



**AGENDA**  
**FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)**

Thursday, March 14, 2019, 7:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

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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. Covenant Amendment Application No. CA10 - 1371 Stewart Avenue

5 - 13

To be introduced by Madeleine Koch, Planner.

Presentation:

1. Steve Johnston, Alair Homes, Applicant.

Call for submissions from the Public.

b. Rezoning Application No. RA397 - 4900 Island Highway N

14 - 33

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

Presentation:

1. Mark Holland, Holland Planning Innovations Inc., Applicant.

Call for submission 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: 34**

a. "Zoning Amendment Bylaw 2019 No. 4500.131" 35 - 36

That "Zoning Amendment Bylaw 2019 No. 4500.131" (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service, and rental use) pass third reading.

**9. REPORTS:**

a. Bylaw Contravention Notice - Secondary Suite 37 - 38

To be 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 the properties listed within this report.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Secondary Suite.

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 property:

1. 515 Stewart Avenue – illegal secondary suite

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 479 Park Avenue 39 - 40

To be 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 479 Park Avenue.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 479 Park 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 479 Park Avenue 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 - 3650 Planta Road 41 - 42

To be 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 3650 Planta Road.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 3650 Planta 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 3650 Planta Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- d. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 3162 Mexicana Road

43 - 44

To be 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 3162 Mexicana Road.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 3162 Mexicana 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 3162 Mexicana Road for construction not completed as per the conditions of the building permit.

10. **ADJOURNMENT:**



DATE OF MEETING February 4, 2019

AUTHORED BY MADELEINE KOCH, PLANNER, CURRENT PLANNING

**SUBJECT COVENANT AMENDMENT APPLICATION NO. CA10 –  
1371 STEWART AVENUE**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend a Section 219 covenant registered on the property title of 1371 Stewart Avenue in order to remove restriction on the use of this property.

### **Recommendation**

That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA10 at 1371 Stewart Avenue.

## **BACKGROUND**

The City has received a covenant amendment application, CA10, for 1371 Stewart Avenue from Alair Homes, on behalf of Harbour City Entertainment Development Ltd, to discharge the Covenant (S126899) in order to remove the restriction on the use of this property for surface parking only.

The covenant was registered on the title of 1371 Stewart Avenue in 1987, as part of an application to rezone the property for use as a parking lot. The subject property was zoned for parking (Parking 1 Zone) until "Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") was adopted in 2011, at which time it was rezoned to R1 – Single Dwelling Residential. However, the covenant has remained in place and continues to limit use of the property. The subject property was originally restricted to parking use to secure parking for a restaurant use located on the east side of Stewart Avenue (1340-1370).

The owners are now looking to construct a single residential dwelling on the subject property, which is a permitted use in accordance with the existing R1 – Single Dwelling Residential zoning. In order to permit a dwelling to be constructed, the covenant must be removed.

### ***Subject Property***

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the west side of Stewart Avenue.
<i>Total Area</i>	642m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use Plans – Neighbourhood

The subject property is a vacant lot with a gravel surface. The property is surrounded by single residential dwellings on R1-zoned lots on the west side of Stewart Avenue, and a mix of commercial and marine-related uses to the north of Larch Street and along the waterfront on east side of Stewart Avenue.

## **DISCUSSION**

The restaurant for which the parking was intended has not been in operation for a number of years.

The applicant has confirmed that the owner of 1371 Stewart Avenue also owns 1340-1370 Stewart Avenue on the waterfront. The applicant and owners are aware that parking requirements will need to be addressed as part of any future redevelopment of lands to the east of Stewart Avenue.

In addition, the parking arrangement pre-dates and is not in compliance with the City's "Off-Street Parking Bylaw 2018 No. 7266" (the "Parking Bylaw"). While the Parking Bylaw allows for offsite parking in certain cases, it does not allow offsite parking on lands zoned residential, and it does not allow a Provincial highway to separate a parking area from the property it is intended to serve.

The proposed release of the covenant would bring the use of the property into compliance with the existing R1 Zone, which would not otherwise permit a public parking lot. Allowing the property to be developed with a single residential dwelling would be more compatible with adjacent residential uses and would reflect the intent of the Official Community Plan (OCP) "Neighbourhood" designation for the subject property. The "Neighbourhood" designation supports low density residential uses in two- to four-storey building forms and densities of 10 to 50 units per hectare.

Given that the proposed discharge of Covenant (S126899) is consistent with the existing zoning, Parking Bylaw regulations, and OCP policies, and Staff do not anticipate any negative impact on the future development potential of surrounding properties, Staff support the proposal to discharge the Covenant.

### **SUMMARY POINTS**

- The Covenant (S126899) restricts use of the subject property to surface parking only.
- The applicant wishes to develop a single residential dwelling on the lot.
- The proposal to use the subject property for a single residential dwelling is consistent with existing zoning and OCP policies.
- Staff support discharging Covenant No. S126899.

## **ATTACHMENTS**

ATTACHMENT A: Existing Registered Covenant (S126899)

ATTACHMENT B: Location Plan

ATTACHMENT C: Aerial Photo

### **Submitted by:**

L. Rowett  
Manager, Current Planning

### **Concurrence by:**

D. Lindsay  
Director, Community Development

# ATTACHMENT A EXISTING REGISTERED COVENANT (S126899)

PID 25-143  
SK

S 126899

MUNICIPAL ACT (S. 215) COVENANT FORM 17

Before submitting this application, applicants should check and satisfy themselves to tax position, including taxes of the Crown Provincial, a Municipality and Improvement, Water and Irrigation Districts.

NATURE OF INTEREST: RESTRICTIVE COVENANT TRUE VALUE:  
HEREWITH FEE OF \$ 25.00 PID # 000-025-143

Full name, address and telephone number of person presenting application:  
P.W. McKechnie  
City of Nanaimo  
455 Wallace Street,  
Nanaimo, B.C.  
V9R 5J6 754-4251

Address of person entitled to be registered as owner if different from that shown in Instrument:  
12/01/87 016736 CHG MON 25.00  
Signature of Applicant, or Solicitor, or Authorized Agent

THIS AGREEMENT made the 10<sup>th</sup> day of NOV. A.D. 1987.

BETWEEN: JAMES EDWARD SYMINGTON AND JACYNTHIE BROUARD-SYMINGTON  
231 Pine Street  
Nanaimo, B.C.  
V9R 2B5

(hereinafter called the "Grantor")

OF THE FIRST PART,

AND: CITY OF NANAIMO  
455 Wallace Street  
Nanaimo, British Columbia  
V9R 5J6

(hereinafter called the "Grantee")

OF THE SECOND PART.

RECEIVED  
LAND TITLE OFFICE  
VICTORIA  
1 Dec 87

FORM 1 (Section 39)  
MEMORANDUM OF REGISTRATION  
Registered on application received on  
the day and date written hereon  
M. H. CRISWOLD, Registrar of the  
Victoria Land Title Office





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The Grantors, James Edward Symington and Jacynthe Brouard-Symington are the registered owners in fee simple of:

That Part of Lot 4, Block 3, Newcastle Reserve, Section 1, Nanaimo District, Plan 5753, Lying to the West of The Highway through Said Lot 4, that Highway being shown on said Plan 5753

The Grantor applied to the Grantee to have the land rezoned to Parking 1 Zone provided that the use of the land be restricted as set out in this agreement.

NOW, THEREFORE, in consideration of the premises and the covenants contained in this agreement and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties covenant and agree to and with each other as follows:

The Grantors agree that the property shall be used solely for the purpose of a parking lot for vehicles, at ground level only, and specifically excluding any buildings or structures.

The Grantee shall consider the Grantors' application to rezone the land pursuant to the procedure set out in the Municipal Act.

