Heritage Commission
Special Thanks To:
Jim Teneyck, Icaad - Nanaimo Community Archives

A Walk Through Time

Your Guide to Nanaimo's Harewood Heritage Walk

In 1884, Samuel Robins,
Superintendent of the Vancouver
Coal Mining and Land Company,
purchased Harewood Estates, a
large parcel of land between
Nanaimo and the base of Mount
Benson. Robins subdivided the area
into five-acre plots and sold them to
mining families at affordable prices.

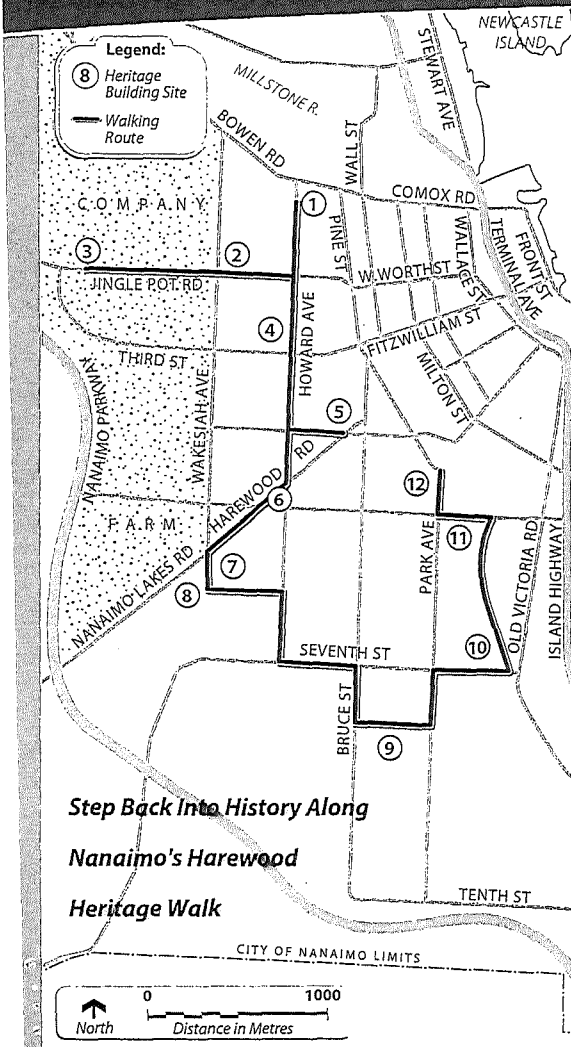
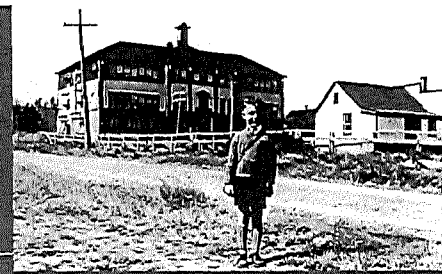
Today, the area's rural past lives on
in the remaining early farmhouses
and acreages.



Company Farm, ca 1913

Established in 1892, the Company Farm provided fodder and pasture for the mules and horses that worked underground hauling coal cars in the local mines.

Harewood School, ca 1940



Nanaimo Public Cemetery

The Nanaimo Public Cemetery was established in 1877. The modest early grave markers reflect Nanaimo's predominantly working-class population while more elaborate monuments provide the names of the city's wealthier citizens. The many inscriptions about mine accidents, testimony to the over 600 mine-related deaths that occurred from the 1860's to the 1950's, are representative of Nanaimo's history.



1 555 Bowen Road

Newbury Farm House

Built in 1918, the Newbury Farm House is a substantially intact, example of a Craftsman bungalow. William Newbury is known to have lived on the farm as early as 1909. He and his son were living examples of Samuel Robin's vision of self-sufficient miners. Alternatively listed as miners and nurserymen, the Newburys at one time operated a florist shop in downtown Nanaimo.



2 678 Second Street

Brick Cottage

The cottage was built as a coal company office around 1910. Although East Wellington was known as a brick and tile manufacturing area, brick was seldom used in residential work. Originally a one-lot large lot at the corner of Addison Road, the cottage was purchased from the Specogna family in 1998 and relocated to this site for use as an historical and environmental interpretation centre.



3 1904 Jingle Pot Road

Third Street Farm

This farm is exceptionally important as the only recognized intact acreage in one of British Columbia's earliest planned communities. The farm, including the acreage, house, barn, outbuildings and orchards, stands in stark contrast to the small city lots that surround it in an area that, over time, has lost much of its original rural character.



4 560 Third Street

Fourth Street Store

Built around 1910, the Fourth Street Store represents a type of building that was once common throughout the city. It is an excellent example of a simple, vernacular Boomtown or False-Front style structure. This building is the most intact early commercial-residential building in the Harewood area.



5 423 Fourth Street

Harewood School

Harewood School speaks to the direct role local coal companies played in shaping the physical and social development of the Nanaimo area. Samuel Robins of the Vancouver Island Coal Mining & Land Company selected the school's location and donated the site. Built in 1914, Harewood School is a very good example of a Classical Revival style building and the only remaining school of this style in the Nanaimo area.



6 505 Howard Avenue

Grewe Residence

Frederick Grewe, a miner, is listed as living on this site as early as 1900. It is likely this home dates from approximately that time. A concrete milk house remains on the Wakesiah Avenue side of the property, and the concrete foundations of a barn exist on the adjacent lot to the south, recalling the agricultural legacy of the area.



7 624 Wakesiah

Penny Masse

From: Webmaster
Sent: Thursday, April 05, 2012 3:26 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Adrian Piloto has sent a Public Hearing Submission Online.

Address: 665 Beaconsfield Rd.

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.015

Comments: Hello,

As our property backs right on the subject property there are a few points I wish to comment on

- why 5 stories on Third Street? As it is on a raise it will be very prominent and seemingly out of place. Would 3 not be enough?

- More retail. Why? Is Old city, downtown and University mall not enough? Would it not take away from already struggling businesses?

- Car parking. Why are we encouraging car use versus another transportation. Paving land for cars, 102 plus spots seems crazy.

- Dedicated green space/ parkland seems to be missing from the more recent plan vs. the original plan.

- With the increased discussion about food security, why is this not part of the discussion. The stretch between Armishaw Dr. and the Catstream could be used as community gardens or educational for the surrounding schools.

- there seems to be a increase in the number of houses. My estimate total of residents with one person per unit is 135 excluding the commercial. What is the norm for property of this size?

There is more that I could mention but will not. My wish is that those involved in the planning and development of this property can look back and be proud of what has happened and say to future generations, 'We did the best with what we had.'

Penny Masse

From: Barry Lorton [barrylorton@yahoo.com]
Sent: Wednesday, April 04, 2012 6:08 AM
To: Public Hearing
Subject: 560 Third St.,

To Sheila Herrera and city staff,

Keith Brown visited my house at 660 Third St. On Sunday April 1st., Martha Aviles advised me that he said that there would be no windows on the side adjacent to Lambert Ave., and also that there would be trees planted as a screen on that side of Lambert. I see no benefit for me with this development, it would be hard to improve on a farm that I have lived adjacent to for nearly 35 years until recently moving to Machleary St. I have advised the residents at 660 Third St., that they can voice their concerns as residents. Martha told me that the proposed building adjacent to Lambert would be 4 storeys, but I see that on the city proposal that 5 storeys are indicated. I will lose morning sun and I am particularly concerned about traffic issues. It is a pity that this piece of open green space will be lost as the city develops, and I would welcome some striking and 'avante garde' low level building, but realise that given our current economic structure that would not be likely. I would therefore like to ask that the city looks at the traffic issues with the possibility of rectifying any problems after the fact should it be necessary and also ask that the height of the building adjacent to Lambert be reduced. Thank you, I will phone Keith Brown later today make my concerns known, but will not be able to attend the meeting. Regards. Barry Lorton

Hans Heringa P. Eng.
Owner of Lots 1 – 14 Watfield Ave & Third St.
CDF Developments Ltd
Owner of 2.25 acres at Hillcrest & Third St
#4-1080 Industrial Way,
Parksville, BC, V9P 2W8
Tel: 250 248 2381 Fax: 250 248 4894
Email: hancon@shawcable.com

4th April 2012
3 Pages

By email: public.hearing@nanaimo.ca
Community & Safety Development Division
City of Nanaimo

Dear Sir or Madam:

Re: RA000275 – 560 Third St & 265 Howard Avenue, Nanaimo

We refer to the Public Hearing to be held on 5th April 2012 at 7pm in regard to the rezone of the above property.

