AGENDA
SPECIAL COUNCIL MEETING

Monday, June 10, 2019

5:30 p.m. to Proceed "In Camera, Open Meeting to reconvene at 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

Pages

1. CALL TO ORDER:

2. PROCEDURAL MOTION:

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter:*

Section 90(1) A part of the Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(c) labour relations or other employee relations;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter Section 90(2):

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

3. INTRODUCTION OF LATE ITEMS

4. APPROVAL OF THE AGENDA:

5. ADOPTION OF THE MINUTES:

a. Minutes 6 - 15

Minutes of the Special Council Meeting (Public Hearing) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2019-MAY-02, at 7:00 p.m.

b. Minutes 16 - 17

Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2019-MAY-23, at 7:00 p.m.

c. Minutes 18 - 28

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-MAY-27, at 5:00 p.m.

6. MAYOR'S REPORT:

7. PRESENTATIONS:

a. Fire Station #1 Project Update 29 - 51

8. DELEGATIONS:

a. Holden Southward regarding destruction of the natural environment 52

Holden Southward to speak regarding how to help avert destruction of the planet by changing the way we live.

b. John Barsby Student Council regarding Youth Climate Action Network 53

Members of the John Barsby Student Council to speak regarding starting a Youth Climate Action Network that would connect youth to help fight climate change.

c. John Dacombe regarding revenues and costs associated with the Bylaw Department 54

John Dacombe to speak regarding increasing revenues and reducing costs associated with bylaw enforcement.

d. Michael Houle, Chief Project Officer, regarding Nanaimo Correctional Centre Project 55

Michael Houle, Chief Project Officer, Nanaimo Correctional Centre Project, to provide Council and the broader Nanaimo community information on the Province of British Columbia's plans for the future of the Nanaimo Correctional Centre.

e. Deane Strongitharm, CitySpaces Consulting Ltd. & Strongitharm Consulting Ltd., regarding Sandstone Masterplan Updates 56

Deane Strongitharm, CitySpaces Consulting Ltd. & Strongitharm Consulting Ltd., to present regarding updates to the Sandstone Masterplan.

9. CONSENT ITEMS:

10. REPORTS:

a. Development Variance Permit Application No. DVP376 - 903 Park Avenue 57 - 63

To be introduced by Dale Lindsay, Director, Community Development.

Purpose: To present for Council's consideration, a development variance permit application to allow a retaining wall and fence height variance at 903 Park Avenue.

It is requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP376 - 903 Park Avenue.

Recommendation: That Council issue Development Variance Permit No. DVP376 at 903 Park Avenue with the following variances:

- increase the maximum combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the side yard setback from 2.4m to 3m.

b. Development Variance Permit Application No. DVP383 - 917 Park Avenue 64 - 70

To be introduced by Dale Lindsay, Director, Community Development.

Purpose: To present for Council's consideration, a development variance permit application to allow a fence height variance at 917 Park Avenue.

It is requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP383 - 917 Park Avenue.

Recommendation: That Council issue Development Variance Permit No. DVP383 at 917 Park Avenue with the following variances:

- increase the maximum combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the side yard setback from 2.4m to 3m.

c. Rezoning Application No. RA422 - 111 Terminal Avenue 71 - 91

To be introduced by Dale Lindsay, Director, Community Development.

Purpose: To present Council with an application to amend the existing zoning of the property located at 111 Terminal Avenue to allow "Cannabis Retail Store" as a site-specific use in the Terminal Avenue (DT4) zone.

Delegations:

1. Robert W. E. Laurie, Ad Lucem Law Corporation, and Mike Haden to outline solutions to existing problems and talk about our values and beliefs.

Recommendation: That Council deny the application and associated readings to "Zoning Amendment Bylaw 2019 No. 4500.146" (To rezone 111 Terminal Avenue in order to permit "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] zone).

d. 531 Kennedy Street - Acceptance of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261" 92 - 109

To be introduced by Dale Lindsay, Director, Community Development.

Purpose: To obtain Council approval of a multi-family rental building at 531 Kennedy Street into the Downtown Revitalization Tax Exemption Program.

Recommendation: That Council approve the Revitalization Tax Exemption Agreement for a proposed eight-unit multi-family rental building at 531 Kennedy Street.

11. BYLAWS:

12. CORRESPONDENCE:

13. NOTICE OF MOTION:

14. OTHER BUSINESS:

a. Councillor Hemmens - Motion re: Department of National Defence Lands

During the Regular Council Meeting, 2019-MAY-27, Councillor Hemmens advised she would be bringing forward the following motion for consideration at a future meeting:

"That correspondence be sent from Mayor and Council to the Department of National Defence requesting they convene a meeting with representatives of recreational user groups that have been using the Department of National Defence lands near Nanaimo with the intention of reaching a use agreement which works for all parties."

15. QUESTION PERIOD:

16. ADJOURNMENT:

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-MAY-02, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Absent: Councillor S. D. Armstrong

Staff: L. Rowett, Manager of Current Planning
D. Stewart, Planner
S. Gurrie, City Clerk
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing Meeting was called to order at 7:00 p.m. Mayor Krog spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

4. PUBLIC HEARING AGENDA:

Lainya Rowett, Manager, Current Planning, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act.*

(a) Rezoning Application No. RA403 - 2397 Barclay Road and Rezoning Application No. RA414 - 2387 Barclay Road

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Wes Klippert, Applicant, spoke in favour and stated the following regarding Rezoning Application No. RA403 – 2397 Barclay Road and Rezoning Application No. RA414 – 2387 Barclay Road:

- Plan to turn the two lots into four lots with a house and suite on each lot for a total of eight units
- Increase the number of bedrooms from 4 to 24 units per hectare
- New homes to be designed with quality building materials to improve sound dampening and provide more energy efficiency (net zero)
- Heat pumps will be installed for heating and cooling
- Gas will be installed for cooking and water heating, but wiring will be in place for when the transition occurs to carbon free building
- Each of the four houses will cost less in utilities to heat for a year than one of the existing modular homes currently costs for one month during the winter
- Believes this proposal will benefit Nanaimo and the environment
- Received four letters of support from residents on Barclay Road

Mayor Krog called for submissions from the Public regarding Rezoning Application No. RA403 - 2397 Barclay Road:

No one in attendance wished to speak regarding Rezoning Application No. RA403 - 2397 Barclay Road.

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA403 - 2397 Barclay Road.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA403 - 2397 Barclay Road.

No written submissions were received during the Pubic Hearing with respect to Rezoning Application No. RA403 - 2397 Barclay Road.

Mayor Krog called for submissions from the Public Rezoning Application No. RA414 - 2387 Barclay Road:

1. Bill Manners, 118 - 6597 Applecross Road, spoke in opposition, and stated the following:

   - The existing lots with mobile homes on them are some of the more affordable properties in the City for new home buyers
   - Mobile homes were placed on these lots in the mid 1970's to early 1980's as a means of affordable housing when the market was increasing
   - Rezoning these lots to change from 4 bedrooms to 24 is too much density for this area
   - Neighbours would be in favour of this proposal because it will increase their property values but this will contribute to the unaffordability of housing
   - Requested that Council not vote in favour of this rezoning application

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA414 - 2387 Barclay Road.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA414 - 2387 Barclay Road.

No written submissions were received during the Pubic Hearing with respect to Rezoning Application Rezoning Application No. RA414 - 2387 Barclay Road.

(b) Rezoning Application No. RA411 - 25 Front Street

To be introduced by David Stewart, Planner.

Presentation:

1. Richard Scott, 2742 Benson View Road, Owner, spoke in favour and stated the following regarding Rezoning Application No. RA411 – 25 Front Street:

   - This site meets the required distances from schools, daycare centres and other cannabis retail stores
   - Pauline Haarer Elementary School is the closest school to this location and is approximately 300m from the subject property
   - The closest playground is at the north end of the Swyalana Lagoon, Maffeo Sutton Park, and is approximately 250m from the subject property
   - There is convenient access to public transportation

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Rezoning Application No. RA411 - 25 Front Street.

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA411 - 25 Front Street.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA411 - 25 Front Street.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA411 - 25 Front Street.

(c) Rezoning Application No. RA413 - 3923 Victoria Avenue

To be introduced by David Stewart, Planner.

Presentation:

1. Cory Waldron, 7898 Lantzville Road, Mood Cannabis Co., Applicant, spoke in favour and stated the following regarding Rezoning Application No. RA413 – 3923 Victoria Avenue:

- Since starting this application process everything has been done in compliance with all three levels of government and they plan to continue doing so in the future
- Two cannabis retail store rezoning applications submitted to the City currently
- This store meets the intent of the rezoning criteria

Mayor Krog called for submissions from the Public:

1. Lana Fitzpatrick, 2988 105th Street, spoke in opposition, and stated:

- Diverse area and busy traffic wise
- Subject property is across the street from Wellington Beer and Wine Store and overlooks the Wellington Community Hall
- Referred to Official Community Plan (OCP) goals as a guide in decision making and focused on goal two, “to build a more sustainable community”
- The proposed business needs a regional focus and this is a community centre
- Exiting onto Island Highway from this neighbourhood can be difficult
- Requirement of 200m between cannabis stores does not provide much restriction
- There is another application at Country Club Mall that would be a more suitable location for the proposed use
- Negative impact on community should be mitigated and currently the applicant has followed all of the rules
- Concerned that people who come to the store may smoke outside the store

- Loudon Park is close by with families walking past this site to get to the beach
- Previous illegal store in this area had documented negative impact
- Concerned about potential signage on the backside of the building facing Wellington Hall
- Increase in traffic and parking issues
- Suggested hours of operations for the store match the Wellington Liquor Store
- Concern over exposure of cannabis to minors
- Does not feel this application is in line with the OCP

Mayor Krog called for submissions from the Public for a second time:

1. Cory Waldron, 7898 Lantzville Road, Mood Cannabis Co., Applicant, spoke in favour and stated the following:

    - Met with David Murchie, head of the Wellington Community District Association, and addressed concerns of the community association
    - Heard the concerns related to a previous illegal store in this area
    - Consumption is not permitted outside the store
    - Hours of operation match the Wellington Pub and liquor store across the street and fits within the regulated parameters
    - The Wellington Pub, Tattoo shop and Golden Inn Restaurant are in support of this application
    - Noted the number of cannabis stores allowed in Nanaimo is dependent on Council and noted the complications of submitting a legal cannabis store application

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA413 - 3923 Victoria Avenue.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA413 - 3923 Victoria Avenue.

(d) Rezoning Application No. RA416 - 1483 Bowen Road, Unit A

To be introduced by David Stewart, Planner.

Presentation:

1. Alex Robb, 1180 Fort Street, Victoria, Trees Cannabis, Applicant, spoke in favour and stated the following regarding Rezoning Application No. RA416 – 1483 Bowen Road:

- Trees Island Grown operates out of Victoria, BC, and currently runs five cannabis storefronts in Victoria, two in Nanaimo (which are up for Public Hearing tonight), and last year they took over operations of a dispensary in the downtown eastside in Vancouver which is a licenced store that received a development permit from the City of Vancouver
- Employs over 180 workers and serves approximately 50,000 members
- On a busy day a Trees store will see around 300 - 400 customers
- The first and second cannabis store to receive rezoning in Victoria
- Currently in the financial integrity stage of provincial licence application and anticipate next month to be undergoing personal interviews
- Cannabis legalization is the largest public policy shift in recent years
- It is a difficult and involved process to gain provincial approval
- This location has been a safe and affordable source of cannabis product since it opened in 2014 as Vancouver Island Health Advocacy Centre (a compassion club)
- Previous owner was an activist and brought on business partners to keep the store operating
- Trees is now an amalgamation of three compassion clubs with two in Victoria and this location at Bowen Road
- Matter of significance that all products sold in these stores are grown, processed and packaged within the local area to facilitate small growers trying to get into the legal system
- The subject property is just outside of buffer zone for elementary schools and daycares, but just within the buffer for Bowen Park
- Daycare that operates in Bowen Park is more than one kilometer away
- Heard of a possible application for a daycare at neighbouring Nanaimo Athletic Club and have communicated with the owners who raised no concerns
- The site follows all City and Provincial security regulations
- Believes the store has improved security in the area since opening
- Substantial parking on the site 16 shared parking spots available
- Support of charities and social services in Nanaimo specifically those working on issues of food security, housing and homelessness, and harm reduction
- Making a $10,000 community contribution to support a recently established food forest in Beaufort Park
- Subsidy program to support people who do not have adequate means to get the products that they need

Mayor Krog called for submissions from the Public:

1. Dave Seymour, 1481 Bowen Road, spoke in opposition and stated:

- Cannabis dispensaries are a positive addition to the community
- Opposed to the rezoning in this location due to parking concerns
- Three businesses in this location sharing parking lot with this store expected to have 300 - 400 people in a day resulting in 30 - 40 in an hour, resulting in cars parking illegally to visit this store
- Located within 200m of a playground
- Change to bylaw has allowed for businesses to share parking spaces, otherwise this would not meet the requirement for parking
- Safety concern on frontage road due to illegal parking
- Has asked the City to post signs to manage parking

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA416 - 1483 Bowen Road, Unit A.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA416 - 1483 Bowen Road, Unit A.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA416 - 1483 Bowen Road.

(e) Rezoning Application No. RA417 - 510 Fifth Street, Unit 105

To be introduced by David Stewart, Planner.

Presentation:

1. Alex Robb, 1180 Fort Street, Victoria, Trees Cannabis, Applicant, spoke in favour stating the following regarding Rezoning Application No. RA417 – 510 Fifth Street:

- This property has been operating as a cannabis store since July 2015
- Shoppers Drug Mart intended to operate a Shoppers Drug Mart Cannabis store but when Federal and Provincial regulations came into affect they were not ready as a business to move forward, so they contacted Trees
- This location complies with the rezoning criteria for cannabis retail stores and is not within 200m of any daycare, school or park
- It is located within a shopping mall
- The mall also provides a liquor store and services the university area
- Storefront meets all requirements for security and cannabis handling
- Parking available on street and within the mall parking lot
- Windows made opaque with images of a forest
- This store will donate a portion of profits to nearby charities

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

5. FINAL CALL FOR SUBMISSIONS:

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

6. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 8:03 p.m. The motion carried unanimously.

7. BYLAWS:

(a) "Zoning Amendment Bylaw 2019 No. 4500.136"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.136" (RA403 - To rezone 2397 Barclay Road from Single Dwelling Residential [R1] to Single Dwelling Residential – Small Lot [R2]) pass third reading. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2019 No. 4500.137"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.137" (RA414 - To rezone 2387 Barclay Road from Single Dwelling Residential [R1] to Single Dwelling Residential – Small Lot [R2]) pass third reading. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2019 No. 4500.141"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.141" (RA411 - To rezone 25 Front Street to allow "Cannabis Retail Store" as a site-specific use in the Chapel Front [DT5] Zone) pass third reading. The motion carried.
Opposed: Councillor Thorpe

(d) "Zoning Amendment Bylaw 2019 No. 4500.138"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.138" (RA413 - To rezone 3923 Victoria Avenue to allow "Cannabis Retail Store" as a site-specific use in the Neighbourhood Centre [CC2] Zone) pass third reading. The motion carried.
Opposed: Mayor Krog and Councillor Turley

(e) "Zoning Amendment Bylaw 2019 No. 4500.139"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.139" (RA416 - To rezone 1483 Bowen Road to allow "Cannabis Retail Store" as a site-specific use in the Community Corridor [COR3] Zone) pass third reading. The motion carried.
Opposed: Mayor Krog and Councillors Thorpe, Turley

(f) "Zoning Amendment Bylaw 2019 No. 4500.140"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.140" (RA417 - To rezone 510 Fifth Street to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] Zone) pass third reading. The motion carried.
Opposed: Councillor Thorpe

8. REPORTS:

(a) Liquor Licence Application No. LA135 - 11 Cliff Street, Units N and O

Introduced by Dave Stewart, Planner.

Presentation:

1. John Eubank, 5891 Redwing Crescent, spoke regarding Liquor Licence Application No. LA135 – 11 Cliff Street, Units N and O:

- Hub City Ales, trade name Cliff Side Brewing Company, is a family business brewery
- Requesting occupancy capacity of 48 people
- Not proposing to become a nightclub, want to brew beer and serve and sell beer onsite including an outdoor patio

- Some concern heard from community about potential noise from the outdoor patio
- No live entertainment proposed for the outdoor patio
- Will operate the same hours as neighbour White Sails brewery only difference between the two locations being the outdoor patio
- Handcrafted unique brewing system makes about 2,000 litres per month based on market demands
- Welcomed people to visit the building and ask about the business
- Surrounding businesses are supportive
- Issues resolved with onsite parking by leasing the stalls in front of the building
- Operating hours are from 3:00 p.m. – 11:00 p.m. and other businesses within the compound closes at 4:00 p.m.
- The compound will be locked at 11:00 p.m.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Liquor Licence Application No. 135 - 11 Cliff Street, Units N and O.

No one in attendance wished to speak regarding Liquor Licence Application No. 135 - 11 Cliff Street, Units N and O.

9. ADJOURNMENT:

It was moved and seconded at 8:16 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

MINUTES
SPECIAL COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-MAY-23 AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Absent: Councillor S. D. Armstrong

Staff: J. Rudolph, Chief Administrative Officer
R. J. Harding, Director, Parks and Recreation
D. Lindsay, Director, Community Development
B. Sims, Director, Engineering and Public Works
J. Van Horne, Director, Human Resources
W. Fulla, Manager, Business, Asset and Financial Planning
R. Botwright, Sr. Applications Analyst
D. Blackwood, Client Support Specialist
S. Gurrie, City Clerk
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL MEETING TO ORDER:

The Special Meeting was called to order at 7:00 p.m.

2. APPROVAL OF AGENDA:

It was moved and seconded that Council adopt the agenda as presented. The motion carried unanimously.

3. MAYORS REPORT:

Mayor Krog spoke regarding the following topics:

- Public Art Week is May 19-25, 2019.
- Tree voucher program is beginning Wednesday, May 29, 2019 where residents can purchase a $25 tree voucher at the Service and Resource Centre, 411 Dunsmuir Street, and redeem it at Green Thumb Garden Centre for a designated tree worth up to $90 in value.
- Nanaimo street banners have been installed. They were designed by Amy Pye of Pye Designs.
- Accelerate Your Business event is taking place on Saturday, May 30, 2019 from 10:00 a.m. – 4:00 p.m. at Beban Social Centre.

4. PRESENTATIONS:

(a) eTOWN Hall

Introduced by Sheila Gurrie, City Clerk.

R. Botwright, Moderator, advised of the eTown Hall process.

Council conducted an e-Town Hall regarding their draft 2019-2022 strategic plan.

5. ADJOURNMENT:

It was moved and seconded at 9:01 p.m. that the Meeting terminate. The motion carried unanimously.

_____
C H A I R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2019-MAY-27, AT 5:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Staff: B. Sims, Director, Engineering and Public Works
R. J. Harding, Director, Parks and Recreation
D. Lindsay, Director, Community Development
F. Farrokhi, Manager, Communications
D. Johnstone, Communications and Digital Content Specialist (vacated 7:29 p.m.)
D. Stevens Client Support Specialist
S. Gurrie, City Clerk
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:00 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter:*

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under Section 21 of the *Freedom of Information and Protection of Privacy Act;*

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter Section 90(2):

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

The motion carried unanimously.

