



AGENDA
FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, January 3, 2019, 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

Lainya Rowett, Manager, Current Planning, 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. RA000404 - 5400 Dewar Road and 5351 Redmond Road

6 - 19

To be introduced by Lainya Rowett, Manager, Current Planning.

Presentation: Brian S. Henning, Williamson & Associates, Applicant.

Call for submissions from the Public.

6. FINAL CALL FOR SUBMISSIONS:

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

7. ADJOURNMENT OF THE PUBLIC HEARING

8. BYLAWS:	20
<p>a. <u>"Highway Closure and Dedication Removal Bylaw 2018 No. 7275"</u></p> <p>That "Highway Closure and Dedication Removal Bylaw 2018 No. 7275" (To provide for highway closure and dedication removal of a portion of Redmond Road adjacent to adjacent to 5400 Dewar Road and 5351 Redmond Road) pass third reading</p>	21 - 23
<p>b. <u>"Zoning Amendment Bylaw 2018 No. 4500.130"</u></p> <p>That "Zoning Amendment Bylaw 2018 No. 4500.130" (To rezone portions of the subject properties at 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way from Single Dwelling Residential [R1] to Steep Slope Residential [R10] and Parks, Recreation and Culture One [PRC-1]) pass third reading.</p>	24 - 25
9. REPORTS:	
<p>a. <u>Bylaw Contravention Notices - Secondary Suites</u></p> <p>To be introduced by Darcy Fox, Manager, Building Inspections.</p> <p><i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report.</i></p> <p>It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notices - Secondary Suites.</p> <p>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 <i>Community Charter</i> for the following properties:</p> <ol style="list-style-type: none"> 1. 919 Brechin Road – illegal secondary suite 2. 2850 Cosgrove Crescent – illegal secondary suite 	26 - 27

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1970 Kelsie Road 28 - 29
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1970 Kelsie Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1970 Kelsie 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 1970 Kelsie Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1799 Stewart Avenue 30 - 31
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1799 Stewart Avenue.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1799 Stewart Avenue.
- 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 1799 Stewart Avenue 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 - 2560 Cosgrove Crescent 32 - 33
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2560 Cosgrove Crescent.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2560 Cosgrove Crescent.
- 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 2560 Cosgrove Crescent for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2396 Barclay Road 34 - 35
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2396 Barclay Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2396 Barclay 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 2396 Barclay Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- f. Bylaw Contravention Notice - Construction Started Without a Building Permit - 139 Wildlife Place 36 - 37
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 139 Wildlife Place.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 139 Wildlife Place.
- 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 139 Wildlife Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- g. Bylaw Contravention Notice - Construction not Completed as per Conditions of Building Permit - 108-5854 Turner Road 38 - 39
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 108-5854 Turner Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 108-5854 Turner 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 108-5854 Turner Road for construction not completed as per the conditions of the building permit.

10. ADJOURNMENT:

DATE OF MEETING | December 17, 2018 |

AUTHORED BY | KRIS SILLEM, PLANNER, SUBDIVISION SECTION |

**SUBJECT | REZONING APPLICATION NO. RA000404 – 5400 DEWAR ROAD
AND 5351 REDMOND ROAD |**

OVERVIEW

Purpose of Report

To present Council with an application to rezone the properties located at 5400 Dewar Road, 5351 Redmond Road, and portions of the Redmond Road right-of-way in order to realign the existing zoning boundaries to correspond with the boundaries of a proposed subdivision and park dedication.

Recommendation: That

1. "Zoning Amendment Bylaw 2018 No. 4500.130" (To rezone portions of the subject properties at 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way from:
 - Single Dwelling Residential [R1] to Steep Slope Residential [R10] and Parks, Recreation and Culture One [PRC-1]; and,
 - Steep Slope Residential [R10] to Parks, Recreation and Culture One [PRC-1]) pass first reading.
2. "Zoning Amendment Bylaw 2018 No. 4500.130" pass second reading.

BACKGROUND

A rezoning application, RA404, for 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way was received from Williamson and Associates Professional Surveyors Ltd. (Mr. Brian Henning) on behalf of the property owners, Windley Developments Ltd., Howler Developments Ltd., and the City of Nanaimo (with respect to the Redmond Road right-of-way). The purpose of the rezoning application is to rezone the subject properties to align the existing zoning boundaries with the boundaries of a proposed subdivision and park dedication.

Attachment B illustrates the existing zoning and lot configuration, Attachment C illustrates the existing zoning and future lot configuration and Attachment D illustrates the proposed zoning and future lot configuration.

A Steep Slope Development Permit, DP1107, was approved on 2018-OCT-04 to allow for the transfer of three units of additional density to Lot 6 within a proposed subdivision (see Attachment E) in exchange for the dedication of parkland (within 5351 Redmond Road), which is in excess of the 5% statutory requirement.

A concurrent Subdivision application, SUB1278, has been submitted that proposes the subdivision of 5400 Dewar Road and 5351 Redmond Road into five R10 lots in addition to the

dedication of the statutorily required parkland and additional parkland as required by the approved development permit (see Attachment E) .

A Road Closure application, LD3323, proposes the closure of a portion approximately 2,262m² of the unconstructed Redmond Road right-of-way, which will be included within proposed Lot 1 of the subdivision (see Attachment F). The road closure application is consistent with both the approved development permit and the proposed subdivision.

Subject Property

<i>Location:</i>	The subject properties are located at the intersection of Dewar Road and the unconstructed Redmond Road right-of-way.
<i>Lot Sizes:</i>	5400 Dewar Road – 2,780m ² 5351 Redmond Road – 7,431m ² Unconstructed Redmond Road right-of-way – 2,693m ²
<i>Total Area:</i>	12,904m ²
<i>Current Zoning:</i>	Single Dwelling Residential – (R1) Steep Slope Residential (R10)
<i>Proposed Zoning:</i>	Single Dwelling Residential – Small Lot (R10) Parks Recreation and Culture One (PRC-1)

5400 Dewar Road is adjacent to the unconstructed Redmond Road right-of way and has an existing house that will be removed to accommodate the subdivision as proposed.