We wish to object to the proposed rezoning for some valid reasons. (We own a similar sized property not far away from this site, Lots 1 – 7, 525 Third St, and Lots 10 – 14, 321 Watfield, and Lot 1, 553 Third St. Or 5 acres fenced, the former highways yard, on the eastern side of Third Street, nearby). So we are bonafide stakeholders.

1. Access concerns.

Specifically, this proposed project:

a) Seems to ignore the importance of our main access laneway on Third St, which provides the primary access to our legal non-conforming Court approved Use, on our Lots 1-7 and Lots 10-14. The (our) existing laneway and access is not shown on the drawing. We need access for low-bed trucks for equipment repair at our industrial shop.

The proposed design drawing for Third St places a traffic island and left turn laneway for this new development, in front of our primary existing laneway entrance. Our Industrial Use will now likely be restricted to right out only, and our truck traffic will now have to go out via Howard Avenue and 2nd Street.

Does the traffic report consider the (our) existing laneway access?

b) There is no deceleration/turning laneway required into or out of this new project at the main intersection opposite Watfield, for entrance to, or exits from, this development. (This was certainly a City requirement for us, at Uplands Road near Songbird Place, for our proposed rezonings and access here, many years ago).

c) Does the Traffic Report consider or contemplate Hillcrest Avenue as the likely main traffic corridor into our future development site, should our site ever obtain reasonable development and rezoning approvals? The Traffic Report needs to do this.

d) While our Lambert Avenue on the east side of Third St is presently a closed road by gazette, this doesn't necessarily mean that this roadway can't become dedicated roadway again. Has this possibility been considered by the Traffic Report?

2. These two properties are only assessed at \$180,800 and \$6,972 = \$187,772, according to the 2012 tax assessments, as these properties are/have been actual farm properties, and apparently are the remains of one of the two original Harewood Dairy Farms.

The point is that there is no history here, as a development property. These properties have paid very little to the City in tax contributions over the past many years.

3. This is still good farm and green space property, which slopes towards a significant environmental feature, Cat Stream. Development here cannot be good for Cat Stream. And what is the rush here? Why not infill the other available properties instead and first?

4. It is ironic that the City would allow the somewhat massive high density rezoning here, turning the green pasture hue into dense buildings and paved parking lots and roadways, while at the same time the City has placed many past roadblocks and hurdles in regard to the development of our 5 acre piece since 1988, on the other side of Third St (the former Highways Yard). Our site is a site that is already paved, and gravelled and half of the property sits vacant, and the other half has a legal non-conforming use on the paved upper portion. This property of ours is already zoned for residential use, (and is not farm use), and is a property which has paid significant property taxes over the past 24 years, and especially on the industrial/commercial use portion.

5. Isn't this a form of very inequitable queue jumping going on here?

We own a similar property for 24 years, and our Development Plans are continuously frustrated, largely by the City, and also the economy, and with ongoing proposals submitted since 1988, all at considerable expense (say \$100,000?).

Yet another (competing) developer buys land in October 2011, and seeks zoning approvals in April 2012, within 6 months of its land acquisition. Is this fair?

6. We have valid concerns that our present legal non-conforming Industrial Use, especially on Lots 1-7 and Lots 9-14 will detract from, and conflict with, this new development across Third St.

7. Also, in our opinion Watfield Avenue should be extended to 4th St. to improve the general traffic flow, before there is this kind of dense development at Third St and Watfield Ave.

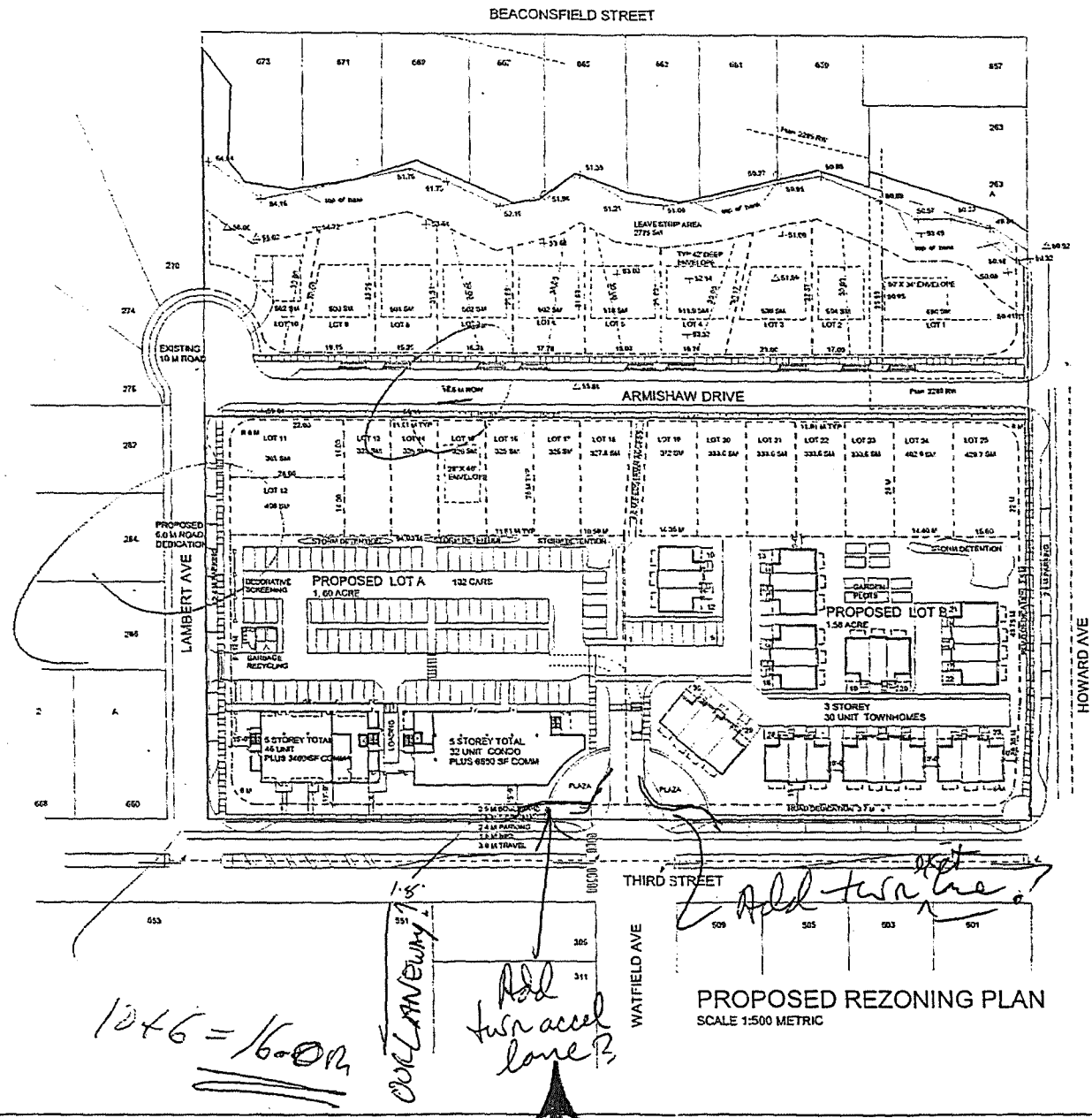
Regards,



Hans Heringa P. Eng.