Council moved "In Camera" at 5:00 p.m.
Council moved out of "In Camera" at 6:56 p.m.

3. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 10(c) – Proposed Pilot Sites for Unmanned Aerial Vehicles in Parks – Note the following changes:

1. Replace "Unmanned Aerial Vehicles" with "Remotely Piloted Aircraft Systems" in the title and recommendation
2. Remove Attachment B - Harry Wipper Park
3. Move Attachment C to Attachment B - Elaine Hamilton Park
4. Add Attachment C - Examples in Other Municipalities
5. Add Document – Excerpt from Park IX of the Canadian Aviation Regulations on behalf of Delegation William Rollins

(b) Agenda Item 10(f) - Development Permit Application No. DP1070 - 591 Bradley Street - Add the following delegations:

1. Jean Playdon, The Owners, Strata Plan VIS 3635, Park Ridge Place Strata Corporation
2. Raymond de Bleed, Raymond de Beeld Architects Inc.

(c) Agenda Item 10(h) – Development Permit Application No. DP1123 – 4979 Wills Road – Add presentation and Delegation from Kyle Shick, Project Manager, Finlayson Bonet Architecture Ltd.

(d) Agenda Item 10(n) - Rezoning Application No. RA422 - 111 Terminal Avenue - Add the following delegations:

1. Joyti Grandham, Cannabis Stores Company
2. Michael Bains, Cannabis Stores Company

(e) Councillor Hemmens advised that she would be bringing forward a Notice of Motion regarding the Department of National Defence Lands.

(f) Agenda Item 10(g) – Development Permit Application No. DP1119 – 4800 Uplands Drive and 6035 Linley Valley Drive – replace 16.6m with 16.62m to correct clerical error in the recommendation.

4. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2019 MAY-06, at 5:00 p.m.

- Minutes of the Special Council Meeting held in the Human Resources Training Room, 455 Wallace Street, Nanaimo, BC, on Monday, 2019-MAY-13 at 3:00 p.m.

- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-MAY-13, at 5:30 p.m.

- Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Tuesday, 2019-MAY-21, at 11:20 a.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog spoke regarding the annual Bike to Work and Walk to School Week, which begins on May 27, 2019 and runs for one week. The Commuter Challenge event begins on June 3 and runs until June 9, which promotes cycling, walking or alternative methods to get to work or school.

7. PRESENTATIONS:

(a) City of Nanaimo and Snuneymuxw First Nation Protocol Agreement

Mayor and Council along with Chief Michael Wyse and the Council of the Snuneymuxw First Nation were present to announce the signing of the Protocol Agreement between the City of Nanaimo and the Snuneymuxw First Nation.

D. Johnstone vacated the Shaw Auditorium at 7:29 p.m.

8. CONSENT ITEMS:

Councillor Geselbracht requested that Consent Item (b)(2)(1)(1) be removed from the Consent Items for separate discussion.

It was moved and seconded that the following items be adopted by consent:

(a) Advisory Committee Minutes

1. Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-APR-08, at 12:00 p.m.

2. Minutes of the Finance and Audit Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2019-APR-10, at 9:00 a.m.

3. Minutes of the Special Finance and Audit Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-APR-15, at 9:00 a.m.

4. Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-APR-18, at 5:30 p.m.

5. Minutes of the Open Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2019-APR-25, at 5:00 p.m.

6. Minutes of the Governance and Priorities Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-APR-29, at 9:00 a.m.

(b) Committee Recommendations

1. Approval of the Finance and Audit Committee Recommendations 2019-MAY-15:

   1. Arbot 2 Neighbourhood Park Improvement Request Under the Partners in Parks (PIP) Program

      That Council:
      1. allocate $25,000 from the 2019 Partners In Parks Program fund for Arbot 2 Neighbourhood Park improvements; and,
      2. approve the renaming of Arbot 2 Park to Royal Oak Park.

2. Approval of the Governance and Priorities Committee Recommendations 2019-MAY-21:

1. Draft Strategic Plan

1. That Council advocate for a fast ferry service or other forms of transportation improvements for connectivity, as action items under Economic Health in the draft Strategic Plan.
2. That Council amend the sixth bullet under Governance Excellence on the draft Strategic Plan to read “Advocate for the Provincial and Federal governments to take responsibility for mental health, affordable housing and social disorder issues”.

The motion carried unanimously.

(c) Separately Addressed Consent Items

It was moved and seconded that Council add the following action item under Environmental Responsibility “If requested the City of Nanaimo work with the Regional District of Nanaimo and community organizations to develop food security for the region”. The motion carried unanimously.
Opposed: Councillor Turley

9. REPORTS:

(a) Video Recording and Publishing of Public Hearings

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council direct Staff to maintain the status quo and continue to not record or publish Public Hearings. The motion carried.
Opposed: Councillors Bonner, Geselbracht, Hemmens

(b) Deaccessioning of the Public Art Piece "The Frame" by Jason Gress

Introduced by Richard Harding, Director, Parks and Recreation.

It was moved and seconded that Council approve the deaccessioning of the public art piece “The Frame” by Jason Gress from the City of Nanaimo’s Public Art Collection. The motion carried unanimously.

(c) Proposed Pilot Sites for Remotely Piloted Vehicles in Parks

Introduced by Richard Harding, Director, Parks and Recreation.

Delegations:

1. Leo Katila spoke regarding radio controlled model aircrafts and drones flying in specified parks, proposed regulations and memberships with the Model Aeronautics Association of Canada (MAAC).

2. William Rollins spoke regarding Model Aeronautics Association of Canada (MAAC), Deputy Zone Director Southwest British Columbia and MAAC and its relationship with Transport Canada.

It was moved and seconded that Council approve a one-year pilot project that allows members of the Nanaimo Model Airs Club, or individuals who qualify for a permit from the Director of Parks and Recreation, to fly Remotely Piloted Aircraft Systems in designated locations at designated times. The motion carried unanimously.

Councillor Hemmens vacated the Shaw Auditorium at 7:54 p.m.

(d) Bruce Avenue and Fifth Street Road Cost Share

Introduced by Bill Sims, Director, Engineering and Public Works.

It was moved and seconded that Council direct Staff to:

1. enter into a Cost Share Agreement with the developer of 601 Bruce Avenue, for the work and,
2. amend the 2019 - 2023 Financial Plan to add $152,980 for the project with $64,113 to be funded from City Wide Roads Development Cost Charge (DCC) Reserve Fund and $88,867 to be funded from the General Capital Reserve.

The motion carried unanimously.

Councillor Hemmens returned to the Shaw Auditorium at 7:56 p.m.

(e) Establishment of Morningside Drive Sewer and Sanitary Service Area and Parcel Tax

Introduced by Bill Sims, Director, Engineering and Public Works.

It was moved and seconded that “Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281” (To establish the Morningside Drive local area sewer and sanitary line service) pass first reading. The motion carried unanimously.

It was moved and seconded that “Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281” pass second reading. The motion carried unanimously.

It was moved and seconded that “Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281” pass third reading. The motion carried unanimously.

It was moved and seconded that “Morningside Drive Local Service Area Parcel Tax Bylaw 2019 No. 7288” (To provide the authority to impose a parcel tax on the Morningside Drive local service area) pass first reading. The motion carried unanimously.

It was moved and seconded that “Morningside Drive Local Service Area Parcel Tax Bylaw 2019 No. 7288” pass second reading. The motion carried unanimously.

It was moved and seconded that “Morningside Drive Local Service Area Parcel Tax Bylaw 2019 No. 7288” pass third reading. The motion carried unanimously.

(f) Development Permit Application No. DP1070 – 591 Bradley Street

Introduced by Dale Lindsay, Director, Community Development.

Delegations:

1. Paul Chapman, Nanaimo and Area Land Trust, spoke regarding the proposed development, environmental concerns and maintaining riparian areas.

2. Jean Playdon, the Owners, Strata Plan VIS 3635, Park Ridge Strata Corporation spoke regarding environmental, traffic and safety concerns and encroachment into the existing restricted covenant.

3. Raymond de Beeld, Raymond de Beeld Architects Inc., spoke regarding the steps completed to address environmental concerns, increase in traffic and pedestrian safety.

Correspondence:

1. Correspondence from Sandra Thomson, Volunteer Chair, Bradley Street Neighbourhood Association, dated 2019-MAY-20.

It was moved and seconded that Council receive the correspondence from Sandra Thomson, Volunteer Chair, Bradley Street Neighbourhood Association, dated 2019-MAY-20 for information. The motion carried unanimously.

It was moved and seconded that Council issue Development Permit No. DP1070 at 591 Bradley Street with the following variances:

- reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;
- reduce the minimum front yard setback from 1.8m to 0m for the underground parking structure;
- increase the maximum allowable building height from 14m to 18m; and,
- increase the maximum allowable percentage of small car spaces from 40% to 41%.

The motion carried.
Opposed: Councillors Armstrong and Geselbracht

(g) Development Permit Application No. DP1119 – 4800 Uplands Drive / 6035 Linley Valley Drive

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that Council issue Development Permit DP1119 at 4800 Uplands Drive / 6035 Linley Valley Drive with the following variances to:

- increase the maximum building height from 14m to 16.62m
- increase the maximum allowable height of retaining walls from 1.2m to 7.49m; and,
- reduce the landscape screening requirements for the proposed refuse receptacles.

The motion carried unanimously.

(h) Development Permit Application No. DP1123 – 4979 Wills Road

Introduced by Dale Lindsay, Director, Community Development.

Delegation:

1. Kyle Shick, Project Manager, Finlayson Bonet Architecture Ltd., spoke regarding the proposed development, parking and efforts to minimize the environmental impact.

It was moved and seconded that Council issue Development Permit DP1123 at 4979 Wills Road with the following variances:

- increase the maximum allowable building height from 14m to 26.13m;
- reduce the front yard setback from 6m to 4.7m,
- reduce the side yard setback from 3m to 1.14m,
- reduce the parking requirement from 101 to 96 spaces, and,
- reduce the minimum number of loading spaces from 3 to 1.

The motion carried unanimously.

Councillor Geselbracht vacated the Shaw Auditorium at 8:44 p.m.

(i) Development Variance Permit Application No. DVP381 – 1875 Boxwood Road

Introduced by Dale Lindsay, Director, Community Development.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP No. 381.

No one in attendance wished to speak with respect to DVP381.

It was moved and seconded that Council issue Development Variance Permit No. DVP381 at 1875 Boxwood Road with the following variances:

- reduce the minimum side yard setback (south side) from 6m to 1.75m; and,
- increase the maximum allowable height of retaining walls from 2.4m to 3.65m within the south side yard setback, and from 3m to 3.42m where retaining walls are located outside of the required setback area.

The motion carried unanimously.

Councillor Geselbracht returned to the Shaw Auditorium at 8:46 p.m.

(j) Rezoning Application No. RA400 – 1300 Junction Avenue

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.147" (To rezone 1300 Junction Avenue from Single Dwelling Residential [R1] to Mixed Use Corridor [COR 2]) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.147" pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the community contribution, road dedication, a restricted use covenant requiring that the development be for rental use only and a statutory right-of-way to accommodate the future Wexford Creek restoration project. The motion was defeated.
Opposed: Mayor Krog, Councillors Armstrong, Brown, Hemmens, Thorpe and Turley

It was moved and seconded that Council direct Staff to secure the community contribution, road dedication, and a statutory right-of-way to accommodate the future Wexford Creek restoration project. The motion carried unanimously.

(k) Rezoning Application No. RA409 – 751 Haliburton Street

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.148" (To rezone 751 Haliburton Street to allow "office" as a site-specific use in the Local Service Centre [CC1] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.148" pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the amenity contribution and road dedication by way of a covenant, should Council support the bylaw at third reading. The motion carried unanimously.

The Regular Council meeting recessed at 9:03 p.m.
The Regular Council meeting reconvened at 9:17 p.m.

(l) Rezoning Application No. RA418 – 52 Victoria Crescent

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.144" (To rezone 52 Victoria Crescent to allow "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.144" pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading. The motion carried unanimously.

(m) Rezoning Application No. RA420 – 140 Terminal Avenue

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.145" (To rezone 140 Terminal Avenue to allow "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] zone) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.145" pass second reading. The motion carried.
Opposed: Councillor Turley

It was moved and seconded that Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading. The motion carried.
Opposed: Councillor Turley

(n) Rezoning Application No. RA422 – 111 Terminal Avenue

Introduced by Dale Lindsay, Director, Community Development.

Delegations:

1. Joyti Grandham, Cannabis Stores Company, requested that Council defer this item to a future Council meeting to provide opportunities to share more information with Council.

It was moved and seconded that Council defer consideration of "Rezoning Application No. RA422 – 111 Terminal Avenue", to a future Council meeting. The motion carried unanimously.

(o) Liquor Licence Application No. LA000135 – Units N & O, 11 Cliff Street

Introduced by Dale Lindsay, Director, Community Development.

It was moved and seconded that Council recommend that the Liquor Cannabis and Regulation Branch approve the application to permit a lounge endorsement for a proposed brewery manufacturing business to be located at 11 Cliff Street. The motion carried unanimously.

10. CORRESPONDENCE:

(a) Correspondence from the Office of the Mayor, City of Burnaby, dated 2019-MAY-02, regarding "Expanding Investment Opportunities"

It was moved and seconded that be Council direct Staff to prepare a report regarding implications of correspondence from the Office of the Mayor, City of Burnaby, dated 2019-MAY-02, regarding "Expanding Investment Opportunities". The motion carried.
Opposed: Councillor Brown

11. NOTICE OF MOTION:

(a) Councillor Hemmens Notice of Motion re: Department of National Defence Lands

Councillor Hemmens advised that she would be bringing forward the following notice of motion for consideration at a future meeting:

"That correspondence be sent from Mayor and Council to the Department of National Defence requesting they convene a meeting with representatives of recreational user groups that have been using the Department of National Defence lands near Nanaimo with the intention of reaching a use agreement which works for all parties."

12. QUESTION PERIOD:

No one in attendance wished to ask questions.

13. ADJOURNMENT:

It was moved and seconded at 9:38 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

C H A I R

CORPORATE OFFICER

FIRE STATION #1 PROJECT

STATUS UPDATE NO. 1

JAKE RUDOLPH, CAO | KAREN FRY, FIRE CHIEF

CITY OF NANAIMO
THE HARBOUR CITY

AGENDA

1. Project Overview
2. Progress to Date
3. Lot Consolidation
4. Design - Facility | Influences | Renderings | Potential Design Features
5. Next Steps

1. PROJECT OVERVIEW

PROJECT OVERVIEW

Project Scope

Construction of a new fire station at Fitzwilliam and Milton complete with Emergency Coordination Centre, Fire Dispatch, and office/admin accommodation for the Fire & Rescue Command & Business Centre and demolition of the existing Fire Station #1 facilities.

Project Schedule

Construction Tender Anticipated December 2019

Occupancy September 2022

Project Budget

The Total Approved Project Budget is $17m, including financing costs, design and project management fees, fixtures, furniture & equipment, public artwork, insurance, permits, operational readiness, legal and administrative costs, etc.

Funded from borrowing, successfully obtained approval of the electorate in 2018

2. PROGRESS TO DATE

PROGRESS TO DATE

Apr 2017	Business Case Completed
Mar 2018	Provincial Borrowing Approval
May 2018	Elector Borrowing Approval
Oct 2018	Appointment Owner's Representative (Capex Project Advisory Services, Inc.)
Nov 2018	Establishment of Project Steering Committee
Dec 2018	Appointment of Architect (S2 Architecture)
Jan 2019	Appointment of Cost Consultant / Payment Certifier (Hanscomb Ltd.)
Feb 2019	Environmental Phase 1 Site Investigation and Geotechnical Investigation completed
Mar 2019	Floor Plan Layouts Signed-off
Mar 2019	Appointment of Communications Systems Consultant (Pomax)
Apr 2019	Schematic Design Report Issued
May 2019	Class D Stage Cost Estimate Delivered

3. LOT CONSOLIDATION

LOT CONSOLIDATION

- Current location and new location
- Business continuity & optimal functional layout of the building
- Fire Station #1 facility will be constructed behind the existing building
- Full apparatus turn-around on apron
- Risk reduction – one time move (dispatch/crew)
- Require consolidation of Lubbock Square with lot 618 (approximately 10m width)

4. DESIGN

FACILITY DESIGN

Building Stats

- The building is a three storey, Post-Disaster Emergency Services Building
- Total area approx. 23,000 square feet
- Parking 15 stalls provided on-site (+4 on Lubbock Square)
- Height 3 storeys at 14m
- Programs Fire & Rescue Command

