

2007-DEC-12

## STAFF REPORT

TO: A. TUCKER, DIRECTOR, PLANNING & DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2007-DEC-06  
FOR BYLAWS NO. 6000.079 AND 4000.427

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### STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2007-DEC-06.

### EXECUTIVE SUMMARY:

A Public Hearing was held on 2007-DEC-06, the subject of which was two items. Approximately 60 members of the public were in attendance. Minutes of the Public Hearing are attached.

### BACKGROUND:

#### **1. BYLAW NO. 6000.079:**

*OCP41 – 5220 Metral Drive*

This bylaw, if adopted, will amend the 'Neighbourhood' designation, Section 1.2.2.1 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" by adding a new policy (5.10). This policy would permit a mixed-use development of office, commercial and multiple family residential uses up to a maximum six-storey height and 50 units per hectare. The subject property is legally described as LOT 1, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 17570, EXCEPT THOSE PARTS IN PLANS 18750, 20202, 22823 AND 24971.

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

One written and two verbal submissions were received for this Bylaw.

#### **2. BYLAW NO. 4000.427:**

*RA195 – 5160 Hammond Bay Road*

This bylaw, if adopted, will rezone the property from Single Family Residential Zone (RS-1) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to permit a multiple family residential development. The subject property is legally described as LOT 3, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 17543, EXCEPT THOSE PARTS IN PLANS 30804, 38226, AND 47665.

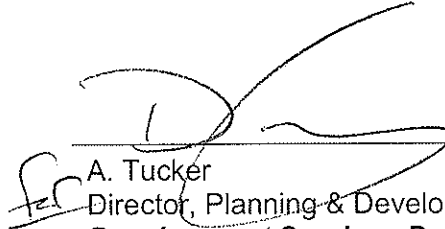
This application appears before Council this evening for consideration of Third Reading.

There were 111 written and 21 verbal submissions received for this Bylaw.

Respectfully submitted,



D. Lindsay  
Manager, Planning Division  
**Development Services Department**



A. Tucker  
Director, Planning & Development  
**Development Services Department**

/pm

Council: 2007-DEC-17

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MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE  
LOCAL GOVERNMENT ACT, IN THE BOARD CHAMBERS OF THE  
REGIONAL DISTRICT OF NANAIMO, 6300 HAMMOND BAY ROAD, NANAIMO, BC,  
ON THURSDAY, 2007-DEC-06, TO CONSIDER AMENDMENTS TO THE  
CITY OF NANAIMO "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000"  
AND "ZONING BYLAW 1993 NO. 4000"

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**PRESENT:** Councillor W.L. Bestwick  
Councillor J.D. Cameron  
Councillor W.J. Holdom  
Councillor C.S. Manhas  
Councillor L.D. McNabb – Acting Mayor

**REGRETS:** Mayor G.R. Korpan  
Councillor M.D. Brennan  
Councillor L.J. Sherry  
Councillor W.M. Unger

**STAFF:** A. Tucker, Director, Planning & Development, DSD  
D. Lindsay, Manager, Planning Division, DSD  
D. Jensen, Community Planner, Community Planning Division, DSD  
S. Smith, Planner, Planning Division, DSD  
P. Masse, Planning Clerk, Planning Division, DSD

**PUBLIC:** There were approximately 60 members of the public present.

**CALL TO ORDER:**

Councillor McNabb called the meeting to order at 7:05 pm and asked Mr. Lindsay to explain the required procedure for this evening's Public Hearing. Mr. Lindsay explained the required procedure in conducting a Public Hearing and the regulations contained within Section 892 of the *Local Government Act*. Mr. Lindsay read the items as they appeared on the Agenda, adding that this is the final opportunity to provide input to Council before consideration of Third Reading and Adoption of Official Community Plan Amendment Bylaw No. 6000.079 and Third Reading to Zoning Amendment Bylaw No. 4000.427, at the next regularly scheduled Council meeting of 2007-DEC-17.

**1. BYLAW NO. 6000.079:**

*OCP41 – 5220 Metral Drive*

This bylaw, if adopted, will amend the 'Neighbourhood' designation, Section 1.2.2.1 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" by adding a new policy (5.10). This policy would permit a mixed-use development of office, commercial and multiple family residential uses up to a maximum six-storey height and 50 units per hectare.

The subject property is legally described as LOT 1, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 17570, EXCEPT THOSE PARTS IN PLANS 18750, 20202, 22823 AND 24971.

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

- Ms. Pilcher's presentation is attached as part of "Schedule A – Submissions for Bylaw No. 6000.079".

Councillor Cameron asked for clarification on how the applicant representative would define 'affordable housing' in relation to this proposal.

- Ms. Pilcher responded that affordable housing is not necessarily non-profit housing and is, in her opinion, economically affordable housing. It is anticipated that the apartments would be priced under \$200,000, the condominiums just over \$200,000 and the townhouses in the \$350,000 range.

Councillor Cameron noted that "affordable housing" is relative in today's market, and asked for clarification on the exact number of townhomes proposed and for a clearer explanation of "ample parking".

- Ms. Pilcher noted that the parking requirements for townhomes is calculated at 1.66 parking spaces per unit; this proposal goes beyond that requirement and is proposing 43 parking spaces.

Councillor Cameron asked how the 43 parking spaces are allocated between visitor and owner parking.

- Ms. Pilcher stated that each townhome would have a garage and driveway parking; the additional parking is for visitor parking.

Councillor Bestwick asked for clarification regarding whether the stated 50 units per hectare includes the commercial and retail build out.

- Ms. Pilcher noted that the stated 50 units per hectare are in relation to residential only. 21 townhomes, 48 units within the six-storey apartment building and 18 condominiums in a 3-storey building with commercial on the ground floor, totalling 87 living units.

**Mr. Mike Banasky, 5360 Bergen-Op-Zoom Drive** – Opposed

- His property of 3.75 acres adjoins the subject property.
- Not many people attended the first neighbourhood meeting on 2007-JUN-01 due to being notified only one day prior; however, Ms. Pilcher was not responsible for that as the owners had a different representative at that time.
- The September public meeting held by the applicant did not have many attendees due to changes made to the plan that rectified some neighbourhood concerns.
- Major point of opposition is due to the location of the proposed six-storey building; believes it should be placed on the more commercial portion of the lot, near Remax. Spoke with the consultant about this building and was told that repositioning the six-storey building had been discussed, however, the topography of the land made it difficult.
- Does not believe a six-storey building should be "looking down" into a residential neighbourhood.
- No reference has been made to the perimeter fencing or to the number of trees that would need to be removed, or to the degradation of the root systems if this proposal is approved.



- Satisfied with the plans for a water catchment system being proposed for the project, however, does not believe the City maintains or inspects these systems.
- Believes traffic will increase dramatically, that the new intersection would be very busy, and that people will park on Metral Drive.

Councillor Bestwick asked Mr. Banasky if he would be in favour of the proposal if the six-storey building were moved to a more commercial area of the site, or if a storey were removed from the proposed building.

- Mr. Banaski reminded Council that the six-storey building, as proposed, looks directly into his property, adding that the topography should not be an issue as to where the building is placed.

**Mr. Brian Rathgeber, 5280 Metral Drive** – Opposed

- Does not believe a six-storey building should be looking down into a residential neighbourhood, adding that the proposed location of the building would look directly onto his property. Would like to see the building moved closer to the Remax site as it is commercial in nature.
- Drainage on the property could be problematic if building occurred, worried that all adjoining properties would have water backing up.

Councillor Holdom asked Staff to clarify whether or not the site plan is confirmed during the OCP amendment application phase, and whether or not this six-storey building could be located elsewhere on the property.

Mr. Lindsay confirmed that this is a concept design that has been submitted in order to assist in the evaluation of amendments to OCP policy. The next step would include a rezoning application, wherein the more detailed aspects of the site plan, including building siting, parking, servicing, grading, and tree retention would be addressed.

One written submission was recognized at the Public Hearing for this Bylaw and is attached as part of "Schedule A – Submissions for Bylaw No. 6000.079". No further written or verbal submissions were received for this Bylaw.

**2. BYLAW NO. 4000.427:**

*RA195 – 5160 Hammond Bay Road*

This bylaw, if adopted, will rezone the property from Single Family Residential Zone (RS-1) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to permit a multiple family residential development. The subject property is legally described as LOT 3, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 17543, EXCEPT THOSE PARTS IN PLANS 30804, 38226, AND 47665.

Councillor McNabb removed himself from the meeting due to a perceived conflict of interest.

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

- Ms. Pilcher's presentation is attached as part of "Schedule A – Submissions for Bylaw No. 4000.427".

Councillor Holdom asked for clarification on what could be developed on the property under its current zoning.

- Ms. Pilcher noted that a subdivision would require road frontage of 15 metres, a depth of 30 metres, with a standard road width of at least 16.5 metres. If this property was subdivided, six or seven lots could be created however, lot requirements likely could not be met.

Councillor Holdom asked if each of those six to seven homes could contain secondary suites.

- Ms. Pilcher agreed that each home would most likely contain a secondary suite if a subdivision were developed on the property.

**Mr. Joseph Michaels, 5357 Fillinger Crescent** – Opposed

- Has lived in the neighbourhood for 14 years, believes this proposal will only add congestion and low-end housing to the community.

**Mr. Greg Spencer, 5089 Carriage Drive** – Opposed

- His backyard looks directly onto the subject property.
- Knows that Nored is a quality builder who has contributed a great deal to the north end of Nanaimo. However, he is concerned about the traffic increases that would be created by this proposal.
- Hammond Bay Road is essentially “a two-lane country road” and this project would add a third feeder road onto a congested stretch of Hammond Bay Road. Inclement weather could be a dangerous factor if this development were to be approved. Believes the extra vehicles in the neighbourhood would be parked on secondary streets.
- Noted that area schools could be overwhelmed with the influx of additional children in the neighbourhood; and could be dangerous for schoolchildren walking along the road.
- Likes the proposal of buffering the property with evergreen vegetation and believes it would help with the privacy issues.

**Mr. Daryl Grunland, 5150 Hammond Bay Road** – Opposed

- The back of his property abuts the subject property.
- Nothing has “galvanized” this neighbourhood more than this proposal, adding that many community members are opposed to it.
- Would be in favour of a subdivision with single-family homes that are similar in size to the lots currently in the community.
- Bought his home in a RS-1 zone and he expects it to remain so. He and his neighbours chose the area to avoid being too close to each other, and it is one of the few areas in the City that has large, estate size lots.
- Submitted approximately 120 signatures of opposition on 86 form letters; these were distributed and collected throughout the neighbourhood.
- Not opposed to development in general, but is opposed to the density of this proposal. Understands the tax base needs to be increased, but believes long-standing RS-1 zoned neighbourhoods should remain so.
- Noted that the previous Councillor Rispin voted against such proposals in the past because he thought it was unfair and unethical to change neighbourhood zoning after people had built or purchased their home under a specific set of zoning structures.

- Council has an opportunity to show the same integrity as Councillor Rispin by respecting the neighbours and their properties, and denying this proposal.

Councillor Manhas reminded Mr. Grunland that if a seven-lot subdivision were built on the property, and if each home contained a secondary suite, Council would have no control over buffers, landscaping, or any design details. Added that this proposal ensures the City has full control over all of those details. Asked Mr. Grunland if he would prefer a controlled and properly landscaped development, including required studies and reports such as a traffic study, or a subdivision of single-family homes.

- Mr. Grunland stated that he could not respond, as he does not know what that proposed subdivision would look like. Noted that a major concern is noise levels, which are already high. Would prefer a subdivision of single-family homes versus this development.

Councillor Holdom stated that neither Council nor the neighbourhood would have any opportunity to comment on a subdivision development under the current zoning. The applicant has noted that a subdivision would include a road along the length of the property, which could involve a fair amount of disruption for the neighbours.

**Mr. Dave Stirling, 5200 Entwhistle Drive – Opposed**

- Asked for clarification on the submission made by Ms. Pilcher to Council at this meeting, and whether it contains information of which the public should be made aware.

Councillor Holdom confirmed that Staff would comment on this after they had a chance to look at the submission.

- Has had an opportunity to review the rezoning file, the OCP, and the referral responses in relation to this proposal.
- OCP does not describe densities other than "in a general way". It does refer to density as a positive thing because of the increase in the tax base, but he does not believe that is true for all areas in the City, and particularly not true for this neighbourhood.

Mr. Lindsay confirmed that Council or Staff have received no additional studies or information that is not already on file other than some photographs of the property, which will become a part of the permanent record and are available to the public.

- Does not believe that one access is sufficient for the development, and parking is inadequate.
- Emergency vehicles could not get easily in and out of the area, and he has interpreted the referral response from the Fire Department as indicating the same thing.
- Interpreted the response from the Building Department as a non-decision, cited their wording of "it appears" as being unsure of conformity.
- Noted that if the Building Department were wrong about the proposal conforming, the mistake would affect him and his family.
- Believes the environmental impact is notable and does not understand why the Environmental Coordinator had no concerns, as noted within the referral responses. Does not understand why there are no forestry concerns.
- Does not understand why the RCMP was not contacted throughout the referral process; believes that the nearby school and park indicate obvious security issues.
- Questioned why the School District was not asked to comment through the referral process.

- Hammond Bay Road is a very busy road and this development will only add to that problem. Safety issues are a concern.
- Referral responses all noted a "hope" for compliance of policies; it is his interpretation that not enough information has been provided to the different departments for them to make that decision.

Councillor Bestwick asked Mr. Stirling if the density of the development were reduced to 6-12 units, either through a subdivision or through altering the proposal, if he would be in favour.