The Grantors covenant and agree for themselves, their heirs, executors, successors and assigns, that they will at all times perform and observe the requirements and restrictions thereinbefore set out but so nevertheless that the same shall be binding upon the Grantors as personal covenants only during the period of their respective ownership and any interest in the land.

The restrictions and covenants herein contained shall be covenants running with the land and shall be perpetual, and shall be registered in the Land Title Office at Victoria pursuant to Section 215 of the Land Title Act as covenants in favour of the Grantee.

This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors and assigns.

Wherever the expression "Grantor" and "Grantee" are used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

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IN WITNESS WHEREOF the parties have hereunto set their respective hands and seal the day and year first before written.

THE CORPORATE SEAL of  
THE CITY OF NANAIMO  
was affixed hereto in the  
presence of:

(SEAL)

Mayor

City Clerk

SIGNED, SEALED AND DELIVERED  
in the presence of:

Witness

30 FRONT ST.

Address

NANAIMO BC  
V9R 5X9  
SOLICITOR

5126899

LAND-TITLE ACT  
Form 6  
(Section 46)

PROOF OF EXECUTION BY CORPORATION 2 TSC000


I CERTIFY that on the 13<sup>th</sup> day of November, 19 82, at NANAIMO, in British Columbia, GARY HASON

whose identity has been proved by the evidence on oath of

who is) personally known to me, appeared before me and acknowledged to me that he/she is the authorized signatory of City of Nanaimo

and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it,   
 \*\*and that the corporation existed at the date the instrument was executed by the corporation).

IN TESTIMONY of which I set my hand and seal of office, at NANAIMO BC this 13<sup>th</sup> day of October, 19 82.

\*\*\*   
A COMMISSIONER FOR  
TAKING AFFIDAVITS  
FOR

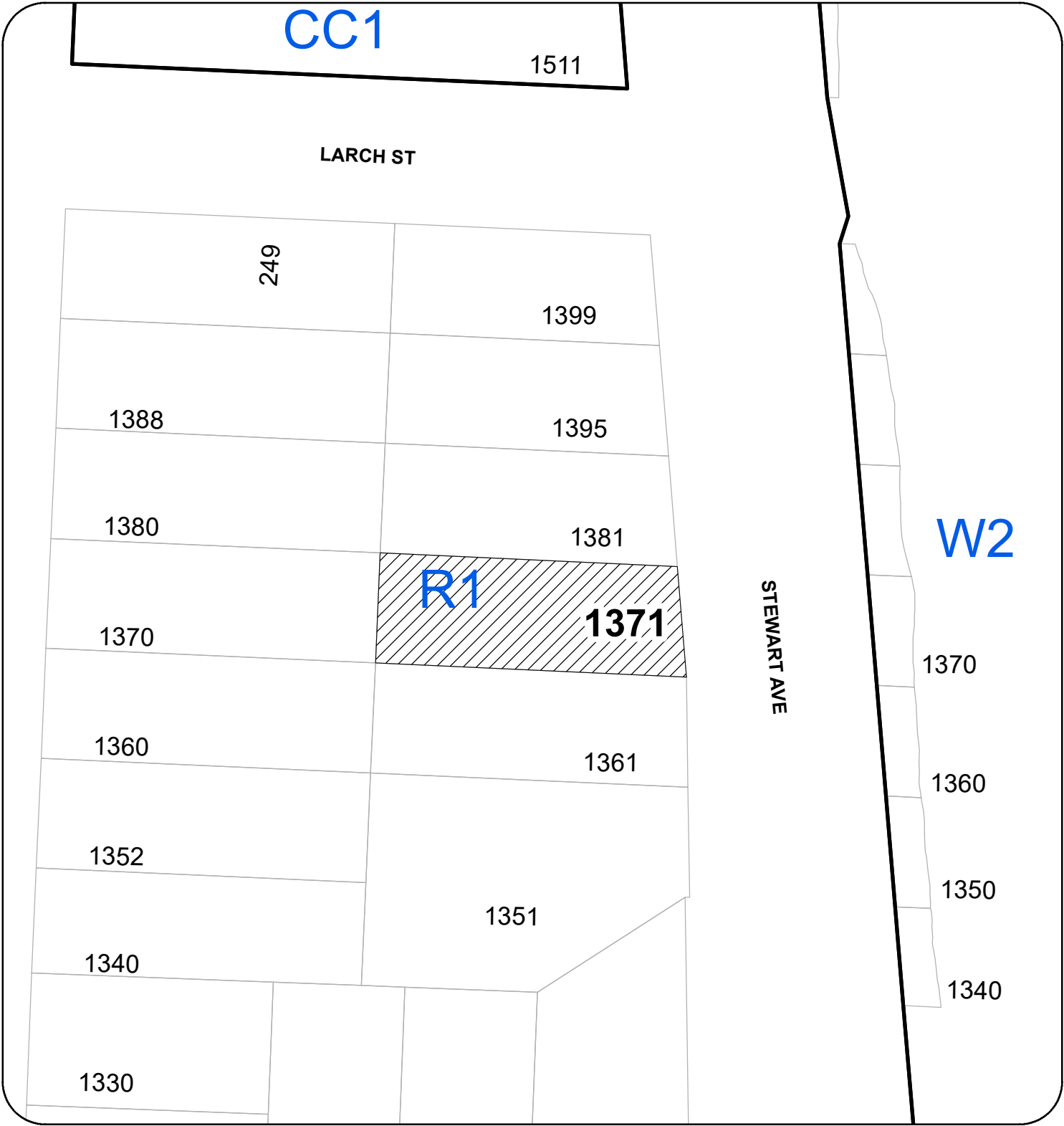
\*\*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.

\*\*These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under Section 162(5) not to call for further evidence of the existence of the corporation.

\*\*\*Write name and qualifications under Section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

*J*

ATTACHMENT B  
LOCATION PLAN



COVENANT AMENDMENT NO. CA000010  
LOCATION PLAN



Civic: 1371 Stewart Avenue  
Legal Description: THAT PART OF LOT 4, BLOCK 3,  
NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT,  
PLAN 5753, LYING TO THE WEST OF THE HIGHWAY THROUGH  
SAID LOT 4, THAT HIGHWAY BEING SHOWN ON SAID PLAN 5753



Subject Property



ATTACHMENT C  
AERIAL PHOTO



COVENANT ADMENDMENT NO. CA000010

DATE OF MEETING February 25, 2019

AUTHORED BY LAINYA ROWETT, MANAGER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA397 – 4900 ISLAND HIGHWAY NORTH**

## **OVERVIEW**

### **Purpose of Report**

To present Council with a rezoning application for a site-specific amendment to the Community Corridor (COR3) Zone to permit automobile sales, service, and rental use within the subject property at 4900 Island Highway North.

### **Recommendation**

That Council deny the application and the associated readings to “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service, and rental use).

## **BACKGROUND**

A rezoning application (RA397) for 4900 Island Highway North was received from Holland Planning Innovations Inc., on behalf of 1960400 Ontario Ltd. The applicant is requesting an amendment to the Community Corridor (COR3) Zone in order to permit automobile sales, service, and rental as a site-specific use within the subject property.

Prior to and following the purchase of this property, Staff met with the applicant and other consultants to discuss the proposed amendment, policy implications, opportunities to incorporate additional uses within the proposal, and to advise the applicant that Staff could not support the application as presented (see Attachment A - Summary of Application Timeline). After receiving the application on 2018-AUG-08, Staff brought a report to Council on 2018-SEP-17 requesting that Council deny the application and direct Staff not to proceed with the application review. However, Council directed Staff to proceed with the review and referral process, which has now been completed.