5351 Redmond Road is a vacant lot fronting Dewar Road and is bounded by 5400 Dewar Road to the west and the unconstructed Redmond Road right-of-way to the north. The subject properties are located on steeply sloping lots to the west of the Ocean View Terrace residential subdivision located in the Lost Lake area with Dewar Road to the south and Royal Seaview to the north. |

DISCUSSION

As illustrated in Attachment C, the proposed subdivision of 5400 Dewar and 5351 Redmond Road does not align with the existing zoning boundaries and will create split-zoned lots (Lots 1, 2 and 3). The northerly steeply sloping portion of the properties will be dedicated as parkland and the houses will be located fronting Dewar Road. The five proposed lots have been configured to support duplexes. Rezoning the properties from R1 to R10 will resolve the split zoning and allow development that is consistent with the approved steep slope development permit (DP1107) and the surrounding residential neighbourhood.

Staff Review

Official Community Plan

The Official Community Plan (OCP) designates the subject properties as Neighbourhood. The Neighbourhood land-use designation encourages a mix of low-density residential uses (10 to 50 units per hectare) in two- to four-storey building forms. The proposed rezoning is consistent with the policy objectives of the OCP.

Community Contribution

As outlined in Section 7.3 of the OCP, community contributions are provided in exchange for value conferred on land through rezoning. As this rezoning application is primarily a zoning boundary adjustment and is consistent with the previously-approved steep slope development permit, Staff recommend that no community contribution be secured through this rezoning.

SUMMARY POINTS

- The applicant proposes to rezone the subject properties to realign the existing R1 and R10 zoning boundaries to correspond with the approved Development Permit and the proposed subdivision boundaries.
- The proposed development is consistent with OCP policies and the proposed density is consistent with the approved Development Permit.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Existing Zoning and Lot Layout
ATTACHMENT C: Existing Zoning and Proposed Lot Layout
ATTACHMENT D: Proposed Zoning and Proposed Lot Layout
ATTACHMENT E: Proposed Plan of Subdivision
ATTACHMENT F: Proposed Road Closure
ATTACHMENT G: Letter of Rationale
ATTACHMENT H: Aerial Photo
"Zoning Amendment Bylaw 2018 No. 4500.130" |

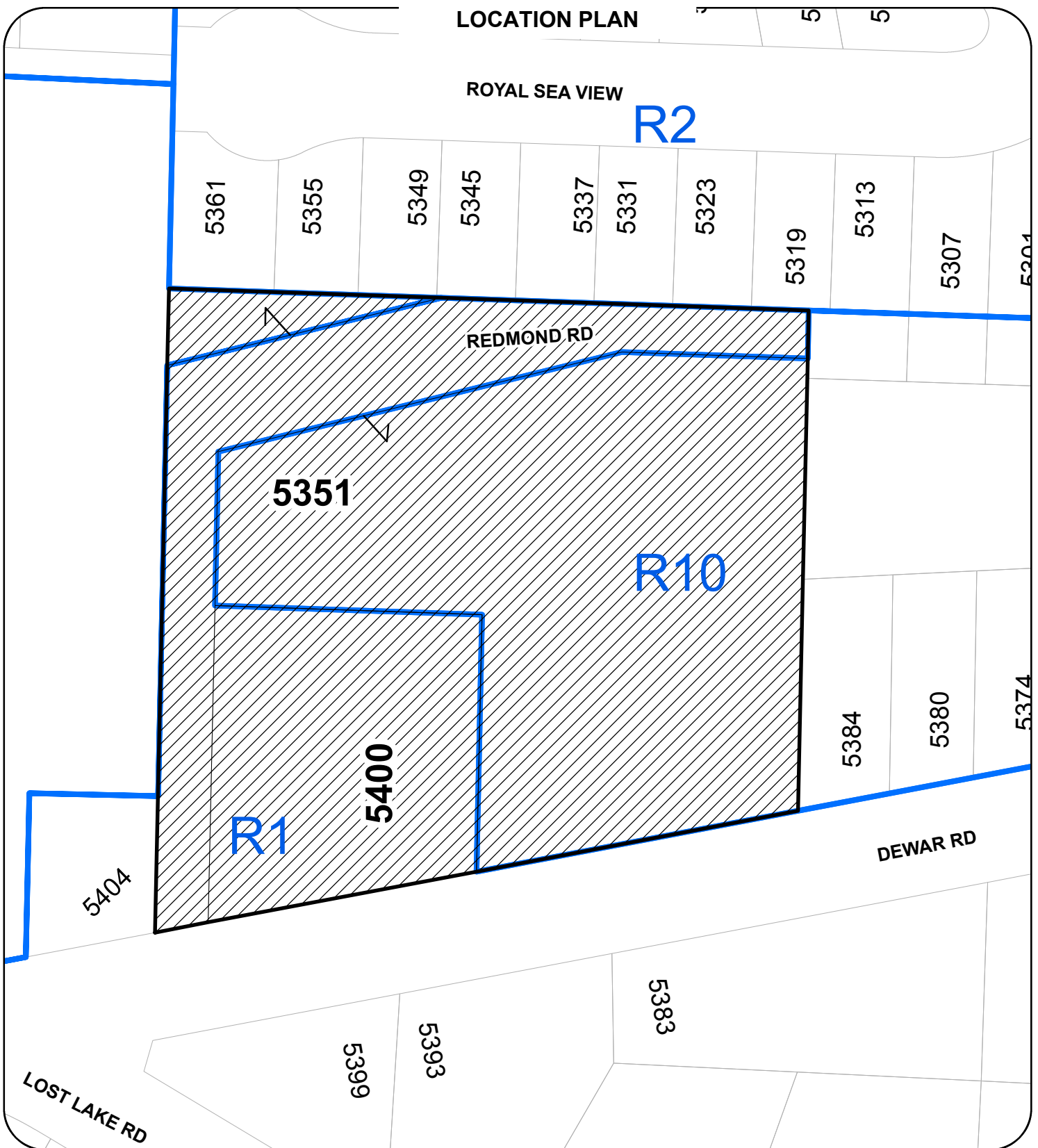
Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000404