- Mr. Stirling confirmed that he would be in support of a subdivision, adding that it is difficult to know without seeing something specific.

Councillor Cameron noted that density infill is not encouraged only for increasing the tax base, adding that Council has been consistently advised regarding the inefficiency of servicing single-family neighbourhoods. Added that it makes more sense to build density within single-family neighbourhoods, asked Staff to clarify what input neighbours could expect to have on design or access if a subdivision were developed on the property.

Mr. Lindsay confirmed that Council has no involvement in the subdivision process unless a variance is requested. The process is managed by Staff through the Subdivision Approving Officer; however, the constraints to the property are the same whether it is developed under single or multi-family zoning. It is difficult to comment on a design that has not been evaluated or seen, but would assume that any development to this property would involve the access being as far from the intersection of Entwistle Drive and Hammond Bay Road as possible. In order to accommodate a single-family subdivision on the property, a 16.5-metre dedicated road abutting the property of 5156 Hammond Bay Road along the west property line could be expected, this would be a public road versus what is being proposed with this application, which would be a private laneway for residential units.

- Mr. Stirling noted the proposal appears to include "two accesses", whereby the Engineering Department stated one access is sufficient in their referral response, which he disagrees with. Noted that if trees were to fall across this road in an emergency, there would be no available exit for the homes in the development. Asked why the proposal is asking for 20 units and wondered if 40 could be proposed in the future.

Councillor Holdom responded that 40 units could not be applied for as a part of this application, as it would not conform to the zoning being proposed in this application.

- Mr. Stirling agreed, but wondered whether a higher density could be proposed in a future phase of the development process.

Councillor Holdom asked Staff to respond to Mr. Stirling's concerns.

Mr. Lindsay noted that there is no opportunity for a second access to the property, although Staff agree it would be preferable to have a secondary access to all properties and to a roadway other than Hammond Bay Road. The reality is that numerous remnant properties throughout the City have frontage only on major roads.

Councillor Holdom asked for clarification on target densities within the OCP.

Mr. Lindsay noted that the current OCP has very clear density targets for designated 'Neighbourhood' areas, including this property.

Generally, the OCP target is 15 units per hectare for 'Neighbourhood', and it has clear direction as to what can be considered for infill projects, such as this application, noting that 'Townhouse' developments can be calculated at a density of 25 units per hectare. This application is proposing 20 units to comply with that specific guideline within the OCP; Staff is recommending a covenant be secured limiting the density to 20 units. Council's policy is that any variance to that covenant, or any subsequent rezoning, would have to go through an additional public process.

Councillor Holdom asked Staff to speak to Mr. Stirling's concern regarding environmental impact.

Mr. Lindsay noted there are basic provisions made regardless of the type of development (i.e.: the setbacks from watercourses are established and honoured at 15 metres from top of bank regardless of the application type.) Noted that it is much more difficult with a single-family subdivision to exercise any type of preservation on the property, while multi-family proposals such as this application generally provide for opportunities to site buildings to preserve trees.

- Mr. Stirling agrees with Staff's comment; however, he does not understand why the Environmental Coordinator felt the proposal did not warrant any comment. Wanted to know why the RCMP or the School District were not consulted through the referral process.

Mr. Lindsay noted the referral process for rezoning applications or infill residential projects does not include the RCMP or the School District.

- Mr. Stirling noted that it is unclear what the amenities within the development would be, and that Harry Wipper Park will receive \$10,000 via the community contribution. Suggested that little recreation space has been proposed in the application due to the existing park, adding that since the recreation will take place at the park, security issues are involved. Stated that parks, schools and developments of this nature are obvious security risks.

Councillor Manhas asked Staff for clarification regarding adequate access in emergencies.

Mr. Lindsay noted Mr. Stirling's comments are in relation to a summary of referral responses that are included within the file. The Fire Department raised questions, given the size of the buildings, whether or not they could provide adequate emergency access. The Building Department did review the design and felt that it could meet all of the requirements. Beyond the comments that are in the file, there are numerous discussions between Staff members to ensure that any development brought forward to Council meets all requirements.

- Mr. Stirling suggested that Staff had just emphasized his point by noting that Staff has consulted the Fire Department who "thinks it may" meet requirements but they "don't know". Who picks up the pieces if it does not meet requirements?

Mr. Lindsay offered further clarification. Any issues raised through a rezoning referral process are pursued and Staff ensure that all requirements and / or concerns are addressed prior to any application being brought forward to Council.

**Mr. Don MacDonald, 5330 Entwhistle Drive** – Opposed

- Believes this proposal, if approved, would change the fundamental nature of the community. Noted that he and his neighbours bought into the community for the very nature of the community.
- Disturbed that Council is considering a proposal that would change the “ground rules” of this community. Does not believe it will be just this property that will be developed; there are other large properties in the area that will be targeted by developers.
- Does not believe this is about meeting the requirements of the OCP, but is instead about the developer making a “quick buck”.
- Noted that the neighbourhood does not support this proposal and does not think Council should consider it just because it is “in the best interest of Nanaimo as a whole”.
- If there is a need for improvements to the tax base then “go to the taxpayers, but don’t change the neighbourhood”. Residents would like the opportunity to make their own choices instead of being told what to do. The neighbourhood is asking Council not to approve this rezoning; if approved, Council is telling Nanaimo that nothing is sacred, and they can change the rules anytime they want.

**Mr. Dan McPherson, 5301 Entwhistle Drive** – Opposed

- Asked if it can be expected that Entwhistle Drive will continue to attract applications; if this application is approved, it would set a precedent.

Councillor Holdom noted that it would depend on the zoning of a property in question and whether someone would be prepared to go through the public process of such an application; he also added that, if approved, this application would not grant rights to any other piece of property within the neighbourhood. It is a site-specific application.

**Mr. Brian Woelke, 5231 Hammond Bay Road** – Opposed

- Many accidents have occurred on Hammond Bay Road; believes it is very dangerous and that accidents have occurred because of people coming from a “low end development project”.
- Worried about the quality of life for the community if this application were to be approved.

Councillor Holdom asked Mr. Woelke what he meant by a “low development”.

- Mr. Woelke stated that he was referring to “low rental” housing.

**Ms. Sandy Meloy-Haggart, 5156 Hammond Bay Road** – Opposed

- The roadway into the proposed development is less than 20 feet from her home.
- Her husband is on oxygen 24 hours a day and she believes an additional 20-30 cars utilizing the roadway will create pollution, and they will need to have windows and doors shut at all times.
- It is her understanding that the subject property is not yet owned by Nored Developments, and that the current owners put the property up for sale several months ago; believes that a real estate agent convinced them to rezone for the monetary gain.

- Asked for confirmation on whether or not the sale of the property to Nored is contingent upon the approval of the rezoning.

Councillor Holdom noted that Council is not concerned about the ownership of the property; instead, Council is only concerned with appropriate land use at this stage of the process. However, it is a common practice that an offer is made on a piece of land subject to a possible rezoning. In this case, Council cannot consider that particular matter.

- Ms. Meloy-Haggard asked for confirmation that the sale signage on the property indicates that the sale of the property is "pending", to ensure that neighbours know when it is sold and if that means the proposal was approved.

Councillor Holdom reiterated that Council cannot consider ownership as a factor in this proposal.

- Ms. Meloy-Haggard noted that the previous owners of the property were told they would only be able to build three homes on the property if they decided to subdivide; unsure how 20 homes and a roadway could be built on the property.

**Mr. David Haggart, 5156 Hammond Bay Road – Opposed**

- Asked for clarification on whether or not a turning lane has been designed for the access that is proposed.

Mr. Lindsay noted that a turning lane is not proposed for this subject property.

- Believes that 20-30 cars will make illegal turns to enter that property daily with no dedicated turning lane.
- Believes no "facts" are being made available to the neighbours of this property, that all neighbours will "suffer" from devaluation, pollution, noise, traffic, and that it would have no benefit to the community.
- Does not believe more than four single-family homes could be sited on the subject property if it were developed as a subdivision.

**Ms. Angela Coutts-Labonte, 5204 Entwhistle Drive – Opposed**

- Has attended to, and witnessed many accidents on Hammond Bay Road, and believes the road is very dangerous. A minimum of an additional 20 vehicles on the roadway would only make it more dangerous for vehicles and children walking the roadways. Believes crosswalks, pedestrian walkways and lighting should be installed on Hammond Bay Road.
- Her backyard faces the subject property; her privacy and her "park-like backyard" will disappear if this proposal is approved.
- Has concerns for Whalley Creek and its preservation if a trail or path is constructed on the property for the children to access the school.
- Noted that the Christmas concert for the elementary school was being held during the Hearing and that is why many neighbours could not attend to speak to Council.

**Mr. Fraser Lee, 5143 Carriage Drive** – Opposed

- Has not lived in the area for long, however is opposed to the proposal; he bought a home in the neighbourhood because of the RS-1 zoning and believes it is unfair to change that.
- Does not believe that a subdivision with four single-family homes on the lot would pose a problem, 20 units with vehicles would.
- Hammond Bay Road already has two dangerous intersections within 200 metres of each other; this would only escalate that problem.

**Ms. Kathy Spencer, 5089 Carriage Drive** – Opposed

- Her property is very peaceful and she appreciates that.
- Submitted photographs of the neighbourhood that show tree lines on the subject property (submitted as a part of "Schedule 'B' – Submissions for Bylaw No. 4000.427"). Believes the trees will only be effective at ensuring privacy in the summer months.
- Believes it is important that Council listen to the voice of the neighbours and their opposition to this proposal.
- The "flavour" of the neighbourhood is not multi-family housing.
- The impacts to the nearby schools have not been addressed.

**Ms. Lenore Lee, 5143 Carriage Drive** – Opposed

- Asked Staff and Council if they are homeowners, and whether or not they would appreciate having a townhouse in their backyard.

Councillor Holdom noted that he has an apartment block across from his backyard and he has no problem with that at all.

- Would not have bought her home in the area if she had known this could happen.

**Mr. Warren Campbell, 5130 Hammond Bay Road** – Opposed

- Worried about the precedent this could set and if there could eventually be high-rises in the area. Does not believe the zoning for this neighbourhood should be altered, believes it is clear that the neighbourhood is passionately opposed to this proposal.
- Asked for clarification on the process and what needs to be done by the community to ensure this proposal is denied.

Councillor Holdom noted that the Public Hearing is the final stage of Council receiving input on a proposal. Minutes of the Hearing will be recorded, transcribed, and distributed to all members of Council prior to a decision of Third Reading being made at the next Council meeting of 2007-DEC-17.

- Asked if the public would be aware of which Council member voted in which way.

Councillor Holdom confirmed that Council meetings are open meetings that are recorded and televised.



- Reminded Council that he voted for them and does not want think he made a mistake. Is hopeful that the passion displayed to Council by this neighbourhood has had an impact. Does not believe in NIMBYism; however, he has been approached many times with an offer to buy his property and he is unsure if that would continue if the neighbourhood were to change.

Councillor Holdom noted that a Public Hearing is a quasi-judicial meeting, and Council is not allowed to debate this issue among themselves; they are only allowed to receive people's views and information.

The *Local Government Act* suggests that Council is to weigh the arguments presented to them and that the number of people in favour or opposed is not sufficient to make a decision; it is a factor, but it is not the deciding factor.

**Mr. David Haggart, 5156 Hammond Bay Road** – Redress

- He believes the assessed value of the subject property could be \$275,000; if rezoned under RM-3 he believes the value will balloon and that this comes down to owner "making a windfall" at the neighbours expense.

Councillor Holdom noted that the OCP takes into consideration the inferred increase the value on land post-rezoning by requesting a community contribution from the applicant. A rezoning will often increase the value of a property; it is important to note that if it is approved the community receives benefit from that contribution.

**Mr. Daryl Grunland, 5150 Hammond Bay Road** – Redress

- Did not realize that no consultation had taken place with the School District, he was a school principal in Vancouver and experienced a redevelopment that increased his student body from 600 to 870 students. The result was poor quality of education due to kids being in trailers and portables. Until it is known whether this would impact the school, there could be a "trailer park" next to the school.

**Mr. Hille McPherson, 5301 Entwhistle Drive** – Opposed

- Echoes all neighbourhood concerns.
- Concerned about Council making decisions about her neighbourhood, seems the answers from Staff are unclear and indecisive.
- Encourages Staff and Council to drive to the area and look at where the roadway would be placed; she is sure that all would be opposed.

**Mr. Bernard Michaels, 5357 Fillinger Road** – Opposed

- Bought in the area due to the large size of the lots. Believes this proposal, if approved, would encourage similar and inappropriate projects in the neighbourhood.

**Mr. Bill DeGroat, 5971 Hammond Bay Road** – Opposed

- Noted that there is a parcel of 7.5 acres of undeveloped land within the neighbourhood that is currently for sale; he attended this meeting to see what would happen with this lot because he is scared about the precedent it will set.
- Traffic on Hammond Bay Road is already a concern, 30 more cars is unimaginable.
- Relieved he is not located directly next to the subject property.

**Ms. Susan Stiff, 5120 Hammond Bay Road** – Opposed

- Was in an accident four years ago while turning into her laneway on Hammond Bay Road, still uses a cane from that incident.
- Has seen serious accidents along the roadway due to high-density development and speeding.
- Because of the layout of the property, believes the back half of the property should be part of Harry Wipper Park, which would leave some property in the front that could be developed into something suitable for the neighbourhood.
- Whalley Creek should be protected, as well as the animals that use its natural habitat.
- Asked if alternative options could be presented or deliberated on prior to 2007-DEC-17 to stop this application, or delay that Council meeting.