### **Subject Property & Site Context**

<i>Location</i>	The subject property is located in the Long Lake neighbourhood on Wills Road, approximately 70m southeast of the Island Highway and Rutherford Road intersection.
<i>Lot Area</i>	8,561m <sup>2</sup>
<i>Current Zone</i>	COR3 - Community Corridor
<i>Proposed Zone</i>	COR3 - Community Corridor with site-specific automobile sales, service and rental as a stand-alone use.
<i>Official Community Plan Designation</i>	Corridor

The subject property was formerly occupied by Long Lake Nurseries Garden Centre. The nursery opened in 1975 and closed in January 2017. The property was subsequently purchased by the current owner and the nursery buildings demolished, leaving the site vacant. Given the longevity of the nursery, this is the first redevelopment opportunity in 44 years on this site.

The property is a corner lot that is separated from the Island Highway by Wills Road, a frontage road that bends sharply around the northwest corner of the property. The property is centrally located within the Long Lake neighbourhood, approximately 65m from the lake, and is surrounded by a mixture of established uses including:

- Retail (Long Lake Plaza, North Nanaimo Town Centre);
- Office (Lake View Centre, Workers Compensation Board);
- Multiple-family housing (Waterdown Quay, Lakeside Villas);
- Hotels (Inn on Long Lake, The Grand Hotel);
- Seniors' housing and care facilities (Nanaimo Memory and Complex Care); and
- Park and trail access to recreational amenities at Long Lake.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes a site-specific amendment to the existing property zoning (COR3 Zone) in order to permit two stand-alone automobile sales dealerships that would include auto repair and detailing shops. The development concept includes three buildings to accommodate Subaru (1,058 m<sup>2</sup>) and Porsche (794 m<sup>2</sup>) dealerships, as well as a parkade structure (1,544m<sup>2</sup>), with a combined floor area of 3,395 m<sup>2</sup>. The existing Subaru dealership located at 2476 Kenworth Road will relocate and expand within the proposed site, and the former Subaru site will be replaced with similar automobile sales/repair uses. The proposed buildings are anticipated to be two storeys in height, with the dealership offices on the second storey. Vehicle parking onsite includes surface parking and a parkade structure that is to be built near the rear of the property.

The applicant has provided the following rationale in support of the proposed automobile sales, service, and rental use in this location:

- The property has good highway visibility;
- Proximity to other automobile sales, service, and rental uses;
- Proposed access will not disturb neighbours;
- Traffic impacts are "small" on nearby residents;
- Customers to dealerships will support existing local businesses; and
- "The city is growing and needs additional dealerships."

The applicant has also identified the following benefits that could result from the proposed development:

- Upgrades to Wills Road (sidewalk extension, bike lane, parking, and boulevard landscaping);
- Upgraded transit stop as part of the community amenity contribution;



- Landscape buffer between the proposed dealerships and adjacent residences (Waterdown Quay);
- Estimated 70 new jobs as well as construction jobs; and
- Value of investment and increased commercial tax revenue for the City.

For clarification, Staff note that frontage works and services to upgrade Wills Road would be required with any redevelopment of the subject property in order to achieve a functional road and pedestrian facilities, including sidewalk and bike lane improvements. The applicant is proposing their community amenity contribution be directed towards additional off-site improvements to complete a section of sidewalk/bike lane along Wills Road and potentially upgrade a transit stop.

See Attachments for more information.

## Policy & Regulatory Context

### *Official Community Plan*

The Official Community Plan (OCP) designation for the subject property is “Corridor.” Development within Corridors shall be characterized by medium- to high-density residential, mixed-use commercial/residential, office uses, and public amenities. In the past, Corridors were focused on expediting vehicle travel through the city; however, Council’s policies, as outlined in the OCP, support a broader approach where the Corridors evolve with new multiple uses and achieve more efficient land use patterns:

- *“Opportunities to increase the mix and intensity of uses along Corridors will be supported through development and redevelopment opportunities.”*
- *“Corridors shall be the future focus of mid to high residential densities that recognize a human scale and pedestrian oriented form of development.”*

Specifically, the Corridor designation sets a residential density target of 50 to 150 units per hectare, in two- to six-storey building forms. For example, on the subject property, this would equate to 42 to 128 residential units.

Stand-alone commercial uses are discouraged within the Corridor designation, and the overall design of Corridors are intended to:

- *“[S]upport the needs of pedestrians, cyclists, and public transit with aesthetic characteristics that contribute to a vibrant economy and street life.”*

Development of the Corridors in accordance with OCP policies will benefit the city as a whole by linking Urban Nodes and Neighbourhoods with “energetic and human scaled connectors”. The OCP intends that each Corridor will build on the unique characteristics of the surrounding neighbourhood and will contain an “individualized mix of uses and services.”

The OCP addresses automobile sales, service, and rental use within the Light Industrial designation:

- *“Rezoning for vehicle sales, repair, and rental uses may be supported on properties designated Light Industrial and located within the Shenton Road and Boban industrial areas.”*

In recognition of the potential land use impacts (e.g. noise, aesthetic, environmental) that are typically associated with automobile sales, service, and rental use, the OCP considers this use to be more appropriately located within industrial areas, leaving Corridor lands to be redeveloped to the highest and best use. While it may be argued that this direction may have impacts on industrial lands, Staff note that not all industrial lands permit this use; only a specified portion of the community intentionally allows an auto mall. Moving forward, consideration needs to be given to how this use, which requires significant land area, can be best accommodated within the city.

The OCP clarifies the community’s vision to see the auto-oriented corridors of the city evolve into more efficient and sustainable forms of development. Supporting the proposed stand-alone auto-oriented use within the subject property would underutilize this Corridor property, contrary to the OCP, and hinder its future development potential.

#### *Transportation Master Plan*

The Nanaimo Transportation Master Plan (NTMP) reinforces the land use and transportation policies in the OCP by designating Urban Nodes and prominent Commercial Centres in the city as Mobility Hubs. The subject property is located within the focal area of the North Nanaimo Mobility Hub (130m from the mall) and adjacent to the Country Club Mobility Hub. It is also located within 400m of four transit routes, which provide connection to other mobility hubs, and within 150m of the E&N Trail, which provides an active transportation link to the Hospital Area and Downtown Mobility Hubs. A soft-surface pedestrian trail also connects Wills Road (via Lakeview Road trail) to the Long Lake Heights strata housing development on the north side of the Lake. The subject property is, therefore, centrally located and well-connected to the existing Long Lake neighbourhood, recreational amenities, and opportunities for alternative modes of transportation, making it well-suited for a variety of uses and higher-density forms of development.

The NTMP encourages future development within the area to focus on improving pedestrian/cyclist mobility and comfort while breaking down barriers formed by major roads in order to increase the amount of walking and cycling within the mobility hubs. The NTMP would therefore support a street-oriented development within the subject property that improves the pedestrian experience within the neighbourhood.

#### *Community Sustainable Action Plan*

Nanaimo’s Community Sustainability Action Plan supports building a more sustainable community by reaching higher density levels in the Urban Nodes and Corridors identified in the OCP. Goal No. 2 of the Action Plan states that increasing density in these areas “will provide the higher levels of servicing and amenities that will help support greater alternate transportation options and lower greenhouse gas (GHG) emissions over the long term.” The Action Plan recommends the City encourage transit-oriented development (ToD) to promote the

development of higher-density, mixed-use developments with pedestrian and cycling facilities along high-frequency transit routes, such as the area where the subject property is located.

### *Nanaimo Affordable Housing Strategy*

Council adopted the Nanaimo Affordable Housing Strategy in 2018. The Strategy identifies priorities for the City to address non-market and market housing affordability needs across the housing continuum. The Strategy promotes affordable housing through innovations (e.g. density bonus provisions) and partnership agreements between developers and other housing providers. The Strategy reinforces OCP policies to diversify housing options in all neighbourhoods, and to support housing within mixed-use corridor developments in proximity to transit and amenities. With a currently low vacancy rate of 2.4%, and a rapidly growing population, the demand for housing is strong and is reflected in increasing rental rates, according to CMHC. Therefore, the City needs to maximize opportunities to develop sites designated for mixed use to their highest and best use consistent with the OCP and Housing Strategy.