LOCATION PLAN

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

ATTACHMENT B EXISTING ZONING AND LOT LAYOUT

ROYAL SEA VIEW



REZONING APPLICATION NO. RA000404

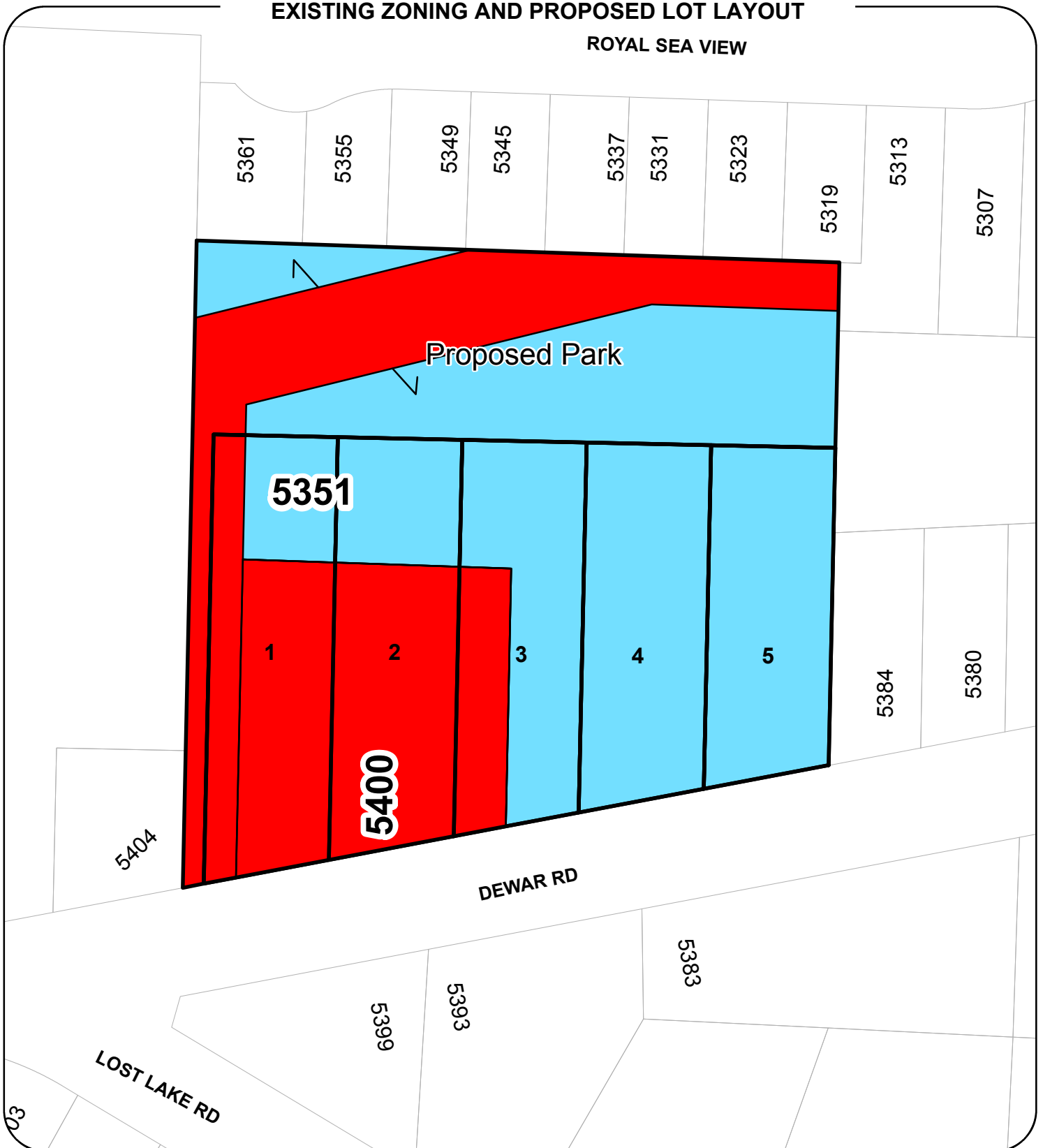
EXISTING ZONING AND EXISTING LOT LAYOUT

SUBJECT PROPERTIES

- EXISTING R1 Zone
- EXISTING R10 Zone




Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

ATTACHMENT C
EXISTING ZONING AND PROPOSED LOT LAYOUT
ROYAL SEA VIEW



REZONING APPLICATION NO. RA000404
EXISTING ZONING AND PROPOSED LOT LAYOUT

SUBJECT PROPERTIES

-  PROPOSED SUBDIVISION
-  EXISTING R1 Zone
-  EXISTING R10 Zone

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
 Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
 WELLINGTON DISTRICT, and REDMOND ROAD

ATTACHMENT D PROPOSED ZONING AND PROPOSED LOT LAYOUT



REZONING APPLICATION NO. RA000404 PROPOSED ZONING AND PROPOSED LOT LAYOUT



LEGEND


- PROPOSED R10 Zone
- PROPOSED PRC1 Zone

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD



AUG 13 2018
SUB01278
CITY OF NANAIMO
SUBDIVISION

PART 1 CLOSED ROAD, LOT 1 & 2, PLAN 21211
DEVELOPMENT SITE AREA = 11108 sqm
5% PARK DEDICATION=555 sqm
TRANSFER AREA = 1875sqm - 3 UNITS

