



**AMENDED AGENDA  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)**

Thursday, September 19, 2019, 7:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

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Pages

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

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

- |    |   |         |
|----|---|---------|
| a. | <u>Rezoning Application No. RA431 - 50 Tenth Street</u>       | 9 - 24  |
|    | To be introduced by Lainya Rowett, Manager, Current Planning. |         |
|    | <u>Presentation:</u>  |         |
|    | 1. Peter Waugh, Applicant.                                    |         |
|    | Call for submissions from the Public.                         |         |
| b. | <u>Rezoning Application No. RA372 - 2379 Browns Lane</u>      | 25 - 36 |
|    | To be introduced by Lainya Rowett, Manager, Current Planning. |         |
|    | <u>Presentation:</u>  |         |
|    | 1. Jack Anderson, Agent for the Applicant.                    |         |
|    | Call for submissions from the Public.                         |         |

- c. Rezoning Application No. RA399 - 1534 Extension Road 37 - 47
- To be introduced by Lainya Rowett, Manager, Current Planning.
- Presentation:
1. Chris Cathers, Applicant.
- Call for submissions from the Public.
- d. OCP Amendment Application - OCP89 and Rezoning Application RA395 - 388 Machleary Street 48 - 82
- To be introduced by Lainya Rowett, Manager, Current Planning.
- Presentations:
1. Andre Molnar, Molnar Group, Owner.
  2. Greg Persanyi, Molnar Group, Owner.
  3. Barry Weih, WA Architects, Applicant and Architect.
- Call for submissions from the Public.
1. *Add - Colin Harper, Wensley Architecture, to Presentation 3. Barry Weih, WA Architects, Applicant and Architect.*
  2. *Add - Presentation from James Partlow, Landscape Architect.*
  3. *Add - Presentation from Mona Dahir and Nadine King, Traffic Engineers, Watt Consulting.*
6. **FINAL CALL FOR SUBMISSIONS:**
- Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.
7. **ADJOURNMENT OF THE PUBLIC HEARING**
8. **BYLAWS:** 83
- a. "Zoning Amendment Bylaw 2019 No. 4500.155" 84 - 85
- That "Zoning Amendment Bylaw 2019 No. 4500.155" (To rezone 50 Tenth Street to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] zone) pass third reading.



- |    |  |         |
|----|--|---------|
| b. | <u>"Zoning Amendment Bylaw 2019 No. 4500.157"</u>  | 86 - 87 |
|    | That "Zoning Amendment Bylaw 2019 No. 4500.157" (To rezone 2379 Browns Lane from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass third reading.  |         |
| c. | <u>"Zoning Amendment Bylaw 2019 No. 4500.134"</u>  | 88 - 89 |
|    | That "Zoning Amendment Bylaw 2019 No. 4500.134" (To rezone 1534 Extension Road from Single Dwelling Residential [R1] to Townhouse Residential [R6] with site-specific provisions to increase the maximum permitted floor area ratio) pass third reading.   |         |
| d. | <u>"Official Community Plan Amendment Bylaw 2019 No. 6500.040"</u>   | 90 - 91 |
|    | That "Official Community Plan Amendment Bylaw 2019 No. 6500.040" (To re-designate 388 Machleary Street on the Future Land Use Plan [Map 1] 'Neighbourhood' to 'Corridor', and to amend the text of Section 4.1.2 'Land Use Designations' of the Old City Neighbourhood Concept Plan) pass third reading. |         |
| e. | <u>"Zoning Amendment Bylaw 2019 No. 4500.124"</u>  | 92 - 96 |
|    | That "Zoning Amendment Bylaw 2019 No. 4500.124" (To rezone 388 Machleary Street from Community service One [CS1] to Comprehensive Development Eleven [CD11]) pass third reading.   |         |