### *Zoning Bylaw – Corridor Land Uses*

The Community Corridor (COR3) Zone was established with the adoption of “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to recognize *existing* stand-alone commercial uses and to incentivize mixed-use developments within Corridor-designated properties. The COR3 Zone is intended to provide a range of uses to meet the day-to-day needs of the surrounding community, such as multiple-family dwellings, neighbourhood pub, restaurant, personal care facility, office, retail, live/work, seniors’ housing, veterinary clinic, etc. Automobile sales, service, and rental use is not a “permitted use” in the Corridor zones, but is recognized in Section 9.2.3 of the Zoning Bylaw as being “permitted on a site-specific basis” for a number of *existing* properties in the city. The properties were zoned as such when the Zoning Bylaw was introduced in order to recognize existing uses that would have otherwise become non-conforming when the Bylaw was adopted. Rezoning to allow *new* automobile sales, service and rental sites are supported by OCP policy, but only in the Shenton Road and Boban industrial areas, as discussed previously in this Staff report.

The proposed stand-alone automobile sales, service, and rental use does not comply with the intent of the OCP or zoning, as the subject property is not located within the specified industrial areas and the zoning does not allow the use within the subject property.

### *Site-Specific Zoning*

The applicant has referenced in their rationale another site-specific example of automobile sales, service, and rental use in the Corridor Zone, which was approved by Council in 2017. This application involved an OCP amendment and rezoning to allow a mixed-use development on the former Madill industrial lands located at 2560 Bowen Road. The Madill rezoning differs substantially from the proposed amendment at 4900 Island Highway North and should not be considered as a precedent for allowing this auto-oriented use in the Corridor Zone:

- Madill was a ‘brownfield’ (industrial) redevelopment surrounded by existing industrial uses and car dealerships:

- The OCP amendment from Light Industrial to Corridor was supported because the re-designation aligned with adjacent Corridor lands and complied with the general intent of the OCP to allow for mixed-use development in urban areas close to amenities;
- The Madill comprehensive development included a mix of uses (retail, office, seniors' congregate care) with only a portion of the site (35%) allocated to automobile sales, service, and rental use;
- The rezoning accommodated the expansion of an *existing* car dealership (Laird Wheaton GM) from an adjacent property, as well as new dealerships within the established auto precinct area; and
- Madill's land uses were restricted due to limited capacity in the existing road network, so the automobile sales use helped reduce the traffic demand until network upgrades would permit further intensification of uses as permitted in the Corridor Zone.

It is further noted that the Madill development created three new lots (1.8 ha in total) that permit automobile sales, service, and rental use within an existing auto precinct area and, therefore, increased the amount of land dedicated to automobile sales, service and rental within the city.

#### *Land Use Compatibility*

Historically, the subject property functioned as a highway commercial site, but, as previously noted, the OCP policy and zoning have evolved to encourage new forms of development. The neighbourhood fabric has also evolved with the introduction of Mostar Road connecting to the Nanaimo Parkway and the intensification of land uses near the site, making the Long Lake neighbourhood an emerging gateway community. More than 600 residential units exist, or are proposed, within the immediate vicinity of the subject property, as summarized in the following table:

<b>Existing Development (Constructed)</b>	
4949 Wills Road and 4969 Wills Road	92 condominium units (combined total)
4989 Wills Road	79-unit personal care facility (Nanaimo Memory & Complex Care)
4960 Songbird Place	63-unit apartment building
<b>Proposed Development (Active Applications)</b>	
4979 Wills Road	160 senior's housing units
4961 Songbird Place	80-unit apartment building
4800 Cedar Ridge Place	172-unit multi-family development
<b>Total Residential Units</b>	<b>646 units</b>

Due to its proximity to recreational amenities at Long Lake, residential development, shopping and local services, employment centres, and transit, the subject property is strategically located for a more intensive infill development that would contribute positively to the character, density, and human scale of the neighbourhood. Automobile dealerships are by their very nature not pedestrian-oriented development types and typically detract from the pedestrian experience.

Staff, therefore, have serious concerns about the impacts of the proposed automobile sales, service, and rental use in the heart of the Long Lake neighbourhood:

- The proposed amendment would set a precedent for encouraging more automobile sales, service, and rental uses outside of the established auto precinct areas;
- The proposed development will detract from the human scale of the Corridor and the neighbourhood character and development pattern established in the Long Lake neighbourhood;
- The proposed use will hinder the ability to achieve the community's vision for a walkable, human-scale development and diversity of housing options near existing services, employment, transit, and recreational amenities at Long Lake;
- The proposed use would introduce potential land use conflicts with adjacent residential uses (e.g. truck movements near seniors' housing; aesthetic impacts; noise from auto repair services); and
- The proposed stand-alone car dealerships would preclude a more efficient mix of uses, with residential units or local services that better support and complement existing businesses, job opportunities, and residential uses.

#### *Suitability of the Site*

One of the concerns raised by the applicant is the suitability of the site for residential development. The applicant's rationale states that the site is "too close to a busy highway for healthy living and sleeping", given the potential noise from traffic. Staff note a number of residential and mixed-use developments have been constructed, or are currently under construction, adjacent to the Island Highway and other major roads, including but not limited to:

- 775 Terminal Avenue ("Crest") – a 121-unit rental apartment building;
- 5160, 5180, 5190, 5200, 5220, 5240 and 5260 Dublin Way ("Pacific Station") – a mixed-use development that includes commercial units and townhouses along Metral Drive and a rental apartment building located adjacent to the Island Highway, approximately 400m from the subject property;
- 6540 Metral Drive – a mixed-use development containing commercial units and condominiums located across Metral Drive from Home Depot;
- 6975 Island Highway North – three rental apartment buildings with a total of 146 units; and
- various townhouse and apartment form housing on Highland Boulevard, adjacent to a highway speed limit of 70km per hour.

The proposed automobile sales development is in sharp contrast with the contemporary forms of new corridor developments emerging, as envisioned by the OCP, in urban nodes, commercial centres, and mobility hubs. Given the size (8,562m<sup>2</sup>) and dimensions of the subject property, there is sufficient site area to achieve a mixed\*use development with comparable setbacks to existing development along the Island Highway corridor.

#### *Economic Impact*

The value of the automobile sales/service industry in Nanaimo is well-recognized. It is also important for Council to consider the economic benefits of other growing sectors in the city and within the Long Lake neighbourhood. For example, the proposed seniors' congregate housing development at 4979 Wills Road (companion building to the Nanaimo Complex Memory Care



facility) is estimated to be a \$50 million investment in the city and would create approximately 50 new jobs related to seniors' care, in addition to providing new housing options. Staff anticipate bringing this development permit application to Council for consideration in the near future.

In addition to considering housing within the subject property, to address a growing demand and very low vacancy rate (2.4%), redevelopment of this site could offer addition office/retail space, which is in growing demand (office vacancy rate has declined from 10% to 6-7% according to Colliers International).

### **Community Input**

The proposed rezoning application was referred to the Wellington Action Committee (Neighbourhood Association) who provided the following comments (see Attachment G):

- Given the property's strategic location near shopping, transit, schools, lakes and employers, the Association supports higher-density mixed commercial and family housing consistent with the OCP; and
- The Association *"would not be supportive of any rezoning which regresses from the OCP plan."*

### **Community Planning and Development Committee**

On 2018-OCT-16, the Community Planning and Development Committee recommended that Council approve Rezoning Application No. RA397.