NW	DATE	REVISION	PROJECT: 5351 REDMOND / 5400 DEWAR CUSTOMER: WINDLEY DEVELOPMENTS LTD. & HOWLER DEVELOPMENTS LTD. DRAWING: PRELIMINARY LAYOUT APPROVAL
01	FEBRUARY 27, 2018	FIRST ISSUE	
01	MAY 29, 2018	PAYN DESIGN AND ARCH TRANSFER.	
02	JULY 15, 2018	REVISE LAYOUT TO S-107IS	
			DRAWN BY: CH  WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS 3004 BATHURST ROAD NW VANCOUVER BC V6T 4E5 PHONE: (250) 756-7723 FACSIMILE: (250) 756-7724 EMAIL: INFO@WILLIAMSON.CA
			SCALE: 1:400 FILE: 10559-FLA SHEET: 1 OF 1

ATTACHMENT F PROPOSED ROAD CLOSURE

PLAN EPP88556

REFERENCE PLAN TO ACCOMPANY CITY OF NANAIMO HIGHWAY ()
DEDICATION REMOVAL BYLAW 2018 NO. 7275, OF PART OF ROAD DEDICATED
BY PLANS 15613 AND 21211 BEING PART OF DISTRICT LOT 49, WLLINGTON DISTRICT.

PURSUANT to SECTION 120 of THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 92G.021

SCALE 1:500

0 10 20 30 50 metres

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY
432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500

LEGEND

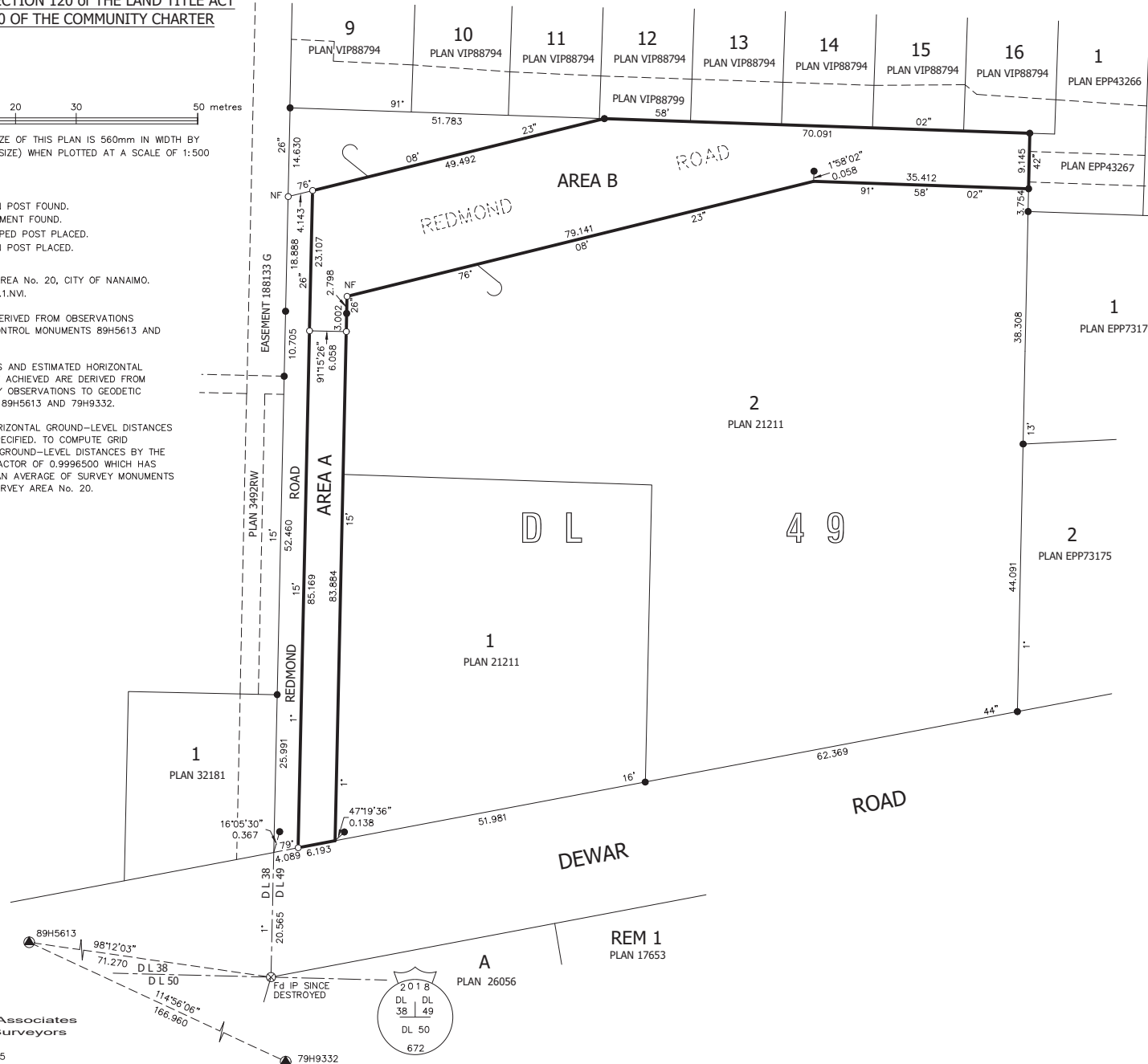
- STANDARD IRON POST FOUND.
- ⊙ CONTROL MONUMENT FOUND.
- ⊗ STANDARD CAPPED POST PLACED.
- STANDARD IRON POST PLACED.

INTEGRATED SURVEY AREA No. 20, CITY OF NANAIMO.
NAD83(CSRS) 3.0.0.BC.1.NV.