## 9. REPORTS:

- |    |  |         |
|----|--|---------|
| a. | <u>Bylaw Contravention Notice - Secondary Suite</u>  | 97 - 98 |
|    | To be introduced by Darcy Fox, Manager, Building Inspections.  |         |
|    | <i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.</i>  |         |
|    | It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notices - Secondary Suites.  |         |
|    | Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the <i>Community Charter</i> for the following property: |         |
|    | 1. 1055 Old Victoria Road - illegal secondary suite  |         |
|    | <ol style="list-style-type: none"> <li>1. <i>Remove - Agenda Item 9(a) - Bylaw Contravention Notice - Secondary Suite</i></li> </ol>   |         |

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 16 Fifth Street 99 - 100

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 16 Fifth Street.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 16 Fifth Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 16 Fifth Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

1. *Remove - Agenda Item 9(b) Bylaw Contravention Notice - Construction Started Without a Building Permit - 16 Fifth Street*

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 651 Brechin Road 101 - 102

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 651 Brechin Road.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 651 Brechin Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 651 Brechin Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2805/2817/2829 Glenayr Drive 103 - 104

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2805/2817/2829 Glenayr Drive.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2805/2817/2829 Glenayr Drive.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2805/2817/2829 Glenayr Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 311 Woodhaven Drive 105 - 106

To be introduced by Darcy Fox, Manager, Building Inspections.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 311 Woodhaven Drive.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 311 Woodhaven Drive.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 311 Woodhaven Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

1. *Remove - Agenda Item 9(e) - Bylaw Contravention Notice - Construction Started Without a Building Permit - 311 Woodhaven Drive*

- f. Bylaw Contravention Notice - Construction Started Without a Building Permit - 337 Ninth Street 107 - 108
- To be introduced by Darcy Fox, Manager, Building Inspections.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 337 Ninth Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 337 Ninth Street.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 337 Ninth Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- g. Unauthorized Structure - 3440 Shenton Road 109 - 110
- To be introduced by Dave LaBerge, Manager, Community Safety.
- Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized temporary fabric-covered structure.*
- It is requested that Council hear anyone wishing to speak with respect to Unauthorized Structure - 3440 Shenton Road.
- Recommendation: That Council:
1. issue a Remedial Action Order at 3440 Shenton Road pursuant to Sections 72 and 73 of the *Community Charter*;
  2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
  3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
  4. direct that the remedial action consist of removal of the temporary fabric-covered structure.
1. *Remove - Agenda Item 9(g) - Unauthorized Structure - 3440 Shenton Road*

h. Unauthorized Structure - 479 Park Avenue

111 - 113

To be introduced by Dave LaBerge, Manager, Community Safety.

*Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized structure.*

It is requested that Council hear anyone wishing to speak with respect to Unauthorized Structure - 479 Park Avenue.

Recommendation: That Council:

1. issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
4. direct that the remedial action consist of removal of the unauthorized lean-to structure.

1. *Remove - Agenda Item 9(h) - Unauthorized Structure - 479 Park Avenue*

i. Unauthorized Suite Removal - 515 Stewart Avenue

114 - 115

To be introduced by Dave LaBerge, Manager, Community Safety.

*Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to unauthorized suites.*

It is requested that Council hear anyone wishing to speak with respect to Unauthorized Suite Removal - 515 Stewart Avenue.

Recommendation: That Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owners of 515 Stewart Avenue to remove the unauthorized suite to bring the property into compliance within 30 days.

To be introduced by Dave LaBerge, Manager, Community Safety.

*Purpose: The property owner is appealing the direction of the Manager of Bylaw Services to remove accumulated rubbish on or around lands or buildings owned by him at 188 Capt Morgans Boulevard and 63 Pirates Lane, pursuant to Section 8 of the "Property Maintenance and Standards Bylaw 2017 No. 7242".*

It is requested that Council hear anyone wishing to speak with respect to Property Maintenance - 188 Capt. Morgans Boulevard and 63 Pirates Lane.

Recommendation: That Council, pursuant to "Property Maintenance and Standards Bylaw 2017 No. 7242", direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners' cost:

1. 188 Capt Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage.
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

1. *Add - Delegation from Dan Hibbert*

119

10. **ADJOURNMENT:**

DATE OF MEETING July 22, 2019

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA431 – 50 TENTH STREET

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend the existing zoning of the property located at 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre (CC3) zone.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.155” (To rezone 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] zone) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.155” pass second reading; and
3. 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.

