

AGENDA

FOR THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO (PUBLIC HEARING)

Thursday, August 2, 2018, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

- 1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:
- 2. INTRODUCTION OF LATE ITEMS:
- 3. ADOPTION OF AGENDA:
- 4. CALL THE PUBLIC HEARING TO ORDER:
- 5. PUBLIC HEARING AGENDA:

Dale Lindsay, Director of Community Development, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

a. Rezoning Application No. RA390 - 215 Sabiston Street

4 - 14

To be introduced by David Stewart, Planner, Current Planning and Subdivision.

Call for submissions from the Public.

6. FINAL CALL FOR SUBMISSIONS:

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

7. ADJOURNMENT OF THE PUBLIC HEARING:

8. **BYLAWS**: 15

a. "Zoning Amendment Bylaw 2018 No. 4500.125"

16 - 17

That "Zoning Amendment Bylaw 2018 No. 4500.125" (To rezone 215 Sabiston Street from Single Dwelling Residential [R1] to Townhouse Residential [R6]) pass third reading.

9. REPORTS:

a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 685 Nicol Street

18 - 19

Introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 685 Nicol Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 685 Nicol Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

b. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 2850 Fairbanks Street

20 - 21

Introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2850 Fairbanks Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2850 Fairbanks Street for construction not completed as per the conditions of the building permit.

c. Bylaw Contravention Notice - Construction Started Without a Building Permit- 1
Chapel Street

22 - 23

Introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1 Chapel Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1 Chapel Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 4961 Hammond Bay Road

Introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4961 Hammond Bay Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 4961 Hammond Bay Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

10. ADJOURNMENT:



File Number: RA000390

DATE OF MEETING July 9, 2018

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING AND

SUBDIVISION

SUBJECT REZONING APPLICATION NO. RA390 – 215 SABISTON STREET

OVERVIEW

Purpose of Report

To present Council with an application to rezone the property located at 215 Sabiston Street from Single Dwelling Residential (R1) to Townhouse Residential (R6) in order to allow a five-unit multiple-family townhouse development.

Recommendation

- 1. That "Zoning Amendment Bylaw 2018 No. 4500.125" [To rezone 215 Sabiston Street from Single Dwelling Residential (R1) to Townhouse Residential (R6) pass first reading];
- 2. That "Zoning Amendment Bylaw 2018 No. 4500.125" pass second reading; and
- 3. That Council direct Staff to secure the community contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA390) for 215 Sabiston Street was received from Ellins Architect Inc. on behalf of the property owner, Gurdial Singh Parmar. The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) to allow a five-unit multiple family development.

Subject Property and Site Context

Location	The subject property is located on the south side of
	Sabiston Street between Haliburton Street and Irwin Street.
Total Area	888.76m ²
Current Zone	R1 – Single Dwelling Residential
Proposed Zone	R6 – Townhouse Residential
Official Community Plan	Neighbourhood
Designation	
Neighbourhood Plan	South End Neighbourhood Plan - Neighbourhood
Designation	

The subject property is located within Nanaimo's South End Neighbourhood on Sabiston Street; a narrow road that runs approximately 150m between Haliburton Street to the west and the Snuneymuxw First Nation reserve lands to the east. Surrounding land use includes a mixture of light industrial and low-density residential uses.



The subject property contains a five-unit multiple-family bunkhouse building that was constructed in the early 1900s as affordable group housing. The building is non-conforming with respect to the number of dwellings and was recently damaged by fire, so is no longer occupied and will be removed.

DISCUSSION

Proposed Development

The applicant is proposing the re-development of an existing serviced lot to build a five-unit rental townhouse development in a three-storey building form. In order to increase the maximum allowable Floor Area Ratio (FAR) from 0.45 to 0.55, the applicant proposes to achieve Tier 1 within Schedule D of the Zoning Bylaw.

The proposed development is an infill development that will replace a recently damaged five-unit building with a five-unit townhouse development. As the previous building was non-conforming as to the number of dwelling units on the property, a rezoning is required to permit the new development; however, the proposed unit density will not exceed what was previously on the property.

Official Community Plan

The subject property is located within the Neighbourhood designation (Section 2.3) of the Official Community Plan (OCP), which encourages a mix of housing types, including single residential dwellings and townhouses. Residential densities between 10 to 50 units per hectare are encouraged. The proposed infill development would achieve a density of 56 units per hectare (uph), which is comparable to the density range envisioned within the OCP. In addition, the scale and ground-oriented form of the proposed development is in keeping with the intent of the Neighbourhood designation.