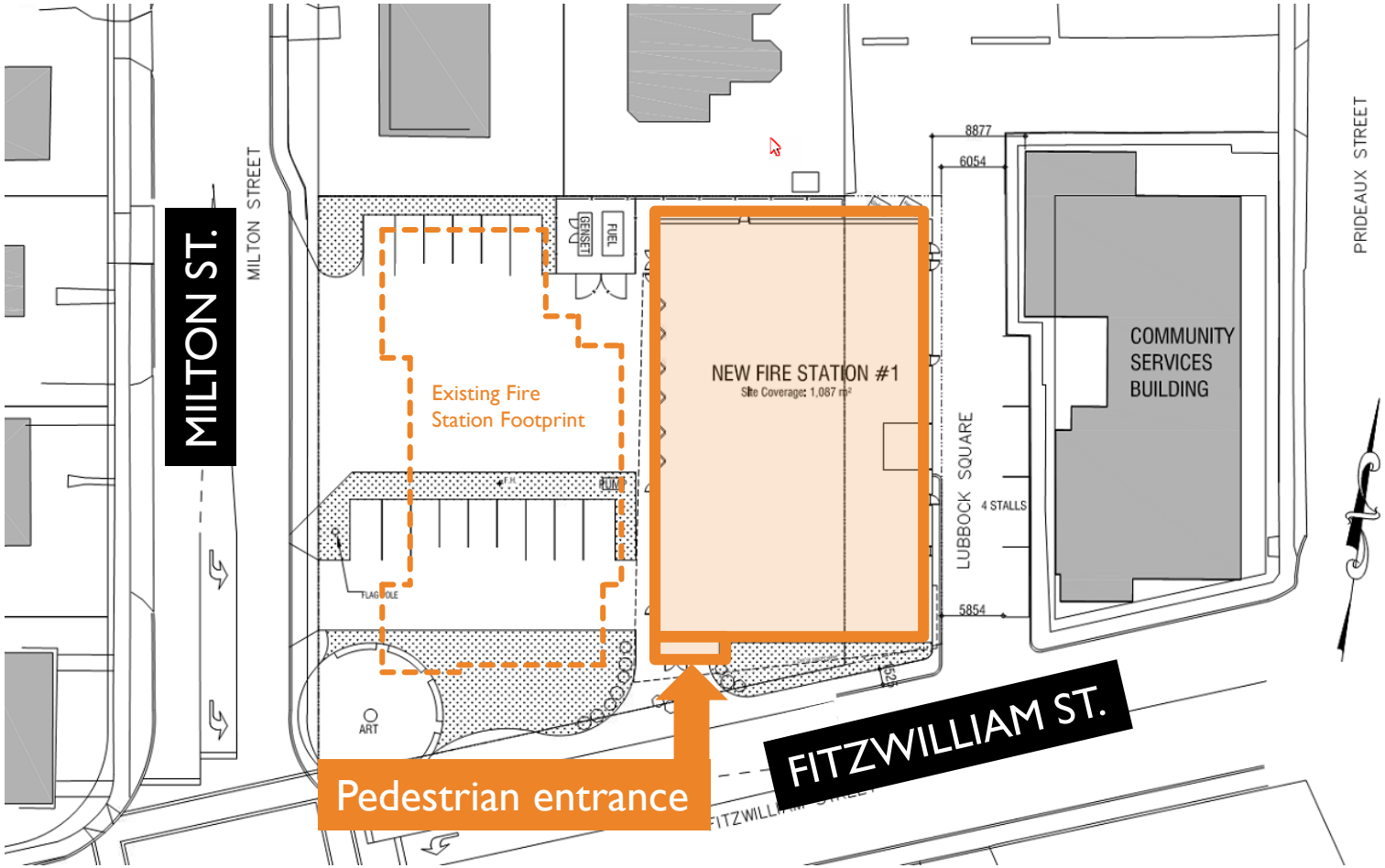
  Emergency Coordination Centre

  Fire Dispatch

  Office Administration / Business Centre

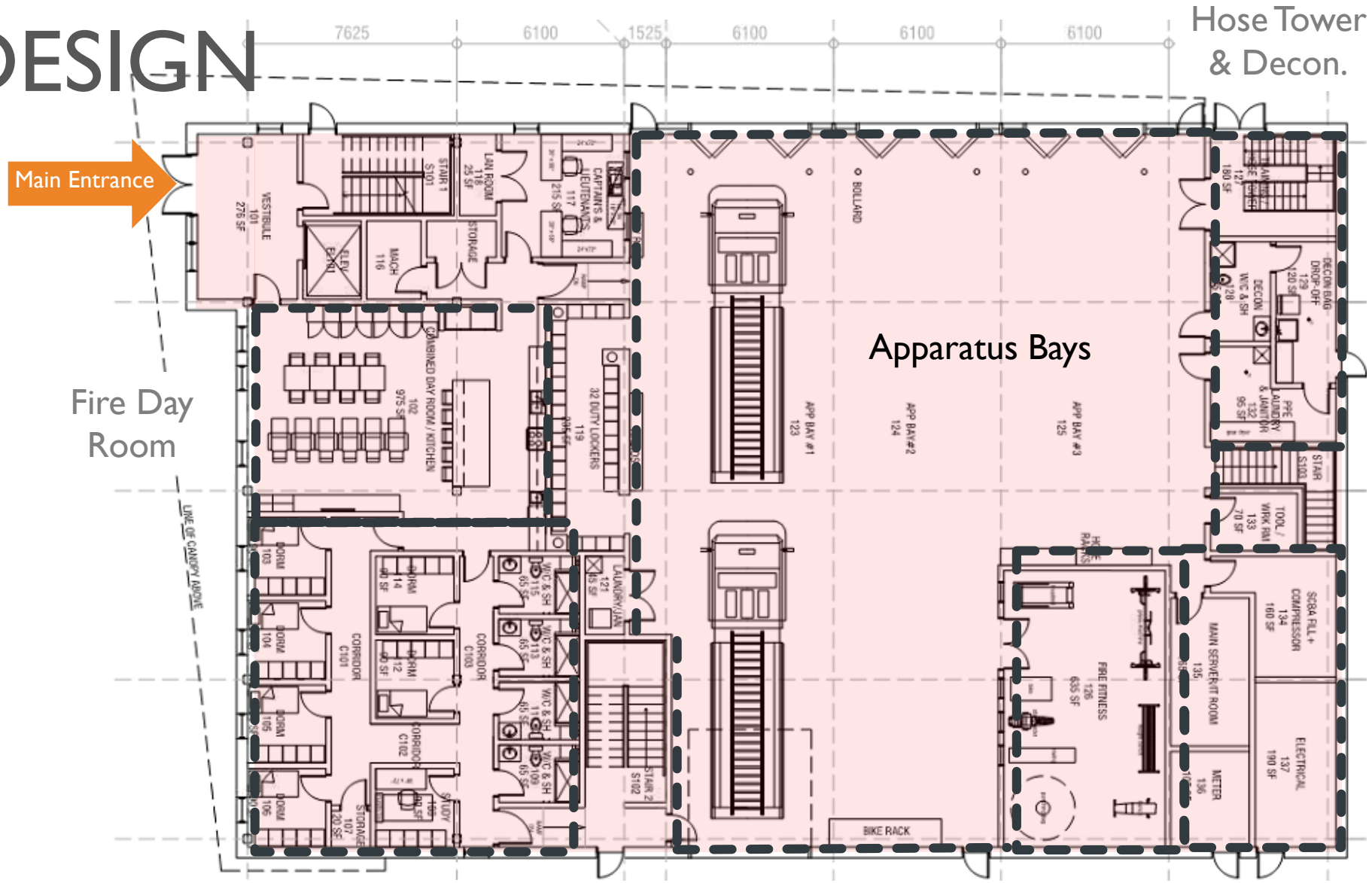
FACILITY DESIGN

Site Plan



FACILITY DESIGN

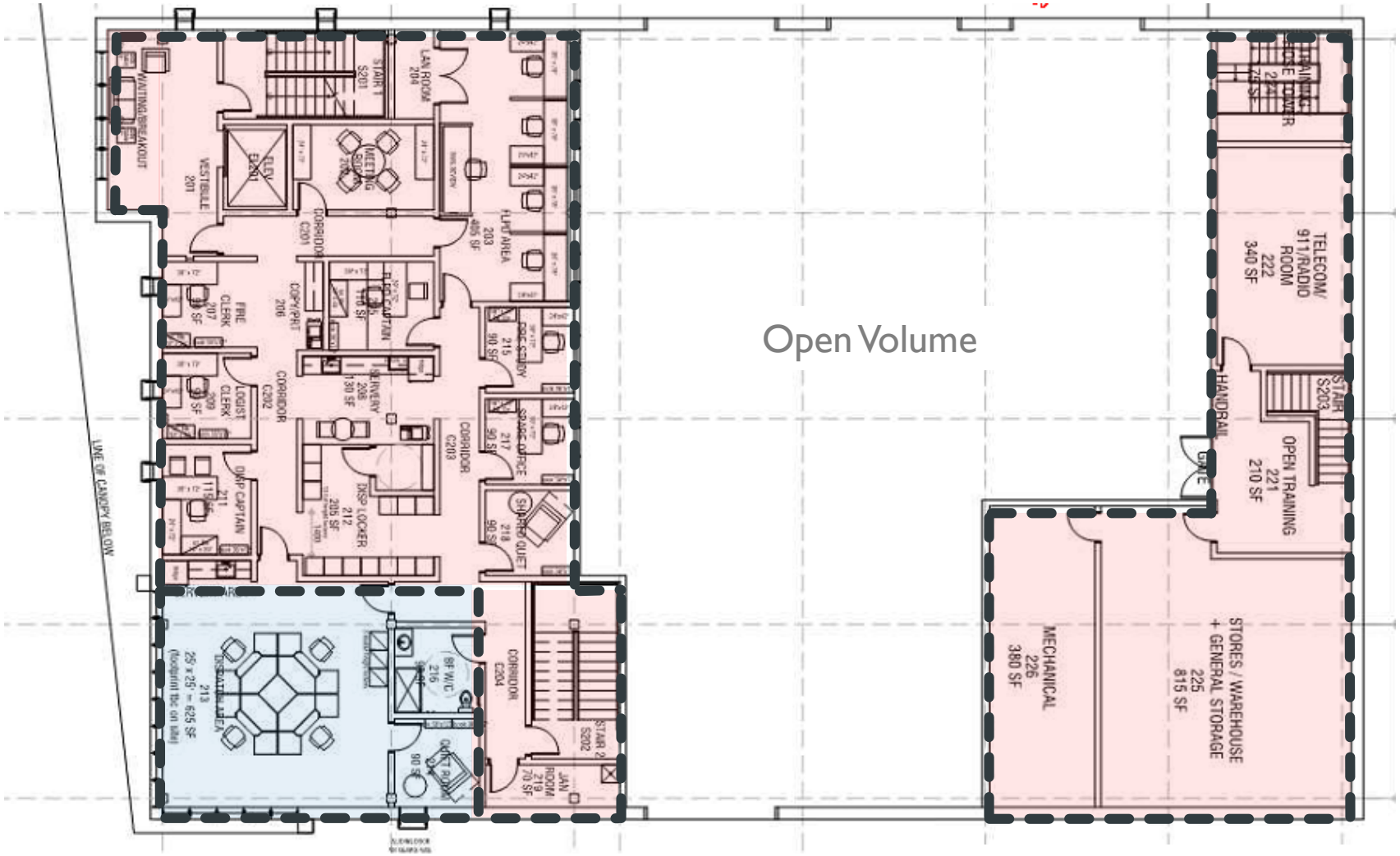
First Floor Layout



FACILITY DESIGN

Second Floor Layout

FLPD & Fire &
Shared Dispatch



Dispatch

Hose Tower, Stores &
Building Services

FACILITY DESIGN

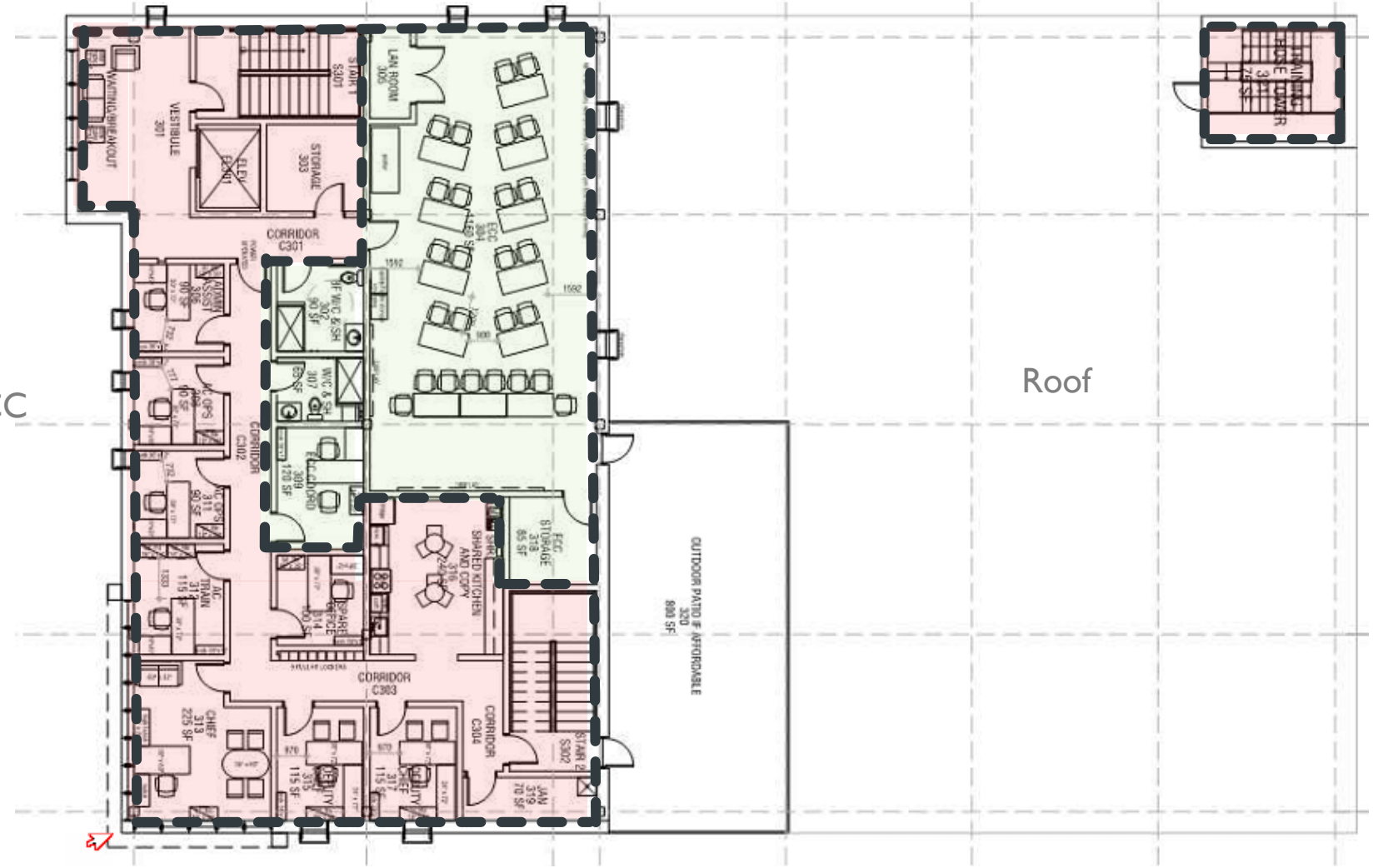
Third Floor Layout

ECC

Hose Tower & Antennas

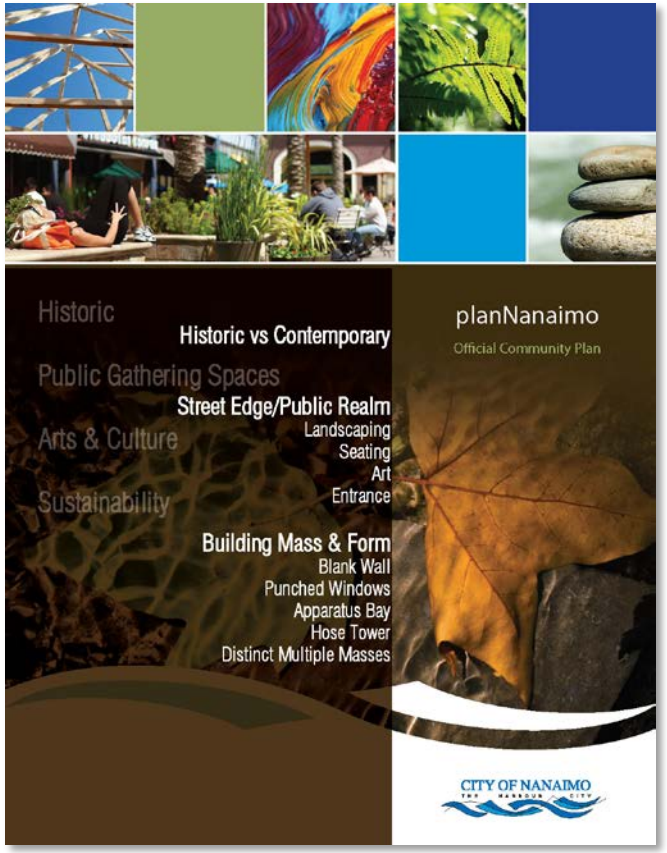
Fire & Shared ECC Space

Roof



INFLUENCES

- First Nation Engagement
- Civic Presence
- Engage Street Edge & Public Realm along Fitzwilliam
- Sustainability
- Art & Culture of Nanaimo



INFLUENCES

- Civic Presence

  Strong definition of the entrance to the downtown core, use of contemporary architecture of the time, clarity of public building function

- Engage Street Edge & Public Realm

  Significant enhancement and integration with public realm, respecting OCP along Fitzwilliam

- Sustainability

  Effective building envelope, energy efficient systems, stormwater capture, brownfield site

- Art & Culture

  Work with Snuneymuxw to explore public art – e.g. Welcome pole

  Art opportunities – coal mining history, memorial opportunity

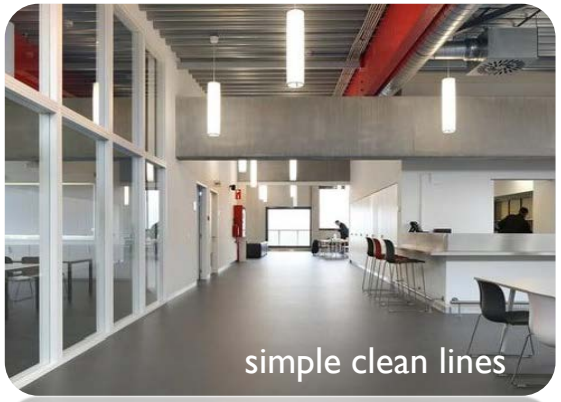
INFLUENCES

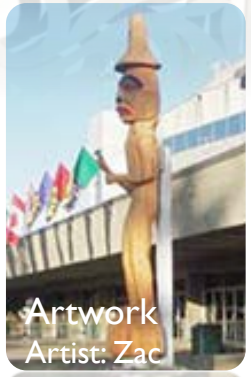
downtown presence

Coal Mining

Artist – James Johnny

bold contemporary


simple clean lines


Artwork
Artist: Zac George; Vancouver ca

RENDERINGS

Street View

RENDERINGS

Street View

RENDERINGS

Street View

POTENTIAL DESIGN FEATURES

- Coal Mining Inspired Public Seating
- Snuneymuxw Art (e.g. Welcome Pole)
- Public Realm Enhancement
- Bold, Transparent Design Strongly Reflecting the Building Use

5. NEXT STEPS

NEXT STEPS

Project Status Updates will be provided to Council quarterly

- June 2019 Public Information Session
- July 2019 Development Permit Submission
- Sept 2019 Building Permit Submission
- Dec 2019 Publish Tender Documents
- May 2020 Award Construction Contract
- Sept 2022 Transition to New Station

Delegation Request

Delegation's Information:

Holden Southward has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is May 13, 2019. Rescheduled to June 10, 2019.

The requested meeting is:
Special Council

Bringing a presentation: No

Details of the Presentation:

How Nanaimo and the residents can help to avert the destruction of our planet by changing the way we live. It is important to no longer depend on world trade because it is the main cause of the destruction of the natural environment.

Delegation Request

Delegation's Information:

John Barsby Student Council has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is June 10, 2019.

The requested meeting is:
Special Council

Bringing a presentation: No

Details of the Presentation:

We are students at John Barsby Community School, who are passionate about the environment. We are hoping to start a Youth Climate Action Network, that could connect youth together, to help fight climate change.

Delegation Request

Delegation's Information:

John Dacombe has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is June 10, 2019.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation:

Increasing revenues and reducing costs of bylaw enforcement.

Delegation Request

Delegation's Information:

Michael Houle, Chief Project Officer, Nanaimo Correctional Centre Project, has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is June 10, 2019.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation:

To provide Council and the broader Nanaimo community information on the Province of British Columbia's plans for the future of the Nanaimo Correctional Centre.

Delegation Request

Delegation's Information:

Deane Strongitharm, CitySpaces Consulting Ltd. and Strongitharm Consulting Ltd., on behalf of Seacliff Properties, have requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is June 10, 2019.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation:

Provide introductory information to Council on Sandstone Masterplan updates.

Staff Report for Decision

File Number: DVP00376

DATE OF MEETING June 10, 2019

AUTHORED BY LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT **DEVELOPMENT VARIANCE APPLICATION NO. DVP376 – 903 PARK AVENUE**

OVERVIEW

Purpose of Report
To present for Council's consideration, a development variance permit application to allow a retaining wall and fence height variance at 903 Park Avenue.

Recommendation
That Council issue Development Variance Permit No. DVP376 at 903 Park Avenue with the following variances:

- increase the maximum combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the side yard setback from 2.4m to 3m.

BACKGROUND

A development variance permit application, DVP376, was received from Tectonica Management Inc., on behalf of Sanguine Developments Inc., to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum combined height of a retaining wall and fence at 903 Park Avenue within the front and side yard setbacks.