HH/skt

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SITE DATA 560 THIRD STREET

GROSS SITE AREA 26229 SQ M (6.49 ACRES)
 CURRENT ZONE R1
 PROPOSED REZONING SUBDIVISION
 STRATA LOT A COR2
 4581 SQ M (1.04 AC) MIXED USE COMMERCIAL / RESIDENTIAL / 5 STOREY
 TOTAL COMMERCIAL 470 SQ M (10000 SF)
 TOTAL COMMERCIAL 33.0 BEDROOM UNITS
 1 GROSS FLOOR AREA ON 4 FLOORS (2463 SQM)
 TOTAL STUDENT HOUSING UNITS 89 STUDENT UNITS
 1 GROSS FLOOR AREA ON 4 FLOORS (1724 SQM)
 FARE FOR COMMERCIAL/RESIDENTIAL IS 9.75 PER LOT A
 SITE COVERAGE 18 %
 PARKING PROVIDED
 COMMERCIAL 4370 SQ M (95.7) + 35 CARS
 RESIDENTIAL 1.04 AC (24.6) + 83 CARS (12.5) UNIT + 44 CARS VARIANCE
 STUDENT HOUSING 89 STUDENT UNITS (1.04 AC) + 35 CARS
 MANAGER SUITE 1 CAR
 TOTAL REQUIRED 114 CARS / PROVIDED 132 CARS
 ONE LOADING BAY PROVIDED

STRATA LOT B COR2

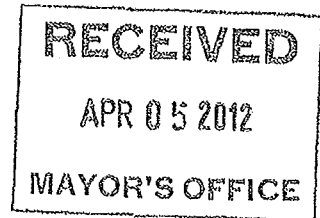
8300 SQ M (1.88 AC) MULTI FAMILY TOWNHOUSE / 3 STOREY
 PROPOSED 30 UNITS (18 THREE BED AT 1000 SF, 12 TWO BED (1400 SF))
 GARAGES NOT INCLUDED IN FARE
 FARE 83 (4330 SQ GROSS)
 SITE COVERAGE 34 %
 OPEN SPACE PROVIDED 30 %
 PARKING PROVIDED 60 CARS 30 SURFACE/30 GARAGE

REMAINDER OF 560 THIRD STREET

6245 SQ M (1.33 AC) TO REZONE TO R2 (SMALL LOT SINGLE FAMIL-)
 (LOTS 11 THRU 25)

PROPOSED DEVELOPMENT 560 THIRD STREET	
ARMISHAW CROSSING	
NANAIMO, B.C.	
DRAWING:	
SCALE:	
DATE:	DEC 8, 2011
DRAWN BY:	KEN
REVISION:	DEC 14, 2011 FEB 8, 2012
SHEET:	

Hans Heringa P. Eng.
CDF Developments Ltd.
#4-1080 Industrial Way,
Parksville, BC, V9P 2W8
Tel: 250 248 2381 Fax: 250 248 4894
Email: hancon@shawcable.com

5th April 2012

27 Pages

By Fax: 250 754 8263
Mayor & Council
City of Nanaimo

Without Prejudice
Private & Confidential

Dear Sirs:

Re: 525 Third St, 553 Third St, & 321 Watfield Avenue

Please see below my private and confidential comments which I write as a result of the application to rezone at 560 Third St and 265 Howard Ave - RA275. We do not want our comments below to be heard publicly, but we do request that the City of Nanaimo, and Mayor and Council consider these comments, when deciding whether or not to allow the rezone of 560 Third St and 265 Howard Ave to proceed at this time. A public submission has also been made separately.

1. We bought our Third St, 5 acre property in May 1988, by Public Tender from BCBC, which is now 24 years ago, but we have not been able to develop or to rezone this specific 5 acre property, over the past 24 years.

On December 23, 1989, the City and G. Berry initiated a Lawsuit against the Owners and Tenants, including me personally. (The Mayor, Frank Ney, didn't vote in favour of this). The Courts subsequently granted a legal non-conforming Industrial Use for Lots 1 - 7 and 10 - 14, and a residential use for Lots 8 and 9, and for the 2.25 acre bottom piece on September 2nd 1993, almost 4 years later. We were later able to build a very narrow house on Lot 8 at the corner of Watfield and Third St but that is about it. See the attached Court Order complete with plan #1.

2. After December 23rd 1989, we bought the adjoining 309 Hillcrest Ave, 7 acre site, and we later developed it into low cost housing, with Van Maren in the early 1990's, as the record may show. Robin Taylor will even tell you that we provided works and services here on Wakesiah and Foster St on this project, even though not yet obligated to do so by any Bylaw. (We have yet to recoup these monies). See the plan attached #2.

3. Also, we acquired and developed the +/- 13 Lot residential Sperling Road subdivision, at Sperling Rd and Watfield Avenue, to the east of our Highways yard in or about 1995. See the plan attached #2.

4. Other past History – We tried to rezone the bottom 2.5 acres of our Highways yard into further multi low cost housing but our proposals were rejected by the City in or about 1994 (a guess, or as the record shows), or after the Van Maren 309 Hillcrest project was completed. We also tried to rezone the bottom 2.5 acres into an apartment site, but that was also rejected by the City in or about 1995. (A guess or as the record shows).

We also later tried to develop the (our) entire site into a 25 Lot residential subdivision, 18 Lots plus 7 existing Lots in about 1995, and various variations of it, but that was frustrated by the City, who imposed extensive upgrade requirements on Third St and DCC's on the existing 14 Lots, etc. This just made it uneconomic to proceed with anything. (See the attached #3).

5. Recent Events

a) We took further steps in development in 2009 and 2010 as per correspondence dated 3rd June 2009 to 23rd November 2010. See attached #4.

b). We even undertook some recent steps towards development of our property as is confirmed by the recent City letters of October 4th 2011 and November 14th 2011, copies attached #5.

6. The rezoning of this other adjacent property RA275 at this time, is clearly going to further delay the development of (and the abandonment of the legal non-conforming industrial use presently) at our 5 acre Third St property, between Hillcrest Ave and Watfield on Third St. Again, we bought our Third St yard property in "good faith", to develop as a residential subdivision, back in May of 1988, but it never happened, due primarily to the City events and the broken relationship.

7. The City's past actions with our Third St property are really the problem here, and one that has prevented the further development here, for the past 24 years.

8. Again, isn't this some form of inequitable queue jumping?

We own our property for 24 years, pay taxes and become a frustrated Developer, thanks to the City of Nanaimo, and the City's litigation and past grudges, blacklisting and 2001 City Tendering Policy. Others develop, and we get to sit idly by, and watch.

9. The City still owes Sound Contracting Ltd. (one of my Companies) money from a 2000 meeting before Council, with L. Krog as our Solicitor, where the City was offering to pay +/- \$200,000 to settle all of Sound's past issues. It never was finalized. (Note

that Sound was also named in the City's 1989 zoning Writ for Third St). It never was finalized.

10. The City still owes Rascal Trucking Ltd (one of my Companies), money further to a 2001 unsuccessful Mediation for the dirt pile damages, and where L. Krog filed the Writ, and where the City issued a Permit.

At the 2001 Rascal Mediation, the City was prepared to pay +/- \$200,000 and Rascal Trucking Ltd and Kismet Enterprises wanted \$500,000. The amount owing has increased with time. This has yet to be finalized.

11. It is also time that the City made amends, and paid financial compensation to our (my) Companies, so that these same monies can be ploughed back into the development at Third St. Senior City Staff has to provide real cooperation and assistance to us, like they do with Nored, Windley and others. The City needs to rescind the January 2001 Purchasing/Tendering Policy as it presently applies to me and my Companies.

12. Our Third St property has better access to Wakesiah and the College, albeit via the Low Cost Housing Project and Foster St.

13. However, we are not in a comfort zone with the City and City Staff for proper approvals for our project. What is the point in us proceeding now, with any further development costs and construction on our site, which is zoned residential, and has legal non-conforming use, when the market will be satisfied and satiated for the next 5 years, with this other competing project if it is rezoned?

Proper and better communication between Senior Staff and myself is needed to fix this. The recent departure of G. Berry has not resulted in anything positive for us, as yet.

Regards and thanks for listening. Please help us out here if you can.



Hans Heringa P. Eng.

Cc Al Kenning, City Manager.
HH/ekt

Attachment #1

NO: SC9976
NANAIMO REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

City of Nanaimo



SUPREME COURT
BRITISH COLUMBIA
AND:

NANAIMO
REGISTRY



BRICKYARD ENTERPRISES LTD.
—SOUND CONTRACTING LTD.
COHO PAVING LTD.