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS
BETWEEN GEODETIC CONTROL MONUMENTS 89H5613 AND
79H9332.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL
POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM
CONVENTIONAL SURVEY OBSERVATIONS TO GEODETIC
CONTROL MONUMENTS 89H5613 AND 79H9332.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES
UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID
DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE
AVERAGE COMBINED FACTOR OF 0.9996500 WHICH HAS
BEEN DERIVED FROM AN AVERAGE OF SURVEY MONUMENTS
WITHIN INTEGRATED SURVEY AREA No. 20.



Williamson & Associates
Professional Surveyors
3088 Barron Road
Nanaimo B.C. V9T 4B5
FILE: 16095-5 ROAD CLOSURE BASEPLAN: 06130

THIS PLAN LIES WITHIN THE REGIONAL
DISTRICT OF NANAIMO.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED ON THE ____th DAY OF _____, 2018.
BRIAN S. HENNING, B.C.L.S. 672.

**ATTACHMENT G
LETTER OF RATIONALE**



**WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS**

3088 BARONS ROAD, NANAIMO B.C. V9T 4B5

PHONE: (250) 756-7723 FACSIMILE (250) 756-7724

email: waps@telus.net

October 9, 2018

Our File No.: 16095

Your File No.: SUB01278

City of Nanaimo

455 Wallace Street

Nanaimo, B.C. V9R 5J6

BY HAND

ATTENTION: Kris Sillem, Deputy Approving Officer

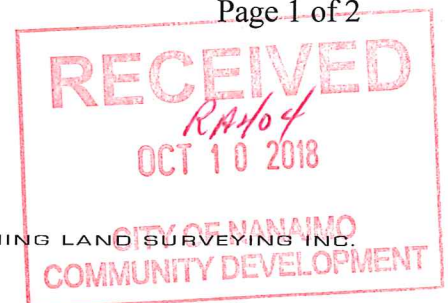
Dear Mr. Sillem:

**Re: Ocean View Terrace Subdivision Phase 7; 5400 Dewar Road
Rezoning application Lot 1, District Lot 49, Wellington District, Plan 21211**

This application is to change the zone from R1 to R10 of Lot 1, Plan 21211 and an adjacent portion of Redmond Road which is to be closed and purchased. These areas form part of an overall development plan with properties to the east which are zoned R10. In conjunction with this application we have filed a development permit, subdivision and road closure applications.

Rezoning Rationale: The development plan is to: dedicate the northerly steeper portion of the development area as Park; transfer density to the adjacent R10 site being future lot 6; provide a statutory right of way for pedestrian trail connection from Royal Pacific Way; and create 5 lots fronting Dewar Road having the ability to build two homes on each. The parent parcels have steep terrain but given the smaller area of Lot 1, Plan 21211 it is zoned R1, the others are R10. Proposed Lots 1, 2 and 3 would be split zoned if this rezoning application did not proceed. The rationale is to create a development with one residential zone to provide clarity and simplicity for determining setbacks and density location.

Community Contribution Proposal. This application is to provide one consistent R10 residential zone. The net density does not change going from R1 to R10. The benefits the development concept contributes are dedication of Park area to protect the treed steepest slope area and to provide a statutory right of way for a pedestrian trail connection through from Royal Pacific Way.



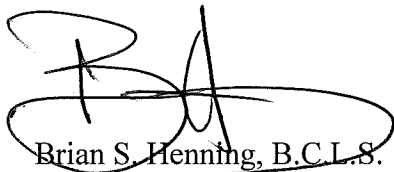
Please find enclosed:

- Rezoning application form and checklist;
- Appointment of agency form;
- Declaration regarding contaminated site exemption;
- Our cheque for fees of \$1,500.00;
- City map zoning and addressing plans;
- 2 prints of the overall development plan;
- 2 prints of the highlighted rezone area;
- Prints of legal plans 21211, 17797 and 15613, confirming the road dedication on Plan 15613

Should you require any further information please call.