## **BACKGROUND**

A rezoning application, RA431, was received from Hub City Cannabis Ltd., for 50 Tenth Street. The applicant proposes to amend the existing CC3 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 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, one CRS rezoning application has received Final Adoption and 13 others have been reviewed by Council:

| # | Application No. | Address              | Status  |
|---|-----------------|----------------------|---|
| 1 | RA413           | 3923 Victoria Avenue | Received fourth reading (Final Adoption) on 2019-JUN-17 |
| 2 | RA406           | 111 Nicol Street     | Received third reading on 2019-FEB-07                   |

|    |       |                        |                                       |
|----|-------|------------------------|---------------------------------------|
| 3  | RA410 | 1599 Dufferin Crescent | Received third reading on 2019-APR-04 |
| 4  | RA415 | 2220 Bowen Road        | Received third reading on 2019-APR-04 |
| 5  | RA411 | 25 Front Street        | 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  | Received third reading on 2019-JUN-13 |
| 9  | RA408 | 3200 Island Highway N. | Received third reading on 2019-JUN-13 |
| 10 | RA418 | 52 Victoria Crescent   | Received third reading on 2019-JUN-13 |
| 11 | RA420 | 140 Terminal Avenue    | Received third reading on 2019-JUN-13 |
| 12 | RA422 | 111 Terminal Avenue    | Received third reading on 2019-JUL-04 |
| 13 | RA425 | 6404 Metral Drive      | Received third reading on 2019-JUL-04 |
| 14 | RA430 | 350 Terminal Avenue    | Received third reading on 2019-JUL-04 |

In total, 18 CRS applications have been received to date.

### Subject Property and Site Context

|  |  |
|--|--|
| <i>Location</i>                                  | 50 Tenth Street is a commercial plaza known as 'Southgate' located on the north side of Tenth Street between Island Highway South and Lawlor Road. |
| <i>Total Lot Area</i>                            | 1.88ha   |
| <i>Current Zoning</i>                            | CC3 – City Commercial Centre   |
| <i>Proposed Zoning</i>                           | CC3 with "Cannabis Retail Store" as a site-specific use  |
| <i>Official Community Plan (OCP) designation</i> | City Commercial Centre   |
| <i>Neighbourhood Plan designation</i>            | Mainstreet (Commercial / Residential)  |
| <i>Proximity to nearest school</i>               | Approximately 935m<br>(Chase River Elementary School – 1503 Cranberry Avenue)  |
| <i>Proximity to nearest licensed daycare</i>     | Approximately 395m<br>(Well Beings Early Childhood Education – 1115 Haliburton Street)   |
| <i>Proximity to nearest CRS</i>                  | Approximately 3.18km<br>(Proposed CRS at 111 Nicol Street – RA406)   |

The proposed CRS will be located in the primary building on the property within an existing retail unit. The subject property contains multiple commercial retail units in three one-storey buildings. Neighbouring land uses include commercial retail, medium-density residential, and mobile home park residential.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone the subject property to allow "Cannabis Retail Store" use in addition to the existing permitted CC3 zone uses. While the CC3 zone allows "retail" as a permitted use, a CRS requires site-specific rezoning.



The proposed retail floor area is approximately 200m<sup>2</sup> within the existing commercial space. The proposed business hours are from 9am to 11pm, seven days a week.

### 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 the proposed CRS use is permitted.

### Official Community Plan

The Official Community Plan (OCP) designates the subject property as City Commercial Centre. 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 City Commercial Centre land-use designation.