MIKAEL MANNYNVALI, carrying on business
as HAREWOOD AUTOMOTIVE

JOHN I. DYCK, carrying on business as
JIDCO WELDING MANUFACTURING AND MAINTENANCE, and
NORMAN J. PAQUETTE, carrying on business as
ICE AGE PRODUCTS and HANS HERINGA

DEFENDANTS

ORDER

BEFORE THE HONOURABLE MADAM
JUSTICE HUDDART

) MONDAY, THE 3RD DAY OF
)
) MAY, 1993

THIS ACTION coming on for trial at Nanaimo, British Columbia, on March 2 and 3, 1993, and on hearing Kathryn D. Stuart and Robert C. Macquisten, counsel for the Plaintiff, and F. Timothy Williamson, counsel for the Defendants; and Judgment being reserved to this date: May 3, 1993;


THIS COURT ORDERS that the use of Lot 1, Section 1, Nanaimo District, Plan 14951 and Lots 1-14, Block 2, Section 32, Range 6 of part of Section 1, Nanaimo District, Plan 1391 (the "Lands") for any purpose contrary to the City of Nanaimo's Zoning Bylaw 1981, No. 2370 is prohibited except that the use of the

Porter

2.

following portion of the Lands is permitted pursuant to Section 970 of the Municipal Act as follows:

- (a) Lot 1, Block 2, Section 32, Range 6 of Part of Section 1, Nanaimo District, Plan 1391 for access to Lambert Avenue;
- (b) Lots 2, 3, 4, 10 and 11, Block 2, Section 32, Range 6 of Part of Section 1, Nanaimo District, Plan 1391 is vacant land for employee and client parking incidental to the use of neighbouring buildings on the Lands;
- (c) The buildings on Lot 5, 6 and 7, Block 2, Section 32, Range 6 of Part of Section 1, Nanaimo District, Plan 1391 can be used for storage of materials and equipment;
- (d) The building on Lot 9, Block 2, Section 32, Range 6 of Part of Section 1, Nanaimo District, Plan 1391 can be used for office purposes;
- (e) The buildings on Lots 12, 13 and 14, Block 2, Section 32, Range 6 of Part of Section 1, Nanaimo District, Plan 1391 can be used as a repair and maintenance shop for vehicles and equipment;



THIS COURT FURTHER ORDERS that the Defendants are prohibited from using or allowing the use of that part of the

3

closed Lambert Avenue, lying to the south of Third Street, between Lot 1, Plan 14951 and Block 2, Plan 1391, Section 32, Ranges 5 and 6, Section 1 and to the north of Section 31, Ranges 5 and 6, Plan 630, Nanaimo District, in the City of Nanaimo ("Lambert Avenue") for the purpose of vehicle parking and from using or allowing the use of the buildings on that part of the closed Lambert Avenue;

THIS COURT FURTHER ORDERS that the Defendants are prohibited from using or allowing the use of the closed laneway in Block 2, Plan 1391, South of Third Street, Nanaimo District (the "laneway") for the purposes of vehicle parking with the exception of casual parking by clients or employees of the businesses being carried out on the lands;

THIS COURT FURTHER ORDERS that the Defendants, the agents, employees and servants and anyone else having knowledge of this Order are prohibited from using the Lands or the closed Lambert Avenue and laneway except as set out in this Order;

THIS COURT FURTHER ORDERS that the parties bear their own costs.

APPROVED AS TO FORM:

Kathleen Part
Counsel for the Plaintiff

[Signature]
Counsel for the Defendants

BY THE COURT

[Signature]
DISTRICT REGISTRAR

ENTERED

SEP - 2 1993

ORDER BOOK VOL. 132

FOL. 101

Per [Signature]

5426

D.D. 401700-1

MILLICOTT AVE.

Bottom Lot
VACATED

LAMBERT
AVENUE
CLOSED
CANNOT
BE USED
FOR PARKING
OF VEHICLES
AND THE
BUILDINGS
ON THE
LOT WERE
NOT TO BE
USED.

7) LOTS 5, 6, 7
BUILDINGS
(CAN BE USED
TO STORE
EQUIPMENT ONLY
8) LOTS 2, 3, 4
CAN BE USED
FOR PARKING
OF CLIENTS AND
EMPLOYEES
INCIDENTAL
TO USE OF
NEIGHBOURING
BUILDINGS ONLY
CAN BE USED FOR
ACCESS TO LAMBERT
AVENUE ONLY

LAMBERT AVENUE - PARKING ONLY

9) BUILDING CAN
BE USED FOR
OFFICE PURPOSES
CAN BE USED
FOR CLIENT OR
EMPLOYEES
PARKING NEIGHBORING
TO USE OF
11 NEIGHBOURING
PROPERTIES
CAN BE USED
FOR REPAIR AND
MAINTENANCE
12) SHOP FOR
VEHICLES AND
EQUIPMENT
13) EQUIPMENT
14)

1. N 1/2, S 31
R 5

6

8

9

PLAN

10

RAV

SPERLING RD

9 F. 41775

YATFIELD AVE.

4

3

Search Themes Print Store Measure

Map Search Info Help

AssessmentParcel 1 features selected.

approx. area: 32103 sq. m.

approx. perimeter: 794 m.

GISLINK
PLAN

110090

1 features, approx 32103 sq m (7.93 acres)

Theme: Default

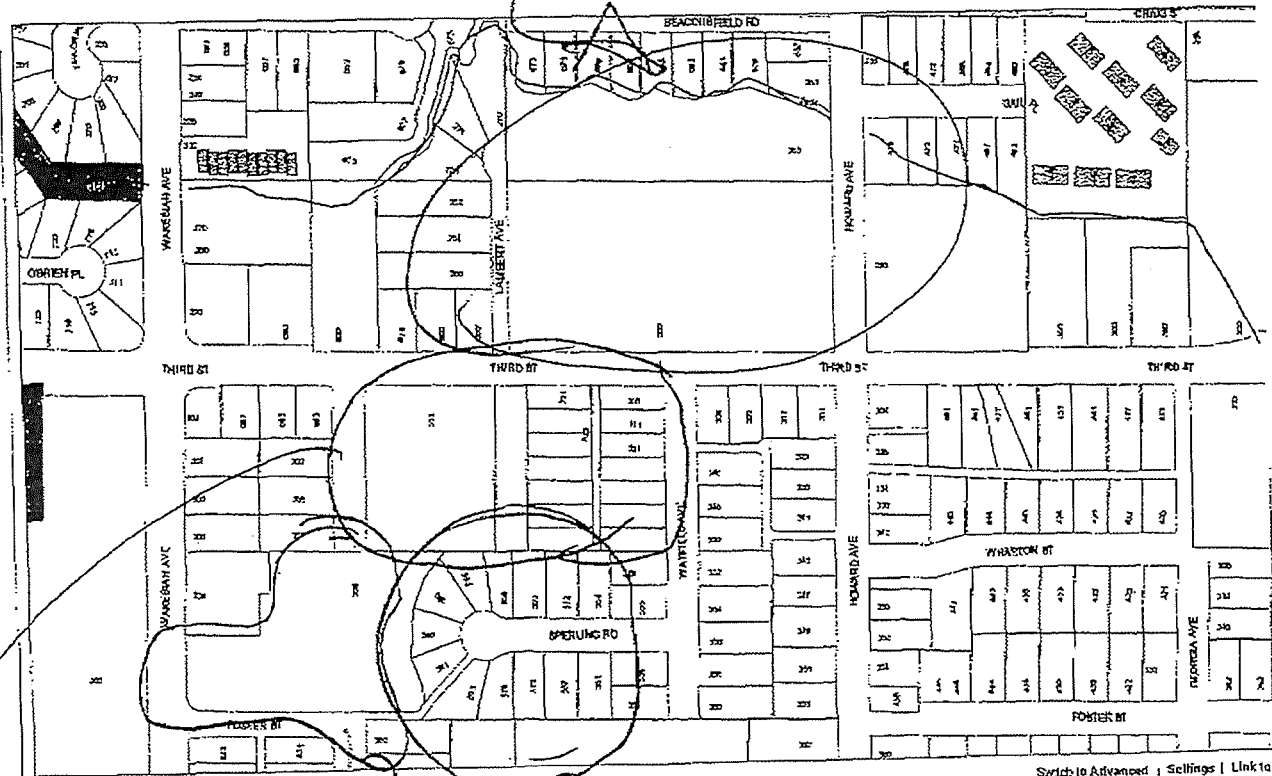
Switch to Advanced | Settings | Link to 1