### **Conditions of Rezoning**

Should Council wish to proceed with this application, Staff recommend the following conditions be secured prior to final adoption of "Zoning Amendment Bylaw 2019 No. 4500.131":

1. *Community Contribution*

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant proposes a monetary contribution of \$115,430 at a rate of \$34/m<sup>2</sup> of commercial space to be directed towards active transportation and pedestrian improvements, which are beyond the required frontage works and services.

2. *Road Dedication & Statutory Right-of-Way*

Approximately 1.6m of road dedication is required along the north property line and corner rounding, as well as a statutory right-of-way to protect the sidewalks as proposed along the west property frontage.

3. *Utility Rights-of-Way*

Update existing rights-of-way on the property title to reflect current servicing (water, sanitary, and storm sewer) within the property.

## OPTIONS

1. That Council deny the application and the associated readings to “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service and rental use).
  - **Policy Implication:** Denying the proposed use in this location would reinforce the strategic goals and objectives of the City’s major policy documents, including the OCP, the Transportation Master Plan, Community Sustainable Action Plan, and the Affordable Housing Strategy.
  - **Engagement Implication:** Affirms support for the input received from the broader community when developing these City policy documents.
  - **Strategic Priorities Implication:** Supports the Strategic Values of Environmental Responsibility and Economic Development, recognizing that the proposed low-density land use does not reflect the highest and best use of this key property in the Long Lake neighbourhood.
2. That Council grant first and second reading to “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service and rental use); and direct Staff to secure the community contribution, road dedication, and rights-of-way prior to the adoption of the bylaw, should Council support the bylaw at third reading.
  - **Policy Implication:** Not supported by any of the City’s policies and plans governing land use, transportation, and housing.
  - **Strategic Priorities Implication:** Does not align with the City’s Strategic Values and vision to “shape Nanaimo’s future as a progressive urban and cultural community”.
  - **Add Other Implications:** By permitting the development of this property as a stand-alone car dealership, the City would lose the opportunity to add a higher-density use that would be more appropriate for this particular location in the Long Lake neighbourhood. If approved, it is anticipated this would encourage other similar uses along the Island Highway corridor, contrary to OCP policy direction to cluster these uses in designated areas. |

### **SUMMARY POINTS**

- The City has received a rezoning application for a site-specific amendment to the COR3 Zone to permit two automobile dealerships within the subject property.
- The OCP and other Council policies governing land use, transportation and housing, do not support rezoning in this location for automobile sales, service, and rental use.
- The subject property is designated Corridor, which permits medium- to high-density residential and mixed-use developments with public amenities.
- The property is centrally located and well-suited to promote transit service and alternative modes of transportation.
- The proposed stand-alone auto-oriented use is not the highest and best use of the site and would detract from the residential character of the Long Lake neighbourhood.
- Staff advised the applicant that the proposed use is not appropriate in this location, but could be supported in other areas per OCP policy.
- If approved, the proposed amendment would set a precedent for more auto-oriented uses along the Island Highway corridor contrary to the OCP.
- Staff recommend that Council not support the application and deny the associated readings of “Zoning Amendment Bylaw 2019 No. 4500.131”.

### **ATTACHMENTS**

ATTACHMENT A: Application Timeline Summary  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Conceptual Site Plan and Project Data  
ATTACHMENT D: Conceptual Building Elevations  
ATTACHMENT E: Streetscape / Shadow Study  
ATTACHMENT F: Neighbourhood Association Letter  
ATTACHMENT G: Aerial Photo  
“Zoning Amendment Bylaw 2019 No. 4500.131”

#### **Submitted by:**

L. Rowett  
Manager, Current Planning

#### **Concurrence by:**

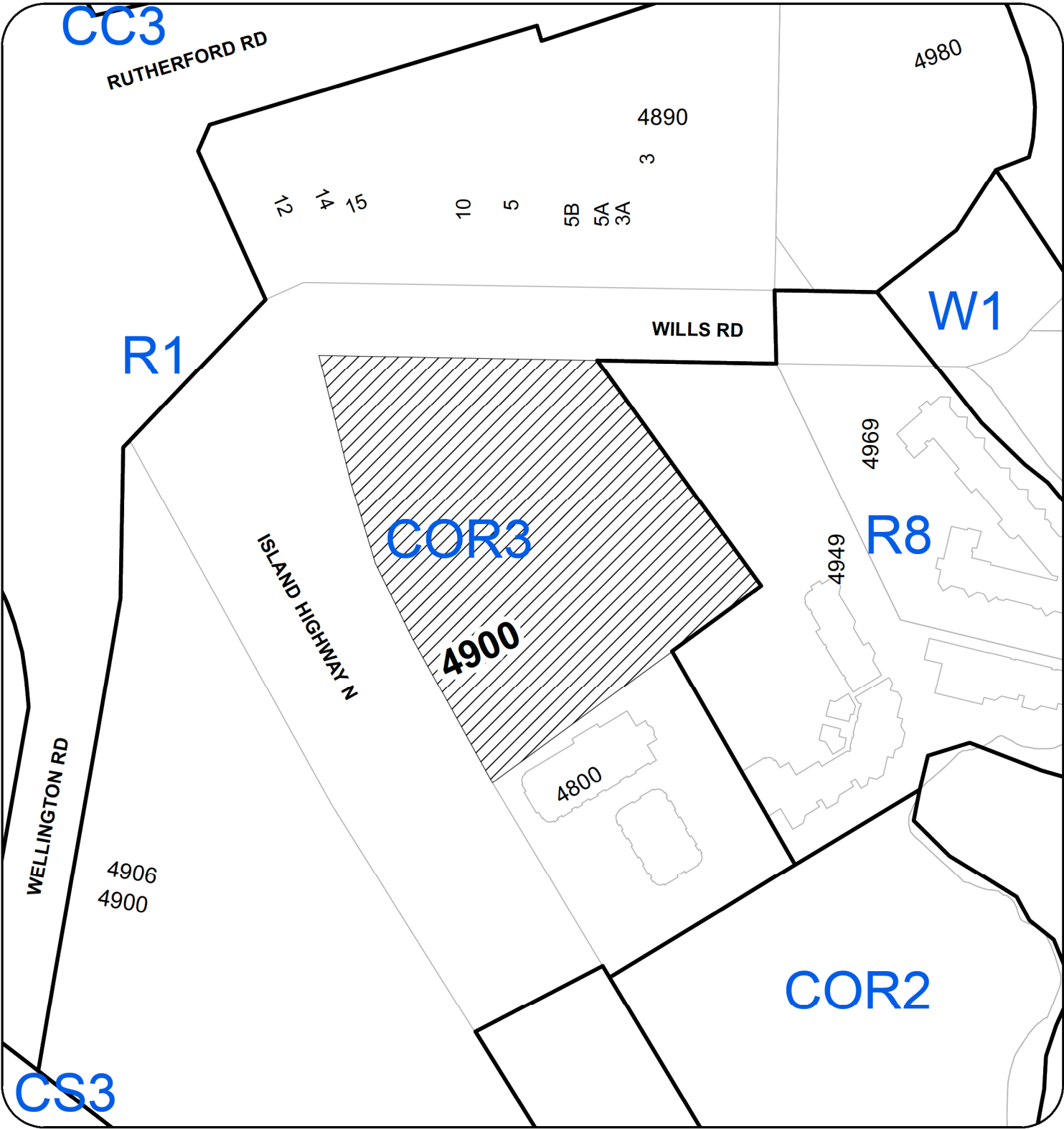
D. Lindsay  
Director, Community Development