### Cannabis Retail Store Rezoning Criteria

| Criteria        |  | Response   |
|-----------------|--|--|
| <b>Location</b> |  |  |
| 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 located within the City Commercial Centre land-use designation, and is 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 located more than 200m from any licensed daycares or schools, with the nearest school approximately 935m away, and the nearest daycare approximately 395m away.<br><br>School District 68 and Island Health (Community Care and Licensing) confirmed they have no objections to the 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 3.18km away from the nearest proposed CRS.   |
| <b>Building or Site</b> |   |  |
| 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 shopping centre. The size of the CRS is consistent with other retail units on the subject property.  |
| 2.2.                    | The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.   | No building façade changes are proposed. A fascia sign is proposed for the business.   |
| 2.2.1.                  | The revitalization of heritage buildings is encouraged.   | N/A  |
| 2.3.                    | Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.   | The proposed CRS will be located within an existing shopping centre and additional parking is not required.  |
| <b>Community Impact</b> |   |  |
| 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.  | <p>The applicant provided a Letter of Rationale (Attachment F) that proposes the following measures to minimize or prevent potentially negative impacts:</p> <ul style="list-style-type: none"> <li>• preventing service to minors, not just through identification, but through observational awareness of customers suspected of purchasing for minors;</li> <li>• enforcement of no cannabis consumption on-site; and</li> <li>• specialized odour-proof packaging and air freshening units.</li> </ul> |
| 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.  | <p>The proposed CRS is located approximately 215m from Chase River Estuary Park, which is accessed on the opposite side of the Island Highway.</p> <p>Staff consider the proposed CRS to be in keeping with the mix of commercial uses in this part of the Chase River Neighbourhood.</p>  |
| 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 subject property contains onsite parking and has vehicular access from Tenth Street and Lawlor Road. Staff do not anticipate the proposed CRS use will negatively impact traffic volumes.  |

|        |  |  |
|--------|--|--|
| 3.3.   | The support of the local community, neighbouring property owners and the local neighborhood association for the proposed CRS is important to Council's decision.                           | Staff received a letter from the Chase River Community Association, dated 2019-APR-30, indicating support for the proposed CRS rezoning.   |
| 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 distributed notices to neighbouring properties during the first week of July 2019. Two rezoning notice signs have 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 CRS rezoning applications 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, | <p>The RCMP have reviewed the proposal and indicated they have no comment.</p> <p>New Council committees have yet to be established; therefore, committee review has not taken place.</p>  |

Staff support the proposed rezoning from a land-use perspective and consider the application to be substantially in compliance with City's Cannabis Retail Store Rezoning Criteria policy.

### Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards mountain bike facilities at Beban Park.

Staff support the proposed Community Amenity Contribution.

### Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.155", 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 mountain bike facilities at Beban Park.
2. *LCRB Approval* – Confirmation from the LCRB that is has approved the applicant's suitability for a cannabis retail licence.

### **SUMMARY POINTS**

- A rezoning application has been received to allow Cannabis Retail Store use within an existing commercial building in the CC3 - City Commercial Centre zone for the subject property located at 50 Tenth Street as site-specific use.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- Staff support this application which substantially complies with the Cannabis Retail Store Rezoning Criteria policy.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: School and Licensed Daycare Buffer Map  
ATTACHMENT C: Proposed Site Plan  
ATTACHMENT D: Conceptual Elevation  
ATTACHMENT E: Letter of Rationale  
ATTACHMENT F: Aerial Photo  
"Zoning Amendment Bylaw 2019 No. 4500.155" |

