

AGENDA FOR THE REGULAR MEETING OF THE TWENTY-THIRD COUNCIL
OF THE CITY OF NANAIMO, TO BE HELD IN THE REGIONAL DISTRICT OF NANAIMO
BOARD CHAMBERS, 6300 HAMMOND BAY ROAD, NANAIMO, B.C.
ON MONDAY, 2006-MAR-27, COMMENCING AT 7:00 P.M.

1. **ADOPTION OF MINUTES:**

- (a) Minutes of the Regular Meeting of the Twenty-Third Council of the City of Nanaimo held in the Regional District of Nanaimo Board Chambers, 6300 Hammond Bay Road, Nanaimo, B.C., on Monday, 2006-MAR-13 at 7:00 p.m.

2. **PRESENTATIONS:**

3. **INTRODUCTION OF LATE ITEMS:**

4. **DELEGATIONS PERTAINING TO AGENDA ITEMS:** *(green)* (10 MINUTES)

- (a) Delegations pertaining to the City of Nanaimo 2006 – 2010 Financial Plan.
- (b) Ms. Denyse McCullough, President, Canadian Cancer Society, 777E Poplar Street, Nanaimo, B.C., regarding Cancer Awareness Month. *Pg. 1*

5. **MAYOR'S REPORT:**

6. **PROCLAMATIONS:**

- (a) Ms. Denyse McCullough, President, Canadian Cancer Society, 777E Poplar Street, Nanaimo, B.C., requesting that the month of April 2006 be proclaimed "CANCER AWARENESS MONTH" in the City of Nanaimo. *Pg. 2-3*
- (b) Ms. Marjorie Driscoll, Executive Director, Nanaimo Volunteer and Information Centre Society, 529 Wentworth Street, Nanaimo, B.C., requesting that the week of 2006-APR-23 to 2006-APR-29 be proclaimed "NATIONAL VOLUNTEER WEEK" in the City of Nanaimo. *Pg. 4*

7. **REPORTS OF ADVISORY BODIES:**

8. **PARKS, RECREATION AND CULTURE COMMISSION:**

The following item was considered by the Parks, Recreation and Culture Commission at its Meeting held 2006-FEB-22: *Pg. 5-14*

(a) Departure Bay Trail

Committee's Recommendation: That Council not proceed with the Departure Bay Trail extension project.

9. **CITY MANAGER'S REPORT:** *(blue)*

Synopsis *Pg. 15-29*

- (1) New Nanaimo Centre Agreements (report to be circulated)
- (2) Development Permit No. DP000374 – 6201 Oliver Road *Pg. 30-54*
- (3) Development Permit No. DP000317 – 333 Tenth Street *Pg. 55-61*
- (4) Report of the Public Hearing Held 2006-MAR-16 to Hear Bylaw No. 4000.389 *Pg. 62-99*
- (5) Gusola Block (104 Commercial Street) – Property Tax Exemption Approval-In-Principle Renewal *Pg. 100-101*
- (6) Official Community Plan Ten-Year Review *Pg. 102-107*
- (7) Request for Funding to Organize a Visit by Mr. Jaime Lerner, Architect and Urban Planner *Pg. 108-110*
- (8) Subdivision Approval – Park and Cash-In-Lieu – 5199 Dunster Road *Pg. 111-114*
- (9) Unresolved Building Deficiencies – Notice on Title (Section 57) *Pg. 115-118*
 - (a) 3583 Hammond Bay Road
 - (b) 6581 Pelican Way
 - (c) 5354 Colbourne Drive
 - (d) 701 Second Street
 - (e) 2710 Fandell Street
 - (f) 5715 Hammond Bay Road

(10)	<u>Unresolved Building Deficiencies – Remedial Action Requirements (Section 72/73)</u>	<i>Pg. 119-135</i>
	(a) 5354 Colbourne Drive	
	(b) 6581 Pelican Way	
	(c) 701 Second Street	
	(d) 5715 Hammond Bay Road	
	(e) 2710 Fandell Street	
(11)	<u>Unightly Premises – Property Maintenance Bylaw No. 3704</u>	<i>Pg. 136-137</i>
	(a) 82 Fifth Street	
(12)	Request for Inclusion in Regional District of Nanaimo Pump and Haul Bylaw	<i>Pg. 138-143</i>
(13)	Regional District of Nanaimo Regional Parks and Trails Service Loan Authorization Bylaw	<i>Pg. 144-147</i>
(14)	Remedial Repairs to Duke Point Watermain Part F and G	<i>Pg. 148</i>
10.	INFORMATION ONLY ITEMS:	
	(a) Report from Ms. K. L. Burley, Manager of Legislative Services, re: Financial Disclosure Statements.	<i>Pg. 149</i>
11.	RECONSIDERATION OF BYLAWS:	
	(a) That “ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.389” (RA000160 - site specific amendment to the C-28 zone to increase the maximum height and density for a building under construction at 38 Front Street) be given third reading.	<i>Pg. 150</i>
	(b) That “COMMUNITY WORKS RESERVE FUND ESTABLISHING BYLAW 2006 NO. 7026” (to confirm the establishment of Community Works Reserve Fund and determine allowable expenditures from the fund) be adopted.	<i>Pg. 151</i>
	BYLAW STATUS SHEET	<i>Pg. 152-154</i>
12.	INTRODUCTION OF BYLAWS:	
13.	INTRODUCTION OF DEVELOPMENT BYLAWS:	

14. **CORRESPONDENCE:**

- (a) Letter dated 2006-MAR-13 from Ms. Joyce Jones, Chairperson, Seniors' Advocacy Steering Committee, 411 Dunsmuir Street, Vancouver, B.C., requesting Council pass a motion of support, in principle, for Seniors' Advocacy Offices in municipalities across the Province. *Pg. 155-157*
- (b) Letter dated 2006-MAR-16 from Mr. Leonard Krog, MLA (Nanaimo), #4 - 77 Victoria Crescent, Nanaimo, B.C., requesting Council endorse the motion regarding the National Childcare Plan (as outlined in the letter.) *Pg. 158-159*

15. **COUNCIL APPOINTMENTS:**

16. **NOTICE OF MOTION:**

17. **CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:**

18. **DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:**
(green) (10 MINUTES)

- (a) Mr. Jan Nilsson, Mr. Gerry Owen and Mr. Charlie Fox, 5343 Scenic Place, Nanaimo, B.C., regarding their Journey from Nanaimo to St. John's, Newfoundland, to raise awareness about mental health and homelessness. *Pg. 160*
- (b) Mr. James Cunningham, #18 – 564 Fifth Street, Nanaimo, B.C., regarding the Street Entertainers Bylaw. *Pg. 161*
- (c) Mr. Mike Hunter, Crystal Meth Task Force, 3146 Robin Hood Drive, Nanaimo, B.C., regarding the Crystal Meth Task Force final report. *Pg. 162*

19. **QUESTION PERIOD:** *(Agenda Items Only)*

20. **ADJOURNMENT:**

ACTING MAYOR: COUNCILLOR HOLDOM

2006-MAR-08 to 2006-APR-22



REQUEST TO APPEAR AS A DELEGATION

ON 2006 - March - 27
year month day



COUNCIL

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)



FINANCE / POLICY COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: Denyse McCullough, Canadian Cancer Society
Print

ADDRESS: 777E Poplar Street Nanaimo BC V9S 2H7
street address City Province Postal Code

PHONE: 741-8180 741-8180 FAX:
home business

NAME OF APPLICANT IF OTHER THAN ABOVE:

DETAILS OF PRESENTATION:

Would like to speak to Council regarding Cancer Awareness Month.

☒ Council Agenda Item ☒
☐ Committee..... Delegation ☒
☒ Open Meeting Proclamation ☐
☐ In-Camera Meeting Correspondence ☐
 Meeting Date: 2006-MAR-27

Erase Form

PLEASE NOTE

Email Form

- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

Legislative Services Department
 455 Wallace Street, Nanaimo BC V9R 5J6

Phone: (250) 755-4405
 Fax: (250) 755-4435
 legislativeservices.office@nanaimo.ca



Canadian
Cancer Society
British Columbia and Yukon



Nanaimo Unit
777E Poplar Street
Nanaimo, BC
V9S 2H7

741-8180

March 20, 2006

His Worship
Mayor Gary Korpan
City of Nanaimo
455 Wallace Street
Nanaimo, BC
V9R 5J6

Reference: Cancer Awareness Month

Dear *Mayor Korpan*:

April and Cancer Awareness Month are once again upon us. Our volunteers here at the Nanaimo Unit are seeking the assistance of Council to ensure Nanaimo residents are fully aware of the nature and incidence of cancer in all of our lives. This year, some 150,000 new cases of cancer will be diagnosed in Canada. Statistically, some 70,000 Canadians will die this year as a direct consequence of cancer.

On the basis of current mortality rates, 24% of Canadian women and 28% of Canadian men will develop and die from cancer. Statistically, one in every 4 Canadians will die from this cruel disease. The implications of this will be evident for all of us; in our families and in the community as a whole.

I appreciate that Council's calendar is a busy and crowded one, but as President, I would be very grateful for an opportunity to appear before Council on March 27th. My message is a brief and simple one: not all cancer can be prevented, but any of us of any age and of any circumstance can measurably reduce our own risks, and, those of our friends and families. I would also be appreciative if Council would declare April: Cancer Awareness Month.

Yours truly,

Denyse McCullough
Denyse McCullough
President

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee.....	Delegation	<input type="checkbox"/>
<input type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: <i>2006-04-27</i>		



Canadian
Cancer
Society

BRITISH COLUMBIA AND YUKON

Canadian Cancer Society Spring Fashion Show March 30th, 2006



The Nanaimo Canadian Cancer Society invites you to help us as we celebrate life, fashion and feeling and looking great!

**Come join the party and have some
FUN!**

Date: Thursday March 30th, 2006

Time: 7:00 p.m.

Place: Nanaimo Golf Club, 2800 Highland Boulevard

Tickets are \$25.00 each

Special Treat: If you book a table for 10 for \$250.00, you can select one of the ten attendees to participate as a model in the fashion show! Watch your mom, dad, wife, husband, friend or colleague strut their stuff on the runway!!

Tables are limited so sign up early!

- Mix and mingle with a great group of people
- Listen to music and entertainment
- Enjoy an array of delicious dessert treats
- And, help us raise funds that will help the Canadian Cancer Society continue to provide the much needed services and programs for cancer victims and cancer research

To order tickets: Call us at 741-8180 or visit us at:
Canadian Cancer Society – Nanaimo Unit
777E Poplar Street
Nanaimo, B.C. V9S 2H7

RECEIVED

JAN 09 2006

REGISTRATION SERVICES



Nanaimo Volunteer & Information Centre Society

December 15th, 2005

Honourable Gary Korpan, Mayor
City of Nanaimo
455 Wallace Street
Nanaimo, B.C.
V9R 5J6

Dear Sir:

Re: Request for declaration – National Volunteer week: April 23rd – 29th, 2006


Volunteers make a vital contribution to virtually every aspect of Canadian Society – healthcare, education, social services, youth, culture, sports and recreation, the arts, and the environment. Volunteers serve on the boards and committees of local agencies and associations, they organize cultural and recreational activities, help neighbours, provide shelter and counselling services, clean up parks, coach teams, mentor peers, and so much more. Volunteers help build and strengthen our communities by responding to the needs that make each community in Canada unique. Volunteers truly grow communities.

We celebrate National Volunteer Week as a way to thank Nanaimo volunteers, past and present, for their commitment to the community. By publicly thanking volunteers and profiling what they do, we also profile the agencies they volunteer for. This encourages other people to volunteer and provides appreciation for those already committed to volunteering.

Because of the great significance of this event, we ask that the City of Nanaimo declare April 23rd – 29th, 2006 as National Volunteer Week. We cordially invite you to attend our 10th annual luncheon on Thursday April 27th, 2006 and, as in past years be in the position of honour at our head table, read the declaration, and say a few words.

Thanking you, in advance

Sincerely yours,


Marjorie Driscoll
Executive Director.

529 Wentworth Street, Nanaimo BC V9R 3E3 Phone 250.753.3720 Fax 250.753.6836
Email vn@volunteer.nanaimo.ca Web www.volunteernanaimo.ca

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee	Delegation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input checked="" type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>
Meeting Date: <u>2006 - Mar - 27</u>		

REPORT TO: MAYOR AND COUNCIL

FROM: LARRY McNABB, CHAIR, PARKS, RECREATION AND CULTURE COMMISSION

RE: DEPARTURE BAY TRAIL

RECOMMENDATION:

That Council not proceed with the Departure Bay Trail extension project.

BACKGROUND:

The concept of constructing a 4 to 6 metre wide multi-use trail from Departure Bay Beach (Kin Hut) through to the BC Ferry Terminal and connecting to the Harbourfront Trail (Breachin Ramp) was presented to Council in 1997. Staff at that time was authorized to develop design criteria for a multi-use trail and invite public comments. A concept was prepared by Ian Niamath with the help of Herold Engineering.

For planning, design and construction reasons, the route was divided into five sections:

- Section 1 The intersection at Stewart and Brechin Hill ("Welcome to Nanaimo" signage) through the BC Ferry Terminal to the end of the BC Ferry Terminal property (480 metres). This section was completed in 2002.
- Section 2 From the BC Ferries property crossing the Northfield Creek through to the properties fronting Cilaire (153 metres). Detailed design for this section was completed in 2003.
- Section 3 From the properties fronting Cilaire to the existing road right-of-way at Battersea Road (1,043 metres).
- Section 4 The developed portion of Battersea Road (180 metres).
- Section 5 The undeveloped Battersea Road right-of-way to the existing seawall fronting the Kin Hut (246 metres).

In 2003, Council asked for Staff to complete the design of the trail to the Kin Hut. Considerations for design included community use, environmental impact, long term slope stability and liability, land ownership, riparian rights, archeology and project cost.

The design concept was for:

- Section 2 to be constructed on pilings as now designed.
- Section 3 to be given more study during the design process to determine whether riprap or piling is the most viable method of construction.
- Sections 4 and 5 to be designed for riprap construction.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006- MAR-27

DISCUSSION:

In September 2004, Staff indicated to Council that adjacent property owners would be informed about the design work being initiated and that Staff would meet with them to present concept plans. When design concepts had been further developed Staff would present them to Council and a public open house would be hosted. Based on Council and community input, a detailed design could then be completed.

As part of the process to develop preliminary design concepts, a survey of the foreshore was completed in January 2005. The results of the survey show the undeveloped Battersea Road right-of-way to the existing seawall fronting the Kin Hut (246 metres) has eroded since the last survey of 1933. The current status is the City has no road right-of-way along that section and those property owners now have riparian rights.

The survey information was taken to Land and Water BC so they could further comment on the design concept. Land and Water BC responded that: "The riparian rights of the upland owners can be addressed by placing a trail that is of sufficient distance from the high water mark in open water at a minimum depth of 3 metres at extreme low tide. Access by the upland owners through the proposed trail will be required to allow the passage of a 40 foot boat. Openings should be placed not to cause undue hardship on the landowners if they wish to access their properties and be available at all times and all tides."

The City Solicitor advised that for the City to develop a rip rap or piling trail along the foreshore, right-of-way agreements will have to be secured from all adjacent property owners to extinguish their riparian rights. There are 39 lots adjacent to the proposed trail that have riparian rights.

As the next step, the City hired Lanarc Consultants to help research how other municipalities have addressed similar issues and to facilitate the meetings with the adjacent landowners. Lanarc has worked with other communities on waterfront trails and riparian rights issues.

The objectives for the meetings with adjacent property owners were:

1. To communicate that the general public has a right to have access to crown foreshore and beach and that upland owners have riparian rights to allow boat passage to their high water mark.
2. To communicate that the City wants to increase public use and enjoyment of Departure Bay and Nanaimo's waterfront and is encouraging this trail. It is the City's desire to be respectful and considerate of private property concerns such as water views, privacy, security, vandalism and fire risk.
3. To present the design concepts for rip rap and on pile construction.
4. To determine if the adjacent land owners would enter into a right-of-way agreement with the City. The right-of-way agreement extinguishes their riparian rights.

Lanarc's summary and observations of these meetings is attached as Appendix "A". Based on the response of adjacent property owners with riparian rights Lanarc indicated the potential next steps for the City include the following options:

1. That Council not proceed with the Departure Bay Trail extension project.

Currently, the multi-use trail through the BC Ferries Terminal is designed to exit on the foreshore of Departure Bay by means of a staircase to the beach. Once on the beach, trail users can walk along the foreshore to or from Northfield Creek and connect to the Beach Estates Trail. The beach has been cleared of debris but tides above 12 feet limit use of the foreshore (about 10% of the time tides are above this level).

2. Construct only the project from the BC Ferry Terminal to connect to existing walkways at Northfield Creek.

The cost to construct this section as a 4-metre wide multi-purpose trail on pilings as designed was estimated in 2004 at \$1.2 Million. This section would end at Northfield Creek and connect to the Beach Estates trail.

3. Undertake a long-term program of acquiring riparian rights from fronting property owners. This might involve making a 'standing offer' to residents to purchase their riparian rights for a fronting trail. The amount of such an offer might be based on avoiding the 'transaction cost' of the City purchasing properties as they come up for sale, placing the right of way over riparian rights, and then reselling the property. At the same time, the City undertaking a few precedent cases of the above 'transactions' would be also be useful as an objective measure of the property value of the riparian right, or

4. Find an innovative way of meeting the project objectives. For example, a combination of pier and marine foot/cycle ferry (like False Creek) might provide a linkage with less capital cost, that is scaleable to demand, perhaps seasonal, and that may provide a tourism and recreation attraction. It may be possible to integrate such a service with access to Newcastle Island and Protection Island. Such a service would not, however, provide a 'commuting cyclist' link to downtown, and would incur a long-term operating cost (partly recoverable by charges).

Combinations of the above options are also possible.

SUMMARY:

In both a 1994 and a 2004 community survey, waterfront parks and trails/pathways were the two amenities residents most wanted and indicated that they were willing to pay more taxes for. The popularity of trails for walking and cycling is rapidly increasing, not only for recreational use and personal health, but also as an alternative means of transportation. The Departure Bay Trail is widely supported by the community and based on the use of the Harbourside Trail near Maffeo-Sutton Park (approximately 70,000 uses per month during the summer season), the Departure Bay Trail would be very well used. Waterfront trails in many other communities are also very popular.

However, almost all of the adjacent property owners do not support the project and the City needs consent from each and every adjacent property owner through a right-of-way agreement before the project can proceed.

At their 2006-FEB-22 Meeting, the Parks, Recreation and Culture Commission made the following recommendation.

RECOMMENDATION:

That Council not proceed with the Departure Bay Trail extension project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry McNabb". The signature is fluid and cursive, with the first name "Larry" and last name "McNabb" clearly distinguishable.

Larry McNabb, Chair
Parks, Recreation and Culture Commission

TH:clc
File: D1-5-14
2006-MAR-17
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September 15, 2005

Dept. of Parks, Recreation and Culture
City of Nanaimo
500 Bowen Road
Nanaimo, B.C.
V9R 1Z7

Attention: Mr. Tom Hickey, Director of Parks, Recreation and Culture

Re: Departure Bay Multi-Use Trail Neighbourhood Contact – June 2005

The City of Nanaimo, assisted by Lanarc Consultants Ltd. as designers and facilitators, held in June 2005 a series of three open house meetings for landowners and residents immediately adjacent to the proposed Departure Bay Walkway. The three events, and approximate attendance were:

June 21 7:00 p.m.	Cilaire Drive, White Eagle Drive Neighbourhood	approx. 26 public attending
June 23 6:00 p.m.	Battersea Neighbourhood	approx. 14 public attending
June 23 8:00 p.m.	Randle Road Neighbourhood	approx. 10 public attending

As opposed to prior public events, which included a broad cross section of the community, these sessions were provided for the immediately adjacent landowner / residents only. Two members of the Departure Bay Residents Assn attended as observers only.

A typical agenda for each session is attached. Each session included an informal review of display panels, a presentation by the facilitator, followed by a workshop with open discussion. All attendees were encouraged to fill out and submit a written response form.

The visual display panels illustrated potential trail alignments and sections, and visualizations of how the trailway would integrate with the beach and waterfront homes. The slide show presentation and visual materials provided are available for viewing through Parks, Recreation and Culture.

This memo provides, as the facilitators, a brief summary of the public input received.

General Comments

The majority of verbal comments and written responses (93%) were not in favour of the underlying objective of an improved public trailway to connect Downtown and Departure Bay. Two attendees spoke in favour of the objective, and submitted written responses in favour (7%).

Those not in favour did not wish to discuss 'good neighbour measures' or other trail options. They wished to simply make their disapproval of the project known.

For these reasons, the written response form summary, after the first question, was often not filled out. As such, the public opinion on the design questions asked is obscure.

X:\2005\DBW5-40\WORD\Public Process\DBW Public Response Summary Report.doc

320-256 Wallace St., Nanaimo, British Columbia, V9R 5B3
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Toll Free 1.888.754.5651

96 Timbercrest Dr., Port Moody, BC, V3H 4T1
T. 604.461.1700 C. 604.618.4718 F. 604.461.1703
www.lanarc.ca

For purposes of the public record, we have attached a summary of the questions asked, and the written responses received. The full body of response forms received is available through Parks, Recreation and Culture.

In addition, a petition with 45 signatures (at the time of the workshops) was submitted. The petition was to 'object to the construction of a multi-use trail from Departure Bay beach through to the BC Ferries Terminal and connecting to the Harbour Front trail'. A copy of the petition has been sent to you for Council's information.

Specific Observations

Reasons stated for lack of support for the project focussed on the cost of the trailway, implications on taxes, and questions of benefits for cost, as well as property rights and values. It was clear that privacy concerns were also a major factor, as well as concern about loss of sandy beach, and environmental concerns from some individuals. The discussion ranged through most of the factors that are listed under Question 4 of the response form.

Beyond the general tone of lack of support for the project, there were a few general themes that came through from the discussion at the workshops, concerning retention of the 'beach character':

1. That the greatest value is placed to the remaining sandy areas immediately fronting Randle Road and Battersea Road. Landowners in both these neighbourhoods would prefer to see, if a trail were to be built, that a walkway route follows roadways in the area rather than an alignment on the beach.
2. That anything that can be done to increase the 'sandiness' of the beach, in particular south of Battersea, would be helpful. Long-term residents remember the beach between Battersea and the Ferry Terminal as more sandy in nature prior to the installation of the RDN sewer.
3. That if it were affordable and had public support, a pile supported walkway from Battersea to the BC Ferry Terminal would be preferable to fill-based alternatives.

Potential Next Steps

Potential Next Steps for the City include the options below:

1. Not proceed with the Departure Bay trail extension project, or
2. Construct only the project from the BC Ferry Terminal to connect to existing walkways at Northfield Creek, or
3. Undertake a long-term program of acquiring riparian rights from fronting property owners. This might involve making a 'standing offer' to residents to purchase their riparian rights for a fronting trailway. The amount of such an offer might be based on avoiding the 'transaction cost' of the City purchasing properties as they come up for sale, placing the right of way over riparian rights, and then reselling the property. At the same time, the City undertaking a few precedent cases of the above 'transactions' would be also be useful as an objective measure of the property value of the riparian right, or
4. Find an innovative way of meeting the project objectives. For example, a combination of pier and marine foot/cycle ferry (like False Creek) might provide a linkage with less capital cost, that is scaleable to demand, perhaps seasonal, and that may provide a tourism and recreation attraction. It may be possible to integrate such a service with access to Newcastle Island and Protection Island. Such a service would not, however, provide a 'commuting cyclist' link to downtown, and would incur a long-term operating cost (partly recoverable by charges).

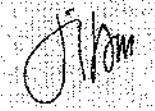
Combinations of the above options are also possible.



Please call if we can assist further. Thank you for the opportunity to be of service.

Sincerely,

LANARC CONSULTANTS LTD.,

A handwritten signature in black ink, appearing to read "D. Reid", is placed over a rectangular area with a light gray dot grid pattern.

**David Reid, FCSLA, Landscape Architect, Planner
Principal**



Departure Bay Multi-Use Trail Response Form Summary

29 Responses Received (18 Responses simply indicated lack of support)

Question 1: Do you Support the Objective of the Multi-Use Trail Project?

	Don't Support	Support as written	Support with refinements	No Answer
1. Aside from the choice of route or design, do you support the Official Community Plan and Recreation Master Plan objective of an improved public trailway to connect Downtown and Departure Bay	93%	7%	0%	0%

Question 2: If a Multi-Use Trail were constructed from the Ferry Terminal to the Kin Hut, or some part of that length, what 'good neighbour' measures do you support?

Some private property owners on the waterfront may express sincere concern about changes to their privacy, security, views and enjoyment if a trailway were added to the public beach. These concerns can be mitigated, but not eliminated, by investing in refinements to both the design of a waterfront walkway and the management of public use of the beach. Please check whether you don't support, support as written, or support with refinements the proposed actions listed below. Please feel free to suggest better ideas, other objectives, or write comments. Answers will be reported as a percentage of those responding to this question – you can choose to answer this question or not.

	Don't Support	Support as written	Support with refinements	No Answer
2a) At sensitive view areas, install retaining walls to allow the waterfront walkway to be lowered to reduce public views into private homes.	17%	0%	14%	69%
Comments: Retaining wall or beach disturbance will spoil beach.				
2b) Where necessary, and in consultation with upland owners, install decorative fences and/or landscape to separate walkway users from private residences, while maintaining resident's sea view.	14%	7%	7%	72%
Comments: No construction – remove some of rocks dumped 30 years ago.				
2c) Provide locking gates at private access stairs, so that residents and guests can access the trailway, but walkway users cannot trespass on private property.	17%	0%	7%	76%
2d) Provide stair access at key points from the walkway to the beach.	10%	7%	7%	76%
Comments: Stairs not required at present.				
2e) Extend the RCMP bicycle patrol or similar program to this Multi-Use Trail system.	10%	7%	7%	76%
2f) Restrict public parking on Battersea & Randle Roads	3%	11%	10%	76%
2g) Install (one to three) neighbourhood small boat launches (tracks or concrete pad) across the trail, to service Battersea and Randle residents	7%	4%	10%	79%
Comments: Preserve existing beach.				

Question 3: What habitat and environmental features do you support?

If the Multi-Use Trail is constructed on the waterfront, the construction activity will create both a need and an opportunity to respect physical beach processes, and the fish and wildlife habitat on the waterfront. Please check whether you don't support, support as written, or support with refinements the proposed actions listed below. Please feel free to suggest better ideas, or write comments:

	Don't Support	Support as written	Support with refinements	No Answer
3a) Protect trees, shrubs and other vegetation as much as possible above the wave splash zone on the upper waterfront.	3%	7%	7%	83%
3b) Minimize the footprint of any construction on the beach environment, and keeping disturbed areas as much as possible in the upper (dry) beach zone.	7%	7%	3%	83%
3c) Where riprap, armouring or seawalls are being replaced for erosion control, use rock materials that also provide refuge for beach mammals like mink and otter.	3%	11%	3%	83%
3d) Naturalize the upper shore zone outside of any fill walkway with drift logs and planted shrub / dunegrass complexes as much as possible.	3%	7%	7%	83%

Question 4: Many factors will affect Council's decision on how to proceed. Which factors are more important than others in the deliberations?

Please check whether each factor is very important, somewhat important, or not important. Feel free to write comments:

	Very Important	Somewhat Important	Not Important	No Answer
Community recreation benefits	11%	0%	10%	79%
Economic spinoffs for tourism	4%	7%	10%	79%
Capital cost	21%	0%	3%	76%
Operating cost	18%	3%	3%	76%
Service / emergency access	10%	7%	0%	83%
Impacts on existing habitat	24%	0%	0%	76%
Potential for habitat improvements	14%	0%	3%	83%
Low Impact transportation alternative	3%	3%	10%	83%
Erosion protection for public property	14%	0%	7%	79%
Erosion protection for private property	21%	0%	0%	79%
Privacy/security of adjacent landowners	24%	0%	0%	76%
Impact on Views	24%	0%	0%	76%
Beach access from adjacent lands	24%	0%	0%	76%
Noise impacts on adjacent lands	24%	0%	0%	76%
Access for disabled	11%	3%	7%	79%
Risks and unknowns	18%	3%	0%	79%

Question 5: After careful consideration, which ideas do you prefer?

The City of Nanaimo has produced cross sections and visualizations that describe ideas on how to design a connecting Multi-Use Trail from Departure Bay to Downtown. Please indicate your preferences by ranking each general idea as either first, second, third or fourth choice.

	First Choice	Second Choice	Third Choice	Fourth Choice	No Answer
Alt 1). All Pile-supported trail	0%	0%	0%	3%	97%
Alt 2). All High Level fill-supported trail	0%	0%	0%	3%	97%
Alt 3). All Low Level fill-supported trail	0%	7%	0%	0%	93%
Alt 4). Combination of Above (Key Plan)	14%	0%	0%	0%	86%

Are there other alternatives that should be considered? Do you have additional ideas or comments regarding the Departure Bay Multi-Use Trail Project?

Please share your ideas or comments:

Consider sidewalk along Battersea and Randle. Leave existing beach as natural for all to enjoy.

Optimize existing without any new construction.

The beach in front of Randle Road is one of the nicest sandy beaches in Nanaimo. Please don't pave it. On any summer day there is many people enjoying this sandy beach. I would support a walk way along Randle Road, but not on the beach.

I don't support concept so questions are irrelevant.

I do not support this project due to capital cost and the effect this will have on property taxes and this would destroy the only natural sand beach in Nanaimo.

COUNCIL

2006 MAR 27

TO: The Mayor and Council

(9) CITY MANAGER'S REPORT:

ADMINISTRATION:

(1) New Nanaimo Centre Agreements

(Report to be circulated)

DEVELOPMENT SERVICES:

PLANNING AND DEVELOPMENT:

(2) Development Permit No. DP000374 – 6201 Oliver Road

The City has received an application for a Development Permit from Insight Group Development, on behalf of Insight Holdings Ltd., to permit the construction of a 176 unit senior's complex.

The subject property, which is approximately 2.23 hectares (5.5 acres), is split zoned Medium Density Multiple Family Residential (RM-5) and Suburban Office Zone (C-15). The Development Permit application is for the RM-5 Zone portion of the property which is approximately 2.02 hectares (5 acres) in size.

Schedule 'A' of the Official Community Plan (OCP) designates the property as Rutherford Town Centre. According to Schedule 'B' of the OCP, the property is within Development Permit Area No. 21 (Form and Character), and as such, the General Design Guidelines are considered when evaluating the site and building design. A Development Permit is required before a Building Permit can be issued.

The property, which is approximately 17 metres (56 feet) above the Old Island Highway, is vacant and covered with a remnant urban forest. Two portions of the existing forest areas, one at the top of bank along the Island Highway and one on the north property boundary, are protected by a restrictive covenant which was registered as a condition of a previous rezoning. Combined, these two areas preserve approximately 2,100 square metres (22,500 square feet) of the existing tree cover, including some of the most significant trees which are found along the west property line.

This site is bound by Insight's Longwood multi-family project to the north, the Island Highway to the west, Oliver Road to the south and Uplands Drive to the east. Rutherford Mall is opposite the site on the south side of Oliver Road.

The applicant is proposing a building which runs the length of the site. The west and east portion of the building are four storeys and the east wing is three storeys. The building has a gross floor area of 14,643 square metres (157,623.34 square feet).

The proposed 176-unit senior's complex has 146 senior congregate care units and, 30 personal care units.

On-site parking is organized with 31 parking spaces at grade and 37 parking spaces underground, for a total of 68 stalls.

The site design attempts to maintain the character of the adjacent Longwood site. A pathway system with lighting and outdoor furniture rings the building. While there is a pedestrian connection, there is no direct vehicle access to the Longwood condo precinct.

The RM-5 Zone allows a maximum height of 14 metres (46 feet). The chateau roof-like feature conceals mechanical equipment needed for the facility. As well, the central core has a need for higher ceilings to accommodate common amenity facilities. The central roof has a maximum height of 23.5 metres (77.1 feet). The proposed height variance is 9.5 metres (31.1 feet).

The main roof ridge for the four-storey building wings have a maximum height of 17.66 metres (57.96 feet). The proposed height variance for the roof of the four-storey wing portions that emanate from the chateau roof-like structure is 3.66 metres (12 feet). The three-storey portion of the building conforms to the maximum height allowed, 14 metres (46 feet).

Twenty-three of the seniors congregate care units exceed the maximum floor area of 75 square metres (807.3 square feet) per unit as established by the Zoning Bylaw. These units have a floor area range of 75.4 square metres (810.84 square feet) to 86.3 square metres (928.87 square feet). By default, units over the maximum size are considered as multi-family units. The parking calculation for multi-family is 1.66 parking stalls per unit. The applicant is requesting that, given the size of units, parking be calculated at the senior's congregate housing rate.

If the 23 "oversized" units were calculated at multi-family parking ratios, the site would require 81 parking stalls. The development, as proposed, provides 68 stalls. As such, a 19-stall variance is required.

As the largest unit is only 11.3 square metres (121 square feet) over the maximum unit size, and as the units are integrated into the facility and will have access to all amenities (i.e.: dining and recreational facilities), it is Staff's belief that these units will function as senior's congregate housing units, and as such, Staff support the variance.

The Design Advisory Panel, at its meeting held on 2006-FEB-09, recommended "that DP000374 be approved, subject to full support of the height variance".

Staff concur with the Design Advisory Panel's recommendation and recommend that Council authorize this Development Permit.

Recommendation: That Council authorize Development Permit No. DP000374 for a senior's congregate housing development at 6201 Oliver Road.

(3) Development Permit No. DP000317 – 333 Tenth Street

The City has received an application to amend Development Permit No. DP000317 from Vancouver Island Recycling Centres Ltd. (Mr. Jim Money), on behalf of Parhar Enterprises Ltd., to construct a pre-engineered steel building on the subject property.

At the Regular Meeting of Council held 2006-FEB-13, Council authorized a Development Permit for the subject property to permit the construction of a fabric-covered structure proposed to accommodate the materials associated with the existing recycling depot.

The proposed fabric structure was to have a height of 15.92 metres (52.2 feet). As the I-2 Zone limits building heights to 9 metres (29.5 feet), a height variance of 6.92 metres (22.71 feet) was requested and granted by Council through the authorization of Development Permit No. DP000317.

Subsequent to this approval, the applicant has requested to amend the Development Permit in order to replace the previously approved fabric structure with an engineered steel building. The proposed steel building will have a maximum height of 10.97 metres (36 feet). As the I-2 Zone limits height to 9 metres (29.5 feet), the requested height variance is now 1.97 metres (6.5 feet).

	I-2 Maximum Height	Proposed Height	Requested Variance
Original Development Permit	9 metres (29.5 feet)	15.92 metres (52.2 feet)	6.92 metres (22.71 feet)
Revised Development Permit	9 metres (29.5 feet)	10.97 metres (36 feet)	1.97 metres (6.5 feet)

In addition to the reduction in building height, the proposed steel structure is also slightly narrower (3 metres [10 feet]) than the originally approved fabric-covered structure. No changes are proposed to the site plan.

To expedite industrial projects, Council does not require review by the Design Advisory Panel. Staff support the proposed amendment to the Development Permit and recommend that Council authorize the amendment.

Recommendation: That Council authorize an amendment to Development Permit No. DP000317 for a warehouse building at 333 Tenth Street.

(4) Report of the Public Hearing Held 2006-MAR-16 to Hear Bylaw No. 4000.389

A Public Hearing was held on 2006-MAR-16, the subject of which was one item. Approximately 50 members of the public were in attendance. Minutes of the Public Hearing are attached and information regarding procedures for Bylaw No. 4000.389 is contained within the report.

Bylaw No. 4000.389: This Bylaw, if adopted, will add site specific text amendments for property located at 38 Front Street in order to permit a multiple family dwelling development. The applicant is proposing to increase the height of the previously approved development from 49.0 metres to 63.4 metres, as measured from Front Street, and to increase the maximum floor area ratio from 5.30 to 6.30. The subject property is legally described as Lot A, Section 1, Nanaimo District, Plan Vip63943.

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

Fifteen members of the public, including a representative of the applicant, attended the Public Hearing to speak to this issue. Thirteen written submissions were recognized at the Public Hearing.

Recommendation: That Council receive the Report and the Minutes of the Public Hearing held on Thursday, 2006-MAR-16.

COMMUNITY PLANNING:

(5) Gusola Block (104 Commercial Street) – Property Tax Exemption Approval-In-Principle Renewal

The Downtown Residential Conversion Tax Exemption Program was created by the City in May 2002 with two primary goals; one, to encourage residential conversion of existing heritage commercial buildings; and two, to encourage the preservation of heritage buildings in the Downtown Core.

An application under the program was submitted by the owner of the Gusola Block in 2004, to rehabilitate and adapt the existing building to accommodate new commercial uses on the main and basement floors, and to create three residential units on the upper floor.

The estimated total project cost was approximately \$534,000. of which \$129,000. was devoted to seismic, building code, sprinkler and external building façade improvements. Property taxes for 2004 were \$5,458.14. Based on the estimate provided of \$129,000. in eligible work and the property tax exemption formula used by the tax exemption program, the applicant qualified for the maximum tax exemption term, which is ten years. Based on the application, Council gave approval-in-principle for a ten-year full Property Tax Exemption on 2004-OCT-18.

Under the grant program a number of procedural conditions apply. In particular, the applicant is required to substantially commence the proposed building alterations within six months of the tax exemption approval-in-principle, and complete the project within one year. These deadlines have passed. Due to complications with respect to development of the project, design plans, and with respect to approvals needed for the proposed outdoor seating space, the project was delayed beyond the applicant's original construction time frame.

The applicant was issued a Heritage Alteration Permit on 2005-OCT-28, a Building Permit just prior to Christmas 2005, and has now commenced construction on the project, with completion anticipated for the end of June 2006.

Given the status of the project, Staff recommend that Council renew its previous tax exemption approval-in-principle for an additional year. This will allow the owner sufficient time to ensure this condition of the tax exemption program is met.

Upon completion of the project, a Tax Exemption Bylaw will be prepared for Council's consideration. Provided this Bylaw is adopted by Council prior to 2006-OCT-31, the ten-year tax exemption would commence in the 2007 tax year.

Recommendation: That Council renew its approval-in-principle for a ten-year full property tax exemption for the Gusola Block located at 104 Commercial Street, as originally approved on 2004-OCT-18.

(6) Official Community Plan Ten-Year Review

Plan Nanaimo, the Official Community Plan (OCP) Bylaw No. 6000, was adopted on 1996-JUL-08 following an extensive public consultation process. The OCP is based on five guiding principles or goals:

1. build complete viable communities;
2. protect the environment;
3. manage urban growth;
4. improve mobility and servicing efficiency; and,
5. ongoing planning and community involvement.

Between 1976 and 2001 the City of Nanaimo grew from a population of 41,294 to a population of 76,892 (an average annual growth rate of 2.6 percent). While it is projected that the City will grow at approximately half that rate over the next 25 years, we will grow from a population of 80,181 in 2006 to 113,954 in 2031. Plan Nanaimo needs to anticipate this growth and provide policies to accommodate it.

Since its adoption, there have been numerous amendments to the OCP through 65 amending bylaws. Most of these amendments were internally generated in order to keep the OCP current with new legislation or to reflect new policies of Council. For example, recent amendments have included ones to reflect the new Parks, Recreation and Culture Master Plan, and the Environmentally Sensitive Areas Inventory. There have also been 45 applications received from external applicants. Of these external applications, 23 were approved by City Council, 21 were denied or withdrawn, and 2 are pending.

In addition, the Plan contains an ambitious list of major initiatives to achieve Plan goals through the implementation strategy section of the Plan. In other words, some of the amendments over the past ten years are a direct result of actions identified in the OCP.

While there is no statutory requirement to undertake a review of a plan every ten years, it is standard professional practice to do so. It is the intention of the City to undertake a review of the OCP in 2006.

In 2001, the City initiated a five-year review of the OCP which examined the policies concerning growth centres (town centres, neighbourhood villages and local service centres), one of the key policies of the Plan. The Growth Centre Concept Assessment: Policy Directions Report (February 2005) looked at the framework of growth centres and recommended the elimination of some growth centres and the scaling back of others. That Study was completed in early 2005, but the recommendations contained in the review have yet to be formally considered by Council.

As a first step in the Ten-Year Review process, the City began a Land Inventory and Capacity Analysis in November, 2005 to examine the availability of land for each type of use (residential, commercial, industrial). The analysis will result in more accurate GIS mapping, and will include the ability to run various scenarios using CommunityViz software.

In addition, the City has undertaken a review of the 1998 Progress Nanaimo Report to determine the suitability of various indicators, and our success towards achieving the goals of the Plan.

Although there appears to be widespread support for the OCP, it is clear that some public commentary shows a lack of knowledge about the Plan's actual content. Therefore, if meaningful public input is to be received, it is critical that the Ten-Year Review include a major public education component.

It is suggested that the public education component include an explanation of each of the five goals, and a summary of actions taken by the City over the past decade to achieve that goal. A series of newspaper inserts (backgrounders) on each goal as well as one on growth in Nanaimo, are recommended to fulfill this role. Public education materials should also identify completed actions which support the goals while identifying those actions that have not yet occurred.

In addition, it is suggested that the public consultation process begin with a conference open to all residents on a variety of planning topics such as Smart Growth, New Urbanism, sustainability and demographic trends. Experts in these fields would be invited to make the presentations. This event would act as a kick-off to the review process.

The public consultation process will use a wide variety of consultation techniques in order to engage as wide a cross section of the community as possible. Elements of the public consultation process are tentatively to include:

- a series of backgrounders on each goal of the Plan;
- a community survey to identify key issues;
- a community conference;
- community forums to review proposed amendments under each goal of the Plan. These forums should include a wide variety of formats including open houses, public meetings, presentations to community organizations and special interest groups, web based forums, community workshops and others; and,
- a public hearing as required under the *Local Government Act*.

The Plan Nanaimo Advisory Committee was created by Council to act as an advisor to Council on matters pertaining to the OCP. The Committee is composed of 14 members representing a wide cross-section of the community including the development and business sectors, the environmental sector, three neighbourhood association representatives, and representatives from other committees of Council including heritage, social planning, parks and recreation and the environment. Given that there is an existing broad-based committee dealing with the OCP, it is recommended that PNAC act as the steering committee for the Ten-Year Review process.

At its meeting of 2006-MAR-14, PNAC recommended that Council invite the participation of representatives of Snuneymuxw First Nation, the Port Authority and Malaspina University-College to sit on PNAC for the duration of the Ten-Year Review.

It is anticipated that the Ten-Year Review will result in a major rewrite of the Plan which will resolve any inconsistencies in the document, but remain true to the original goals.

The attached report includes a preliminary review of issues that may be identified to be addressed as part of the Ten-Year Review project.

The following is an anticipated timeline to complete the review:

April 2006:	Call for Proposals
May 2006:	Award of Contract
	Completion of Land Inventory Analysis
	Completion of Progress Nanaimo update
June 2006:	Development of public participation plan
	Formation of technical steering committee
	Initial meetings with City staff
	Initial meetings with external referral agencies (SFN, RDN, Prov)
July/Aug. 2006:	Preparation of backgrounders
	Preparation of community survey
	Review of studies, plans, etc.
Sept. 2006:	Backgrounders published in community newspaper
	Community survey administered

October 2006:	Community conference on planning and design Second round of meetings with external agencies Results of survey published First round of public open houses
Nov./Dec. 2006:	Preparation of draft plan document
Jan. 2007:	Draft circulated to internal and external referral agencies Second round of public open houses
Feb./Mar. 2007:	Revisions to draft plan Preparation of final document
April 2007:	Formal referral to external agencies Third round of public open houses Introduction of plan for Council adoption
May 2007:	Formal public hearing
June 2007:	Adoption

The Community Planning Budget includes \$150,000. for the Ten-Year Review as a major workplan item in 2006. The budget allocations are estimated as follows:

- Community conference \$25,000.
- Community survey \$25,000.
- Planning consultant \$90,000.
- Contingency \$10,000.

It is the City's intent to advertise for a planning consulting firm to undertake the Ten-Year Review in the near future.

At their meeting of 2006-MAR-14, PNAC endorsed the OCP review process as outlined in this report.

Recommendation: That Council endorse the Official Community Plan Ten-Year Review process outlined in this report.

(7) Request for Funding to Organize a Visit by Mr. Jaime Lerner, Architect and Urban Planner

At the Special Open Meeting of Council held 2006-FEB-20, Council received a delegation from Mr. Roger Kemble and Mr. Frank Murphy seeking seed funding to organize a working visit by Mr. Jaime Lerner, Architect and Urban Planner. At the time of that request, Mr. Kemble and Mr. Murphy stated that they would need \$10,000. to \$12,000. to hire someone to do research for the project, plus \$10,000. to \$20,000. for seed money. Council forwarded Mr. Kemble and Mr. Murphy's request to the Plan Nanaimo Advisory Committee (PNAC) and Staff for review.

On 2006-MAR-14, Mr. Kemble and Mr. Murphy appeared as a delegation before PNAC. Their request to PNAC was limited to \$10,000. seed money with the qualification that no funds would be released until the proponents had raised a matching \$10,000. There was no request for the additional \$50,000. to \$70,000. requested of Council.

Brazilian Architect and Planner, Mr. Jaime Lerner, was responsible for the creation of the Institute of Urban Planning and Research of Curitiba (IPPUC) in 1965, and participated in the preparation of the Master Plan for Curitiba (population 1.7 Million, capital of the state of Parana) which was adopted in 1968. The metropolitan area of Curitiba comprises 26 municipalities with a total population of 3.2 Million.

Mr. Lerner became Mayor of Curitiba in 1971, a post he has filled for three terms (1971-75, 1979-83 and 1989-92). During his first term as Mayor, he implemented the Integrated Mass Transportation System which is a convenient and affordable public transit system used by 85 percent of Curitiba residents. It is the source of inspiration for the TransMilenio in Bogota, Columbia, and the Orange Line in Los Angeles, and has many characteristics in common with the bus way system in Ottawa, Ontario.

During his two ensuing terms as Mayor, Mr. Lerner focussed on social measures and sustainability. In 1996, Curitiba was praised as "the most innovative city in the world" at the Habitat II summit of mayors and urban planners.

In 1994, Mr. Lerner was elected Governor of the State of Parana, and re-elected for a second term in 1998. In 2002, he was elected President of the International Union of Architects. Mr. Lerner is a professor of urban and regional planning at the School of Architecture and Urban Planning at the Federal University of Parana and a United Nations consultant in urban planning. The winner of numerous international awards, Mr. Lerner is without doubt a planner of international reputation.