The subject property is a sloping lot and was created through a ten-lot subdivision of a property formerly addressed as 425 Eighth Street.

To address the grade change between the subject property and the adjacent lot (403 Eighth Street), a 1.5m-high retaining wall was built through the subdivision process, extending approximately 14.6m from Park Avenue along the northern property line of 903 Park Avenue. A fencing solution was proposed on top of the wall to mitigate any fall or trip hazards between the two properties. A height variance is needed to permit the over-height wall and fence.

Subject Property

Zoning	R1 – Single Dwelling Residential
Location	The subject property is located on the west side of Park Avenue, near the intersection of Eighth Street and Park Avenue, and across the street from Park Avenue Elementary School.
Total Area	509m^2
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Neighbourhood

A similar development variance permit application at 917 Park Avenue (DVP383) has been submitted on the same Council agenda.

Statutory Notification has taken place prior to Council's consideration of the variance.

DISCUSSION

Proposed Development

The Zoning Bylaw considers a retaining wall as a fence for the purposes of regulating height. The development includes one lock block retaining wall that is 1.5m high, with a proposed 1.5m cedar fence on top, for a total of 3m along the northern property line. A variance is needed as the over-height wall/fence is located within the front and side yard setbacks.

Proposed Variance

Maximum Fence Height (Front and Side Yard)

The maximum permitted fence height within the front yard setback is 1.2m. The combined height of the proposed retaining wall and fence in the front yard is 3m; a proposed variance of 1.8m. The maximum permitted fence height within the side yard setback is 2.4m. The combined height of the proposed retaining wall and fence in the north side yard is 3m, a proposed variance of 0.6m.

The proposed lock block retaining wall was designed by a geotechnical engineer and provides driveway access to 903 Park Avenue. The BC Building Code does not require the fence on top of the retaining wall; however, it will provide a safety barrier between the two properties. The wall is adjacent to the rear yard of 403 Eighth Street and is well separated from the neighbouring dwelling unit. Increasing the height to 3m is not anticipated to negatively impact the adjacent property. Staff support the proposed variances.

SUMMARY POINTS

- Development Variance Permit Application No. DVP376 proposes a variance to increase the maximum retaining wall and fence height in the front yard setback from 1.2m to 3m, and in the north side yard setback from 2.4m to 3m.
- The additional height is required in order to accommodate the elevation of the driveway let-down and respect the grade change between the two neighbours.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Aerial Photo

Submitted by:	**Concurrence by:**
Lainya Rowett Manager, Current Planning	Dale Lindsay Director, Community Development

ATTACHMENT A
PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

"City of Nanaimo ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.10.2 Fence Height* – to increase the maximum allowable combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the north side yard setback from 2.4m to 3m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Plan, prepared by Tectonica Management Inc., dated 2019-MAR-11, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN

DEVELOPMENT VARIANCE PERMIT NO. DVP00376

LOCATION PLAN

N

SUBJECT PROPERTY

Civic: 903 PARK AVENUE
Legal Description: LOT G, SECTION 1
NANAIMO DISTRICT, PLAN EPP84895

Document Path: V:\Source Data\Departmental Data\EngPubWks\GIS\Projects\TEMPLATES\OTHERMAPS\DVP00376_LP.mxd

ATTACHMENT C
SITE PLAN

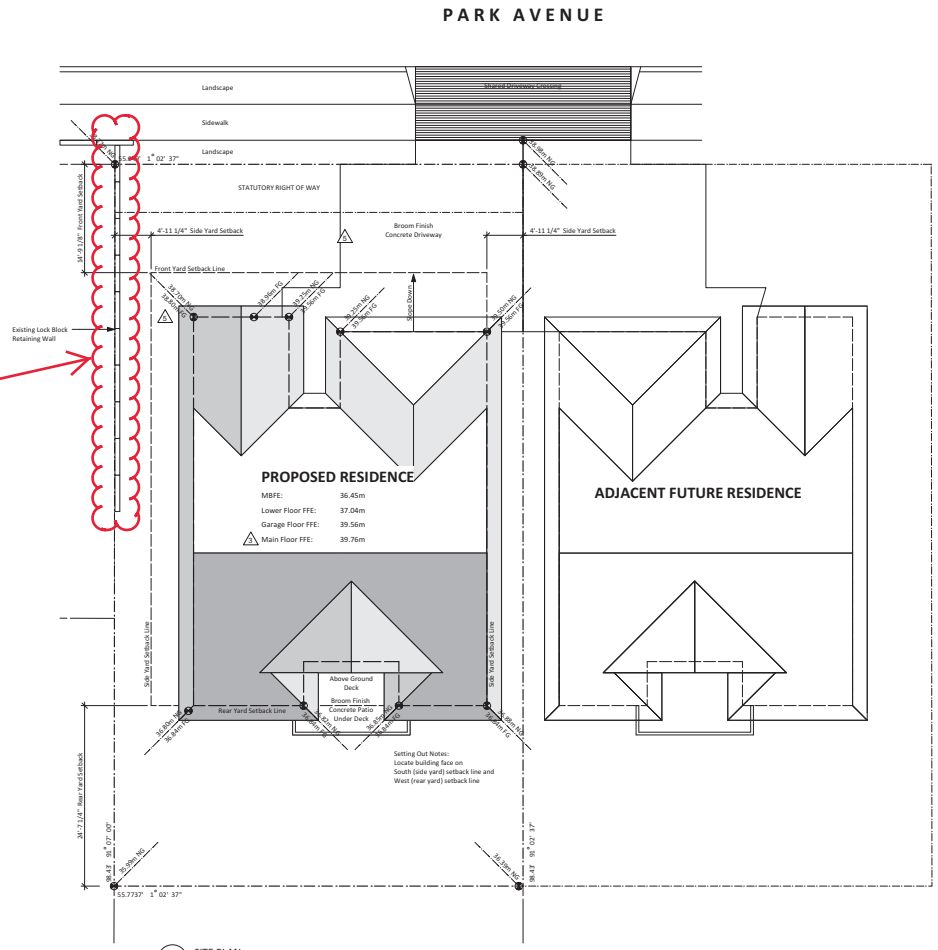
revisions / issue:

	22-Nov-2018	For Survey Review
	2018.12.07	Issued For Building Permit
1	2019.01.28	Revision 1
3	2019.03.06	Revision 3 - IFC
4	2019.03.07	Revision 4 - Per City Review
5	2019.03.11	Revision 5

PROJECT DESCRIPTION:

Civic Address:	903 Park Avenue, Nanaimo, BC	
Legal Description:	Lot G, Section 1, Nanaimo District, EPP84895	
Lot Area:	509.4 sm	
Lot Coverage:	35%	
Building Areas:	Garage:	420 ft²
	Main Floor:	1496 ft²
	3 Lower Floor:	1135 ft²
	Gross Building Area:	3051 ft²
Parking:	2 Spaces Per Unit Required	
	4 Spaces Provided (2 in Garage, 2 on Driveway	
Building Height:	9.0m Permitted (roof slope > 4/12)	
	Average Exist Grade	38.01 m
	Max Peak From Exist. Grade:	47.01 m
	4 Average Fin. Grade:	38.11 m
	5 Max Peak From Fin. Grade:	47.11m
	Proposed Lower Floor FFE:	37.04 m
	Proposed Garage Floor FFE:	39.56 m
	Proposed Upper Floor FFE:	39.76 m
	Proposed Peak Elevation:	45.76 m

Proposed Retaining Wall and Fence



1 A1 SITE PLAN 1/8" = 1'-0"

RECEIVED
DVP376
2019-MAY-24
Current Planning

PARK & Eighth

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Project Number: 0247-001

Project: PARK & EIGHTH
Proposed Lot G
903 Park Ave., Nanaimo, BC

Drawing Name: Site Plan

Drawn: BD
Checked: BD
Scale: As Noted
Date: 2019.04.11
Issued For: CONSTRUCTION
Drawing Number: A1
Issue No: 05 of 6

ATTACHMENT D
AERIAL PHOTO

DEVELOPMENT VARIANCE PERMIT NO. DVP00376

N

SUBJECT PROPERTY

Document Path: V:\Source Data\Departmental Data\EngPubWks\GIS\Projects\TEMPLATES\OTHERMAPS\DVP00376_AP.mxd

CITY OF NANAIMO
THE HARBOUR CITY

Staff Report for Decision

File Number: DVP00383

DATE OF MEETING JUNE 10, 2019

AUTHORED BY LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT **DEVELOPMENT VARIANCE APPLICATION NO. DVP383 – 917 PARK AVENUE**

OVERVIEW

Purpose of Report
To present for Council's consideration, a development variance permit application to allow a fence height variance at 917 Park Avenue.

Recommendation
That Council issue Development Variance Permit No. DVP383 at 917 Park Avenue with the following variances:

- increase the maximum combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the side yard setback from 2.4m to 3m.

BACKGROUND

A development variance permit application, DVP383, was received from Tectonica Management Inc., on behalf of Sanguine Developments Inc., to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum combined height of a retaining wall and fence at 917 Park Avenue within the front and side yard setbacks.

The subject property is a sloping lot and was created through a ten-lot subdivision of a property formerly addressed as 425 Eighth Street.

To address the grade change between the subject property and the adjacent lot (933 Park Avenue), a 1.5m-high retaining wall was built through the subdivision process extending approximately 17m from Park Avenue along the southern property line of 917 Park Avenue. A fencing solution was proposed on top of the wall to mitigate any fall or trip hazards between the two properties. A height variance is needed to permit the over-height wall and fence.

Subject Property

Zoning	R1 – Single Dwelling Residential
Location	The subject property is located on the west side of Park Avenue, across the street from Park Avenue Elementary School.
Total Area	508m^2
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Neighbourhood

A similar development variance permit application (DVP376) at 903 Park Avenue has been submitted on the same Council agenda.

Statutory Notification has taken place prior to Council's consideration of the variance.

DISCUSSION

Proposed Development

The Zoning Bylaw considers a retaining wall as a fence for the purposes of regulating height. The development includes one lock block retaining wall that is 1.5m high, with a proposed 1.5m cedar fence on top, for a total of 3m along the southern property line. The front and side yard setbacks within the R1 zone are 4.5m and 1.5m, respectively. A variance is needed as the over-height wall/fence is located within the front and side yard setbacks.

Proposed Variance

Maximum Fence Height (Front and Side Yard)

The maximum permitted fence height within the front yard setback is 1.2m. The combined height of the proposed retaining wall and fence in the front yard is 3m; a proposed variance of 1.8m. The maximum permitted fence height within the side yard setback is 2.4m. The combined height of the proposed retaining wall and fence in the south side yard is 3m; a proposed variance of 0.6m.

The proposed lock block retaining wall was designed by a geotechnical engineer and provides driveway access to 917 Park Avenue. The BC Building Code does not require the fence on top of the retaining wall; however, it will provide a safety barrier between the two properties. Adjacent to the retaining wall is the existing driveway access for 933 Park Avenue. As the proposed wall/fence is located adjacent to the neighbour's driveway and is well separated from the dwelling unit, increasing the height to 3m is not anticipated to negatively impact the adjacent property. Staff support the proposed variances.

SUMMARY POINTS

- Development Variance Permit Application No. DVP383 proposes a variance to increase the maximum retaining wall and fence height in the front yard from 1.2m to 3m, and in the south side yard from 2.4m to 3m.
- The additional height is required in order to accommodate the elevation of the driveway let-down, and respect the grade change between the two neighbours.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Dale Lindsay
Director, Community Development

ATTACHMENT A
PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

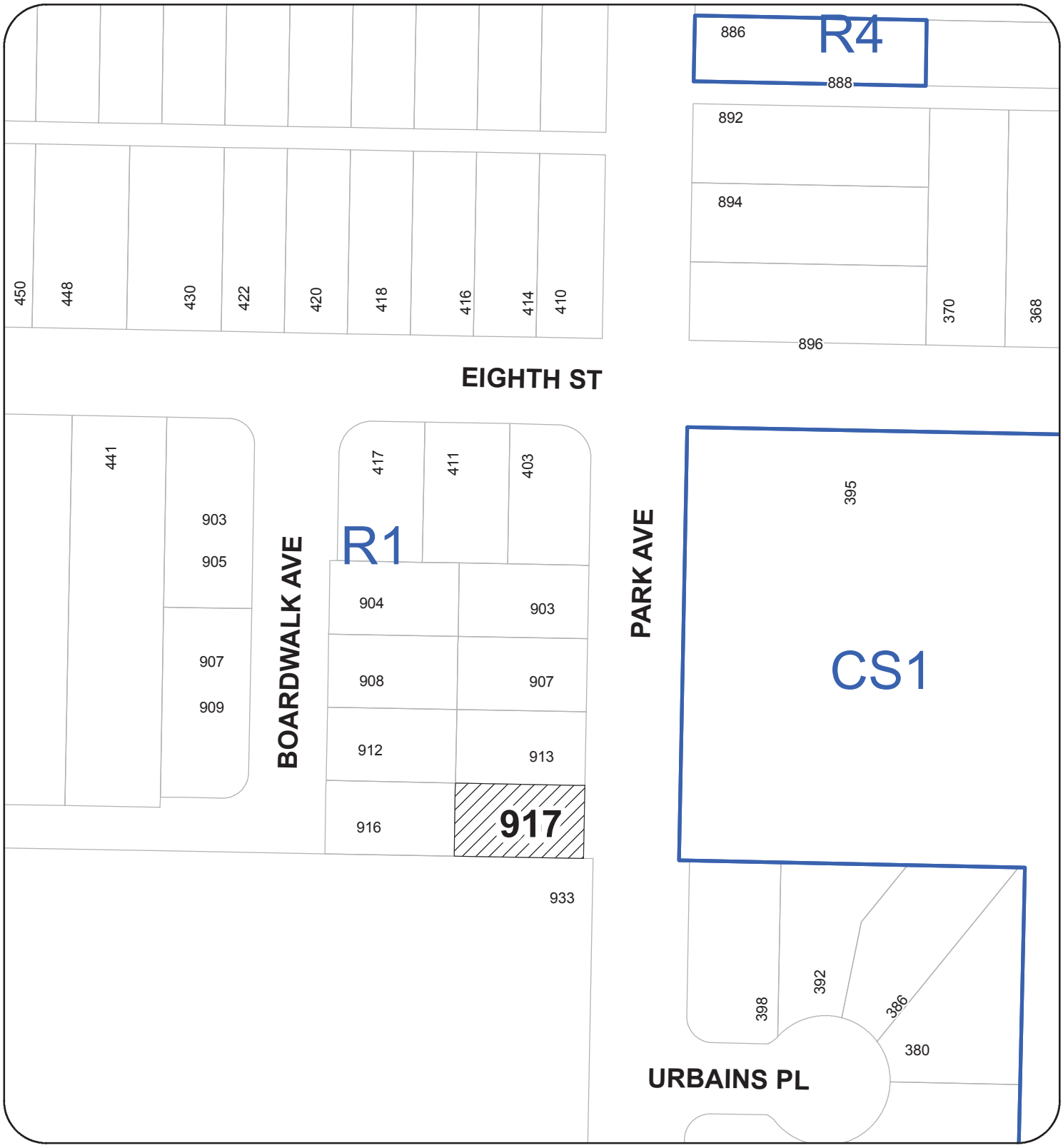
"City of Nanaimo ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.10.2 Fence Height* – to increase the maximum allowable combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the south side yard setback from 2.4m to 3m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Plan, prepared by Tectonica Management Inc., dated 2019-MAR-11, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00383

LOCATION PLAN

Civic: 917 PARK AVENUE
Legal Description: LOT J, SECTION 1
NANAIMO DISTRICT, PLAN EPP84895

N

SUBJECT PROPERTY

Document Path: V:\Source Data\Departmental Data\EngPubWks\GIS\Projects\TEMPLATES\LOCATION_PLAN\Maps\DVP00383_LP.mxd

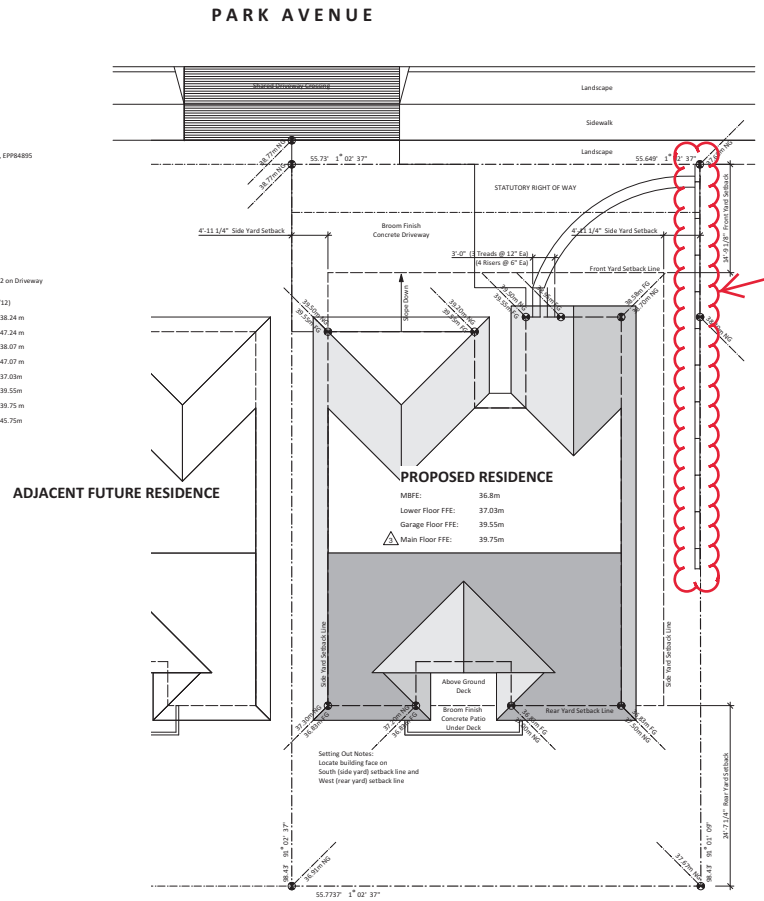
ATTACHMENT C
SITE PLAN

revisions / issue:

	22-Nov-2018	For Survey Review
	2018.12.07	Issued For Building Permit
1	2019.01.28	Revision 1
2	2019.03.06	Revision 3 - IFC
3	2019.03.11	Revision 3 - Per City Review

PROJECT DESCRIPTION:

Civic Address:	917 Park Avenue, Nanaimo, BC	
Legal Description:	Lot J, Secton1, Nanaimo District, EPP84895	
Lot Area:	509.80sm	
Lot Coverage:	35%	
Building Areas:	Garage:	420 ft²
	Main Floor:	1496 ft²
	3 Lower Floor:	1135 ft²
	Gross Building Area:	3051 ft²
Parking:	2 Spaces Per Unit Required	
	4 Spaces Provided (2 in Garage, 2 on Driveway	
Building Height:	9.0m Permitted (roof slope > 4/12)	
	Average Exist Grade	38.24 m
	Max Peak From Exist. Grade:	47.24 m
	Average Fin. Grade:	38.07 m
	Max Peak From Fin. Grade:	47.07 m
	Proposed Lower Floor FFE:	37.03m
	Proposed Garage Floor FFE:	39.55m
	Proposed Upper Floor FFE:	39.75 m
	Proposed Peak Elevation:	45.75m



Proposed Retaining Wall and Fence

1 / A1 SITE PLAN
1/8" = 1'-0"

PARK & Eighth

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bd@tectonica.ca

Project Number: 0247-001

Project: **PARK & EIGHTH**
Proposed Lot J
917 Park Ave., Nanaimo, BC

Drawing Name: Site Plan

Drawn: BD
Checked: BD
Scale: As Noted
Date: 2019.03.11
Issued For: CONSTRUCTION
Drawing Number: A1
Issue No: 05 of 6

RECEIVED
DVP383
2019-MAY-24
Current Planning

ATTACHMENT D
AERIAL PHOTO

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DEVELOPMENT VARIANCE PERMIT NO. DVP00383

SUBJECT PROPERTY

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CITY OF NANAIMO
THE HARBOUR CITY

Staff Report for Decision

File Number: RA000422

DATE OF MEETING June 10, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA422 – 111 TERMINAL AVENUE

OVERVIEW

Purpose of Report
To present Council with an application to amend the existing zoning of the property located at 111 Terminal Avenue to allow "Cannabis Retail Store" as a site-specific use in the Terminal Avenue (DT4) zone.