Neighbourhood Plan

The subject property is included within the South End Neighbourhood Plan (the Plan) and is designated as Neighbourhood within the Plan. The Neighbourhood designation supports residential densities from 10 to 50 uph in two- to four-storey building forms. The Plan also supports the infill of residential lots designed to complement the character and ground-oriented nature of existing housing. The Plan requires a sidewalk on one side of Sabistion Street which will be required through works and services.

The proposed use and density meets the intent of the Neighbourhood policies in the Official Community Plan and Neighbourhood Plan and will complement the existing uses in the neighbourhood.

A referral was sent to the South End Community Association on 2018-APR-17; no response was received.



Transportation Master Plan

The subject property is located within the 600m buffer of the Downtown Mobility Hub. The #7 bus route is approximately 54m from the subject property, and the downtown bus terminal is an approximate twenty-minute walk. Haliburton Street has been identified as an on-street bicycle route. As such, the proposed development would be located near transit and commercial services and amenities.

Community Contribution

As outlined in Section 7.3 of the OCP, the applicant should provide a community contribution in exchange for value conferred on land through a rezoning. The applicant proposes a monetary contribution of \$5,000 to be directed towards local park improvements.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2018 No. 4500.125", Staff recommend the following item be secured prior to adoption of the bylaw:

• Community Contribution – Monetary contribution of \$5,000 is to be directed towards improvements in Deverill Square neighbourhood park.

Community Planning and Development Committee

The Community Planning and Development Committee, at its meeting held on 2018-MAY-15, recommended that Council approve the rezoning application.

SUMMARY POINTS

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) to support a five-unit townhouse development.
- The development will replace a non-conforming five-unit rental building that was destroyed by fire with a new five-unit rental townhouse development.
- The proposed use and density meets the intent of the Neighbourhood policies in the Official Community Plan and Neighbourhood Plan and will complement the existing uses in the neighbourhood.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Conceptual Site Plan

ATTACHMENT C: Conceptual Building Elevations

ATTACHMENT D: Context Photos ATTACHMENT E: Aerial Photo

Zoning Amendment Bylaw 2018 No. 4500.125

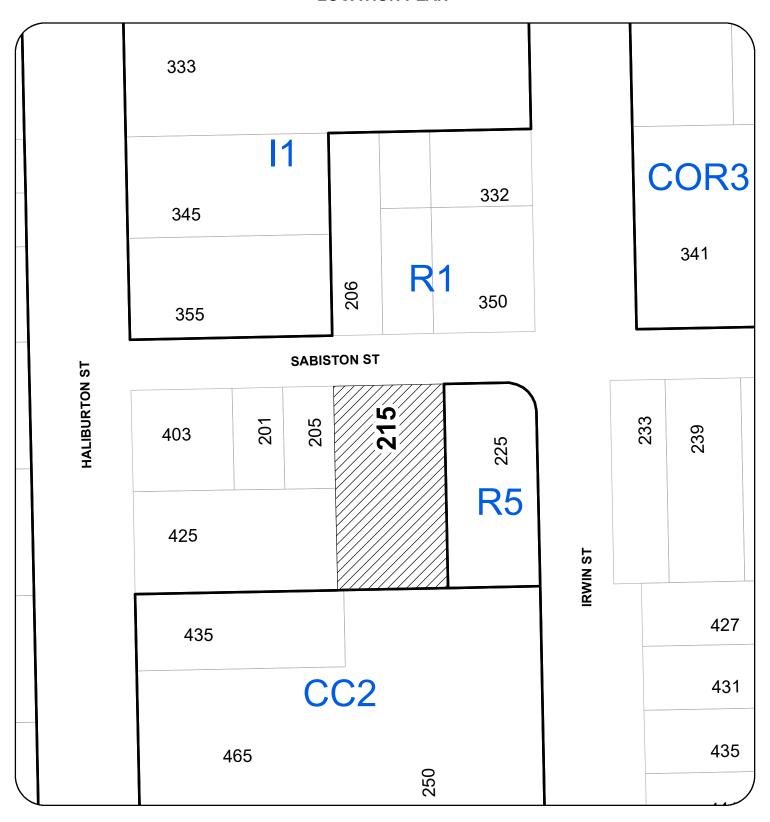


Submitted by:

Concurrence by:

L. Rowett, D. Lindsay, Manager, Current Planning and Subdivision Director, Community Development

ATTACHMENT A LOCATION PLAN



REZONING APPLICATION NO. RA000390

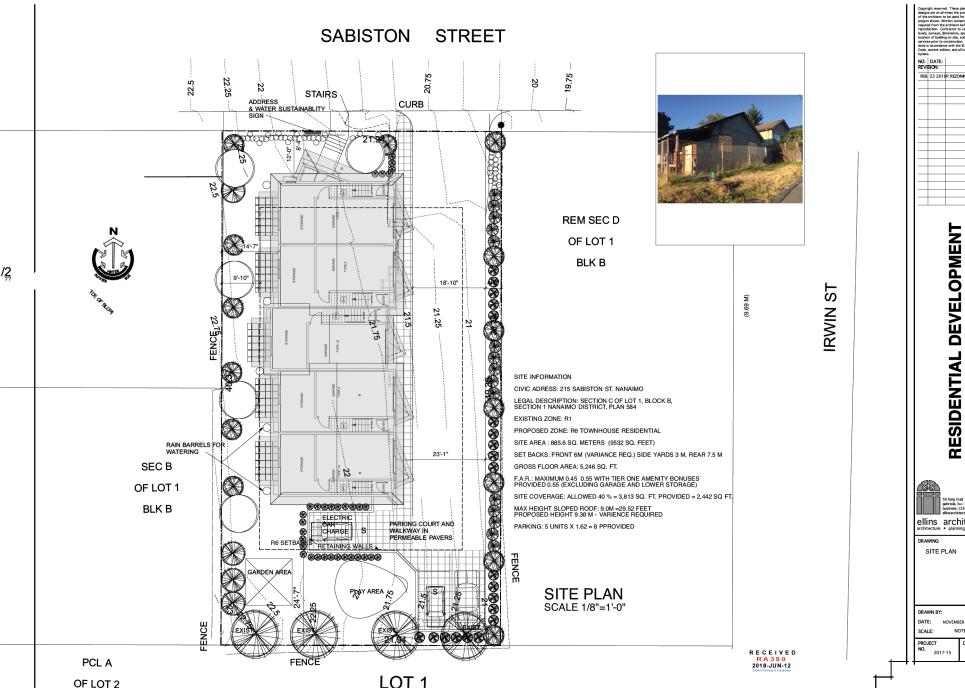


LOCATION PLAN

Civic: 215 Sabiston Street

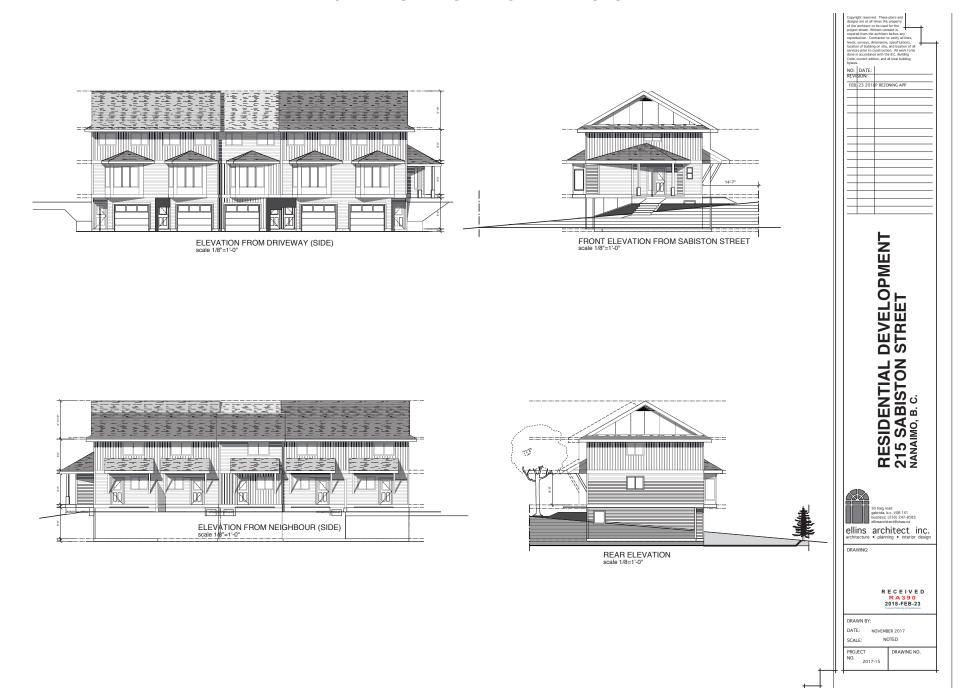


ATTACHMENT B CONCEPTUAL SITE PLAN



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ATTACHMENT C CONCEPTUAL BUILDING ELEVATIONS



ATTACHMENT D CONTEXT PHOTOS















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RAWING:		
	RECEIVED	
	RA390 2018-FEB-23	
	Current Planning & Subdivision	
RAWN BY	:	
ATF:	MOVEMBER 2017	

PROJECT NO. 2017-15

ATTACHMENT E AERIAL PHOTO



REZONING APPLICATION NO. RA000390



CITY OF NANAIMO

BYLAW NO. 4500.125

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 Amendment Bylaw 2018 No. 4500.125".
- 2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

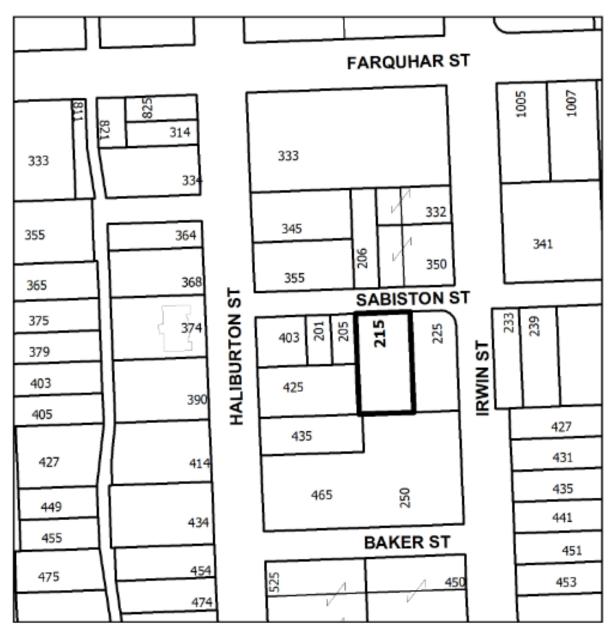