The request for funding made to Council and the request made to PNAC vary considerably. The request made to Council included start costs of \$10,000. to \$12,000., seed money of \$10,000. to \$20,000., and projected final costs for a professional design charette of \$40,000. to \$50,000. (Total maximum of \$82,000.)

The request to PNAC was a much more modest \$10,000. of seed money to be matched by the fundraising efforts of the proponents.

In response to a question by Council, the proponents suggested that it would be possible to bring Mr. Lerner to Nanaimo for approximately \$13,500. as follows:

- \$6,000. - return airfare - San Paulo to Vancouver
- \$6,000. - Mr. Lerner's fees (\$300/hr)
- \$1,500. - for hotel and incidentals

Committee members questioned the suitability of Mr. Lerner's approach in the Nanaimo context. Curitiba is a city of 1.7 Million in a developing country with vastly different political and legal traditions. Mr. Kemble has stressed that size is not a factor, and that Council should focus its consideration on the benefits that having "a world renowned Governor, Mayor, planner, architect with demonstrated success would shed world renown on Nanaimo; an opportunity for a Nanaimo-in-the-shadows that needs lighting up so badly".

Mr. Kemble and Mr. Murphy also approached the Downtown Nanaimo Partnership with their request. At its meeting of 2006-MAR-09, the DNP approved-in-principle, the proposal to develop a planning conference, charette or colloquium in conjunction with the ten-year OCP Review. The minutes note that there was considerable discussion of alternate speakers and that a wide range of potential contributors should be considered.

While no one questions Mr. Lerner's achievements and his international reputation, one can question how the City would benefit from a short but costly visit to Nanaimo. Mr. Kemble has stressed that Mr. Lerner would shine an international spotlight on Nanaimo and generate ideas but has not provided a more specific program, with tangible outcomes from the proposed visit. It is also noted that the amount of funding requested has varied at each presentation, although the immediate request is for \$10,000. in "seed money", with the potential for further requests up to \$50,000. Given the vagueness of the proposal, its outcomes and its costs, it is recommended that Council deny this request.

Recommendation: That Council deny the request for \$10,000. seed money made by Mr. Roger Kemble and Mr. Frank Murphy, to organize a working visit by Mr. Jaime Lerner to address Nanaimo's Official Community Plan.

ENGINEERING & ENVIRONMENTAL:

(8) Subdivision Approval – Park and Cash-In-Lieu – 5199 Dunster Road

Section 941 of the *Local Government Act* allows the City to authorize a subdivisor to dedicate lands to the community for parkland, or pay the cash-in-lieu equivalent thereof (or a combination of both), for any subdivision where the following criteria apply:

- a) the subdivision would result in three or more lots being created; and,
- b) the smallest lot being created is less than two hectares; or,
- c) a subdivision creating fewer than three or more lots where the parcel proposed to be subdivided was itself created by subdivision within the past five years.

Section 941 provides for a dedication of parkland based on five percent of the original area of the parcel being subdivided. In those cases when the City does not wish to obtain parkland, subject to Council approval, the subdivisor is obligated to provide cash in an amount equal to five percent of the appraised value of the lands being subdivided. These funds are then placed in a reserve to be used by the City for future acquisition of parks.

The City's Approving Officer coordinates the review of subdivision applications to ensure City bylaws and policies, as well as statutory requirements applicable to the subdivision of lands, are addressed.

As part of this review, the Parks, Recreation and Culture Department Staff makes recommendations with respect to whether the City should acquire parkland or take cash-in-lieu, or a combination of the two options.

This is a phased Building Strata subdivision for 15 residential units in 3 phases.

The Parks, Recreation and Culture Department Staff has reviewed this application and recommend cash-in-lieu be obtained. The property is in close proximity to an existing neighbourhood park at 5445 Dunster Road.

Recommendation: That Council approve the payment of cash-in-lieu of park for the subdivision of lands at 5199 Dunster Road (SUB00546).

PERMITS AND PROPERTIES:

(9) Unresolved Building Deficiencies - Notice on Title (Section 57)

The following property(ies) have unresolved building deficiencies in contravention of "BUILDING BYLAW 2003 NO. 5693" and "ZONING BYLAW 1993 NO. 4000".

It is requested that Council hear anyone wishing to speak with respect to unresolved building deficiencies/illegal suites/grow operations for the following properties:

- (a) 3583 Hammond Bay Road
Property Owner(s): Carrie L. Landry
3583 Hammond Bay Road
Nanaimo BC V9T 1E8
Building Deficiency: Illegal Secondary Suite / Finished Basement
- (b) 6581 Pelican Way
Property Owner(s): Varsha Dodd
6581 Pelican Way
Nanaimo BC V9V 1P9
Building Deficiency: Illegal Secondary Suite
- (c) 5354 Colbourne Drive
Property Owner(s): Ranjit S. Purewal
Pram K. Purewal
5354 Colbourne Drive
Nanaimo BC V9T 6N5
Building Deficiency: Illegal Secondary Suite
- (d) 701 Second Street
Property Owner(s): David E. Gaskill
Wendy G. Gaskill
2003 Cinnabar Drive
Nanaimo BC V9X 1B3
Building Deficiency: Secondary Suite
- (e) 2710 Fandell Street
Property Owner(s): Kenneth T. Drozduke
Linda Drozduke
2710 Fandell Street
Nanaimo BC V9S 3R3
Building Deficiency: Illegal Grow Operation

- (f) 5715 Hammond Bay Road
Property Owner(s): Son Vu
Thach Huoi Thi
5715 Hammond Bay Road
Nanaimo BC V9T 5N2
Building Deficiency: Illegal Grow Operation

Recommendation: That Council, by resolution, instruct the Manager of Legislative Services to file a Bylaw Contravention Notice respecting the above property(ies) at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter*.

(10) Unresolved Building Deficiencies - Remedial Action Requirements (Section 72/73)

It is requested that Council hear anyone wishing to speak with respect to unresolved building deficiencies/illegal suites/grow operations for the following properties:

- (a) 5354 Colbourne Drive
Property Owner(s): Ranjit S. Purewal
Pram K. Purewal
5354 Colbourne Drive
Nanaimo BC V9T 6N5
Building Deficiency: Illegal Construction / Secondary Suite
- (b) 6581 Pelican Way
Property Owner(s): Varsha Dodd
6581 Pelican Way
Nanaimo BC V9V 1P9
Building Deficiency: Illegal Construction / Secondary Suite
- (c) 701 Second Street
Property Owner(s): David Edwin Gaskill
Wendy Gail Gaskill
2003 Cinnabar Drive
Nanaimo BC V9X 1B3
Building Deficiency: Secondary Suite in a Duplex
- (d) 5715 Hammond Bay Road
Property Owner(s): Son Vu
5715 Hammond Bay Road
Nanaimo BC V9T 5N2
Building Deficiency: Illegal Grow Operation

- (e) 2710 Fandell Street
Property Owner(s): Kenneth T. Drozduke
Linda Drozduke
2710 Fandell Street
Nanaimo BC V9S 3R3
Building Deficiency: Illegal Grow Operation

Recommendation: That Council, by resolution, pursuant to Sections 72(2) and 73(1) of the *Community Charter*, order the owner(s) to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

(11) Unightly Premises - Property Maintenance Bylaw No. 3704

It is requested that Council hear anyone wishing to speak with respect to unsightly premises for the following properties:

- (a) 82 Fifth Street
Property Owner(s): Lucy Sun
Monica Sun
4673 Union Street
Burnaby BC V5C 2Y2

Recommendation: That Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" and amendments thereto, direct the owner(s) of the above property(ies) to remove from the premises those items as set out in the resolutions within fourteen (14) days, or the work will be undertaken by the City's agents at the owner(s) cost.

ADMINISTRATIVE SERVICES:

LEGISLATIVE SERVICES:

(12) Request for Inclusion in Regional District of Nanaimo Pump and Haul Bylaw

Staff have received correspondence from the Regional District of Nanaimo advising that they have now given first three readings to "REGIONAL DISTRICT OF NANAIMO PUMP AND HAUL LOCAL SERVICE AREA AMENDMENT BYLAW NO. 975.42, 2006", which provides for the inclusion of one property within the District of Lantzville to the pump and haul program. As part of the approval process, the Ministry of Community Services requires the City's consent to this bylaw.

Recommendation: That the Council of the City of Nanaimo waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "REGIONAL DISTRICT OF NANAIMO PUMP AND HAUL LOCAL SERVICE AREA AMENDMENT BYLAW NO. 975.42, 2006", and further that the Regional District be notified accordingly.

(13) Regional District of Nanaimo Regional Parks and Trails Service Loan Authorization Bylaw

Staff have received correspondence from the Regional District of Nanaimo advising that they have now given first three readings to "REGIONAL DISTRICT OF NANAIMO REGIONAL PARKS AND TRAILS SERVICE LOAN AUTHORIZATION BYLAW NO. 1476, 2006", which proposes to authorize the borrowing for the purpose of acquiring land for a regional park. As part of the approval process, the Ministry of Community Services requires the City's consent to this bylaw.

Recommendation: That the Council of the City of Nanaimo waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "REGIONAL DISTRICT OF NANAIMO REGIONAL PARKS AND TRAILS SERVICE LOAN AUTHORIZATION BYLAW NO. 1476, 2006", and further that the Regional District be notified accordingly.

COMMUNITY SERVICES:

ENGINEERING AND PUBLIC WORKS:

(14) Remedial Repairs to Duke Point Watermain Part F and G

In 2006 a tender was prepared and advertised for the repair of the internal lining on the Duke Point Watermain. The tender was prepared in two sections, Part F and G.

Only two tenders were received, one of which had to be rejected because it was late. The late bidder advised, at the request of Hub Excavating, that their bid was over \$1,500,000.

The Budget, Engineers Estimate and Tender Results are as follows:

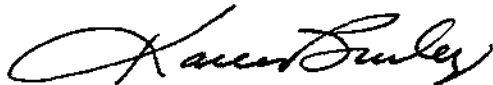
Construction Estimate	\$1,090,000.
Inspection Services	\$ 123,000.
Alternate Water Supply	\$ 78,000.
2006 Budget Fund Reallocation	\$ 100,000.
Total	<u>\$1,391,000.</u>


<u>Contractor</u>	<u>Total Bid</u>
Hub Excavating	\$1,207,796.
Sparker Construction	TENDER REJECTED

The original budget of \$1,291,000. has been revised to \$1,391,000. and includes provisions for alternate water supply and inspections services. Hub Excavating has successfully completed three previous sections to the satisfaction of the City of Nanaimo and coating inspectors.

Recommendation: That Council award the contract for Remedial Repairs to the Duke Point Watermain Part F and G to Hub Excavating.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "G. D. Berry".

 G. D. Berry
CITY MANAGER

FOR CITY MANAGER'S REPORT

REPORT TO E. C. SWABEY, DIRECTOR, PLANNING AND DEVELOPMENT

FROM D. LINDSAY, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: DEVELOPMENT PERMIT NO. DP374

6201 OLIVER ROAD

RECOMMENDATION:

That Council authorize a development permit for a senior's congregate housing development at 6201 Oliver Road.

BACKGROUND:

The City has received an application for a Development Permit from Insight Group Development, on behalf of Insight Holdings Ltd., to permit the construction of a 176 unit seniors complex (refer to Schedules A to V).

The subject property, which is approximately 2.23 hectares (5.5 acres), is split zoned Medium Density Multiple Family Residential (RM-5) and Suburban Office Zone (C-15). The Development Permit application is for the RM-5 Zone portion of the property which is approximately 2.02 hectares (5 acres) in size.

Schedule A of the Official Community Plan (OCP) designates the subject property as Rutherford Town Centre. According to Schedule B of the OCP the subject property is within Development Permit Area No. 21 (Form and Character) and as such the General Design Guidelines are considered when evaluating the site and building design. A development permit is required before a building permit can be issued.

DISCUSSION:

Subject Property

The subject property which is approximately 17 metres (56 feet) above the Old Island Highway is vacant and covered with a remnant urban forest. Two portions of the existing forest areas, one at the top of bank along the Island Highway and one on the north property boundary are protected by a restrictive covenant which was registered as a condition of a previous rezoning. Combined these two areas preserve approximately 2,100 square metres (22,500 square feet) of the existing tree cover including some of the most significant trees which are found along the west property line.

This site is bound by Insight's Longwood multi-family project to the north, the Island Highway to the west, Oliver Road to the south and Uplands Drive to the east. Rutherford Mall is opposite the site on the south side of Oliver Road.

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

Proposed Development

The applicant is proposing a building which runs the length of the site. The building is four storeys for the west and central portions and three storeys for the east wing. The building has a gross floor area of 14,643 square metres (157,623.34 square feet).

The proposed 176 unit senior's complex has the following residential unit composition:

- 146 senior congregate care units; and
- 30 personal care units.

The central public amenity space / entry core is capped with a dramatic roof massing and is framed by smaller scale building wings. The architectural vocabulary of building features such as gables and hipped covered balconies mirrors the building form of the adjacent Longwood condos.

On site parking is organized with 31 parking spaces at grade and 37 parking spaces underground, for a total of 68 stalls.

The site design attempts to maintain the character of the adjacent Longwood site. A pathway system with lighting and outdoor furniture rings the building. While there is a pedestrian connection, there is no direct vehicle access to the Longwood condo precinct.

The main entrance to the complex is off of Oliver Road and is a challenge due to existing grades, the scale of the building, the requirement of access to both the under the building parking / service area and access to the future commercial site. A terraced retaining wall with a complementary landscape plan, road geometry and streetscape treatments mitigates this design challenge.

Proposed Variances

□ Building Height

The RM-5 Zone allows a maximum height of 14 metres (46 feet). The chateau roof like feature conceals mechanical equipment needed for the facility. As well, the central core has a need for higher ceilings to accommodate common amenity facilities (theatre, swimming pool, library, health spa). The central roof has a maximum height of 23.5 metres (77.1 feet). The proposed height variance is 9.5 metres (31.1 feet).

The main roof ridge for the four storey building wings have a maximum height of 17.66 metres (57.96 feet). The proposed height variance for the roof of the four storey wing portions that emanate from the chateau roof-like structure is 3.66 metres (12 feet).

The three storey portion of the building conforms to the maximum height allowed, 14 metres (46 feet).

The applicant's rationale for the height variance is attached as Schedule V.

□ Parking

Twenty three of the seniors congregate care units exceed the maximum floor area of 75 square metres (807.3 square feet) per unit as established by the Zoning Bylaw. These units have a floor area range of 75.4 square metres (810.84 square feet) to 86.3 square metres (928.87 square feet). By default, units over the maximum size are considered as multi-family units. The parking calculation for multi-family is 1.66 parking stalls per unit.

The applicant is requesting that given the size of units, that parking be calculated at the senior's congregate housing rate.

If the 23 "oversized" units were calculated at multi-family parking ratios, the site would require 81 parking stalls. The development, as proposed, provides 68 stalls. As such, a 19-stall variance is required.

As the largest unit is 11.3 square metres (121 square feet) over the maximum unit size and as the units are integrated into the facility and will have access to all amenities (i.e.: dining and recreational facilities) and as such function as seniors congregate housing units, Staff support the variance.

DESIGN ADVISORY PANEL RECOMMENDATION:

The Design Advisory Panel, at its meeting held on 2006-FEB-09, recommended:

- "that DP000374 be approved, subject to:**
- **full support of the height variance."**

Staff concur with the Design Advisory Panel's recommendation and recommend that Council authorize this Development Permit.

RECOMMENDATION:

That Council authorize a development permit for a senior's congregate housing development at 6201 Oliver Road.

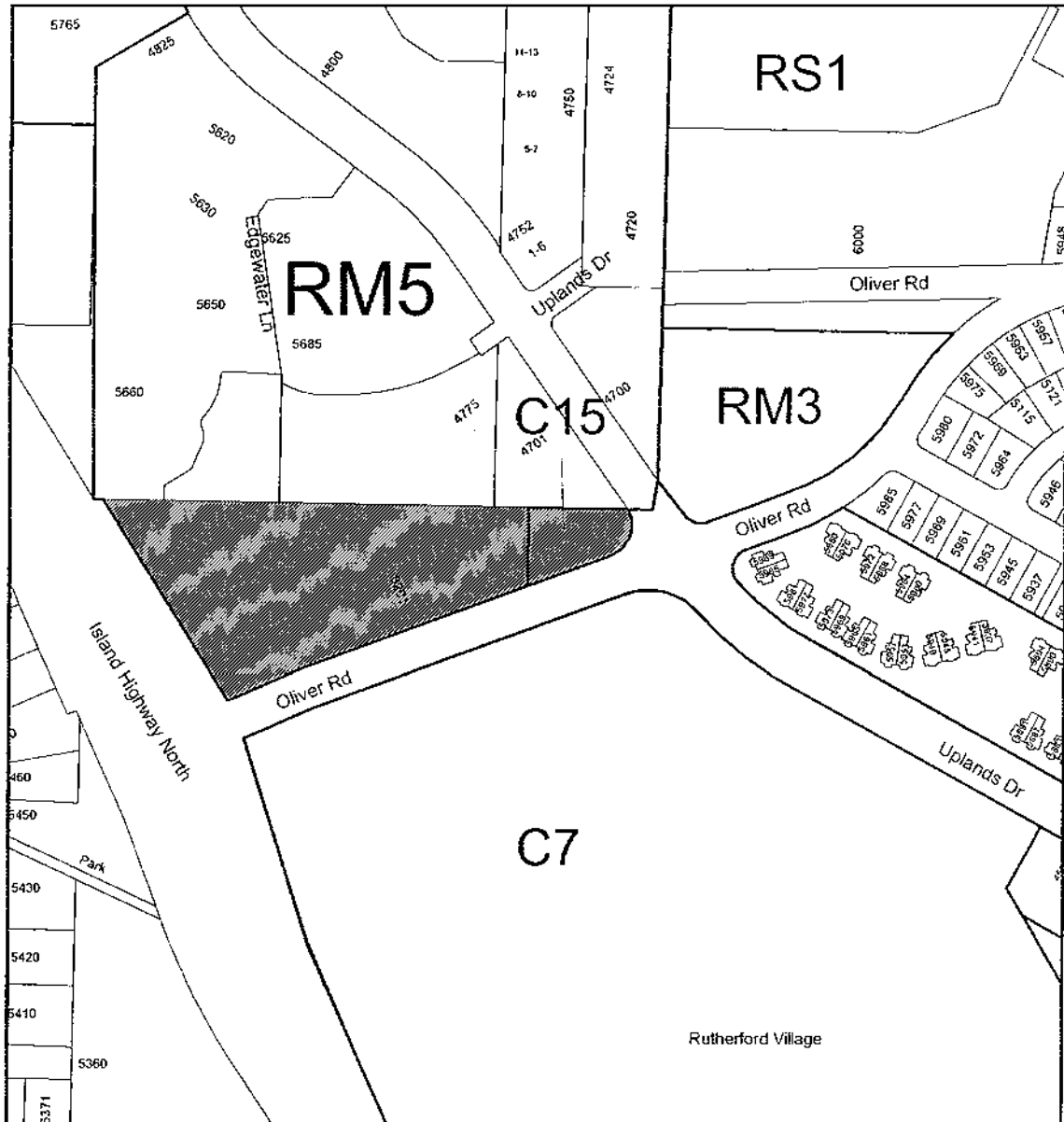
Respectfully Submitted,



E. C. Swabey
Director, Planning and Development
Development Services Department

GN/cjh/pm
COUNCIL: 2006-MAR-27
Prospero Attachment: DP000374

SCHEDULE A



DEVELOPMENT PERMIT NO. DP000374

LOCATION PLAN

Civic: 6201 Oliver Road
 Lot B, District Lot 14, Wellington District,
 Plan VIP56222, Except Plan VIP7117

 **SUBJECT
PROPERTY**


NORTH



Development Permit No. DP000374
6201 Oliver Road

Schedule C Landscape Plan

PLANTING PALETTE (proposed)

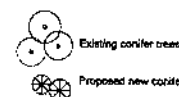
C.C.R.C. - 6201 Oliver Road, Nanaimo

PLANTING PALETTE	PLANTING PALETTE
Small scale deciduous trees	Flowering cherry
Large scale deciduous trees	Japanese maple
Small scale evergreen trees	Magnolia
Large scale evergreen trees	Vine maple
Small scale conifer trees	Burns
Large scale conifer trees	Oak
Small scale shrubs	Dogwood
Large scale shrubs	London plane
Small scale groundcover	Big leaf maple
Large scale groundcover	Birch

LANDSCAPE CONCEPT PLAN

FEBRUARY EIGHT ~ TWO THOUSAND SIX

LANDSCAPE PLANT LEDGEND

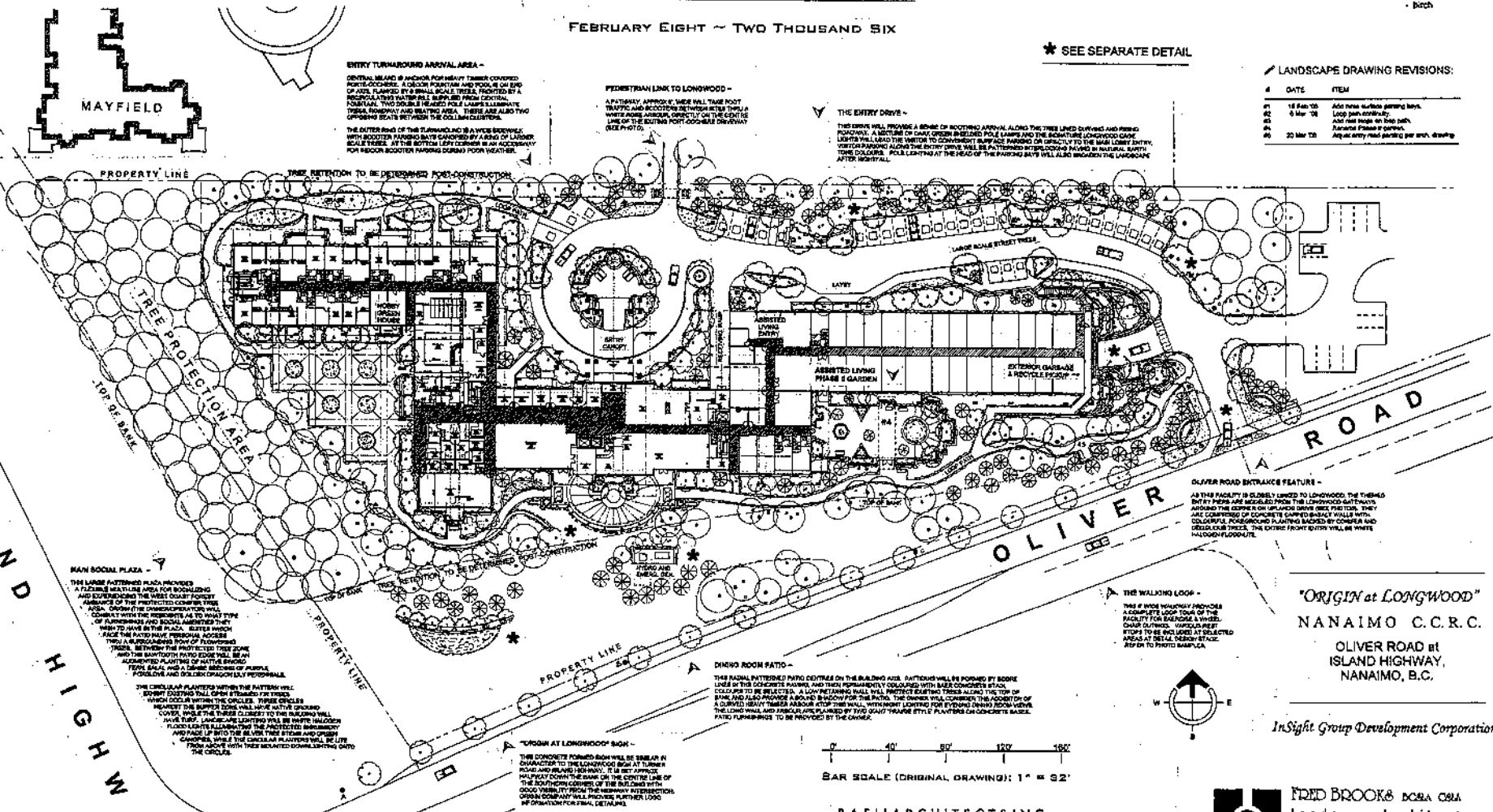


- Small scale deciduous trees - flowering cherry, Japanese maple, magnolia, vine maple, burns
- Large scale deciduous trees - oak, dogwood, London plane, big leaf maple, birch

★ SEE SEPARATE DETAIL

LANDSCAPE DRAWING REVISIONS:

#	DATE	ITEM
01	18 Feb '06	Add new surface parking lots.
02	8 Mar '06	Loop new driveway.
03	20 Mar '06	Add new road on loop path.
04		Remove fence & gates.
05		Adjust entry road parking per arch. drawing.



"ORIGIN at LONGWOOD"
NANAIMO C.C.R.C.

OLIVER ROAD at
ISLAND HIGHWAY,
NANAIMO, B.C.

InSight Group Development Corporation

BAR SCALE (ORIGINAL DRAWING): 1" = 32'

RAFI ARCHITECTS INC.

SUITE ONE
1600 HOWE ST.
VANCOUVER BC

ISSUE DATE:
March 20, 2006



FRED BROOKS BSCA CMA
Landscape Architect

4445 Laguna Way, Nanaimo, B.C. V9X 3C1
Tel/Fax: 250 751 0550 email: f.brooks@rafi.ca

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED BUILDING LOCATION ON:
REM. LOT B PLAN VIP56222, DISTRICT LOT 14, WELLINGTON DISTRICT.

SCALE 1:1000 DISTANCES ARE IN METRES.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS: 6201 OLIVER ROAD

STRATA PLAN
VIS4288

REM. A
PLAN VIP65276

REM. LOT 2
PLAN VIP65104

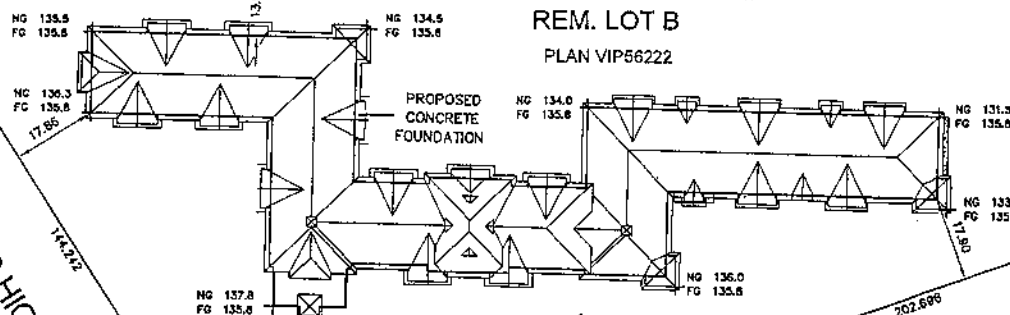
STRATA PLAN
VIS2092

UPLANDS DRIVE

North

ISLAND HIGHWAY

OLIVER ROAD



MAXIMUM BUILDING HEIGHT
CALCULATION BY GRADES

MEAN FG 135.80

MEAN NG 134.64
 MAXIMUM HEIGHT + 14.00
 CON MAXIMUM ROOF PEAK = 148.64

PROPOSED MAIN FLOOR 135.90
 APPROX. HEIGHT TO PEAK + 22.24
 PROPOSED ROOF PEAK = 158.14

PROPOSED ROOF PEAK 158.14
 CON MAXIMUM ROOF PEAK = 148.64
 VARIANCE REQUIRED = 9.50

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

WILLIAMSON & ASSOCIATES
 PROFESSIONAL SURVEYORS © 2006
 3099 BARNES ROAD NANAIMO B.C. V9T 4G5
 PHONE: 250-756-7723 FAX: 250-756-7724
 EMAIL: WAPS@TELUS.NET
 FILE: 05187-3 (BASE PLAN 02292)

NOTES:

ELEVATION DATUM IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.

BUILDING DESIGN & LOCATION FROM RAFI ARCHITECTS INC. ROBERT MURPHY DRAWINGS RECEIVED DECEMBER 18, 2005.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY INSIGHT HOLDINGS LTD. TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

FG 135.8 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

NG 131.5 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO / RON ZONING BYLAW.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: JANUARY 18, 2005

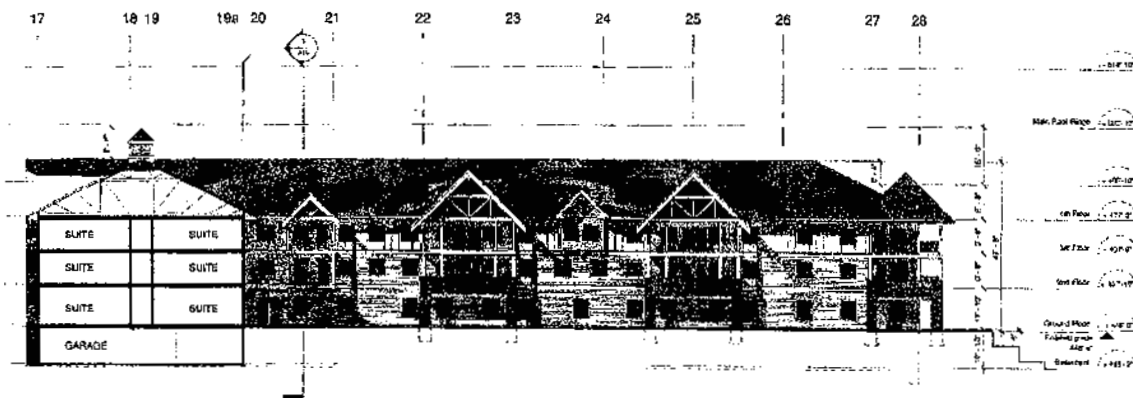
[Signature]
 Brock E.J. Williamson B.C.L.S.
 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.



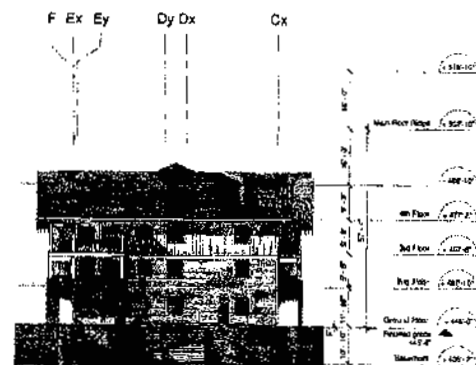
Development Permit No. DP000374
 6201 Oliver Road

Schedule D

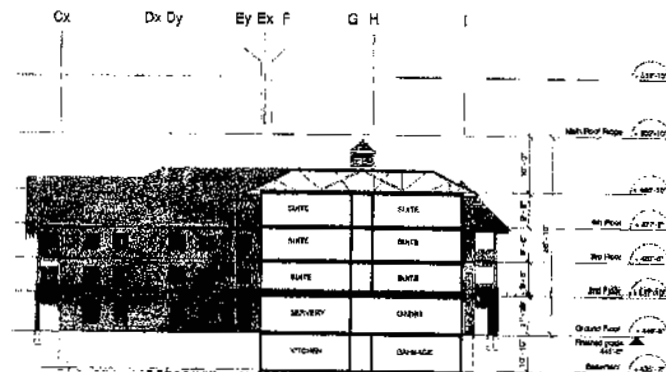
Building Height Calculation



1 SOUTH - EAST



2 EAST



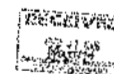
3 EAST - CENTRE

NANAIMO CCRC
Nanaimo, British Columbia

PARTIAL ELEVATIONS/SECTIONS

Scale 1/16" = 1'-0"

A11



RECEIVED
02-11-06
CITY OF NANAIMO
604.588.3322
604.588.3322
NANAIMO, BC
V9T 1N5
SUIT 204
1800 HOWA ST
VANCOUVER BC
V6Z 2T9 CANADA

Origin Retirement Communities Inc.

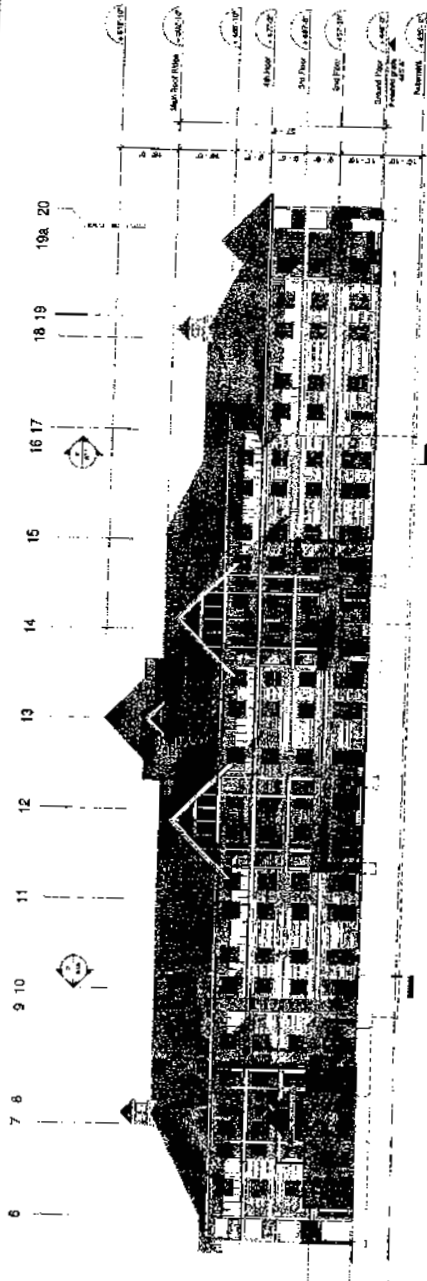
January 2006

RAFI ARCHITECTS INC.

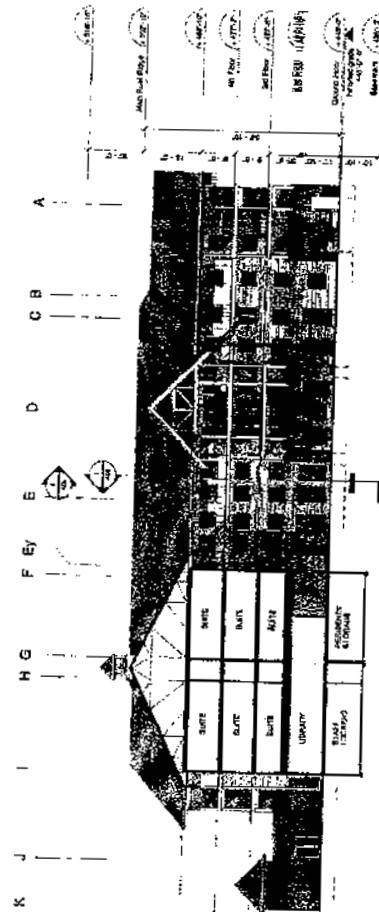


Development Permit No. DP000374
6201 Oliver Road

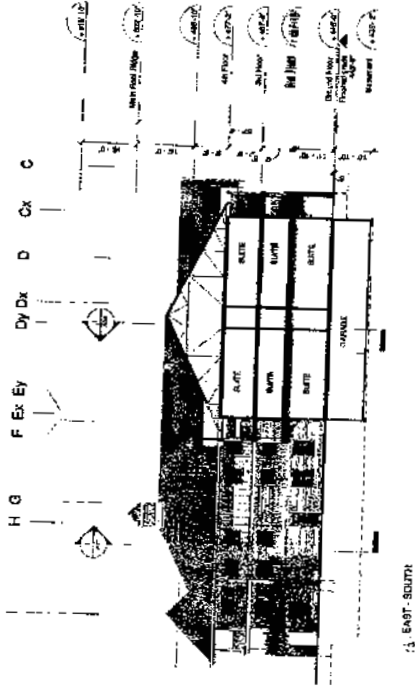
Schedule E
Building Elevations



11 SOUTH - WEST



12 EAST



13 EAST - SOUTH

NANAIMO CCRC
Nanaimo, British Columbia

Origin Retirement Communities Inc.

PARTIAL ELEVATIONS/SECTIONS
Scale 1/16" = 1'-0"

A10

page 1.13

DATE: 11/11/05
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]
PROJECT: NAIMO CCRC
SHEET: 1.13



RAFI ARCHITECTS INC.

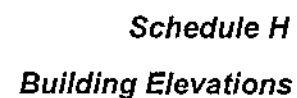


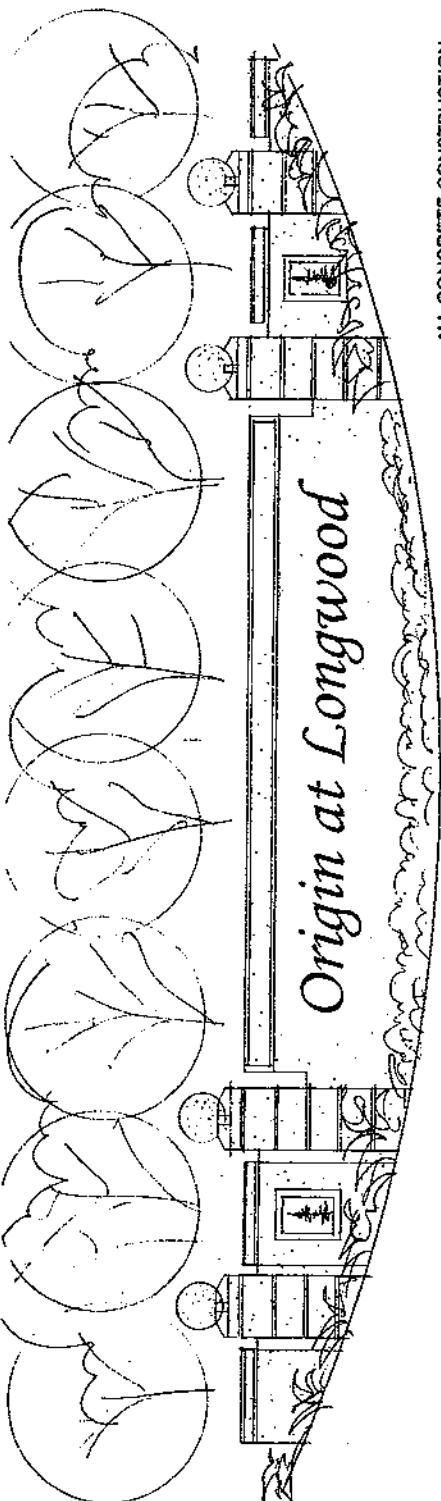
Development Permit No. DP000374
6201 Oliver Road

Schedule F
Building Elevations


$$\text{Double } 1/10^4 = 1/50^2$$

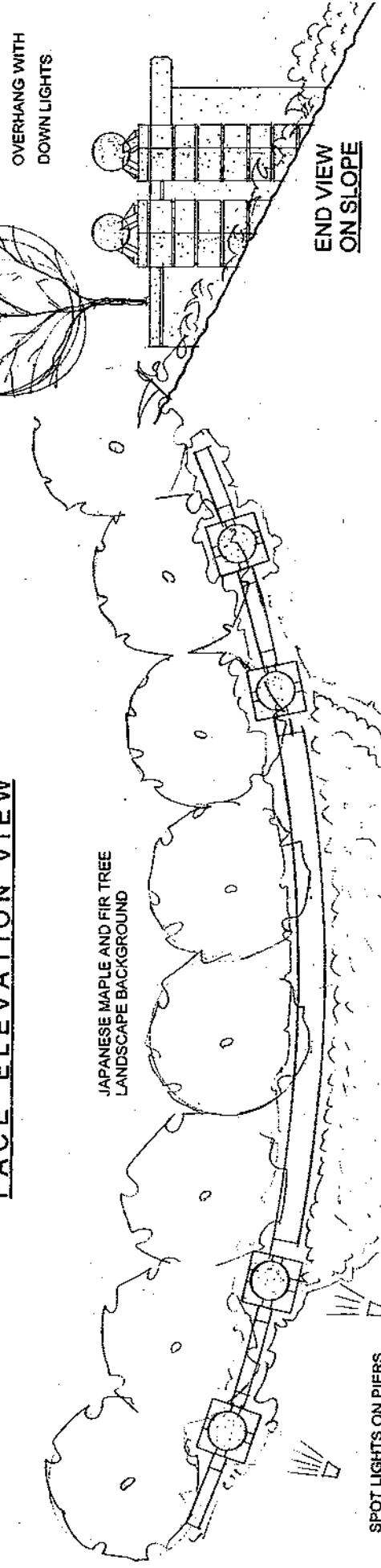
RAFI ARCHITECTS INC.





ALL CONCRETE CONSTRUCTION
(FORMED IN PLACE)

FACE ELEVATION VIEW



OLIVER ROAD SIGN FEATURE

SIGN TO BE SIMILAR IN CHARACTER TO 'LONGWOOD'
SIGN AT LONGWOOD STATION AT TURNER ROAD & HWY

1/8" = 1' March 6, 2006 F. BROOKS

PLAN VIEW

Schedule I

Development Permit No. DP-0000374

6201 Oliver Road

Oliver Road Sign Feature

Glider Bench 30

- Utilizes 8 permanently lubricated bearings
- Nonmoving end frames give access to wheelchair users

Materials

Slats: 3" x 3" nom. in choice of Clear All Heart, Free of Heart Center Redwood or Clear Douglas Fir with clear preservative.

Frame: One-piece construction of 1/2" x 3" steel bar and 2-1/2" square x 1/4" wall steel tube.

Supports: 1/2" x 3" steel bar.

Fasteners: Plated and stainless steel.

Finish: See inside front cover for choice of polyester powder finish. (Bronze shown.)

Redwood Benches

30-60R 6' long, 282 lbs.

30-80R 8' long, 340 lbs.

Douglas Fir Benches

30-60D 6' long, 282 lbs.

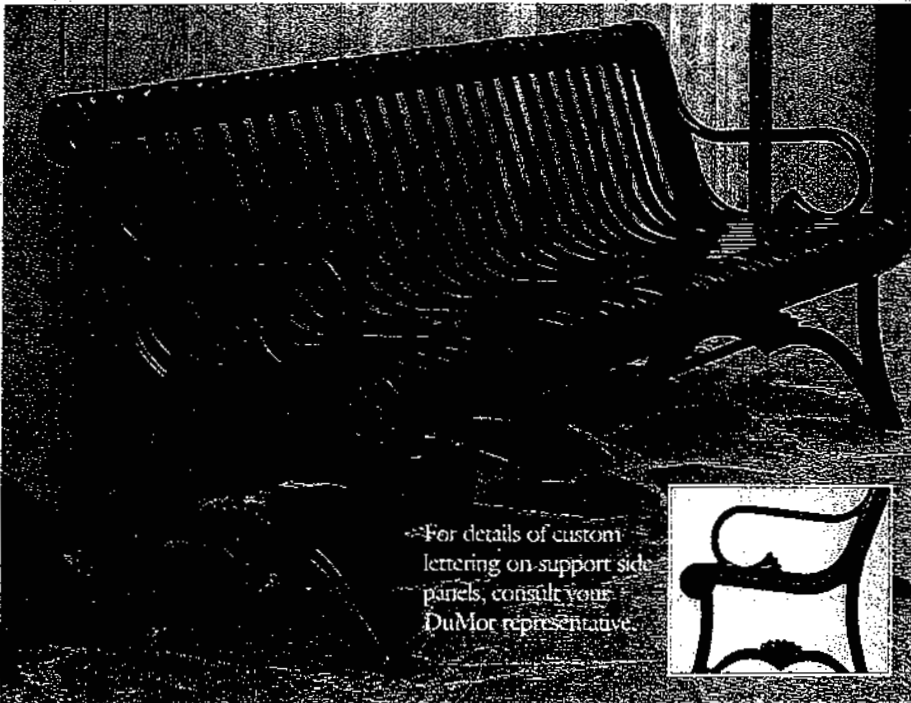
30-80D 8' long, 340 lbs.



Development Permit No. DP0000374
6201 Oliver Road

Schedule J

Bench Details



For details of custom lettering on support side panels, consult your DuMor representative.



Bench 58

- Seat portion welded into 1 unit
- Custom lettering available for side panels
- Available in extended lengths in multiples of 6' and 8'

Materials

Seating Surface: 1/4" x 1-1/2" steel bar and 2-3/8" O.D. steel pipe.

Supports: Cast iron.

Bracing: 1-1/16" O.D. steel pipe.

Fasteners: Plated.

Finish: See inside front cover for choice of polyester powder finish. (Black shown.)

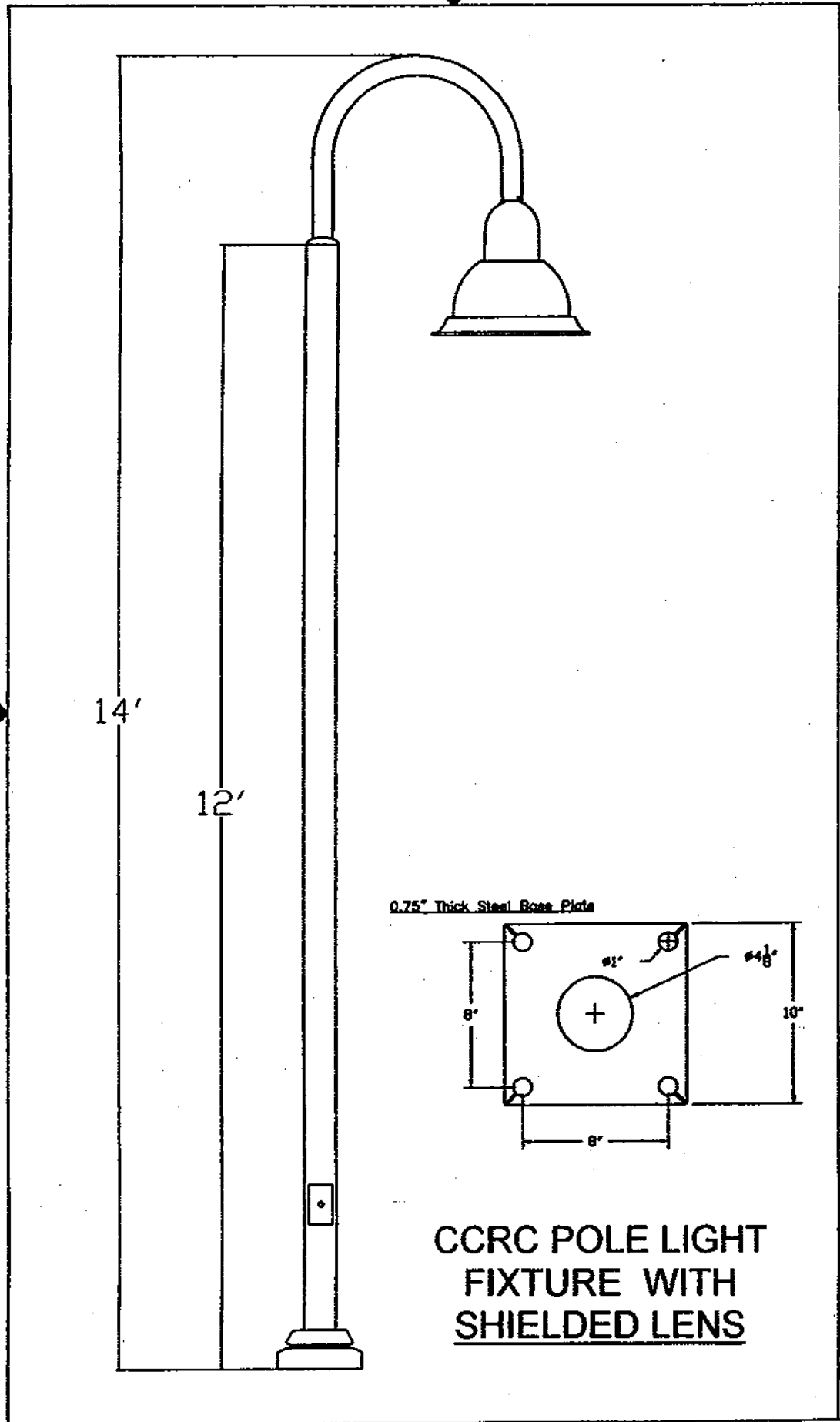
58-60 6' long, 2 supports, 296 lbs.