Councillor Holdom stated that the Council meeting scheduled for 2007-DEC-17 is the firm date when Council will decide on this proposal. Confirmed that once the Public Hearing is closed, Council is not allowed to receive any further information from the public. Reiterated that Council is required to attend Public Hearings with an open mind, and they do so.

- Asked for confirmation if Staff would be willing to discuss extending Harry Wipper Park and whether or not the meeting on 2007-DEC-17 could be delayed.

Mr. Lindsay confirmed that Council has an application in front of them that has been authorized by the owner of the subject property. If the application was withdrawn or amended by the applicant, Council would be notified; otherwise, Council is required and obliged to consider the application.

**Ms. Gwen Chromer, 5310 Entwistle Drive** – Opposed

- Not directly near to the subject property, however, is opposed based on density and access concerns. Believes an additional access will cause a major traffic concern on Hammond Bay Road, which is already very dangerous with speeding issues.
- Asked for clarification on process of when and how meetings are specified on signage.

Mr. Lindsay confirmed that a rezoning sign is immediately placed on a property once the application has been received by the City. The Public Hearing date is not specified on the sign until the application has been forwarded to Council for First and Second Reading, in this case on 2007-NOV-23.

- Asked why the public was not privy to the First and Second Reading of the Bylaw.

Councillor Holdom noted that First and Second Reading was given in the open Council meeting of 2007-NOV-23. The meeting was televised and the rezoning signage was then updated with the Hearing date.

Mr. Lindsay confirmed that the process of indicating the Public Hearing date on the on-site signage after First and Second Reading is a Provincial requirement and therefore follows the procedures of the *Local Government Act*. Council considers the bylaw for First and Second Reading, notification is carried out, and then the Public Hearing is held. Council is then required to make a Third and Final Reading decision on that bylaw, at Council meetings subsequent to the Hearing.

Councillor Cameron asked for clarification on advertising for the Public Hearing.

Mr. Lindsay noted that the *Local Government Act* requires the City publish the Notice in two subsequent issues of the newspaper. These advertisements are placed with the Nanaimo Bulletin and, in excess of the legislated requirement, in the Daily News. Hand and mail deliveries to the surrounding neighbours are completed, as well as a signage update with the date of the Public Hearing.

Councillor Cameron asked what the radius of delivery is for surrounding neighbours.

Mr. Lindsay noted that Council policy is that properties within 10 metres and / or across the road from the subject property receive hand-delivered and mailed Notices. All abutting properties would fall into this policy.

**Mr. David Haggart, 5156 Hammond Bay Road – Redress**

- Asked for clarification as to why Councillor McNabb did not exclude himself from the Council meeting where First and Second Readings were approved yet excluded himself from the Public Hearing due to a perceived conflict of interest.

Councillor Holdom confirmed that this would be investigated and clarified.

**Mr. Reed Pattison, 5124 Hammond Bay Road – Opposed**

- Agrees with his neighbours' concerns about this proposal and is opposed.
- Asked for clarification on the applicant representative's comment that six or seven homes could be built into a single-family subdivision on the subject property. He believes the realistic number would be four to six homes.

Ms. Pilcher noted that the City has certain requirements for frontages and depths of lot layouts. Due to the size and dimensions of the property, it is difficult to ascertain how many homes could be placed on the lot. However, a single-family subdivision could be far more intrusive or disturbing to the neighbours than this proposal.

- Believes the traffic in the area is very dangerous and this would increase those problems.

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

- Ms. Pilcher's presentation is attached as part of "Schedule B – Submissions for Bylaw No. 4000.427".

**Mr. Dave Stirling, 5200 Entwhistle Drive – Redress**

- Does not believe anyone questions the competency of Nored Developments.
- Concerns revolve around the neighbours being opposed to the development; they have made themselves clearly heard. Neighbours do not believe in “no development”, only that it should include consultation with the community.
- Believes it is “somewhat naïve” for the applicant representative to speak to the PAC, who have no impact on what a school does or does not do, and to view a principal's comment that the school can handle an increase in the student body is somewhat misleading.
- Does not understand why this proposal did not go to the Parks and Recreation Department; believes no one knows what the effect will be on the trail or Whalley Creek.
- The owner of a property can do whatever they like to the property; neighbours have no guarantees from the developer that it will be as it is proposed.

Councillor Holdom reiterated that covenants that form part of a rezoning must be adhered to, without question.

- Noted that the neighbourhood is not against any development; they are only against the proposed development.

111 written submissions were received for this application and they are attached as part of “Schedule ‘B’ – Submissions for Bylaw No. 4000.427”. There were no further written or verbal submissions received for this application.

MOVED by Councillor Manhas, SECONDED by Councillor Bestwick, that the meeting be adjourned at 9:33 pm.

**CARRIED**

Councillor Holdom noted that the OCP review will be entering its most public phase and that the draft will soon be available for viewing on the City's website. Public consultation will be taking place, adding that many of those present referred to the OCP this evening. The City encourages comment from the public, especially if it is setting into place principles or planning policies that could affect the best interests of your neighbourhood.

Certified Correct:



D. Lindsay  
Manager, Planning Division  
**Development Services Department**

**Schedule “A”**

**Submissions**

**For**

**Bylaw No. 6000.079**

**(OCP41 – 5220 Metral Drive)**

Re: OCP Amendment for 5220 Metral Drive  
PUBLIC HEARING PRESENTATION – 2007-December-06  
Bylaw 6000.079

Your Worship Mayor Korpan, Members of Council, Members of Staff, Ladies and Gentlemen:

Good Evening - My name is Maureen Pilcher and I am a Land Use Consultant in the Central Vancouver Island area. I am here this evening representing KEM Enterprises Inc. The Frederich family has owned this property for more than thirty years – and they are excited to be taking this first step towards creating a small mixed use development on this property. The property is presently designated Town Centre in the OCP and we respectfully request a site specific OCP policy to permit a mixed use development – at 5220 Metral Drive.

Back in June a Public Information meeting for surrounding residents was held and a concept plan discussed. Twenty people were invited to that meeting, and eight persons, representing six properties were in attendance. The discussions centered on roadside parking, access to the highway, and potential noise. What the owner also heard was that the neighbours wanted a more residential feel along Metral Drive, and that they were tired of the Remax Plaza overflow parking on Metral Drive.

Not only did the owner take the resident's concerns into account, but had the plan redesigned to better meet the policies of the proposed revisions to the OCP. We looked closely at the Official Community Plan policies in place, and studied the summary working papers for the planned revisions and hope to make this property an example of how mixed use developments can work on an urban corridor. The revised OCP considers Metral Drive a growth corridor which will allow for higher density residential and mixed use developments. The draft OCP working paper indicates that "greater densities create more viable transit routes and encourage "walkable" communities – making the area safer. Small, convenient, commercial centres strengthen complete communities, while reducing reliance on cars."

More than 90 surrounding households were invited to a second Public Information Meeting on September 12<sup>th</sup> in order to discuss the changes to the plan. Five persons, representing three households attended. The new and improved plan was well accepted, and the dialogue with the surrounding property owners was in a positive vein, although street parking was still an issue.

This neighbourhood has experienced rapid growth over the last decade and a number of housing types exist, however there are not a lot of multi family developments in this area. This plan includes a mix of housing types and options with a small commercial component along Highway 19A.

The residents of this area indicated on June 25<sup>th</sup> that they wished to keep a residential feel along the Metral Drive frontage. We have now designed townhomes along this edge and south of the only home which is directly adjacent to the property – garages will be accessed from a lane off the new road. The 21 units (16 along Metral) will be single to two stories – some with separate garages – they will receive a good deal of natural light and each will have its own private yard. The streetscape along Metral Drive will include street trees, extensive landscaping, including berming - and decorative street lighting. The townhouses will present their front doors to Metral, maintaining a single family streetscape.

The road through this property is not an *option* for the owner – it has been mandated by the City Engineers and it must be built. The City Engineers requested that we move the road further north on the property –to create a longer acceleration lane onto the Highway – and we have done so. We have designed the road in the neighbourhood context – keeping it pedestrian friendly with lots of street trees including centre plantings and sidewalks. The plan presented here this evening is a concept plan only, and certainly further discussion with the City Engineering Department will decide the road standards required.

We have kept the higher density residential components of this proposal as far from the existing single family dwellings as possible. An apartment building has been located on the north edge of the property with underground and ground level parking. Underground parking allows for a reduced building footprint and improved buffering. There will be extensive landscaping and privacy fencing along the north edges. – and we will keep as many trees as possible to buffer the adjacent property. At our most recent neighbourhood meeting there was discussion with this property owner regarding the height of the proposed six story residential building. We discussed that this building is strategically located in an area where the topography dips considerably, lessening the impact of the building both from the highway and the neighbouring property. Significant large, dense trees on both sides of the property edge will create a natural buffer from this property and Highway 19A, and the owner intends on retaining as many as these large trees as possible. The six storey residential building meets the direction of the revised Official Community Plan to increase density along transit corridors.

The OCP's goals also include providing mixed uses along the Metral Drive corridor – and to that end we have located an apartment building, with commercial space on the ground floor, in the south eastern corner of the property, again - as far away as possible from the single family neighbourhood along Metral Drive. Traditionally Highway 19A has provided good visibility for service uses – and the apartments located above these uses will offer affordable housing for many young professionals who work in the area - who are unable to purchase expensive single family homes, but still want to live in the north central area of Nanaimo.

The small stand alone commercial building – Building B – would be a perfect location for a bank, a small coffee shop, or a deli – or a combination of low intensity service uses.

These varied buildings will be constructed with a high degree of design that will consider the architecture, scale and density of the surrounding area. The townhouse styles will complement the neighbourhood – and the multi-family buildings and commercial services will enhance the community.

Good environmental quality depends not just on good design – but on key activities during construction - and once the buildings are occupied. It is expected that these buildings will utilize innovative design and energy conscious construction methods. Water use reduction strategies - dual flush toilets and low flow faucets - will be employed, as well as incorporating energy saving features such as sensors to control lights and heating. This site is centrally located on a transit route and within walking distance to most neighbourhood services, and is in close proximity to the E&N and Parkway trail systems. The location of this development may discourage reliance on automobiles which will further reduce the environmental impact.

Parking along Metral Drive was voiced as a concern for some residents at the June 25<sup>th</sup> meeting. We have ensured that there is sufficient parking for each of the components of this proposal. Each townhouse will have a garage and a parking space on the driveway and there will be ample visitor parking. Underground parking and surface level parking is shown for the apartment building – and there is ample surface parking for the commercial and residential development near the highway – in total more than 220 parking spaces. These parking areas have been enhanced with extensive landscaping and garden areas and will incorporate oil/water separators. As for parking on Metral Drive – we are hoping to construct a transit pull out close to this area, which will discourage parking along this edge. The connector road may also provide on street parking, which will further reduce parking on Metral Drive. Those utilizing the commercial elements on this site will want to park in these areas, as will the residents.

The concept plan for this property has been a collaborative effort between the owner, the City of Nanaimo and the residents of the area. We heard that the existing neighbourhood wanted a more residential feel along Metral Drive – and we have accomplished that by incorporating townhouses into the design. We heard that the residents want to keep the trees on the site. The owner has full intention of retaining as many trees as possible and has incorporated extensive landscaping and street trees into the design. We heard that the neighbours don't want cars parked on Metral Drive – we have exceeded the parking requirements for this development and will work with transit to provide a bus pull out area in front of the site, further reducing the possibility of cars parking on the street.



We have studied the policies that will update the OCP and have designed a project that will support a pleasant and convenient urban environment while enhancing the neighbourhood - in an environmental and community friendly manner. We feel that this 5 acre property can support a good mix of housing styles and densities and add some low intensity commercial uses along the highway without negatively impacting the existing community.

We remind Council and the public that we are at the early planning stages of this development – the plan presented here this evening is directed towards master planning aspects such as vehicle movements, densities and uses. Form and character will play a critical role when we come before you at the rezoning stage of this proposal - and we welcome neighbourhood and Council comments which will be incorporated into a comprehensive design.

We thank you for your attention.

**Schedule “B”**

**Submissions**

**For**

**Bylaw No. 4000.427**

**(RA195 – 5160 Hammond Bay Road)**

Re: Zoning Bylaw Amendment  
Public Hearing Presentation – 2007-Dec-06  
Bylaw 4000.427

Your Worship Mayor Korpan, Members of Council, Members of Staff, Ladies and Gentlemen:

I am representing Nored Developments Incorporated and I am pleased to bespeak in support of the rezoning application to permit the development of a multi-family project consisting of four duplex units and three fourplex units - for a total of 20 residences - at 5160 Hammond Bay Road.

This property is included in the Neighbourhood designation and meets all of the relevant policies and goals of the Official Community Plan – Plan Nanaimo. This two acre site is presently zoned Single Family Residential, and we wish to rezone the property to Low Density Multiple Family Residential (Townhouse) Zone. The proposal meets all the regulations of this zone. No variances for setbacks, height, parking or density will be required.

This level lot is located on Hammond Bay Road – not far from Entwistle Drive. The property abuts the Whalley Creek trail, Harry Wipper Park and Frank J. Ney Elementary School, making this a convenient and safe site for family friendly housing. Hammond Bay road is a transit corridor, and this property is only a short bus ride away from the Woodgrove Commercial area.

When redeveloping within an existing neighbourhood it is always important to maintain the “flavour” of the community by recognizing the site organization and building forms of the adjacent properties. Both the proposed duplexes and the fourplexes will reflect the neighbourhood character - and the context of the more mature homes in the area - by incorporating porch and gable elements. Finishes will be durable, including bold wood trims, and wood columns with decorative rock accents.