Yours truly,

Williamson & Associates Professional Surveyors

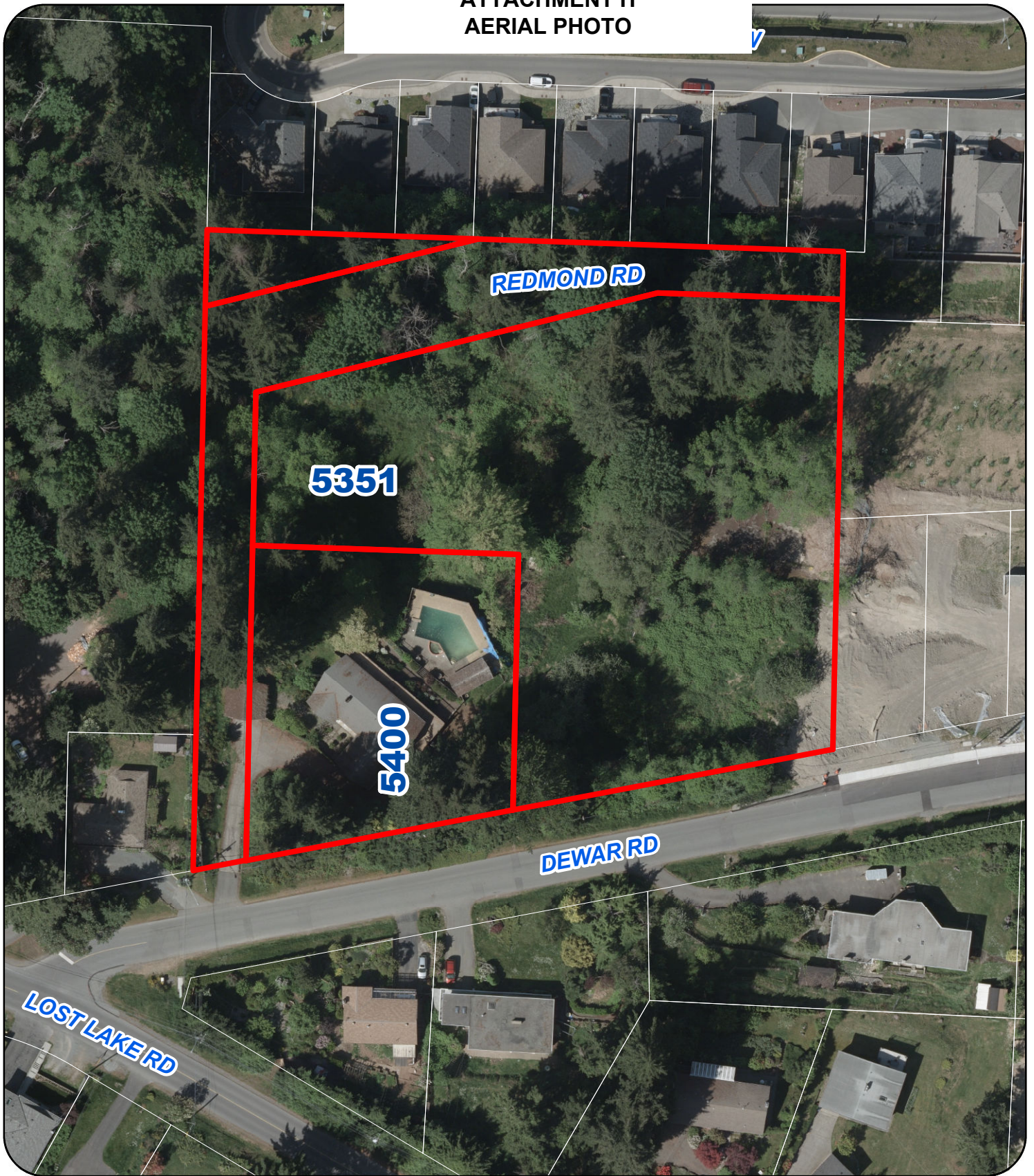


Brian S. Henning, B.C.L.S.

cc: Bob Ackerman
Rick Windley



ATTACHMENT H
AERIAL PHOTO



N



LEGEND



SUBJECT PROPERTIES

REZONING APPLICATION NO. RA000404
AERIAL PHOTO

CITY OF NANAIMO

BYLAW NO. 4500.130

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. 4500.130".
2. The City of Nanaimo "Zoning Bylaw 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, DISTRICT LOT 49, PLAN 21211, WELLINGTON DISTRICT (5400 Dewar Road), from Single Dwelling Residential (R1) to Steep Slope Residential (R10) as shown on Schedule A.

By rezoning a portion of the lands legally described as LOT 2, DISTRICT LOT 49, PLAN 21211, WELLINGTON DISTRICT (5351 Redmond Road) from Steep Slope Residential (R10) to Parks Recreation And Culture One (PRC 1) as shown on Schedule A.

By rezoning the lands shown as that portion of Redmond Road from Single Dwelling Residential (R1) to Steep Slope Residential (R10) as shown on Schedule A.

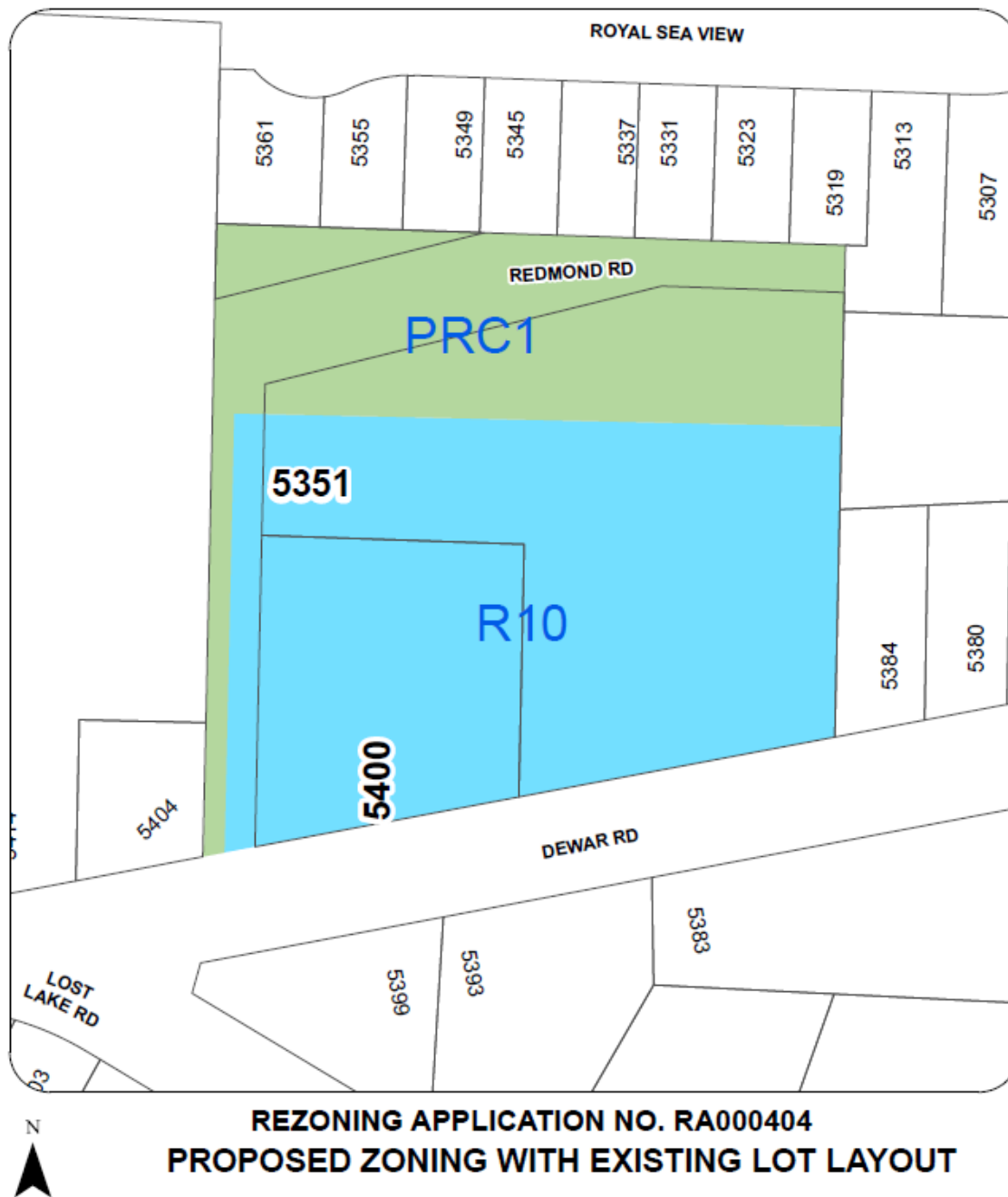
By rezoning the lands shown as that portion of Redmond Road from Single Dwelling Residential (R1) to Parks Recreation And Culture One (PRC 1) as shown on Schedule A.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