our
Highways
YARD

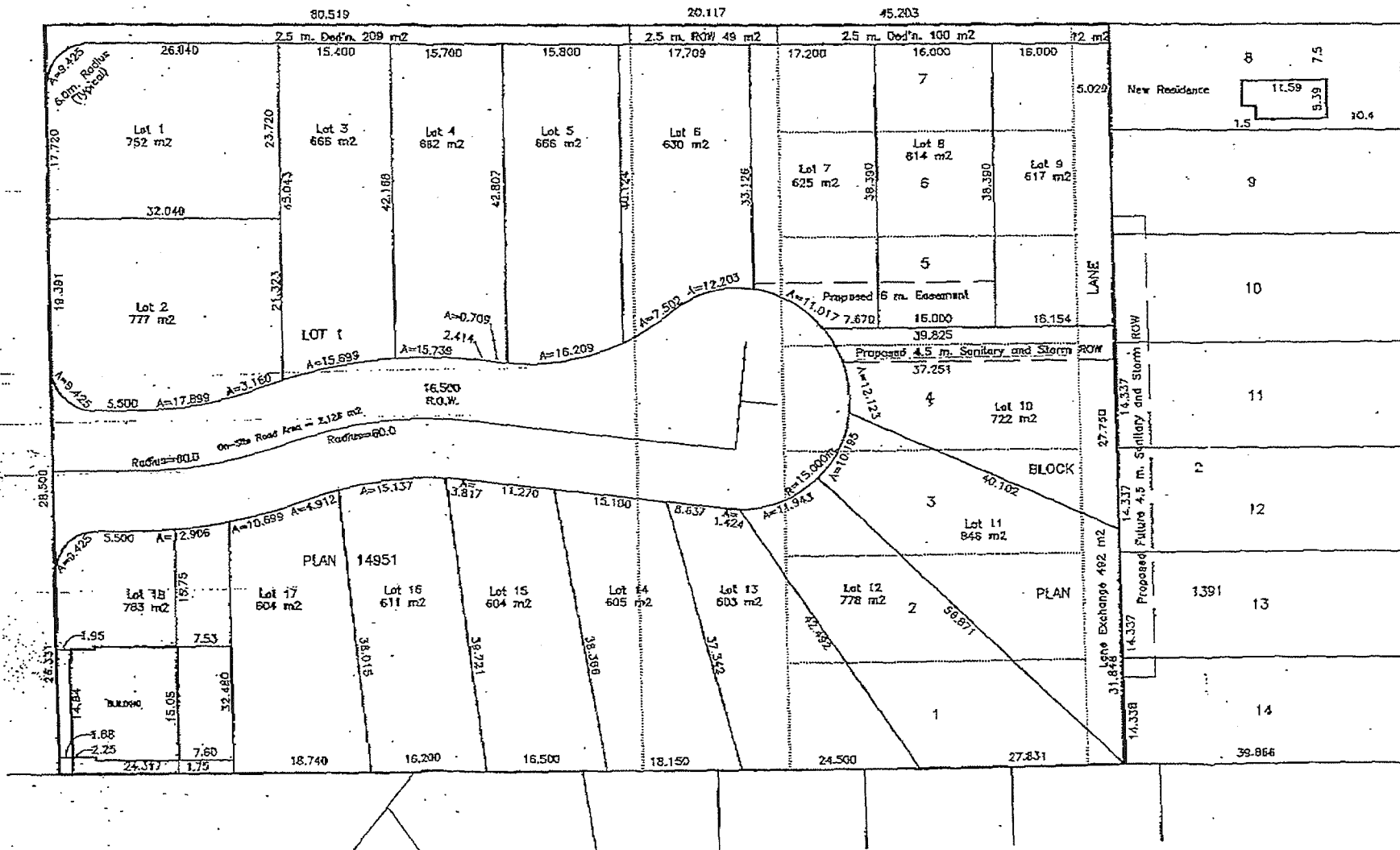
Low Cost
HOUSING
AT 309 Hillcrest

BLT
RES SUBDN

Apr 5/12
REZONING



THIRD STREET



04/05/2012 15:00 FAX 2502484894

HANCON HOLDING

→ NAN MAYOR

600 

WATFIELD ROAD

Y. SITE

#

JOHN L. SPENCER ENGINEERING LTD.

March 28, 1995.

Our Neighbours
Hillcrest Avenue,
Sperling Road,
Watfield Road.

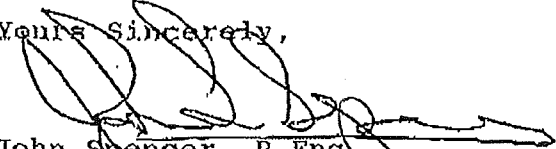
SUBDIVISION 553 THIRD STREET - BACKGROUND INFORMATION
HILLCREST ROAD/THIRD STREET 18 LOT RESIDENTIAL SUBDIVISION

Dear Neighbours;

On behalf of Brickyard Enterprises Ltd., who own the vacant land near Hillcrest and Third Street, I am pleased to announce that we intend to clean-up the area and build a single-family residential subdivision as shown on the attached plan. We are proposing 17 single family residential lots of a good size and 1 duplex lot upon our proposed Lot 18. We have submitted architectural plans to refurbish that old block building into an attractive duplex. We need your support to Rezone the proposed duplex Lot 18 for that use. With your cooperation we will proceed to develop the vacant lands this year being proposed Lots 1-6 and Lots 14-18 and next year in 1996 Lots 7-12. The Existing Lots 9-14 on Watfield are planned for single family development in 1996 or 1997. The Rezoning and Subdivision will see Hillcrest Road upgraded too.

We request your cooperation in providing your support for the project by supporting our rezoning application for the duplex on our proposed Lot 18. Please place your comments on this form and mail your comments in the self-addressed envelope. Please do call me at 758-3425 if I can be of assistance, Thank You.

Yours Sincerely,



John Spencer, P.Eng.,
JOHN L. SPENCER ENGINEERING LTD.
2439 Holyrood Drive,
Nanaimo, B.C.
V9S 4K7

P.S. The existing BCBC fencing on the southerly boundary will be kept or upgraded depending on the City of Nanaimo approving of its residential use.



CITY OF NANAIMO

VANCOUVER ISLAND • BRITISH COLUMBIA

1995-JUN-23

Our File: RA 95-04

John L. Spencer, P.Eng.
2439 Holyrood Drive
Nanaimo, BC
V9S 4K7

This is the original of document
sent to you by fax on:

95. Jun. 23

Dear Sir:

Re: Rezoning Application RA 95-04 - 553 Third Street

The City's review of the above-noted application has been completed, and the issues noted below are brought to your attention. Please be advised that the time delay in getting this letter to you, was due to the need to deal with environmental issues and the Code issues relevant to the retaining of the structure on site, for the creation of a duplex.

We trust this letter will provide you with the direction to revise your rezoning proposal prior to advancing to Council.

At the end of the letter we have provided a tentative timeline with respect to the processing of your application.

1. Building Inspection

A special inspection of the existing structure was conducted 1995-MAY-16. The conversion of the structure to a duplex has been deemed as feasible. Building Code issues would still need to be addressed at the building permit stage.

2. Contaminated Soils

As part of the rezoning application and the associated subdivision application, it was brought to our attention that contaminated soils exist on the upper bench of the subject property. Due to the nature of this site and its previous uses, Staff will require that on-site supervision by a qualified consultant, take place during development of the subject parcel, in order to

#4

Hans Heringa, P.Eng.

1080 Industrial Way

Parksville, B.C. V9P 2W8

Phone (250) 248-2381 Fax (250) 248-4894

hancon@shawcable.com

FAXED

23rd November 2010

2 page(s)

By Fax

Ted Swabey – General Manager

Development Services

City of Nanaimo

Fax: 250 755 4439

Dear Sir:

Re: 553 Third St (Lower Half) & Lots 1-14 (Upper Half)

We are reviewing the development possibilities for this property, and in light of the new OCP.

We note that there was no reply to our further letters of November 26th 2009, and 10th December 2009, addressed to you, nor to our letter of November 16th 2009, addressed to Al Kenning about any DCC exemptions for 320ft² units. There was also no reply to our August 11th 2009 letter addressed to G. Berry.

Can you reply to at least your two letters? We would still appreciate some answers on some key points, to decide if any further meeting is really justified.

Alternatively, can you, or someone, address these points now?

1. Is Third St a DCC Project or not? i.e. Are we obligated to upgrade Third St, or will the DCC's pay for it?

2 a) For the bottom half of 553 Third St - Will we be credited DCC's for all of the existing buildings, and for the footage that existed when we purchased the property back in about 1988? Yes or no?

2 b) For the top half of 553 Third St. - Will we be credited DCC's for the higher of 12 residential Lots (Lots 1-7, 10-14), or the DCC's based on the original square footage that existed, based on square footage, including buildings in the Laneway, and in the Lambert Closed Road, by Gazette?