Our present concept plan locates the proposed duplexes adjacent to the Entwistle Drive residences, while situating the fourplexes closer to the park boundary. We have significantly exceeded the setback requirements for this zone in order to maintain privacy for the existing residences and the proposed dwellings. A landscaped area will be provided at both the front and back of each building and each unit will have its own private space. Each duplex unit will also have its own garage. Ample residential and visitor parking will be provided. We are confident that these homes will appeal to young families wanting to locate close to the many amenities and the schools in the area.

A completed Newcastle Engineering servicing review has indicated that a single access to this multi-family development, located near the easterly limit of the site

frontage, will provide maximum access and egress safety. This proposed access exceeds the design requirements of the City of Nanaimo Crossing Control Bylaw and indicates that sight distances, in both directions along Hammond Bay Road, meet City regulations. City of Nanaimo on-site parking requirements have also been exceeded for this proposal - thirty three parking spaces are planned, and additional parking will be available in front of the duplex garages.

Newcastle Engineering has also ensured that we will meet and exceed the City of Nanaimo servicing requirements by incorporating low impact development features for on-site storm water management. Environmentally safe construction methods will be utilized in order to ensure that Whalley Creek will not be adversely affected.

In co-operation with our landscape architect we have taken into account that this will be infill development. We understand that people who have lived adjacent to this large lot will be concerned about a loss of privacy - so in addition to greater setbacks and a solid privacy fence - we have stepped up the required landscaping buffer areas by retaining existing established treed areas, and by adding mature plantings and shrubbery along the property edges. We intend on introducing a larger riparian landscape buffer along the rear property boundary - close to Whalley Creek. At present this area is grass - the introduction of native species will provide an enhanced buffer between this property and Whalley Creek, ensuring that an area for wildlife habitat will be maintained and improved.

Two important features of this development are the intended children's play area and the construction of a trail - which will connect to the existing Whalley Creek Trail, a path leading to Frank J. Ney Elementary school and Harry Wipper Park. This will provide safe and easy walking access for students and their parents. Whalley Creek Trail has become a very popular pedestrian corridor for this community and this trail connection will be well utilized. The planned children's play area will present a safe environment for younger children living here and will provide a focus area for young families to enjoy.

In compliance with the City's Community Contribution Policy - Nored Developments is pleased to donate \$20,000 to the City of Nanaimo - \$10,000 towards the completion of the Whalley Creek Trail and creek restoration - and \$10,000 to the City's Housing Legacy Fund.

It is understandable that the owners of the adjoining properties are concerned about what effect this proposal will have on their day to day lives. It is human nature to preserve the quality of one's home environment - and we listened carefully to Mr. Grundlund when he spoke at the November 19<sup>th</sup> Council meeting. We heard his concerns and have done our best to alleviate neighbourhood apprehension regarding this proposal.

At that same meeting – we heard the City Manager, Mr. Berry, inform Council that one of the contributing reasons behind next year's proposed 7% residential tax increase, is Nanaimo's historically low neighbourhood densities. If we do not start meeting the goals and objectives of the Official Community Plan, by introducing a mix of housing choices in communities, then the projected population increase for this area will result in suburban sprawl. Increasing density in existing neighbourhoods minimizes travel and pollution and makes efficient use of the already accessible services such as fire and police protection. A vital City requires growth to pay for maintaining existing services and a housing mix supports social sustainability. The Official Community Plan has made a commitment to building complete, viable communities – rezoning this property upholds that pledge.

Will growth affect established neighbourhoods? Absolutely!  
Can this growth be accomplished in a sensitive and proactive manner?  
Definitely!!

And that is what we want to accomplish at 5160 Hammond Bay Road. This application meets the targets of the Official Community Plan Neighbourhood designation, which encourages communities to evolve and add to the diversity of housing choices. This proposal meets all the regulations of the RM-3 zone - no variances are required - and the project has been designed to compliment the existing neighbourhood character. Building upon the assets of a community can help to revitalize and strengthen the neighbourhood. This location, on a transit route, in close proximity to schools, and parks, is an ideal site to integrate a relatively small scale multiple family project that will provide varied living options for the community, offering economically attainable homes geared to young families who wish to live in north Nanaimo.

Thank you for your attention – we will be pleased to answer any questions you may have.

# 5160 Hammond Bay Road



# HIGHLIGHTS OF REZONING APPLICATION FOR 5160 HAMMOND BAY ROAD

## Official Community Plan – Plan Nanaimo

- ☐ Proposal meets all relevant policies of Neighbourhood Designation

## Zoning Bylaw

- ☐ Proposal meets all regulations of RM-3 Zone – no variances requested or required.

## Location

- ☐ Fronts on urban collector – Hammond Bay Road
- ☐ Located on a transit corridor
- ☐ Property abuts Whalley Creek trail, Harry Wipper Park and Frank J. Ney Elementary School
- ☐ Not located within a cul-de-sac style subdivision

## Concept Plan

- ☐ Four Duplexes and Three Fourplexes provide varied living options
- ☐ Proven housing style that reflects the neighbourhood character
- ☐ Ample private and amenity space, including play area and trail connection
- ☐ Exceeds City of Nanaimo parking requirements
- ☐ Exceeds City of Nanaimo landscape requirements and provides extensive privacy landscaping to reduce impact on surrounding properties
- ☐ Developer has a proven track record of producing quality infill projects

## Servicing

- ☐ Low impact development features for storm water management
- ☐ Environmentally safe construction methods to be utilized to minimize effect on riparian area of Whalley Creek

## Whalley Creek

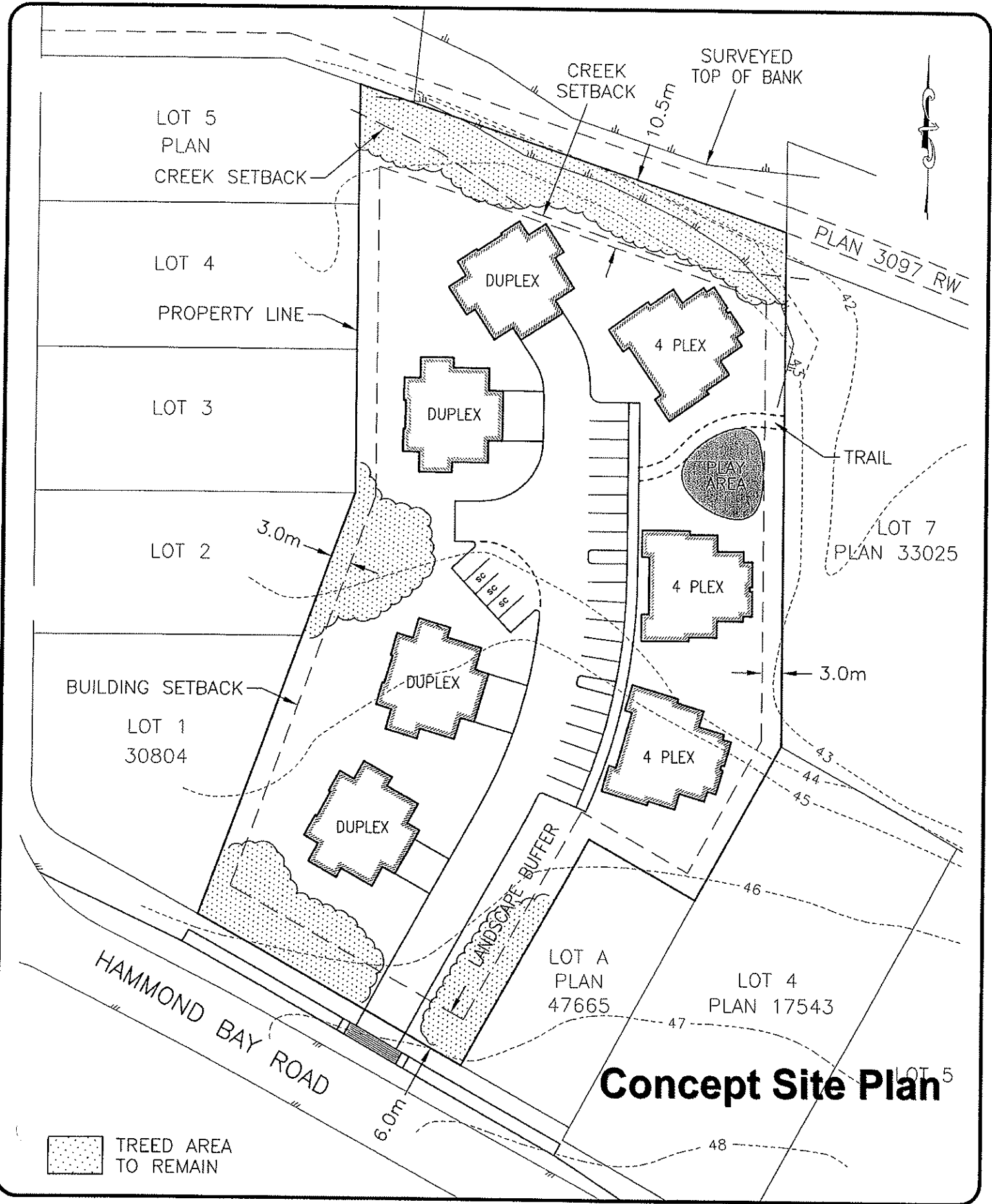
- ☐ Rear property line is 10 metres (33 feet) from surveyed “top of bank” of Whalley Creek
- ☐ Additional native species landscaping to be provided to enhance buffer area and contribute to the regeneration of the creek

## Community Contribution

- ☐ \$20,000 to be donated towards completion of the Whalley Creek Trail and City of Nanaimo Housing Legacy Fund

## Density

- ☐ Will not create a loss in value to the adjoining residential properties or have a negative impact upon the neighbourhood
- ☐ Meets “Smart growth BC” development principles to enhance infill, redevelopment and densification strategies
- ☐ Minimizes sprawl and makes effective use of existing City of Nanaimo services – fire, police, recreation areas etc.





# PROPOSED DUPLEX

Front Elevation



Side Elevation

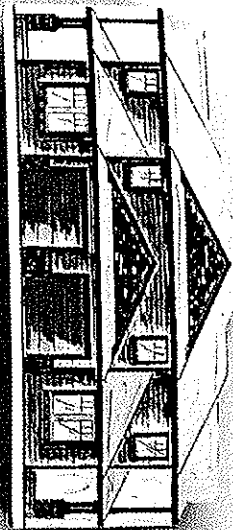


Side Elevation

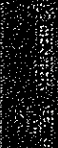


# PROPOSED DUPLEX

Front Elevation



Side Elevation

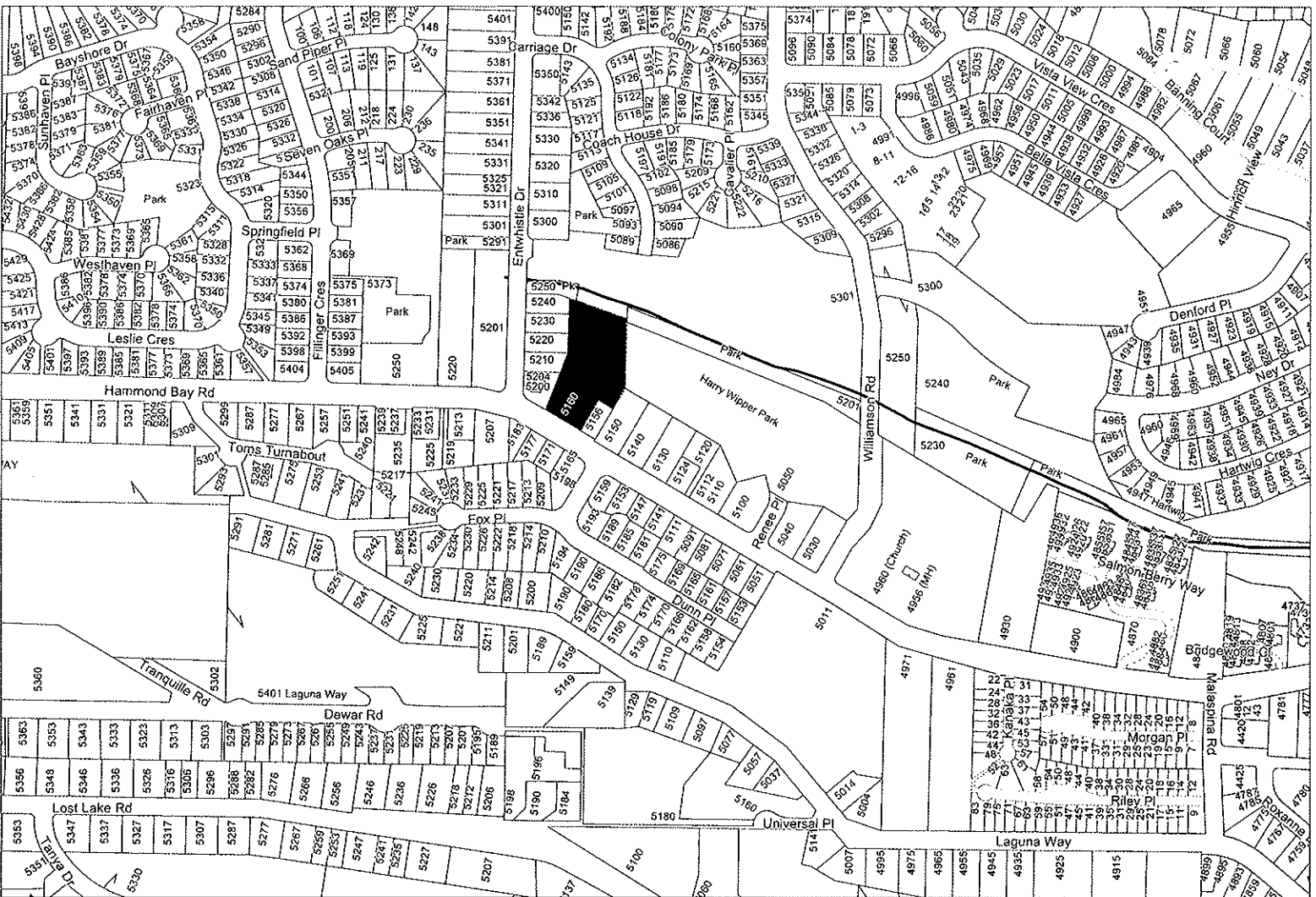


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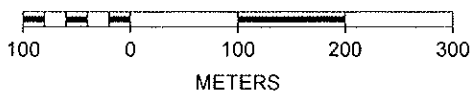