## ATTACHMENT A APPLICATION TIMELINE SUMMARY

### Summary of Application Timeline

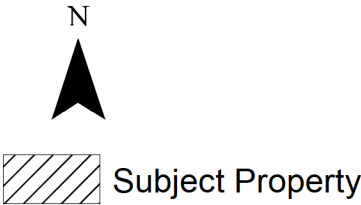
February 2017	<ul style="list-style-type: none"> <li>Consultant inquired about process to rezone to allow auto sales use and advised staff that the client was aware staff did not support the rezoning but the client wanted to proceed without staff support.</li> </ul>
March 2017	<ul style="list-style-type: none"> <li>Staff learned the property was purchased with the intent to rezone for a car dealership contrary to staff's advice.</li> <li>Staff met with consultants to discuss rezoning application process and reiterated objections to rezoning.</li> <li>Applicant engaged consultant to undertake traffic impact study.</li> </ul>
June - July 2018	<ul style="list-style-type: none"> <li>Staff met with multiple consultants to discuss rezoning process and reiterate staff's concerns and position.</li> <li>Preliminary engineering and traffic analysis initiated by applicant.</li> <li>Staff provided preliminary comments on site accesses.</li> </ul>
August 2018	<ul style="list-style-type: none"> <li><b>Rezoning application submitted 2018-AUG-08.</b></li> <li>Applicant advised that staff would send a report to Council recommending denial without further review.</li> </ul>
September 2018	<ul style="list-style-type: none"> <li>Report to Council 2018-SEP-17. Council directed staff to proceed with application review.</li> </ul>
October 2018	<ul style="list-style-type: none"> <li>Report to Community Planning and Development Committee 2018-OCT-16.</li> </ul>
December 2018	<ul style="list-style-type: none"> <li>Applicant hosted public open house 2018-DEC-11.</li> <li>Comprehensive letter sent to applicant 2018-DEC-17 summarizing staff's review and position.</li> </ul>
January 2019	<ul style="list-style-type: none"> <li>Applicant responded to comprehensive letter requesting to proceed for 1<sup>st</sup> and 2<sup>nd</sup> reading without any changes to the proposal.</li> </ul>
February 2019	<ul style="list-style-type: none"> <li>Council consideration of bylaw amendment.</li> </ul>

ATTACHMENT B  
LOCATION PLAN



REZONING APPLICATION NO. RA000397  
**LOCATION PLAN**

4900 ISLAND HIGHWAY N  
LOT 1, SECTION 5, WELLINGTON DISTRICT  
PLAN 12809 EXCEPT PART IN PLAN 33807



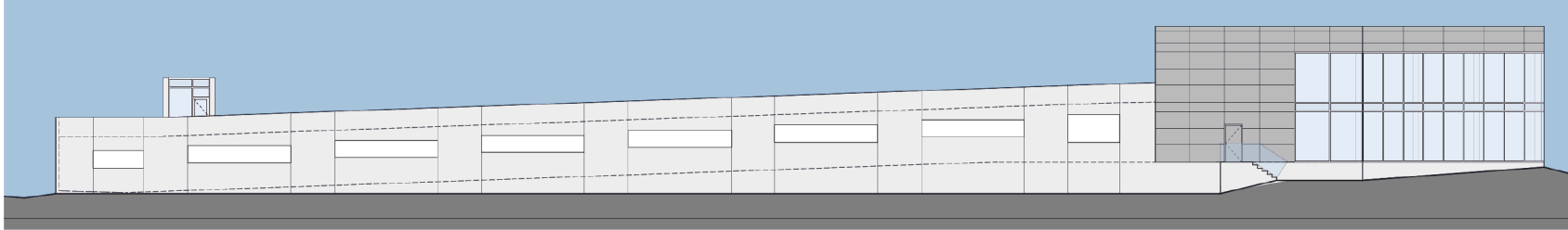


## CONCEPTUAL SITE PLAN and PROJECT DATA

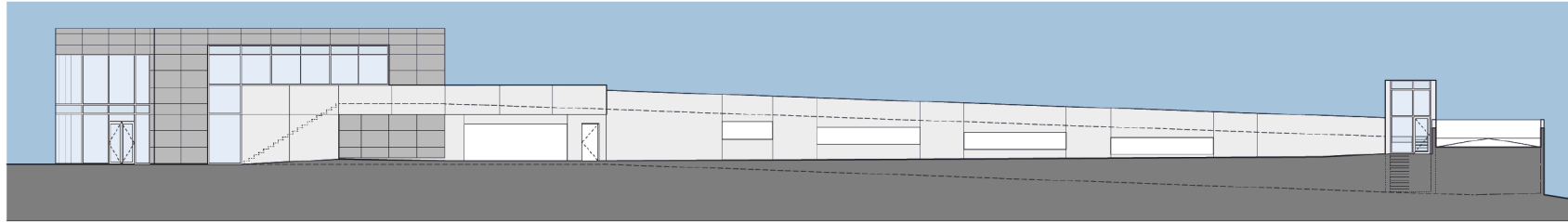


## ATTACHMENT D

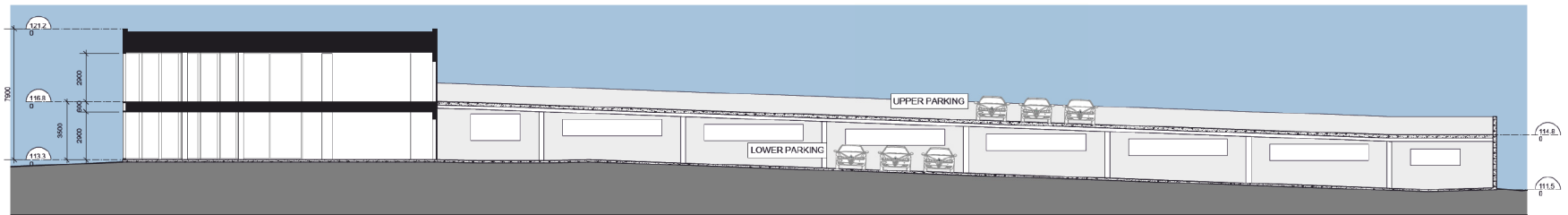
### CONCEPTUAL BUILDING ELEVATIONS



1 Parkade / Building C East Elevation  
scale: n.t.s.



2 Building C / Parkade West Elevation  
scale: n.t.s.



3 North - South Building Section  
scale: n.t.s.

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2018-SEP-27  
Current Planning & Subdivision

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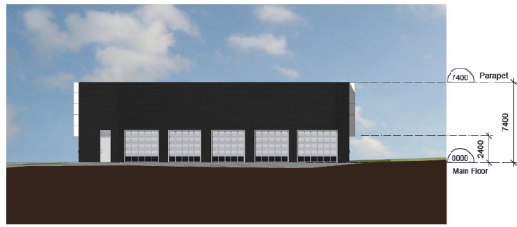
4900 Island Highway

## Building C-Parkade Elevations A2

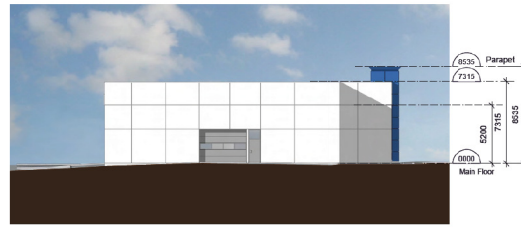
Project No. 1604  
21 Sept. 2018  
James E. Irwin ARCHITECT INC.  
Vicksburg, S.C. Tel. (229) 331-0209

# ATTACHMENT E STREETSCAPE / SHADOW STUDY

1 of 2



4 East Elevation - Building B  
scale: N.T.S.



8 East Elevation - Building A  
scale: N.T.S.



3 North Elevation - Building B  
scale: N.T.S.



7 North Elevation - Building A  
scale: N.T.S.



2 South Elevation - Building B  
scale: N.T.S.



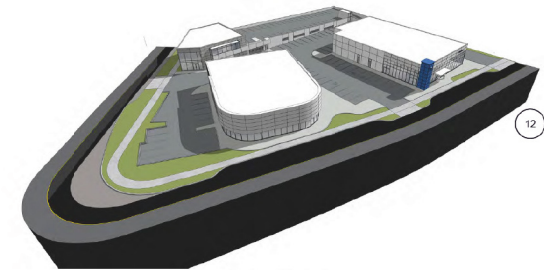
6 South Elevation - Building A  
scale: N.T.S.