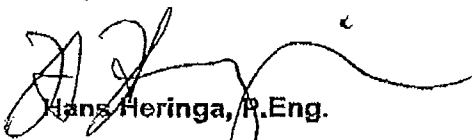
3. We understand that no one has been able to find the past drawings for the proposed L.I.P. project for Watfield, that we originally supported during the time of Hal Leighton as Public Works Construction Manager. Is this correct that there are no design drawings?

4. Can we widen the existing 5.0m closed lane width to 7-10mtr ranges, and use this widened Lane to service Lots 1-7?

5. Can Lambert Rd (closed by Gazette) be incorporated into a development?
6. Is there any perceived need for a further road connection from Hillcrest, up to Watfield Avenue?
7. Would the following concept work:
- a) For the upper half – 2 existing houses remain on Lots 7 and 8. We add a house to Lot 7 and 8. We build 4plexes on the other 12 Lots = 48 Units. i.e. We build 50 more new Units here, on this approx 1 ha of Land?
- b) For the lower half - 150 Units/1 ha x 1 ha. So we would be allowed to build 150 Units here, on the 1 ha of Land, which includes the closed Lambert Rd (2000m²), and after deducting 1000m², say for a duplex Lot complete with the duplex block building.
- Say 50 Units Senior Housing (1 Building)
 50 Units Family Housing (1 Building)
 150 Units Student Housing, equivalent (1/3 size= 3 x density) of 50 equivalent Units say, in 2 buildings.
- Would the Senior Housing and Student Housing be exempt from DCC's?
- Would the City support any Commercial here, such as a Coffee Shop, Pizza place, Barber Shop, Hair Salon, etc?
8. Any serious known issues with the existing water, storm, or sanitary sewer for this Project?
9. How will CDF Developments Ltd., (and myself personally) be treated here in regard to the necessary approvals in light of the City's January 26th 2001 Tendering Policy? Will the "bad faith", retribution, and interference with Contractual Relations etc., all just continue, unimpeded, and with no real cooperation? Just like before? Perhaps this Tendering Policy should be reconsidered and removed first?

Who discuss this with Council?

Regards,


Hans Heringa, P.Eng.

cc Al Kenning, City Manager
 Mayor Rutten & Council ✓

HH/skv

RECEIVED

Hans Heringa, P.Eng.
1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-2381 Fax (250) 248-4894
hancon@shawcable.com

10th December 2009
File: CIP429
2 page(s)

By Fax
Ted Swabey General Manager
Development Services
City of Nanaimo
Fax: 250 755 4439

Dear Sir:

Re: 553 Third Street – Upper Half of Highways Yard Lots 1 to 14

1. There was a L.I.P Design for Watfield Avenue done way back in about 1990 or so, just after we bought this property. We signed the Petition, and supported it and the Project as we recall, but the City later chose not to proceed with the work, for reasons unknown.

What is the present status of this past L.I.P. Project? Is the design still valid? Would/could the City now proceed with this Project? Could the City place this Project in its 2010 or 2011 Budget?

2. We still recall that Third St was a DCC Project previously, and will check our files on this. In the meantime, could you confirm/advise the extent of works and services that would be needed as part of a rezoning? Road widening? New sidewalk? Street lighting? Signal lights?

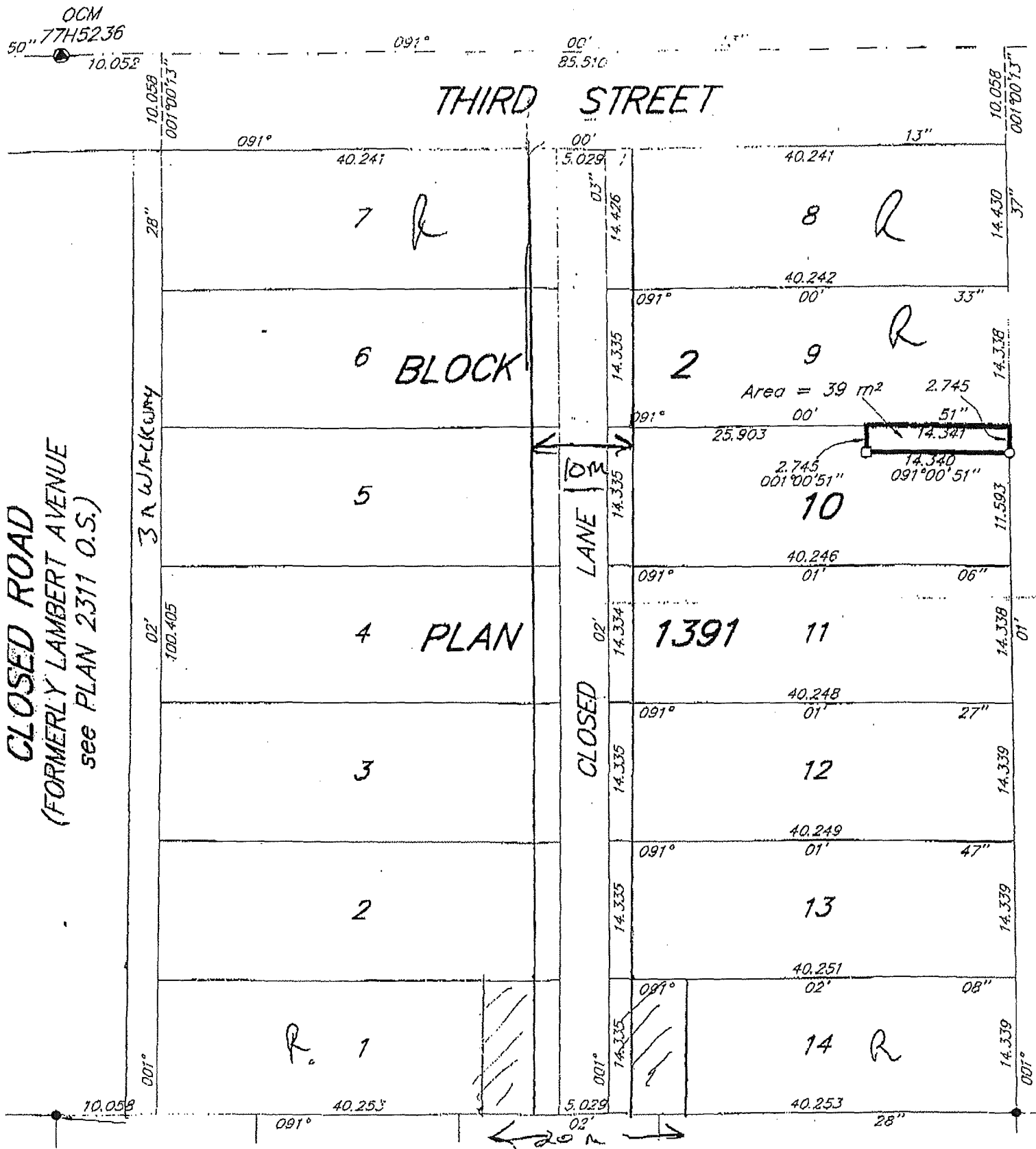
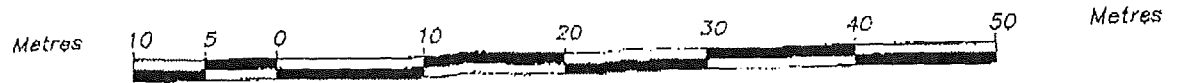
3. Is it safe to assume that we would be exempt from all works and services on Watfield Avenue and Third St, if we don't rezone and just proceed with upgrading the servicing to the 12 vacant Lots 1-7 and 10-14, on the upper half of the Highways Yard?

4. Can we widen the existing 5.0mtr lane, to say 7-10mtrs range (see the attached) and use this lane as the roadway to service Lots 1-7? (Lots 8-14 would be serviced from both Watfield and also from this Lane). The Lots would become a bit smaller. Are Lots > 500m² okay here?

Thanks for any further assistance here.

Regards,


Hans Heringa, P.Eng.





2009-Nov-25

File: CIP429

CDF Developments Ltd.
1080 Industrial Way
Parksville, BC V9P 2W8

Attention: Mr. Hans Heringa

Dear Sir:

Re: 553 Third Street -- Bottom 2.25 acres of Hillcrest

This letter is in response to your letters addressed to Mr. Berry. The answer is "no" to your question with respect to can the City waive development cost charges (DCCs) or charge at the rate of those back in 1989. Provincial Statutes do not permit local governments the authority to do this. With respect to further development of the land, as you are aware, the City's Official Community Plan provides for policies related to guidance to Council for applications for changes to zoning on subject properties. I would encourage you to review this document, as it relates to your property, and consider whether or not you would like to meet to discuss development opportunities and constraints further. I have attached recent correspondence addressed to Bond Development Corporation which responds to their request for increased development on the subject property. I also have noted several subdivision files which were never completed and provided you with access and roads issues to be considered when developing the property.