# 5160 Hammond Bay Road



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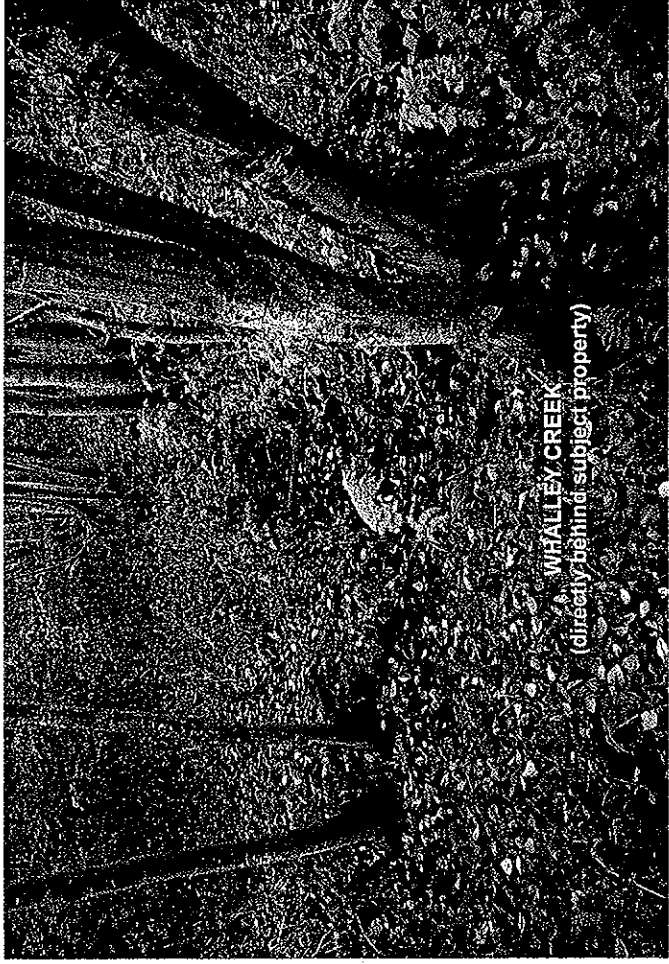


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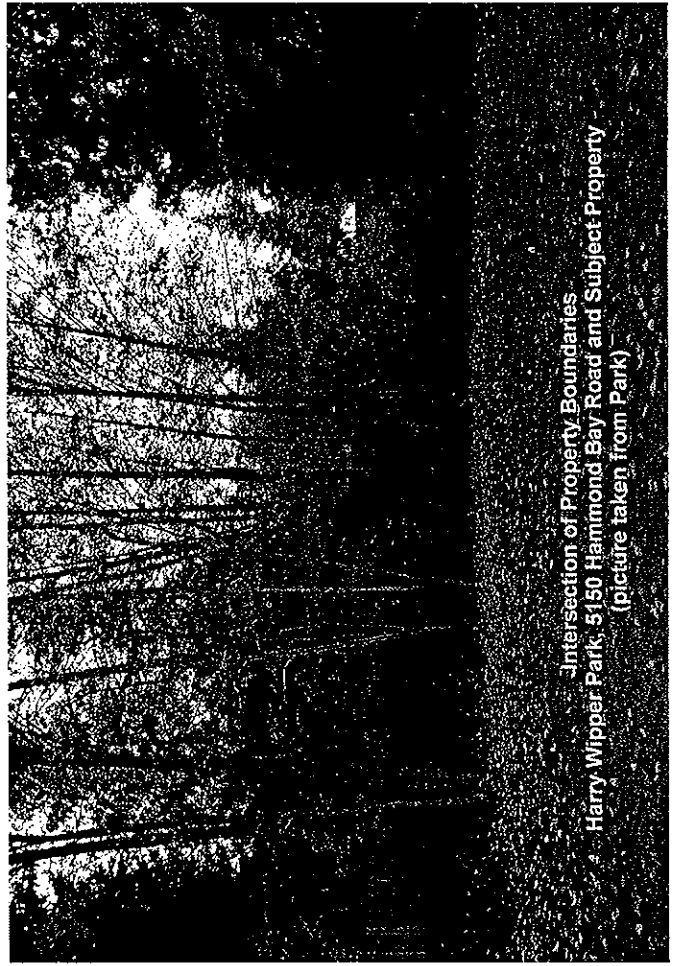




PROPERTY FRONTAGE ON  
HAMMOND BAY ROAD



WHALLEY CREEK  
(directly behind subject property)



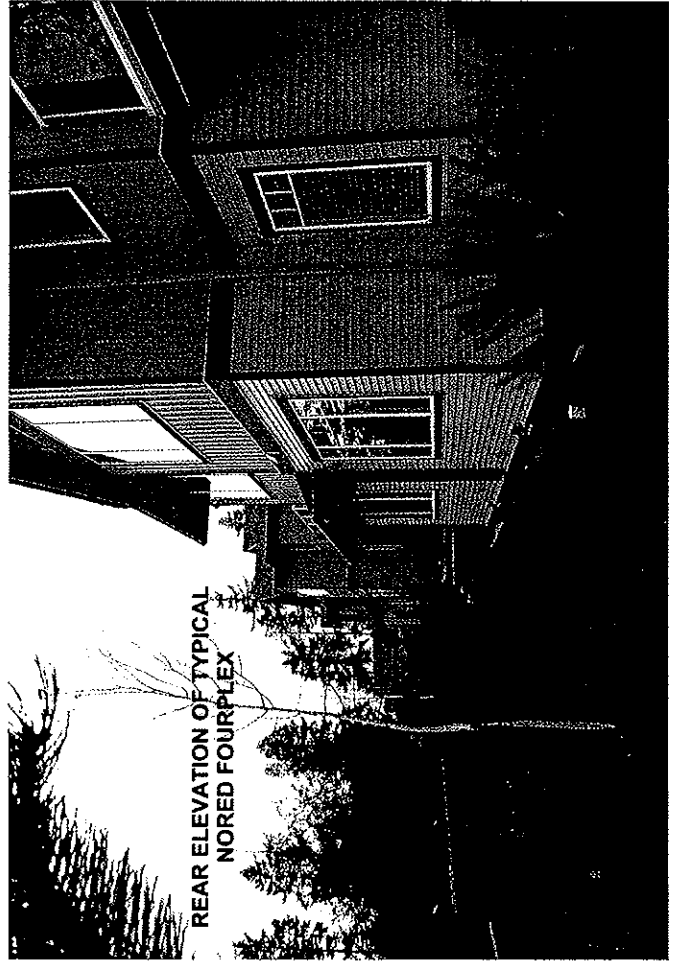
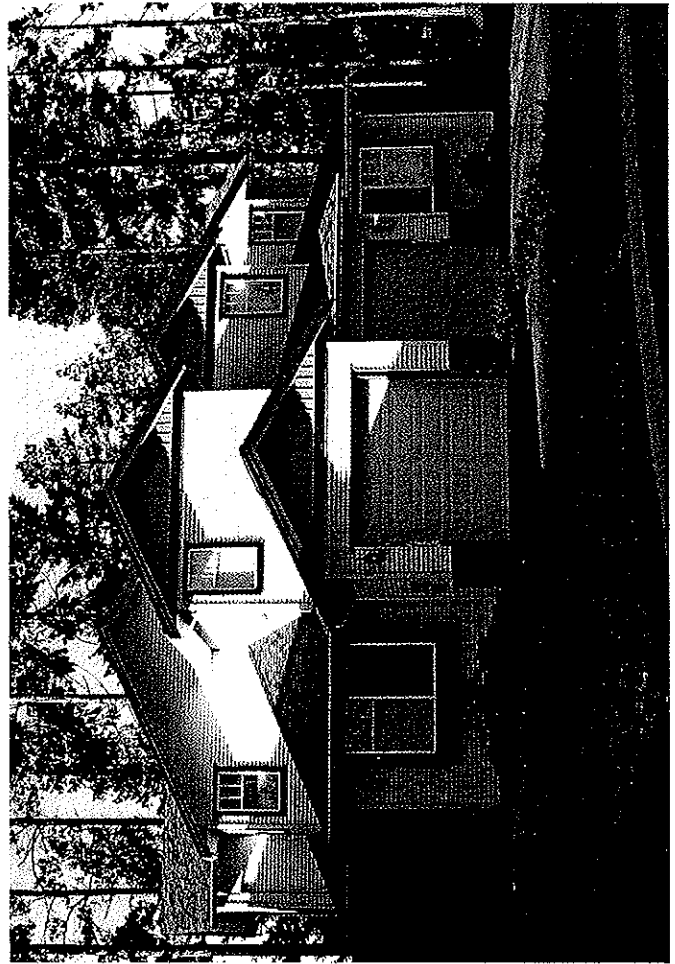
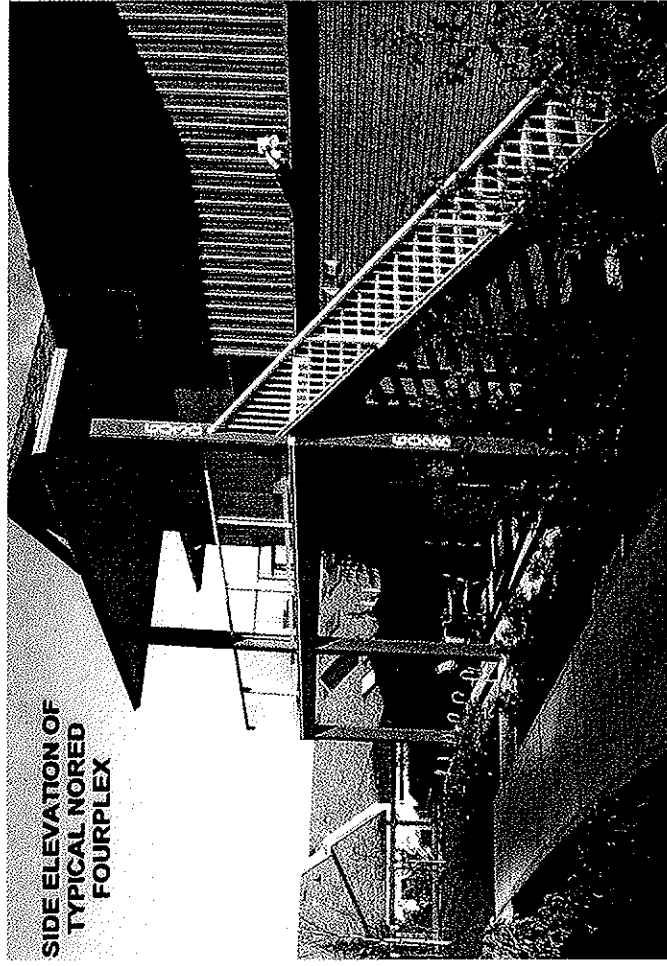
Intersection of Property Boundaries  
Harry Wippen Park, 5150 Hammond Bay Road and Subject Property  
(picture taken from Park)



HARRY WIPPER PARK  
Looking towards south east corner of subject property and Whalley Creek Trail



Typical Nored Fourplex Style



**"Smart growth" is a collection of land use and development principles that aim to enhance our quality of life, preserve the natural environment, and save money over time. Smart growth principles ensure that growth is fiscally, environmentally and socially responsible and recognizes the connections between development and quality of life. Smart growth enhances and completes communities by placing priority on infill, redevelopment, and densification strategies.**

**The smart growth principles are:**

- 1. Mix land uses. Each neighbourhood has a mixture of homes, retail, business, and recreational opportunities.**
- 2. Build well-designed compact neighbourhoods. Residents can choose to live, work, shop and play in close proximity. People can easily access daily activities, transit is viable, and local businesses are supported.**
- 3. Provide a variety of transportation choices. Neighbourhoods are attractive and have safe infrastructure for walking, cycling and transit, in addition to driving.**
- 4. Create diverse housing opportunities. People in different family types, life stages and income levels can afford a home in the neighbourhood of their choice.**
- 5. Encourage growth in existing communities. Investments in infrastructure (such as roads and schools) are used efficiently, and developments do not take up new land.**
- 6. Preserve open spaces, natural beauty, and environmentally sensitive areas. Development respects natural landscape features and has higher aesthetic, environmental, and financial value.**
- 7. Protect and enhance agricultural lands. A secure and productive land base, such as BC's Agricultural Land Reserve, provides food security, employment, and habitat, and is maintained as an urban containment boundary.**
- 8. Utilize smarter, and cheaper infrastructure and green buildings. Green buildings and other systems can save both money and the environment in the long run.**
- 9. Foster a unique neighbourhood identity. Each community is unique, vibrant, diverse, and inclusive.**
- 10. Nurture engaged citizens. Places belong to those who live, work, and play there. Engaged citizens participate in community life and decision-making.**



**CUNNINGHAM & RIVARD APPRAISALS (NANAIMO) LTD.**

204 - 321 WALLACE STREET, NANAIMO, BC V9R 5B6

TELEPHONE (250) 753-3428 • FAX (250) 754-9300

EMAIL: [office@CRisland.com](mailto:office@CRisland.com)

December 3, 2007

**Maureen Pilcher & Associates Inc.**

1149 Pratt Road  
Qualicum Beach, BC  
V9K 1 W6

**Attention: Maureen Pilcher**

Dear Ms. Pilcher:

**Re: 5160 Hammond Bay Road, Nanaimo, BC**

We write in reply to your request to provide an opinion on the impact on market value to the properties lying adjacent to the proposed townhouse development to be located on the property noted above.