By rezoning the lands legally described as SECTION C, OF LOT 1, BLOCK B, SECTION 1, NANAIMO DISTRICT, PLAN 584 (215 Sabiston Street) from Single Dwelling Residential (R1) to Townhouse Residential (R6) as shown on Schedule A.

PASSED FIRST READING: PASSED SECOND READING: PUBLIC HEARING HELD: PASSED THIRD READING:	_
MINISTRY OF TRANSPORTATION AND INFRASTRUCTUF ADOPTED:	RE:
	MAYOR
	CORPORATE OFFICER

File: RA000390

Address: 215 Sabiston Street

SCHEDULE A



REZONING APPLICATION NO. RA000390



LOCATION PLAN

Civic: 215 Sabiston Street



8. Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.125

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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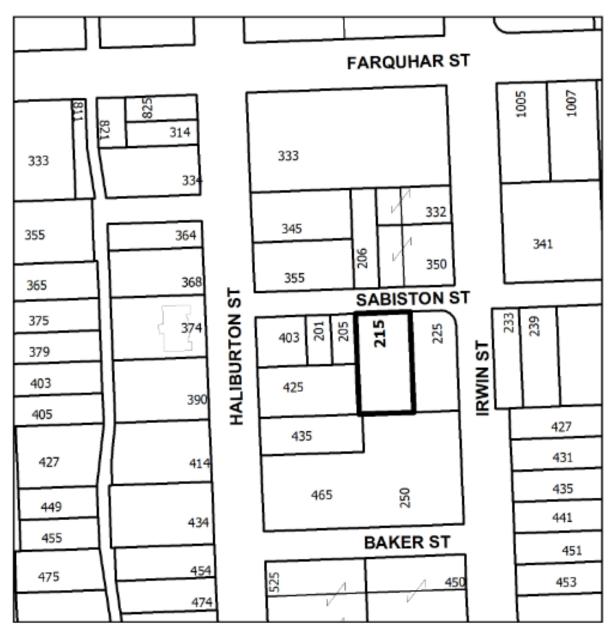
By rezoning the lands legally described as SECTION C, OF LOT 1, BLOCK B, SECTION 1, NANAIMO DISTRICT, PLAN 584 (215 Sabiston Street) from Single Dwelling Residential (R1) to Townhouse Residential (R6) as shown on Schedule A.