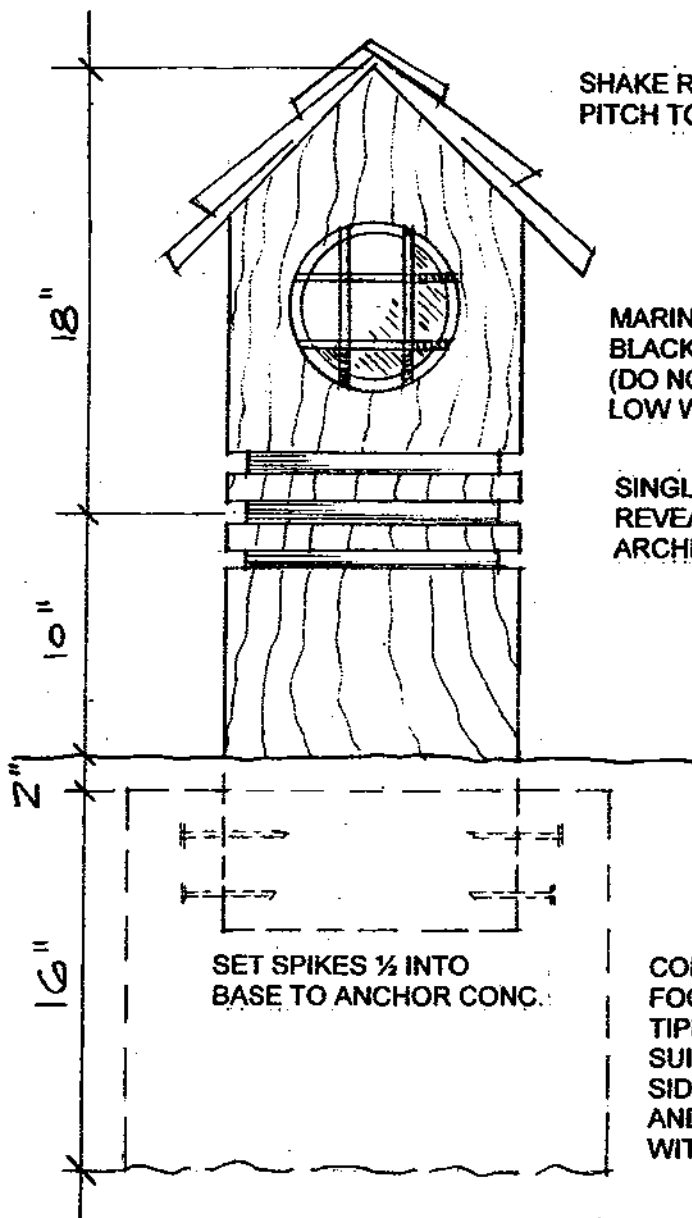
58-80 8' long, 2 supports, 358 lbs.

CCRC PROPOSED BENCH SELECTIONS

Schedule K
Lighting Detail Standard

Development Permit No. DP000374
6201 Oliver Road





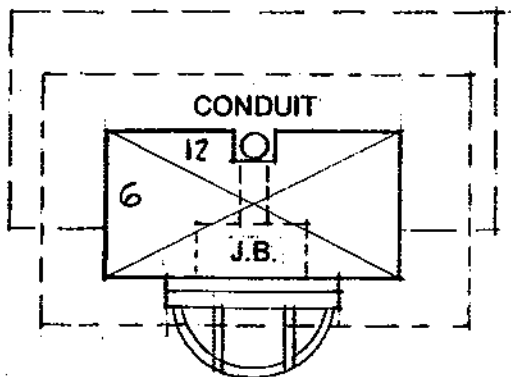
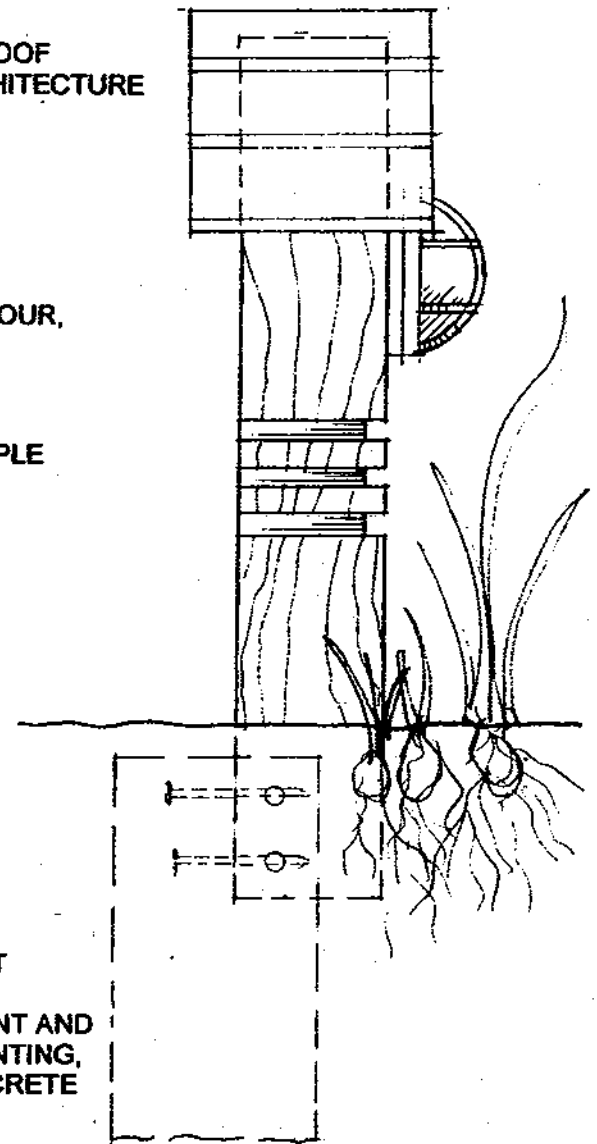
SHAKE ROOF, COLOUR & ROOF
PITCH TO SUIT LOCAL ARCHITECTURE

MARINE STYLE FIXTURE,
BLACK OR PROJECT COLOUR,
(DO NOT USE WHITE),
LOW WATTAGE FL. LAMP

SINGLE, DOUBLE OR TRIPLE
REVEAL, $\frac{1}{2}$ " x $\frac{1}{2}$ " PER
ARCHITECT OR OWNER

SET SPIKES $\frac{1}{2}$ " INTO
BASE TO ANCHOR CONC.

CONCRETE BALLAST
FOOTING TO PREVENT
TIPPING, DEPTH AS
SUITABLE. KEEP FRONT AND
SIDES OPEN FOR PLANTING,
AND COVER ALL CONCRETE
WITH PLANT SOIL.



6" x 12" ROUGH OR RESAWN
CEDAR, APPROX 3' STOCK,
PRESSURE TREATED, STAIN
OR PAINT PER PROJECT

CCRC BOLLARD LIGHT DETAIL

$1\frac{1}{2}" = 1'$

F. BROOKS BCSLA

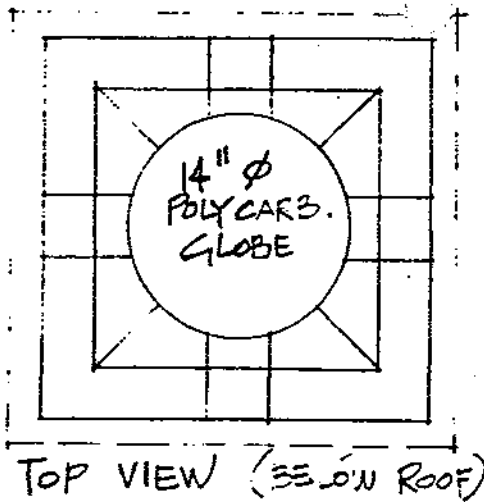
(SEE ATTACHED PHOTO IF INCLUDED)
DESIGN PROPORTIONS MAY BE
CHANGED TO SUIT MATERIAL AVAILABILITY
OR OTHER PROJECT CONDITIONS.



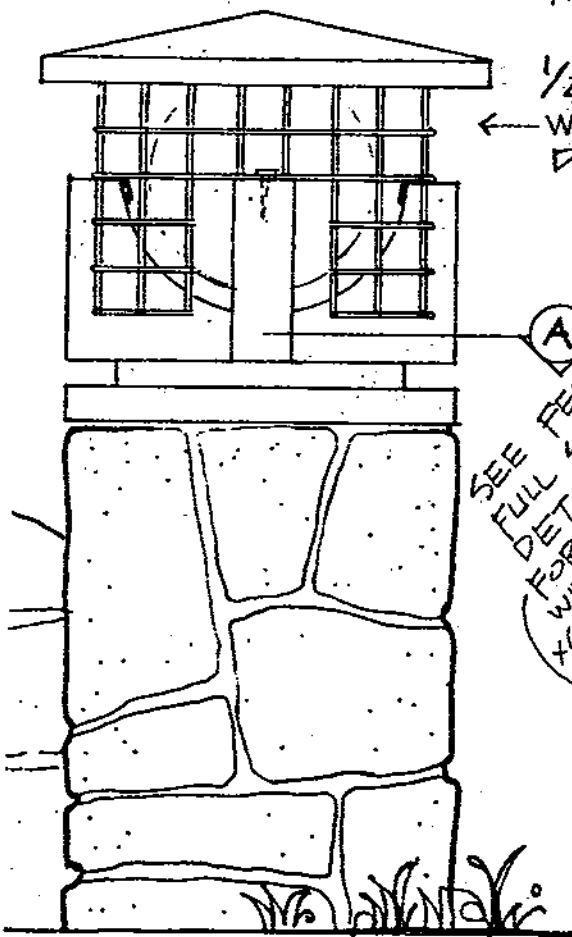
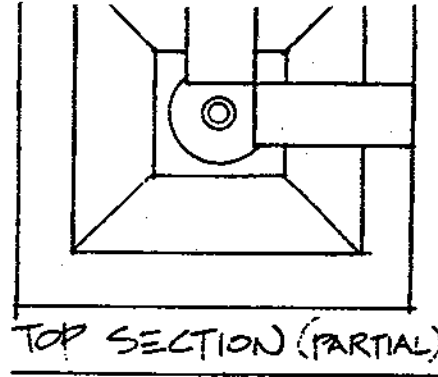
Development Permit No. DP000374
6201 Oliver Road

Schedule L

Lighting Detail Bollard 1



SEE PLAN FOR
LOCATION:



16 GAUGE METAL
ROOF, HINGED

BRASS BOLTS
3/8" ACORN NUT
ANCHORS

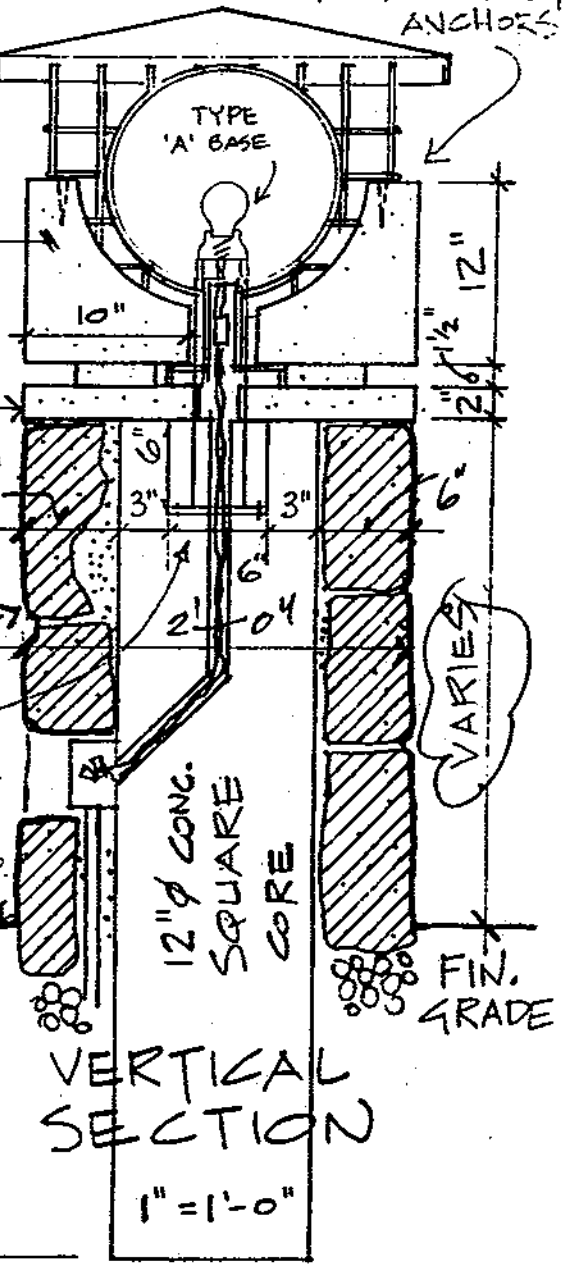
1/4" ϕ 2" GRID (NTS)
WIRE CAGE,
DARK GREEN

4x10
CONC.,
USE ON-
SITE MOLD

SEE FEB 19/97
FULL SIZE
DETAIL
FOR BASE
WITH 6"
X 6" CAVITY

2" CONC.
CAP
24" SQ.
USE ON-
SITE MOLD
GRANITE

JUNCTION
BOX,
RECESSED,
OR HOSE BIB



ELEVATION

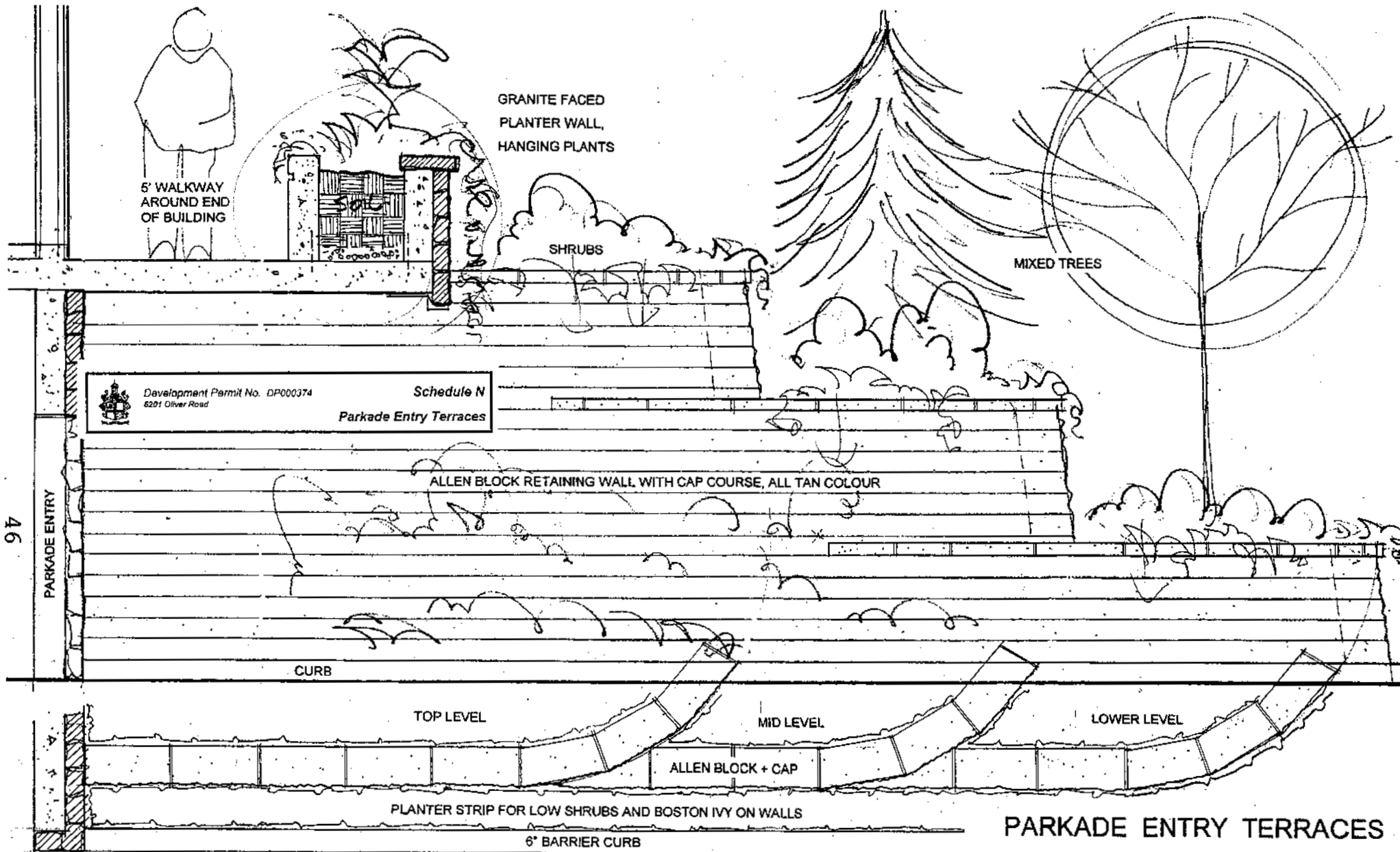
"MUST MATCH
CARISBROOKE
DETAILING"

LONGWOOD BOLLARD LITE

1" = 1'-0"

F. BROOKS

CCRC CAGE LIGHT DETAIL



PARKADE ENTRY TERRACES

1/2" = 1'

March 6, 2006

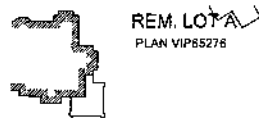
F. BROOKS



Development Permit No. DP000374
6201 Oliver Road

Schedule O

Tree Protection Zone – Poor Quality Urban Forest

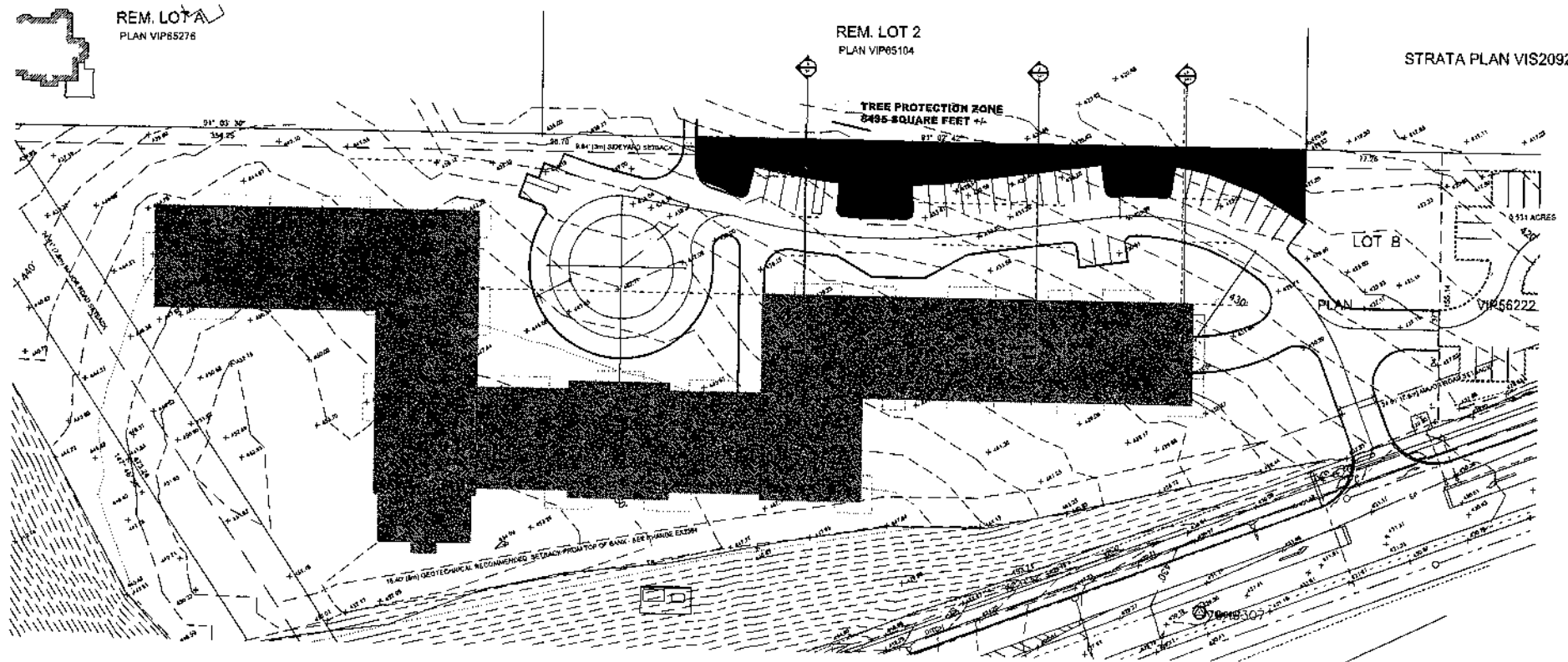


REM. LOT A
PLAN VIP65276

REM. LOT 2
PLAN VIP65104

STRATA PLAN VIS2092

TREE PROTECTION ZONE
2455 SQUARE FEET +/-



T.P.Z. replanting at entry road

17 March. 2006

Fred Brooks BOSLA

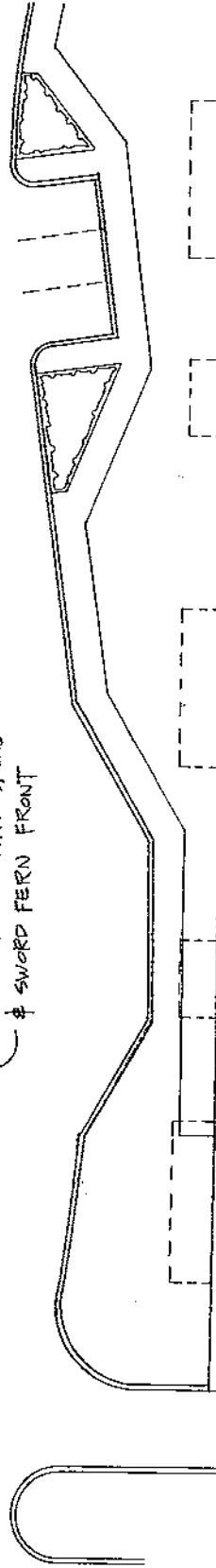
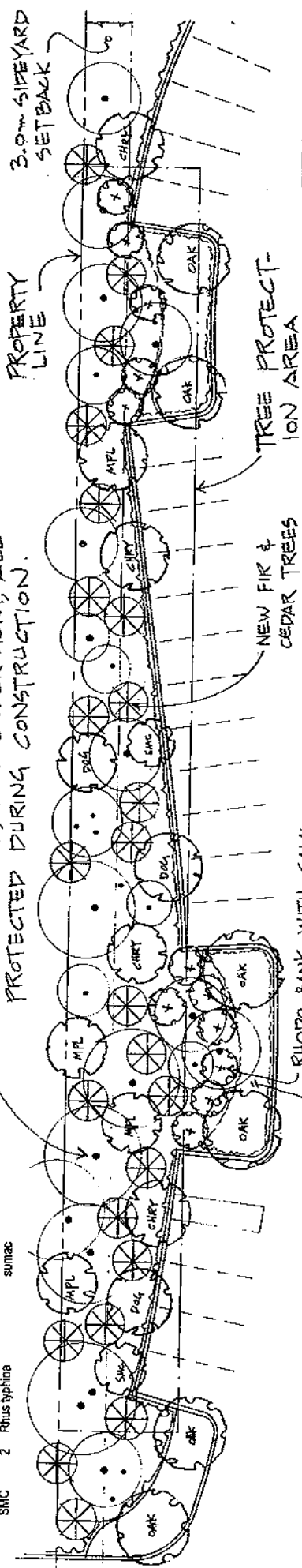
BOTANICAL NAME

COMMON NAME

TREES - DECIDUOUS

DOG	3	Cornus nuttallii	pacific dogwood
MPL	4	Acer macrophyllum	big leaf maple
CHRY	3	Prunus serotina 'Kwanzari'	flowering cherry
OAK	6	Quercus rubra	red oak
SMC	2	Rhus typhina	sumac

EXISTING RETAINED FIRS & CEDAR, VARYING SIZES, PLUS UNDERSTORY, ALL PROTECTED DURING CONSTRUCTION.



KEY PLAN

FRED BROOKS BOSLA
Landscape Architect
4845 Laguna Way, Nantaimo, B.C. V2T 5C2
Tel/fax: 250.950.7511
email: fbs@bbsva.co



Project/client:

C.C.R.C. CARE HOME

ImRight Group

Address:

5201 OLIVER ROAD

NANAIMO, B. C.

SCALE: 1" = 20'

DWG DATE: 17 March 2006

ISSUE DATE: 17 March 2006

Drawing title:

T.P.Z. REPLANTING AT

ENTRY ROAD PARKING

Sheet number:

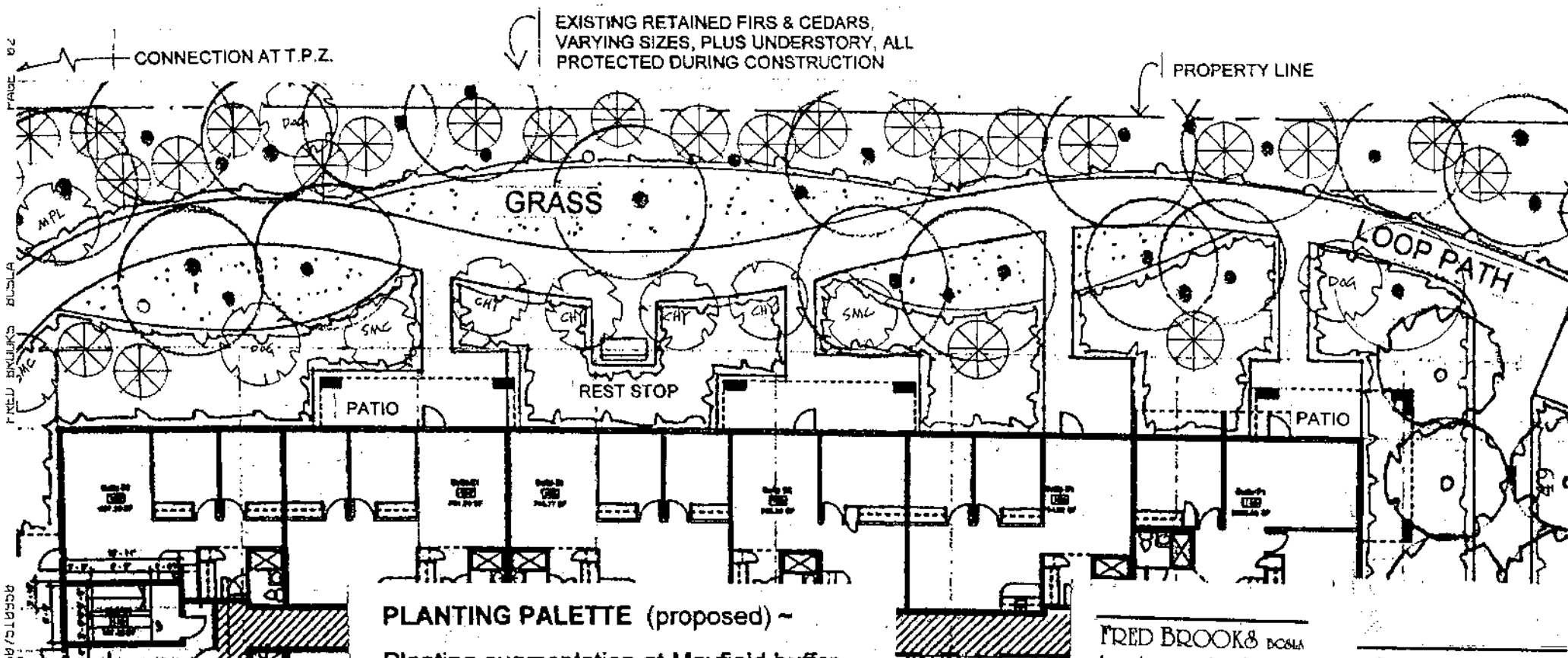
L-1 OF 1



Development Permit No. DP000374
5201 Oliver Road

Schedule P

Replanting of Tree Protection Zone



PLANTING PALETTE (proposed) ~
Planting augmentation at Mayfield buffer

20 March, 2006

Fred Brooks BCSLA

		BOTANICAL NAME	COMMON NAME
TREES - DECIDUOUS			
DOG	2	<i>Cornus nuttallii</i>	pacific dogwood
MPL	1	<i>Acer macrophyllum</i>	big leaf maple
CHRY	4	<i>Prunus serrulata</i> 'Kwanzan'	flowering cherry
SMC	3	<i>Rhus typhina</i>	sumac
FIR	26	<i>Pseudotsuga menziesii</i>	Douglas fir

FRED BROOKS BCSLA
 Landscape Architect
 4845 Laguna Way, Nanaimo, V9T 5C2



Tel/fax: 250
 751 0950
 email: fbla
 @shaw.ca

Project/client:
C.C.R.C. CARE HOME
InRight Group
 Address:
6201 OLIVER ROAD
NANAIMO, B. C.

SCALE: 1/16" = 1'

DWG DATE: 20 March 2006

ISSUE DATE: 20 March 2006

Drawing title:

**BUFFER PLANTING AT
 MAYFIELD PROP. LINE**

Sheet number:

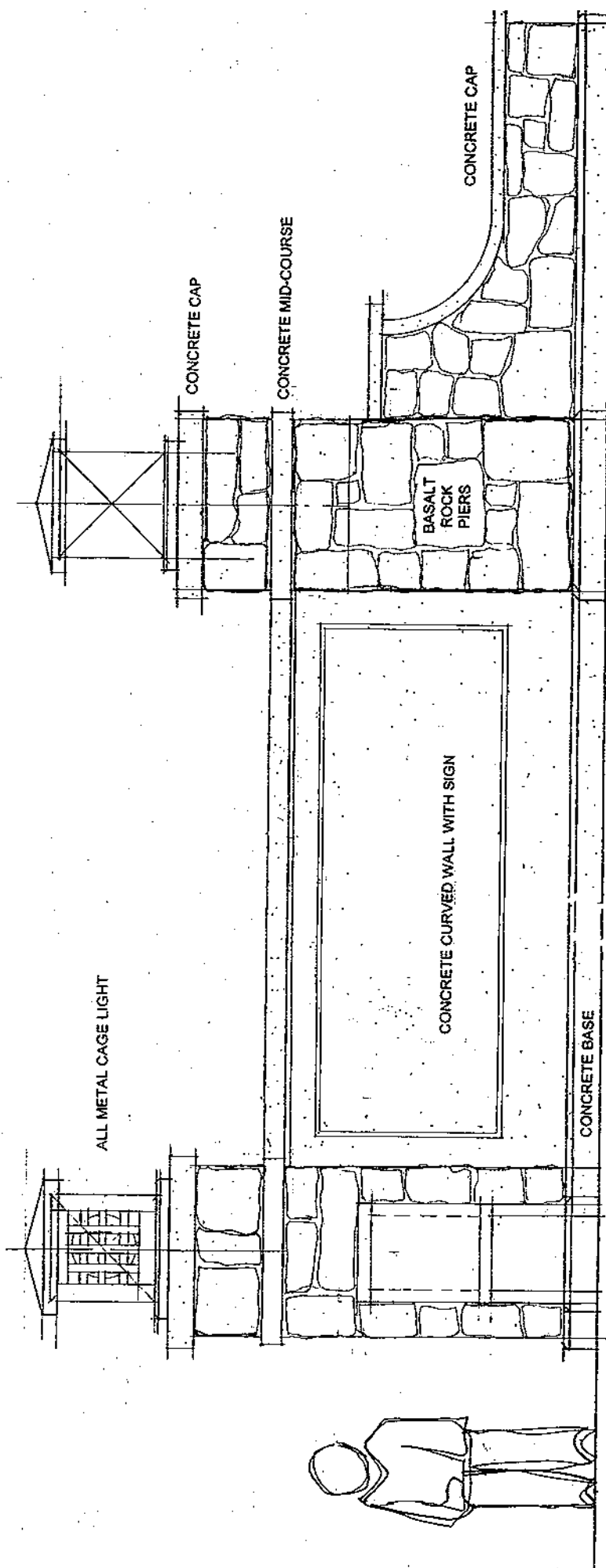
L-1 OF 1



Development Permit No. DP000374
 6201 Oliver Road

Schedule Q

Adjacent Landscape Planting



OLIVER ROAD ENTRY FEATURE

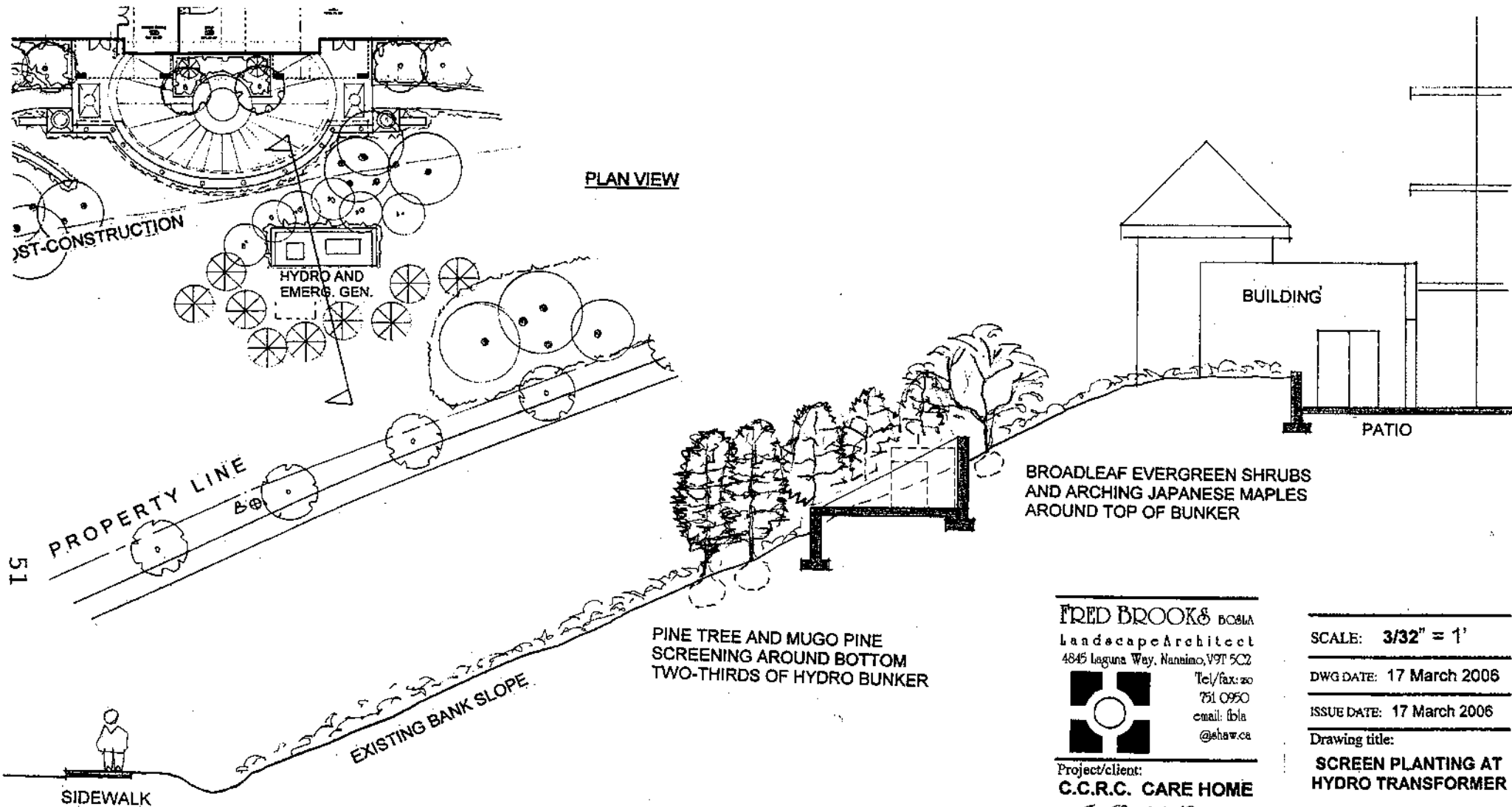
1/2" = 1' March 6, 2006 F. BROOKS

Schedule R

Oliver Road Entry Feature

Development Permit No. DP000374
6201 Oliver Road





FRED BROOKS BSCBA
 Landscape Architect
 4845 Laguna Way, Nanaimo, V9T 5C2
 Tel/fax: 250 751 0950
 email: fbla@shaw.ca

Project/client:
C.C.R.C. CARE HOME
InSight Group
 Address:
6201 OLIVER ROAD
 NANAIMO, B. C.

SCALE: **3/32" = 1'**
 DWG DATE: **17 March 2006**
 ISSUE DATE: **17 March 2006**
 Drawing title:
SCREEN PLANTING AT HYDRO TRANSFORMER
 Sheet number:
L-1 OF 1



Development Permit No. DP000374
 6201 Oliver Road

Schedule S

Screening for Hydro / Generator



Development Permit No. DP000374
6201 Oliver Road

Schedule T

Plan View of Terrace Layout

FRED BROOKS BC&LA

landscape Architect

4845 Laguna Way, Nanaimo, V9T 5C2



Tel/fax: 250

751 0950

email: fbla

@shaw.ca

Project/client:

C.C.R.C. CARE HOME

InSight Group

Address:

6201 OLIVER ROAD

NANAIMO, B. C.

SCALE: 1/16" = 1'

DWG DATE: 17 March 2006

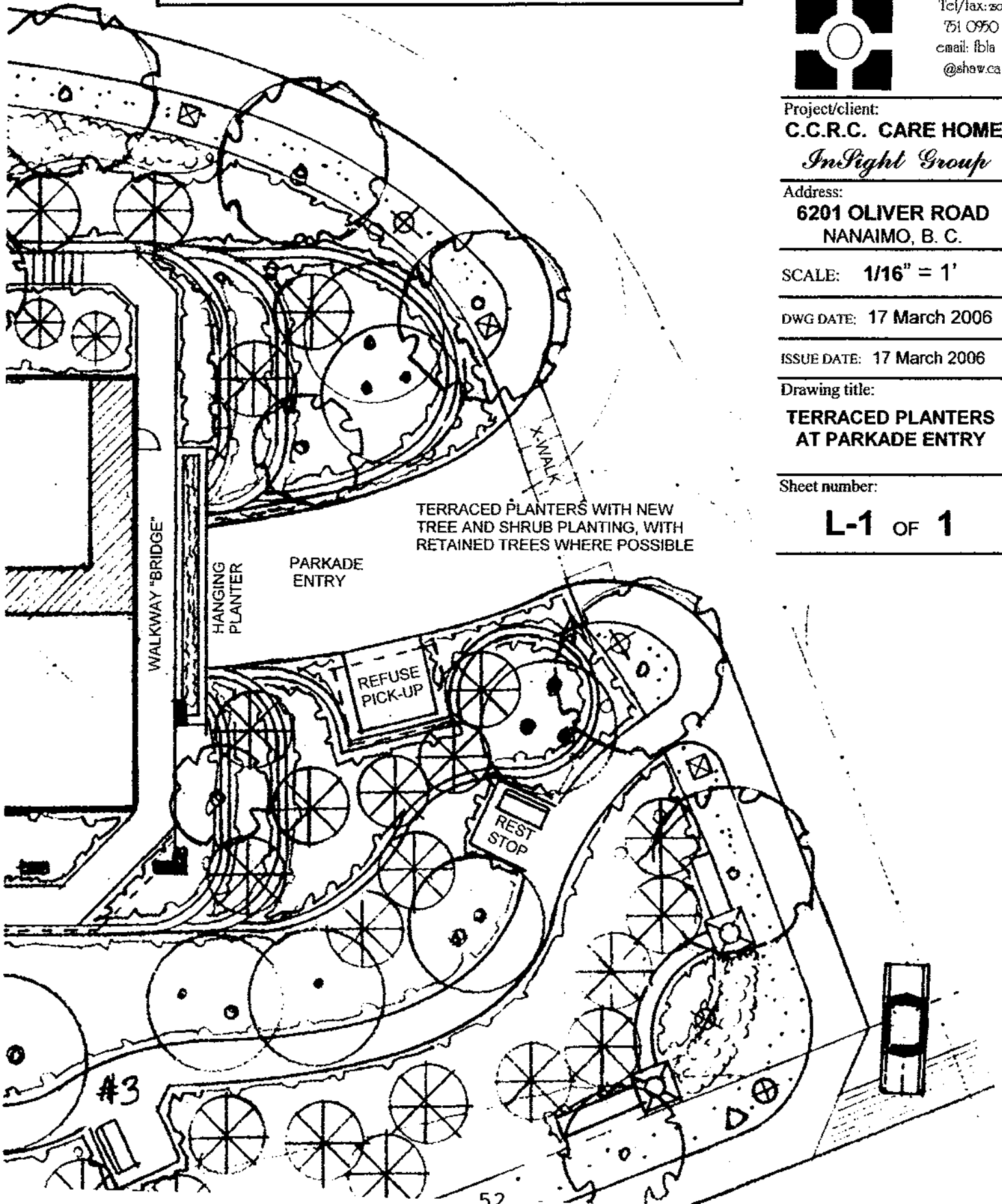
ISSUE DATE: 17 March 2006

Drawing title:

**TERRACED PLANTERS
AT PARKADE ENTRY**

Sheet number:

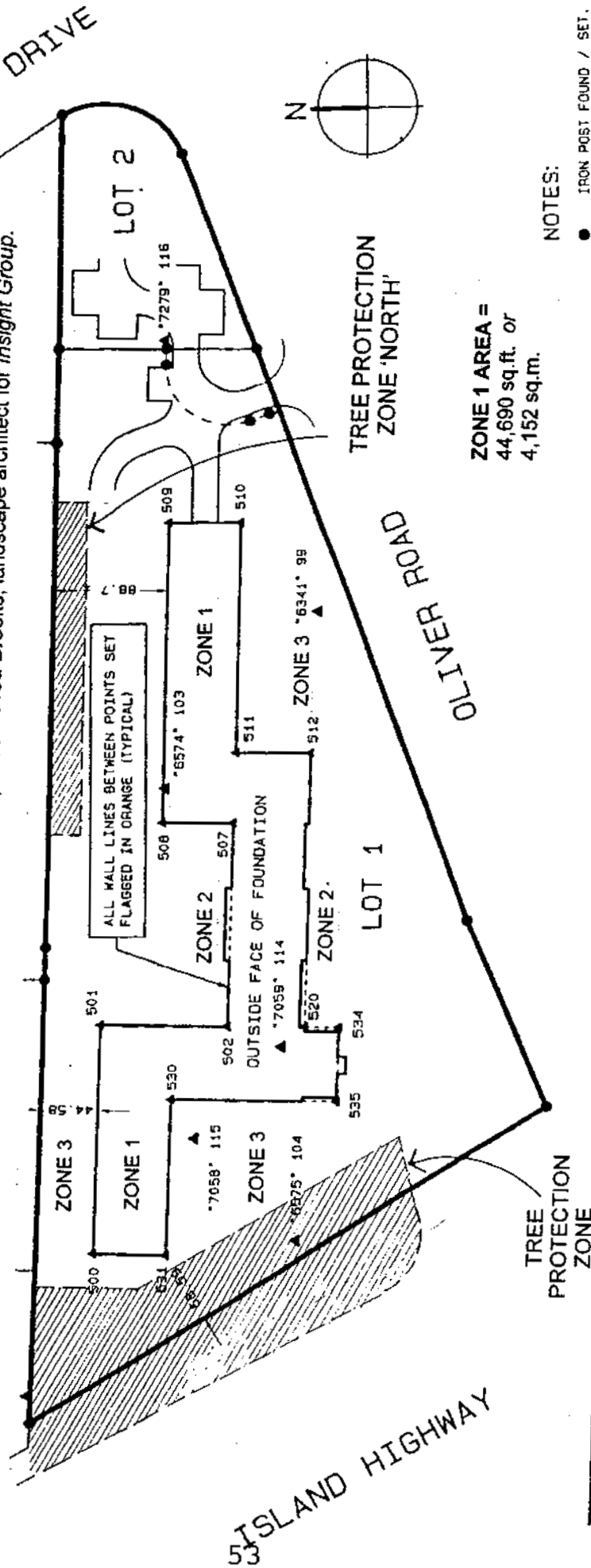
L-1 OF 1



6201 OLIVER ROAD TREE MANAGEMENT STAGING PROGRAM:

- 1) ALL TREES WITHIN THIS BUILDING FOOTPRINT WILL BE REMOVED. FALLING WILL BE DIRECTED INTO AND WITHIN FOOTPRINT AREA (ZONE 1);
- 2) AFTER INTERNAL CLEARING, ASSESSMENT WILL BE MADE OF TREES WHICH MAY BE AT RISK DUE TO FOUNDATION EXCAVATION (ZONE 2).
- 2a) TREE PROTECTION ZONE 'NORTH' ASSESSMENT TO BE MADE AT TIME OF ZONE 2 ASSESSMENTS.
- 3) TREES FOR RETENTION WITHIN LANDSCAPE AREAS WILL BE FENCED OFF UNTIL LANDSCAPE WORK COMMENCES (ZONE 3).