SCHEDULE A



LEGEND

- PROPOSED R10 Zone
- PROPOSED PRC1 Zone

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

File: RA000404
Address: 5400 Dewar Road, 5351 Redmond Road and portions of Redmond Road

8. Bylaw

CITY OF NANAIMO

BYLAW NO. 7275

A BYLAW TO PROVIDE FOR HIGHWAY CLOSURE AND DEDICATION REMOVAL

WHEREAS Council has deemed it expedient to stop up, close to traffic and remove highway dedication of a portion of Redmond Road adjacent to 5400 Dewar Road and 5351 Redmond Road for the purpose of consolidating the adjacent land with the adjacent landowner's lands; and

WHEREAS all lands and premises immediately adjoining, and in the vicinity of the portion of highway that is stopped up and closed are adequately serviced by well-established highways giving convenient access to all such premises; and

WHEREAS pursuant to Sections 40(3) and (4) and Section 94 of the *Community Charter* the City of Nanaimo has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Highway Closure and Dedication Removal Bylaw 2018 No. 7275" (To Provide for Highway Closure and Dedication Removal of a portion of Redmond Road Adjacent to 5400 Dewar Road and 5351 Redmond Road).
2. A portion of Redmond Road adjacent to 5400 Dewar Road and 5351 Redmond Road comprising 0.226ha (0.56 acres), more or less shown as "Road" on plan EPP88556 prepared by Brian Henning, BCLS, a reduced copy of which is attached as Schedule A hereto, is hereby closed to all traffic.
3. The highway dedication of a portion of Redmond Road adjacent to 5400 Dewar Road and 5351 Redmond Road referred to in Section 2 is hereby removed.

4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

PASSED FIRST READING: 2018-DEC-17
PASSED SECOND READING: 2018-DEC-17

Notice of intention to proceed with this bylaw was published on the 20th of December, 2018 and the 27th day of December, 2018 in the Nanaimo News Bulletin newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

PASSED THIRD READING: _____
APPROVED BY MINISTRY OF TRANSPORTATION: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: LD003323

CITY OF NANAIMO

BYLAW NO. 4500.130

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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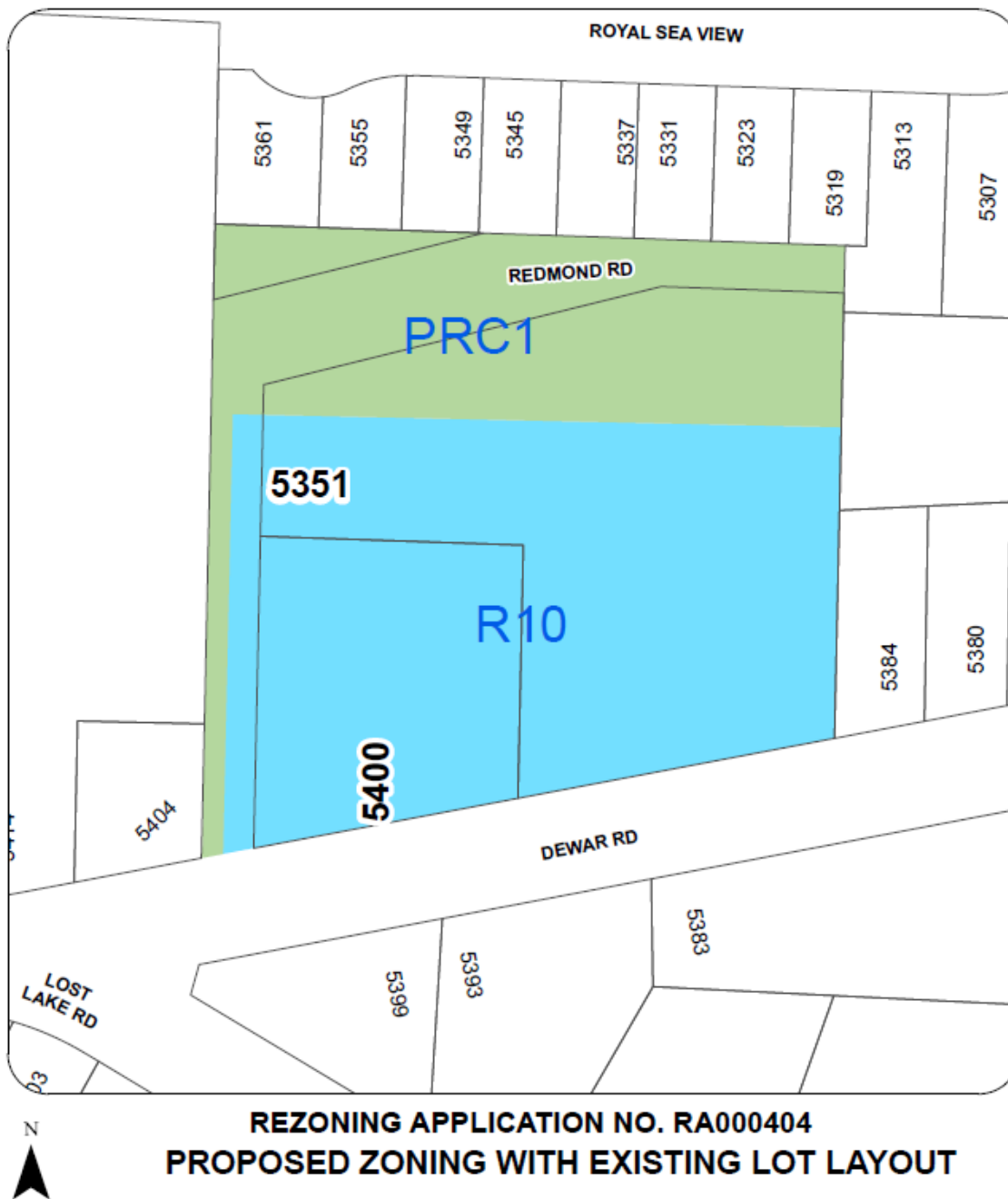
By rezoning the lands shown as that portion of Redmond Road from Single Dwelling Residential (R1) to Parks Recreation And Culture One (PRC 1) as shown on Schedule A.