Recommendation
That Council deny the application and associated readings to "Zoning Amendment Bylaw 2019 No. 4500.146" (To rezone 111 Terminal Avenue in order to permit "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] zone).

BACKGROUND

A rezoning application, RA420, was received for 111 Terminal Avenue from CSC Cannabis Stores Company on behalf of Rag Gods Holdings Inc. The applicant proposes to amend the existing DT4 zone to allow "Cannabis Retail Store" as a site-specific use for the subject property.

The City of Nanaimo adopted amendments to "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") on 2018-SEP-17 and established a Cannabis Retail Store (CRS) Rezoning Criteria policy to consider future applications for CRS developments in anticipation of changing Federal and Provincial legislation. Following the enactment of new legislation to decriminalize cannabis consumption and legalize the retail sale and distribution of Provincially-licensed cannabis product, the City of Nanaimo began receiving CRS rezoning applications on 2018-OCT-22.

To date, nine other cannabis applications have been reviewed by Council:

#	Application No.	Address	Status
1	RA406	111 Nicol Street, Unit 115	Received third reading on 2019-FEB-07
2	RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
3	RA415	2220 Bowen Road	Received third reading on 2019-APR-04
4	RA411	25 Front Street	Received third reading on 2019-MAY-02
5	RA413	3923 Victoria Avenue	Received third reading on 2019-MAY-02
6	RA416	1483 Bowen Road	Received third reading on 2019-MAY-02
7	RA417	510 Fifth Street	Received third reading on 2019-MAY-02
8	RA407	6683 Mary Ellen Drive	Scheduled for Public Hearing on 2019-JUN-13
9	RA408	3200 Island Highway North	Scheduled for Public Hearing on 2019-JUN-13

In total, Staff have received 17 CRS rezoning applications to date.

Subject Property and Site Context

Location	111 Terminal Avenue is located on the southwest corner of Terminal Avenue and Campbell Street.
Total Lot Area	544m^2
Current Zone	DT4 - Terminal Avenue Zone
Proposed Zone	DT4 with site-specific "Cannabis Retail Store" use
Official Community Plan (OCP) Designation	Downtown Centre Urban Node
Neighborhood Plan Designation	Nanaimo Downtown Plan – Terminal Parkway
Proximity to nearest school	Approximately 150m (Ecole Pauline Haarer Elementary School – 400 Campbell Street)
Proximity to nearest licensed daycare	Approximately 434m (Katie's Korner Childcare - 357 Wesley Street)
Proximity to nearest CRS	Approximately 88m from proposed CRS at 140 Terminal Avenue (RA420).

The proposed CRS will be located in an existing commercial retail unit (currently a car and truck rental business). Neighbouring land uses around the subject property are predominately retail, service, and auto-oriented commercial uses.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow a "Cannabis Retail Store" use in addition to the existing DT4 zone-permitted uses. While the DT4 zone allows "retail" as a permitted use, a CRS requires site-specific rezoning.

The proposed business hours are 9 a.m. to 11 p.m., seven days a week. The proposed retail floor area is approximately 185m^2 within an existing commercial building.

Provincial Licensing Requirements

The City was advised by the BC Liquor and Cannabis Regulation Branch (LCRB) that an application for a non-medical cannabis retail licence has been made for the subject property.

As part of the LCRB's review, the branch determines if the applicant is "fit and proper" to receive a licence, in accordance with Section 23(1) of the *Cannabis Act* (Bill 30), based on indicators such as financial integrity and security screening. The LCRB will advise the City of the results of the "fit and proper" assessment.

The LCRB will not proceed with a licensing application unless the local government submits a positive recommendation to the LCRB indicating that the proposed CRS use is permitted.

Official Community Plan

The Official Community Plan (OCP) designates the subject property as Downtown Centre Urban Node. The OCP does not address CRS use specifically, but the land-use designation supports retail uses and encourages a diversity of commercial, professional, and residential uses. The proposed CRS generally complies with the intent of the Urban Node land-use designation.

Cannabis Retail Store Rezoning Criteria

The following table summarizes how the proposed rezoning addresses the Cannabis Retail Store Rezoning Criteria adopted by Council on 2018-SEP-17, which is intended to inform Council's consideration of the rezoning application:

Criteria		Response
Location		
1.1	The proposed CRS should be located on, or in close proximity to a provincial highway, urban arterial or urban major collector road, as defined in the City's Functional Road Classification Working Plan; or in an Urban Node, Commercial Centre or Corridor as designated in the City's Official Community Plan.	The subject property is within the Downtown Centre Urban Node land-use designation, and located on a provincial highway.
1.2	The proposed CRS should not be located directly adjacent, or in close proximity to a school or licensed daycare facility. A minimum separation of 200m from these facilities is considered necessary, as measured from the front door of the CRS to the school or daycare property line.	The proposed CRS is within 200m from an elementary school. École Pauline Haarer Elementary (400 Campbell Street) is located approximately 150m away from the proposed CRS, as measured from the from the front door of the proposed CRS to the school property. The nearest daycare (Katie's Korner Childcare – 357 Wesley Street) is approximately 434m away. The application was referred to School District No. 68 and Island Health (Community Care and Licensing). Island Health expressed concerns regarding the proposed CRS given its proximity to child care facilities. Island Health notes a cannabis retail store located close to child care facilities may contribute to exposure to marketing and normalization and increased access to cannabis, both of which may influence a child's beliefs regarding the safety of cannabis. School District No. 68 has no comment on the proposed CRS rezoning application.

1.3.	The proposed CRS should not be located within 200m of another CRS as measured from the front doors of the CRS. Where the CRS is to be located within a dense urban area (i.e., downtown), consideration shall be given to the overall urban density and context of the area.	The proposed CRS is located approximately 88m (across Terminal Avenue) from a proposed CRS at 140 Terminal Avenue (RA420). Both applications are included on the 2019-MAY-27 Council agenda; however, Staff note the rezoning application for the subject property was received 2018-DEC-14 after the rezoning application for 140 Terminal Avenue (received 2018-NOV-29). Other downtown cannabis retail rezoning applications include: • 25 Front Street - approximately 253m from the proposed CRS • 350 Terminal Avenue - approximately 366m from the proposed CRS • 52 Victoria Crescent - approximately 720m from the proposed CRS A map showing the location of proposed CRS locations within the downtown core is included as Attachment G.
Building or Site		
2.1.	The size of the proposed CRS should be consistent with the nature of the immediate area and the size of existing retail stores within the area.	The proposed CRS will be located within an existing commercial retail unit. One other smaller unit exists on the property. The size of the CRS is consistent with other commercial units within the downtown area.
2.2.	The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The proposed CRS will be located within an existing building with only minor exterior improvements proposed.
2.2.1.	The revitalization of heritage buildings is encouraged.	The proposed CRS is located within the Heritage Conservation Area 1 as designated by the OCP, but is not located on the Heritage Register or considered a heritage building.
2.3.	Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.	The subject property is located within the downtown core; onsite parking is not required. Parking is provided on the property.

Community Impact	
3.1. The applicant must outline their awareness of potential negative impacts of the proposed CRS on the community, and must identify the specific measures that will be taken to minimize or prevent these impacts from occurring.	The applicants have included a Letter of Rationale (Attachment F) that outlines their awareness of potential negative impacts of the proposed CRS on the community. The applicants note security systems, including camera surveillance, will be provided onsite; staff will keep the property and surrounding area clean; and customers will be educated about safe cannabis use and smoking regulations.
3.1.1. Possible measures could include efforts to prevent service to minors, minimize smells, prevent smoking or cannabis consumption on or near the premises, property maintenance and beautification programs designed to prevent unsightliness, etc.	
3.1.2 Consideration must be given to the impact a CRS will have when they are located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.	The proposed CRS is located approximately 211m from Maffeo Sutton Park, 214m from Comox Gyro Park (shared with Pauline Haarer Elementary School), and approximately 428m from the downtown library and Diana Krall Plaza. Overall, downtown Nanaimo supports family-oriented facilities and public spaces, and a wide range of commercial uses, including liquor primary establishments. Staff consider the proposed CRS to be in keeping with the mix of commercial uses in the downtown area.
3.2. Projected traffic volumes and on-street parking demands associated with a proposed CRS should not adversely impact nearby residential and commercial areas.	The property is located within the Downtown Specified Area and does not require parking for the proposed commercial use. The subject property is accessed from a provincial highway (right-in/right-out) and Campbell Street. The use of the site as a cannabis retail store is not expected to negatively impact traffic volumes.
3.3. The support of the local community, neighbouring property owners and the local neighbourhood association for the proposed CRS is important to Council's decision.	The subject property is not included within the boundaries of an active Neighbourhood Association.
3.3.1. The applicant is required to notify all neighbouring property owners within 200m of the subject property of the rezoning application, prior to the application proceeding to Council.	The applicant completed notification of the neighbouring properties as outlined in the policy. A development proposal sign has been placed on the property, and if Council gives first and second reading to the Bylaw, the application will proceed to public hearing.

3.4.	All rezoning applications for CRS's must be reviewed by the Community Vitality Committee and the RCMP, in addition to being reviewed by the City's Community Planning and Development Committee	The RCMP have reviewed the proposal and have indicated they have no comment. New Council committees have yet to be established; therefore, committee review has not taken place.

If approved, the front door of the proposed CRS will be located approximately 150m from the Pauline Haarer Elementary School grounds and 185m from the front door of the Pauline Haarer Elementary School. The estimated travel distance between the properties is 210m (a three-minute walk). No major barrier, such as a highway, exists between the school and the proposed CRS. The route between the school and the proposed retail store includes sidewalks and crosswalks and, as such, is considered walkable. The subject property cannot be seen from the school property. The 200m buffer from schools is included in the Cannabis Retail Store Rezoning Criteria recommended by the Cannabis Task Force. The intent of the setback is to minimize the exposure of cannabis products and use to children.

The proposed CRS is located within 200m of another CRS application, received prior to the subject application. Three other CRS applications have been received for locations within 750m of the subject property. It is worth noting that where the property is located within the downtown, the Cannabis Retail Store Rezoning Criteria states consideration shall be given to the overall urban density and context of the area. Council is asked to consider what, if any, impact two CRSs will have when located on opposite sides of Terminal Avenue within the downtown area.

Given the proximity of the proposed CRS in relation to an elementary school and another proposed CRS (140 Terminal Avenue), Staff conclude the proposed CRS location does not substantially comply with City policy.

Conditions of Rezoning

Should Council wish to proceed with this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.146", Staff recommend the following items be secured prior to final adoption of the Bylaw:

1. *Community Contribution* – a monetary contribution of $10,000 to be directed towards a community planning social development grant to support social programs.

2. *LCRB Approval* - Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail licence.

OPTIONS:

1. That Council deny the application and the associated readings to "Zoning Amendment Bylaw 2019 No. 4500.146: (To rezone 111 Terminal Avenue to permit "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] Zone).
    - **Policy Implication**: The proposed CRS is within 200m of a school and another proposed CRS and therefore does not comply with "Cannabis Retail Store Rezoning Criteria". Denying the rezoning is consistent with Council's Cannabis Rezoning Policy.
    - **Engagement Implication**: Island Health (Community Care and Licensing) does not support the rezoning. Denying the rezoning is consistent with the Island Health recommendation.

2. That Council grant first and second reading to "Zoning Amendment Bylaw 2019 No. 4500.146" (To rezone 111 Terminal Avenue in order to permit "Cannabis Retail Store" as a site-specific use in the Terminal Avenue [DT4] Zone); and direct Staff to secure the community amenity contribution, should Council support third reading of the bylaw.
    - **Policy Implication**: The "Cannabis Retail Store Rezoning Criteria" states consideration shall be given to the overall urban density and context of the area when considering the distance between proposed cannabis retail stores. Consideration may be given to walking distances and sightlines when considering the recommended 200m distance between a CRS and a school property.
    - **Engagement Implication**: Denying the rezoning at first and second reading will deny the public the opportunity to speak to the application at the public hearing.

SUMMARY POINTS

- A rezoning application has been received for "Cannabis Retail Store" use as a site-specific use within an existing commercial building within the DT4 zone for the subject property at 111 Terminal Avenue.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- The City's Cannabis Retail Store Rezoning Criteria Policy allows consideration of the overall urban density and context of the area when a CRS is proposed to be located within 200m of another CRS. The proposed application was received after others, and there are already three CRS locations proposed within 800m downtown.
- The proposed CRS location is within 200m of another proposed CRS (across Terminal Avenue) and is within a walkable distance to an elementary school.
- Given the proximity of the proposed CRS in relation to an existing elementary school and another proposed CRS, Staff conclude that the proposed CRS location does not substantially comply with City policy.
- Staff are seeking Council's direction.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: School and Licensed Daycare Buffer Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Proposed Floor Plan
ATTACHMENT E: Proposed Building Elevations
ATTACHMENT F: Letter of Rationale / Community Impact Statement
ATTACHMENT G: Map of Downtown Cannabis Retail Store Rezoning Applications
ATTACHMENT H: Aerial Photo
"Zoning Amendment Bylaw 2019 No. 4500.146"

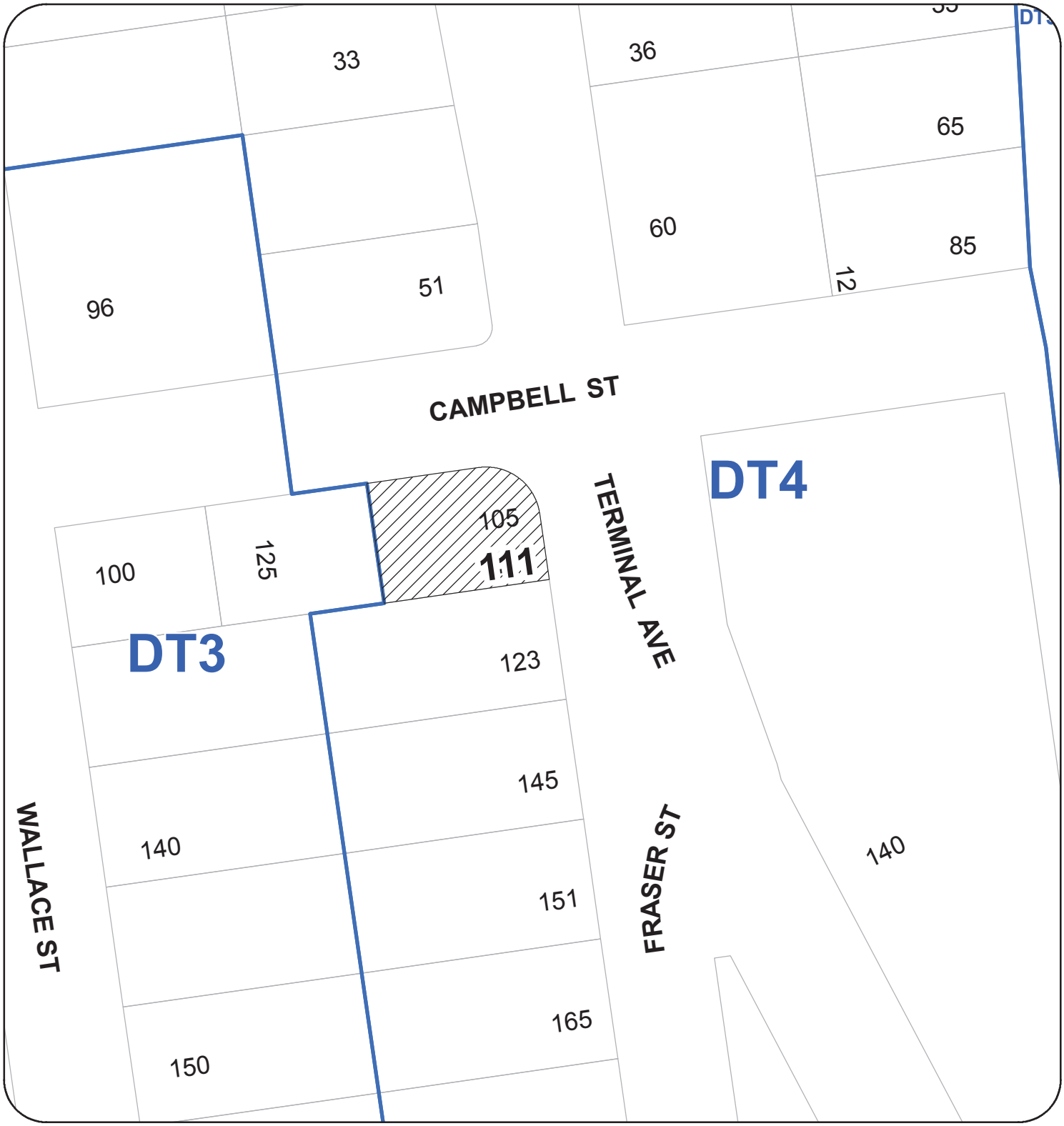
Submitted by:

L. Rowett,
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000422

LOCATION PLAN

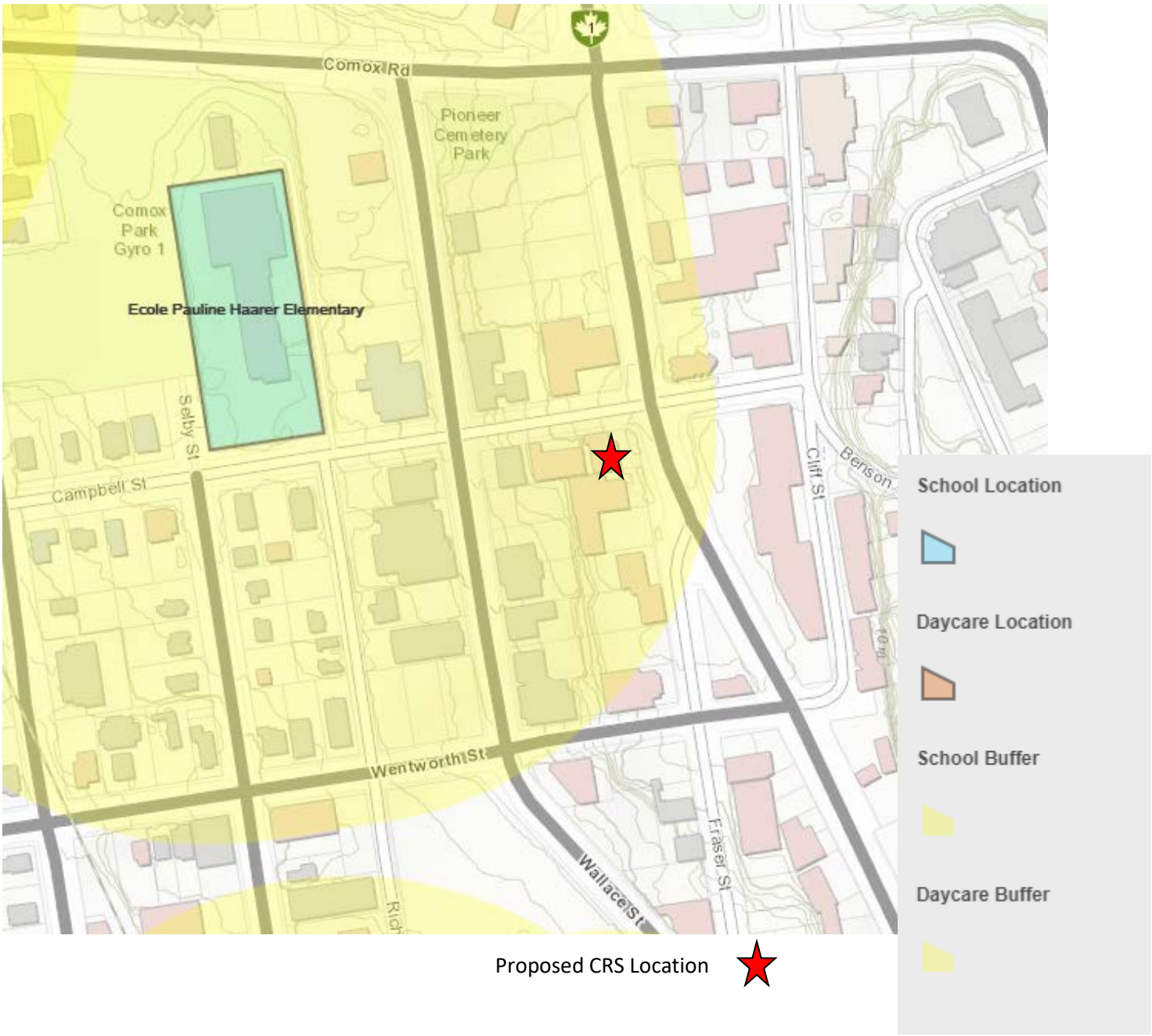
CIVIC:111 TERMINAL AVENUE
LEGAL: LOT B SECTION 1 NANAIMO DISTRICT
PLAN VIP75182

N

SUBJECT PROPERTY

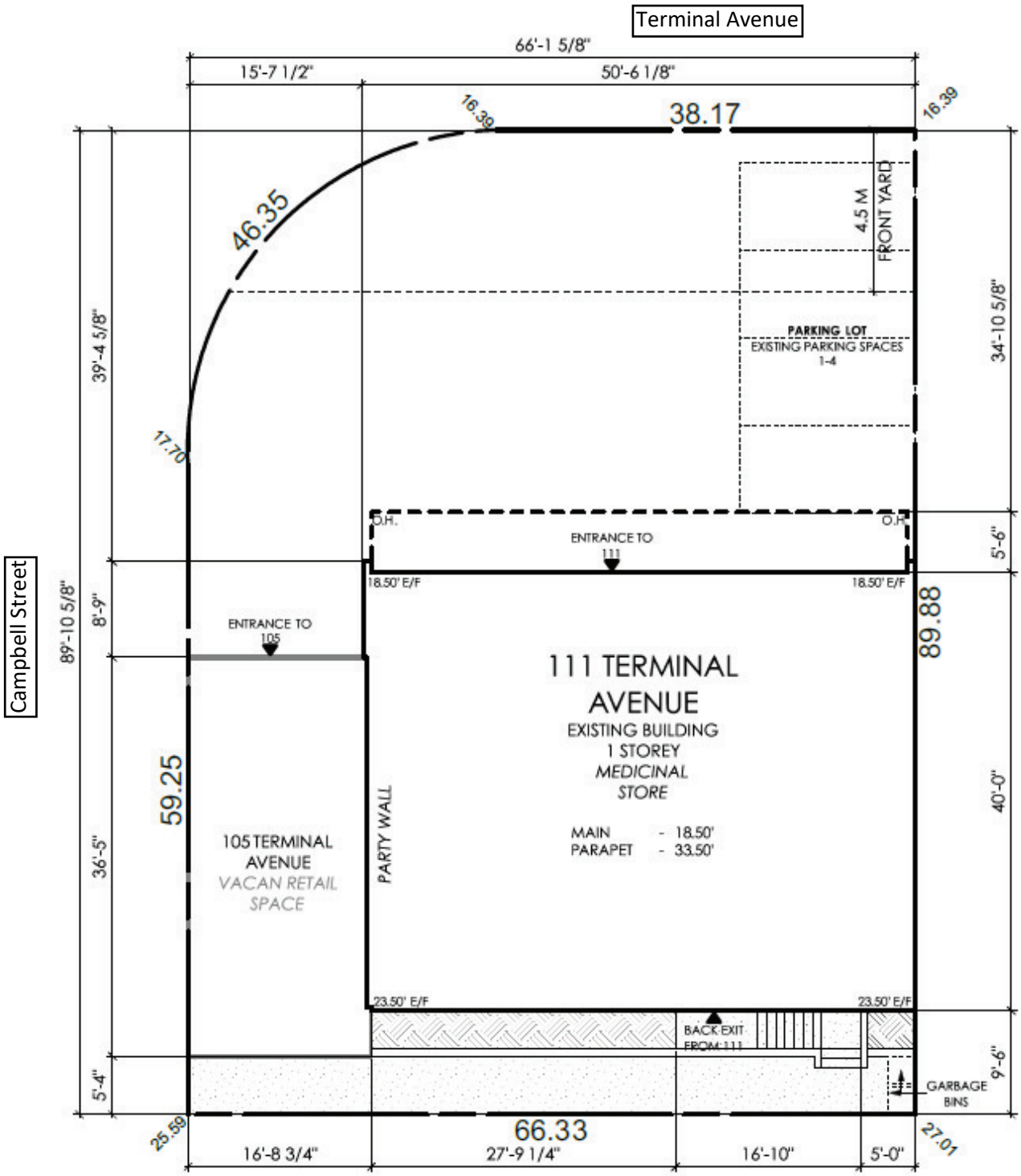
Document Path: V:\Source Data\Departmental Data\EngPubWks\GIS\Projects\TEMPLATES\LEASE_LICENSE\Maps\RA000422_LP.mxd

ATTACHMENT B
SCHOOL AND LICENSED DAYCARE BUFFER MAP



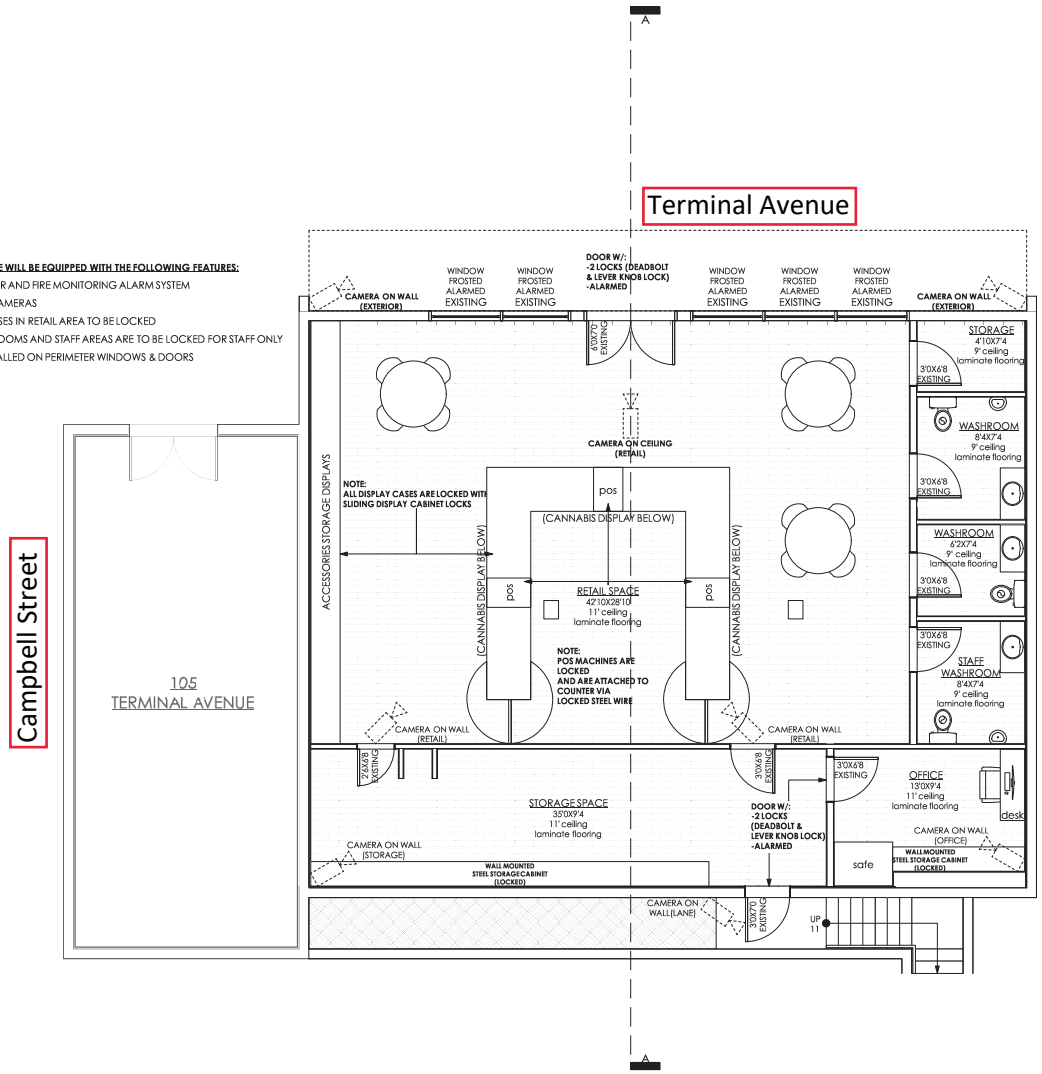
Proposed CRS Location

ATTACHMENT C
SITE PLAN



ATTACHMENT D
PROPOSED FLOOR PLAN

NOTE - STORE WILL BE EQUIPPED WITH THE FOLLOWING FEATURES:
- AN INTRUDER AND FIRE MONITORING ALARM SYSTEM
- SECURITY CAMERAS
- DISPLAY CASES IN RETAIL AREA TO BE LOCKED
- STORAGE ROOMS AND STAFF AREAS ARE TO BE LOCKED FOR STAFF ONLY
- LOCKS INSTALLED ON PERIMETER WINDOWS & DOORS



ENERGY UPGRADE MECHANISM CHOSEN
L2 - LIGHTING - EXTERIOR LIGHTING CONTROL (PER 9.4.1.7 OF ASHRAE 90.1 - 2010)

MAIN FLOOR

RECEIVED
RA422
2018-DEC-14
Current Planning

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REVISIONS

ISSUED FOR.....

PROVINCIAL APPLICATION OCT 2018

merj™
drafting + design
Vancouver, BC
E. r.r.rono@gmail.ca T. 604-789-0239

PROJECT:

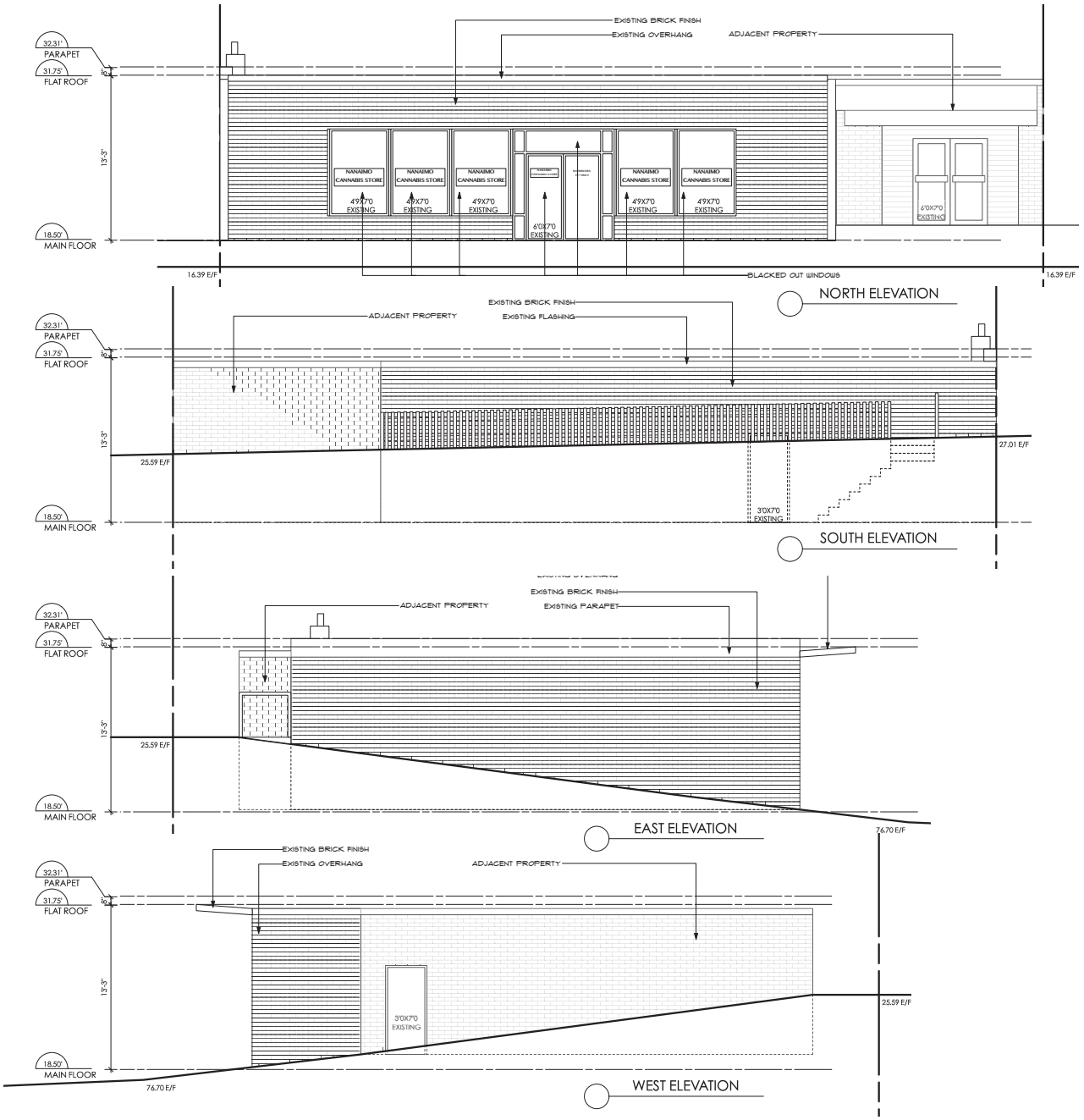
111 TERMINAL AVE
NANAIMO, B.C.

DRAWING TITLE:

FLOOR PLAN

DRAWN BY:	RR	SHEET:
24x36 SCALE:	1/4" = 1'-0"	A-02
12x18 SCALE:	1/8" = 1'-0"	
DATE:	JAN 2017	

ATTACHMENT E
PROPOSED BUILDING ELEVATIONS



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REVISIONS

ISSUED FOR.....

PROVINCIAL APPLICATION OCT 2018

merj™
drafting + design
Vancouver, BC
E. r.r.rono@gmail.ca T. 604-789-0239

PROJECT:

111 TERMINAL AVE
NANAIMO, B.C.

DRAWING TITLE:

ELEVATIONS

DRAWN BY:	RR	SHEET:
24x36 SCALE:	1/4" = 1'-0"	A-03
12x18 SCALE:	1/8" = 1'-0"	
DATE:	JAN 2017	

RECEIVED
RA422
2018-DEC-14
Current Planning

ATTACHMENT F
LETTER OF RATIONALE / COMMUNITY IMPACT STATEMENT

Project Proposal

CSC Cannabis Stores Company (further CSC or Cannabis Stores Company) is a BC company that operates provincially licensed cannabis stores. It was incorporated in September 2018 by an experienced team who has more than 20 years experience in this industry. CSC is in the last stages of obtaining a license for a store in Vancouver, one location in Calgary, and secured leases or acquired building in Toronto and Ottawa for future applications. This company is looking to obtain eight provincial licenses in BC and 25 licenses in Ontario by 2021. CSC is famous for providing the safest service and comfortable stay for its clients.

Cannabis Stores Company is proposing to open and operate a provincially and municipally licensed cannabis storefront located at 111 Terminal Ave, Nanaimo. The company has secured a lease for this location and applied for a provincial license with the BC Liquor and Cannabis Board. This location is more than 200 meters of walking distance from the nearby school. The storefront will follow all municipal and provincial regulations. Our proposal includes changing the use of the location to the Cannabis Retail Store. Since the storefront follows zoning regulations of the City of Nanaimo, we are hoping to get approved for a change of use.

Project Benefits and Amenities – positive impacts on the community

The economic, environmental, and social benefits of this project are numerous. The regulation of this business sector in Nanaimo is likely to stimulate the local economy, making Nanaimo a hub of this emerging regulated and taxed business activity in the city and so help transition this industry (that previously was taking place in an informal, unregulated and untaxed manner), toward a better-regulated marketplace. The cannabis industry on Vancouver Island contributes significantly to the economy and offers quality, high paying employment for Nanaimo's population many of whom are highly educated, especially in the field of alternative healthcare. Cannabis Stores Company offers high paying jobs to local public and proper training and education to store's employees and members to achieve a higher standard of living.

CSC has sought to promote education about cannabis and cannabis products as alternative healthcare and recreational product by offering handouts and workshops in venues across town. We want to help the public understand the ways of consuming, advantages and disadvantages of all cannabis products, and help to find the most suitable product for them.

While our promotional and educational activities within our storefront are limited due to the provincial bylaws, we would like to build a strong connection the nearby community centers and provide our support. We are planning to provide a space in a different location for educational workshops, counseling, and Women empowerment session for our customers and those interested. Same activities are already implemented in the City of Vancouver.

The proposed development contributes significantly to the neighbourhood by providing an accurate menu of cannabis and cannabis products from the available list of provincial suppliers. The store will be operating in a customer service oriented atmosphere and create the list of variously priced products, which would suit people of different income levels. The increased employment in the area will also attract employees who wish to live closer to where they work, which will increase the standard level of the area.

CSC will provide a safe storefront while attracting higher traffic in the area, which makes the streets more populated and safer. Our staff will keep the area surrounding our business well maintained, clean, and free of litter and other refuse. Our security system records key areas of interior and exterior space via cameras at different angles. The camera system is equipped with motion sensing technology, and we will be able to extract the footage from our system if ever needed. There will be a designated team member who will watch the cameras throughout the day to make sure that the store is functioning properly and that the public and staff are safe.