March 17, 2006 Fred Brooks, landscape architect for Insight Group.



NOTES:

- IRON POST FOUND / SET.
- ▲ LAYOUT / CONTROL POINT SET.

ALL DISTANCES ARE IN FEET UNLESS OTHERWISE INDICATED.

SCALE: 1" = 100'

DATE: MARCH 07, 2006

THE OWNER / BUILDER HAS REQUESTED THE WORKS SHOWN ON THIS PLAN BE LOCATED PRIOR TO THE OWNER / BUILDER PROVIDING WILLIAMSON & ASSOCIATES WITH A COPY OF THE APPROVED PLANS AND SPECIFICATIONS FOR THE WORKS. THE OWNER / BUILDER ASSUMES ALL RESPONSIBILITY FOR THE LOCATION OF THE WORKS SHOULD THEY NOT BE LOCATED IN CONFORMANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS
 3088 BARONS ROAD NAKAIWA B.C. V9T 4B5
 PHONE: 250-756-7723 FAX: 250-756-7724
 EMAIL: WAPS@TELUS.NET FILE: 05187-B REV. 1



Development Permit No. DP000374
 6201 Oliver Road

Schedule U
Tree Management Staging Program

Height Rationale:

The proposed building is a four story building which fits in the design guidelines and zoning of the property.

The height of the building is the direct result of the building and structural function. It responds sensitively to the many diverse adjacent conditions.

The facilities, which may be used by the public are all located at the ground and basement levels and are separated from private residences.

We have located mechanical, utility, service, kitchen and laundry facilities in the lower level. Common facilities such as dining and restaurant areas, library, games, theatre, craft and hobby workshop, health & spa, swimming pool and exercise area as well as offices and administrations at the ground level, both these functions require higher ceilings.

Residential suites and assisted living units are located at the upper levels with a normal ceiling height plus mechanical. The predominant main roof has a low pitch of 5/12.

The total height of the building calculated from the finished grade elevation (445'-6") to the ridge of the building (502'-10") is 57'-4". The height variance is 11'-4" as we notice the height is very consistent with its neighboring building in the Longwood community except for an architectural feature in the center of the buildings in the shape of a pyramid roof.

This pyramid would raise the height of the building to a higher elevation. Visually it has a great role in reducing the scale of the building.

It breaks down the building in two sections and gives more human scale to the project.

It also emphasizes the sense of entrance and welcome.

This feature does not represent the actual height of the building as it happens only once.

For the reasons aforementioned we have not counted the height of the feature in the height calculation of the building.



Development Permit No. DP000374
6201 Oliver Road

Schedule V
Height Rationale

DP000374

FOR CITY MANAGER'S REPORT

REPORT TO E. C. SWABEY, DIRECTOR, PLANNING AND DEVELOPMENT

FROM D. LINDSAY, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: DEVELOPMENT PERMIT NO. DP317

333 TENTH STREET

RECOMMENDATION:

That Council authorize an amendment to Development Permit No. DP317 for a warehouse building at 333 Tenth Street.

BACKGROUND:

The City has received an application to amend a Development Permit from Vancouver Island Recycling Centers Ltd. (Mr. Jim Money), on behalf of Parhar Enterprises Ltd., to construct a pre engineered steel building on the subject property. On 2006-FEB-13 Council authorized a Development Permit for an over height fabric structure.

The site is currently operating as a recycling depot. A Development Permit (DP132) was issued on 2002-APR-15 for a separate building (building 1 – see Schedule B). Building 1, which has been constructed, replaced a building that was previously destroyed by fire.

The subject property is zoned Light Industrial (I-2). According to Schedule A of the Official Community Plan (OCP) the subject property is designated Service Industrial Enterprise Area. The property is within Development Permit Areas No. 21 (Form and Character) and No. 22 – Nanaimo Parkway Design Guidelines (Form and Character). As such a development permit is required before a building permit can be issued.

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

DISCUSSION:

Subject Property

The subject property is a lease holding. The lease holding is approximately 17,891 square metres (128,000 square feet). The total parcel is 5 hectares (12.93 acres).

Proposed Development

The applicant is proposing a 1,895.2 square metre (20,400 square feet) pre engineered steel building for the containment of recyclable materials which are currently stored externally on the site. The building footprint and height is of sufficient size to allow trucks to maneuver internally.

A condition of use for Light Industrial Zone (I-2) requires the processing of material to occur inside a building. The operational plan submitted with the application allows for materials to be dumped

inside the structure, bailed and prepared for shipping within the confines of this proposed building. The applicant has decided to opt for a pre engineered steel building rather than a fabric structure due to the serviceability of the former structure.

The Regional District of Nanaimo has recently adopted a Waste Stream Management License Bylaw, which requires recycling depots such as this one to be licensed. As a condition of licensing the applicant has submitted the operational plan to the Regional District of Nanaimo for review. The review is now complete and the Regional District of Nanaimo has provided approval in principle.

The applicant is proposing to upgrade the previously installed landscaped berm along Tenth Street. Some of the original plant material required with the first development permit has died or has performed poorly.

Nanaimo Parkway Design Guideline Requirements

The subject property is in the Rural Parkway – Wooded Character Area. The Character Protection Zone is 15 metres (49.2 feet) and the Tree Protection Zone is 20 metres (65.6 feet).

There is an existing stand of trees along the Parkway which covers most of the Character / Tree Protection Zones. There is a clearing of approximately 38 metres (125 feet) in width in the Character Protection Area. This area is to be reforested with three rows of coniferous plugs (juvenile evergreen seedlings). This type of planting will not provide an instant screening but will assure a viable naturalized screen over time.

Proposed Variance

To accommodate vehicle movement within the structure and due to the interior structure configuration (wider useable clear span) the building height has decreased from what was proposed for the fabric structure. The fabric structure to work for the proposed internal uses needed to have a height variance of 6.92 metres (22.7 feet). The maximum height in an I-2 Zone is 9 metres (29.5 feet). The proposed pre engineered steel building will be 10.97 metres (36 feet) in height. The proposed variance is 1.97 metres (6.5 feet).

To expedite industrial projects, Council does not require that they be reviewed by the Design Advisory Panel. Staff support the development permit as both the structure and layout are an integral part of the operational plan and recommend that Council approve the Development Permit.

RECOMMENDATION:

That Council authorize an amendment to Development Permit No. DP317 for a warehouse building at 333 Tenth Street.

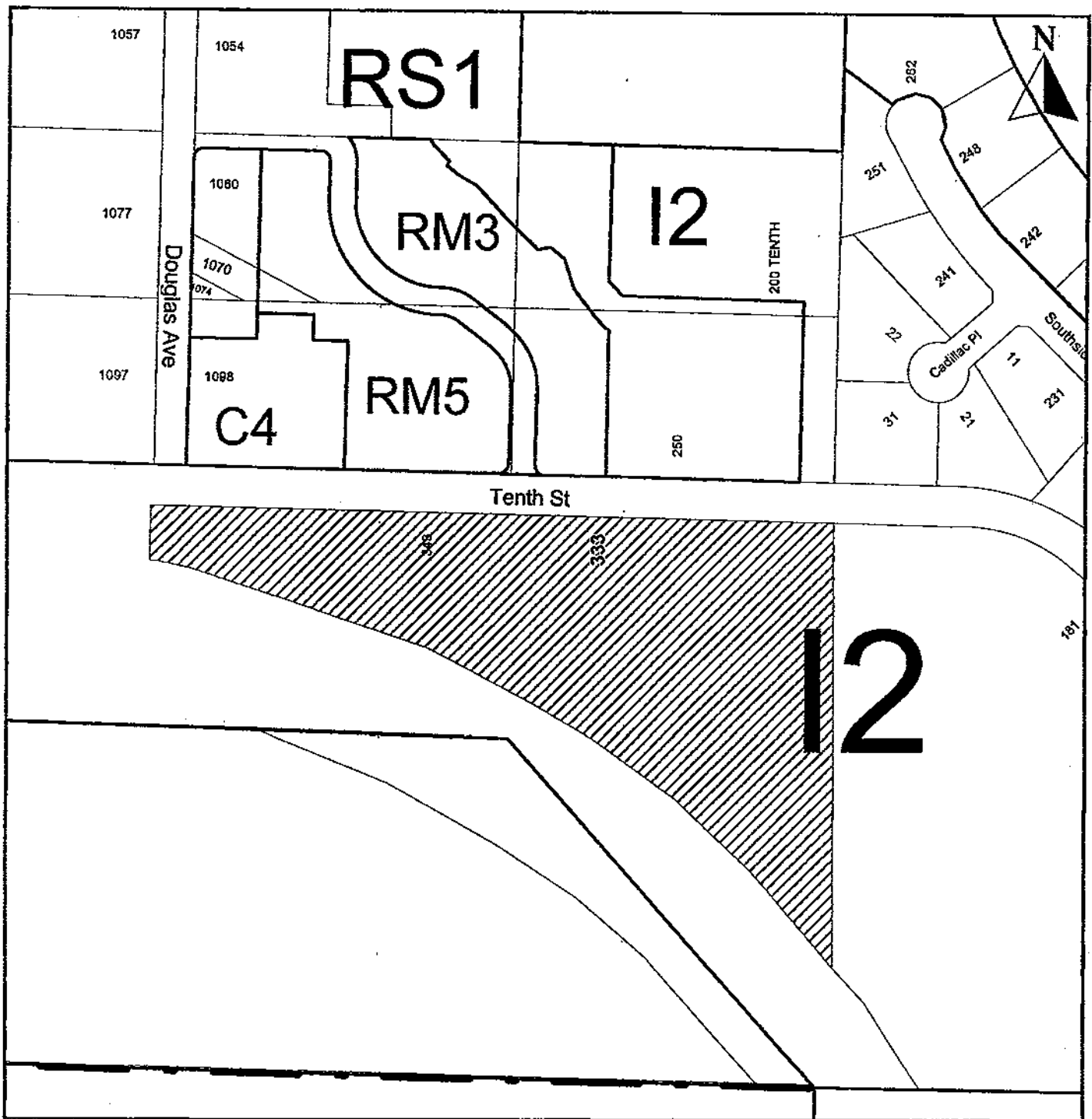
Respectfully Submitted,


D. Lindsay
Manager, Planning Division
Development Services


E. C. Swabey
Director, Planning and Development
Development Services

GN/cjh
COUNCIL: 2006-MAR-27
Prospero Attachment: DP000317

SCHEDULE A



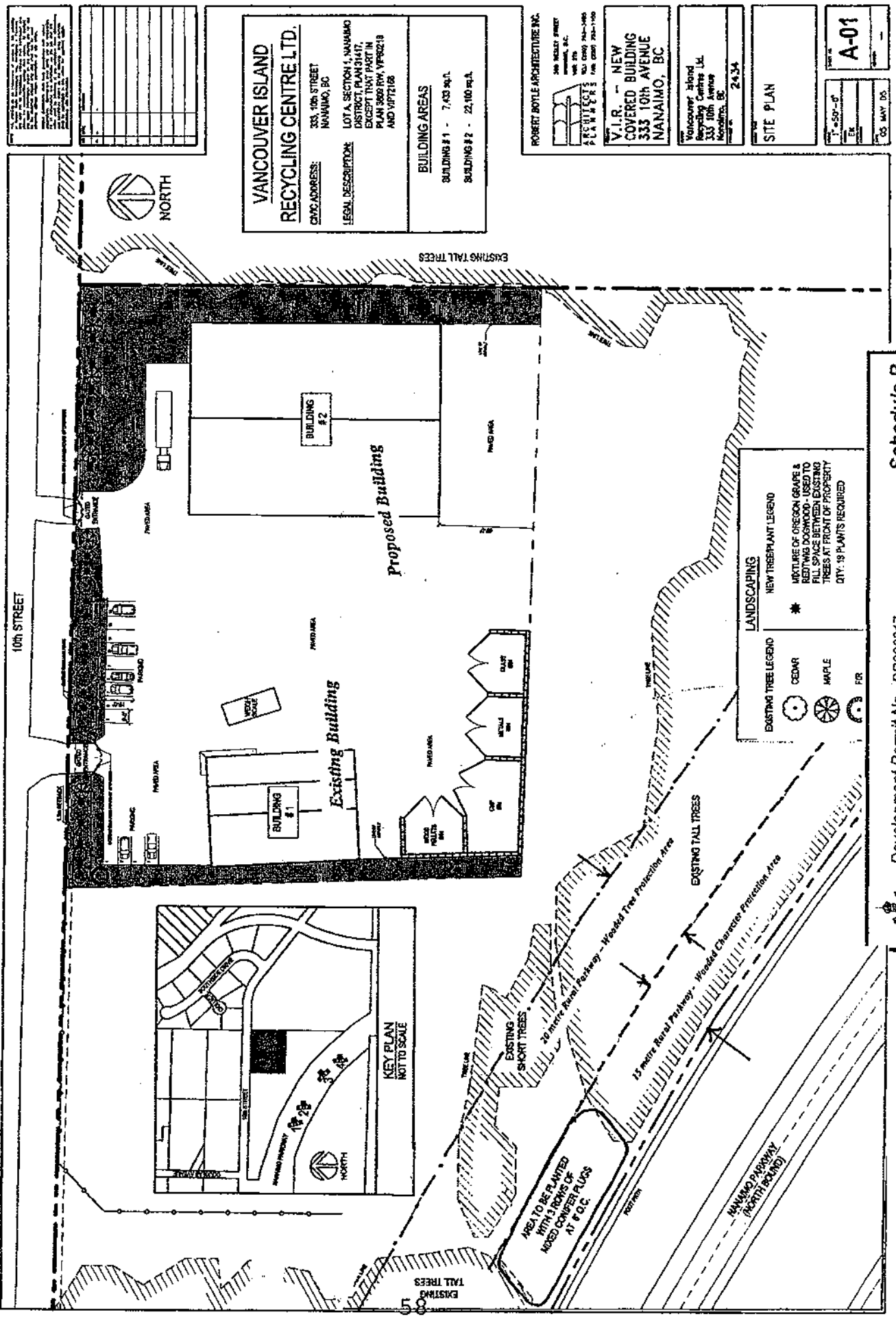
DEVELOPMENT PERMIT NO. DP000317

LOCATION PLAN

Civic: 333 Tenth Street

Lot A, Section 1, Nanaimo District, Plan 31417
except that part in Plans 3809 RW, VIP60218
and VIP72168

 **SUBJECT
PROPERTY**



VANCOUVER ISLAND RECYCLING CENTRE LTD.

CIVIC ADDRESS: 333, 10th STREET NANAIMO, BC

LEGAL DESCRIPTION: LOT 1, SECTION 1, NANAIMO DISTRICT PLAN 31417, EXCEPT THAT PART IN PLAN 9808 RW, VFR0219 AND VPT2108

BUILDING AREAS

BUILDING #1 - 7,432 sq.ft.

BUILDING #2 - 22,110 sq.ft.

ROBERT BOYLE ARCHITECTURE INC.

300 KELLEY STREET
NANAIMO, B.C.
TEL: (250) 754-1985
FAX: (250) 754-1100

V.I.R. - NEW COVERED BUILDING

333 10th AVENUE

NANAIMO, BC

Vancouver Island Recycling Centres Ltd.

333 10th Avenue

Nanaimo, BC

24.34

SITE PLAN

A-01

T-500-0

DATE: MAY 05

Schedule B

Site Plan / Landscape Plan

Development Permit No. DP000317

333 Tenth Street

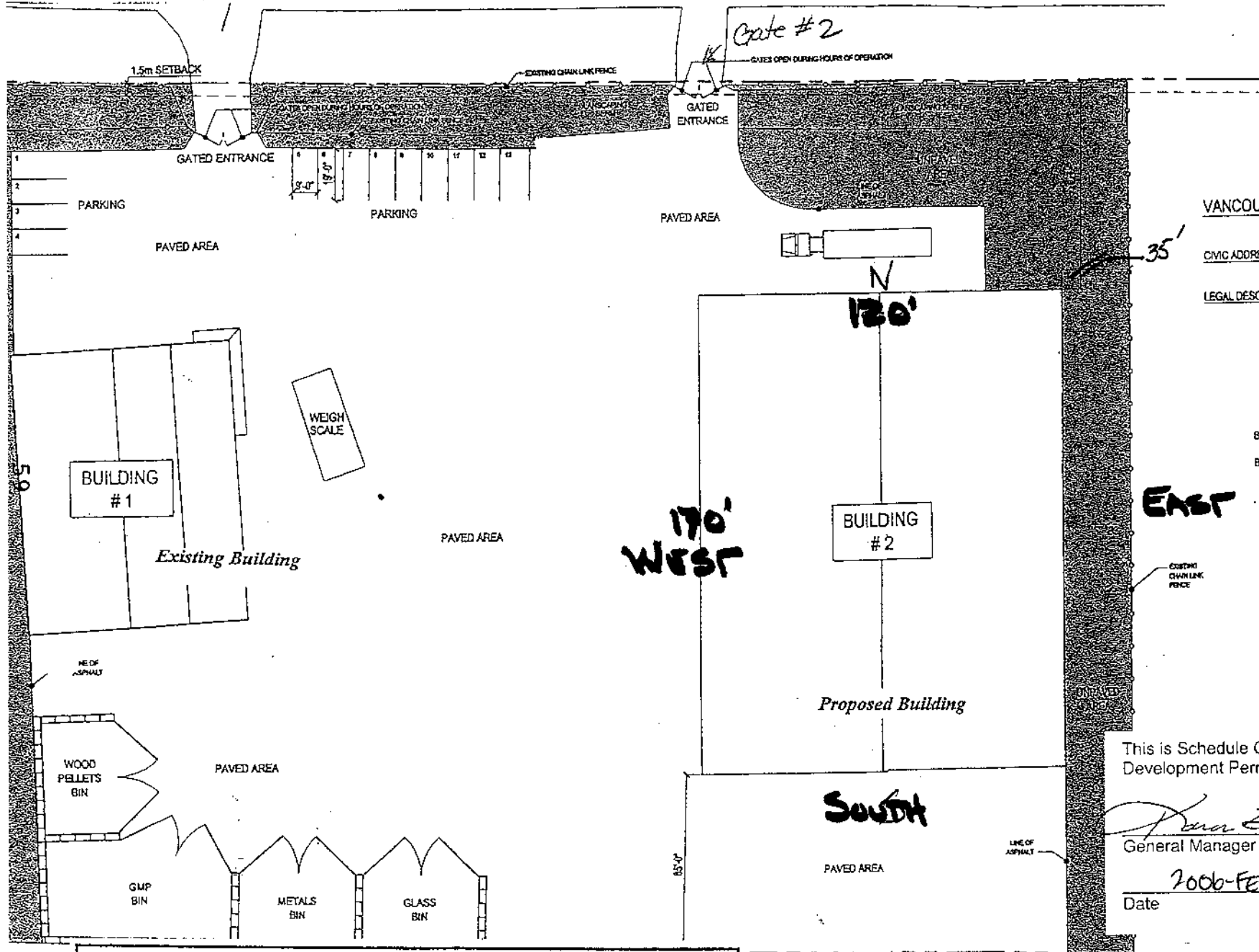


DP 317

Gate #1

10th St.

10th Street



VANCOUVER ISLAND RECYCLING CENTRE LTD.

CIVIC ADDRESS 333, 10th AVENUE
NANAIMO, BC

LEGAL DESCRIPTION LOT A; PLAN 31417;
NANAIMO DISTRICT

AREAS

BUILDING # 1 - 7,433 sq.ft.

BUILDING # 2 - 22,100 sq.ft.

This is Schedule C referred to in the Development Permit.

[Signature]
General Manager of Administrative Services

2006-FEB-13
Date



Development Permit No. DP000317
333 Tenth Street

Schedule C
Site Plan

ARCHITECTURE INC.

340 WESLEY STREET
NANAIMO, B.C.
V9R 3T6

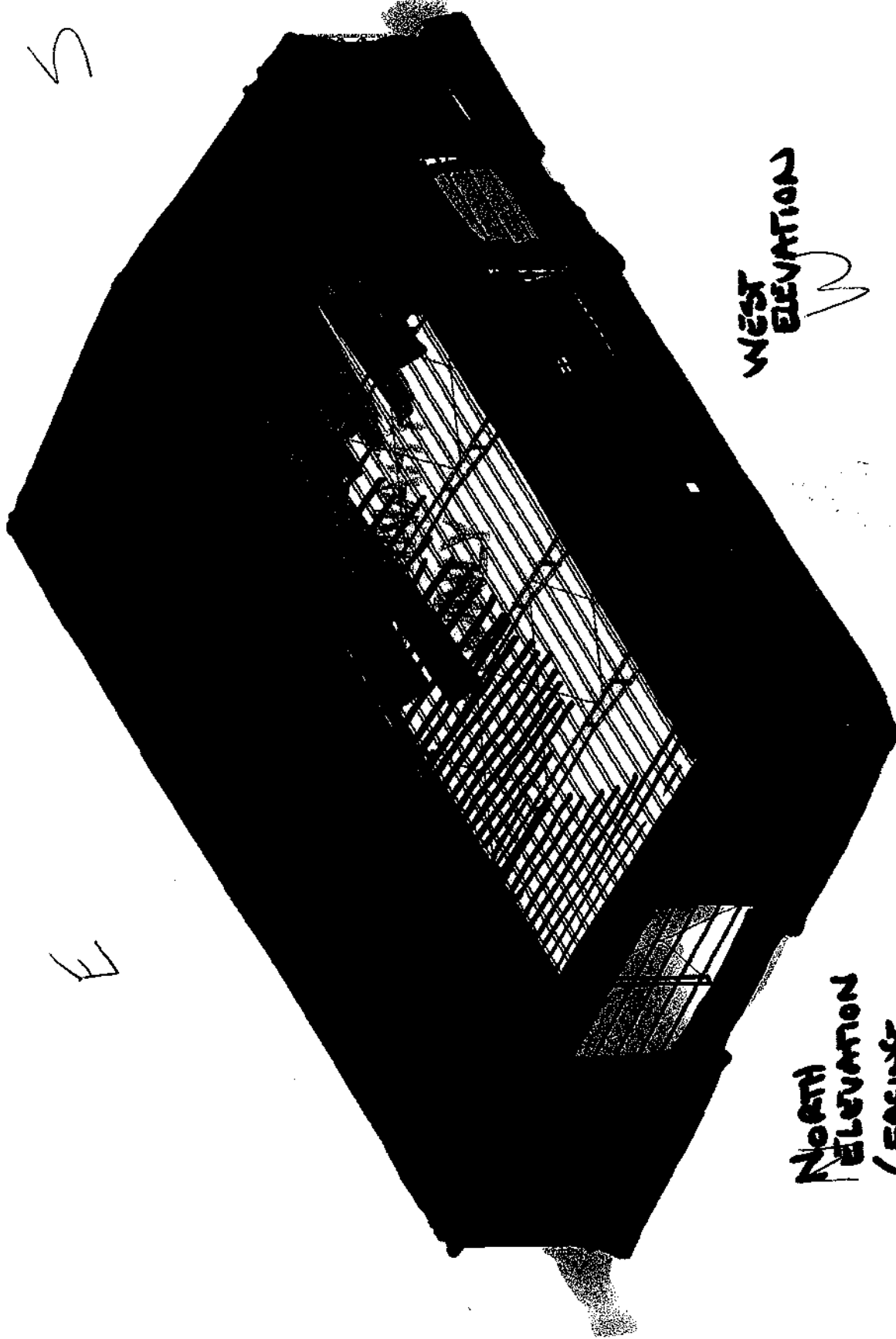
1/32" = 1'-0"
EK

V.I.R. - NEW
COVERED BUILDING
333 10th AVENUE
NANAIMO, BC

Vancouver Island
Recycling Centres Ltd.
333 10th Avenue
Nanaimo, BC

SITE PLAN

A-01



North
Elevation
(Facing
10th St)

West
Elevation

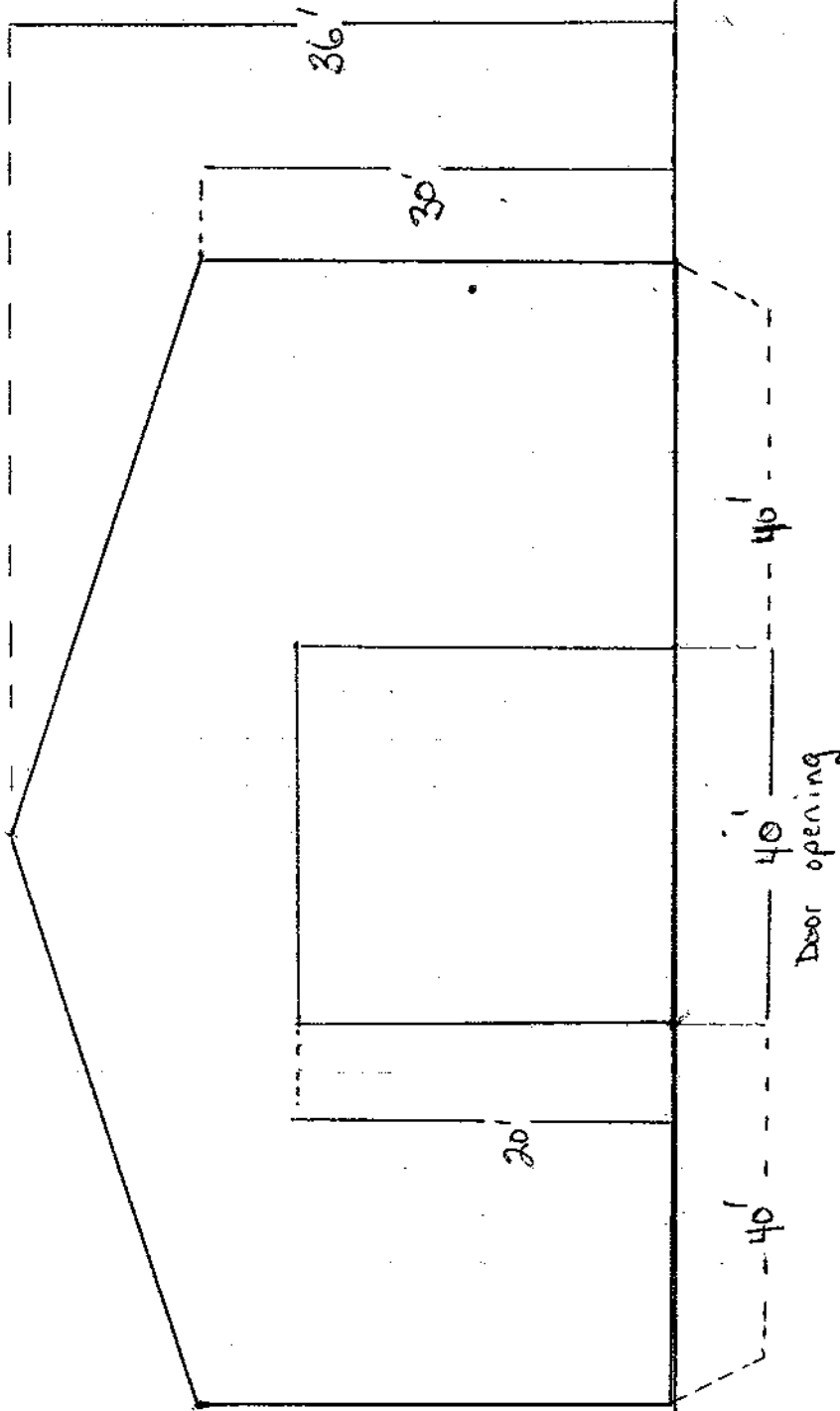
120' x 170' Building



Development Permit No. DP000317
333 Tenth Street

Schedule D
Building Image

— PRE ENGINEERED —



North end of Building.
South end of Building is the same.

~~Building Height~~ Calculation

Development Permit No. DP000317
333 Tenth Street

Schedule E
Building Height Calculation



FOR CITY MANAGER'S REPORT

REPORT TO: E.C. SWABEY, DIRECTOR, PLANNING AND DEVELOPMENT, DSD

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

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2006-MAR-16
FOR BYLAW NO. 4000.389

RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2006-MAR-16.

BACKGROUND:

A Public Hearing was held on 2006-MAR-16, the subject of which was one item. Approximately 50 members of the public were in attendance. Minutes of the Public Hearing are attached and information regarding procedures for Bylaw No. 4000.389 is contained within the report.

DISCUSSION:

1. BYLAW NO. 4000.389:

This bylaw, if adopted, will add site specific text amendments for property located at 38 Front Street in order to permit a multiple family dwelling development. The applicant is proposing to increase the height of the previously approved development from 49.0 metres to 63.4 metres, as measured from Front Street, and to increase the maximum floor area ratio from 5.30 to 6.30. The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63943.

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

15 members of the public, including a representative of the applicant, attended the Public Hearing to speak to this issue. 13 written submissions were recognized at the public hearing.

RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2006-MAR-16.

Respectfully submitted,

D. Lindsay, Manager
Planning Division
DEVELOPMENT SERVICES DEPARTMENT

/dj

Council: 2006-MAR-27

G:\DEV\PLANFILES\ADMIN\0575\20\2006\REPORTS\2006 03 16 PH Report.doc

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

**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, 2006-MAR-16, TO CONSIDER
PROPOSED AMENDMENTS TO THE CITY OF NANAIMO
"ZONING BYLAW 1993 NO. 4000"**

PRESENT: Mayor G.R. Korpan
Councillor L.D. McNabb Councillor M.W. Unger
Councillor L.J. Sherry Councillor C.S. Manhas
Councillor M.D. Brennan Councillor W.L. Bestwick
Councillor W.J. Holdom

Staff

E.C. Swabey, Director, Planning & Development, DSD
D. Lindsay, Manager, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

Public

There were approximately 50 members of the public present.

CALL TO ORDER:

Mayor Korpan called the meeting to order at 7:00 p.m. 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 item as it appeared on the Agenda, adding that this is the last opportunity to provide input to Council before consideration of Third Reading to Bylaw No. 4000.389 at Council's next regularly scheduled meeting of 2006-MAR-27.

1. BYLAW NO. 4000.389:

This bylaw, if adopted, will add site specific text amendments for property located at 38 Front Street in order to permit a multiple family dwelling development. The applicant is proposing to increase the height of the previously approved development from 49.0 metres to 18 storeys 63.4 metres, as measured from Front Street, and to increase the maximum floor area ratio from 5.30 to 6.30. The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63943.

Mr. Bill Wright, CAPE Development Corporation – Applicant

- Provided an overview of the currently approved application and noted that construction is underway.

- Noted that a shadow analysis study is complete and ready to view, which indicates differences in shadows between the previously approved plans versus the proposed plan.
- Noted that all building challenges to date have been met with viable solutions, and that this proposal is the result of cost issues that are best rectified by ensuring all obligations are met with due diligence by adding two additional floors to the project. Believes this provides a level of comfort and assurance to investors.
- Stated that 80% of costs are in to date, noting that this proposal will ensure CAPE can meet their obligations and provide the investors with their new homes.
- Confirmed that almost all units have been sold and that CAPE has received many calls of support from both investors and people who encourage this development for the City of Nanaimo on the whole.

Councillor Holdom asked for clarification on the proposed height variance.

Mr. Wright confirmed that the total height variance being requested is 22' 6" (see "Schedule 'A' – Submissions for Bylaw No. 4000.389").

Mr. Lindsay further clarified the issue by stating that the public hearing Notice and applicable zoning indicate a height of 49 metres, but a previously approved height variance within the Development Permit allowed the development to go from 13 storeys to 16 storeys.

Mr. Fred Pattie, 2830 Fandell Street – Opposed

- Believes Staff's recommendations regarding this application should be adhered to.
- Submitted a shadow study analysis (attached as part of "Schedule 'A' – Submissions for Bylaw No. 4000.389") on behalf of Debra Bodner that illustrates, in his opinion, that the shadow study analysis completed on behalf of the applicant is incorrect, adding that this building will not allow for sunlight on the seawall.

Councillor Unger asked for clarification regarding the opposing shadow study analyses.

Mr. Lindsay stated that two different approaches were taken in relation to the shadow study analyses, noting that the applicant's architect submitted a shadow study that was conducted on March 21st and September 25th (Spring and Fall equinox) which are typical times used for shadow studies on high rise buildings. The timing of when each study was done would affect its outcome. Mr. Lindsay noted that the time of day would also affect the results of a shadow study, adding that it would seem timing was the cause for this discrepancy.

Mr. Wouter Bouman, 3262 Poppleton Road – In Favour

- Believes it is commendable that CAPE is willing to continue with this development and honour the contracts with its investors even with unforeseen budgetary issues, adding that most construction of this size inevitably runs into budget problems.
- Believes the citizens of Nanaimo should be grateful for the removal of the 15-year old "eyesore" on the waterfront. This will result in more taxes for the City and more businesses in the downtown.

Ms. Margaret Hedges, 150 Promenade Drive – In Favour

- Potential purchaser of a unit in Pacifica.
- Initially unhappy with the concept of an additional two storeys on the development, but after examining the proposal, and considering her hopes for Nanaimo's waterfront and how many citizens use the seawall, she realized that Nanaimo needs to work with CAPE to ensure the development is a focal point for the downtown and the seawall. Believes it would be counteractive to obstruct the development at this point.
- Does not believe the additional two storeys will have a negative impact.

Mr. Jim Hedges, 150 Promenade Drive – In Favour

- Believes this development will be very positive for Nanaimo and its waterfront.
- Asked for clarification and assurance from the applicants regarding potential owners and how this variance will impact homes (i.e. ceiling heights, finishing).

Mayor Korpan asked that the applicants address Mr. Hedges' concerns outside of the Public Hearing process.

Mr. Roger Lutes, 30 Cavan Street – In Favour

- Future home owner in Pacifica.
- Proud of Council and how it is "growing the City".
- Encourages Council to grant these concessions to the applicant in order to continue their professional refurbishing of an old "eyesore". Noted that this is a difficult project and that he believes they are doing a good job.
- Believes the modifications will be positive for home owners in Pacifica as they will share in the operating costs of the building.
- Good for the downtown area as there will be more families living and shopping in the area.

Mr. Lawrence Rieper, 990 Campbell Street – Opposed

- Was present at past Council and public hearing meetings when variances were approved to allow the current development; he was opposed then and is opposed now.
- Believes the "rules" of the OCP should be adhered to and asked how many times the developer would be returning to Council asking for more and different alterations to their original plan.
- Noted that business is a risk with gains and losses; it is not up to the citizens to accommodate the developers or to assure them with "insurance".
- Has managed to "live with the mess" on the seawall and he for one would not care if this last attempt to change it "failed".
- Believes the development will block views for many and that the City should have bought the property years ago and turned it into a park.
- Believes a possible conflict of interest exists for Mayor Korpan.

Mr. Ron Bolin, 3165 King Richard Drive – Opposed

- Applauds CAPE for the courage in removing this “eyesore” from Nanaimo’s waterfront.
- Recognizes Staff’s professionalism and their recommendation of voting against this height variance. Believes it will lead to “more requests from more developers” if it is approved.
- Does not believe there is adequate reasoning as to why an additional two storeys be added to the project.

Mr. Edwin Turner, 51 Kennedy Street – Opposed

Mr. Turner’s submission is attached as part of “Schedule ‘A’ – Submissions for Bylaw No. 4000.389”.

Mr. Randy Aitken, 250 Pine Street – Opposed

- Resides within the view shed in Nanaimo.
- Believes this application should be denied as a matter of principle; adding that one variance is enough for the site.
- Stated that this would set a dangerous precedent for other developers if Council was to approve this application.

Mr. Erik Ricker, 3052 Hammond Bay Road – Opposed

- Mr. Ricker stated his belief that conflict of interest issues apply to Mayor Korpan in the form of a contribution from CAPE to Mayor Korpan.

Mayor Korpan stated that “an election contribution, if fully disclosed, does not, under the laws of British Columbia, constitute a conflict of interest”. Mayor Korpan added that Mr. Ricker’s interpretation of these laws is defamatory and that any suggestion of conflict of interest is “outrageous”. Mayor Korpan asked that Mr. Ricker address the rezoning application at hand.

Mr. Ricker asked that Mayor Korpan turn the chair over to another member of Council who was not “partisan” in order to discuss the issue properly. Mr. Ricker suggested that Mayor Korpan “controls the agenda” and that he does not believe that the Mayor is in conflict with the Community Charter but rather in conflict with the City’s own policy.

Mayor Korpan asked that Mr. Ricker address the rezoning application on the agenda for this evening’s Public Hearing, adding that if he has concerns over other issues they should be raised at the appropriate time.

Mr. Ricker asked that the record show that the Mayor’s comments were “abusive”.

Mr. Ricker’s submission is attached as part of “Schedule ‘A’ – Submissions for Bylaw No. 4000.389”.

Mr. Jim Richardson, 330 Machleary Street – Opposed

- Noted that many of those in support of this application are investors.
- Does not believe that the City should compensate for the developers lack of a “good business plan” adding that all business owners need to make their own decisions and then deal with the ramifications on their own.
- Believes City Staff should be listened to as they recommend not approving this application; he is disturbed by revisions that have been approved to the plan to date, even though negative citizen input was received at previous public hearings; believes this will set a dangerous precedent for other developments in the City.

Mr. Gord Fuller, 604 Nicol Street – Opposed

- Believes City Council set a precedent by allowing Triarc to add height to the hotel portion of the NNC which brought CAPE to this current application. Believes the community contribution of \$100,000 towards affordable housing is not sufficient and should not be considered as a part of this application.

Mr. Fred Taylor, 204 Emery Street – Opposed

- Supports City Hall Staff on this issue.
- Raised questions with the validity of the architects’ shadow analysis regarding the time of day when compared with the student analysis submitted by Debra Bodner.
- Noted that those in favour of this application have a financial interest in the project in his opinion.

Councillor McNabb asked for clarification on the impact of the shadow study to this proceeding.

Mr. Lindsay noted that the analyses can and will be verified by Staff post-hearing, but wanted to state that the study produced by the applicant’s architect is considered valid by Staff, adding that the City’s GIS staff has also completed computer modelling of the downtown. The City’s shadow analysis concurs with that of the architects, and accurately reflects the shadows at the noted dates and times.

Councillor Holdom noted that both analyses could be correct due to the time of day when the studies were done.

Mr. Jerry Pool, 5949 Tasha Place – In Favour

- Life long resident of Nanaimo.
- Anticipated the site being developed and improved for years and is happy with CAPE’s efforts; the excitement generated from this development has been prolific to the downtown area; believes the entire City will benefit from this project.
- Views will not be affected in a detrimental way; instead believes this will be a jewel of the downtown.

Thirteen submissions were received prior to the Public Hearing and are attached as part of "Schedule 'A' – Submissions for Bylaw No. 4000.389".

There were no further written or verbal submissions received for this application.

MOVED by Councillor Sherry, SECONDED by Councillor Holdom that the meeting be adjourned at 7:58 p.m.

CARRIED

E.C. Swabey
Director, Planning & Development
DEVELOPMENT SERVICES DEPARTMENT

/pm
Council: 2006-MAR-27
G:\Devplan\Files\Admin\0575\20\2006\Minutes\2006Mar16PHMinutes

Schedule “A”

Submissions

For

Bylaw No. 4000.389

To: The Honourable Mayor Gary Kozan and all
Nanaimo City Council Members.

I will start by saying this letter is completely unsolicited and I have nothing to gain by its content.

As a result of purchasing two units at the Pacific complex, I have had the opportunity to become very familiar with the Cape Construction Company. I have bought and sold many investment ^{properties} in the United States prior to my dealings with Cape. I have found them to be very professional, straight forward and a pleasure to deal with. I can tell you that on all my visits to the site, I have overheard nothing but praise and compliments about the project from people on the boardwalk (seawall). It also speaks volumes about Cape, that people were able to use the new boardwalk on schedule and loving it. Due to the extra cost of unforeseen work necessary on the project and Cape's commitment to build a quality project, my wish would be that you grant permission for the two extra floors that Cape is requesting. I feel two extra floors will have little impact on the water front and views. There are presently other taller buildings and the only way to make future projects financially viable on the waterfront is the high-rise format.

Cape Construction should be commended due to their courage and vision to take on such a risky project with such a long history of failure.

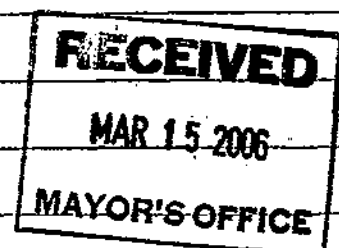
Sincerely,

B. Griffiths

BRYAN GRIFFITHS

MORRO BAY, CALIFORNIA

City Manager	<input checked="" type="checkbox"/>	Mayor & Council	<input checked="" type="checkbox"/>
Deputy City Mgr.	<input checked="" type="checkbox"/>	Directors	<input type="checkbox"/>
GM Admin Svcs	<input checked="" type="checkbox"/>	Fire	<input type="checkbox"/>
GM Comm Svcs	<input checked="" type="checkbox"/>	RCMP	<input type="checkbox"/>
GM Dev Svcs	<input checked="" type="checkbox"/>		
FOR ACTION	<input type="checkbox"/>	FOR INFO	<input type="checkbox"/>
Ted S. & Toby S.			



Deborah Jensen

From: Diane [ddenton@shaw.ca]
Sent: Thursday, March 16, 2006 9:09 AM
To: Public Hearing
Subject: ZONING BYLAW 1993 NO. 4000"

Dear Sir, Re:

The Special Public Hearing on the proposed amendments to the City of Nanaimo D to allow another two stories—16 storeys (49.0 metres) to 18 storeys (63.4 metres)—to be built on top of Cape Development's waterfront condo tower (old Malaspina Hotel) is scheduled for this Thursday, March 16, 7:00 pm, in the Board Chambers of the Regional District of Nanaimo, 6300 Hammond Bay Road.

***Please read this at the meeting in opposition of this amendment.**

I am opposed to the above amendment because it will set a precedent for other high rise developments in downtown Nanaimo. As a property owner in the "old city" and an ex realtor, I am aware that property values are also based on ocean views. If developers are allowed to block "my ocean view" and other peoples ocean view this will decrease the values on our properties. Added to this is the eye sore it will be for other people who come to downtown and instead of seeing our beautiful harbor views, see tall ugly buildings. There is also a shadow or blocking light that further height would cause. The hole on Commercial street is evidence of this. With the buildings gone there is sunlight downtown. We have height limits for a reason. Cape Development was aware of them "prior" to getting involved in building the waterfront condo tower. I am aware that profit is very important in development but not at further sacrifice of my and other peoples "ocean view" and light. Sincerely Diane Denton

Deborah Jensen

From: Penny Mitchell [pmitch@shaw.ca]
Sent: Wednesday, March 15, 2006 6:59 PM
To: Public Hearing
Subject: public Hearing on Cape Development-ammdment to bylaw

I sent the following e-mail to the mayor and council on March 13. I would like this read into the record please.
Thank-you,
Penny Mitchell
711 Wentworth St.
Nanaimo.
753-2148

With Respect:

I am unable to attend the public forum in which the height restriction to the Cape Development downtown will be discussed. I wanted to take this opportunity to express my objection to increasing any height allowance on this project.

The company has cited increased construction costs as a reason to increase the height of the building to ensure a profit for the company. They are already receiving 'cost breaks' at the expense of taxpayers in this community by not paying the DCC's. I believe they can act with the sense of other builders in this community who are not receiving DCC breaks and budget accordingly or charge the buyer accordingly, to cover costs. Any further subsidizing from taxpayers is absurd and inappropriate. The companys "offer" to contribute \$100,000 in lieu is insignificant to the costs taxpayers will absorb.

It is time for this council to act in the interests of the taxpayers they are supposed to represent and not pander to developers and businesses who by the very nature of their business should plan to have a viable and profitable business without public subsidy.

Regards,
Penny Mitchell



Nanaimo Old City Association

c/o 451 Kennedy Street
Nanaimo, BC
V9R 2J4
753-3904

15 March 2006

City Of Nanaimo Development Services
455 Wallace Street
Nanaimo, BC
V9R 5J6

Public.hearing@nanaimo.ca

Re: Bylaw No. 4000.389
38 Front Street
Increase Height from 16 Storeys to 18 Storeys

Simply put, this Association has already gone on record several times opposing zoning beyond the overall 16 story limit on the waterfront.

Now we have a developer yet again coming to the table requesting a further height increase. Although the promise of an extra \$100,000 contribution to affordable housing is commendable, the Harbour Front Development's request comes at the cost of compromising our waterfront zoning. It is a price we are not willing to pay!

Furthermore, to suggest 8 extra units would make such a difference to the population downtown that it would thereby justify the height increase, is ridiculous. In addition, everyone knows that cost overruns are a fact of life for developers and should be a consideration built into every project. Poor planning on the part of the developer, however, does not translate into allowing further concessions to be made to the zoning of our waterfront, even if they attempt to sweeten the pot.

We note that City staff are "recommending that the bulk and height of the proposal exceeds what the zoning bylaw for the area allows for high rises". We cannot emphatically agree more!

Perhaps this time, Council will listen to staff, to this Association and to the public and deny this application.

Yours sincerely,

NANAIMO OLD CITY ASSOCIATION

Rob Humpherville
President

Deborah Jensen

From: marv worden [marvworden@shaw.ca]
Sent: Wednesday, March 15, 2006 8:50 PM
To: Public Hearing
Subject: 38 Front Street

Dear Council members

I request that Council reject the rezoning application to permit the addition of two stories to the Cape Development's condo tower. Bylaws must be established sensibly and supported consistently to ensure that our city develops in a planful and orderly manner. To do otherwise is to compromise the whole concept of planning.

**Marv Worden
2021 East Wellington Road
Nanaimo BC V9S 5V2**

marvworden@shaw.ca



c/o 510 Hecate St. Nanaimo, B.C. V9R 4K2

Via Fax

March 13, 2006

To:
City of Nanaimo,
Development Services Department,
455 Wallace Street,
Nanaimo, B.C. V9R 5J6
Fax 755-4439

Re: Public Hearing
Bylaw 2006 NO. 4000.369
38 Front St. Nanaimo, B.C.

At the Neighbours of Nob Hill's March 3, 2006 meeting there was unanimous opposition to the above rezoning application, supporting the position of the Nanaimo Old City Association.

We are opposed to this application because:

It does not reflect the requirements of the downtown zoning, in that the bulk and height of the proposal exceeds what the zoning bylaw intends.

There has been, and continues to be, a large contingent of opposition to high rise towers on the waterfront, which the previous Council ignored.

The proposal does not increase the downtown population substantially, and

Increasing costs were apparent for some time in the construction industry, and therefore the citizens should not be expected to bear any onus due to poor planning on the developer's behalf.

Yours Truly

David Froom
For Neighbours of Nob Hill

cc: N.O.C.A.