PASSED FIRST READING: 2018-DEC-17
PASSED SECOND READING: 2018-DEC-17
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

SCHEDULE A



File: RA000404
Address: 5400 Dewar Road, 5351 Redmond Road and portions of Redmond Road

Staff Report for Decision

DATE OF MEETING | JANUARY 03, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report. |

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 following properties:

1. 919 Brechin Road – illegal secondary suite
2. 2850 Cosgrove Crescent – illegal secondary suite |

BACKGROUND

Illegal Secondary Suites

The following is a list of properties where an illegal secondary suite has been identified and where a building permit application has not yet been received:

- 919 Brechin Road
- 2850 Cosgrove Crescent

As such, the Building Inspection Section, with the assistance of the Bylaw Enforcement Section will seek further action and/or removal of the secondary suite. |

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.

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected properties in order to identify construction that was originally completed without a building permit and it is, therefore, unknown if the completed works are compliant with the standards of the BC Building Code. |

SUMMARY POINTS

- Bylaw Contravention Notices are being registered in compliance with the Secondary Suite Enforcement Policy.
- 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:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | January 3, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1970 KELSIE ROAD** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1970 Kelsie 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 1970 Kelsie Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2018-OCT-17 in response to a complaint received regarding illegal construction. The inspection confirmed that new front stairs with landing was under construction without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-NOV-05. To date, a building permit application has not 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 work completed without a permit or inspections in 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.
- The deadline to submit a building permit application 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:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | January 3, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1799 STEWART AVENUE** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1799 Stewart Avenue. |

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 1799 Stewart Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2018-OCT-16 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct a new shed structure on a new deck exceeding 2ft above grade without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2018-NOV-02. To date, a building permit application has not 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 work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

This matter will be referred to Bylaws for further enforcement. |

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.
- The deadline to submit a building permit application 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.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | January 3, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2560 COSGROVE CRESCENT |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2560 Cosgrove Crescent. |

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 2560 Cosgrove Crescent for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.|

BACKGROUND

An inspection was completed on 2018-OCT-31 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to enclose a carport without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-NOV-22. To date, a building permit application has not 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 work completed without a permit or inspections in 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.
- The deadline to submit a building permit application 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:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | January 3, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 2396 BARCLAY ROAD |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2396 Barclay 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 2396 Barclay Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2016-OCT-31 in response to a complaint received regarding illegal construction. The inspection confirmed that work to build an illegally-constructed addition was underway without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2018-NOV-22, but to date, an application has not 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 work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

As the construction is considered a safety issue, Staff will be seeking a Safety Upgrade / Removal Order at a future 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 requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application 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.
- Staff will be seeking a Safety Upgrade / Removal Order at a future meeting.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | January 3, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 139 WILDLIFE PLACE |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 139 Wildlife Place. |

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 139 Wildlife Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

A building permit application for construction of a roof over an existing patio was received 2017-AUG-28. However, the permit application expired without being issued. A site inspection 2018-OCT-25 confirmed that an aluminum roof had been constructed over the deck without a building permit or the required inspections. Correspondence was forwarded to the owners advising of the requirement for a building permit for the work. To date, a building permit application has not been received, nor has the owner contacted Staff with regard to removal of the structure. 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”.

This matter will be forwarded to Bylaw Services for further enforcement. |

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

- A building permit was applied for, but not issued.
- Construction requiring a building permit was undertaken without first obtaining the applied for building 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.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING January 3, 2019

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 108-5854 TURNER ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 108-5854 Turner 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 108-5854 Turner Road for construction not completed as per the conditions of the building permit.

BACKGROUND

During the course of an inspection on 2016-MAY-13, the inspector discovered that a veranda and set of stairs were under construction without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit application was required by 2016-MAY-31. The deadline passed without the required application and the matter was brought before Council at their meeting at 2016-AUG-08, at which time the matter was referred back to Staff. A further deadline of 2016-AUG-30 was given for a building permit application. An application was eventually received on 2016-NOV-07 and issued 2017-APR-26. To date, no inspections have been called under this permit and the permit has 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.

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:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development