PASSED FIRST READING: 2018-JUL-09 PASSED SECOND READING: 2018-JUL-09 PUBLIC HEARING HELD: PASSED THIRD READING: MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE ADOPTED:	RE:
	MAYOR
	CORPORATE OFFICER

File: RA000390

Address: 215 Sabiston Street

SCHEDULE A



REZONING APPLICATION NO. RA000390



LOCATION PLAN

Civic: 215 Sabiston Street





File Number: BP121564

DATE OF MEETING August 2, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED

WITHOUT A BUILDING PERMIT – 685 NICOL STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 685 Nicol Street.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 685 Nicol Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was conducted 2016-JAN-04 in response to a complaint regarding illegal construction of a deck. As the result of a posted Stop Work Order, an application for the work was received and a permit issued 2016-JAN-29. However, the permit has now expired with deficiencies remaining outstanding in contravention of the Building Bylaw. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of "Building Bylaw 2016 No. 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit was issued subsequently, but has now expired with deficiencies remaining outstanding.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations



contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by: Concurrence by:

Darcy Fox Dale Lindsay
Manager, Building Inspections Director, Community Development



File Number: BP119837

DATE OF MEETING August 2, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT

COMPLETED AS PER CONDITIONS OF BUILDING PERMIT -

2850 FAIRBANKS STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2850 Fairbanks Street.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2850 Fairbanks Street for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for the replacement of a deck and carport, the addition of a pergola, and an interior renovation was issued 2014-JUL-14. However, the permit has now expired with deficiencies remaining outstanding in contravention of the Building Bylaw. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of "Building Bylaw 2016 No 7224".

There is an open stairwell that remains without a guard to protect occupants from a fall hazard. As this deficiency is a life-safety concern, Staff will seek a Remedial Action Order at a future Council meeting.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.



SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Concurrence by:

Darcy Fox Manager, Building Inspections Dale Lindsay
Director, Community Development



File Number: CIB03754

DATE OF MEETING August 2, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED

WITHOUT A BUILDING PERMIT - 1 CHAPEL STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1 Chapel Street.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1 Chapel Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

A building inspector attended Suite No. 1107 on 2015-SEP-25 in response to a concern regarding possible illegal construction. During the inspection, it was revealed that 18 additional units had been created by dividing established apartments and incorporating a kitchen and a bathroom to create separate suites. Our records, however, indicate that building permits were not issued for the works undertaken. Building permits were issued to legitimize the work; however, after the issuance of the permits, it was discovered by the professionals engaged to oversee the upgrades that the original scope of the permit could not be achieved. Subsequently, the permit was revised on 2018-FEB-20 to convert only two of the original two-bedroom suites into four individual one-bedroom suites. The remainder of the illegal suites were to be converted back to their originally permitted form. Although permits for this work have been issued, no inspections have been called and the permits have now expired. Therefore, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without a permit.

Subsequent to the Council meeting and the approval to register the legal notification, this matter will be referred to Bylaw Services to remove all suites constructed without a building permit.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.



SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Permits for this work subsequently applied for and issued have now expired with no inspections called.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:	Concurrence by:
Darcy Fox Manager, Building Inspections	Dale Lindsay Director, Community Development



File Number: CIB05004

DATE OF MEETING August 2, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED

WITHOUT A BUILDING PERMIT – 4961 HAMMOND BAY ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4961 Hammond Bay Road.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 4961 Hammond Bay Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection on 2018-MAR-28, as the result of a complaint for an illegal suite, revealed that construction to finish the basement, convert the carport to an enclose garage, and enclose the deck area had previously taken place. This work was done without permit or inspections. Although an application to legalize the secondary suite has now been received, pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the contravention of "Building Bylaw 2016 No 7224" for the unpermitted work.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations





contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by: Concurrence by:

Darcy Fox Dale Lindsay
Manager, Building Inspections Director, Community Development