RECEIVED

MAR 13 2006

DEVELOPMENT SERVICES
CITY OF NANAIMO

Deborah Jensen

From: TOM BEBYCK [tobebyck@shaw.ca]
Sent: Saturday, March 11, 2006 9:05 PM
To: Public Hearing
Subject: SUSPECT:: Bylaw No 4000.389

Bylaw No 4000.389, File No. RA160, 38 front street rezoning

Dear Mayor and Nanaimo City Council:

My wife and I will be future residents of unit 711 at 38 Front Street, Pacifica. We feel for a number of reasons that Nanaimo City Council vote to approve rezoning for 38 Front Street and allow Cape developments to add another 2 stories to the Pacifica project. It is our understanding that Insight has already received approval to build a 24 story condominium next door. A very short distance North on front Street exists a Highrise Apartment exceeding the height that Cape Developments is proposing for Pacifica. The Beacon nearby on Promenade Drive is a jewel in Nanaimo's landscape and is 27 stories high. Currently there is a demand for housing in Nanaimo particularly in the downtown area. Pacifica will also be a Jewel on Nanaimo's Harbour and adding 2 stories will be a benefit to the City. Please vote to approve. Thank you for letting us express our views to City Council.

Sincerely,

Tom & Olivia Bebyck

Deborah Jensen

From: webmaster@nanaimo.ca
Sent: Wednesday, March 08, 2006 11:42 AM
To: Public Hearing
Subject: SUSPECT:: Public Hearing Submission

A Online Public Hearing Submission has been made:

Name: Neil Surry
Address: 3075 Rock City Road
Subject: 4000.389

Comments:
This bylaw amendment should not be approved.

The company that applied for this variance has already had a variance approved to increase the height of its structure. This height increase is inconsistent with the Downtown Plan. Increasing the height further will move this structure further out of compliance with the downtown Plan.

If this height increase is approved it will significantly impact the future development of the downtown area. Properties behind and adjacent to this property will have no access to water views without pressuring the city for further variances. This would lead to a diminished access of all city residents to views and access within this area.

I feel that the compensation offered by the company for this variance is inadequate. They are offering \$100,000 when they have the potential to gross \$3.2 million dollars (8* \$400,000 per suite).

The cost to the city of this variance is too high for the benefit. While I appreciate the desire to develop the downtown, I think city council has to look at the high cost of this proposal both in qualitative and quantitative terms.

Penny Masse

From: Marilyn Smith
Sent: Thursday, March 16, 2006 3:11 PM
To: Jerry Berry; Al Kenning; Andy Laidlaw; Brian Mehaffey; Toby Seward; Ted Swabey; Penny Masse
Subject: FW: Cape Developments

Received for March 16th Public Hearing.

Marilyn

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

From: Turley's Florist [mailto:sales@turleysflorist.com]
Sent: Thursday, March 16, 2006 2:59 PM
To: Bill Holdom
Cc: Mayor Gary Korpan; Bill Bestwick; Diane Brennan; Larry McNabb; Jeet Manhas; Loyd Sherry; Merv Unger
Subject: Cape Developments

Dear Mayor and Council

I am going to try to make it to the Public Hearing this evening but in the event I am unable to, I thought I should reinforce the importance of this project to Nanaimo. From an environmental and a financial point of view we must encourage increased density with in our city particularly in the downtown and the other centers indicated in Plan Nanaimo. I believe that vertical development is a far more pleasing and a less confining means of achieving high density. My understanding of Cape's request is that they wish to add 2 floors or 22.5 feet to the height of the building. This is still lower in height than the proposed Insight tower and the building currently at 154 Promenade. We should not approve the request based solely on Cape Development's proclaimed need to make a profit but rather the Downtown's need for higher density and the lack of impact this 22.5 feet will make on the street scape of Front St and the view from the water.

I would also like to add that at our booth at the Garden Show this weekend I met one of the purchasers of a Pacifica unit who is currently working and living in California but plans to move and live in the unit when he retires in 2 years. He spoke very positively of the experience he had in working with Cape Developments. He also asked about volunteer opportunities in the Downtown area and I was happy to provide a list for him.

Thank you for your consideration.

Jim Turley

16 MARCH 2006.

TO: MAYOR & CITY COUNCIL MEMBERS

FROM: ANNE MACMILLAN 504 BLUE GIRL WAY V9S 5T6 NANAIMO

RE-RE-ZONING APPLICATION - HARBOURFRONT DEVEL. CORP.

I AM NOT IN FAVOUR OF ALLOWING THE HARBOURFRONT DEVELOPMENT CORP. TO ADD AN ADDITIONAL TWO STOREY'S TO THEIR PROJECT ON FRONT ST.

COUNCIL HAS ALREADY AUTHORIZED VARIANCES FOR THIS PROJECT FROM THE ORIGINAL 13 STOREY'S TO 15, AND THEN AN AMENDMENT TO ALLOW FOR 16 STOREY'S. WHAT'S NEXT? ANOTHER TWO STOREY'S DOWN THE ROAD?

THE PROJECT ALREADY DOES NOT COMPLY WITH PLANNING FOR HIGHRISE DEVELOPMENT IN THE DOWNTOWN AREA. THE FACT THAT THE DEVELOPER IS OFFERING THE CITY \$100,000 TOWARD SOCIAL HOUSING, IN THE HOPE THAT HE WILL RECEIVE A POSITIVE RESPONSE TO HIS REQUEST, DOES NOT SIT WELL WITH ME EITHER.

COUNCIL SHOULD HEED THE ADVICE OF CITY STAFF WHO HAVE EXPERTISE IN THIS MATTER. IN ADDITION COUNCIL NEEDS TO REMEMBER THAT THERE WAS LITTLE SUPPORT FOR HIGHRISE DEVELOPMENT ON THE WATERFRONT.

WITH RESPECT.

Anne Macmillan

Penny Masse

From: bmarshall@island.net
Sent: Thursday, March 16, 2006 3:12 PM
To: Public Hearing
Subject: Proposed Amendment March 16, 2006

Public Hearing:

Re: The Special Public Hearing on the proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" to allow another two stories--16 storeys (49.0 metres) to 18 storeys (63.4 metres)--to be built on top of Cape Development's waterfront condo tower (old Malaspina Hotel)

I am NOT in favour of this bylaw amendment. The proposed densities for downtown nanaimo are already excessive for the infrastructure to handle traffic, policing, fire and water. Council has already increased densities on other properties. They did not need to increase the height by TWENTY NINE PERCENT!!! and the number of units in this property.

B. Marshall
3323 Kite way,
Nanaimo, B.C.
V9t 4P8

This message was sent using IMP, the Internet Messaging Program.

Penny Masse

From: John Hryhorka [rrifwise@shaw.ca]
Sent: Thursday, March 16, 2006 3:33 PM
To: Public Hearing
Subject: Adding two more stories

I wish to express my opinion towards the hearing of the proposed amendment allowing two more stories on top of the Cape Development condo tower downtown.

Please be advised that I am OPPOSED to this addition.

1. There have been too many changes already. Enough is enough! Cape has gone by the rules, taken their risk, and should live with it. If Cape is not able to make ends meet under the existing status, then they should do what some developers have done in Victoria.....walk away, refund the monies, and wait for another opportunity. Cape can believe that there will be a better opportunity for them in the future, or they can sell it to someone else. A line must be drawn somewhere.....and that line has been drawn already.
 2. Even two stories will affect some folks who had not planned on having that particular view wiped out. Why should even a handful of residents suffer from a change of the rules.
 3. More people into the high rise adds to the folks in this density area. A line should be addressed and stayed.
 4. Developers should only receive what they planned for. That is what taking a risk is all about. If the property needs to sit for another 20 yrs, so be it. I will believe that a reputable developer with reputable pockets will come along, and then plan accordingly.....maybe we will then get much larger units, at an upscale price, done according to the existing height definition, and this will be better for the community, as we would have high net worth residents spending their money downtown, and the building would be considerably more upscale.
- Count me as OPPOSED.
 Respectfully
 John Hryhorka
 downtown Nanaimo resident.

3/16/2006

Penny Masse

From: The Davidsons [ajkdavidson@shaw.ca]
Sent: Thursday, March 16, 2006 3:54 PM
To: Public Hearing
Subject: ZONING BYLAW 1993 NO. 4000

We would like to register our opposition to the proposed rezoning at the Cape Development waterfront condominium tower on the site of the old Malaspina Hotel. There were many persuasive submissions given at the original rezoning hearing to indicate that a wall of high rise buildings are not suitable for Nanaimo's downtown. The developer was given the zoning he originally requested and should not be able to request additional height merely because the real estate market indicates that this would give him additional profit.

Jennifer & Allan Davidson
2730 Elk Street
Nanaimo, BC
V9S 3T9

3/16/2006

CAPE RATIONALE

Following is a brief description of the proposed revisions that our client has asked us to put forward for your consideration.

The proposed revisions can be separated into two parts. The first is an increase in density that allows for F.A.R. (Floor Area Ratio) area within the currently approved development; the second is the addition of two floors, of 4 units per floor, which would increase the F.A.R. and height of the building.

DENSITY INCREASE

The increase in density within the building has 3 main components that create F.A.R. All of these increases in density occur within the existing building structure and approved development and do not add any additional mass to the building. The majority of these increases occur underground and, based on the zoning definitions, have to be included in the F.A.R. total.

The first component is the creation of storage rooms within the existing parking structure and within the new areas created in the two floors below Front Street. These areas would be assigned as storage spaces/lockers for the residential units within the building. The total area for these storage spaces is approximately 21,750 sq.ft. (F.A.R. 0.57).

The second component in density is created by the need to raise the townhouse portion of the building to avoid undermining the existing footings of the parkade (uncovered during excavation) to minimize construction and geotechnical difficulties. This results in the crawl space within the upper level of townhouses exceeding the maximum height allowed for exclusion from F.A.R. This adds approximately 2,800 sq ft (F.A.R. 0.07).

The third component in density is created by the enclosure of deck space for the A units located within the existing concrete structure of the building. This revision creates a small den area adjacent to each master bedroom and reduces the distance of the bedroom windows from the outer edge of the existing floor slab and improves the capture of natural light for the bedroom (this also eliminates a dark area of exterior deck). This adds approximately 1764 sq.ft. (F.A.R. 0.05).

HEIGHT & UNIT INCREASE

The second main revision is the addition of 8 units, on 2 floors, at the top of the building. These two new floors of 10'-3" each, along with a 2'-0" headroom increase for the penthouse elevator, will increase the total height of the building by 22'-6" for a height increase above Front Street from 185'-6" to 208'-0". These two floors increase the building density by approximately 11,860 sq.ft. (F.A.R. 0.31).

From an architectural viewpoint, we feel the two additional floors, at the top of the building, will improve the overall proportions of the tower by increasing the slenderness of the tower massing.

SUMMARY OF PROPOSED REVISIONS

	Current	Proposed
Height (above Front Street)	185' - 6"	208' - 0"
F.A.R. Total	5.30	6.30
Proposed F.A.R. Additions		
Underground Storage		0.57
Townhouse Crawl Space		0.07
Unit A Bedroom		0.05
2 Floors at Tower		0.31
Number of Floors (above Front St.)	16	18
Number of Units	161	169

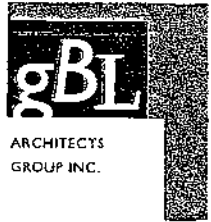
Sincerely,
GOMBEROFF BELL LYON
 Architects Group Inc.

208
 -185

 23

Eric Schroeder

GOMBEROFF
BELL
LYON

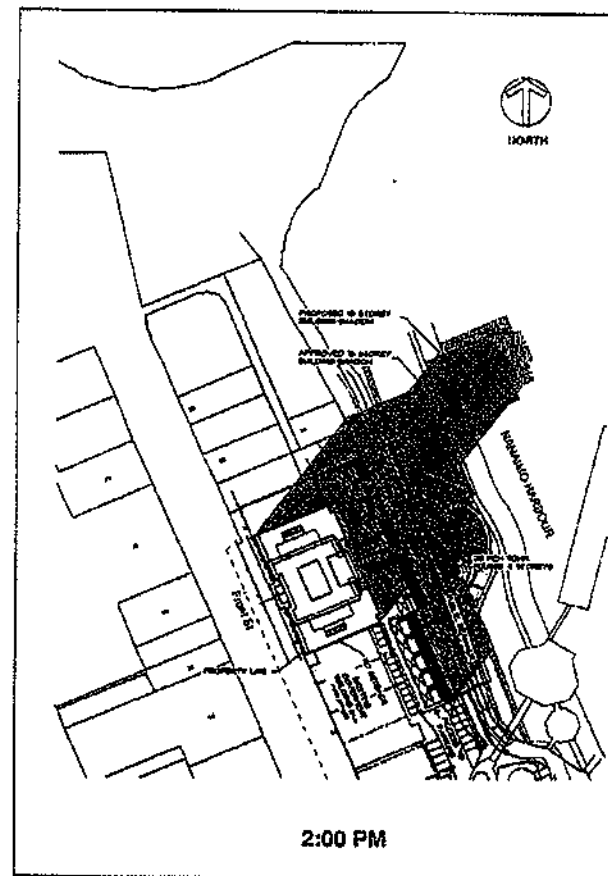
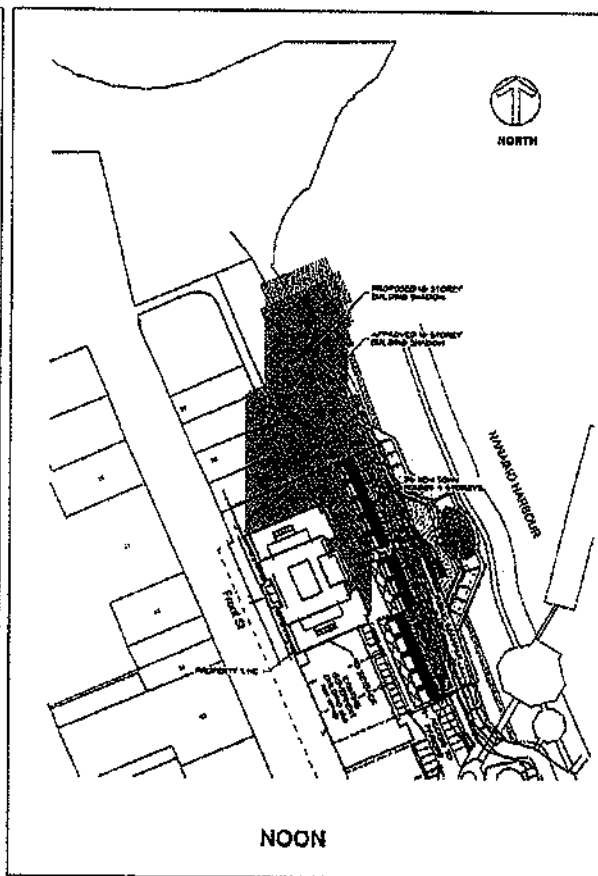
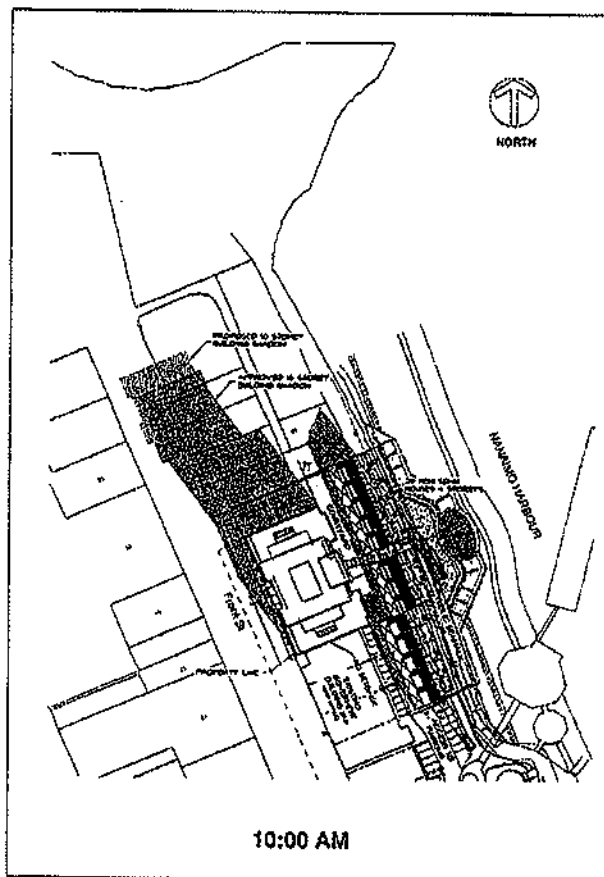


	38 Front Street Pacifica		20 Front Street Insight	Conference Centre tower
	Approved	Proposed		
Height	185'-6"	208'-0"	244'-6"	273'-0"
Storeys	16	18	24	25
F.A.R.	5.3	6.3	6.4	Unlimited

Sincerely,
GOMBEROFF BELL LYON
Architects Group Inc.

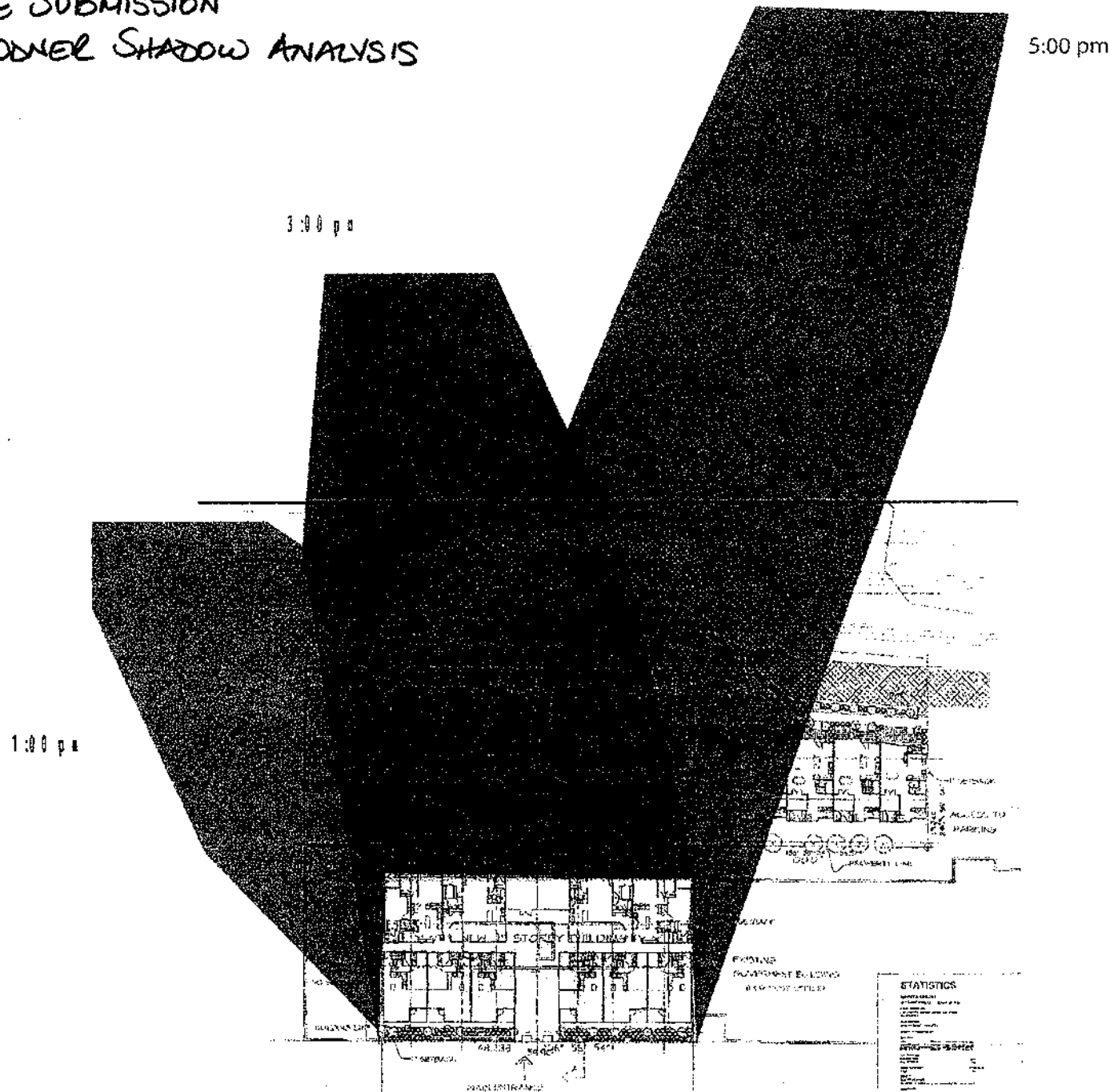
A handwritten signature in dark ink, appearing to read 'Eric Schroeder', is written over a horizontal line.

Eric Schroeder, MAIBC



SHADOW ANALYSIS 16 STOREY APPROVED AND 18 STOREY PROPOSED MARCH 21 & SEPTEMBER 25

DON STONE SUBMISSION DEBRA BODNER SHADOW ANALYSIS



Cape Developments

Adding two stories will extend the height of this building to approximately 100 meters from the level of the waterfront walkway. On the Front Street side, it will be approximately 64 meters.

The diagram shows shadows on the following dates and times:

September 23 and March 21 at 1:00 pm, 3:00 pm and 5:00 pm.

On June 21 the sun will be higher, and shadows shorter.

On December 21, the sun will be lower and shadows longer.

Generally speaking, earlier and later in the day, shadows will extend more horizontally and longer along the walkway itself.

Joe phoned his broker yesterday and said, "Harry, remember those shares I sold last week? They surprised the heck out of me by going up when they were supposed to go down. I don't suppose you could ..." Harry replied, "No problem, Joe. Consider those shares unsold. Joe said, "Thanks, Harry." Harry replied, "Don't mention it. What are good friends for?"

In Nanaimo, city council was shocked by rising construction costs and found its NNC "vision" had feet of clay to the tune of twenty million bucks. So the city turned to its private partner and said, "Mr. Triarc, sir. I've got a problem." Mr. Triarc responded, "No, you don't. We have a problem. Here's ten million with my blessing to cover my share of those additional costs neither of us could have foreseen. The city said, "Thanks, Mr. Triarc." Mr. Triarc replied, "Don't mention it. What are good friends for?"

Such are the fantasies. The reality is Harry thought Joe was joking and went along with the gag. Nanaimo's reality is that its citizens are paying the penalty for this rise in NNC costs in terms of other projects put on hold because their funds have been, or are in the process of being, "redirected."

Nanaimo's council is even considering scooping money from its sewer fund to help make up the shortfall. But that's the down and dirty reality when project costs spiral out of control. You pay the piper when you can't call the tune.

But Mr. Wright has his company marching to a different drum, doesn't think Cape Development should be held responsible when hit by an unpleasant financial surprises, or the repercussions of Cape's fire sale of one bedroom condos listed at over \$200,000 that went for \$137,000. He wants council to change a city bylaw for his company's gain, counter to the recommendation of city staff on record as opposing his request.

Is not our city hall staff well-qualified and paid salaries commensurate with their qualifications and experience? Is Mr. Berry, for example, merely an inconsequential administrative wannabe working for minimum wage? Not on your Nellie! I've seen the bicycle he rides! It's a high tech wonderbar, an awesome environmentally friendly machine.

But Mr. Wright would have us ignore Mr. Berry's expertise, regarding him and his colleagues as invalid players in this controversy over Cape Development's request for a cap violation.

On the other hand, do I find it strange to be for once on the same side of the fence as Mr. Berry. Actually, it feels so odd it's downright painful. But the law of averages said the man had to be right one of these times, and so on this issue I support him all the way.

Only two more stories higher? Doesn't sound like much. But that increase in height runs the entire width of the Pacifica project.

~~roughly~~ ^{roughly}
Picture Gallery 223 on Commercial Street and its adjoining buildings, the Modern Café and the RBC Bank. That's the addition to the Pacifica wall that will further block the harbor view at a two story height.

^{approximately}
Added height that also translates into 107 feet of increased shadow length cast along our seafront walkway mid-afternoon at mid-July, much further when the sun is lower. And if anyone thinks "shadow factor" is of no consequence, try sampling tower temperature change during an afternoon's walk in Coal Harbor, Vancouver.

Other bowl shaped cities, such as San Francisco, have no towers at all on their waterfronts. They've followed the logic of placing their towers up the slope at the top of their bowls.

I realize that's not the issue at this hearing, but if we're doomed to have waterfront towers, for goodness sake let's not make them even higher.

In conclusion, it would be a travesty to give into the needs of yet another developer, throw a duly sanctioned municipal cap out the window and grant Cape Development the right to add 22 more feet on a building that, by no stretch of the imagination can be regarded as having a small footprint, already more like a waterfront boot that Mr. Wright wants to make even bigger.

To end with a request for information not covered in the local press, is Cape Development already contributing \$50,000 per floor to the city's housing legacy fund, or is Cape's offer of a revenue sharing grant of \$100,000 contingent on council granting permission to add two more stories?

Edwin Turner
51 Kennedy Street
Nanaimo, B.C.
V9R 2H5
753-7802

pp 345
Correction

**COMMENTS FOR THE PUBLIC HEARING ON BY-LAW NO. 40000.389 (RE:
CAPE DEVELOPMENTS REZONING APPLICATION FOR THE OLD HOTEL
MALASPINA SITE)**

March 16, 2006

Eric William Ricker

TO MAYOR AND COUNCIL:

I HAVE TWO CONCERNS I WISH TO ADDRESS WITH RESPECT TO THE APPLICATION OF CAPE DEVELOPMENTS TO ADD TWO ADDITIONAL STORIES TO THEIR PROJECT ON THE OLD MALASPINA HOTEL SITE.

HOWEVER, FIRST I WOULD LIKE TO BE CLEAR ABOUT THE GROUND RULES FOR THIS HEARING. MY UNDERSTANDING IS THAT THE PURPOSE OF A PUBLIC HEARING IS FOR CITIZENS TO BE HEARD AND NOT FOR COUNCILLORS TO DEBATE WITH THEM THEIR VIEWS UNLESS THEY ARE WILLING TO DO SO. THIS PROTOCOL HAS NOT BEEN OBSERVED IN SOME RECENT PUBLIC HEARINGS IN CONNECTION WITH REZONING IN THE DOWNTOWN AREA AND I WOULD LIKE THE MAYOR'S ASSURANCE THAT IT WILL BE.

[READ THE FOLLOWING PARA. IF NO ASSURANCE GIVEN]

(IF THE MAYOR IS NOT PREPARED TO PROVIDE THAT ASSURANCE, I WOULD ASK THAT HE NOT DEBATE WITH ME MY COMMENTS WITHOUT TURNING OVER THE CHAIR TO ANOTHER COUNCILLOR, AS ORDINARY PROCEDURE UNDER VARIOUS RULES OF ORDER REQUIRES. I AM PREPARED TO EXCHANGE VIEWS WITH THE MAYOR, BUT NOT IF HE HOLDS THE GAVEL.)

MAY I HAVE YOUR RESPONSE, MR. MAYOR?

THE GROUND RULES HAVING BEEN ESTABLISHED, HERE ARE MY CONCERNS:

FIRST:

THE CITY HAS ITS OWN CONFLICT OF INTEREST POLICY, ADOPTED IN 1988, WHICH THANKFULLY HAS FINALLY BEEN DISCUSSED IN ONE

21
LOCAL NEWSPAPER. IN THE ARTICLE THAT APPEARED IN THE *NEWS BULLETIN* TWO DAYS AGO, THE MAYOR DECLARED AS FOLLOWS:

"IT JUST AMAZES ME WHEN I GO TO FOLLOW THE LAW AND YOU GET PEOPLE LIKE MR. RICKER TRYING TO MAKE IT LOOK LIKE I'VE DONE SOMETHING WRONG."

MR. MAYOR, IS THAT QUOTATION ACCURATE?

[ASSUMING YES, READ THE FOLLOWING] I WOULD NOW LIKE TO RESPOND TO THAT COMMENT BECAUSE IT HAS A DIRECT BEARING ON THIS HEARING TONIGHT.

WHAT I'VE CALLED UPON THE MAYOR TO DO IS TO FOLLOW SCUPULOUSLY THE CITY'S OWN POLICY, REGARDLESS OF WHAT THE COMMUNITY CHARTER PERMITS. MR. MAYOR, I ASSUME THAT YOU AGREE WITH ME THAT THE CITY'S POLICY IS STILL IN EFFECT BECAUSE (A) I WAS GIVEN A COPY OF THIS POLICY BY CITY STAFF LONG AFTER THE COMMUNITY CHARTER WAS PASSED INTO LAW; AND (B) ON BEHALF OF A CITIZENS' GROUP I COMMUNICATED WITH COUNCIL ABOUT THIS POLICY DURING THE WINTER OF 2005 AND AT NO TIME WAS IT SUGGESTED THAT THE POLICY WAS NO LONGER IN FORCE.

MR. MAYOR, WOULD YOU AGREE THAT THE POLICY IS STILL IN FORCE? THANK YOU.

I WOULD NOW LIKE TO SAY WHY IT IS THAT VOTING ON THIS APPLICATION BY ANYONE WHO RECEIVED A DONATION FROM CAPE DEVELOPMENTS WOULD BE IMPROPER IN TERMS OF CITY POLICY. I EXCLUDE FROM THAT A VOTE TO SEND THE QUESTION TO PUBLIC HEARING: SUCH COULD NOT REASONABLY BE CONSTRUED, IN MY JUDGEMENT, AS A CONFLICT OF INTEREST BECAUSE NOTHING OF CONSEQUENCE IS THEREBY DECIDED.

SO MY FIRST POINT, MR. MAYOR, IS THAT CONTRARY TO YOUR QUOTED REMARKS IN THE *NEWS BULLETIN*, I HAVE NOT "MADE IT LOOK LIKE" YOU'VE "DONE SOMETHING WRONG." NOT YET AND PERHAPS NOT AT ALL IF YOU TAKE APPROPRIATE ACTION NOW.

HOWEVER, IF YOU VOTE ON THIS APPLICATION TONIGHT I BELIEVE YOU WILL HAVE CONTRAVENED THE TERMS OF THE CITY'S OWN POLICY.

MY CONCERNS COMMENCE WITH THE NEWS COVERAGE PROVIDED BY THE *NANAIMO DAILY NEWS* ON MARCH 2. THE STORY WAS TITLED "KORPAN CAUTIOUS ON CAPE CONTRIBUTION" AND QUITE

3/

CURIOUSLY, IT MADE NO REFERENCE TO THE CITY'S OWN POLICY. INSTEAD THE FOCUS WAS ENTIRELY UPON ONE SECTION OF THE COMMUNITY CHARTER THAT DEALS WITH PECUNIARY INTEREST. THE STORY INCLUDED A COMMENT BY MS. KAREN BURLEY, A SENIOR CITY OFFICIAL, THAT THIS SECTION IS A "BIT OF A GREY AREA," BUT THAT IT MEANT, FOR HER ANYWAY, THAT A CAMPAIGN CONTRIBUTION OF "\$250 TO \$500," FOR EXAMPLE, "WOULDN'T BE PERCEIVED AS ENOUGH TO BUY A COUNCILOR'S VOTE." FOR MS. BURLEY, EVIDENTLY, SOME CALCULUS IS POSSIBLE TO DETERMINE WHEN A COUNCILLOR CAN BE BOUGHT. WITH ALL DUE RESPECT, TO RAISE THAT QUESTION IS TO REALIZE THERE IS NO ANSWER, AS I THINK EVERYONE IN THIS ROOM WOULD AGREE. CONSIDER THE PROBLEM: WOULD WE DEVELOP A "CORRUPTION SCALE" AND APPOINT AN OFFICIAL TO DECIDE WHETHER INFLUENCE COULD BE BOUGHT FOR \$1000 BUT NOT \$500, OR \$750 OR \$900? EVEN SOLOMON COULD NOT MAKE SUCH FINE-~~MADE~~ JUDGEMENTS. ←

THE PRECISE AMOUNT OF THE DONATION WAS NOT MENTIONED IN THE *DAILY NEWS*' STORY. INSTEAD, YOU MR. MAYOR, SAID THE PUBLIC WOULD FIND OUT ON MARCH 20TH, WHEN CAMPAIGN DISCLOSURE STATEMENTS ARE DUE. IN OTHER WORDS, THE PUBLIC WOULD FIND OUT AFTER THE PUBLIC HEARING.

YOU ALSO SAID THAT THE REASON THE COMMUNITY CHARTER PERMITTED SMALL CONTRIBUTIONS IS IN ORDER FOR SUCCESSFUL CANDIDATES FROM "ALL ECONOMIC LEVELS" TO PARTICIPATE IN LOCAL GOVERNMENT DECISIONS AS LONG AS THEY DECLARE SUCH DONATIONS BEFOREHAND.

APART FROM THE FACT THAT THE RATIONALE FOR THAT PROVISIO WOULD NOT APPLY TO YOU, I ACCEPT THE POINT, ALTHOUGH IN TRUTH ONE WOULD HAVE TO CHECK BACKGROUND PAPERS FOR THE LEGISLATION AND HANSARD TO BE FULLY CONFIDENT OF YOUR ASSERTION.

THE PROBLEM WITH YOUR REACTION TO ME IS THAT IT IGNORES MY POINTS – AND THOSE ARE THE POINTS MADE IN THE CITY'S OWN CONFLICT OF INTEREST POLICY, POINTS THAT ARE ALSO MADE BY CONTEMPORARY SPECIALISTS IN POLITICAL ETHICS.

THERE ARE SEVERAL POINTS IN THAT POLICY THAT OUGHT TO DIRECT YOU NOT TO PARTICIPATE IN THIS VOTE OR EVEN REFEREE THE DISCUSSION ON IT. I SAY THIS BECAUSE THE *DAILY NEWS* STORY REVEALED THAT YOU WERE NOT FORTHCOMING ABOUT A) THE AMOUNT OF THE DONATION; AND B) THE EXISTENCE OF THE CITY'S OWN POLICY REQUIREMENTS.

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I WISH TO ADDRESS JUST A COUPLE OF PASSAGES IN THE CITY'S POLICY THAT APART FROM PECUNIARY INTERESTS, FOCUS UPON THE ESSENCE OF THE CONFLICT OF INTEREST ISSUE – THE APPEARANCE OF CONFLICT.

THE POLICY STATES THAT COUNCIL MEMBERS ARE “AT ALL TIMES TO AVOID ANY OCCASION FOR SUSPICION OR THE APPEARANCE OF IMPROPER CONDUCT.” IT FURTHER CAUTIONS THAT “INTERESTS WHICH ARE NOT PECUNIARY CAN BE JUST AS IMPORTANT” AS PECUNIARY INTERESTS AND IT GOES ON TO LIST VARIOUS KINDS OF RELATIONSHIPS, INCLUDING “INSTITUTIONAL,” “FRIENDSHIP” AND OTHERS THAT “CAN SOMETIMES INFLUENCE YOUR JUDGEMENT AND GIVE THE IMPRESSION THAT YOU MIGHT BE ACTING FOR PERSONAL MOTIVES.” (EMPHASIS SUPPLIED.) THERE IS MORE BUT I WILL LEAVE IT AT THAT.

THESE ARE THE VERY POINTS STRESSED BY EXPERTS IN PUBLIC ETHICS, SUCH AS DR. MICHAEL MCDONALD, MAURICE YOUNG CHAIR OF APPLIED ETHICS AT UBC, WHO SAYS THERE IS A CONFLICT OF INTEREST WHEN THERE IS A “PRIVATE OR PERSONAL INTEREST SUFFICIENT TO APPEAR TO INFLUENCE THE OBJECTIVE EXERCISE OF HIS OR HER OFFICIAL DUTIES” –OR JUDICIAL AUTHORITIES SUCH AS SUPREME COURT JUSTICE GRANT BURNYEAT, WHO IN A FAIRLY RECENT DECISION COMMENTED:

“CONFLICT OF INTEREST IS CONCERNED WITH APPEARANCES. THE EXISTENCE OF A CONFLICT OF INTEREST IS DETERMINED BY EVALUATING WHETHER A REASONABLE PERSON WITH KNOWLEDGE OF ALL THE FACTS WOULD BELIEVE THAT A COUNCIL MEMBER IS LIKELY TO BE INFLUENCED BY THEIR PERSONAL INTERESTS WHEN PARTICIPATING IN A PUBLIC MATTER.” (EMPHASIS SUPPLIED.)

BUT IT IS NOT JUST A CASE OF THE EXPERTS, THE JUDICIARY AND THE CITY'S OWN POLICY: THE PUBLIC HAS BEEN AROUSED BY ETHICAL ISSUES IN GOVERNMENT -- PERHAPS AS NEVER BEFORE. AS THE RECENTLY RE-ISSUED COMPREHENSIVE ASSESSMENT OF PUBLIC OPINION ON SUCH MATTERS, A *QUESTION OF ETHICS: CANADIANS SPEAK OUT* (OXFORD UNIVERSITY PRESS, 2006) OBSERVES: “IT IS IMPORTANT TO REALIGN POLITICAL PRACTICE WITH THE EXPECTATIONS OF THE PUBLIC.” (EMPHASIS SUPPLIED.)

MR. MAYOR, I THINK THE IMPORTANT CONCLUSION ONE IS COMPELLED TO REACH AFTER CONSIDERING THE CITY 'S POLICY, THE VIEWS OF THE EXPERTS, THE VIEWS OF THE JUDICIARY AND THE VIEWS OF THE PUBLIC IS THIS: ONE SHOULD NOT BE THE JUDGE OF ONE'S OWN SITUATION.

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YOUR FAILURE TO BE COMPLETELY CANDID WHEN PROVIDING COMMENTS FOR THE FIRST NEWS STORY INDICATES THE NATURE OF THE PROBLEM; JUST AS YOUR FAILURE TO ADDRESS MY STATED CONCERNS INSTEAD OF OFFERING AN IRRELEVANT ARGUMENT ACCOMPANIED BY AN ATTEMPT AT A PERSONAL REBUFF FURTHER UNDERSCORED THE NEED ON THE OCCASION OF THE SECOND NEWS STORY.

SOME TIME AGO A GROUP OF CITIZENS CALLED UPON COUNCIL TO ENGAGE AN ETHICS COUNSELOR OR ADVISOR FOR DIRECTION ON THE APPLICATION OF THE CITY'S POLICY. THIS ADVICE WAS SPURNED. THE WISDOM OF HAVING AN ETHICS ADVISOR, HOWEVER, IS CLEARLY ILLUSTRATED BY YOUR REACTION TO THE PRESENT SITUATION.

MR. MAYOR, AS THE LEADING POLITICAL FIGURE IN THIS COMMUNITY IT IS UP TO YOU TO SET THE HIGHEST POSSIBLE STANDARD OF CONDUCT. YOU ARE A ROLE MODEL FOR OTHERS WHETHER YOU REALIZE IT OR NOT. OTHERS WILL FOLLOW YOUR EXAMPLE.

UNFORTUNATELY, BOTH THE THINGS YOU HAVE SAID AND THE THINGS YOU HAVE FAILED TO SAY IN THE PRESS SIMPLY REINFORCE THE ARGUMENT THAT POLITICAL FIGURES SHOULD AT ALL TIMES BE AT PAINS TO AVOID THE APPEARANCE OF CONFLICT OF INTEREST.

IT IS NOT TOO LATE; I RESPECTFULLY REQUEST THAT YOU HONOUR THE CITY'S POLICY TONIGHT AND ABSENT YOURSELF FROM FURTHER DISCUSSION AND THE VOTE ON CAPE'S APPLICATION.

AS I NOTED AT THE OUTSET, I HAVE A SECOND POINT TO MAKE, AND THAT CONCERNS THE APPLICATION ITSELF.

I BELIEVE THERE IS MUCH GOOD WILL IN THIS COMMUNITY FOR CAPE DEVELOPMENTS, ALTHOUGH AS I SAID TO THE *NEWS BULLETIN* REPORTER, I BELIEVE CAPE OUGHT TO HAVE ADVISED THE MAYOR -- AS WELL AS ANY OTHER COUNCIL MEMBER WHO MAY HAVE RECEIVED A DONATION FROM THEM -- TO REFRAIN FROM PARTICIPATION IN THE DECISION ON THEIR APPLICATION.

BE THAT AS IT MAY, I BELIEVE THE APPLICATION SHOULD BE REJECTED, MAINLY BECAUSE THE CITY STAFF HAVE FOUND IT AT ODDS WITH THE ZONING PLAN FOR THE DOWNTOWN, WHICH ITSELF IS FAR FROM PERFECT SINCE IT WAS NOT PRECEDED BY THE SORT OF COMMUNITY CONSULTATION AND INPUT FROM EXPERTS ON URBAN DESIGN THAT WAS NEEDED. HOWEVER, TO RENDER AN IMPERFECT POLICY COMPLETELY DYSFUNCTIONAL IS TO INVITE MORE AD HOCERY IN DOWNTOWN PLANNING. WITH REPECT, NANAIMO DOES NOT NEED THAT. ←

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CAPE HAD ITS OWN BUSINESS DECISIONS TO MAKE AND IT DECIDED TO SELL OFF EVERY UNIT RATHER THAN HOLD SOME BACK FOR FUTURE SALE. NOW THAT INFLATION IS APPARENTLY THREATENING PROFIT MARGINS, THE DEAL DOESN'T LOOK QUITE AS GOOD.

I THINK THE ORDINARY CITIZEN HAS SOME SYMPATHY FOR CAPE'S PROBLEM BUT NOT MUCH FOR THE CHAIN REACTION THAT COULD DEVELOP AS OTHER PROJECTS SEEK SIMILAR FAVOURS. I WOULD LIKE TO SUGGEST, IF THE MATTER HAS NOT ALREADY BEEN INVESTIGATED, THAT CAPE BE GIVEN AN OFFSETTING CONSIDERATION IF IT CAN CLEARLY DEMONSTRATE THAT THE PROJECT IS NO LONGER PROFITABLE. SUCH A CONSIDERATION MIGHT TAKE THE FORM OF INCREASED DENSITY WITHIN THE PRESENTLY APPROVED BUILDING HEIGHT -- IF THAT IS POSSIBLE -- OR PERHAPS AN OPPORTUNITY TO PARTICIPATE IN ANOTHER PROJECT, SUBJECT TO THE USUAL RULES, INCLUDING REQUIREMENTS FOR TENDERING.

PERSONALLY, I WOULD NOT LIKE TO SEE THE CAPE PROJECT JEOPARDIZED. NANAIMO HAS BEEN FORCED TO ENDURE THIS EYESORE -- THIS CARCASS OF A BUILDING -- FAR, FAR TOO LONG. HOWEVER, SOME METHOD SHOULD BE DEvised TO ACCOMMODATE ANY VALID CONCERNS THE DEVELOPER HAS WITHOUT TAMPERING WITH DOWNTOWN ZONING AND OTHER IMPORTANT CIVIC REQUIREMENTS.

THANK YOU FOR GIVING FULL AND PROPER CONSIDERATION TO THESE VIEWS.

(AS AN ADDENDUM, YOU WILL FIND ATTACHED A COPY OF A LETTER OF MINE THE *DAILY NEWS* REFUSES TO PRINT. THE EDITOR HAS DECLARED THAT HE WILL NOT BE A CONDUIT FOR MY CRITICISM OF THE MAYOR, EVEN THOUGH HE UNHESITATINGLY ALLOWS HIS PAPER TO BE A CONDUIT FOR CRITICISMS DIRECTED AT OTHER PUBLIC FIGURES. HE IS ALSO OF THE OPINION THAT THE CITY'S OWN POLICY ON CONFLICT OF INTEREST HAS BEEN SUPERSEDED BY THE COMMUNITY CHARTER. HE CAN CITE NO AUTHORITY ON THIS, OF COURSE, BECAUSE THERE IS NONE.)

To the Editor:

Is it all right for Mayor Korpan to declare that he received a donation from Cape Developments for his election campaign and then participate in a decision to permit that company to add more floors to the old Malaspina Hotel (*Daily News*, March 2)?

Despite what the Community Charter states, the City's own Conflict of Interest policy requires that council members "at all times avoid any occasion for suspicion or the appearance of improper conduct." It cautions that "interests which are not pecuniary can be just as important" as pecuniary interests and lists various kinds of relationships, including "institutional," "friendship," and others that "can sometimes influence your judgment and give the impression that you might be acting for personal motives."

Does the mayor's declaration address such concerns and others contained in the City's policy? Consider:

1. When commenting on this matter to the *Daily News*, neither the mayor nor Ms. Burley mentioned the City's policy.
2. Procedural fairness for the Public Hearing on Cape's request requires that the chair be impartial. Under most rules of order the chair of a meeting steps aside when a personal interest is involved.
3. The mayor has not declared the amount of Cape's donation and says he will not until March 20th. The Public Hearing is March 16th.
4. City staff has recommended against Cape's application; their recommendation deserves to be considered in an unimpeachably impartial manner.

The principles involved here are of paramount importance, especially in a post-Gomery world. As the recently re-issued book, *A Question of Ethics: Canadians Speak Out* (Oxford University Press, 2006) observes, it is "important to realign political practice with the expectations of the public."

The mayor should follow the strictest interpretation of the City's policy and recuse himself.

Eric W. Ricker

FOR CITY MANAGER'S REPORT

REPORT TO: E.C. SWABEY, DIRECTOR, PLANNING & DEVELOPMENT

FROM: ANDREW TUCKER, MANAGER, COMMUNITY PLANNING

RE: GUSOLA BLOCK (104 COMMERCIAL STREET) – PROPERTY TAX EXEMPTION
APPROVAL-IN-PRINCIPLE RENEWAL

RECOMMENDATION:

That Council renew its approval-in-principle for a 10-year full property tax exemption for the Gusola Block located at 104 Commercial Street, as originally approved 2004-Oct-18.

BACKGROUND:

The Downtown Residential Conversion Tax Exemption Program was created by the City in May, 2002 with two primary goals. One, to encourage residential conversion of existing heritage commercial buildings, and two, to encourage the preservation of heritage buildings in the Downtown Core.

An application under the program was submitted by the owner of the Gusola Block in 2004 to rehabilitate and adapt the existing building to accommodate new commercial uses on the main and basement floors and to create three residential units on the upper floor.

The estimated total project cost was approximately \$534,000 of which \$129,000 was devoted to seismic, building code, sprinkler and external building façade improvements. Property taxes for 2004 were \$5,458.14. Based on the estimate provided of \$129,000 in eligible work and the property tax exemption formula used by the tax exemption program, the applicant qualified for the maximum tax exemption term, which is 10 years.

Based on the application, Council gave approval-in-principle for a 10-year full property tax exemption on 2004-Oct-18.