Notwithstanding this and as you have experienced previously, the neighbourhood consultation for any change of use will be imperative, as it relates to your success in requesting changes to your development rights on the subject property.

I trust the preceding is satisfactory. Please do not hesitate to contact me, should you have any further questions with respect to this matter.

Yours truly,



ECS/mp
Attachment
Prospero: CIP429

cc: Al Kenning, City Manager

FAXED

CDF Developments Ltd.

1080 Industrial Way
Parksville, B.C. V9P 2W8

**NB New number:* Phone (250) 248-2381 Fax (250) 248-4894
hancon@shawcable.com

20th October, 2009
Our ref: HH/skt/Third St
3 pages

BY FAX

Al Kenning
Deputy City Manager
City of Nanaimo
Fax: 250 755 4436

Dear Sir,

Re: 553 Third St - Bottom 2.25 acres at Hillcrest

See the attached letter of 11th August, 2009, sent to Gerry Berry.

Can you reply to this letter? It would really be appreciated.

Is there any more possibilities, or is it less, for some real cooperation here?

Regards,


Hans Heringa, P.Eng.

HH/skt/Thrd

CDF Developments Ltd.

1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894
hancon@shawcable.com

August 11, 2009
Our ref: HH/skt/Berry
2 pages

BY FAX

Gerry Berry
City Manager
City of Nanaimo
Fax: 250 755 4436

Dear Sir,

Re: 553 Third St - Bottom 2.25 acres at Hillcrest

This property, as you know, has also been caught up in litigation, which was initiated by the City, since about December 19th, 1989, now in excess of 20 years ago. The use and potential of this property has been restricted ever since.

There were no DCC's back in December of 1989. CDF Developments Ltd was not a party to, but was caught up in, the City's litigation, and is still being unfairly punished as a result of the past litigation.

A Court Order limits the present use to vacant land, as this is the only proper use of this property, along with Residential use. There is presently only an unfinished vacant electrical building, zoned as Duplex, on the property.

Consistently, for 20 years, CDF Developments Ltd has been paying its property taxes. The property taxes were \$4,600 per year in 2009. 20 years x \$4,000 pa = \$80,000 approx in property taxes alone, over the past 20 years, with no utilization.

In addition, CDF Developments Ltd spent about \$50,000 in a failed, or futile, rezoning and subdivision attempt, back in about 1995 or so, when R. Stuckenberg was the Approving Officer, and J. Spencer P. Eng. was our Engineer.

Is there anything positive or constructive that the City can do now, to assist CDF Developments Ltd with the development of this property?

As an example, will or could the City waive the DCC's here, or grandfather the DCC's for this property back to those of 1989, due to the history here?

Separately, will the City provide any guidance, as to what the City would support or like to see happen here? Is it 150 units of apartment buildings?

Please review, and advise if the City can or will, provide some special assistance here, due to the unique and special past. The past has been very damaging to our Company.

Perhaps Council's review and input is needed here, since the original litigation was authorized by the majority of Council, back in 1989.

What can or will, the City do, to assist financially, or to provide guidance, with and for the proper development and rezoning of this land?

Please advise further as soon as you are able.

Regards,

FILE COPY

Hans Heringa, P.Eng.

HH/ek/Berry-Thlrd



2009-JUN-03

Our File: CIP429

Via email: bondcorporation@shaw.ca

Mr. Doug Foord
Bond Development Corporation
 933 Cobblestone Lane
 Victoria, BC
 V8Y 3G3

A handwritten signature, possibly "HH", with a checkmark next to it.

Dear Mr. Foord:

Re: Proposed Container Housing Project – 553 Third Street, Nanaimo, BC

This letter is further to our correspondence of 2009-MAY-21 and your subsequent email. The purpose of this letter is to provide you with a summary of our pre-application comments in order to assist you in the evaluation of your project. As these are pre-application comments only this cannot be considered a comprehensive letter. A comprehensive letter can only be provided once a review of a formal application has been completed.

Official Community Plan (OCP) Amendment Process

As noted in our previous letter, the proposed density exceeds the density supported in the 'Corridor' designation of the OCP. As per your request, I can confirm the deadline for applications to amend the OCP is 2009-NOV-01. All applications received prior to this date will be considered as part of an OCP amendment process beginning in late 2009 and finishing in the spring of 2010.

So too late

part this now.

As discussed, the OCP was recently adopted and, as such, Staff is not prepared to support an amendment to the densities established for 'Corridor'. Staff recommend that the proposal be amended to comply with the OCP or that you consider other sites which support higher density development such as those within designated 'Town Centre' nodes. For further information regarding the OCP amendment process please contact Deborah Jensen, Community Development Planner, 250-755-4472.

Timelines

With respect to the timing of processes other than the OCP, please note that the rezoning process is approximately 8 months, while the development and building permits are approximately 6 to 8 weeks based on current workloads and complete submissions. These processes can run concurrently; however, typically the development permit is not submitted until after the Public Hearing or Third Reading of the associated zoning amendment bylaw.

1 year

Variances

You have asked for our comments with respect to variances to parking, height and yard setbacks. We can provide the following comments:

2009-JUN-03

Page 2

553 Third Street

Parking Variance

As you are aware, the bylaw requires 1.66 stalls per unit; your current proposal is 0.5 stalls per unit. As discussed, any significant variance, such as the one proposed, will require the support of a study, completed by a P. Eng. with a background in traffic and parking requirements. As we briefly discussed, Staff would be prepared to explore other alternatives such as car share and transit passes for residents use, as part of a comprehensive approach to a parking variance.

Height Variance

As discussed, the OCP supports development to a maximum of 6 storeys; your proposed concept appears to comply with this policy. In general, Staff would not be supportive of development which exceeds the 6 storey limit.

Setback Variance

The setback along Third Street is 7.5 metres from the road right-of-way (after dedication). In order to achieve the objectives of the 'Corridor' as outlined in the OCP, Staff support in principle a reduction in the front yard setback to 4.5 metres, subject to building design that addresses the street and assists in creating the vibrant, pedestrian friendly urban corridor that is envisioned by the OCP.

*3 m Setback Variance***Road Dedication / Works and Services**

As a condition of rezoning, the dedication will be required along Third Street in order to provide for the ultimate road right-of-way. The roadway will be 27.5 metres, which will result in approximately 3 metres of dedication from the subject site. The exact amount of dedication will be determined by your Engineer.

Works and services will be triggered at building permit stage and may include curb, gutter, sidewalk, street lighting and paving to the centre line of the fronting roads.

Development Cost Charges (DCC's)

We have attached a copy of the current DCC rates, please note DCC's for multi-family projects are payable at building permit stage.

For your information we have also attached rezoning and development permit application forms and checklists. We trust this information will be of assistance as you move forward with your proposal.

If you have any questions, or require any further information, please do not hesitate to contact me.

Sincerely,



Dale Lindsey, MCIP
Manager, Planning Division
Development Services Department

DL/pm

cc: Deborah Jensen, Community Development Planner, DSD
Prospero: CIP429



COMMUNITY SAFETY & DEVELOPMENT DIVISION

2011-OCT-04

Our Files: CIP429 / CIS385

Via email: hancon@shawcable.com

Mr. Hans Heringa, P.Eng.
CDF Developments Ltd.
1080 Industrial Way
Parksville BC V9P 2W8

Dear Mr. Heringa:

Re: 553 & 525 Third Street and 321 Watfield Avenue, Nanaimo, BC

This letter is in response to your enquiry regarding a rezoning to allow for student housing at 553 Third Street, and fourplexes on Lots 1-7 at 525 Third Street and Lots 10-14 at 321 Watfield Avenue.

Proposed Student Housing (553 Third Street)

The student housing concept you put forward includes 232 units within three buildings, a coffee shop, and 80 parking stalls.

Please be advised that the concentration of student housing with a total of 232 units within a single development is not supportable. Generally, Staff supports smaller-scale student housing developments, such as the recent rezoning for student housing at 440 Wakesiah Avenue, which was restricted to a maximum of 37 beds. As well as the current proposal at 560 Third Street, which includes approximately 50 beds. Generally, a mix of unit sizes is preferred.