1 West Elevation - Building B  
scale: N.T.S.



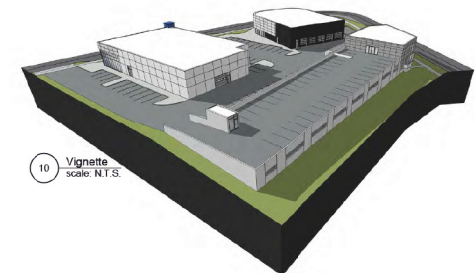
5 West Elevation - Building A  
scale: N.T.S.



12 Vignette  
scale: N.T.S.



11 Vignette  
scale: N.T.S.



10 Vignette  
scale: N.T.S.



9 Vignette  
scale: N.T.S.

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City of Vancouver

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4900 Island Highway

Elevations - Vignettes A3

Project No. 1604  
21 Sept 2016  
James E. Irwin ARCHITECT INC.  
Volume A-3 100 100-100-100





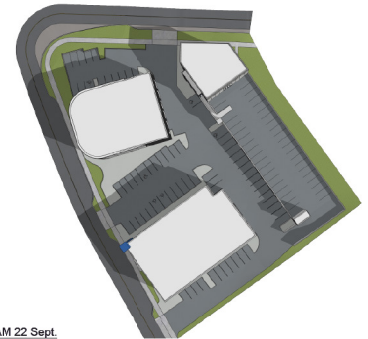
3 Street Scape Wills Road West  
scale: n.t.s.



2 Street Scape Wills Road North  
scale: n.t.s.



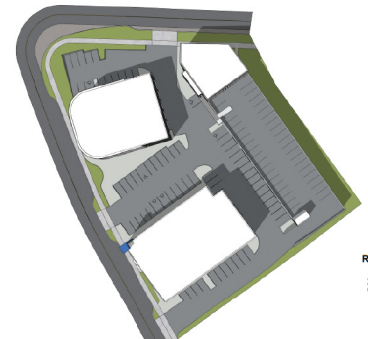
1 Site Context Massing Study  
scale: n.t.s.



4 Shadow Study 9AM 22 Sept.  
scale: n.t.s.



5 Shadow Study 12PM 22 Sept.  
scale: n.t.s.



6 Shadow Study 3PM 22 Sept.  
scale: n.t.s.

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2018-SEP-27  
Lester Brown, L.A. & B.C.

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4900 Island Highway

StreetScape - Context A4

Project No. 1604  
21 Sept 2018  
James E. Irwin ARCHITECT INC.  
Volume 002 of 002 (pages 1-10)

Wellington Action Committee  
3922 Corunna Ave  
Nanaimo BC

**ATTACHMENT F**  
**NEIGHBOURHOOD ASSOCIATION LETTER**

February 13, 2019

City of Nanaimo  
Planning Department  
Nanaimo BC

**RE: 4900 Island Highway North (RA397)**

I would like to thank the City of Nanaimo for its ongoing inclusion of Neighbourhood Associations in planning processes.

Regarding the property located at 4900 Island Highway North (RA397), the Wellington Community Association continues to support the OCP vision for this property.

Given the property's strategic location near shopping, bussing, schools, lakes and employers, the Community Association would support variances to the OCP vision which involved higher density mixed commercial and family housing, as long as the increased density is consistent with the OCP as publicly consulted and agreed upon.

The community association would not be supportive of any rezoning which regresses from the OCP plan.

Respectfully,



David Murchie

Wellington Action Committee - President



ATTACHMENT G  
AERIAL PHOTO



REZONING APPLICATION NO. RA000397

CITY OF NANAIMO

BYLAW NO. 4500.131

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 2019 NO. 4500.131".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By rezoning the lands legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT IN PART PLAN 33807 (4900 Island Highway North) from Community Corridor (COR3) to Community Corridor (COR3) with a site-specific use permitting Automobile Sales, Service and Rental, as shown on Schedule A.
  - (2) By amending subsection 9.2.3 to add the following site-specific use:

Automobile Sales, Service and Rental	4900 Island Highway North	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT IN PART PLAN 33807
--------------------------------------	---------------------------	---

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_

COVENANT REGISTERED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

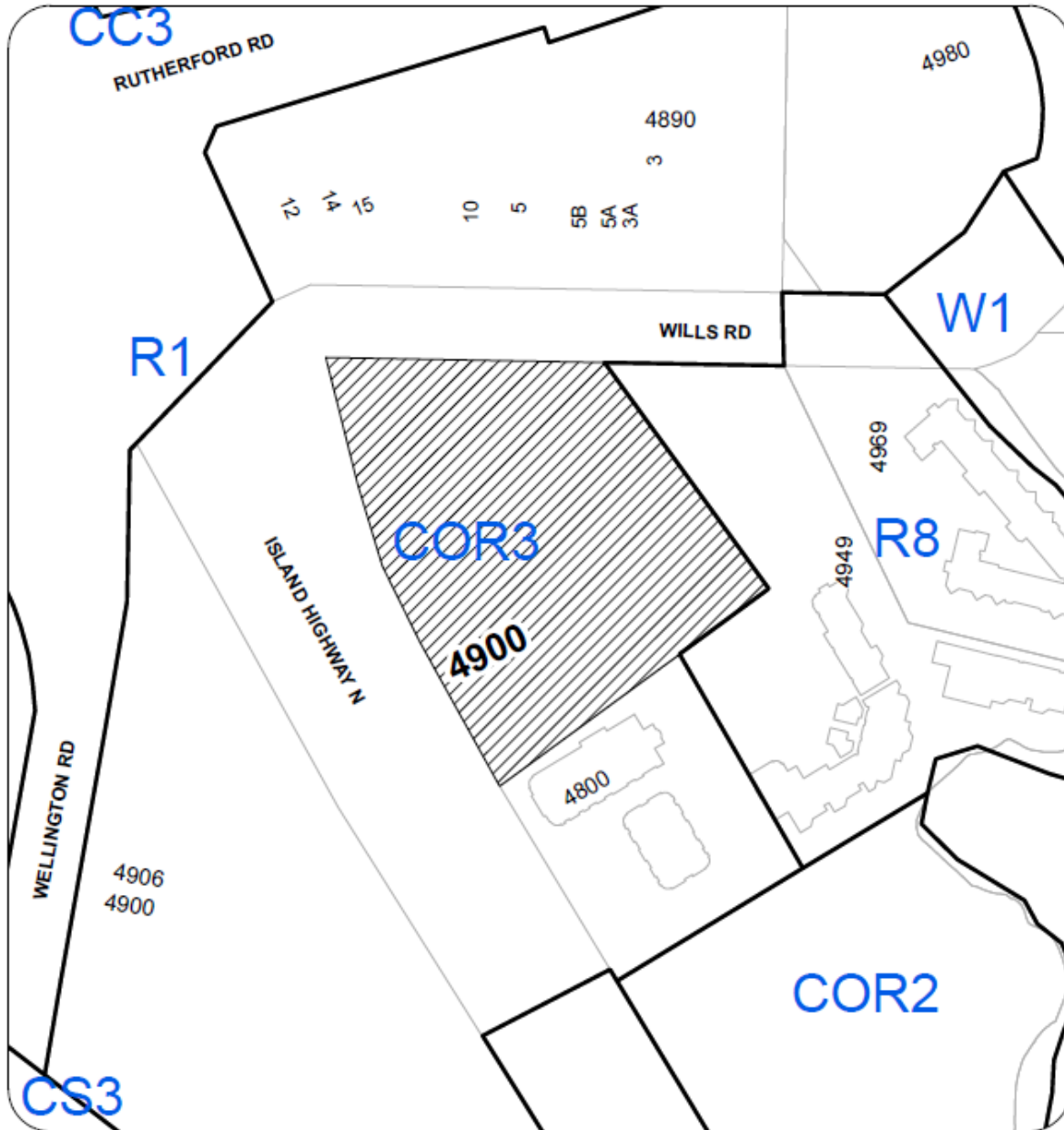
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: RA000397  
Address: 4900 Island Highway North