DISCUSSION:

Under the grant program a number of procedural conditions apply. In particular, the applicant is required to substantially commence the proposed building alterations within six months of the tax exemption approval-in-principle and complete the project within one year. These deadlines have past. Due to complications with respect to development of the project design plans and with respect to approvals needed for the proposed outdoor seating space, the project was delayed beyond the applicant's original construction time frame.

The applicant was issued a heritage alteration permit on 2005-Oct-28, a building permit just prior to Christmas, 2005, and has now commenced construction on the project, with completion anticipated for the end of June, 2006.

Given the status of the project, Staff recommends that Council renew its previous tax exemption approval-in-principle for an additional year. This will allow the owner sufficient time to ensure this condition of the tax exemption program is met.

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006-MAR-27

Upon completion of the project, a tax exemption bylaw will be prepared for Council's consideration. Provided this bylaw is adopted by Council prior to 2006-Oct-31, the 10 year tax exemption would commence in the 2007 tax year.


RECOMMENDATION:

That Council renew its approval-in-principle for a 10-year full property tax exemption for the Gusola Block located at 104 Commercial Street, as originally approved 2004-Oct-18.

Respectfully submitted,



Andrew Tucker
Manager, Community Planning
Development Services Department



E.C. Swabey
Director, Planning & Development
Development Services Department

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FOR CITY MANAGER'S REPORT

TO: E.C. SWABEY, DIRECTOR, PLANNING & DEVELOPMENT

FROM: ANDREW TUCKER, MANAGER, COMMUNITY PLANNING

RE: OCP TEN YEAR REVIEW

RECOMMENDATION:

That Council endorse the Official Community Plan (OCP) Ten Year Review process outlined in this report.

BACKGROUND:

Plan Nanaimo: the Official Community Plan (OCP) Bylaw No. 6000 was adopted on 1996-Jul-08 following an extensive public consultation process. The OCP is based on five guiding principles or goals:

1. Build complete viable communities.
2. Protect the environment.
3. Manage urban growth.
4. Improve mobility and servicing efficiency.
5. Ongoing planning and community involvement.

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006-MAR-27

There appears to be widespread support for these goals among community members. However, some residents feel that the OCP has drifted from the original intent of the five goals. Part of this criticism arises from a view that once a plan is adopted, it must remain unaltered over time, that the OCP should be cast-in-stone. Notwithstanding this perspective, Plan Nanaimo has always been considered a "living document".

Consider that between 1976 and 2001 the City of Nanaimo grew from a population of 41,294 to a population of 76,892 (an average annual growth rate of 2.6 percent). While it is projected that the City will grow at approximately half that rate over the next 25 years, we will grow from a population of 80,181 in 2006 to 113,954 in 2031. Plan Nanaimo needs to anticipate this growth and provide policies to accommodate it.

A Living Document

Since its adoption, there have been numerous amendments to the OCP through 65 amending bylaws. Most of these amendments were internally generated in order to keep the OCP current with new legislation or to reflect new policies of Council. For example, recent amendments have included ones to reflect the new Parks, Recreation and Culture Master Plan and the Environmentally Sensitive Areas Inventory. There have also been 45 applications received from external applicants. Of these external applications 23 were approved by City Council, 21 were denied or withdrawn, and 2 are pending.

In addition, the Plan contains an ambitious list of major initiatives to achieve Plan goals through the implementation strategy section of the Plan. In other words, some of the amendments over the past ten years are a direct result of actions identified in the OCP. While many of these have been completed, others are still outstanding and others are no longer a priority for the City.

While there is no statutory requirement to undertake a review of a plan every ten years, it is standard professional practice to do so. It is the intention of the City of Nanaimo to undertake a review of the OCP in 2006. The purpose of this report is to provide Council with an overview of the

review process and to identify issues which are anticipated to be considered as part of the ten year review.

Statutory Authority

Part 26 of the *Local Government Act* (LGA) governs the preparation, consultation and adoption requirements for Official Community Plans.

Sections 877 and 878 of the LGA outline the required and optional content of an Official Community Plan. Section 879 lists the outside agencies with which the City must consult as part of any Plan preparation including:

- The Regional District of Nanaimo.
- The District Municipality of Lantzville.
- The Snuneymuxw First Nation.
- School District #68.
- The Provincial and Federal governments.

Official community plans have been described as the “constitutions of land use regulation.” British Columbia Planning Law and Practice by William Buholzer states that this metaphor is:

“... intended to convey the notion that official plans are expected to enshrine principles that are above the daily politics of rezonings, variances, and development approvals. They are meant to govern the overall direction of development and its pace at a policy level without descending into detail, which is left to regulatory instruments such as [zoning] bylaws and permits.”

One of the goals of the Ten Year Review is to ensure that the OCP continues to be a policy document that guides the overall growth of the city and is long range in focus. This may require revision of some of the more detailed or specific policies which are contrary to the broad nature of the Plan.

Background Studies

In 2001 the City initiated a five year review of the OCP which examined the policies concerning growth centres (town centres, neighbourhood villages and local service centres), one of the key policies of the Plan. The Growth Centre Concept Assessment: Policy Directions Report (February 2005) looked at the framework of growth centres and recommended the elimination of some growth centres and the scaling back of others. That study was completed in early 2005 but the recommendations contained in the review have yet to be formally considered by Council.

As a first step in the Ten Year Review process, the City began a Land Inventory and Capacity Analysis in November 2005 to examine the availability of land for each type of use (residential, commercial, industrial). The analysis will result in more accurate GIS mapping and will include the ability to run various scenarios using CommunityViz software.

In addition, the City has undertaken a review of the 1998 Progress Nanaimo Report to determine the suitability of various indicators and our success towards achieving the goals of the Plan.

Public Consultation

Although there appears to be widespread support for the OCP, it is clear that some public commentary show a lack of knowledge about the Plan's actual content. Therefore, if meaningful public input is to be received, it is critical that the Ten Year Review include a major public education component.

It is suggested that the public education component include an explanation of each of the five goals and a summary of actions taken by the City over the past decade to achieve that goal. A series of newspaper inserts (backgrounders) on each goal as well as one on growth in Nanaimo are recommended to fulfill this role. Public education materials should also identify completed actions which support the goals while identifying those actions that have not yet occurred.

In addition, it is suggested that the public consultation process begin with a conference open to all residents on a variety of planning topics such as Smart Growth, New Urbanism, sustainability and demographic trends. Experts in these fields would be invited to make the presentations. This event would act as a kick off to the review process.

The public consultation process will use a wide variety of consultation techniques in order to engage as wide a cross section of the community as possible. Elements of the public consultation process are tentatively to include:

- A series of backgrounders on each goal of the Plan as well as demographic trends and land use demand and capacity. These would likely take the form of newspaper inserts and would provide public education on Plan Nanaimo prior to the start of public consultation. An informed public will lead to informed debate as part of the review process.
- A community survey to identify key issues. This work would be undertaken by a professional public opinion survey firm. The estimated budget for survey work is \$25,000. Additional survey work may be used to address particular issues or policy directions if the need arises.
- A community conference bringing in experts on Smart Growth, sustainability, healthy communities, demographics and urban design. The estimated budget for the community conference is \$25,000. Potential speakers include:
 - Allan Jacobs – Professor of Urban Planning at the University of California (Berkeley) and author of Great Streets.
 - Ken Greenberg – Architect and designer, former Director of Urban Design for the City of Toronto, whose projects include the Crossroads Initiative in Boston, and Harbourfront Centre in Toronto.
 - Dr. Avi Friedman, author, architect and Director of the Affordable Homes Program at McGill University.
 - Jamie Van Struth – Consulting Economist specializing in economic development and statistical development based in B.C.
 - Norm Hotson – Architect and founding partner of Hotson Bakker Boniface Haden Architects of Vancouver.
 - Dr. John Harber – Coastal geologist and a principal of Coastal & Ocean Resources Inc. of Sydney, B.C. and adjunct professor at University of Victoria.
 - Dr. Larry Frank – Bombadier Chair in Sustainable Urban Transportation at UBC and author of Health and Community Design.
 - Mark Holland – Landscape architect and planner and a principal at Holland Barrs Architecture whose practice focuses on sustainability.
 - Eugene McCann – Professor of Geography at SFU whose research focuses on urban policy and how place is shaped.
 - Betsy Donald – Professor of Geography at Queen's whose research focuses on the urban creative economy.

The number of speakers who would be able to participate in a community conference would depend on their fees and availability. It is anticipated that the available budget would cover the cost of three to five keynote speakers.

- Community forums to review proposed amendments under each goal of the Plan. These forums should include a wide variety of formats including open houses, public meetings, presentations to community organizations and special interest groups, web based forums, community workshops and others. The planning consultant selected to undertake the Ten

Year Review will need to have expertise in a wide variety of public consultation techniques and processes. The estimated budget for this component of the review is \$90,000.

- A public hearing as required under the LGA.

Role of the Plan Nanaimo Advisory Committee:

PNAC was created by City Council to act as an advisor to Council on matters pertaining to the OCP. The Committee is composed of fourteen members representing a wide cross-section of the community including the development and business sectors, the environmental sector, three neighbourhood association representatives and representatives from other committees of Council including heritage, social planning, parks and recreation and the environment. Given that there is an existing broad-based committee dealing with the OCP, it is recommended that PNAC act as the steering committee for the Ten Year Review process.

At its meeting of 2006-Mar-14, PNAC recommended that Council invite the participation of representatives of Snuneymuxw First Nation, the Port Authority and Malaspina University-College to sit on PNAC for the duration of the Ten Year Review.

Scope of Work:

It is anticipated that the Ten Year Review will result in a major rewrite of the Plan which will resolve any inconsistencies in the document but remain true to the original goals. Having said this, it may be desirable to modify the goals to make the concept of sustainability more explicit in the Plan by adding components to the "build viable communities" goal that speak to economic development and social development.

A preliminary review of issues that may be identified to be addressed as part of the Ten Year Review project includes:

- Finalizing the Five Year Review of growth centres including town centres, neighbourhood villages, and local service areas.
- Consideration of extending the UCB to include industrial lands due to the expectation that industrial lands will be fully serviced.
- Review of the fine-grained infill policies under the Neighbourhood designation which may be too prescriptive or act as an impediment to increasing densities on infill sites.
- Review of policies that direct big box retail to one area of the City only (Woodgrove).
- Policies for multi-family adjacent to major roads.
- Development of new policies that speak to the role of Third Street as a major connector between Downtown and Malaspina University-College.
- Need for policies for Malaspina University-College and the recreational node at NAC/NIC.
- A review of high rise development policies.
- Review of the UCB in Linley Valley with particular attention to DL56.
- Recommendations regarding the alignment of zoning with designations in the OCP.
- Review of policies for Harewood Plains.
- Review of the affordable housing policies to address homelessness issues.

In addition to these more substantive issues a number of housekeeping and administrative issues should also be addressed as part of the Ten Year Review project, including:

- Mapping – increasing the number of schedules to enhance readability.
- Mapping – explore the need for consistency between the use of symbols as opposed to cadastral information to map designations which may make interpretation of policies for growth centres more difficult.
- Reduce the number of policies to eliminate repetition.
- Consolidate DPAs.
- Review the "six month window" for applications to amend the OCP.

Timeline

The following is an anticipated timeline to complete the review:

April 2006	Call for Proposals
May 2006	Award of Contract
	Completion of Land Inventory Analysis
	Completion of Progress Nanaimo update
June 2006	Development of public participation plan
	Formation of technical steering committee
	Initial meetings with City staff
	Initial meetings with external referral agencies (SFN, RDN, Prov)
July/Aug. 2006	Preparation of backgrounders
	Preparation of community survey
	Review of studies, plans, etc.
Sept. 2006	Backgrounders published in community newspaper
	Community survey administered
October 2006	Community conference on planning and design
	Second round of meetings with external agencies
	Results of survey published
	First round of public open houses
Nov./Dec. 2006	Preparation of draft plan document
Jan. 2007	Draft circulated to internal and external referral agencies
	Second round of public open houses
Feb./Mar. 2007	Revisions to draft plan
	Preparation of final document
April 2007	Formal referral to external agencies
	Third round of public open houses
	Introduction of plan for Council adoption
May 2007	Formal public hearing
June 2007	Adoption

Resources

The Community Planning Budget includes \$150,000 for the Ten Year Review as a major workplan item in 2006. The budget allocations are estimated as follows:

- Community conference \$25,000
- Community survey \$25,000
- Planning consultant \$90,000
- Contingency \$10,000

It is the City's intent to advertise for a planning consulting firm to undertake the Ten Year Review in the near future.

PNAC Endorsement

At their meeting of 2006-Mar-14, PNAC endorsed the OCP review process as outlined in this report.

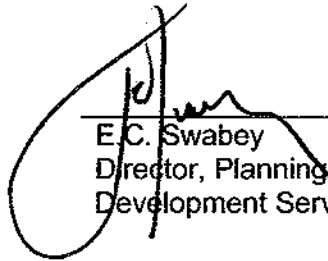
RECOMMENDATION

That Council endorse the Official Community Plan (OCP) Ten Year Review process outlined in this report.

Respectfully submitted,



Andrew Tucker
Manager, Community Planning
Development Services Department



E.C. Swabey
Director, Planning & Development
Development Services Department

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FOR CITY MANAGER'S REPORT

TO: E.C. SWABEY, DIRECTOR, PLANNING & DEVELOPMENT

FROM: ANDREW TUCKER, MANAGER, COMMUNITY PLANNING

RE: VISIT BY JAIME LERNER

RECOMMENDATION:

That City Council deny the request for \$10,000 seed money made by Mr. Roger Kemble and Mr. Frank Murphy to organize a working visit by Mr. Jaime Lerner to address Nanaimo's Official Community Plan.

BACKGROUND:

On 2006-Feb-20, City Council received a delegation from Mr. Roger Kemble and Mr. Frank Murphy seeking seed funding to organize a working visit by Mr. Jaime Lerner, architect and urban planner. At the time of that request Messrs. Kemble and Murphy stated that they would need \$10,000 to \$12,000 to hire someone to do research for the project plus \$10,000 to \$20,000 for seed money. They also noted that a local professional's design charette would probably cost \$40,000 to \$50,000 and that a public conference would likely be much more costly. They said that they would have a fully developed cost proposal to the City within 90 days. Council forwarded Mr. Kemble and Mr. Murphy's request to PNAC and staff for review. The purpose of this report is to advise Council of the outcome of that review.

On 2006-Mar-14, Mr. Kemble and Mr. Murphy appeared as a delegation before the Plan Nanaimo Advisory Committee. Their request to PNAC was limited to \$10,000 seed money with the qualification that no funds would be released until the proponents had raised a matching \$10,000. There was no request for the additional \$50,000 to \$70,000 requested of Council.

PNAC endorsed the proposal, in principle only, until such time as the proponents have more detailed information on the projected cost of the visit and the outcomes or benefits of bringing Mr. Lerner to Nanaimo.

Mr. Jaime Lerner

Brazilian architect and planner Jaime Lerner was responsible for the creation of the Institute of Urban Planning and Research of Curitiba (IPPUC) in 1965 and participated in the preparation of the Master Plan for Curitiba (population 1.7 million, capital of the state of Parana) which was adopted in 1968. The metropolitan area of Curitiba comprises 26 municipalities with a total population of 3.2 million.

Mr. Lerner became Mayor of Curitiba in 1971, a post he has filled for three terms (1971-75, 1979-83 and 1989-92). During his first term as Mayor, he implemented the Integrated Mass Transportation System which is a convenient and affordable public transit system used by 85% of Curitiba residents. It is the source of inspiration for the TransMilenio in Bogota, Columbia and the Orange Line in Los Angeles and has many characteristics in common with the bus way system in Ottawa, Ontario.

During his two ensuing terms as Mayor, Lerner focussed on social measures and sustainability. In 1996, Curitiba was praised as "the most innovative city in the world" at the Habitat II summit of mayors and urban planners.

In 1994, Lerner was elected Governor of the state of Parana and re-elected for a second term in 1998. In 2002, he was elected President of the International Union of Architects. Mr. Lerner is a professor of urban and regional planning at the School of Architecture and Urban Planning at the Federal University of Parana and a UN consultant in urban planning. The winner of numerous international awards, Mr. Lerner is without doubt a planner of international reputation.

Projected Costs

The request for funding made to City Council and the request made to PNAC vary considerably. The request made to Council included start costs of \$10,000 to \$12,000, seed money of \$10,000 to \$20,000, and projected final costs for a professional design charrette of \$40,000 to \$50,000. (Total maximum of \$82,000)

The request to PNAC was a much more modest \$10,000 of seed money to be matched by the fundraising efforts of the proponents.

In response to a question by Councillor Cameron, the proponents suggested that it would be possible to bring Mr. Lerner to Nanaimo for approximately \$13,500 as follows:

- \$6,000 - return airfare - San Paulo to Vancouver
- \$6,000 - Mr. Lerner's fees (@ \$300/hr)
- \$1,500 - for hotel and incidentals

These costs are only direct costs and do not include costs associated with the development of the design charrette program that Mr. Lerner would lead, hiring of other designers to support Mr. Lerner, national advertising to promote the event, costs associated with registration of participants and associated costs such as room rental for the event itself. These costs would likely approach the additional \$50,000 noted by the proponents in their presentation to City Council. Conversely, an event of that nature, targeted specifically to design professionals would allow the City to charge a registration fee which would allow a portion of costs to be recovered.

Relevance

In a number of the presentations made by Mr. Kemble and Mr. Murphy to various City committees, committee members questioned the suitability of Mr. Lerner's approach in the Nanaimo context. Curitiba is a city of 1.7 million in a developing country with vastly different political and legal traditions. Mr. Kemble has stressed that size is not a factor and that Council should focus its consideration on the benefits that having "a world renowned Governor, Mayor, planner, architect with demonstrated success would shed world renown on Nanaimo; an opportunity for a Nanaimo-in-the-shadows that needs lighting up so badly".

The Housing, Design & Development Sub-committee of the DNP at its meeting of 2006-Feb-15 responded to Mr. Kemble's presentation by passing a motion recommending that the DNP approve in principle the proposal to develop a planning conference, charrette, or colloquium but the motion does not mention a visit by Mr. Lerner specifically. When the motion was brought before the DNP at its meeting of 2006-Mar-09, the DNP approved in principle the proposal to develop a planning conference, charrette or colloquium in conjunction with the 10-year OCP Review. The minutes note that there was considerable discussion of alternate speakers and that a wide range of potential contributors should be considered.

When Mr. Kemble and Mr. Murphy made their presentation to PNAC, they were closely questioned by committee members as to the costs of Mr. Lerner's visit and the potential outcomes. Mr. Kemble reiterated his contention that Mr. Lerner would shine a spotlight on Nanaimo and generate ideas. Committee members questioned the suggestion that Mr. Lerner would contribute to the 10-

year OCP Review and instead put forward the view that the 10-year Review should be based on the vision of Nanaimo residents. In the end, those members of PNAC present agreed to support, in principle only, the plan to bring J. Lerner to Nanaimo until such time that Mr. Kemble has more information on the projected cost and expected outcome of the event.

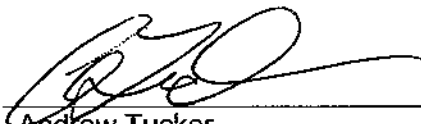
Conclusion

While no one questions Mr. Lerner's achievements and his international reputation, one can question how the City would benefit from a short but costly visit to Nanaimo. Mr. Kemble has stressed that Mr. Lerner would shine an international spotlight on Nanaimo and generate ideas but has not provided a more specific program, with tangible outcomes from the proposed visit. It is also noted that the amount of funding requested has varied at each presentation although the immediate request is for \$10,000 in "seed money" with the potential for further requests up to \$50,000. Given the vagueness of the proposal, its outcomes and its costs, it is recommended that Council deny this request.

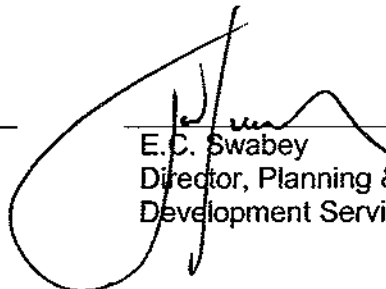
RECOMMENDATION

That City Council deny the request for \$10,000 seed money made by Mr. Roger Kemble and Mr. Frank Murphy to organize a working visit by Mr. Jaime Lerner to address Nanaimo's Official Community Plan.

Respectfully submitted,



Andrew Tucker
Manager, Community Planning
Development Services Department



E.C. Swabey
Director, Planning & Development
Development Services Department

g:\commplan\admin\lerner

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

FOR CITY MANAGER'S REPORT

REPORT TO: B. N. MEHAFFEY, GENERAL MANAGER, DEVELOPMENT SERVICES

FROM: G. SAVAGE, APPROVING OFFICER/MANAGER, ENGINEERING &
ENVIRONMENTAL SECTION

RE: SUBDIVISION APPROVAL - PARK and CASH-IN-LIEU
5199 DUNSTER ROAD (SUB00546)

RECOMMENDATION:

That Council approve the payment of cash-in-lieu of park for the subdivision of lands as described below:

Lot 3, Section 5, Wellington District, Plan VIP66454
Civic Address: 5199 Dunster Road (SUB00546)

BACKGROUND:

Section 941 of the *Local Government Act* allows the City to authorize a subdividor to dedicate lands to the community for parkland, or pay the cash-in-lieu equivalent thereof (or a combination of both), for any subdivision where the following criteria apply:

- a) the subdivision would result in 3 or more lots being created; and
- b) the smallest lot being created is less than 2 hectares; or
- c) a subdivision creating fewer than 3 or more lots where the parcel proposed to be subdivided was itself created by subdivision within the past 5 years.

Section 941 provides for a dedication of parkland based on 5% of the original area of the parcel being subdivided. In those cases when the City does not wish to obtain parkland, subject to Council approval, the subdividor is obligated to provide cash in an amount equal to 5% of the appraised value of the lands being subdivided. These funds are then placed in a reserve to be used by the City for future acquisition of parks.

DISCUSSION:

The City's Approving Officer coordinates the review of subdivision applications to ensure City bylaws and policies, as well as statutory requirements applicable to the subdivision of lands, are addressed.

As part of this review, the Parks, Recreation & Culture Department Staff makes recommendations with respect to whether the City should acquire parkland or take cash-in-lieu, or a combination of the two options.

This is a Phased Building Strata subdivision for 15 residential units in 3 phases.

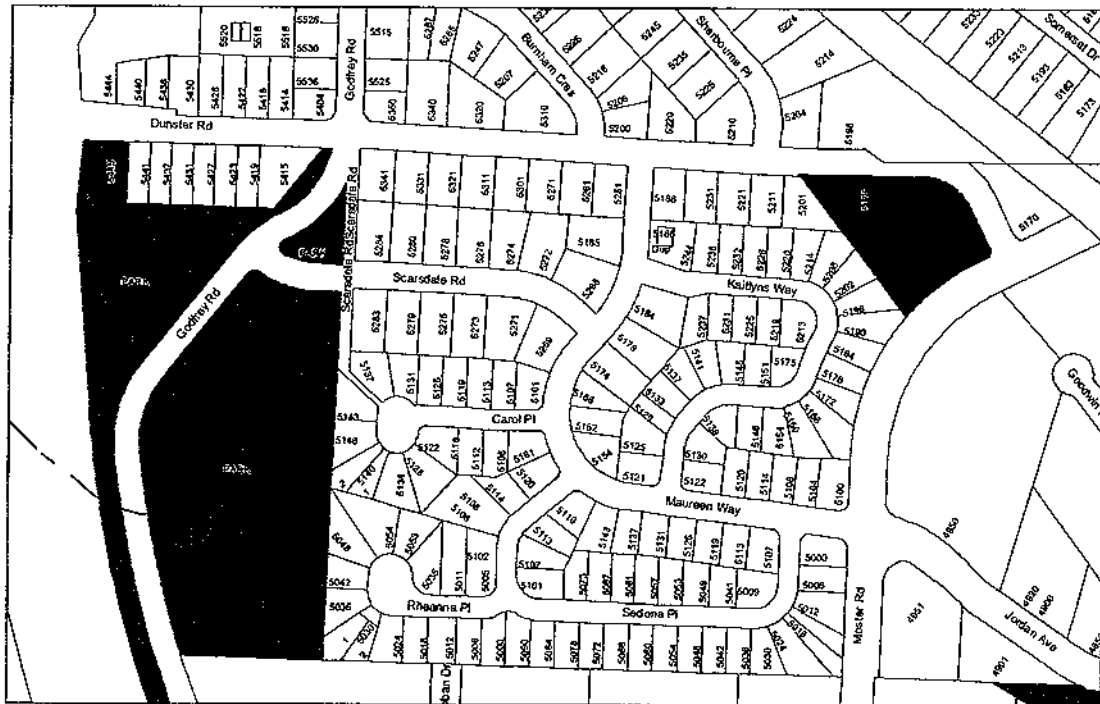
☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting

Meeting Date: 2006-mar-27

The property is in close proximity to an existing neighbourhood park at 5445 Dunster Road. Accordingly, the payment of cash-in-lieu of park is recommended with the approval of the subdivision as presented in the attached concept plan (Schedules A and B).

The Parks, Recreation & Culture Department Staff has reviewed this application and recommend cash-in-lieu be obtained.

Location of Subdivision: 5199 Dunster Road (Project: SUB00546)



RECOMMENDATION:

That Council approve the payment of cash-in-lieu of park for the subdivision of lands as described below:

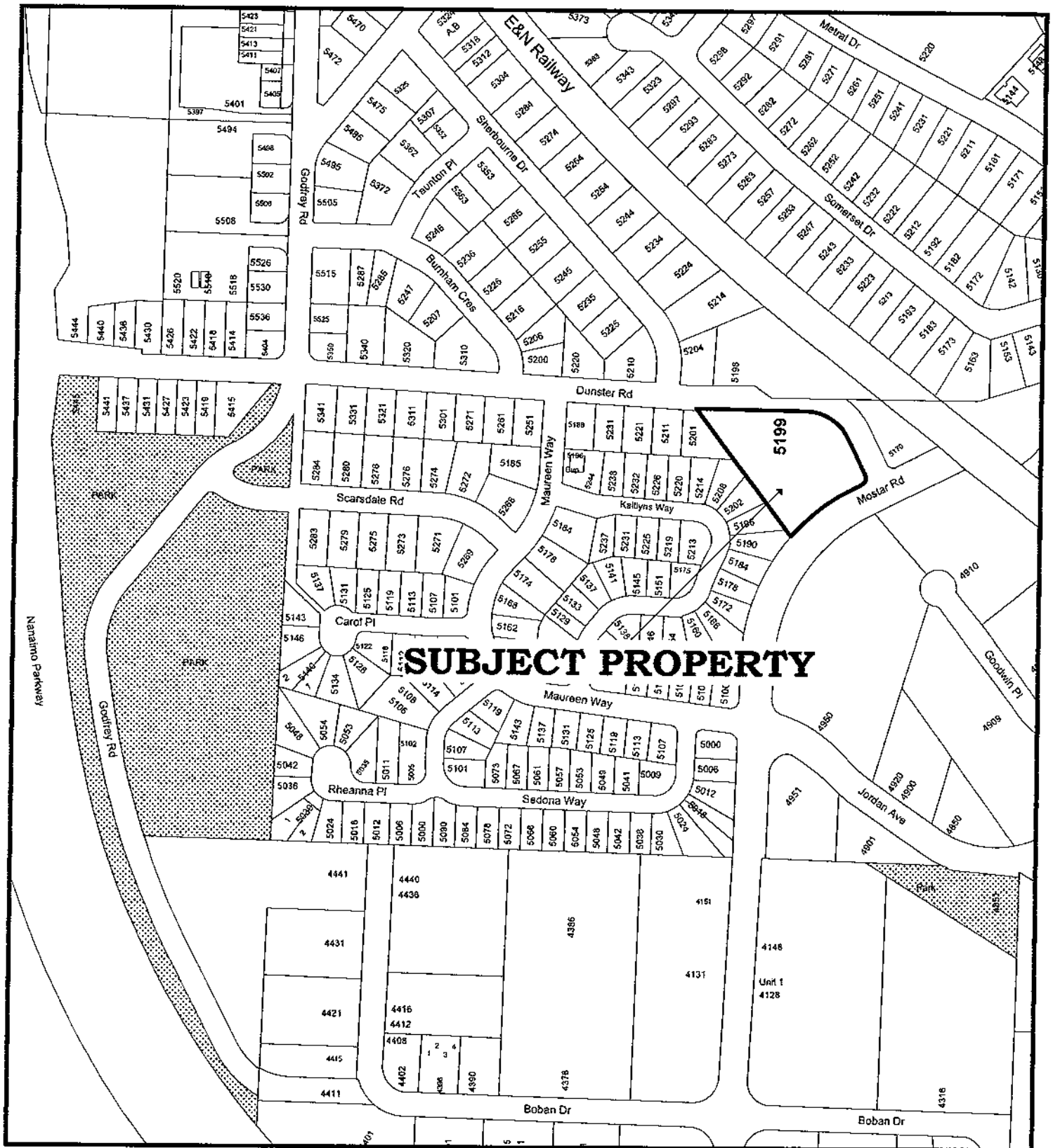
Lot 3, Section 5, Wellington District, Plan VIP66454
Civic Address: 5199 Dunster Road (SUB00546)


Respectfully submitted,

Ted Swabey
Director, Planning & Development
Planning & Development Dept.
Development Services Division

RG/sl/hp
Council: 2006-MAR-27

SCHEDULE A



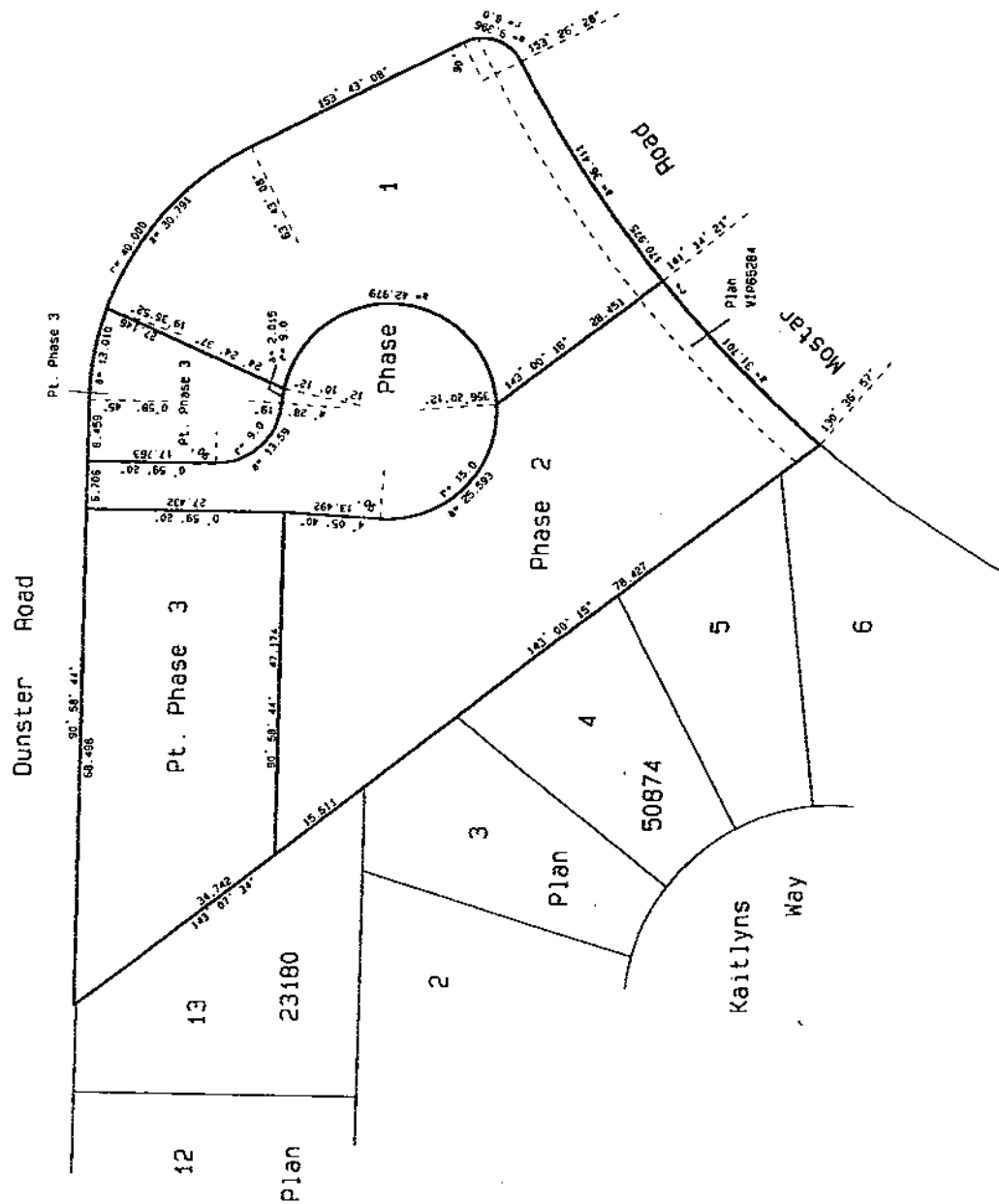
Parks 

Location Plan
Subdivision 00546
Civic: 5199 Dunster Road

SUB 00546

SCHEDULE B

*Plan to accompany Form P of a proposed Phased
Strata Plan of Lot 3, Section 5, Wellington,
District, Plan V1P66454.*



M. B. Hutchinson
Land Surveying Ltd.
312 Wentworth St.
Nelson, B.C.
V9B 3E4
253-2921

file #15-69

FOR CITY MANAGER'S REPORT

TO: T. P. SEWARD, DIRECTOR, PERMITS AND PROPERTIES

FROM: P. H. THORKELSSON, MANAGER, BUILDING INSPECTION DIVISION

RE: UNRESOLVED BUILDING DEFICIENCIES / ILLEGAL SECONDARY SUITES /
ILLEGAL GROW OPERATIONS

RECOMMENDATION:

That Council, by resolution, instruct the General Manager of Administrative Services to file a Bylaw Contravention Notice on title with the Land Title and Survey Authority of British Columbia to the property(ies) identified in this report in conformance with Section 57 of the *Community Charter*.

BACKGROUND

Construction has been undertaken at the following property(ies) that is not in compliance with "BUILDING BYLAW 2003 NO. 5693", "ZONING BYLAW 1993 NO. 4000" or the 1998 *BC Building Code*.

3583 Hammond Bay Road – Illegal Secondary Suite / Finished Basement

Owner(s): Ms. Carrie L. Landry
3583 Hammond Bay Road
Nanaimo B.C. V9T 1E8
Legal: Lot 2, District Lot 39, Wellington District, Plan 24613
P.I.D.: 000-531-596

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

Construction was undertaken to complete the basement of the Single Family Dwelling and incorporate a Secondary Suite over the maximum allowable square footage of 970 square feet in accordance with Council's *Secondary Suite Policy*. No Building Permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". Numerous safety deficiencies have been identified, including, inadequate fire separations, non compliant smoke detection, inadequate fire door closures, inadequate egress, interconnected heating system and proof of approved Electrical Permit / installation.

File summary:

Complaint received
Inspection completed
Letter requesting Building Permit
Letter advising of Council date for Section 57 Notice
(Life safety deficiencies exist)

2005-NOV-02
2005-DEC-02
2006-FEB-10
2006-MAR-10

6581 Pelican Way – Illegal Secondary Suite

Owner(s): Varsha Dodd
6581 Pelican Way
Nanaimo B.C. V9V 1P9
Legal: Lot 30, District Lot 53, Wellington District, Plan VIP57431
P.I.D.: 018-469-086

Construction was undertaken to alter the basement of the Single Family Dwelling and incorporate a Secondary Suite. No Building Permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". Numerous safety deficiencies have been identified, including, inadequate fire separations, non compliant smoke detection, inadequate fire door closures, interconnected heating system and proof of approved Electrical Permit / installation.

File summary:

Complaint received	2005-SEP-12
Inspection completed	2005-NOV-10
Letter requesting Building Permit	2005-DEC-01
Registered letter advising of Council date for Structure Removal Order	2006-FEB-28
Second letter advising of Council date for Structure Removal Order	2006-MAR-08
Letter advising of Council date for Section 57 Notice (Life safety deficiencies exist)	2006-MAR-08

5354 Colbourne Drive – Illegal Secondary Suite

Owner(s): Ranjit S. Purewal
Pram K. Purewal
5354 Colbourne Drive
Nanaimo B.C. V9T 6N5
Legal: Lot 8, District Lot 19, Wellington District, Plan VIP71573
P.I.D.: 024-889-423

Construction was undertaken to alter the basement of the Single Family Dwelling and incorporate a Secondary Suite. No Building Permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". Numerous safety deficiencies have been identified, including, inadequate fire separations, non compliant smoke detection, inadequate fire door closures, interconnected heating system and proof of approved Electrical Permit / installation.

File summary:

Complaint received	2005-SEP-12
Inspection completed	2005-NOV-10
Letter requesting Building Permit	2005-DEC-01
Registered letter advising of Council date for Structure Removal Order	2006-FEB-28
Second letter advising of Council date for Structure Removal Order	2006-MAR-08
Letter advising of Council date for Section 57 Notice (Life safety deficiencies exist)	2006-MAR-08

701 Second Street – Secondary Suite

Owner(s): David E. Gaskill
Wendy G. Gaskill
2003 Cinnabar Drive
Nanaimo BC V9X 1B3
Legal: Lot 1, Section 1, Nanaimo District, Plan 33300
P.I.D.: 000-238-520

Construction was undertaken to create a Secondary Suite within one side of the Multi Family Dwelling (Duplex) in contravention of "ZONING BYLAW 1993 NO. 4000". No Building Permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". Safety deficiencies have been identified including, fire separations and non compliant smoke detection.

File summary:

Complaint received	2006-FEB-27
Letter requesting inspection	2006-MAR-02
Inspection completed	2006-MAR-09
Letter advising of Council date for Section 57 Notice (Life safety deficiencies exist)	2006-MAR-13

2710 Fandell Street – Illegal Grow Operation

Owner(s): Kenneth T. Drozduke
Linda Drozduke
2710 Fandell Street
Nanaimo B.C. V9S 3R3
Legal: Lot 2, Section 1, Wellington District, Plan 12059
P.I.D.: 004-959-191

The above property has been inspected as the result of the RCMP attending the location and it was found that alterations to the existing construction were undertaken to facilitate activity involving the cultivation and processing of marijuana within the basement of the Single Family Dwelling. No Building Permits were obtained prior, neither for the construction nor for the change of use of the Single Family Dwelling in contravention of "BUILDING BYLAW 2003 NO. 5693" and as such a "Stop Work" notice was attached to the dwelling and all services were disconnected.

File summary:

Complaint received	2006-MAR-07
Inspection completed	2006-MAR-07
Letter advising of Council date for Section 57 Notice (Life safety deficiencies exist)	2006-MAR-08

5715 Hammond Bay Road – Illegal Grow Operation

Owner(s): Son Vu
Thach Huoi Thi
5715 Hammond Bay Road
Nanaimo B.C. V9T 5N2
Legal: Lot 1, District Lot 38, Wellington District, Plan 24727, except Plan 32418
P.I.D.: 003-775-267

The above property has been inspected as the result of the RCMP attending the location and it was found that alterations to the existing construction were undertaken to facilitate activity involving the cultivation and processing of marijuana within both sides of the Two Family Dwelling (Duplex) and in the accessory building. No Building Permits were obtained prior, neither for the construction nor for the change of use of the Two Family Dwelling in contravention of "BUILDING BYLAW 2003 NO. 5693" and as such a "Stop Work" notice was attached to the dwelling and all services were disconnected.

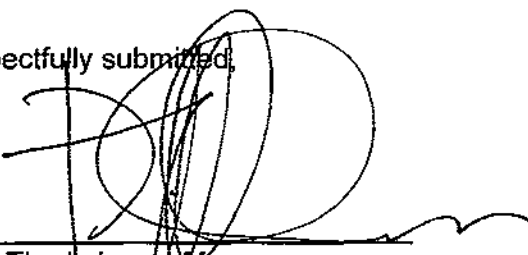
File summary:

Complaint received	2006-MAR-14
Inspection completed	2006-MAR-14
Letter advising of Council date for Section 57 Notice (Life safety deficiencies exist)	2006-MAR-15

RECOMMENDATION:

That Council, by resolution, instruct the General Manager of Administrative Services to file a Bylaw Contravention Notice on title with the Land Title and Survey Authority of British Columbia to the property(ies) identified in this report in conformance with Section 57 of the *Community Charter*.

Respectfully submitted,



P. H. Thorkelsson, Manager
Building Inspection Division
Development Services Department



T. P. Seward, Director
Permits and Properties
Development Services Department

FOR CITY MANAGER'S REPORT

REPORT TO: T. P. SEWARD, DIRECTOR, PERMITS AND PROPERTIES

FROM: P. H. THORKESSON, MANAGER, BUILDING INSPECTION DIVISION

RE: ILLEGAL CONSTRUCTION / SECONDARY SUITE – 5354 COLBOURNE DRIVE

RECOMMENDATION:

That Council, by Resolution, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner(s) to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

PROPERTY: 5354 Colbourne Drive
 LEGAL: Lot 8, District Lot 19, Wellington District, Plan VIP71573
 OWNER(S): Ranjit S. Purewal
 Pram K. Purewal
 5354 Colbourne Drive
 Nanaimo B.C. V9T 6N5

BACKGROUND:

The above noted property was inspected as the result of a complaint and it was found that illegal construction had taken place to alter the basement and incorporate a Secondary Suite within the basement of the Single Family Dwelling. No Permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693" and the construction does not meet the requirements of Council's *Secondary Suite Policy* or the provisions of Section 9.36 of the 1998 *BC Building Code* for Secondary Suites. This property is also before Council this evening with the recommendation that a resolution be passed respecting the contravention of certain bylaws pursuant to Section 57 of the *Community Charter*.

File Summary:

Complaint received	2005-JUN-24
Inspection completed	2005-JUL-06
Letter requesting Building Permit	2005-JUL-22
Registered letter advising of Council date for Structure Removal Order	2006-MAR-08
Letter advising of Council date for Section 57 Notice	2006-MAR-08
(Life safety deficiencies exist)	

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006-MAR-27

DISCUSSION:

The Building Inspector attended 5354 Colbourne Drive on 2005-JUL-06 and identified that construction had been undertaken to alter the basement of the Single Family Dwelling and incorporate a Secondary Suite. No Building Permits were obtained prior to the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". Numerous safety deficiencies have been identified, including, inadequate fire separations, non compliant smoke detection, inadequate fire door closures, interconnected heating system, non conforming construction materials and proof of approved Electrical Permit / installation. On 2005-JUL-22 correspondence was sent to the property owner requesting a Building Permit application prior to 2005-AUG-26; to date the Building Permit application has not been forthcoming and the Building Inspector has not received confirmation that the removal of the Secondary Suite has taken place. Given these circumstances Staff recommend that Council consider an order to remove / upgrade at this time. Correspondence was sent to the owner by registered mail advising that Council, at its Regular Meeting to be held 2006-MAR-27, will give consideration to ordering that the structure be removed or brought up to standard.

RECOMMENDATION:

That Council, by Resolution, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner(s) to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

Respectfully submitted,

for 

P. H. Thorkelsson, Manager
Building Inspection Division
Development Services Department



T. P. Seward, Director
Permits and Properties
Development Services Department

NR
COUNCIL: 2006-MAR-27
p:/calls/attachment/cfs205820/councilreportillegalstructure.doc

IN THE MATTER OF A RESOLUTION MADE PURSUANT
TO SECTION 73 OF THE *COMMUNITY CHARTER*

NOW THEREFORE BE IT RESOLVED THAT it is the opinion of the Council that the real property, building or structure located at:

5354 Colbourne Drive

which is legally known and described as:

Lot 8, District Lot 19, Wellington District, Plan VIP70573

is in such a condition as to be unsafe or is contrary to "BUILDING BYLAW 2003 NO. 5693" and is therefore declared to be a hazard pursuant to the provisions of Section 73 of the *Community Charter*.

FURTHER BE IT RESOLVED that the Council orders and directs that the owner(s):

Ranjit S. Purewal
Pram K. Purewal
5354 Colbourne Drive
Nanaimo B.C. V9T 6N5

(hereinafter called "the Owner")

Remove the Structure or bring it up to standard.

This work is to be completed within 30 days after the service of this order and direction made pursuant to the provisions of the *Community Charter*. The Council further orders that should the Owner fail to comply with the order made by this Resolution, the City or its authorized agents may enter and affect the work, and the Owner shall pay the costs of such work to the Municipality forthwith, and in the default of payment, the amount of such costs, including incidental expenses, incurred by the Municipality in carrying out the order, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on the private lands as taxes in arrears.

The Manager of Bylaw Services is hereby authorized to ensure that the requirements of this Resolution are carried out.

Passed by the Council of the City of Nanaimo in Open Meeting at Nanaimo, British Columbia this 27th day of March, 2006.

FOR CITY MANAGER'S REPORT

REPORT TO: T. P. SEWARD, DIRECTOR, PERMITS AND PROPERTIES

FROM: P. H. THORKELSSON, MANAGER, BUILDING INSPECTION DIVISION

RE: ILLEGAL CONSTRUCTION / SECONDARY SUITE – 6581 PELICAN WAY

RECOMMENDATION:

That Council, by Resolution, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner(s) to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

PROPERTY: 6581 Pelican Way
 LEGAL: Lot 30, District Lot 53, Wellington District, Plan VIP57431
 OWNER(S): Varsha Dodd
 6581 Pelican Way
 Nanaimo BC V9V 1P9

BACKGROUND:

The above noted property was inspected as the result of a complaint and it was found that illegal construction had taken place to alter the construction and incorporate a Secondary Suite within the basement of the Single Family Dwelling. No Permits were obtained for the construction in contravention of "BUILDING BYLAW 2003 NO. 5693" and the construction does not meet the requirements of Council's *Secondary Suite Policy* or the provisions of Section 9.36 of the 1998 BC Building Code for Secondary Suites. This property is also before Council this evening with the recommendation that a resolution be passed respecting the contravention of certain bylaws pursuant to Section 57 of the *Community Charter*.