#### **Submitted by:**

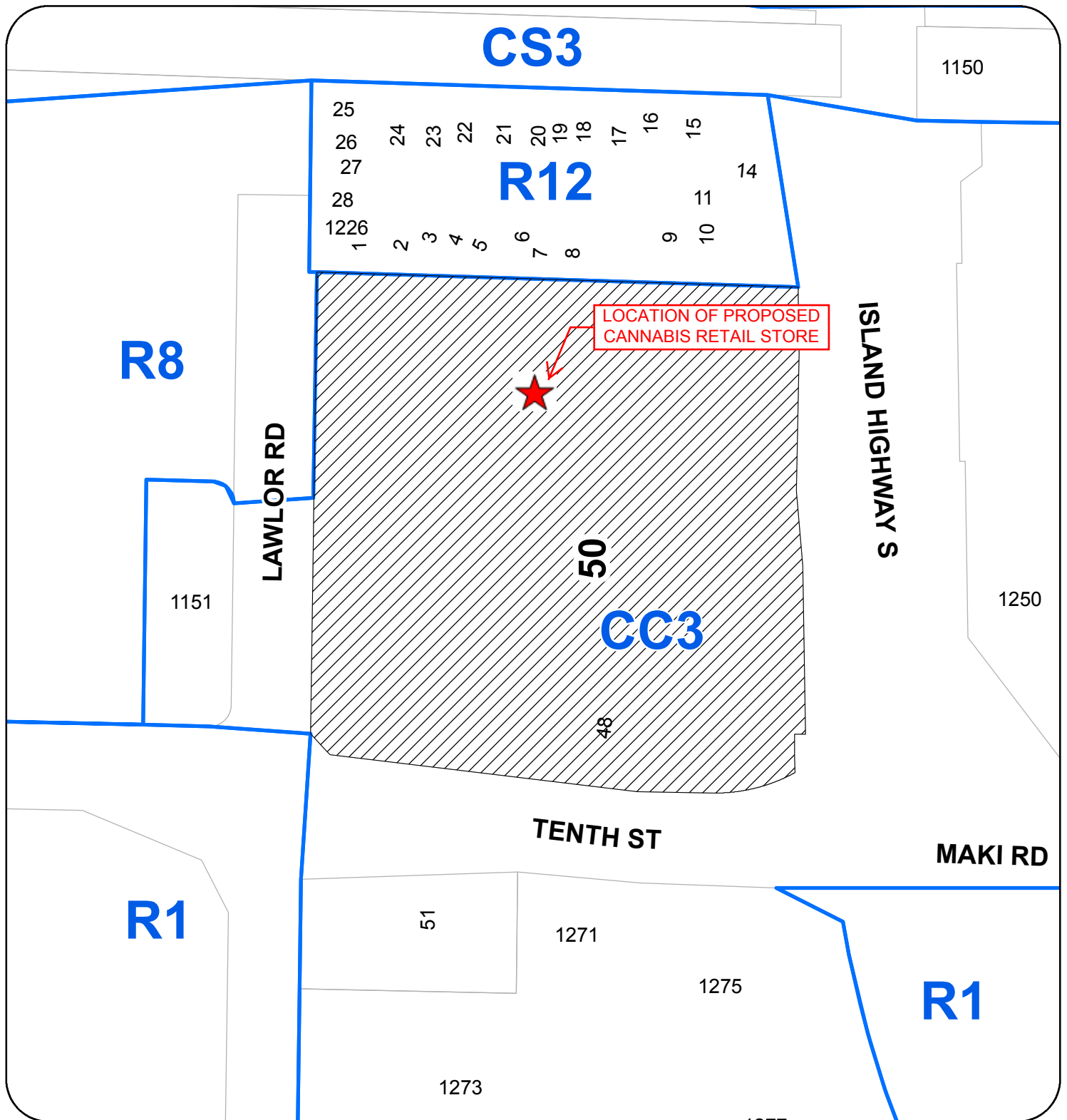
Lainya Rowett  
Manager, Current Planning |