The development proposal is to re-zone the site from RS-1 to RM-3 and construct twenty (20) townhouse units.

The style and form of the development is to be consistent with many other north Nanaimo townhouse developments including existing developments located in Parkwood, along McGirr Road, along McRobb Avenue, Uplands Drive at Hammond Bay Road, Hammond Bay Road near the Hungarian Cultural Centre as well as proposed projects on McGirr Road, Rocky Point and Miller Farm Drive.

The proposal to re-zone the site and develop 20 attached and semi-detached residences is consistent with the Official Community Plan and allows for increased densification without adverse influence to the adjoining properties and the neighbourhood as a whole.

Stated differently, there is no market evidence to demonstrate a reduction in value to a single family residence located adjacent to a townhouse development. This is particularly true where the townhouse units are constructed as strata titled units that are sold individually to home owners. These (townhouse) home owners, not dissimilar to their single family neighbours, also share in pride of ownership and maintain their homes, and complex, to a high standard that maintains property values within the given neighbourhood. Furthermore, there are examples of townhouse developments that have actually added value to a given neighbourhood, an example being Edgewood in upper Departure Bay.

In general terms, individual homeowners may not support development of lands adjacent to their property, as this form of change is viewed by the individual as detrimental. This

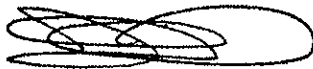
is a personal view that is not shared by the market, and in fact, these properties do not suffer a loss in value when tested in the marketplace.

In summary, the proposed re-zoning and development of the land into 20 townhouse units will not create a loss in value to the adjoining residential properties or have a negative impact upon the neighbourhood.

We trust the foregoing to be helpful.

Yours truly,

CUNNINGHAM & RIVARD APPRAISALS (NANAIMO) LTD.

A handwritten signature in black ink, appearing to read 'David L. Kirk', with a large, loopy flourish at the end.

David L. Kirk  
AACI, P.App., RI(BC)

DLK/  
Encl.





FoxPlace

Dun Place

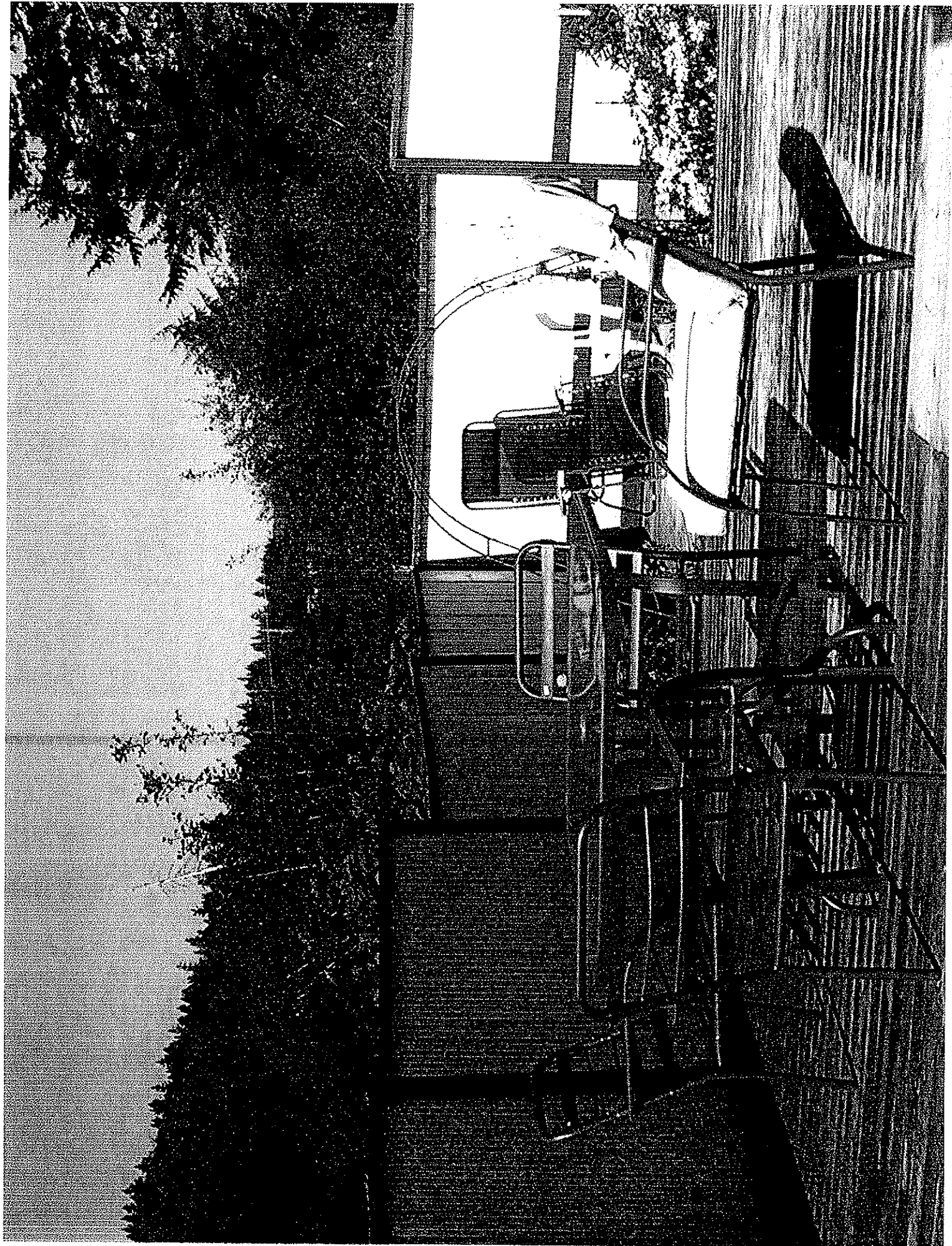
Image © 2007 Naraalino

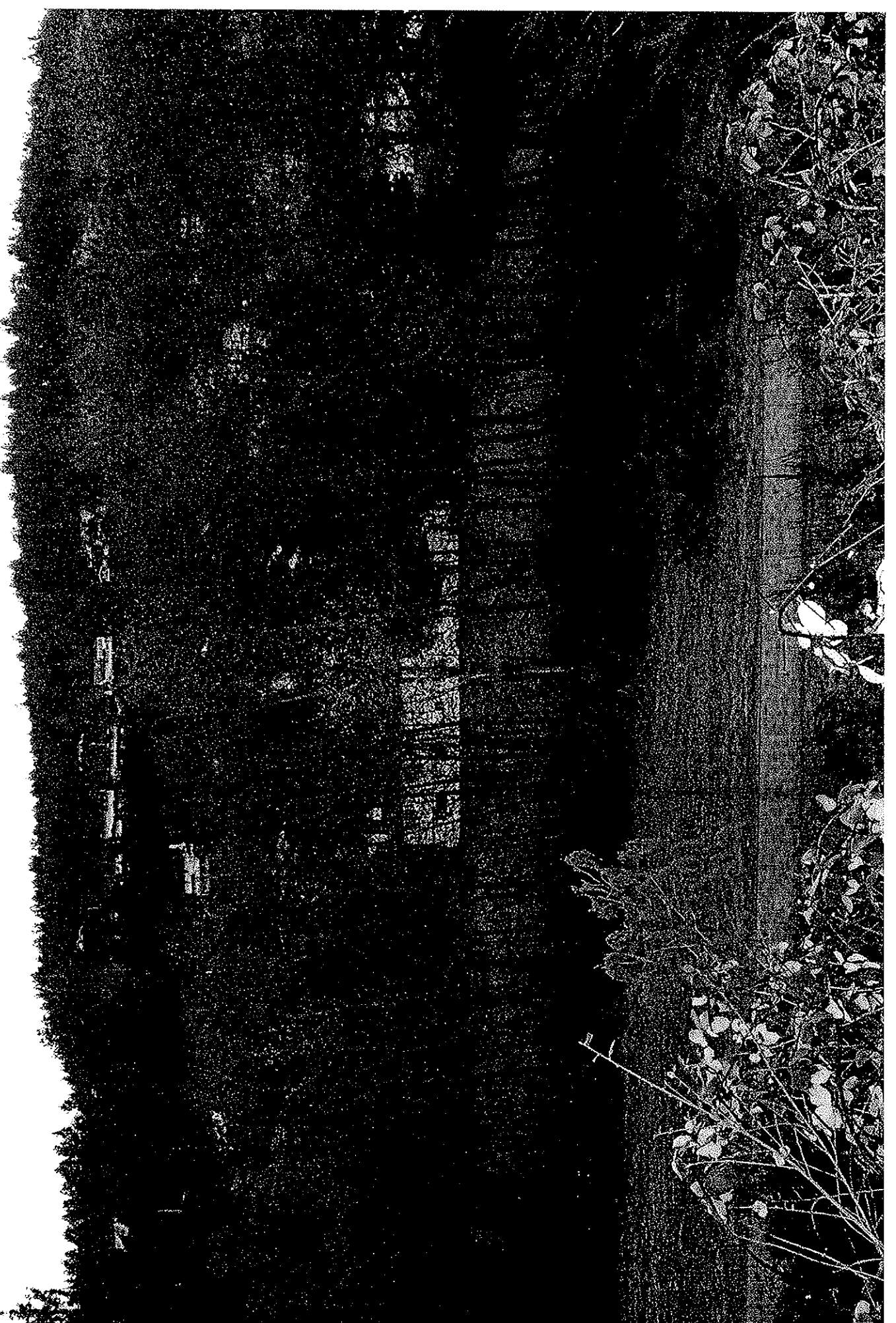
© 2007 Tele Atlas

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**Maureen Pilcher**  
**Answers to Neighbourhood Questions and Closing Comments**  
**5160 Hammond Bay Road**

I want to thank so many interested residents' for attending this evening! It is important that community residents get involved, and feel passionate, about the area that they live in. The opportunity to enter into dialogue with each other regarding change and growth can be educational for residents and developers alike. There are many who think that "no development is good development", however I am not of that mind set. I firmly believe that compact, complete communities can absorb new residents without sacrificing quality of life or environment.

I hope the following will answer some of your questions and alleviate some of your concerns.

**Sizes and Prices of Units**

Duplex units – 1,750 square feet on two floors – three bedrooms - under \$300,000

Fourplex units – 1,250 square feet on two floors – two bedrooms and a den around \$230,000

These units will be constructed with a high degree of design and function that will reflect the context of the neighbourhood. Porch and gable elements will be used and finishes will be durable in nature, including bold wood trims, laminated shingles, vinyl siding and wood columns – some with decorative rock accents. The proposal meets all amenity area requirements and incorporates a trail and a children's playground

**Servicing Issues**

**Storm Water**

Low impact development features will be incorporated for the on-site storm water management and a storm water management plan will be provided and secured as a condition of rezoning. In addition to maintaining pre-development peak flow volumes, 50% of the mean annual rainfall will be redirected and managed on site, instead of discharging into Whalley Creek. Oil/water separators for storm drainage runoff will be installed to minimize the chances of adversely impacting the water quality in Whalley Creek and an erosion and sediment control program and grading plan will be provided.

**Water**

There is an existing water main in Hammond Bay Road which will service the site and we may need to install an internal fire hydrant to ensure that the existing water main network has adequate capacity to supply the required fire flow to the site.

**Sewer**

The existing sanitary sewer service will be adequate to serve the proposed development.

**Access**

The proposed access will be off Hammond Bay Road near the easterly limit of the site frontage. This location provides the maximum available off-set from the intersection of Hammond Bay and Entwhistle Drive to the west.

Site distance in both directions along Hammond Bay Road at the proposed access location meets City of Nanaimo recommendations. Nored and Newcastle Engineering will work closely with the City Engineers at the Design Stage to ensure that the access to this property is safe and efficient and meets all City of Nanaimo Engineering Standards and Specifications. Other multi-family developments, some with twice as many units, exit safely on urban collectors in similar circumstances. The Crossing Control Bylaw does not regulate distances from intersections when they are located across the road.



### *Works*

If indicated at Engineering Design Stage, concrete curb, gutter, sidewalk and ornamental street lighting may need to be constructed along the site frontage of Hammond Bay Road – and some road reconstruction or road widening may also be necessary. Nored will be pleased to complete these works as part of this development. It is expected that all on-site Hydro, Cable and Telus lines will be underground.

### ***Property Values***

It has long been a common misconception that introducing multi family housing into single family neighbourhoods devalues the existing residences. Discussions with Bill Dawson, the Deputy Assessor from BC Assessment, indicate that there would be no adjustment to discount the evaluations on surrounding properties for this type of development. Mr. Dawson indicated that this type of development is esthetically pleasing and the quality of construction is high. He stated that densification, as outlined in the OCP, would be the highest and best use of a 2 acre property in this neighbourhood.