File Summary:

Complaint received	2005-SEP-12
Inspection completed	2005-NOV-10
Letter requesting Building Permit	2005-DEC-01
Registered letter advising of Council date for Structure Removal Order	2006-FEB-28
Second Registered letter advising of Council date for Structure Removal Order	2006-MAR-08
Letter advising of Council date for Section 57 Notice (Life safety deficiencies exist)	2006-MAR-08

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006-MAR-27

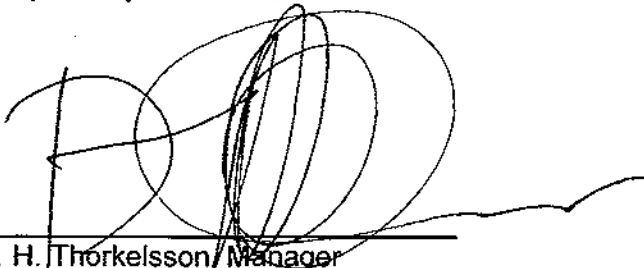
DISCUSSION:

The Building Inspector attended 6581 Pelican Way on 2005-NOV-01 and identified that construction had been undertaken to alter the basement of the Single Family Dwelling and incorporate a Secondary Suite. No Building Permits were obtained prior to the construction in contravention of "BUILDING BYLAW 2003 NO. 5693". Numerous safety deficiencies have been identified, including, inadequate fire separations, non compliant smoke detection, inadequate fire door closures, inadequate egress, interconnected heating system, non conforming construction materials and proof of approved Electrical Permit / installation. On 2005-DEC-01 correspondence was sent to the property owner requesting a Building Permit application prior to 2006-JAN-09; to date the Building Permit application has not been forthcoming and the Building Inspector has not received confirmation that the removal of the Secondary Suite has take place. Given these circumstances Staff recommend that Council consider an order to remove / upgrade at this time. Correspondence was sent to the owner by registered mail advising that Council, at its Regular Meeting to be held 2006-MAR-27, will give consideration to ordering that the structure be removed or brought up to standard.


RECOMMENDATION:

That Council, by Resolution, pursuant to Sections 72 and 73 of the *Community Charter*, order the owner(s) to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

Respectfully submitted,



P. H. Thorkelsson, Manager
Building Inspection Division
Development Services Department



T. P. Seward, Director
Permits and Properties
Development Services Department

NR
COUNCIL: 2006-MAR-27
p:/calls/attachment/cfs205820/councilreportillegalstructure.doc

IN THE MATTER OF A RESOLUTION MADE PURSUANT
TO SECTION 73 OF THE *COMMUNITY CHARTER*

NOW THEREFORE BE IT RESOLVED THAT it is the opinion of the Council that the real property, building or structure located at:

6581 Pelican Way

which is legally known and described as:

Lot 30, District Lot 53, Wellington District, Plan VIP57431

is in such a condition as to be unsafe or is contrary to "BUILDING BYLAW 2003 NO. 5693" and is therefore declared to be a hazard pursuant to the provisions of Section 73 of the *Community Charter*.

FURTHER BE IT RESOLVED that the Council orders and directs that the owner(s):

Varsha Dodd
6581 Pelican Way
Nanaimo B.C. V9V 1P9

(hereinafter called "the Owner")

Remove the Structure or bring it up to standard.

This work is to be completed within 30 days after the service of this order and direction made pursuant to the provisions of the *Community Charter*. The Council further orders that should the Owner fail to comply with the order made by this Resolution, the City or its authorized agents may enter and affect the work, and the Owner shall pay the costs of such work to the Municipality forthwith, and in the default of payment, the amount of such costs, including incidental expenses, incurred by the Municipality in carrying out the order, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on the private lands as taxes in arrears.

The Manager of Bylaw Services is hereby authorized to ensure that the requirements of this Resolution are carried out.

Passed by the Council of the City of Nanaimo in Open Meeting at Nanaimo, British Columbia this 27th day of March, 2006.

FOR CITY MANAGER'S REPORT

TO T.P. SEWARD, DIRECTOR OF PERMITS AND PROPERTIES

FROM RANDY CHURCHILL, MANAGER OF BYLAW SERVICES

RE: SECONDARY SUITE IN A DUPLEX

PROPERTY: 701 Second Street
LEGAL: Lot 1, Section 1, Nanaimo District, Plan 33300
OWNER: David Edwin Gaskill
Wendy Gail Gaskill
2003 Cinnabar Drive
Nanaimo, BC V9X 1B3

BACKGROUND:

The above property was inspected and found to contain a secondary suite in a duplex in contravention of City of Nanaimo "BUILDING BYLAW 2003 NO. 5693". Photographs were taken and are available for viewing.

DISCUSSION:

The inspection revealed a suite was constructed in the basement on one side of the duplex. Registered mail was sent to the owner advising that Council, at its meeting of 2006-Mar-27, will give consideration to ordering the structure removed or brought up to standard.

RECOMMENDATION:

That Council, by Resolution, pursuant to sections 72 and 73 of the *Community Charter*, order the owner to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

Respectfully submitted,



Randy Churchill
Manager of Bylaw Services



T.P. Seward
Director
Permits and Properties

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting

Meeting Date: 2006-MAR-27

**IN THE MATTER OF A RESOLUTION MADE PURSUANT
TO SECTION 73 OF THE COMMUNITY CHARTER**

NOW THEREFORE BE IT RESOLVED THAT it is the opinion of the Council that the real property, building or structure located at:

701 Second Street

which is legally known and described as:

Lot 1, Section 1, Nanaimo District, Plan 33300

is in such a condition as to be unsafe or is contrary to City of Nanaimo "Building Bylaw 2003 No. 5693" and is therefore declared to be a hazard pursuant to the provisions of Section 73 of the *Community Charter*.

FURTHER BE IT RESOLVED that the Council orders and directs that the owners:

David Edwin Gaskill
Wendy Gail Gaskill
2003 Cinnabar Drive
Nanaimo, BC V9X 1B3

(hereinafter called "the Owner")

remove the structure or bring it up to standard

This work is to be completed within 30 days after the service of this order and direction made pursuant to the provisions of the *Community Charter*. The Council further orders that should the Owner fail to comply with the order made by this Resolution, the City or its authorized agents may enter and affect the work, and the Owner shall pay the costs of such work to the Municipality forthwith, and in the default of payment, the amount of such costs, including incidental expenses, incurred by the Municipality in carrying out the order, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on the private lands as taxes in arrears.

The Manager of Bylaw Services is hereby authorized to ensure that the requirements of this Resolution are carried out.

Passed by the Council of the City of Nanaimo in open meeting at Nanaimo, British Columbia this 27th day of March 2006.



2006-Mar-13

Registered Mail

David Edwin Gaskill
Wendy Gail Gaskill
2003 Cinnabar Drive
Nanaimo, BC V9X 1B3

Dear Mr. & Mrs. Gaskill:

Re: 701 Second Street
Lot 1, Section 1, Nanaimo District, Plan 33300

A recent inspection revealed that the duplex at the above property has been converted to a triplex in contravention of Building Bylaw 2003 No. 5693. You must remove the suite from the basement and revert the building to a duplex.

If the work is not done, Council will, at its meeting of 2006-Mar-27, give consideration to ordering the structure be removed or brought up to standard pursuant to Sections 72 and 73 of the *Local Government Act*.

File Summary:

Letter scheduling inspection:	2006-Mar-02
Inspection conducted	2006-Mar-09
Letter scheduling Council	2005-Mar-13

If you require further information, please contact C. Kuczerski, Bylaw Enforcement Officer at 755-4422. _____

Yours truly,

Randy Churchill
Manager of Bylaw Services

pc CIBC Mortgages Inc.

FOR CITY MANAGER'S REPORT

TO T.P. SEWARD, DIRECTOR OF PERMITS AND PROPERTIES

FROM RANDY CHURCHILL, MANAGER OF BYLAW SERVICES

RE: ILLEGAL GROW OPERATION

PROPERTY: 5715 Hammond Bay Road
LEGAL: Lot 1, DL 38, Wellington District except part in Plan 32418
OWNER: Son Vu
Thi Thach Huoi
5715 Hammond Bay Road
Nanaimo, BC V9T 5N2

BACKGROUND:

The above property was inspected and found to contain an illegal grow operation in contravention of City of Nanaimo "BUILDING BYLAW 2003 NO. 5693". Photographs were taken and are available for viewing.

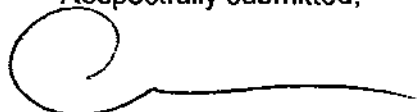
DISCUSSION:

The inspection revealed an illegal grow operation in a single family dwelling. Registered mail was sent to the owner advising that Council, at its meeting of 2006-Mar-27, will give consideration to ordering the structure removed or brought up to standard.


RECOMMENDATION:

That Council, by Resolution, pursuant to sections 72 and 73 of the *Community Charter*, order the owner to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

Respectfully submitted,



Randy Churchill
Manager of Bylaw Services



T.P. Seward
Director
Permits and Properties

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

IN THE MATTER OF A RESOLUTION MADE PURSUANT
TO SECTION 73 OF THE *COMMUNITY CHARTER*

NOW THEREFORE BE IT RESOLVED THAT it is the opinion of the Council that the real property, building or structure located at:

5715 Hammond Bay Road

which is legally known and described as:

Lot 1, District Lot 38, Wellington District except part in Plan 32418

is in such a condition as to be unsafe or is contrary to City of Nanaimo "Building Bylaw 2003 No. 5693" and is therefore declared to be a hazard pursuant to the provisions of Section 73 of the *Community Charter*.

FURTHER BE IT RESOLVED that the Council orders and directs that the owners:

Son Vu
Thi Thach Huoi
5715 Hammond Bay Road
Nanaimo, BC V9T 5N2

(hereinafter called "the Owner")

remove the structure or bring it up to standard

This work is to be completed within 30 days after the service of this order and direction made pursuant to the provisions of the *Community Charter*. The Council further orders that should the Owner fail to comply with the order made by this Resolution, the City or its authorized agents may enter and affect the work, and the Owner shall pay the costs of such work to the Municipality forthwith, and in the default of payment, the amount of such costs, including incidental expenses, incurred by the Municipality in carrying out the order, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on the private lands as taxes in arrears.

The Manager of Bylaw Services is hereby authorized to ensure that the requirements of this Resolution are carried out.

Passed by the Council of the City of Nanaimo in open meeting at Nanaimo, British Columbia this 27th day of March 2006.



REGISTERED MAIL

2006-Mar-15

Son Vu
Thi Thach Huoi
5715 Hammond Bay Road
Nanaimo, BC V9T 5N2

Dear Sir/Madam:

Re: 5715 Hammond Bay Road
Lot 1, DL 38, Wellington District exc. part in Pl. 32418

A recent inspection revealed the single family dwelling at the above address has been converted to accommodate an illegal grow operation. The alterations were done without a building permit as required by City of Nanaimo "Building Bylaw 2003 No. 5693". The City has consequently disconnected the water service to the building.

You are directed to remove the structure or bring it up to City of Nanaimo standards forthwith. Failure to do so will result in Council, at its meeting of 2006-Mar-27, at 7:00 p.m., giving consideration to directing that the structure be removed pursuant to Sections 72 and 73 of the *Community Charter*.

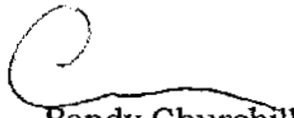
A City of Nanaimo building permit is required before any restoration work is done to revert the building to a single family dwelling.

File Summary:

Complaint received:	2006-Mar-14
Inspection conducted:	2006-Mar-14
Letter advising of Council date:	2006-Mar-15

If you have any questions, please contact L. Hamilton, Bylaw Enforcement Officer at 755-4422.

Yours truly,



Randy Churchill
Manager of Bylaw Services

pc Maple Trust Company

\corr 2006\0327sr

FOR CITY MANAGER'S REPORT

TO T.P. SEWARD, DIRECTOR OF PERMITS AND PROPERTIES

FROM RANDY CHURCHILL, MANAGER OF BYLAW SERVICES

RE: ILLEGAL GROW OPERATION

PROPERTY: 2710 Fandell Street
LEGAL: Lot 2, Section 1, Wellington District, Plan 12059
OWNER: Kenneth T. Drozduke
Linda Drozduke
2710 Fandell Street
Nanaimo, BC V9S 3R3

BACKGROUND:

The above property was inspected and found to contain an illegal grow operation in contravention of City of Nanaimo "BUILDING BYLAW 2003 NO. 5693". Photographs were taken and are available for viewing.

DISCUSSION:


The inspection revealed an illegal grow operation in a single family dwelling. Registered mail was sent to the owner advising that Council, at its meeting of 2006-Mar-27, will give consideration to ordering the structure removed or brought up to standard.

RECOMMENDATION:

That Council, by Resolution, pursuant to sections 72 and 73 of the *Community Charter*, order the owner to remove the structure or bring it up to standard within thirty (30) days and that any cost incurred by the Municipality be recovered pursuant to the *Community Charter*.

Respectfully submitted,


Randy Churchill
Manager of Bylaw Services


T.P. Seward
Director
Permits and Properties

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

IN THE MATTER OF A RESOLUTION MADE PURSUANT
TO SECTION 73 OF THE *COMMUNITY CHARTER*

NOW THEREFORE BE IT RESOLVED THAT it is the opinion of the Council that the real property, building or structure located at:

2710 Fandell Street

which is legally known and described as:

Lot 2, Section 1, Wellington District, Plan 12059

is in such a condition as to be unsafe or is contrary to City of Nanaimo "Building Bylaw 2003 No. 5693" and is therefore declared to be a hazard pursuant to the provisions of Section 73 of the *Community Charter*.

FURTHER BE IT RESOLVED that the Council orders and directs that the owners:

Kenneth T. Drozduke
Linda Drozduke
2710 Fandell Street
Nanaimo, BC V9S 3R3

(hereinafter called "the Owner")

remove the structure or bring it up to standard

This work is to be completed within 30 days after the service of this order and direction made pursuant to the provisions of the *Community Charter*. The Council further orders that should the Owner fail to comply with the order made by this Resolution, the City or its authorized agents may enter and affect the work, and the Owner shall pay the costs of such work to the Municipality forthwith, and in the default of payment, the amount of such costs, including incidental expenses, incurred by the Municipality in carrying out the order, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on the private lands as taxes in arrears.

The Manager of Bylaw Services is hereby authorized to ensure that the requirements of this Resolution are carried out.

Passed by the Council of the City of Nanaimo in open meeting at Nanaimo, British Columbia this 27th day of March 2006.



REGISTERED MAIL

2006-Mar-08

Kenneth T. Drozduke
Linda Drozduke
2710 Fandell Street
Nanaimo, BC V9S 3R3

Dear Mr. & Mrs. Drozduke:

Re: 2710 Fandell Street
Lot 2, Section 1, Wellington District, Plan 12059

A recent inspection revealed the single family dwelling at the above address has been converted to accommodate an illegal grow operation. The alterations were done without a building permit as required by City of Nanaimo "Building Bylaw 2003 No. 5693". The City has consequently disconnected the water service to the building.

You are directed to remove the structure or bring it up to City of Nanaimo standards forthwith. Failure to do so will result in Council, at its meeting of 2006-Mar-27, at 7:00 p.m., giving consideration to directing that the structure be removed pursuant to Sections 72 and 73 of the *Community Charter*.

A City of Nanaimo building permit is required before any restoration work is done to revert the building to a single family dwelling.

File Summary:

Complaint received:	2006-Mar-07
Inspection conducted:	2006-Mar-07
Letter advising of Council date:	2006-Mar-08

If you have any questions, please contact C. Kuczerski, Bylaw Enforcement Officer at 755-4422.

Yours truly,

Randy Churchill
Manager of Bylaw Services

pc CIBC Mortgages Inc.

\corr 2006\0327sr

FOR CITY MANAGER'S REPORT

TO T.P. SEWARD, DIRECTOR, PERMITS AND PROPERTIES
FROM RANDY CHURCHILL, MANAGER OF BYLAW SERVICES
RE: PROPERTY MAINTENANCE BYLAW 1990 NO. 3704

PROPERTY: 82 Fifth Street
LEGAL: Lot 15, Block 1, Section 1, Nanaimo District, Plan 1642
OWNER: Lucy Sun
Monica Sun
4673 Union Street
Burnaby, BC V5C 2Y2

BACKGROUND:

Following receipt of a complaint on 2006-Mar-03, the above property was inspected and found to contain household furniture, wood, discarded tree branches, garden waste, canopy and miscellaneous debris. Photographs were taken and are available for viewing.

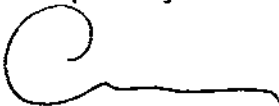
DISCUSSION:

This is the fourth property maintenance complaint about this address. A bylaw enforcement officer attended on site. A registered letter was sent to the owner advising that Council, at its meeting of 2006-Mar-27, will give consideration to ordering the property cleaned up pursuant to City of Nanaimo "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704". To date, the property has not been cleaned up.

RECOMMENDATION:

That Council, pursuant to "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704", direct the owner of the property to remove from the premises those items as set out in the attached resolution within fourteen (14) days, or the work will be undertaken by the City's agent at the owner's cost.

Respectfully submitted,



Randy Churchill
Manager of Bylaw Services



T.P. Seward
Director
Permits and Properties

COUNCIL : 2006-Mar-27

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

THAT pursuant to the provisions of the "PROPERTY MAINTENANCE BYLAW 1990 NO. 3704" IT IS HEREBY RESOLVED that:

Lucy Sun
Monica Sun
4673 Union Street
Burnaby, BC V5C 2Y2

owner of the property located at:

82 Fifth Street

which is legally known and described as:

Lot 15, Block 1, Section 1, Nanaimo District, Plan 1642

be directed to clean up the property described above, within 14 days after the service of this order, as Council deems the property to be unsightly due to the accumulation of household furniture, wood, discarded tree branches, garden waste, canopy, and miscellaneous debris.

and to specifically remove the household furniture, wood, discarded tree branches, garden waste, canopy, and miscellaneous debris.

AND BE IT FURTHER RESOLVED that in default of the removal, the municipality, by its employees and others, may enter and effect the removal at the expense of the person defaulting and the charges for so doing, if unpaid on December 31st in any year, shall be added to and form part of the taxes on the real property as taxes in arrears.

AND BE IT FURTHER RESOLVED that the Manager of Bylaw Services of the City of Nanaimo is hereby authorized to ensure that the requirements of this order are carried out as are provided for in the said bylaw.

Passed by the Council of the City of Nanaimo in open meeting assembled at Nanaimo, British Columbia this 27th day of March 2006.

FOR CITY MANAGER'S REPORT

REPORT TO: B.E.CLEMENS, ACTING GENERAL MANAGER OF ADMIN. SERVICES

FROM: K. L. BURLEY, MANAGER OF LEGISLATIVE SERVICES

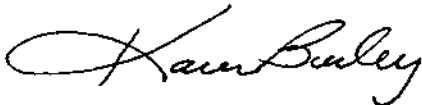
RE: REGIONAL DISTRICT OF NANAIMO PUMP AND HAUL BYLAW

BACKGROUND

Staff have received correspondence from the Regional District of Nanaimo advising that they have now given first three readings to "REGIONAL DISTRICT OF NANAIMO PUMP AND HAUL LOCAL SERVICE AREA AMENDMENT BYLAW NO. 975.42, 2006", which provides for the inclusion of one property within the District of Lantzville to the pump and haul program. As part of the approval process, the Ministry of Community Services requires the City's consent to this bylaw.

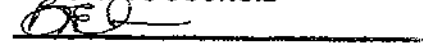
RECOMMENDATION: That the Council of the City of Nanaimo waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "REGIONAL DISTRICT OF NANAIMO PUMP AND HAUL LOCAL SERVICE AREA AMENDMENT BYLAW NO. 975.42, 2006", and further that the Regional District be notified accordingly.

Respectfully submitted,



K. L. Burley
MANAGER,
LEGISLATIVE SERVICES

TO: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL


DIRECTOR OF FINANCE
Deputy G.M., Admin. Services

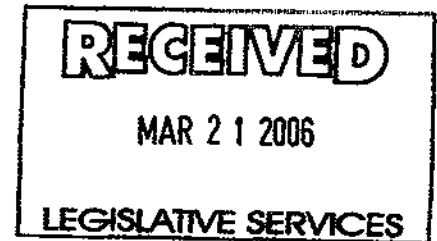
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☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27



REGIONAL
DISTRICT
OF NANAIMO

March 16, 2006



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

Attention: **Karen Burley**
Manager of Legislative Services

Re: **RDN Pump and Haul Local Service Area Amendment Bylaw No. 975.42**

The Board, at its regular meeting held February 28, 2006, introduced and read three times the above noted amendment bylaw. (copy attached) This bylaw proposes to add one property within the District of Lantzville to the pump and haul program. As part of the approval process, the Ministry of Community Services requires the City's consent to this bylaw.

It would be appreciated if your Council would endorse the following resolution:

MOVED _____, SECONDED _____, that the Council of the City of Nanaimo waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.42, 2006" and FURTHER that the Regional District be notified accordingly.

As the Ministry requires this consent to complete the approval process, it would be appreciated if you would consider this request at your next Council meeting.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Maureen Pearce
Manager of Administrative Services/
Deputy General Manager, Corporate Services

MMP:nat

Attachment

☒ Council
☐ Committee _____
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.42

**A BYLAW TO AMEND THE REGIONAL
DISTRICT OF NANAIMO PUMP AND
HAUL LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 975**

WHEREAS Regional District of Nanaimo Pump and Haul Local Service Area Establishment Bylaw No. 975, as amended, established the pump and haul local service area;

AND WHEREAS the Directors of Electoral Areas 'B', a defined portion of 'C', 'E', 'F', 'G' and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Councils of the City of Nanaimo and the District of Lantzville have consented, by resolution, to the adoption of Bylaw No. 975.42;

AND WHEREAS the Board has been requested to amend the boundaries of the local service area to include the following property:

Lot 1, District Lot 85, Plan 15245, Wellington Land District (District of Lantzville)

NOW THEREFORE the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 975.41 is hereby repealed and replaced with Schedule 'A' attached hereto and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.42, 2006".

Introduced and read three times this 28th day of February, 2006.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2006.

Adopted this _____ day of _____, 2006.

CHAIRPERSON

DEPUTY ADMINISTRATOR

Chairperson

Deputy Administrator

BYLAW NO. 975.42

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 24, Section 5, Plan 19972, Nanaimo Land District.
5. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
6. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
9. Lot 7, Section 18, Plan 17698, Nanaimo Land District.
10. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
11. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
12. Lot 85, Section 18, Plan 21586, Nanaimo Land District.

Electoral Area 'C' (Defined portion)

Electoral Area 'E'

1. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.
2. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
3. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
4. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
5. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
6. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
7. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
8. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
9. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
10. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
11. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
12. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
13. Lot 53, District Lot 78, Plan 14275, Nanoose Land District.
14. Lot 12, District Lot 8, Plan 20762, Nanoose Land District.

Electoral Area 'F'

1. Lot 22, District Lot 74, Plan 29012, Cameron Land District.
2. Lot 2, District Lot 74, Plan 36425, Cameron Land District.
3. Lot A, Salvation Army Lots, Plan 1115, Except part in Plan 734 RW, Nanoose Land District.
4. Strata Lot 179, Block 526, Strata Plan VIS4673, Cameron Land District.
5. Strata Lot 180, Block 526, Strata Plan VIS4673, Cameron Land District.
6. Strata Lot 181, Block 526, Strata Plan VIS4673, Cameron Land District.
7. Strata Lot 182, Block 526, Strata Plan VIS4673, Cameron Land District.
8. Strata Lot 183, Block 526, Strata Plan VIS4673, Cameron Land District.

Electoral Area 'G'

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.

Electoral Area 'H'

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 2, District Lot 9, Plan 21610, Newcastle Land District.
8. District Lot 2001, Nanaimo Land District.
9. Lot 1, District Lot 40, Plan 16121, Newcastle District

City of Nanaimo

1. Lot 43, Section 8, Plan 24916, Wellington Land District.

District of Lantzville

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.
3. Lot 1, District Lot 85, Plan 15245, Wellington Land District.

FOR CITY MANAGER'S REPORT

REPORT TO: B.E.CLEMENS, ACTING GENERAL MANAGER OF ADMIN. SERVICES

FROM: K. L. BURLEY, MANAGER OF LEGISLATIVE SERVICES

RE: REGIONAL DISTRICT OF NANAIMO REGIONAL PARKS
AND TRAILS SERVICE LOAN AUTHORIZATION BYLAW

BACKGROUND

Staff have received correspondence from the Regional District of Nanaimo advising that they have now given first three readings to "REGIONAL DISTRICT OF NANAIMO REGIONAL PARKS AND TRAILS SERVICE LOAN AUTHORIZATION BYLAW NO. 1476, 2006", which proposes to authorize the borrowing for the purpose of acquiring land for a regional park. As part of the approval process, the Ministry of Community Services requires the City's consent to this bylaw.

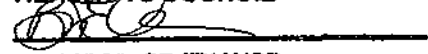
RECOMMENDATION: That the Council of the City of Nanaimo waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "REGIONAL DISTRICT OF NANAIMO REGIONAL PARKS AND TRAILS SERVICE LOAN AUTHORIZATION BYLAW NO. 1476, 2006", and further that the Regional District be notified accordingly.

Respectfully submitted,



K. L. Burley
MANAGER,
LEGISLATIVE SERVICES

TO: CITY MANAGER
FORWARDED FOR CITY MANAGERS
REPORT TO COUNCIL



DIRECTOR OF FINANCE
Deputy Gen. Admin. Services

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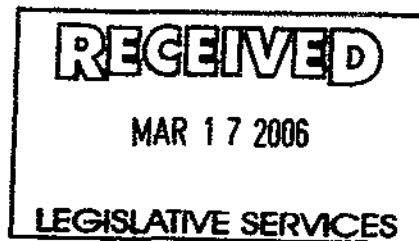
☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006-MAR-27



REGIONAL
DISTRICT
OF NANAIMO

March 14, 2006

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



City Manager	<input checked="" type="checkbox"/>	Mayor & Council	<input checked="" type="checkbox"/>
Deputy City Mgr.	<input checked="" type="checkbox"/>	Directors	<input checked="" type="checkbox"/>
GM Admin Svcs	<input checked="" type="checkbox"/>	Fire	<input checked="" type="checkbox"/>
GM Comm Svcs	<input checked="" type="checkbox"/>	RCMP	<input checked="" type="checkbox"/>
GM Dev Svcs	<input checked="" type="checkbox"/>		
FOR ACTION	<input checked="" type="checkbox"/>	FOR INFO	<input checked="" type="checkbox"/>

2006-MAR-17 05

Attention: Karen Burley, City Clerk

Re: RDN Regional Parks and Trails Service Loan Authorization Bylaw No. 1476

The Board, at its regular meeting held February 28, 2006, introduced and read three times the above noted amendment bylaw. (copy attached) This bylaw proposes to authorize borrowing for the purpose of acquiring land for a regional park. As part of the approval process, the Ministry of Community Services requires the City's consent to this bylaw.

It would be appreciated if your Council would endorse the following resolution:

MOVED _____, SECONDED _____, that the Council of the City of Nanaimo waive the consent requirements under Section 801.4 of the *Local Government Act* by consenting to the adoption of "Regional District of Nanaimo Regional Parks and Trails Service Loan Authorization Bylaw No. 1476, 2006" and FURTHER that the Regional District be notified accordingly.

As the Ministry requires this consent to complete the approval process, it would be appreciated if you would consider this request at your next Council meeting.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Maureen Pearce

Maureen Pearce
Manager of Administrative Services/
Deputy General Manager, Corporate Services

MMP:nat

Attachment

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee	Delegation	<input type="checkbox"/>
<input type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>

Meeting Date: 2007-Mar-27

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1476

A BYLAW TO AUTHORIZE BORROWING FOR THE PURPOSE OF ACQUIRING LAND FOR A REGIONAL PARK

WHEREAS Regional District of Nanaimo Bylaw No. 1231, 2001 established the "Regional District of Nanaimo Regional Parks and Trails Service";

AND WHEREAS the Board wishes to acquire land for the service;

AND WHEREAS the estimated cost of acquiring, constructing, improving or otherwise obtaining the land is the sum of \$950,000;

AND WHEREAS the financing of this capital purchase is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between the Authority and the Regional District of Nanaimo;

NOW THEREFORE, the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. The Board is hereby empowered and authorized to acquire and carry out or cause to be carried out the following capital program:

Land acquisition – legally described as:

Block 1161, Mountain District PID 000-010-294

East 10 Chains of Section 7, Range 3, Mountain District PID 000-010-286

Block 787, Mountain District, except part shown outlined in red on Plan 2334 RW and except part in Plan 28907 and VIP75642

2. To borrow upon the credit of the Regional District a sum not exceeding \$950,000.
3. To acquire all such real and personal property, rights or authorities as may be requisite or desirable for, or in connection with, the foregoing capital program, and all related ancillary works and equipment deemed necessary by the Board for the management of the service authorized under "Regional District of Nanaimo Regional Parks and Trails Service Area Conversion Bylaw No. 1231, 2001".
4. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 5 years.

5. This bylaw may be cited for all purposes as "Regional District of Nanaimo Regional Parks and Trails Service Loan Authorization Bylaw No. 1476, 2006".

Introduced and read three times this 28th day of February, 2006

Received the approval of the Inspector of Municipalities this ____ day of _____, 2006.

Adopted this ____ day of _____, 2006.

CHAIRPERSON

DEPUTY ADMINISTRATOR

FOR CITY MANAGER'S REPORT

REPORT TO: K.M. (MAC) MACKENZIE, DIRECTOR, ENGINEERING & PUBLIC WORKS

FROM: WAYNE HANSEN, MANAGER, WATER SUPPLY

RE: REMEDIAL REPAIRS TO DUKE POINT WATERMAIN PART F & G

BACKGROUND:

In 2006 a tender was prepared and advertised for the repair of the internal lining on the Duke Point Watermain. The tender was prepared in two sections, Part F and G.

Only two tenders were received one of which had to be rejected because it was late. The late bidder advised, at the request of Hub Excavating, that their bid was over \$1,500,000.

The Budget, Engineers Estimate and Tender Results are as follows:

Budget	Construction Estimate	\$1,090,000
	Inspection Services	\$123,000
	Alternate Water Supply	\$78,000
	2006 Budget Fund Reallocation	\$100,000
	Total	\$1,391,000

Contractor	Part F	Part G	Total Bid
Hub Excavating	\$835,269	\$372,527	\$1,207,796
Sparker Construction	TENDER REJECTED		


DISCUSSION:


The original budget of \$1,291,000 has been revised to \$1,391,000 and includes provisions for alternate water supply and inspections services. Hub Excavating has successfully completed 3 previous sections to the satisfaction of the City of Nanaimo and coating inspectors.

RECOMMENDATION:

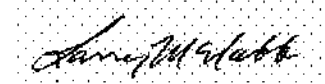
That Council award contract for Remedial Repairs to the Duke Point Watermain Part F and G to Hub Excavating.

Respectfully submitted,


Wayne Hansen
Manager, Water Supply


K.M. (Mac) MacKenzie
Director, Engineering
and Public Works

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2006 MAR-27


Larry McNabb, Chairman
Water Supply Advisory
Committee

WH/sp
g:Admin/RemedialRepairsDukePointWMPartF&G

FOR INFORMATION ONLY

REPORT TO: B. E. CLEMENS, ACTING GENERAL MANAGER OF ADMIN. SERVICES

FROM: K. L. BURLEY, MANAGER OF LEGISLATIVE SERVICES

RE: FINANCIAL DISCLOSURE STATEMENTS

BACKGROUND:

Tuesday, 2006-MAR-21 was the deadline for all candidates to file their financial disclosure statements. The name of any candidate for whom a disclosure statement is not filed within the time period must be presented at an Open Meeting as per Section 92(2)(1)(a) of the *Local Government Act*

Mr. Jeff Legrow did not file his disclosure statement by the above-noted deadline. Failure to file the Campaign Financing Disclosure Statement by the deadline will result in the following:

- If the Disclosure Statement is filed within 30 days after the deadline (2006-APR-19) the candidate must pay to the City of Nanaimo a late filing penalty of \$500.
- If the Disclosure Statement is not filed by 2006-APR-19 (after the initial 30-day time period), a candidate is disqualified from being nominated for, elected to or holding office on a local government, Vancouver City Council, board of school trustee, or as a local trustee of the Islands Trust, until after the next general local election.

As per Section 91 of the *Local Government Act*, Mr. Legrow may apply to the Supreme Court for relief from an obligation to file a disclosure statement; however, the application must be made before 2006-APR-19 (the end of the late filing period).

RECOMMENDATION:


That Council receive the report for information.

Respectfully submitted,



K. L. Burley
MANAGER
LEGISLATIVE SERVICES

TO: CITY MANAGER
FORWARDED FOR CITY MANAGER
REPORT TO COUNCIL


DIRECTOR OF FINANCE
Deputy G.M., Admin. SVCS.

- ☒ Council
- ☐ Committee
- ☒ Open Meeting
- ☐ In-Camera Meeting

Meeting Date: 2006-MAR-27

CITY OF NANAIMO

BYLAW NO. 4000.389

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.389".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By deleting Subsection 9.28.3.4 and replacing it with the following:

Notwithstanding Subsection 9.28.3.1, in the case of Lot A, Section 1, Nanaimo District, Plan VIP63943 (38 Front Street), a maximum permitted *floor area ratio* shall not exceed 6.30.
 - (2) By deleting Subsection 9.28.6.5 and replacing it with the following:

Notwithstanding Subsections 9.28.6.1 and 9.28.6.2, the maximum *height* in the case of Lot A, Section 1, Nanaimo District, Plan VIP63943 (38 Front Street) shall not exceed 63.4 metres (208 feet).

PASSED FIRST AND SECOND READINGS 2006-FEB-27.

PUBLIC HEARING HELD 2006-MAR-16.

PASSED THIRD READING _____.

APPROVED BY MINISTRY OF TRANSPORTATION _____.

ADOPTED _____.

MAYOR

MANAGER
LEGISLATIVE SERVICES

File: RA000160
Address: 38 Front Street
Applicant: Bill Wright

CITY OF NANAIMO

BYLAW NO. 7026

A BYLAW AUTHORIZING THE CITY OF NANAIMO, PROVINCE OF BRITISH COLUMBIA,
TO ESTABLISH THE COMMUNITY WORKS RESERVE FUND

WHEREAS the Government of Canada, the Province of British Columbia and the Union of British Columbia Municipalities (UBCM) have entered into an agreement under the New Deal for Cities and Communities on the Transfer of Federal Gas Tax Revenues;

WHEREAS all funds distributed to the City of Nanaimo under the terms of the said agreement and investment earnings on those funds must be segregated;

WHEREAS the 2005 distribution of funds to the City of Nanaimo was \$624,581.; and

WHEREAS the accumulated funds in the Community Works Reserve Fund will be used to acquire tangible capital assets and capacity building operating expenditures as defined in the New Deal for Cities and Communities on the Transfer of Federal Gas Tax Revenues.

THEREFORE the Council of the City of Nanaimo in open meeting assembled, ENACTS
AS FOLLOWS:

1. This Bylaw may be cited as "COMMUNITY WORKS RESERVE FUND ESTABLISHING BYLAW 2006 NO. 7026";
2. Annual funds received from UBCM through the Community Works Fund shall be placed in this Reserve Fund;
3. Funds from UBCM, in the amount of \$624,581. were received by the City of Nanaimo in 2005 and placed into this reserve fund; and
4. Money in this reserve fund, and interest earned on it, will be used only for the purpose for which the fund was established.

PASSED FIRST, SECOND AND THIRD READINGS 2006-MAR-13.
ADOPTED _____.

MAYOR

MANAGER,
LEGISLATIVE SERVICES

4000.316

"ZONING BYLAW AMENDMENT BYLAW 2003 NO. 4000.316" (To rezone property from RS-1 to IS-1A to permit the development of a commercial service centre at 4777 and 4797 Island Highway North.)

Passed first and second readings 2003-DEC-01. Public Hearing held 2004-JAN-08. Passed third reading 2004-JAN-12. Approved by Ministry of Transportation 2004-JAN-22. Requires registration of a restrictive covenant prior to final adoption.

4000.328

"ZONING BYLAW AMENDMENT BYLAW 2003 NO. 4000.328" (ZA1-60 – text amendment to incorporate recommendations of the Neighbourly House Committee re: Protection Island Zone.)

Passed first and second readings 2003-JUN-09. Public Hearing held 2003-JUL-03.

4000.345

"ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.345" (RA000101 – to rezone part of 2350 Labieux Road and part of 2517 Bowen Road from C-7 to RM-3 in order to permit a townhouse development.)

Passed first and second readings 2004-MAR-08. Public Hearing held 2004-APR-01. Passed third reading 2004-APR-19. Approved by Ministry of Transportation 2004-APR-27. Requires registration of a restrictive covenant prior to final adoption.

4000.363

"ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.363" (RA000127 – to rezone property from RS-1 and RM-1 to C-13 to permit the expansion of an existing automobile dealership at 4169, 4171 and 4181 Wellington Road.)

Passed first and second readings 2004-SEP-13. Public Hearing held 2004-OCT-07. Passed third reading 2004-OCT-18. Approved by Ministry of Transportation 2004-OCT-21. Requires registration of a restrictive covenant prior to final adoption.

4000.381

"ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.381" (to rezone property from RS-7 to RM-5 in order to construct a 25-unit multiple family residential development at 347 Seventh Street).

Passed first and second readings 2005-OCT-17. Public Hearing held 2005-NOV-03. Passed third reading 2005-NOV-28. Approval by Ministry of Transportation 2005-DEC-02. Requires registration of a restrictive covenant prior to final adoption.

4000.382

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.382" (RA000150 - to rezone property from A-2 to RS-1 in order to develop a 19-lot single family bare land strata subdivision at 6191 Doumont Road).

Passed first and second readings 2006-FEB-13. Passed third reading 2006-MAR-13. Requires approval from Ministry of Transportation prior to final adoption.

4000.383

"ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.383" (RA000155 – to rezone property at 3721 Shenton Road from Single Family Residential Zone (RS-1) to Suburban Office Zone (C-15) in order to construct an office building).

Passed first and second readings 2005-DEC-19. Public Hearing held 2006-JAN-05. Passed third reading 2006-JAN-23. Requires approval from Ministry of Transportation prior to final adoption.

4000.385

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.385" (RA000153 - to rezone property from I-2 to IS-1a in order to develop an automobile sales and service dealership at 2474 Kenworth Road)

Passed first and second readings 2006-FEB-13. Passed third reading 2006-MAR-13. Requires approval from Ministry of Transportation and registration of a restrictive covenant prior to final adoption.

4000.386

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.386" (RA000152 - to rezone property from RM-8 to RS-6 in order to develop a 70-lot single family subdivision at 265 Ninth Street)

Passed first and second readings 2006-FEB-13. Passed third reading 2006-MAR-13. Requires registration of a restrictive covenant prior to final adoption.

4000.387

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.387" (RA000130 - to allow "Parking Lots" as a site specific use at 3054 and 3058 Barons Road)

Passed first and second readings 2006-FEB-13. Passed third reading 2006-MAR-13.

4000.388

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.388" (RA000157 - to rezone property from RS-1 to I-2 in order to expand the adjacent Inland Kenworth operation at 2113 Boxwood Road)

Passed first and second readings 2006-FEB-13. Passed third reading 2006-MAR-13.

4000.389

"ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.389" (RA000160 - site specific amendment to the C-28 zone to increase the maximum height and density for a building under construction at 38 Front Street)

Passed first and second readings 2006-FEB-27. Public Hearing held 2006-MAR-16. Requires approval from Ministry of Transportation and registration of a restrictive covenant prior to final adoption.

6000.054

"OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2004 NO. 6000.054" (OCP00011 – to redesignate the property at 6975 Island Highway North from District of Lantzville 'Gateway Lands' to City of Nanaimo 'Woodgrove Regional Shopping Town Centre'.)

Passed first and second readings 2004-MAR-22. Public Hearing held 2004-APR-15. Passed third reading 2004-MAY-03.

7013.01

"DEVELOPMENT PARKING REGULATIONS BYLAW AMENDMENT BYLAW 2006 NO. 7013.01" (ZA1-75 - to add parking requirements for "Retail Trade and Services Centres" and amend parking requirements for "Shopping Centres")

Passed first and second readings 2006-FEB-13.

7025

"HIGHWAY CLOSURE AND DEDICATION REMOVAL BYLAW 2006 NO. 7025" (to close the road right-of-way between Second Street and Montague Road for the purpose of creating two fee simple lots.)

Passed first, second and third readings 2006-MAR-13.

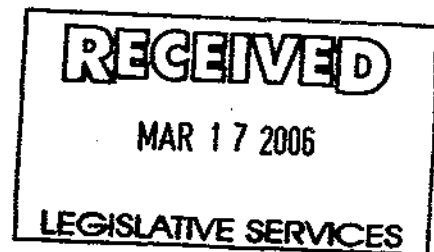
7026

"COMMUNITY WORKS RESERVE FUND ESTABLISHING BYLAW 2006 NO. 7026" (to confirm the establishment of Community Works Reserve Fund and determine allowable expenditures from the fund.)

Passed first, second and third readings 2006-MAR-13.

Seniors Advocacy Project

March 13, 2006



Dear Mayor and Councillors:

In BC today, seniors have no formal advocates. With massive changes in health and housing programs for seniors in British Columbia, seniors' organizations, along with many groups and individuals, have raised numerous concerns about the impact of these changes on the health and well-being of seniors in communities across the province.

In May 2003, fifteen seniors' organizations in British Columbia formed the Seniors' Advocacy Steering Committee to discuss concerns about the state of advocacy services for seniors and seniors' ability to advocate on their own behalf. Appendix A provides a description of the Seniors Advocacy Project that emerged out of these discussions including subsequent developments regarding multi-cultural communities and Seniors' Advocacy Offices. The Seniors' Advocacy Steering Committee's long term goal is to secure provincial and federal funding to establish and maintain community-based advocacy offices.

We are asking municipalities to endorse the concept of regional Seniors' Advocacy Offices by:

- 1) Passing a motion of support in principle for Seniors' Advocacy Offices in municipalities across the province (See Appendix B);
- 2) Forwarding their expression of support of this resolution to the Union of BC Municipalities (UBCM) convention in the Fall of 2006;
- 3) Requesting the UBCM to obtain the provincial government's support for this initiative; and
- 4) Forwarding their resolution to the Federation of Canadian Municipalities (FCM) to obtain the federal government's support for this B. C. initiative.

Many of the issues described in the appendices also impact people with disabilities. Due to the mandate and membership of the Seniors Advocacy Steering Committee, this proposal is for the creation of Seniors Advocacy Offices, however, a similar initiative involving people with disabilities may be appropriate and easily integrated in the seniors' advocacy network. We have already submitted funding proposals to Vancouver Foundation, Vancity Foundation and New Horizons to set up infrastructure for establishing these bureaus throughout the province.

Your assistance is essential to ensure that seniors can obtain, from all levels of government and institutions, the entitled services and supports mandated by existing legislation and policies. Your support can provide the leverage to bring forward a resolution at the UBCM and ultimately at the FCM. Once established, the Seniors Advocacy Network can serve as a venue for seniors to provide valuable feedback to all levels of government regarding the impact of respective policies and legislation to effectively protect seniors' health and quality of life in British Columbia.

Sincerely,

Joyce Jones
Chairperson
Seniors' Advocacy Steering Committee.
411 Dunsmuir St
Vancouver, BC., V6B 1X4
www.411seniors.bc.ca

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee.....	Delegation	<input type="checkbox"/>
<input type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input checked="" type="checkbox"/>
Meeting Date: <u>2006 Mar 27</u>		

Seniors Advocacy Project

Appendix-A: Summary of Seniors' Advocacy Project

Phase One – Research

The research portion of the Seniors' Advocacy Project, was sponsored by Health Canada through the VOICES Program and was completed between December 2003 and August 2004. This phase investigated two questions: 1) what supports do seniors in B.C. (and those who work with them) need to become full participants in policy development; and 2) how can seniors' organizations be strengthened to collaborate on advocacy.

Between January and March 2004, over 230 people from 17 communities representing five regions in B.C. participated in 24 focus groups and 11 interviews. Four themes were discussed:

1. The current status of advocacy supports for seniors;
2. Barriers to effective participation in public policy development;
3. The extent to which seniors' issues are identified and brought forward to decision-makers in government; and
4. Ways to build networks and linkages that will strengthen voluntary organizations working in health in B.C. to influence key policies affecting seniors.

Findings from the focus groups indicate that seniors in British Columbia feel they do not have meaningful input into developing the public policies that affect them. The ability of individual seniors to either self-advocate or be involved in policy development is limited by their personal or social circumstances and the lack of political will of the decision-makers. Seniors are more likely to have their concerns heard if they join others in organizations with compatible goals.

In addition, the research shows that while voluntary organizations provide a wide range of advocacy for seniors, the ability of these organizations to respond to increasing demands is limited by funding reductions and the consequent loss of knowledgeable staff. These additional constraints also limit the time and resources available to work on policies that affect seniors. Participants feel it is crucial for voluntary organizations to build skills in public policy development. Collaborating with other organizations and all levels of government is both necessary and desirable.

Key recommendations, based on the general views of participants, call on all levels of government to provide active support to voluntary organizations that will allow them to collaborate in policy development. This support must include:

1. Promoting the process of collaborative public policy development;
2. Financial resources for collaboration in the organizations' core budgets;
3. Development of policy expertise in the non-profit sector;
4. Ensuring that equity and ethnic groups are present at the policy table; and
5. Developing a variety of ways to reach citizens in both rural and urban communities.

Seniors Advocacy Project

Phase Two (A) – Advocacy Training Materials (September 2004 – December 2005)

In September 2004, Phase Two of the Seniors Advocacy Project was launched. The intent of Phase Two was twofold: 1) build community capacity through more effective and more accessible advocacy for seniors, and 2) initiate means to facilitate the self-advocacy of seniors so that they can increase their involvement with community development in their regions.

A primary outcome of Phase Two was the development of seniors' advocacy training materials. These materials addressed knowledge and skills applicable to self-advocacy, volunteer peer advocacy delivered through seniors-serving organizations, and advocacy at the public policy level.

The development of the training manual included consultation with seniors' advocates across the province of British Columbia to identify both general and regional training requirements. The training modules, including the information gathered through these consultations, were piloted in four regions of BC. An email list-serve was also established in order to provide the trained advocates with a forum to discuss their activities and experiences as they proceed with the work of advocacy for seniors.

Phase Two (B) – Multicultural Advocacy Training

Early in 2005, the Seniors Advocacy Steering Committee and 411 Seniors Centre applied to and received funding from Vancity Foundation to translate the training modules into culturally and ethnically appropriate language format. Given the amount of material and timeline of the grant, the Committee chose to translate the material into three languages: Punjabi, Spanish and Vietnamese. The manuals can be translated into other languages in the future, as further funding opportunities are explored.