#### **Concurrence by:**

Jeremy Holm  
Director of Development Approvals

Dale Lindsay  
General Manager of Development Services

ATTACHMENT A  
LOCATION PLAN

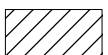


REZONING APPLICATION NO. RA000431

LOCATION PLAN

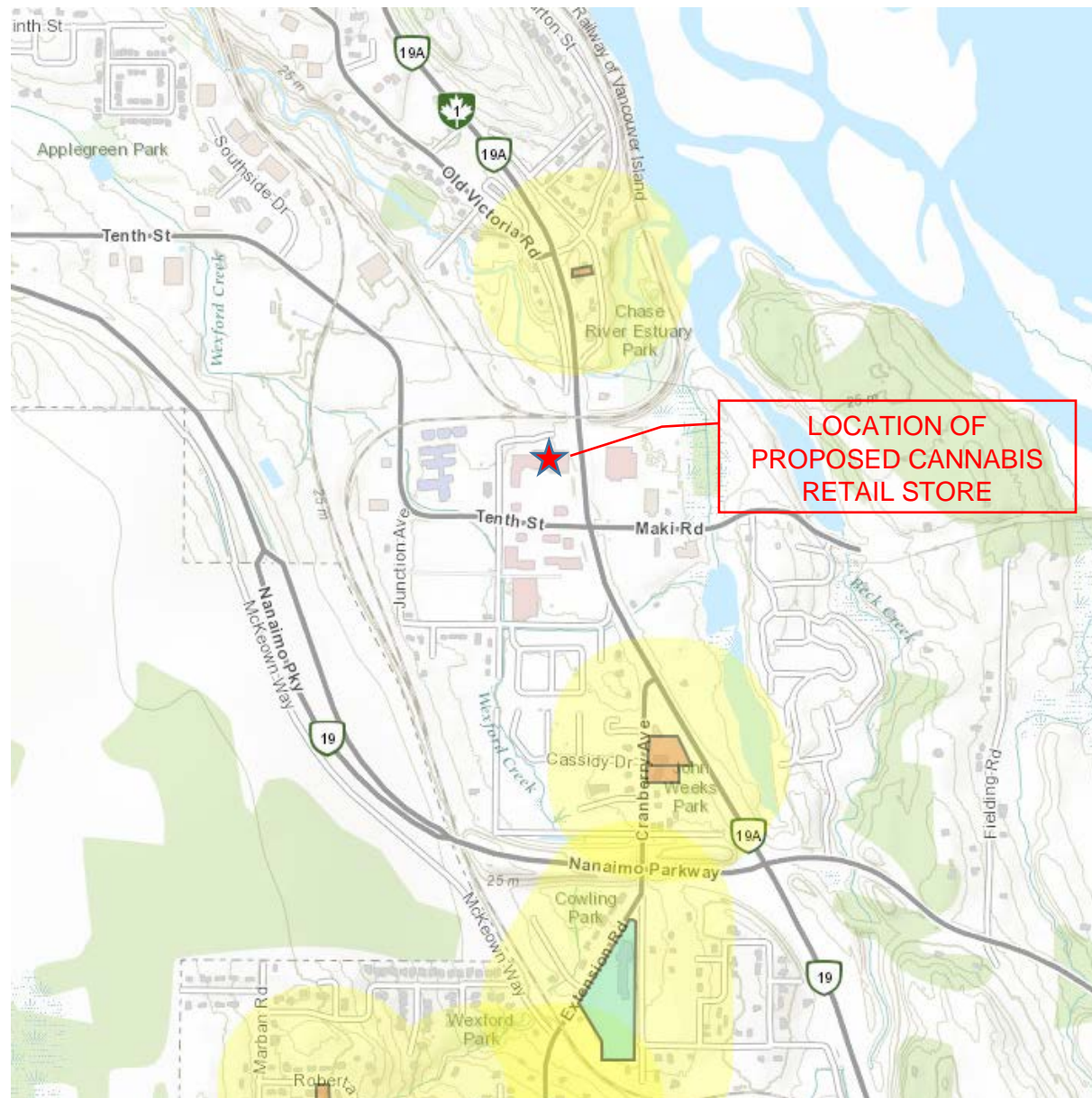
CIVIC: 50 TENTH STREET

LEGAL: LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854



SUBJECT PROPERTY

**ATTACHMENT B  
SCHOOL AND LICENSED DAYCARE BUFFER MAP**

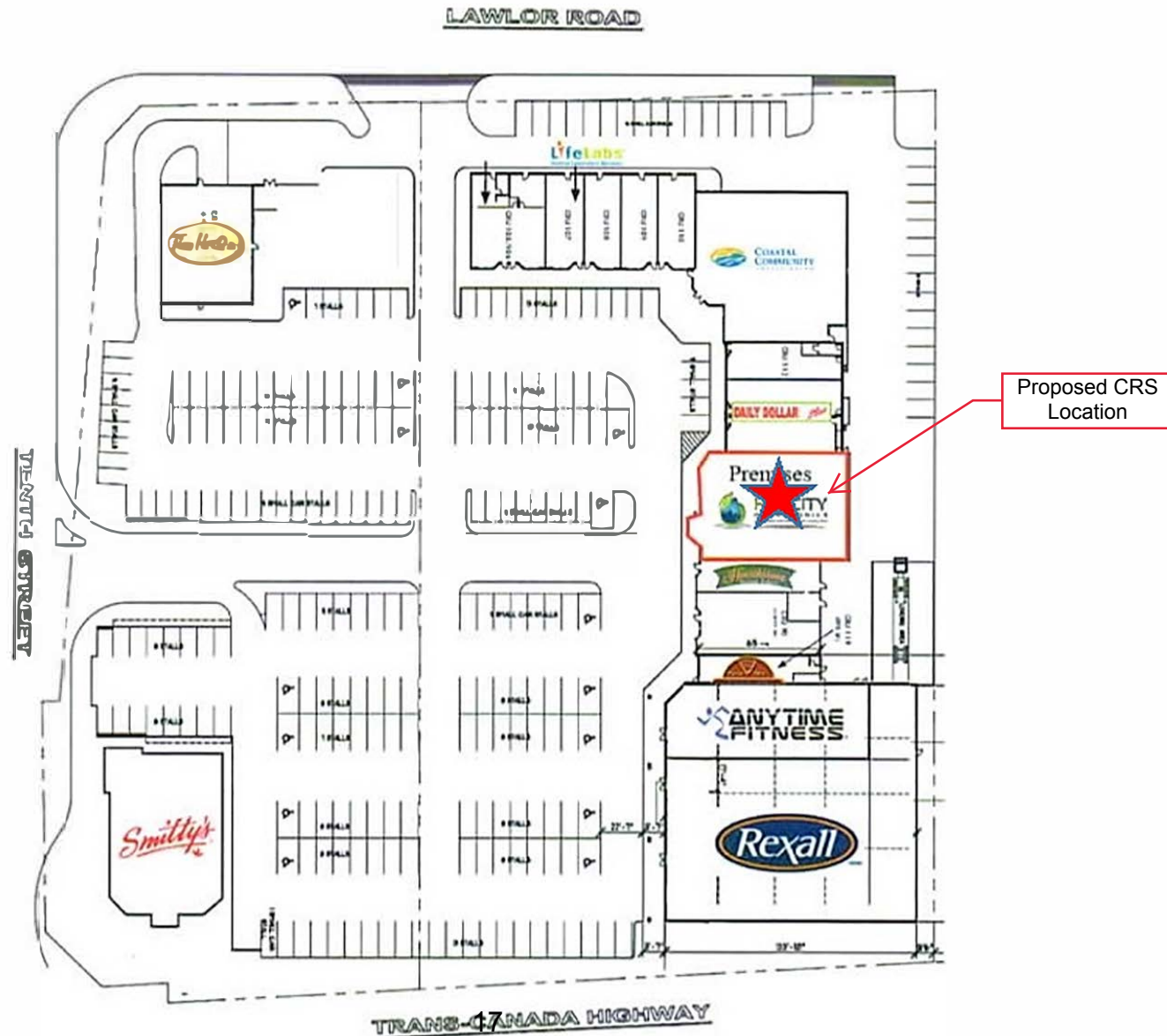




## ATTACHMENT C PROPOSED SITE PLAN

### PLAN OF THE PROJECT

The purpose Of this plan is to identify the approximate location Of the Premises in the Project. The Landlord reserves the right at time to relocate, rearrange or alter the buildings and structures, other premises and Common Areas and Common Facilities, and all other portions of the Project, and with the consent of the Tenant, not to be unreasonably withheld, the Premises from that shown on this plan.





ATTACHMENT D  
CONCEPTUAL ELEVATION





**ATTACHMENT E  
LETTER OF RATIONALE**

**Rezoning Rational & Community Impact/Contribution Proposal for Hub City Cannabis**

Unit 115, 50 tenth st  
Nanaimo BC

March 15, 2019

As per the policy endorsed by the city of Nanaimo council, as of September 17, 2018, The guidelines and criteria for approval of this rezoning application are successfully met as follows:

**1. Location**

1.1 The proposed CRS is indeed 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, and in an urban node, commercial centre or corridor, as designated in the city's office community plan.