## SCHEDULE A

### LOCATION PLAN



**REZONING APPLICATION NO. RA000397**

### LOCATION PLAN

4900 ISLAND HIGHWAY N  
LOT 1, SECTION 5, WELLINGTON DISTRICT  
PLAN 12809 EXCEPT PART IN PLAN 33807



## **8. Bylaw**

CITY OF NANAIMO

BYLAW NO. 4500.131

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:

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(1) By rezoning the lands legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT IN PART PLAN 33807 (4900 Island Highway North) from Community Corridor (COR3) to Community Corridor (COR3) with a site-specific use permitting Automobile Sales, Service and Rental, as shown on Schedule A.

(2) By amending subsection 9.2.3 to add the following site-specific use:

Automobile Sales, Service and Rental	4900 Island Highway North	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT IN PART PLAN 33807
--------------------------------------	---------------------------	---

PASSED FIRST READING: 2019-FEB-25

PASSED SECOND READING: 2019-FEB-25

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_

COVENANT REGISTERED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

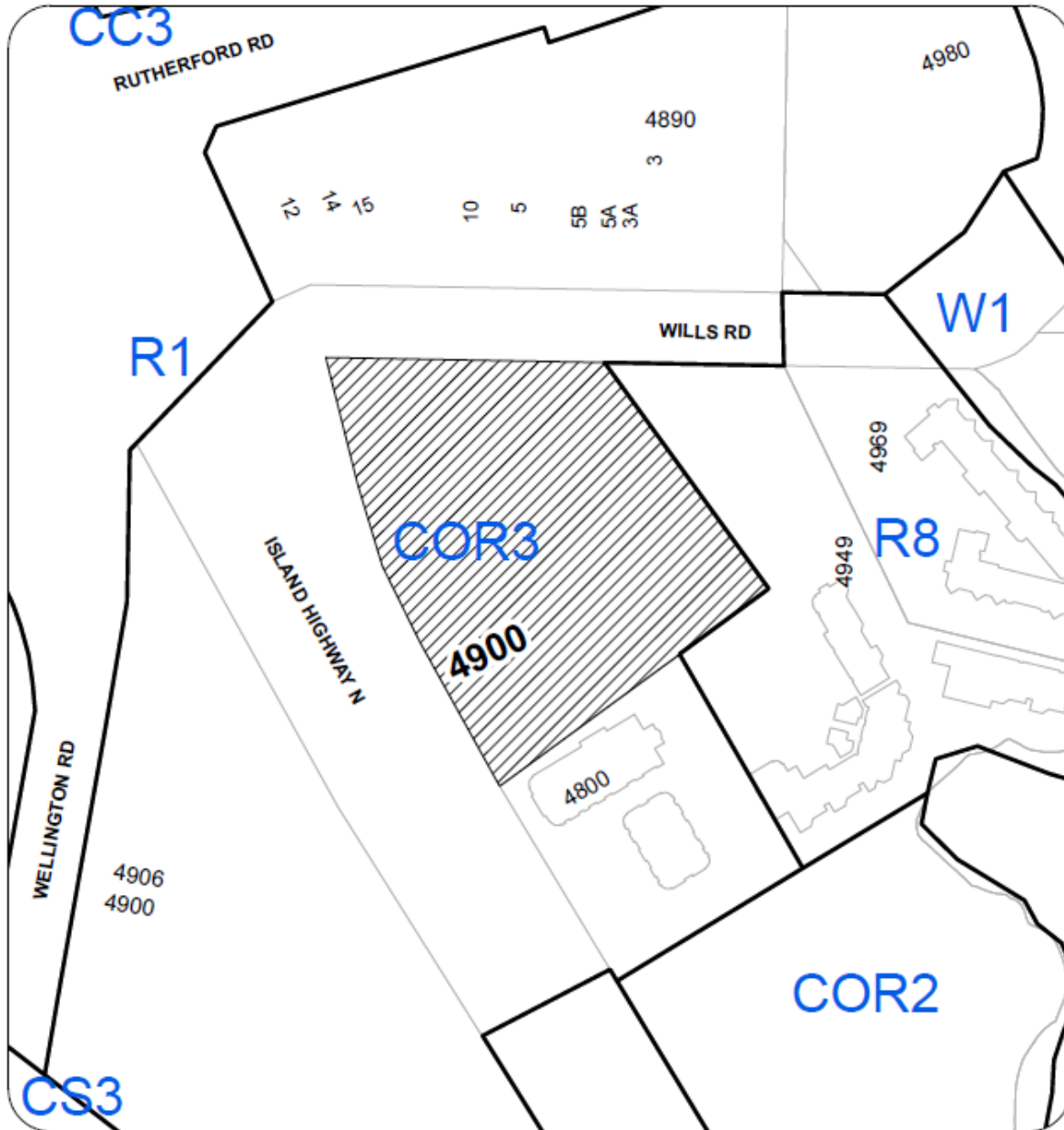
\_\_\_\_\_  
CORPORATE OFFICER

File: RA000397  
Address: 4900 Island Highway North



## SCHEDULE A

### LOCATION PLAN



**REZONING APPLICATION NO. RA000397**

### LOCATION PLAN

4900 ISLAND HIGHWAY N  
LOT 1, SECTION 5, WELLINGTON DISTRICT  
PLAN 12809 EXCEPT PART IN PLAN 33807





DATE OF MEETING | MARCH 14, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE – SECONDARY SUITE** |

## **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 property:

1. 515 Stewart Avenue – illegal secondary suite |

## **BACKGROUND**

### **Illegal Secondary Suite**

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

- 515 Stewart Avenue

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 property 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**

- A Bylaw Contravention Notice is 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 | March 14, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 479 PARK AVENUE |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 479 Park 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 479 Park Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection was completed on 2018-OCT-25 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to alter windows without a building permit. 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-DEC-11. 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.
- 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 | March 14, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 3650 PLANTA ROAD** |

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3650 Planta 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 3650 Planta Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

A building permit for an alteration to the single family dwelling was applied for 2018-JAN-29; however, the permit was never picked up. Staff became aware that work may already have started and conducted an inspection 2019-JAN-22. The inspection revealed that renovations to the dwelling were underway and a Stop Work Order was posted. Correspondence was forwarded to the property owner advising of the upcoming permit application expiration date of 2019-JAN-29 and the requirement to pick up the permit. To date, the permit has not been picked up. As such, 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.
- 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 March 14, 2019

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 3162 MEXICANA ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3162 Mexicana 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 3162 Mexicana Road for construction not completed as per the conditions of the building permit.

## **BACKGROUND**

An inspection was completed on 2017-JUN-06 in response to a complaint received regarding illegal construction. The inspection confirmed that work to close in a carport was substantially completed 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 undertaken. A building permit was subsequently applied for and issued; however, to date, no inspections have been called and the permit has now expired. 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 was not completed as per the conditions of the 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:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Dale Lindsay  
Director, Community Development