Phase Three – Creation of Seniors Advocacy Bureaus

The need for a third phase of the Seniors Advocacy Project emerged from the research done in Phase One. Seniors and seniors' advocates want assurance that the development of training materials and a first round of training are only the preliminary steps toward the establishment of permanent advocacy services for seniors throughout the province of British Columbia.

The vision for Phase Three is to implement volunteer-delivered advocacy services that are linked to existing community services for seniors. The Committee plans to examine which supports, structures, and mechanisms community seniors' organizations across the province may require in order to provide advocacy services for seniors, particularly those who are frail and vulnerable. The role of the volunteer advocates would be to assist seniors in dealing with a broad range of institutions, service providers and government organizations. The approach would be solution-oriented and focus on developing effective strategies for addressing issues and problems as they arise.

In addition, Phase Three will involve the ongoing training of more seniors' advocates, training for seniors' advocates in the Punjabi, Spanish and Vietnamese communities, and the strengthening of advocacy networks established in Phase Two. The Committee has also applied for separate funding from Vancity to create a health advocacy training model, which would be developed in conjunction with the BC Health Coalition and administered by the 411 Seniors Centre. This model will focus specifically on dealing with the health care system and the means of 'navigating' through the system.

Leonard Krog, MLA
(Nanaimo)
Parliament Buildings
Victoria, BC
V8V 1X4
Phone: (250) 953-4696
Website address: www.bcndpcaucus.ca



Province of
British Columbia
Legislative Assembly

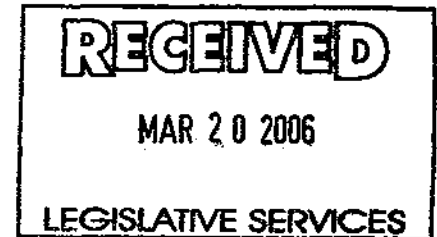


Leonard Krog, MLA
(Nanaimo)

Community Office:
4-77 Victoria Crescent
Nanaimo, BC
V9R 5B9
Phone: (250) 714-0630
Fax: (250) 714-0859

March 16th, 2006

Mayor Gary Korpan
City of Nanaimo
455 Wallace Street
Nanaimo, BC
V9R 5J6



Re: National Childcare Plan

Dear Mayor Korpan,

As you know, the newly elected federal Conservative Government has abandoned the childcare agreements previously signed with a number of provincial governments, including British Columbia. The loss of this federal funding is of great concern to British Columbians, as quality childcare is a vital component to ensuring healthy families and strong communities. I have enclosed a motion that I would ask the Nanaimo City Council to consider adopting.

Whereas the City of Nanaimo has numerous families requiring licensed, quality, and affordable childcare;

And whereas the former federal government committed almost \$5 billion over 5 years to establish a national childcare program, of which \$633 million would have to come to BC;

And whereas the current federal government will abandon these agreements in March of 2007;

And whereas the current federal government is replacing the national childcare plan with individual taxable payments to families with children;

And whereas the suggested bonus of \$1,200 a year will cover just over one month's cost for children under 18 months;

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee.....	Delegation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input checked="" type="checkbox"/>
Meeting Date: <u>2006 - Mar - 27</u>		

And whereas the provincial government has failed to oppose the cancellation of the federal agreement despite the very strong public concern expressed by other provincial premiers, families and the childcare community;

Therefore, Be It Resolved that the City of Nanaimo writes a letter to the federal government urging that they maintain their commitment to the Federal Early Learning and Childcare Agreement;

And Be It Further Resolved that the City of Nanaimo write a letter to the province encouraging them to stand up for the BC families by joining with other provinces and publicly opposing the elimination of a national childcare program.

I am forwarding a copy of this letter to all members of Council with the suggestion that any one of them, or a group of them, sponsor this motion.

I would be happy to hear from you, or any members of council, on this important matter.

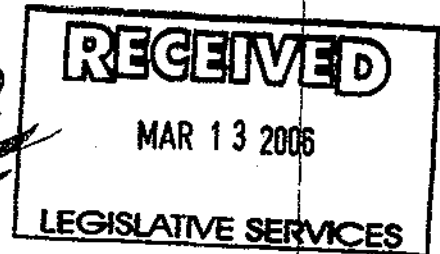
Yours truly,



**LEONARD KROG, MLA
NEW DEMOCRAT OFFICIAL OPPOSITION
NANAIMO**

LK/pc

Cc: Mr. Bill Bestwick
Ms. Diane Brennan
Ms. Joy Cameron
Mr. William Holdom
Mr. Larry McNabb
Mr. Jeet Manhas
Mr. John Sherry
Mr. Merv Unger



REQUEST TO APPEAR AS A DELEGATION

ON 2006 - March - 27
year month day



COUNCIL

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)



FINANCE / POLICY COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: <u>Jan Nilsson W.T.H of Gerry Owen and Charlie Fox</u>			
Print			
ADDRESS: <u>5343 Scenic Place</u>	<u>Nanaimo</u>	<u>BC</u>	<u>V9T 5Z9</u>
street address	City	Province	Postal Code
PHONE: <u>756-3927</u>	<u>na</u>	FAX: <u>na</u>	
home	business		
NAME OF APPLICANT IF OTHER THAN ABOVE: _____			
DETAILS OF PRESENTATION:			
<p>In a few months, three Nanaimo men will embark on a remarkable journey to raise awareness about mental illness. In particular, they hope to help the public make the connection between mental illness and homelessness.</p> <p>The three men - Jan Nilsson, Gerry Owen and Charlie Fox - are riding their bikes all the way from Nanaimo, British Columbia, to St. John's Newfoundland. They will leave on May 1, 2006, and plan to arrive in St. John's at the beginning of August.</p> <p>We like to inform city council of this project and hope for city support .</p>			

Exhibit Form

PLEASE NOTE

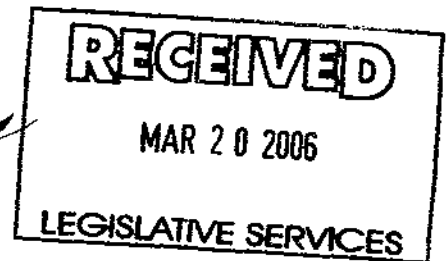
- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

Legislative Services Department
455 Wallace Street, Nanaimo BC V9R 6S6

☒ Council
☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006-MAR-27

☐ Agenda Item
☒ Delegation
☐ Proclamation
☐ Correspondence

Phone: (250) 755-4405
 Fax: (250) 755-4435
 legislativeservices.office@nanaimo.ca



REQUEST TO APPEAR AS A DELEGATION

ON 2006 - March - 27th
year month day



COUNCIL

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)



FINANCE / POLICY COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: <u>James Cunningham</u>			
Print			
ADDRESS: <u># 18 - 564 5th street</u>	<u>Nanaimo</u>	<u>BC</u>	<u>V9R- 1P4</u>
street address	City	Province	Postal Code
PHONE: <u>(250) 618-5638</u>		FAX: _____	
home	business		
NAME OF APPLICANT IF OTHER THAN ABOVE: _____			
DETAILS OF PRESENTATION:			
<p>Asking council to consider a review of the current street entertainers bylaw. And giving reasons why.</p>			

Erase Form

PLEASE NOTE

Email Form

- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

Legislative Services Department
455 Wallace Street, Nanaimo BC V9R 5J6

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006- MAR- 27

Agenda Item
☐ Delegation
☐ Proclamation
☐ Correspondence

Phone: (250) 755-4405
 Fax: (250) 755-4435
 legislative.services.office@nanaimo.ca

RECEIVED

MAR 22 2006

REQUEST TO APPEAR AS A DELEGATION

ON 2006 - 03 - 27
year month day

LEGISLATIVE SERVICES



COUNCIL

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)



FINANCE / POLICY COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: <u>MIKE HUNTER</u>			
Print			
ADDRESS: <u>3146 ROBIN HOOD DR</u>	<u>NANAIMO</u>	<u>BC</u>	<u>V9T 1P1</u>
street address	City	Province	Postal Code
PHONE: <u>250 758 0599</u>	<u>250 729 1208</u>	FAX: _____	
home	business		
NAME OF APPLICANT IF OTHER THAN ABOVE: <u>CRYSTAL METH TASK FORCE</u>			
DETAILS OF PRESENTATION:			
<u>TO PRESENT FINAL REPORT OF CRYSTAL METH TASK</u>			
<u>FORCE AND TO RECOMMEND ITS WINDING UP.</u>			
		<input checked="" type="checkbox"/> Council <input type="checkbox"/> Committee <input checked="" type="checkbox"/> Open Meeting <input type="checkbox"/> In-Camera Meeting	Agenda Item Delegation Proclamation Correspondence
		Meeting Date: <u>2006-MAR-27</u>	

PLEASE NOTE

- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

SUPPLEMENTAL AGENDA

FOR THE REGULAR MEETING OF THE TWENTY-THIRD COUNCIL
OF THE CITY OF NANAIMO, TO BE HELD IN THE REGIONAL DISTRICT OF NANAIMO
BOARD CHAMBERS, 6300 HAMMOND BAY ROAD, NANAIMO, B.C.
ON MONDAY, 2006-MAR-27, COMMENCING AT 7:00 P.M.

1. **PRESENTATIONS:**

2. **INTRODUCTION OF LATE ITEMS:**

3. **DELEGATIONS PERTAINING TO AGENDA ITEMS:** *(green)* (10 MINUTES)

- (c) Ms. June Ross, #5 – 3400 Rock City Road, Nanaimo, B.C., requesting Council pass the attached resolution for Seniors' Advocacy Offices in municipalities across the Province (resolution attached). *Pg. 1-2*
- (d) Mr. Daniel G. Appell, 3233 Fieldstone Way, Nanaimo, B.C., regarding the Departure Bay Trail. [Note: This appears as Item 8 (a) under the Parks, Recreation and Culture Commission Report.] *Pg. 3*
- (e) Mr. Malcolm W. Reville, 219 Cilaire Drive, Nanaimo, B.C., regarding the Departure Bay Trail. [Note: This appears as Item 8 (a) under the Parks, Recreation and Culture Commission Report.] *Pg. 4-11*

4. **MAYOR'S REPORT:**

5. **PROCLAMATIONS:**

6. **REPORTS OF ADVISORY BODIES:**

7. **PARKS, RECREATION AND CULTURE COMMISSION:**

8. **CITY MANAGER'S REPORT:** *(blue)*

Synopsis *Pg. 12-13*

(15) New Nanaimo Centre/Vancouver Island Conference Centre – Final Agreements With Development Partner and Notification of New Joint Venture Partner. *Pg. 14-16*

(16) Property Tax Roll Preparation Bylaw *Pg. 17*

9. **INFORMATION ONLY ITEMS:**

10. **RECONSIDERATION OF BYLAWS:**

11. **INTRODUCTION OF BYLAWS:**

- (a) That "PARCEL TAX ROLL PREPARATION BYLAW 2006 NO. 7027" (to direct the preparation of a Parcel Tax Roll to impose a parcel tax for the purpose of acquiring, developing and operating regional parks and regional trails) be given first, second and third readings. *Pg. 18*

12. **INTRODUCTION OF DEVELOPMENT BYLAWS:**

13. **CORRESPONDENCE:**

- (c) Email dated 2006-MAR-09 from Ms. Suzanne Crowhurst Lennard, Director, International Making Cities Livable (IMCL) Conferences, regarding the 44th IMCL Conference in Sante Fe, from 2006-MAY-18 to 2006-MAY-22. (Councillor Holdom would like to attend and is seeking approval to have travel and out-of-pocket expenses covered.) *Pg. 19-21*
- (d) Email dated 2006-MAR-26 from Mr. Harvey Jenkins, and Ms. Sharron Bertchilde, #307 – 355 Stewart Avenue, Nanaimo, B.C., regarding the Departure Bay Trail. [Note: This appears as Item 8 (a) under the Parks, Recreation and Culture Commission Report.] *Pg. 22*

14. **COUNCIL APPOINTMENTS:**

15. **NOTICE OF MOTION:**

16. **CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:**

17. **DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA:**
(*green*) (10 MINUTES)

RECEIVED

MAR 27 2006

LEGISLATIVE SERVICES

REQUEST TO APPEAR AS A DELEGATION

ON 2006 - March - 27th
year month day



COUNCIL

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)



FINANCE / POLICY COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: June Ross

ADDRESS: #5, 3400-Rock City Road, Nanaimo BC V9T 6E4
street address City Province Postal Code

PHONE: 729-0185 FAX:
home business

NAME OF APPLICANT IF OTHER THAN ABOVE:

DETAILS OF PRESENTATION:

You have the Senior's Advocacy Project on your agenda. As a trained senior's advocate in Nanaimo, currently operating from the Bowen Senior's Complex and shortly to begin at the Nanaimo Women's Resource Centre, I want to briefly speak to the letter you have received from the Chairperson of the Seniors' Advocacy Steering Committee and to the importance of our City dealing with the resolution that is a part of this letter.

☒ Council
☐ Committee
☒ Open Meeting
☐ In-Camera Meeting
Meeting Date
Agenda Item
Delegation
Proclamation
Correspondence
Email Form
2006 MAR 27
Supplemental

Erase Form

PLEASE NOTE

- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
- Please submit a written copy of your presentation to the Recording Secretary either at, or prior to, the Meeting.
- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

Legislative Services Department
455 Wallace Street, Nanaimo BC V9R 5J6

Phone: (250) 755-4405
Fax: (250) 755-4435
legislativeservices.office@nanaimo.ca

Seniors Advocacy Project

Appendix B: Sample Resolution:

WHEREAS there are no coordinated seniors' advocacy services funded by any level of government;

AND WHEREAS the seniors population is increasing dramatically at the same time that government funding cutbacks are severely impacting seniors;

AND WHEREAS this gap in social policy is leading to potential abuse of seniors, causes unnecessary anxiety to seniors and their families, and places additional stress on municipalities;

AND WHEREAS [insert name of the City/Municipality] has previously expressed concerns to the Province regarding legislation such as the Community Care and Assisted Living Act – specifically with respect to the legislation's narrowness of application and lack of provisions for accountability and monitoring for facilities supplying housing, care or services to seniors;

THEREFORE BE IT RESOLVED THAT

- a) [_____ municipality] supports in principle the establishment of Regional Seniors' Advocacy Offices (RSAC) as proposed by the Seniors' Advocacy Steering Committee as a means of providing security and protection to seniors by ensuring they have an independent voice to advocate for seniors' rights in accordance with federal, provincial and municipal legislation;
- b) this resolution be forwarded to the UBCM and the FCM for endorsement;
- c) this resolution be forwarded to the provincial government requesting support for this BC initiative; and
- d) [_____ municipality] will collaborate with other municipalities in the UBCM and the FCM to lobby the federal government for support of this initiative.

☒ Council
☐ Committee _____
☒ Open Meeting
☐ In-Camera Meeting

Meeting Date: 2006-MAR-27

Supplemental

**RECEIVED**

MAR 27 2006

LEGISLATIVE SERVICES

REQUEST TO APPEAR AS A DELEGATIONON 7 000 - MARCH - 27
year month day**COUNCIL**

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)

**FINANCE / POLICY COMMITTEE OF THE WHOLE**

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

☒ Council

Agenda Item

☐ Committee

Delegation

☒ Open Meeting

Proclamation

☐ In-Camera Meeting

Correspondence

Meeting Date: 2006-MAR-27

Supplemental

NAME OF PERSON MAKING PRESENTATION: DANIEL G. APPELL
PrintADDRESS: 3233 - FIELDSTONE WAY NANAIMO T2K 5U2
street address City Province Postal CodePHONE: 751-3655
home business

FAX: _____

NAME OF APPLICANT IF OTHER THAN ABOVE: _____

DETAILS OF PRESENTATION:

- WISH TO SPEAK TO THE ISSUES REGARDING
THE TRAILWAY CONNECTOR FROM THE
FERRY TERMINAL TO DEPARTER BAY.

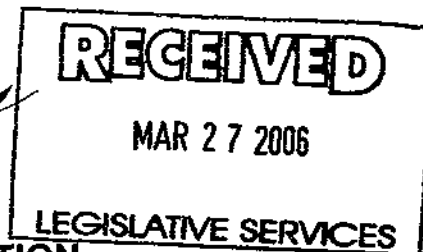
- RECOMMEND TABLE THE PROPOSAL, TO DROP
THIS PLAN, UNTIL THE COMMUNITY PLANNING
PROCESS IS COMPLETE

PLEASE NOTE

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Legislative Services Department
455 Wallace Street, Nanaimo BC V9R 5J6

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Fax: (250) 755-4435
legislativeservices.office@nanaimo.ca



REQUEST TO APPEAR AS A DELEGATION

ON 2006 - 03 - 27
year month day



COUNCIL

(at 7:00 p.m. in the RDN Board Chambers, 6300 Hammond Bay Road)



FINANCE / POLICY COMMITTEE OF THE WHOLE

(at 4:30 p.m. in the City Hall Board Room, 455 Wallace Street)

NAME OF PERSON MAKING PRESENTATION: <u>MALCOLM W. REVILLE</u> Print			
ADDRESS: <u>219. CILAIRE DR NANAIMO B.C V9S 3E5</u> <div style="display: flex; justify-content: space-between; font-size: x-small;"> street address City Province Postal Code </div>			
PHONE: <u>250/756/3116</u> <div style="display: flex; justify-content: space-between; font-size: x-small;"> home business </div>		FAX: _____	
NAME OF APPLICANT IF OTHER THAN ABOVE: _____			
DETAILS OF PRESENTATION:			
<u>TO OPPOSE THE CANCELLATION RECOMMENDATION</u>			
<u>OF COUNCILOR MC NABB & RECREATION</u>			
<u>COMMITTEE, OF DEPARTURE BAY TRAIL</u>			
<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Committee	Delegation	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>	
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input type="checkbox"/>	
Meeting Date: <u>2006-MAR-27</u>			
<u>Supplemental</u>			

PLEASE NOTE

- Electronic presentations must be provided on a CD or by e-mail no later than 9:00 a.m. the day of the Meeting.
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- Multiple speakers on a single issue or topic shall be given 5 minutes each to make their presentations as per Section 18 of the Council Procedure Bylaw.

Karen Burley

From: Malcolm W. Reville [mmmjo@shaw.ca]
Sent: Monday, March 27, 2006 9:32 AM
To: Mayor&Council
Subject: Submission to Council on Departure Bay Trail
Importance: High

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee.....	Delegation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input checked="" type="checkbox"/>
Meeting Date: 2006-MAR-27		

Supplemental

Submission to Council on Departure Bay Trail
 by Malcolm W. Reville

Robert Barron Daily News.....Saturday, March 25, 2006

Nanaimo architect Ian Niamath said it would be a "sad loss" if city council endorses a recommendation to axe the long-anticipated extension of the popular Waterfront Walkway.

Niamath, the designer of the original walkway, completed his design concept for the 2,000-metre extension of the city's well-used walkway from the Departure Bay ferry terminal to the Kin Hut on Departure Bay beach in 1998. He said the possibility that the project won't go ahead due to opposition from adjacent landowners to the proposed trail is "undemocratic."

"The project was always widely accepted on every committee I've ever sat on so I can't understand why nixing the whole thing is being considered," he said.

"There must be some sort of solution to this and I think the city should continue to work with the residents to complete the extension."

With 93% of landowners immediately adjacent to the proposed walkway opposed to the plans, Larry McNabb recommends in a report to city council that the project, estimated to cost \$6 million to \$8 million, not proceed.

"The Departure Bay Trail is widely supported by the community and, based on the use of the Harbourside Trail near Maffeo-Sutton Park, the Departure Bay Trail would also be very well used," said McNabb, chairman of the parks, recreation and culture commission.

"However, almost all of the adjacent property owners don't support the project and the city needs consent from each and every adjacent property owner through a right-of-way agreement before the project can proceed."

I wish to protest in the strongest possible terms about the cancellation of the Departure Bay Trail, because, 'almost all of the adjacent property owners don't support the project, and the city needs the consent from each and every adjacent property owner through a 'right-of- way agreement', according to a recent news release.

I strongly object to this decision by Councillor McNabb to recommend the cancellation of this project. I hope many more individuals think the same was as I do, and take action to alter this decision.

What about all the people, the elderly and the handicapped, who will be deprived of this benefit, on account of the selfish interests of the wealthier members of the community, who can see no further than the limits of their 'sea-view' property!!-rich in finances, but poor in community spirit!

There is no reason why this project cannot be completed up to 'high water mark'!, which is Crown property. Actually a barrier along the beach would protect the high bank which is clearly eroding. Recently the path down to the beach suffered storm action, and a 'Park sign' collapsed, and the bank with it!

It is only a matter of time before the path needs to be re-routed

A second option would be compulsory purchase order, of land which is unusable to the 'property owner', as it is part of a very high bank of compressed soil, which is slowly eroding, due to wave action.

I wonder would taxpayers be expected to pay for restoration, if the banks along this part of Departure Bay subsided?

This is a clear example of the tail wagging the dog.!!

I myself enjoy walking every day on this part of the beach, but someone less agile, the elderly or the wheelchair bound residents would be deprived of this joy.

To say that this decision is undemocratic is the understatement of the year!.

At most 100 individuals are opposing the wishes of 50,000+ other residents!

It also brings into question as to why an upgraded walkway was built along the side of the Ferry Terminal; which now leads to nowhere.

Arguements against Trail;

1. Ecological . Paving the beach would hugely affect the life there.
An elevated walkway would also be destructive.
2. Esthetic Some people want the beach left pristine.
Some people don't want strollers walking right past their windows.
3. Erosion I think it should be studied.
4. Money (The money is sitting in the NNC now).
5. Storms We get some pretty significant storms and these would damage any structure.
(People might be at risk in using it during a storm.)!!
6. **Riparian rights ;** The biggest challenge to the walkway.(sic)
7. Kids Giving kids access would mean trouble. A few people have mentioned this.
8. Unintentional affects a) Sometimes a breakwater or other structure has consequences in another area.??
b)The beach in front of Kin Hut is replenished from the sand eroding from the Cilaire cliffs??.
c).A walkway/breakwater ruin the beach farther down???

cf. (Shortcut to: <http://www.mlswa.org/murray-lake-437/Riparian.htm>)

Riparian rights are property rights.

Riparian rights are inherent in a riparian parcel of land.

A parcel of land must border a natural body of water to be identified as riparian.

If you own a riparian parcel of land you own:

The upland.

Your building and dock.

The bottomland offshore from your lot.

The aquatic vegetation growing on your bottomland.

The ice above your bottomland.

The right to fish, hunt, swim and boat on the entire lake surface in common with all other riparian property owners.

You have exclusive rights to use:

Your upland

Your beach

Your bottomland to anchor offshore docks, rafts, etc.

Riparian Rights In Michigan Inland Lakes & Streams

By Donald Winne

Riparian rights are enjoyed only on land which abuts a natural water course. Those rights are of two

kinds, natural and correlative. Natural rights include those uses "necessary for the existence of the riparian proprietor and his family, such as to quench thirst and for household uses".

Correlative rights "are those which merely increase one's comfort and prosperity and do not rank as essential to his existence, such as commercial profit and recreation".* Correlative rights must be reasonable at all times and cannot encroach or infringe unreasonably upon the use of the surface of the lake or stream by other riparians and members of the public.

Response to arguments against Trail.

1. With regard to Riparian rights, I believe it is a 'Red Herring', and has no validity in Canadian, or Common Law from U.K.

ref; UK Coastal Zone Law Notes

PROPERTY IN THE COASTAL ZONE

1.1 The Crown's prima facie title

The claim that the Crown is the owner of the foreshore and the sea bed under territorial waters was argued by Thomas Digges in 1568-69, and supported by Robert Callis and Sir Matthew Hale in the seventeenth century. It was resurrected in the nineteenth century, when the land properties of the Sovereign were transferred to the management of the Commissioners of Woods, Forests and Land Revenues (now the Crown Estate Commissioners) by the Crown Lands Acts 1810 and 1829.

In *A-G v Emerson* [1891] Appeal Cases 649, the House of Lords confirmed that the Crown is prima facie the owner of the foreshore. Lord Herschell stated at p 653:

"It is beyond dispute that the Crown is prima facie entitled to every part of the foreshore between high and low-water mark, and that a subject can only establish a title to any part of that foreshore, either by proving an express grant thereof from the Crown, or by giving evidence from which such a grant, though not capable of being produced, will be presumed."

The Crown's right to the territorial sea bed in England and Wales has not been judicially decided, but, in Scotland, Lord Dunpark stated in *Crown Estate Commissioners v Fairlie Yacht Slip Ltd* 1977 Scots Law Times 19, at p 20:

"the seabed within the territorial limit and the foreshore are ... the property of the Crown (**except in so far as the Crown may have made grants of the foreshore to individuals**) as part of the realm and are held by the Crown for the defence of the realm and for the benefit of its subjects."

The Crown's ownership of the sea bed is based on the Royal prerogative (ie Sovereignty) rather than feudal tenure, and includes the right to grant leases and licences:

cf. *Shetland Salmon Farmers v Crown Estate Commissioners* 1991 Scots Law Times 166.

The principle of Crown sea bed ownership was also unquestioned in England in *Lonsdale (Earl) v A-G* [1982] 1 Weekly Law Reports 887, and is strongly supported by the Australian case of *New South Wales v Commonwealth of Australia* (1975) 135 Commonwealth Law Reports 337.

References

W Howarth, *Wisdom's Law of Watercourses*, 5th Edn, ch 2

A Wharam, *The Seashore*, *Journal of Planning and Environment Law* (1974) 705

FE Dowrick, *Submarine Areas around Great Britain*, *Public Law* (1977) 10

J Gibson, *The Ownership of the Sea Bed under British Territorial Waters*, *International Relations* 6 (1978) 474

P Jackson, *Alluvio and the Common Law*, *Law Quarterly Review* 99 (1983) 412

P Sinclair, *Aspects of the Law of Anchorage*, *Conveyancer* 64 (2000) 82 and 65 (2001) 475 © John Gibson

Institute of Marine and Environmental Law
University of Cape Town

What is Foreshore?

Foreshore is the land between the high and low watermarks of streams, rivers, lakes, and the ocean.

What is Aquatic Crown Land?

Aquatic Crown land is all the land, including the foreshore, from the high water mark out to the limits of provincial jurisdiction.

This includes all submerged land between the mainland to the east and Vancouver Island and the Queen Charlotte Islands to the west, as well as all submerged land within bays on the west coasts of these islands.

Who Owns Foreshore?

In British Columbia, the Province owns nearly all freshwater and saltwater foreshore.

Irish definition of foreshore;

Land adjacent to foreshore maybe privately owned, but in common law the public retains the privilege or "bare licence" to access the foreshore. It is, perhaps, desirable that I should indicate briefly the general purport of the Bill. The foreshore of the Saorstát is, generally speaking, the property of the State. Certain stretches of it are either privately owned or are in the hands of local authorities but, in the main, it is State property. I have been asked on two or three occasions in the Dáil to define "foreshore" and it is well that we should get the definition clear in the beginning. It is: "The part of the shore below a line on the shore to which the tide flows at high water on a calm day when the height of high water is midway between the height of high water at ordinary springs and the height of high water at ordinary neaps." That line is usually shown on maps under the description of high water mark of ordinary tides, the mystic letters used being "h.w.m.o.t." All the land below that line is the foreshore and it is proposed to take powers in this Bill to exercise certain authority in respect of it. Power exists, of course, at present in this regard, but it exists under statutes passed a long time ago and it is rather difficult to make use of it when necessary. Under this Bill, we take power to license people to remove [1701] beach material—sand, gravel or stones—from the State-owned foreshore.

(Committee Stage ordered for Wednesday, 14th June, 1933.)

The following case dealt with whether the '**right of foreshore**' had been granted to **Robert Dunsmuir**, (possibly in 'Douglas, now Newcastle channel')
July 18 and Aug. 1, 1919.

(Present: The Right Hons. Lord HALDANE, BUCKMASTER, and ATKINSON.)
ESQUIMAULT AND NANIMO RAILWAY COMPANY v. TREAT. ON APPEAL FROM THE
COURT OF APPEAL OF BRITISH COLUMBIA.

121 L. T. REP., pp. 657-8.

British Columbia—Statute—Construction—Meaning of "coast line."

Held, that in a grant to the appellant company by the Dominion Government of certain lands, together with the minerals thereunder, for the purpose of constructing a railway made under a British Columbia Act of 1883 the expression "coast line" used to describe the eastern boundary of the land in view of the context and circumstances of the case was meant to describe the eastern boundary of the land at high water mark and did not, as the appellants contended, include the foreshore and foreshore rights.

The action out of which the appeal arises was brought in the Supreme Court of British Columbia to establish the title of the appellants to the coal and other minerals and substances under the foreshore and sea opposite certain lands which had been conveyed to them. The respondent Treat was a licensee from the Provincial Government who was authorised to prospect for coal under the foreshore, and had entered on it for that purpose. The lands in question are situated in Vancouver Island. They form a belt or strip. The portion of it to which the controversy relates are described, in a statute of British Columbia, which is the root of the appellants' title, as bounded on the east by the coast line of Vancouver Island to the point of commencement, and including all coal, coal oil, ores, stones, clay, marble, slate, mines, minerals and substances whatsoever thereupon, therein and thereunder.

By a Dominion statute (47 Vict. c. 6) passed subsequently to the British Columbia Act referred to statutory authority was inter alia given to an agreement between the Dominion and provincial Governments, and also to an agreement relative to the construction of the railway, and for a grant of the whole, with certain exceptions which are not material, of the land conveyed to the Dominion by the Government of British Columbia for the construction of the line. The latter agreement, which was scheduled to the statute, was made between Robert Dunsmuir and others, called the contractors, and associated for such construction, and the Minister of Railways and Canals of the Dominions. It provided among other things for the grant by the Dominion to the contractors of the land referred to, in so far as such lands should be vested in the Crown in right of the Dominion, and held for the purposes of the railway, and for the minerals and substances in or under such lands, **and the foreshore rights in respect of all such lands** as aforesaid which were thereby agreed to be granted to the contractors and border on the sea, together with the privilege of mining under the foreshore and sea opposite any such land, and of mining and keeping for their own use all coal and minerals under the foreshore or sea opposite any such lands, in so far as such coal and minerals and other substances and foreshore rights were owned by the Dominion Government.

Concl; Their Lordships are accordingly of opinion that unless the words they have already quoted in full from the statutory grant to the Dominion in sect. 3 of the Provincial Act of the 19th Dec. 1883 passed the foreshore, it remains in the Crown in right of the province. The appellants rely on the use of the expression "coast line" as sufficient to include the foreshore. But it is the natural inference from the context that "coast line" is there referred to as contrasted with "straight line," the expression which is apposite in the descriptions of the other parcels in the grant. **They think that the natural interpretation of the expression is that it was intended to indicate the actual and the normal boundary of land which was divided from the sea by high water mark, and that it consequently included the land down to the normal high water mark, and not further, to the exclusion of the foreshore and all rights to mine under it.** In an instrument which in reality did no more than operate as a transfer by the Crown of administration in right of the province to administration in right of the Dominion their Lordships think that there is no presumption or other reason for construing words purporting to be words of grants in any other than their natural and strict sense. They will, accordingly,

humbly advise His Majesty that the **conclusions arrived at by the learned judges of the courts of British Columbia were correct**, and that the appeal ought to be dismissed with costs to be paid by the appellants to the respondent Treat.

1. Right to foreshore; There is no doubt that the 'right to foreshore' **has not been granted** to 'adjacent property owners' by the Gov. of B.C

Accordingly any objection to people 'passing-by ' their property **has no validity in law**.

2. Safety; There is nothing to prevent people walking into the water during a storm; and the same holds good with regard to a sea-wall, though a gate with a warning would absolve the City from any liability.

3. Effect of Walk-way. There is already a wall at Departure Bay. A sea walk would have no greater effect on the environment than the structure of Ferry Terminal

4 Aesthetics.?? If one examines the present bank with cut trees left lying, this is a specious argument. There are remains of old docks lying along beach

5 Presence of children!! Rather than a negative, I would view this as a positive response. With all the concentration on fitness and wellness, I would hope the Council will encourage people to get out and enjoy the fresh sea air.

6 Tourist Attraction. When visitors view the structure along what a former mayor Frank Ney called the 'Capri of the North'. they may spend a few more days in Nanaimo, and will leave with fond memories.

7.This would be the ideal location to plant palm trees which will be sheltered by the bank.

8. I don't believe that the decision to abandon the Departure Bay Trail is in the interest of the common good of all the residents of nanaimo

In conclusion I urge you to vote against the recommendation to abandon the Departure Bay Trail .

Malcolm W. Reville

Maureen, Maegan, Joanne

From: "Malcolm W. Reville" <mmmjo@shaw.ca>
To: "Maureen, Maegan, & Joanne" <mmajo@shaw.ca>
Sent: March 27, 2006 9:37 AM
Subject: Fw: Urgent action needed

Malcolm.

Dear Sir/Madam,

I am requesting inclusion of this letter in your Letters to the Editor section of your newspaper.

With thanks

June Ross

#5, 3400-Rock City Road,

Nanaimo, BC

V9T 6E4

729-0185

WATER WALKWAY FACES THE AXE: I am astounded to say the very least! The owners of water front property along the remaining stretch of the proposed walkway do NOT own the waterfront part of the property. How on earth are the wishes of the scant few allowed to eliminate the wishes of the majority? This is not a democracy if this is allowed to occur.

I would suggest that instead of proposing the elimination of the walkway that Councillor McNab should instead be calling for a public referendum on this matter. As we are continually advised that the majority rule in all aspects of what is and is not good for our city, does this not make eminent good sense as the approach to take?

The waterfront belongs to US....the general public. It does not belong to those who have purchased grandiose homes on the waters edge! The completion of the waterfront walkway has long been dreamed of by many of us and must not be allowed to be abolished into oblivion without due process occurring. That process is the decision being made by the Citizens of Nanaimo and not by a group of Councillors or a few people living on the waterfronts fringes.

Sincerely,

June Ross

#5, 3400-Rock City Road,

Nanaimo, BC

V9T 6E4

729-0185

27/03/2006

COUNCIL

2006 MAR 27

TO: The Mayor and Council

(9) **CITY MANAGER'S (SUPPLEMENTAL) REPORT:**

ADMINISTRATION:

- (15) New Nanaimo Centre/Vancouver Island Conference Centre – Final Agreements With Development Partner and Notification of New Joint Venture Partner

At the Regular Meeting of Council held 2006-JAN-23, Council provided approval-in-principle to the following draft agreements:

Partnering Agreement Amendment Agreement
Development Agreement
Purchase Agreement (Hotel/Residential Lands)
Purchase Agreement (Foundry Lands)

Final approval was not given since all details were not resolved.

The agreements have now been finalized. Significant changes from the draft agreements that were approved in principle are identified in the report.

Suro Development Company has advised that they have entered into a Joint Venture Agreement with Millennium Developments for the purposes of carrying their responsibilities under these agreements. Millennium will become the majority partner with responsibility for day-to-day management of the project. Millennium is a major BC based development company with extensive experience and a good reputation. It has received numerous awards for quality developments.

Recommendations: Based on Council's support for this project as its highest capital priority, it is recommended that:

1. the agreements with Suro Development Company (Amended Partnering Agreement, Development Agreement, Purchase Agreement (Hotel/Residential Land), and Purchase Agreement (Foundry Lands) be approved for execution subject to completion of the necessary public notifications; and,
2. the participation of Millennium Development as a private sector joint venture partner with Suro Development Company be approved.

(16) Property Tax Roll Preparation Bylaw

As Council is aware, the Regional District of Nanaimo has amended its Regional Parks function to include municipalities.

The City of Nanaimo's participation in the function will be funded by an annual parcel tax of \$10. for every taxable parcel in the City. In order for this to occur, the *Community Charter* requires Council, by bylaw, to direct the preparation of a parcel tax roll for the purposes of imposing a parcel tax.

Recommendation: That Council consider giving first three readings to "PARCEL TAX ROLL PREPARATION BYLAW 2006 NO. 7027", which appears under the Bylaw Section of this evening's agenda.

Respectfully Submitted,



G. D. Berry
CITY MANAGER

FOR CITY MANAGER'S REPORT

REPORT TO G.D. BERRY, CITY MANAGER

FROM A.C. KENNING, DEPUTY CITY MANAGER

RE: NEW NANAIMO CENTRE/VANCOUVER ISLAND CONFERENCE CENTRE – FINAL AGREEMENTS WITH DEVELOPMENT PARTNER AND NOTIFICATION OF NEW JOINT VENTURE PARTNER

RECOMMENDATION:

It is recommended that:

1. The agreements with Suro Development Company (Amended Partnering Agreement, Development Agreement, Purchase Agreement (Hotel/Residential Land), and Purchase Agreement (Foundry Lands) be approved for execution subject to completion of the necessary public notifications.
2. The participation of Millennium Development as a private sector joint venture partner with Suro Development Company be approved.

BACKGROUND:

At its regular meeting held 2006-JAN-23 Council provided approval in principle to the following draft agreements:

Partnering Agreement Amendment Agreement
Development Agreement
Purchase Agreement (Hotel/Residential Lands)
Purchase Agreement (Foundry Lands)

Final approval was not given since all details were not resolved.

DISCUSSION:

The agreements have now been finalized. Significant changes from the draft agreements that were approved in principle are noted below:

Partnering Agreement:

- The proposed Amendment Agreement has now been consolidated into an Amended Partnering Agreement.

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- Clarification has been added that the City has the choice about whether or not to purchase parking at the proposed foundry residential development. The City shall have 30 days from the date it receives cost notification in order to make a decision.
- The City's right to have its auditor review the books of Suro refined to clarify that this is for the purpose only of verifying cost allocations between the parties.
- Date for Suro to provide proof of financing changed from 2006-MAY-15 to 2006-JUNE-15.
- An additional exception to Suro's responsibilities for cost increases is provided where "cash allowances" are provided in the contractor's guaranteed maximum price. Suro granted same exit option as City if new contractor price faces cost above \$72.5M.
- Partnering Agreement assignable to proposed new joint venture corporation.

Development Agreement:

- Clarification that if the City hires the developer to manage off-site works then their 5% development fee will apply to any such additional work.
- Total costs have been amended to delete land costs consistent with the fact that the developer is not involved in or responsible for land acquisition.
- Clarification that the City, in its sole discretion, can spend contingency funds on the project, without the approval of the developer.

Purchase Agreement (Hotel/Residential Lands):

- Clarification that the City will be responsible for dealing with archaeological issues. This responsibility includes indemnities related to potential delays in construction of the hotel where the delays are beyond the developer's ability to control.
- Developer to pay actual cost for the residential parking constructed by the City. Previously the purchase price was based on the estimated cost of \$33,000. per space.
- Security provided by developer related to construction if the hotel is restricted to industry standard construction bonding (no completion guarantee).

Purchase Agreement (Foundry Lands):

- Flexibility has been provided with regard to the dates Suro must secure financing for the foundry development. The projected financing date has been de-linked to the start of construction of the hotel tower.

New Joint Venture Partner:

Suro Development Company has advised that they have entered into a Joint Venture Agreement with Millennium Developments for the purposes of carrying their responsibilities under these agreements. Millennium will become the majority partner with responsibility for day-to-day management of the project. Millennium is a major BC based development company with extensive experience and a good reputation. It has received numerous awards for quality developments.

RECOMMENDATION:

It is recommended that:

1. The agreements with Suro Development Company (Amended Partnering Agreement, Development Agreement, Purchase Agreement (Hotel/Residential Land), and Purchase Agreement (Foundry Lands) be approved for execution subject to completion of the necessary public notifications.
2. The participation of Millennium Development as a private sector joint venture partner with Suro Development Company be approved.

Respectfully submitted,



ACK/jdk

2006-MAR-27

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FOR CITY MANAGER'S REPORT

REPORT TO: A. C. KENNING, DEPUTY CITY MANAGER

FROM: B. E. CLEMENS, DIRECTOR OF FINANCE

RE: PROPERTY TAX ROLL PREPARATION BYLAW

BACKGROUND:

As Council is aware, the Regional District of Nanaimo has amended its Regional Parks function to include municipalities.

DISCUSSION:

The City of Nanaimo's participation in the function will be funded by an annual parcel tax of \$10 for every taxable parcel in the City. In order for this to occur, the *Community Charter* requires Council, by bylaw, to direct the preparation of a parcel tax roll for the purposes of imposing a parcel tax.

Parcel Tax Roll Preparation Bylaw 2006 No. 7027 is on Council's agenda tonight.

RECOMMENDATION:

That Council give first three readings to City of Nanaimo "PARCEL TAX ROLL PREPARATION BYLAW 2006 NO. 7027".

Respectfully submitted,



Brian E. Clemens
Director of Finance

BEC/ck

Council: 2006-MAR-27

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☒ Open Meeting
☐ In-Camera Meeting
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CITY OF NANAIMO

BYLAW NO. 7027

A BYLAW TO PROVIDE FOR THE PREPARATION OF A PARCEL TAX ROLL

WHEREAS Divisions 4 and 5 of the *Community Charter* authorize the Council of the City of Nanaimo to impose a parcel tax;

AND WHEREAS the City of Nanaimo is a participating area within the "REGIONAL DISTRICT OF NANAIMO REGIONAL PARKS AND TRAILS SERVICES AREA CONVERSION AMENDMENT BYLAW 1231.01, 2005" (the "Regional Parks Service Bylaw") for the purpose of acquiring, developing and operating regional parks and regional trails;

AND WHEREAS the Regional Parks Service Bylaw provides for cost recovery for a portion of the cost of the service by way of parcel tax;

AND WHEREAS Section 805.1 of the *Local Government Act* requires the City of Nanaimo to collect a requisition to be recovered by way of a parcel tax by imposing a parcel tax in accordance with Division 4 of Part 7 of the *Community Charter*;

AND WHEREAS section 202 of the *Community Charter* requires Council to adopt a bylaw to direct the preparation of an assessment roll for the purposes of imposing a parcel tax;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled ENACTS AS FOLLOWS:

1. The Council directs the Director of Finance to prepare a parcel tax roll based on the assessment roll for the City of Nanaimo for each parcel with a net taxable value greater than zero.
2. The amount to be imposed on each such parcel shall be \$10.00.
3. This bylaw may be cited as PARCEL TAX ROLL PREPARATION BYLAW 2006 NO. 7027".

PASSED FIRST, SECOND AND THIRD READINGS _____
ADOPTED _____.

MAYOR

MANAGER,
LEGISLATIVE SERVICES

From: Suzanne Crowhurst Lennard
[mailto:Suzanne.Lennard@livablecities.org]
Sent: Thursday, March 09, 2006 10:10 AM
To: Bill Holdom
Subject: Making Cities Livable, Santa Fe - last minute lower
registration

Dear William Holdom,

If you are considering joining colleagues and friends at the 44th IMCL Conference in Santa Fe, May 18-22, please note that the deadline for the lower registration rate has been extended from March 1st to March 31st for city officials (see below.)

At the 44th IMCL Conference on TRUE URBANISM & HEALTHY COMMUNITIES, co-sponsored by the University of Notre Dame, we shall discuss IMCL GOALS FOR THE NEXT 20 YEARS:

- * Replace sprawl with compact, human scale urban fabric -- If its walkable, its workable!
- * Build town squares that generate civic engagement - Revive the agora!
- * Rebuild community infrastructure -- Community exists when people know each others stories!
- * Recognize how the built environment influences physical, social and mental health - We shape our cities, and then our cities shape us!
- * Make our cities more livable for children, and for ourselves - Caring for the next generation and thinking ahead!

Internationally renowned speakers from varied disciplines will present the issues that must be resolved in the next twenty years if we are to achieve socially and ecologically sustainable cities.

The City of Santa Fe, a UNESCO "Creative City", will participate with panels and sessions on "Santa Fe's Vision", "Community-based development strategy", "New commuter rail lines & mixed use neighborhood centers", and "Santa Fe Festivals", and will offer the conference a taste of Santa Fe's cultural and artistic talents.

The conference will take place at the historic La Fonda Hotel, famed for its pueblo style Spanish architecture and décor. Rooms have been reserved at special rates for conference participants. Call 1-505-982-5511, mentioning that you are with the International Making Cities Livable Conference.

<input checked="" type="checkbox"/> Council	Agenda Item	<input checked="" type="checkbox"/>
<input type="checkbox"/> Committee.....	Delegation	<input type="checkbox"/>
<input type="checkbox"/> Open Meeting	Proclamation	<input type="checkbox"/>
<input type="checkbox"/> In-Camera Meeting	Correspondence	<input checked="" type="checkbox"/>
Meeting Date: <u>2006-Mar-27</u>		
<u>Supplemental</u>		

I hope you will join us in Santa Fe, one of the most beautiful spots in the US, to raise awareness of the goals that still lie ahead!

See www.LivableCities.org/44ConfSantaFe.htm for more information.

I look forward to seeing you there!

With warm regards,

Suzanne H. Crowhurst Lennard Ph.D. (Arch.)

Director, International Making Cities Livable Conferences

"A wonderful conference! I truly believe it is the best conference on cities."

Joseph P. Riley Jr., Mayor, City of Charleston

REGISTRATION FORM

44th IMCL Conference on True Urbanism & Healthy Communities

La Fonda Hotel, Santa Fe, NM, May 18 - 22, 2006

\$645 before March 1, 2006 (extended to March 31)

Check for \$_____ enclosed, made out to: Making Cities Livable.

Send to:

Making Cities Livable, P.O. Box 7586, Carmel, California 93921 USA

For information about payment by credit card or direct bank wire transfer contact Suzanne.Lennard@LivableCities.org

Name _____

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Organization _____
Address _____
City _____
State Zip Country _____
Telephone _____
Fax _____
E-mail _____

Karen Burley

From: Harvey [sharharv@shaw.ca]
Sent: Sunday, March 26, 2006 3:37 PM
To: Mayor&Council
Cc: news@nanaimodailynews.com
Subject: Waterfront Walkway extension - Departure Bay

Dear Mayor and Council:

We were surprised, and very unhappy to read in the Saturday Daily News that plans to extend the waterfront walkway from the ferry terminal to the Kin Hut may be axed. Apparently, it is quite alright to proceed with a major project like the NCC with the approval of only a slim majority of the citizens, but the voice of a few citizens, with a vested interest in the status quo, is enough to put a halt to a project with benefits for all the people of this city. Where is the justice in that? Please find a way to make this worthwhile project happen.

Sharron Bertchilde
 Harvey Jenkins
 307-355 Stewart Avenue
 Nanaimo
 754-9716

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☐ Committee.....
☒ Open Meeting
☐ In-Camera Meeting
 Meeting Date: 2006-MAR-27
 Supplemental

Agenda Item
 Delegation
 Proclamation
 Correspondence

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