This location will provide improvements to the quality of life and amenities available to neighbourhood denizens, both implicitly and explicitly. Higher foot traffic will make the store an anchor business in the neighborhood and attract commuters who will discover other neighborhood businesses such as cafes, coffee roasters, and other emerging businesses in the area. We will strive to have good relations with all our neighbors.

Therefore, we believe that CSC will provide numerous positive impacts (social, economic, and environmental) to the community.

Negative Impacts and Measures to address/reduce those

There are several, but limited negative impacts on the community resulted due to the store's future operations. CSC will address every problem and try to reduce a negative impact.

There is a negative externality due to increased foot traffic around the store. Increased traffic could result in possible congestions around the block and increased litter on the streets. However, our team will keep streets nearby our location clean from litter and other refuse. While we cannot explicitly solve the problem of traffic congestions, we will provide parking space available at the location's vicinity. Further, we strongly believe that increased traffic will decrease the rate of petty crimes. Our team and security system will closely control the safety of the surrounding businesses and neighbors.

While some would claim that our operations will negatively affect the operations of the elementary school, we would like to state that our company will not negatively impact neither school nor children. Our products and any promotional materials will not reach the school in any way possible. We want to provide a safe environment for the school's operations. We are a company that has already provided help to tens of people to reach higher career standards through education and counseling. CSC will be happy to provide any support to the school or any other center without any affiliation with our company. We will not request anything back (including promotions, advertisements, or anything of that sort).

One negative externality could be an overuse of cannabis and cannabis products by people in the neighbourhood. However, our company will reduce the risk of this externality. Firstly, by federal and provincial laws the cannabis store is unable to sell more than 30g per customer. Secondly, we will educate our customers on the use of cannabis and cannabis products, advantages and disadvantages of those, as discussed before. Through accurate and careful education of our customers, we will remove this negative externality. CSC will train the staff to provide the safest environment for clients and neighbourhood.

Conclusion

CSC will be happy to be the main point of cannabis distribution in the City of Nanaimo by providing the safest and most credible service. Our staff and team will control the cleanliness of the neighborhood and proper distribution and use of cannabis and cannabis accessories.

We want to thank you for your consideration.

ATTACHMENT G
MAP OF DOWNTOWN CANNABIS RETAIL STORE
REZONING APPLICATIONS

ATTACHMENT H
AERIAL PHOTO

REZONING APPLICATION NO. RA000422

N

LEGEND

SUBJECT PROPERTY

Document Path: V:\Source Data\Departmental Data\EngPubWks\GIS\Projects\TEMPLATES\LOCATION_PLAN\Maps\RA000422_AP.mxd

CITY OF NANAIMO

BYLAW NO. 4500.146

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. 4500.146”.

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

   By rezoning the lands legally described as LOT B, SECTION 1, NANAIMO DISTRICT, PLAN, VIP75182 (111 Terminal Avenue) to allow Cannabis Retail Store as a site-specific use within the Terminal Avenue (DT4) Zone, as shown on Schedule A.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

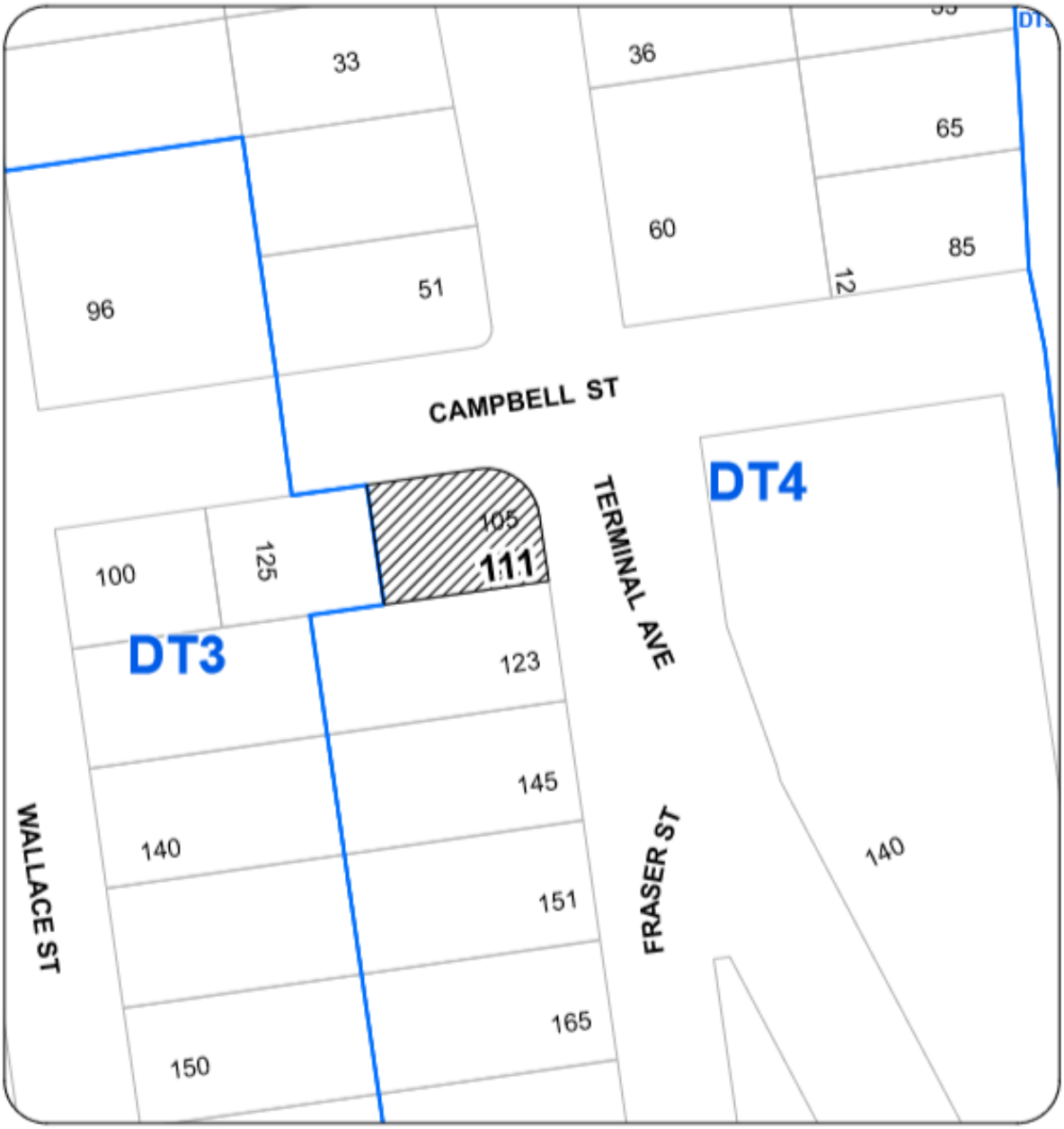
_____
M A Y O R

_____
CORPORATE OFFICER

File: RA000411
Address: 111 Terminal Avenue

SCHEDULE A

LOCATION PLAN



REZONING APPLICATION NO. RA000422

LOCATION PLAN

CIVIC:111 TERMINAL AVENUE
LEGAL: LOT B SECTION 1 NANAIMO DISTRICT
PLAN VIP75182

N

SUBJECT PROPERTY

Delegation Request

Delegation's Information:

Robert W. E. Laurie, Ad Lucem law Corporation, and Mike Haden has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is June 10, 2019.

The requested meeting is:
Special Council

Bringing a presentation: No

Details of the Presentation:

Rezoning Application No. RA422 – 111 Terminal Avenue. CSC Cannabis Stores Company is seeking approval for a rezoning application. During the presentation we will outline solutions to existing problems and talk about our values and beliefs to help us secure the Council's support.

CITY OF NANAIMO
THE HARBOUR CITY

Staff Report for Decision

File Number: CIL00401

DATE OF MEETING JUNE 10, 2019

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT **531 KENNEDY STREET – ACCEPTANCE OF PROJECT UNDER "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261"**

OVERVIEW

Purpose of Report
To obtain Council approval of a multi-family rental building at 531 Kennedy Street into the Downtown Revitalization Tax Exemption Program.

Recommendation
That Council approve the Revitalization Tax Exemption Agreement for a proposed eight-unit multi-family rental building at 531 Kennedy Street.

BACKGROUND

The owners of 531 Kennedy Street, Shea William Stoney, Sharon Louise Stoney, Roberto Allegrini and Sharon Yotui Allegrini (the "Owners"), have applied for and received a development permit (DP1055) to construct an eight-unit multi-family rental building (the "Project").

The Owners are seeking a ten-year tax exemption for the Project. The Revitalization Tax Exemption (RTE) Agreement, Attachment A, requires Council approval under the "Revitalization Tax Exemption Bylaw 2018 No. 7261".

The property is currently assessed at $441,000 and will pay $3,059 in 2019 property taxes, of which $1,756 are to the City of Nanaimo. The municipal portion of the taxes will be based on the land value only for a ten-year period, after which the property will be fully taxable.

The main goal of the RTE program is to encourage new multi-family and commercial investment in the downtown core.

The program applies to all major renovations, additions, demolition and rebuilds, and new construction in the downtown core associated with commercial and multi-family residential housing over a construction value of $500,000. The RTE applies to the municipal tax portion and only applies to the increase in assessment resulting from the capital improvement. The RTE program runs for a maximum length of ten years.

Key Terms of RTE Agreement

- The Owner will employ best efforts to ensure the Project will be built in accordance with the approved development permit (DP1055).

- The Owner must obtain a building permit from the City for the Project on or before 2019-DEC-31.
- The Project must be officially opened and available for use as an eight-unit multi-family rental building and for no other use no later than 2021-JUN-30.
- Term of Tax Exemption – Provided the requirements of the RTE Agreement are met, the tax exemption shall be for ten years as of the date of the occupancy granted under permit, but no later than 2029-DEC-31.

OPTIONS

1. That Council approve the Revitalization Tax Exemption Agreement for a proposed eight-unit multi-family rental building at 531 Kennedy Street.
    - **Budget Implication:** There is no direct impact on the budget. The City will collect tax from one fewer property in those years.
    - **Policy Implication:** The Downtown Revitalization Tax Exemption program was established to encourage commercial and multi-family development in the downtown core. This project is consistent with the goals of the program.
    - **Strategic Priorities Implication:** The draft 2019-2022 Strategic Plan identifies Economic Health as a key pillar. Encouraging investment in the downtown core is an important element.
    - **Political Implication:** Creation of affordable rental housing in the downtown, close to transit and existing services, showcases Council's commitment to the downtown core.

2. That Council deny the Revitalization Tax Exemption Agreement for a proposed eight-unit multi-family rental building at 531 Kennedy Street.
    - **Budget Implication:** No budget implication to the City. The Owner will pay the full property tax bill going forward.
    - **Policy Implication:** Not approving the project is inconsistent with the RTE Bylaw.
    - **Political Implication:** Not providing approval to the RTE Agreement would discourage further investors from applying to the program and may slow investor interest in the downtown core.

SUMMARY POINTS

- The owners of 531 Kennedy Street, Shea William Stoney, Sharon Louise Stoney, Roberto Allegrini and Sharon Yotui Allegrini, have applied for and received a development permit (DP1055) to construct an eight-unit multi-family rental building.
- Council's approval for a ten-year tax exemption for the residential building under "Revitalization Tax Exemption Bylaw 2018 No. 7261" is being sought.
- Key Terms of Agreement: The Owners must obtain a building permit on or before 2019-DEC-31; the Project must be completed and rented no later than 2021-JUN-30; and the tax exemption shall be for ten years as of the date of the occupancy permit, but no later than 2029-DEC-31.

ATTACHMENTS

ATTACHMENT A: Revitalization Tax Exemption Agreement

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development

Laura Mercer
Acting Director, Financial Services

ATTACHMENT A

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ___ day of _____, 2019 is

BETWEEN:

Shea William Stoney & Sharon Louise Stoney
16 Holdom Avenue
Burnaby, BC V5B 3T7

AND:

Roberto Allegrini & Sharon Yotui Allegrini
6190 Winch Street
Burnaby, BC V5B 2L3

(the "Owners")

AND:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC V9R 5J6

(the "City")

GIVEN THAT:

A. The Owners are the registered owners in fee simple of lands in the City of Nanaimo at *531 Kennedy Street* legally described as *Section B, Lot 3, Block V, Section 1, Nanaimo District, Plan 584, PID 008-812-802* (the "Parcel");

B. Council has established a revitalization tax exemption program and has included within the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261";

C. The Parcel is situated within the Revitalization Area, as defined in the Bylaw; and

D. The Owners propose to construct new improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owners and the City covenant and agree each with the other as follows:

1. In this Agreement, the following words have the following meanings:

   (a) "Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to this Agreement for the purposes of calculating property taxes;

(b) "Baseline Assessment" means the BC Assessment Authority's last published land and improvements assessed value immediately before the commencement of the Project;

(c) "Bylaw" means City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" as amended from time to time including any amendments thereto;

(d) "Renovation" means capital improvements of an existing building;

(e) "Tax Exemption" means a revitalization tax exemption determined in accordance with the Bylaw; and

(f) "Tax Exemption Certificate" means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to the Bylaw and the *Community Charter*.

2. The Project – the Owners will use the best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Bylaw. Without limiting the generality of the foregoing, the Owners covenant to use the best efforts to ensure that the Project will:

   (a) be built in accordance with the submitted plans as approved by Development Permit (DP001055) for 531 Kennedy Street authorized by City Council of the City of Nanaimo on June 28, 2018.

3. Operation and Maintenance of the Project – throughout the term of this Agreement, the Owners shall operate, repair and maintain the Project and will keep the Project in a state of good repair as prudent owners would do.

4. Revitalization Tax Exemption – subject to fulfillment of the conditions set out in this Agreement and the Bylaw, the City shall issue a Tax Exemption Certificate to the British Columbia Assessment Authority entitling the Owners to a Tax Exemption in respect of the property taxes due (not including local service taxes) in relation to the Parcel and the improvements thereon for the calendar year(s) set out in this Agreement. The Tax Exemption Certificate shall be substantially in the form of Appendix "B", which is attached to and forms part of this Agreement.

5. Conditions – the Owners must fulfill the following conditions before the City will issue a Tax Exemption Certificate to the Owners in respect of the Project:

   (a) the Owners must obtain a building permit from the City for the Project on or before December 31, 2019;

   (b) the Owners must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "C";

   (c) the Project must be officially opened and available for use as *an eight unit multi-family rental building* (the "Exempt Use") and for no other use, by no later than June 30, 2021; and

6. Calculation of Revitalization Tax Exemption – the amount of the Tax Exemption in each year shall be calculated in accordance with the Bylaw.

7. Term of Tax Exemption – provided the requirements of this Agreement, and of the City of Nanaimo Revitalization Tax Exemption Bylaw 2018 No. 7261, are met the Tax Exemption shall be for the taxation years 2020 to 2029, inclusive. [10 year maximum]

8. Compliance with Laws – the Owners shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel forming part of the Project in compliance with all statutes, laws, regulations, bylaws and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.

9. Representations and Warranties – The Owners represent and warrant to the City that the Owners are the owners of the Parcel for the purpose of property assessment and taxation.

10. Cancellation – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:

    (a) on the written request of the Owners; or

    (b) effective immediately upon delivery of a notice of cancellation to the Owners if at any time any of the conditions in the Tax Exemption Certificate are not met.

11. If such cancellation occurs, the Owners of the Parcel for which the Tax Exemption Certificate was issued will pay to the City a recapture amount in accordance with the Bylaw, which amount will bear interest in accordance with the Bylaw.

12. No Refund – for greater certainty, under no circumstances will the Owners be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. Notices – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

    (a) in the case of a notice to the City, at:

    THE CITY OF NANAIMO
    455 Wallace Street,
    Nanaimo, B.C.
    V9R 5J6
    Attention:

    (b) in the case of a notice to the Owners, at:

    Shea William Stoney & Sharon Louise Stoney
    16 Holdom Avenue
    Burnaby, BC V5B 3T7

Roberto Allegrini & Sharon Yotui Allegrini
6190 Winch Street
Burnaby, BC V5B 2L3

or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

14. No Assignment – the Owners shall not assign the interest in this Agreement except to a subsequent owner in fee simple of the Parcel.

15. Severance – if any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

16. Interpretation – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

17. Further Assurances – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

18. Waiver – waiver by the City of a default by the Owners shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. Powers Preserved – this Agreement does not:

    (a) affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;

    (b) affect or limit any enactment relating to the use or subdivision of the Parcel; or

    (c) relieve the Owners from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.

20. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. Enurement – this agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF NANAIMO by
its authorized signatories:

_____
Mayor

_____
Corporate Officer

Executed by the Owners:

_____
Shea William Stoney

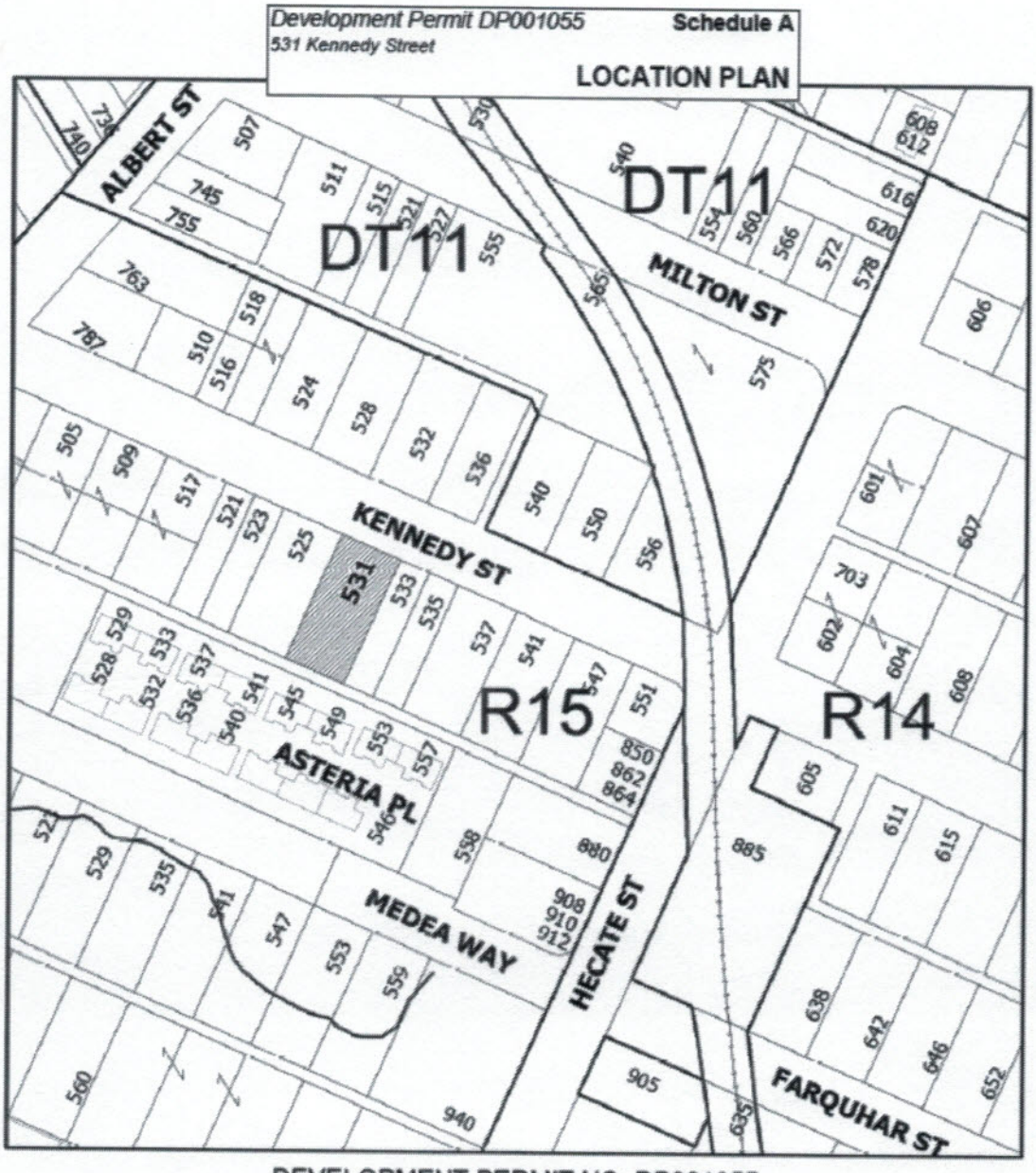
_____
Sharon Louise Stoney

_____
Roberto Allegrini

_____
Sharon Yotui Allegrini

APPENDIX "A" to Revitalization Tax Exemption Agreement

Map of Affected Parcel



DEVELOPMENT PERMIT NO. DP001055

N

LOCATION PLAN

Civic: 531 Kennedy Street
Section B, Lot 3, Block V, Section 1
Nanaimo District, Plan 584

Subject Property

APPENDIX "B" to Revitalization Tax Exemption Agreement

SCHEDULE "B"

Revitalization Tax Exemption Certificate

In accordance with the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the _____ day of _____, 20__ (the "Agreement") entered into between the City of Nanaimo (the "City") and Shea William Stoney, Sharon Louise Stoney, Roberto Allegrini and Sharon Yotui Allegrini (the "Owners"), the registered Owners of *Section B, Lot 3, Block V, Section 1, Nanaimo District, Plan 584, PID 008-812-802* (the "Parcel"):

This certificate certifies that the Parcel is subject to a revitalization tax exemption equal to the following assessment value of the Parcel: Class 01 Residential: $441,000.00 multiplied by the municipal rate of tax in effect for Class 01 – Residential, for each of the taxation years 20__ to 20__ inclusive.