Mr. David Kirk of Cunningham Rivard Appraisals Ltd. has provided a letter supporting this view - "the proposed rezoning and development of this site will not create a loss in value to the adjoining residential properties or have a negative impact upon the neighbourhood". He goes on to say that there is no market evidence to demonstrate a reduction in value to a single family residence located adjacent to a townhouse development.

### ***Subdivision***

Required Road frontage – 15 metres (49.2 feet)

Required Depth of lot – 30 metres (98.4 feet)

Standard Road Width – Urban Local (low volume) road

Urban Local standard Cul-de-sac – 16. 5 m (55')

Off set cul-de-sac??

Subdivision of this property under the present zoning is possible – but not economically probable. There is a possibility of realizing six or seven single family lots from this 2 acre parcel – but the requirement to build a public road to provide road frontage to these lots would be financially prohibitive. The configuration of the required road and lots would also be difficult. Single family development would most likely result in a much less esthetically pleasing situation for the present neighbours. In order to make room for the standard road or cul-de-sac widths, and depending on the configuration of the subdivision, the new houses may be situated closer to the edges of the property. Depending on the orientation of the homes – they could be situated 1.5 metres – or 5 feet – from the neighbouring property lines. There are no design standards for single family dwellings – nor are there any landscaping requirements.

There are many areas in the City of Nanaimo where multi family projects share boundaries with single family neighbourhoods – and many single family dwellers enjoy living next to strata developments. The strata councils in these developments ensure that the properties are well maintained – fences are painted regularly, landscaping is kept up, and the common areas are kept clean.

Discussion with the Deputy Subdivision Approving Officer indicated that a bare land strata would not be supported at this location. This type of strata is normally contemplated when servicing is an issue – which it isn't at this location.

An RS-6 small lot subdivision may be a possibility – however a rezoning of the property would still be required – and there are no design standards or landscaping requirements for that type of development. Again – depending on the orientation of the homes – they may be built very close to the existing property lines – impacting the surrounding residents.

### ***Frank J. Ney Elementary***

I recently requested a meeting with the Parent Advisory Committee of Frank J. Ney elementary in order to discuss this proposal with them; however discussion with the Principal indicated that school policy dictates that the Principal or Parent Advisory Committee will not comment on land development issues in their area. The Principal did advise, however, that there is capacity for more students to attend the school.

### ***Wildlife Habitat***

Compact neighbourhoods make better use of the land so special environments can be saved. The restoration of Whalley Creek and the continuation and completion of the trail system in this neighbourhood is so important. Nored's donation of \$10,000 to this initiative will assist in completing this project. The introduction of native plants along the rear edge of this property will be an important step in providing ground cover and habitat for small animals and birds.

### ***Whalley Creek***

A key goal of Plan Nanaimo is to recognize the natural environment as a vital element of the City – an important step in the long-term sustainability of our community. This proposed development is well outside the riparian leave strip along Whalley Creek - no variances will be required - and this project will be constructed utilizing responsible development practices with the incorporation of natural features into the development design. At present Whalley Creek is little more than a drainage ditch – with the introduction of native plantings along the eastern edge of this property we will be adding riparian features that supply critical habitat conditions for fish (food, cover and water) which will help to regenerate the creek.

### ***Traffic***

Certainly the addition of 20 households will provide more traffic than what is generated by the present single family dwelling at this location – however it is Nored's intention to create a significant 20 foot wide landscape buffer between the proposed access and the neighbour most affected by the driveway. The driveway is on a fairly level plain. It must also be noted that the traffic generated by this project funnels directly on to Hammond Bay Road – a corridor – an urban arterial which is meant to move traffic.

Subdivision avenues and cul-de-sacs will not be negatively impacted by the residents of this small development. Historically, this type of development appeals to small, young families, who often own only one car. There is presently a bus stop two doors away from this site – and regular bus service will encourage the residents to utilize the existing transit system.

### ***Layout of Development***

This is a concept plan only at this point – and we will certainly be tweaking the plan in the months to come. The form and character of this project will be thoroughly reviewed at the Development Permit Stage, and will be seen by Council again after being introduced to the Design Panel.

### ***Noise***

Noise is a very subjective topic – what is noise to one person – i.e.: children playing sports in the park - can be a wonderful sound to another! Most townhouse developments function just like single family neighbourhoods – people come and go from their homes, they have barbecues on their decks and their children play in their yards – there will not be constant machinery noise, or constant drilling here – these residents will live their day to day lives just as the surrounding residents do.

### ***Ownership***

These townhouse units are being constructed as strata titled units that are sold individually to home owners. These residents will share in pride of ownership and maintain their homes, and the complex, to a high standard that maintains property values within the neighbourhood.

### ***Closing Comments***

Smart Growth BC is a provincial, non-governmental agency that was founded to promote responsible, sustainable urban development principles throughout BC. The following is a list of development practices that aim to enhance and preserve our quality of life. We believe that the proposal at 5160 Hammond Bay Road meets these challenges.

- ☐ Encourage mixed-use zones;
- ☐ Promote compact and walkable neighbourhoods;
- ☐ Concentrate new growth into existing areas;
- ☐ Enhance the range of housing options;
- ☐ Link new development to public transit and other transportation options; and
- ☐ Integrate storm water management with stream corridor and riparian area protection strategies

Sustainable communities promote transportation choices, mixed-use and mixed income development with attractively designed projects. These economically attainable townhouses will attract young families and young professionals who wish to live in the north end of Nanaimo, but cannot afford to buy a single family dwelling. This will not be a drug riddled, crime inducing housing project! This will be "workforce housing" – providing homes for people such as service industry workers, teachers, firefighters, and health care providers – the vital workers that contribute to our community – but who can't afford \$4 - \$500,000 for a single family dwelling.

Nored Developments is not looking to develop this compact townhouse project smack dab in the middle of a cul-de-sac style subdivision – these homes will be accessed off a major urban collector. The property borders an elementary school, a large park, a well utilized walking trail and is situated on a transit line. Yes – this development will directly affect seven neighbouring single family residential properties – but this developer, who has a proven track record in Nanaimo for completing quality projects, is sensitive to the neighbours concerns and will do the utmost to ensure that this project integrates seamlessly into the neighbourhood with as little disruption as possible.

As indicated before, this application meets the objectives of the Official Community Plan Neighbourhood designation, and all the regulations of the RM-3 zone – no variances are required. The project has been designed to compliment the existing neighbourhood character and it will provide varied living options for the community by offering economically attainable homes geared to young families who wish to live in north Nanaimo.

Thank you for your patience and attention.

IMPORTANT NOTICE

FORM LETTER DISTRIBUTED  
BY DARYL GRUNLAND

November 15, 2007

Dear Neighbour,

My name is Daryl Grunlund and I live at 5150 Hammond Bay Road. I am contacting you regarding the rezoning application for 5160 Hammond Bay Road. I phoned the City Planning Department today and found out that, to date, there appears to be little opposition to this rezoning application. This concerns me for a number of reasons, not the least of which is little opposition gives City Council little reason to deny this rezoning.

I urge you to think closely about how this rezoning might affect you and your property with 20 additional dwellings in our neighbourhood.

My greatest concerns are as follows:

1. I recently had my property appraised by a bank for mortgage purposes. The appraiser told me at that time the real value of my property was in its size and privacy. All of us benefit from the fact that we have larger lots, lower housing density and Wippen Park behind us making our location desirable to potential buyers. This one of the few areas in North Nanaimo that boasts these property sizes. Increased density lowers our property values. In my case, I will have a four-plex looking directly into my bedroom, patio and hot tub area. Think how your privacy might be affected.
2. Our area is primarily single family dwellings and a multi-dwelling development is not in keeping with the character of the neighbourhood. There could be 40-80 people living on a piece of land where 4 currently reside.
3. Hammond Bay Road is already very busy traffic-wise. Entwistle Road enters Hammond Bay Road on a curve and we all know that it is known as a dangerous area for traffic. There was another accident on that corner just last Wednesday. Children walking to Frank Ney Elementary School use that intersection to walk to school. Adding another 20+ cars entering Hammond Bay Road from 5160 Hammond Bay Road and within 100 feet of the intersection is prompting an accident to happen by effectively creating a second intersection.
4. The topography of our area tends to trap noise because of the rock outcroppings in the area of Frank Ney Elementary and the rising hills above Hammond Bay Road. We have all experienced to noise from the school or park if anyone gets rowdy later at night. Can you imagine what the noise factor might be with 20 additional dwellings in the virtually 'house-locked' pocket at 5160 Hammond Bay.
5. There has been nothing published as to whether these 20 units will be self-owned, rental or social housing units. This will be a factor in how the property is cared for and maintained.



54

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Edward Knight

Address 5230 Entwistle Dr.

Other contact information (phone or email) 758-2913

Signature Edward P. Knight

Date Nov 19 / 2007

52

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) BRENDA CAUTTS - LARONTE

Address 5204 ENTWISTLE DR.

Other contact information (phone or email) the.mums@shaw.ca

Signature Brenda Cautts-Laronte

Date NOV 17/2007

50

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) JACOB MCPHERSON

Address 5301 ENTRUSTLE DR.

Other contact information (phone or email) 756-0634

Signature Jacob McPherson

Date Nov. 18/07.

47

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) DAN MCPHERSON

Address 5301 ENTWISTLE DR

Other contact information (phone or email) 250 618 1873

Signature 

Date Nov 17/07

46

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Warren Smith  
Address 5233 Hammond Bay Rd  
Other contact information (phone or email) 755-2411  
Signature Warren Smith  
Date Nov 18th 2007

4344

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Gloria Anos / Lawrence Anos

Address 5086 CARRIDGE DR.

Other contact information (phone or email) 758-8748

Signature [Signature] / M. J. Anos

Date Dec 18 '07

39 40

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Patricia Crisby, Xing Wei;

Address 5178 Dunn Place, Nanaimo, BC.

Other contact information (phone or email) (250) 751-7536; P.crisby@shaw.ca

Signature  Patricia Crisby

Date Nov-17-2007

37

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) \_\_\_\_\_

CHRS DUBO-K

Address \_\_\_\_\_

5239 Hammond Bay Rd

Other contact information (phone or email) \_\_\_\_\_

729 8068

Signature \_\_\_\_\_



Date \_\_\_\_\_



34 35

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) IRED and Stella RANKIN

Address 5170 Dunn Pl. Nanaimo

Other contact information (phone or email) \_\_\_\_\_

Signature *Ired Rankin*

Date Nov. 18/07

32  
Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) AGNES Schade

Address 5189 DUNN PLACE

Other contact information (phone or email) agnes@aledine.com

Signature Agnes Schade

Date Nov 18/2007

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) PAMELA HAMILTON

Address 5156 Hammond Bay Rd

Other contact information (phone or email) Nick Panti in OSHA@CA

Signature 

Date Nov 17, 07

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Valerie Dieleman

Address 5300 Entwistle Dr Nanaimo, B.C.

Other contact information (phone or email) 619-7458

Signature Valerie Dieleman

Date Nov. 16/07

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) \_\_\_\_\_

Mary Lou Hines

Address \_\_\_\_\_

5330 East Whistle

Other contact information (phone or email) \_\_\_\_\_

729-9771

Signature \_\_\_\_\_



Date \_\_\_\_\_

Nov 18/07

24

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) GARY GORDERMAN

Address 5350 EWTWISTLE

Other contact information (phone or email) 758-5929

Signature Gary Gorderman

Date Nov 18 2007



22

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Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Darlene Dillon

Address 5391 Entwistle Dr.

Other contact information (phone or email) 758-0310

Signature D. Dillon

Date Nov 18<sup>th</sup> 2007

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Donald Johnson

Address 5351 Entwistle Dr.

Other contact information (phone or email) 758-0987

Signature Don Johnson

Date Nov. 15/07



18

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Gwyneth Jorgensen

Address 5331 ENTWISTLE DRIVE.

Other contact information (phone or email) 751-0415

Signature 

Date 18th NOVEMBER 2007

13

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Daniel Taylor  
Address 5150 Hammond bay Road  
Other contact information (phone or email) 619-3931  
Signature Daniel Taylor  
Date Nov, 18, 2007

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) \_\_\_\_\_

Scott Toop

Address \_\_\_\_\_

5311 Entwistle Dr. Nanaimo

Other contact information (phone or email) \_\_\_\_\_

751-3378

Signature \_\_\_\_\_



Date \_\_\_\_\_

Nov 18/07

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) TIM HAYWARD

Address 3328 KITE WAY NANAIMO

Other contact information (phone or email) 758-1035

Signature *Tim Hayward*

Date 11 18 07

5  
Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Dr. DAVID STIRLING

Address 5200 Entwistle Dr.

Other contact information (phone or email) daecan@shaw.ca

Signature *David Stirling*

Date Nov 17 09

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) W. REID. PATTISON.

Address 5124 HAMMOND BAY RD. NANAIMO. B.C. V9T-5B5

Other contact information (phone or email) 729-9259

Signature W. Reid Pattison

Date Nov. 17 / 07.