In response to the seven other questions listed in your letter, the following corresponding responses are provided:

1. Student housing is a form of multi-family development and Development Cost Charges (DCC's) are applicable. DCC's would be charged at the multi-family rate and payable at the Building Permit stage. However, there is an exemption within the *Local Government Act* for residential units with a floor area of 29m² which applies to the individual unit area only and not the entire building. ✓
2. In terms of the building code, sprinklers are required for multi-family developments. ✓
3. A phased residential development would be possible on the subject property. ✓
4. Works and services along Third Street would be required and would consist of the following:
 - Reconstruction of Third Street to the centreline of the road (may include reprofiling).
 - Road widening, curb, gutter, sidewalk, landscaped boulevard, street lighting, storm sewer extension, sanitary sewer extension and water main replacement.
 - Intersection improvements at Hillcrest Avenue and Watfield Avenue.

A traffic impact analysis would also be required to review the proposal and assist the City in determining the final extents of road works and access limitations for the proposed development.

****Please note: this is the only copy of this correspondence you will receive, if you require an original, please contact the sender.****

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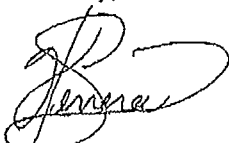
5. Road dedication of between 2.44 metres and 4.35 metres would be required along the Third Street frontage. The exact amount of road dedication cannot be determined until such time as the traffic impact analysis has been completed.
6. Works and services along Hillcrest Avenue would be required and would consist of the following:
 - Intersection improvements to restrict access to Third Street to right-in / right-out due to the proximity to the left turn bay at the Third Street / Wakesiah Avenue intersection.
 - Reconstruction of Hillcrest Avenue to the centreline of the road as per City Standard Drawing R7-XS1, including curb, gutter, sidewalk, landscaped boulevard and street lighting.
 - Road dedication and construction of an offset cul-de-sac, as per City Standard Drawing R7-CU1, at the south end of Hillcrest Avenue.
 - Extension of storm sewer, sanitary sewer and water main to service the development, road and all natural tributary areas.
- 6(a) Although not included in your 2011-MAY-18 letter, works and services along Watfield Avenue would consist of the following:
 - Reconstruction of Watfield Avenue to the centreline of the road, as per Standard Drawing R7-XS1, including curb, gutter, sidewalk, landscaped boulevard, street lighting and extension of storm sewer. (Reprofiling and intersection works at Third Street, reprofiling between Third Street and the lot frontage, as well as beyond the centreline of Watfield Avenue may be required to address road safety issues. Final determination of the extents of road works can only be completed once a final traffic impact analysis has been completed).
7. The City of Nanaimo owns the section of closed road between 553 Third Street and 525 Third Street.

Proposed Fourplex Lots (525 Third Street and 321 Watfield Avenue)

The existing lots at 525 Third Street (Lots 1-7) and 321 Watfield Avenue (Lots 10-14) are currently zoned for single family dwellings only. A rezoning of these lots to allow for fourplexes would not be supported as the lots would not meet the minimum lot area of the R5 zone (Three and Four Unit Residential zone - Zoning Bylaw No.4500). For your information, the existing lots also do not meet the Duplex Residential zone (R4) minimum lot area and therefore rezoning the lots to duplex would not be supported.

Lots 10-14 currently exist and can be developed as single family lots with secondary suites. However, as the laneway is no longer supported, Lots 1-7 should be rezoned in the future along with 553 Third Street as part as a comprehensive plan for the properties.

Sincerely,



Sheila Herrera
Planner, Planning Section
Community Safety & Development

SH/pm

cc: Andrew Tucker, Director of Planning, CS&D
Dean Mousseau, Manager, Engineering & Subdivision

CDF Developments Ltd.

#4-1080 Industrial Way,
Parksville, BC, V9P 2W8
Tel: 250 248 2381 Fax: 250 248 4894
Email: hancon@shawcable.com

FAXED12th October 2011

2 Pages

By Fax:

Sheila Herrera
Planner, Planning Section
City of Nanaimo
Fax: 250 755 4439

Dear Madam:

Re: 553 & 525 Third Street & 321 Watfield Ave, Nanaimo

Thank you very much for your detailed reply of October 4th 2011. It was a great feeling to receive a constructive response.

How about the following further proposal:

1. We just leave the 5 Lots (10-14) on Watfield alone, "as is", at 577m², and we build Residential Units complete with Suites. The City can provide the necessary Sanitary and Storm Services from Watfield Ave. No upgrading of Watfield would be required.
2. In regards to Lots 1-7. We believe that the existing laneway should stay. It could be widened somewhat. We then rezone these Lots to R-5, or for 4plexes, as these Lots will all abut a laneway.

To increase the size from 577m², we simply reduce the number of Lots from 7 to 5, say.
i.e. $7 \times 577\text{m}^2 / 5 \text{ new Lots} = 807.8\text{m}^2$ (>700m² needed for laneway Lots).

We would undertake the works and services on Third St, abutting Lot 7 and the laneway only.

3. In regard to the bottom +/-0.9 hectare, at Hillcrest Ave.

- a) We construct building B, with a coffee shop at 2,750 ft², and 52 Units of student housing.
- b) We change building A into a +/-30 Unit apartment building for seniors (age 55+).

c) We change building C into a +/- 60 Unit affordable rental apartment building (a mix of 1 and 2 bedroom), for whomever?

Total density approx. $52/2 = 26$ Units, + 30 Units, + 60 Units = 116 Unit/ 0.9 hectare = +/-130 Units per hectare.

Total parking remains the same, or about 80 cars = 0.69 spots per Unit, based on 116 Units. (Further parking could be placed in Lambert Ave closed road).

The one point that we take issue with is Point 7 of your letter. We have earlier file correspondence with BCDC and MoT that confirms that while the City may now have jurisdiction over the closed road, the City of Nanaimo does not own the closed road; and that these closed road lands revert back to the adjoining lands from whence they came, or alternatively the closed road can be replaced by new road dedications. An exchange could be the $(4.35m \times 175m = 761m^2)$ proposed widening along Third St, (and the balance of closed road reverts back to the developer), or alternatively the closed road $90m \times 20m = 1,800m^2$ can be used as SRW's for servicing, or could remain as closed road, and/or used for public walkways, or opened again for further access, or for vehicle parking, or even dedicated as parkland or green space, after further discussion, etc. So this item of closed road needs to be further discussed and considered.

Can you please review and respond further? We would really like to try to finalize a comprehensive zoning and land use here. Are we close?

Regards,



Hans Heringa P. Eng.

cc Dean Mousseau, Manager, Engineering & Subdivision
Andrew Tucker, Director of Planning, CS & D

HH/skt



COMMUNITY SAFETY & DEVELOPMENT DIVISION

2011-NOV-14

Our Files: CIP429 / CIS385

Via email: hancon@shawcable.com

Mr. Hans Heringa, P.Eng.
CDF Developments Ltd.
1080 Industrial Way
Parksville BC V9P 2W8

Dear Mr. Heringa:

Re: 553 & 525 Third Street and 321 Watfield Avenue, Nanaimo, BC

Correspondence was received from you via fax on 2011-OCT-12 indicating you are attempting to finalize comprehensive zoning and land use plans for the above noted properties. Please be advised Staff is unable to provide further comment on your proposal. Please be advised that you will need to submit a rezoning application in order for Staff to complete a comprehensive review of the proposed development.

The next step in the process is to develop conceptual plans in order to have a pre-application meeting. There is sufficient information available for to you to engage a professional architect or development team in order to prepare the conceptual drawings. We suggest you further consider the following information:

- The Official Community Plan (OCP), which designates the subject properties as corridor;
- The corridor zones in the Zoning Bylaw, which are COR1 or COR2 (please note that COR3 would not be supported for the subject properties); and
- Our previous correspondence with you related to development of the subject properties.

Please note that the OCP and Zoning Bylaw No. 4500 are both available on the City's website at www.nanaimo.ca.

We suggest that you set up a pre-application meeting once some conceptual plans are available for discussion. We look forward to further assisting you in the future.

Sincerely,

Sheila Herrera
Planner, Planning Section
Community Safety & Development

SH/pm

cc: Andrew Tucker, Director of Planning
Thomas Knight, Manager, Current Planning
Dean Mousseau, Manager, Engineering & Subdivision

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