The Tax Exemption is provided under the following conditions:

1. The Owners do not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;

2. The Owners have not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;

3. The Owners, or a successor in title to the Owners, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;

4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;

5. The Agreement is not otherwise terminated.

If any of these conditions are not met then the Council of the City of Nanaimo may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owners of the Parcel, or a successor in title to the Owners as the case may be, shall remit to the City the recapture amount calculated in accordance with the Bylaw.

APPENDIX "C" to Revitalization Tax Exemption Agreement

Plans and Specifications for the Project

CITY OF NANAIMO
THE HARBOUR CITY

DEVELOPMENT PERMIT NO. DP001055

SHEA STONEY / SHARON STONEY
ROBERTO ALLEGRINI / SHARON ALLEGRINI
Name of Owner(s) of Land (Permittee)

531 KENNEDY STREET
Civic Address

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.

2. This development permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

   Legal Description:

   SECTION B, LOT 3, BLOCK V, SECTION 1, NANAIMO DISTRICT, PLAN 584

   PID No. 008-812-802

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

   Schedule A Location Plan
   Schedule B Site Plan
   Schedule C Building Elevations
   Schedule D Landscape Plan

   a) If the applicant does not substantially commence the development permitted by this permit within two years of the date of this permit, the permit shall lapse.

4. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

5. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

   Section 17.2.1 – to reduce the minimum landscape buffer width from 1.8m to 0.9m for both side yards.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Plan prepared by Joyce Reid Troost Architecture dated 2018-APR-16 as shown on Schedule B.

2. The development is in substantial compliance with the Building Elevations and Exterior Materials prepared by Joyce Reid Troost Architecture received 2018-MAY-13 as shown on Schedule C.

3. The subject property shall be developed in substantial compliance with the Landscape Plan prepared by Fred Brooks Landscape Architect received 2018-MAY-13 as shown on Schedule D.

REVIEWED AND APPROVED ON

2018-JUL-28

Date

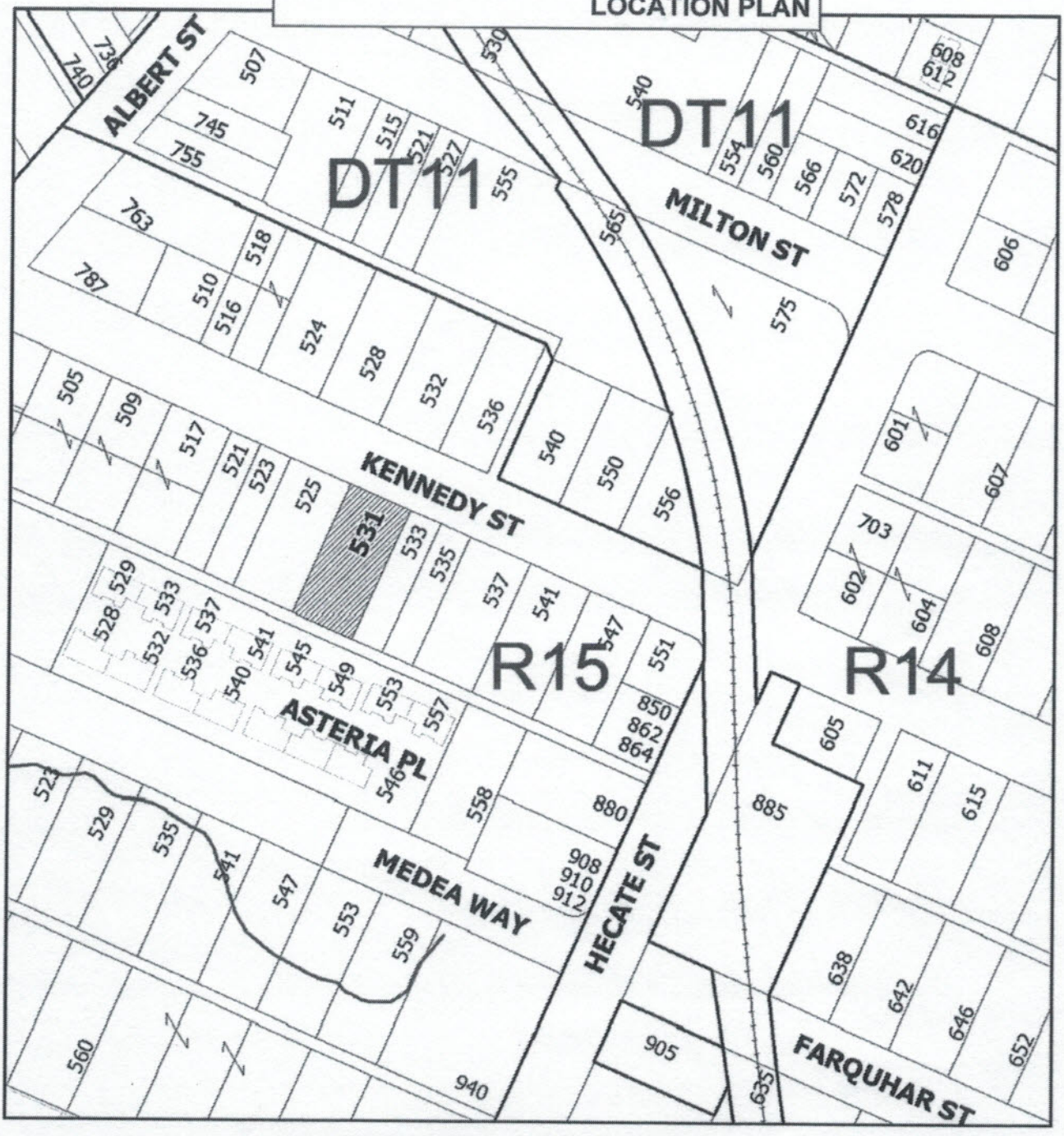
D. Lindsay, Director
Community Development
Pursuant to Section 154 (1)(b) of the Community Charter

TR/ln

Prospero attachment: DP001055

Development Permit DP001055 **Schedule A**
531 Kennedy Street

LOCATION PLAN



DEVELOPMENT PERMIT NO. DP001055

N

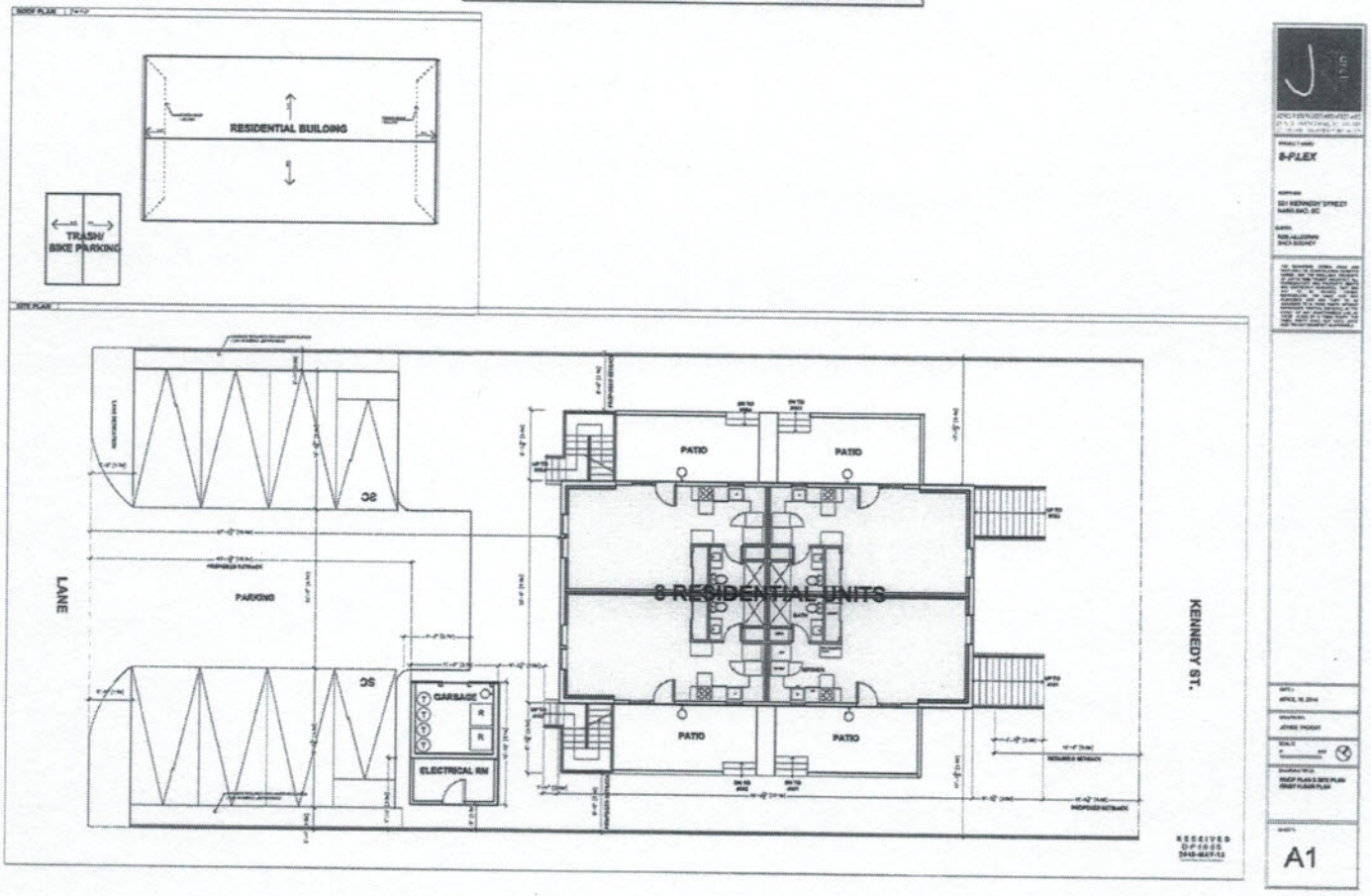
LOCATION PLAN

Subject Property

Civic: 531 Kennedy Street
Section B, Lot 3, Block V, Section 1
Nanaimo District, Plan 584

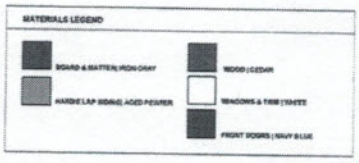
Development Permit DP001055 **Schedule B**
531 Kennedy Street

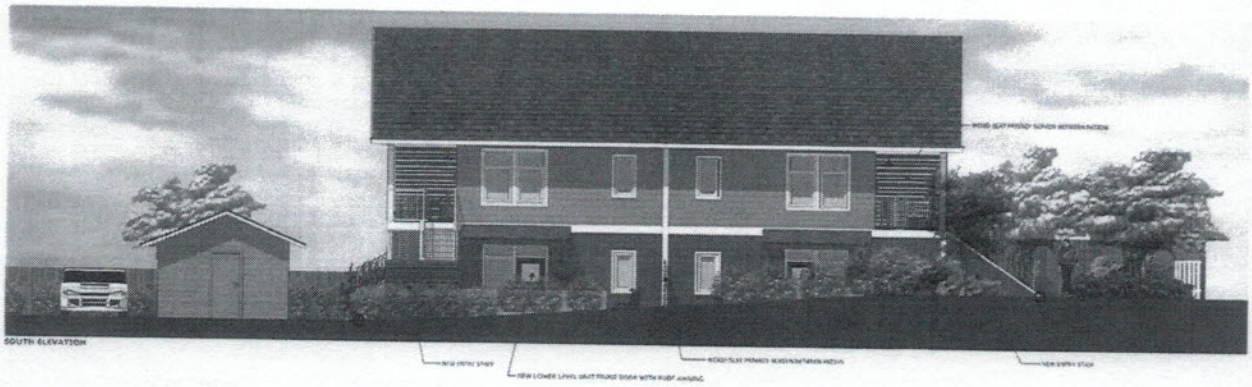
SITE PLAN



Development Permit DP001055 **Schedule C**
531 Kennedy Street
1/2 **BUILDING ELEVATIONS**

EAST ELEVATION (KENNEDY STREET)

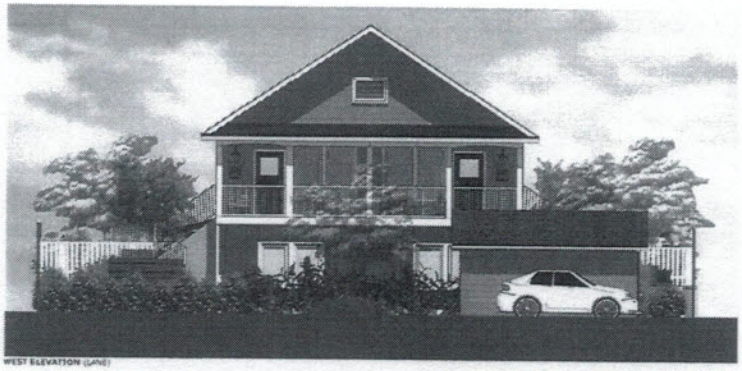




SOUTH ELEVATION

RECEIVED
DP 1055
2015-MAY-13

A4



WEST ELEVATION (LANE)

NORTH ELEVATION

RECEIVED
OPTIONS
2016-MAY-13

S-PLEX

A5

Development Permit DP001055 **Schedule D**
531 Kennedy Street

LANDSCAPE PLAN

LANDSCAPE CONCEPT PLAN

Scale: 1" = 8' ◈ 6 March 2018

An 8 Unit

RESIDENTIAL PROJECT

~ at ~

531 Kennedy Street

Nanaimo, B.C.

Architect: Joyce Reid Troost, Nanaimo

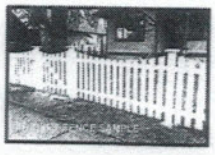
GENERAL NOTES

1. DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS, INCLUDING DRAWINGS, SPECIFICATIONS AND REPORTS OF OTHER DISCIPLINES.
2. ALL UNDERGROUND INFORMATION, IF SHOWN, DERIVED FROM EXISTING RECORDS PROVIDED BY OWNER. THE PLAN DOES NOT VERIFY THIS INFORMATION.
3. THE GENERAL CONTRACTOR IS TO COORDINATE THE PREPARATION OF THE SITE SUB-GRADES SO THAT GROWING MEDIA FOR PLANTING AREAS CAN BE PLACED AT ACCEPTABLE DEPTHS.
4. ALL PLANTING IS TO BE IRRIGATED.
5. LANDSCAPE MATERIAL SUPPLY AND INSTALLATION SHALL BE IN ACCORDANCE WITH CURRENT EDITION OF THE REGULATORY BC LANDSCAPE STANDARD.
6. THE WORK INCLUDES THE 90 LANDSCAPE ECONOMY 90 DAY ESTABLISHMENT MAINTENANCE, AND 3-ONE YEAR WARRANTY PERIOD.

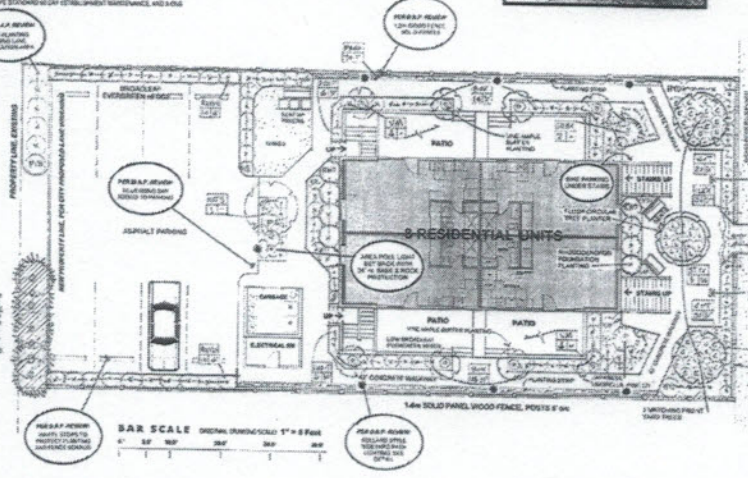
FENCE EXAMPLES

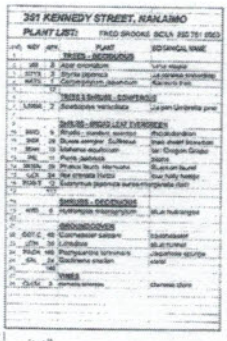
PRIVACY SCREEN / WOOD FENCE

DECORATIVE FENCE, GATE AT ENTRY



PROPOSED SIDEYARD PATH BOLLARD LIGHTS





KENNEDY STREET FRONTAGE

NANAIMO'S OLD CITY MULTIPLE FAMILY RESIDENTIAL DESIGN GUIDELINES

FRED BROOKS Landscape Architect

8 UNIT RESIDENTIAL PROJECT

531 Kennedy Street, Nanaimo

Mr Shea Stoney, Vancouver, B.C.

1/8" = 1'

6 March 2018

20 April 2018

LANDSCAPE CONCEPT & PLANTING PLAN

L - 1 OF 1

RE-ISSUED FOR ***DEVELOPMENT PERMIT***
"WITH D.A.P. AMENDMENTS"
20 April 2018

RECEIVED DP1055 2018-MAY-11