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4



Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) ROBERT ARKELL

Address 5159 HAMMOND BAY RD. V9T 5B6

Other contact information (phone or email) 758-5761 drc@telus.net

Signature Robert Arkell

Date Nov. 17/07



Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4



Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) ALVIN + PATRICIA WAGNER

Address 5237 FOX PL. NANAIM V9T 6K5

Other contact information (phone or email) 756-2111

Signature *Alvin + Patricia Wagner*

Date Nov. 18/07



Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4



Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Susan Stitt + Ed Jorgensen

Address 5120 Hammond Bay Rd

Other contact information (phone or email) 7512061

Signature Susan Stitt

Date Nov 19/07

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

REC-1014

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Kelly & Dan Wiebe

Address 5183 Hammond Bay Rd

Other contact information (phone or email) 758 2485 weebles4@shaw.ca

Signature [Signature]

Date Nov. 16/2007



2495

82  
Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed)

DANIEL LOH

Address

5140 Hammond Bay Rd. Nanaimo B.C. V9T-5B5

Other contact information (phone or email)

758-2843, loh@shaw.ca

Signature

*Daniel Loh*

Date

30 Nov 07.

80  
Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Hitoko Shimizu  
Address 5222 Fox Pl. Nanaimo, BC  
Other contact information (phone or email) 625-0-757-0855  
Signature [Signature]  
Date Nov. 29.07

78

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) PENNY LEIFSON  
Address 5399 Fillingar Cr, Nanaimo BC V9V-1H6  
Other contact information (phone or email) (250) 758-0475  
Signature *Penny Leifson*  
Date Nov. 27/07

16

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) SALLY MURCATROYD  
Address 2060 - SEVEN OAKS PLACE, NANAIMO B.C.

Other contact information (phone or email) 751-8440

Signature S. Murgatroyd  
Date 24 Nov. 2007

74

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) JAMES ROBERTSON  
Address 5094 CARRIAGE DRIVE, NANAIMO  
Other contact information (phone or email) 751-2253 / jim-donna@shaw.ca  
Signature James M. Robertson  
Date Nov. 26/07

71 x 72

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Ben + Flo Friesen

Address 224 Seewen Lake Rd

Other contact information (phone or email) 729.9883

Signature F. Friesen

Date Nov 25/07



67-68

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) TIC WICKHAM

Address 235 SEVEN OAKS PLACE

Other contact information (phone or email) 758-1213

Signature [Signature]

Date Nov 25/07

63-64

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) James McFarlane Richard McFarlane

Address 3386 Rivercote cdo

Other contact information (phone or email) 758-9744

Signature [Signature]

Date Nov 28/07

39

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) T Hagen  
Address 5380 Fillingar  
Other contact information (phone or email) 756 2477  
Signature [Signature]  
Date Nov 25/07

57

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Rob Russell  
Address 223 SEVEN OAKS PL  
Other contact information (phone or email) lrussell@shaw.ca  
Signature [Signature]  
Date Dec 25/07

5B + 56  
Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) rick cramer + gwen cramer

Address 5310 Entwistle Drive

Other contact information (phone or email) rn.cramer@shaw.ca

Signature Rick Cramer + Gwen Cramer

Date Nov. 17/07

I phoned city hall Nov. 20<sup>th</sup> to register my disapproval and had to leave a message.

11

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) SANDY MELOY HAGGART

Address 5156 HAMMOND BAY ROAD

Other contact information (phone or email) 250-756-9335

Signature Sandy Meloy Haggart

Date May 19/2007



8

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) DARYL GRUNDLUND  
Address 5160 Hammond Bay Rd  
Other contact information (phone or email) cdgrundlund@shaw.ca 758 8066  
Signature [Signature]  
Date Nov 17/07



83

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

5750 Hammond Bay Rd  
Daryl Grunland.

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) WALTER FIELDS

Address 5220 Estwhistle DR Nan V9V1H3

Other contact information (phone or email) 729 9866

Signature Walter E Fields

Date Nov 29, 2007

86✓  
87

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for 5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this rezoning application.

Name (printed) Josh + Rachel McCartie

Address 5183 HAMMOND BAY RD

Other contact information (phone or email) jr.mccartie@shaw.ca

Signature R. Mc

Date Dec 4/07

89 x  
90

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Kelly & Dan Wierse

Address 5183 Hammond Bay RD

Other contact information (phone or email) 758-2485

Signature [Signature]

Date Dec 4/07

95

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) JOSEPH B. NICHOLS

Address 5357 FILLINGER CR. (950) 751-0158

Other contact information (phone or email) NANAIMOJOE@SHAW.CA

Signature JB Nichols

Date Dec 4/07

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC V9R 2X4

Having read and considered the issues and implications of the rezoning application for  
5160 Hammond Bay Road, Nanaimo, BC, I hereby register my opposition to this  
rezoning application.

Name (printed) Bonnie and Edward Medgyes

Address 5237 Hammond Bay Rd. Nan. BC V9T5M9

Other contact information (phone or email) \_\_\_\_\_

Signature Bonnie Medgyes

Date Dec. 5/07



SUBMISSION LETTER 1 - GRUNLUND

Office of Development Services,  
City of Nanaimo,  
238 Franklyn Street,  
Nanaimo, BC

October 24, 2007



**Re: Rezoning Application for 5160 Hammond Bay Road**

My name is Daryl Grunlund and I live at 5150 Hammond Bay Road. The back half of my property abuts the property that is seeking to be rezoned so that any development on that property will affect me directly. Since I am leaving the country on holidays on October 26<sup>th</sup> and don't know if the public meeting regarding this property will occur while I am away, I am writing this letter to voice my opposition to the rezoning.

As for some background -- we had built our dream home in the Eagle Ridge subdivision in 2005 and realized after we moved in that the lots were much smaller than we anticipated and we were living in a fish bowl where everyone could look at, see and hear what their neighbours were doing because of the high density and small lot size. We gave up the house that we had waited so long to build because we could not live in such close proximity and with such a lack of privacy. We purchased our property at 5150 Hammond Bay Road about 1 ½ years ago specifically for its lot size, privacy and low housing density of the immediate neighbourhood. It is one of the few areas in this part of the city where estate-sized lots are available for those who want them. It is also one of the features that make this neighbourhood unique.

Before we purchased this property, I thought I had done my due diligence by phoning the Planning Department at the City offices to find out if the properties on either side of the property I was purchasing could be subdivided to increase the density of housing. I did not want to be back into the situation I was getting out of in Eagle Ridge. I was told at that time that it was "highly unlikely" because road allowances and frontages were insufficient and that the 5160 Hammond Bay Road property had a great deal of inappropriate fill in the back of the property unsuitable for buildings. Taking the information at face value, we proceeded with the purchase. I am wondering what has changed?

Our neighbourhood from Laguna Way to the ocean and from Fillinger to Vista View is essentially all single family residences except for the Floral Woods, Woodbridge and Bella Vista townhouse complexes which are all fairly high-end residences. Duplexes and fourplexes are simply not something you find in this area and are not in keeping with the neighbourhood. Because of the topography of the area with the high rock outcroppings near Frank Ney Elementary, the abundance of trees and the way the houses are built around Whipper Park, noise tends to get trapped in the bowl that is created. For example, if a group of kids gets rowdy at the school at night, their voices reverberate through the neighbourhood noticeably. I can't imagine what having an additional 20 residences, stacked on top of each other, in an almost landlocked pocket surrounded by other homes, would do to the immediate neighbours' noise level. Apart from them being duplexes and

## SUBMISSION LETTER 2 - GRUNLAND

### Penny Masse

**From:** Dale Lindsay  
**Sent:** Tuesday, November 20, 2007 1:08 PM  
**To:** Sheila Smith  
**Cc:** Penny Masse  
**Subject:** FW: rezoning applications

Fyi – lets start a sub file for public input in the RA folder – I have some more form letters that were submitted last night.

**From:** Marilyn Smith  
**Sent:** Tuesday, November 20, 2007 12:02 PM  
**To:** SENIOR MANAGEMENT; Bruce Anderson; Dale Lindsay  
**Subject:** FW: rezoning applications

For Your Info.

*Marilyn Smith*  
*Administrative Assistant to Mayor and Council*  
*Phone: 250-755-4400 Fax: 250-754-8263*

**From:** Daryl and Cathy [mailto:cdgrunlund@shaw.ca]  
**Sent:** Tuesday, November 20, 2007 11:50 AM  
**To:** Mayor Gary Korpan  
**Subject:** Re: rezoning applications

Dear Mayor Korpan,

I spoke at last night's Council meeting on behalf of the Hammond Bay/Entwhistle community in opposition to the rezoning of 5160 Hammond Bay Road. This is a position that I have been thrust into and not one of my choosing. As I mentioned last evening, this community will do everything within its power to prevent the rezoning of that property.

I have a suggestion that Council may wish to consider in regard to rezoning and in-filling of properties.

For a bit of background, Nanaimo is my home town. After working for 30 years as a teachers and principal in Vancouver, my wife and I could hardly wait to return to Nanaimo. We bought a house in Eagle Point on a 12,000 square foot lot with a magnificent ocean view in 2002 while still working Vancouver and used it as a weekend retreat. Unfortunately, I had a serious accident just prior to returning to Nanaimo, and when we finally moved into the Eagle Point house, I found that I was unable to negotiate all the stairs in that house. We decided that we would have to build a house that was all on one level and sold the Eagle Point house and built our dream home in Eagle Ridge. I guess we didn't do our due diligence nearly well enough. What we were told about property sizes and subdivision layout seemed to change between the time we bought the property and the time the house was completed. We moved into the house that we had always dreamed of having only to find that we were living in a fishbowl with neighbours looking at us from all directions, not what we had envisioned from the 'plan'. To get any privacy, one had to keep the drapes drawn. In less than 18 months we sold that property at a loss because we couldn't live our lives that way. We went looking for a large property with the privacy we so craved after years in the big city. We bought 5150 Hammond Bay Road after checking with the City about the possibility of subdivision of neighbouring properties. As I mentioned last night, I obviously didn't know the right questions to ask as I was told that it was "highly unlikely" that that could happen at 5160 Hammond Bay.



November 16, 2007

Office of Development Services  
City of Nanaimo  
238 Franklyn Street  
Nanaimo, BC V9R 2X4



**Re: Rezoning Application for 5160 Hammond Bay Road**

Our names are David Haggart and Sandy Meloy-Haggart and we live at and own the property at 5156 Hammond Bay Road and we are strenuously opposed to the Rezoning Application for 5160 Hammond Bay Road.

The left side and back of our property abuts the property at 5160 Hammond Bay Road that is seeking the rezoning so that any development on that property will greatly affect us and our property.

We have **several major concerns** with regard to this rezoning application but first and foremost is our most serious concern for my husband, David Haggart's health. David has COPD and emphysema and is on oxygen and a nebulizer 24 hours a day. Breathing is difficult for David at the best of times but dust and pollution have a tremendous affect on David's breathing and health and one can only imagine the dust and pollution that would be caused not only by the construction and development of these units but also by the 20 to 40 vehicles that would be coming and going from these units on a daily basis.

Our next **major concern** is that the proposed roadway into this development, which, according to the plan we have received from Maureen Pilcher & Associates, would only be 19 feet 8 inches away from the left side of our property. The left side of our home happens to be the side of our house where our family room, kitchen and dining room are located and where David spends 95 percent of his time in these areas of our home due to the location of his breathing equipment.

Another **major concern** is that the proposed 4 plex's to be built on this property will be located directly behind our property looking right into our kitchen, family room and master bedroom and the noise that will come from 12 additional homes in such an enclosed area will be unbearable to say the least, let alone the impact this will have on the value of our property and surrounding properties. There also has been nothing published as to whether these 20 units will be self owned units, rental units or social housing units.

# SUBMISSION LETTER 2 - HAGGART

**Penny Masse**

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**From:** webmaster@nanaimo.ca  
**Sent:** Friday, November 02, 2007 8:18 PM  
**To:** Public Hearing  
**Subject:** Public Hearing Submission

A Online Public Hearing Submission has been made:

**Name:** David Haggart  
**Address:** 5156 Hammond Bay Road  
**Subject:** 5160 Hammond Bay Road

**Comments:**  
We object to the proposed rezoning of this property. We contacted the City before we purchased our lot and were advised it was in a SF residential zone. We are not interested in a higher density for our neighbourhood.

Penny Masse

SUBMISSION # 2 - PELLETIER / HEWSTAN

**From:** Tricia Wilkinson on behalf of Legislative Services Office  
**Sent:** Thursday, December 06, 2007 8:36 AM  
**To:** Penny Masse; Dale Lindsay  
**Subject:** FW: Proposed Bylaw No. 4000.427

**Importance:** High

I believe this email is intended for tonight's Public Hearing.

Thanks,  
Tricia

-----Original Message-----

**From:** kasandra [mailto:khewstan@shaw.ca]  
**Sent:** Wednesday, December 05, 2007 6:57 PM  
**To:** Legislative Services Office  
**Cc:** Public Hearing  
**Subject:** Proposed Bylaw No. 4000.427

We will not be able to attend the public hearing on this bylaw on Dec. 6/07 as is is the same night as the children's Christmas concert at Frank J. Ney Elementary. Please do not confuse the lack of attendance with a lack of caring that this bylaw not be passed, I am sure that many more parents who live in this vicinity are in the same situation. I work in the construction industry and have seen for myself in places like Victoria and the Lower Mainland that a recent trend appears to demolish a house in an older, established area and then pack two or three smaller houses on the same lot. These developments, from what I have seen, do nothing good for these neighbourhoods. The corner of Entwistle Drive and Hammond Bay Road can be very busy at certain times of the day. To create a new development whose only entrance and exit would be on Hammond Bay Road such a short distance away would create a safety issue. Also, to have elementary, high school and college students either walking to school or walking to a bus stop over what used to be a sidewalk but is now the entrance to a development is an other safety issue as drivers can not always be counted on to yield to pedestrians, especially young ones who are in a hurry to get to school or go home. I am by far not opposed to development of or re-zoning of un-touched land or the changing of commercial zonings to permit other uses, but I am completely against the rezoning of a developed piece of residential land to a designation that is so foreign to the original intention.

Pierre Pelletier

Kasandra Hewstan

3 children, two which still attend Frank J. Ney Elementary