1.2 The proposed CRS is not located directly adjacent to, or in close proximity to any school or licensed daycare facility, as verified per the arial plan included in this application, sourced from the City of Nanaimo CRS siting guide.

1.3 The proposed CRS is not located within 200m of another CRS.

1.4 It should be noted as well that at the time of this application, there are no known liquor primary establishments the direct area of our proposed CRS. We feel this factor could also serve to lessen circumstances for potential abuse or misuse of cannabis products in conjunction with alcohol, a practice we would also actively advise our customers against as well.

**2 Building and site**

2.1 The size of the proposed CRS is consistent with the nature of the immediate area and the size of existing retail stores within the area, being a pre existing unit of several similar units in a shopping plaza.

**RECEIVED**  
**RA431**  
**2019-MAR-14**  
Current Planning

2.2 The design of the proposed CRS as a unit in a shopping plaza is congruent with Neighbouring units, and the proposed signage is simple and tasteful so as not to stand out or detract from the aesthetics of the surrounding area. A rendered image of the proposed store signage is included in this application.

2.3 Requirements for onsite parking and loading are more than sufficiently met with ample availability of parking, and an existing industrial loading ramp and 12'x12' loading door, as shown in the provided map of the premise and parking lot area.

### 3 Community impact

3.1 We are aware of the possibility that potential unanticipated negative impacts of the proposed CRS on the community may come to present themselves, and we will of course do whatever we can to address those, should they arise. With a focus on prevention, we have a multitude of preemptive measures that will be taken to minimize or prevent these possible issues from arising.

3.2 Efforts to prevent service to minors do not just begin at the door with standard age and identification requirements, but extend even beyond the business area and its obligations as well, with a mindfulness for maintaining observational awareness of any potential purchase attempts by legal age adults that are suspected to be a proxy service to minors, using liquor sales training materials as a model. Also enforcement of no consumption of cannabis on site will be strongly exercised.

3.3 Any issue of potential smell is easily and thoroughly minimized, if not eliminated entirely due to the specialized odour proof packaging of goods and maintaining a filtered negative pressure effect in our space in conjunction with air freshening units. In conjunction with a strict policy of probation of smoking cannabis or otherwise consuming any cannabis products on or near the premises.

### 4 Community Contribution

4.1 Hub City Cannabis will be making a contribution of \$10000 to Nanaimo parks and recreation, with the hopes that the funds will be forwarded to the Marie Davidson BMX Park as they are in need particularly with their gate fund.

4.2 As for positive impacts we hope to contribute to the local community , we strive to bring the following:

- Draw an increase of consumer traffic to benefit the rest of the plaza and surrounding area as well due to the convenience of the location.
- Contribute to a stronger local community
- Increase the number of local jobs that support young working families
- Promote living wage and fair employment practices
- Increase training and apprenticeship opportunities
- Help move people out of poverty , providing increased independence and sustainable employment for those in need
- Improve opportunities for meaningful independence and community inclusion for people living with disabilities
- Stimulate an entrepreneurial culture of social innovation and progression
- Help be of needed service to the community in providing a source for cannabis that is entirely legal , safe, highly vetted and trustworthy, and in a location that is safe and convenient. We also strive to provide better understanding and education about cannabis products, and the safe usage and storage of them.

Most importantly, we absolutely aim to continue to expand our efforts and intents to be a thoroughly welcome, respected, and beneficially contributing entity to the local community, and will continuously be looking for ways we can sustain that goal. Thank you very much.



ATTACHMENT F  
AERIAL PHOTO



REZONING APPLICATION NO. RA000431

LEGEND

 SUBJECT PROPERTY

CITY OF NANAIMO

BYLAW NO. 4500.155

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. 4500.155".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854, (50 Tenth Street) to allow Cannabis Retail Store as a site-specific use within the City Commercial Centre (CC3) Zone, as shown on Schedule A.

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

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

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

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

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

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

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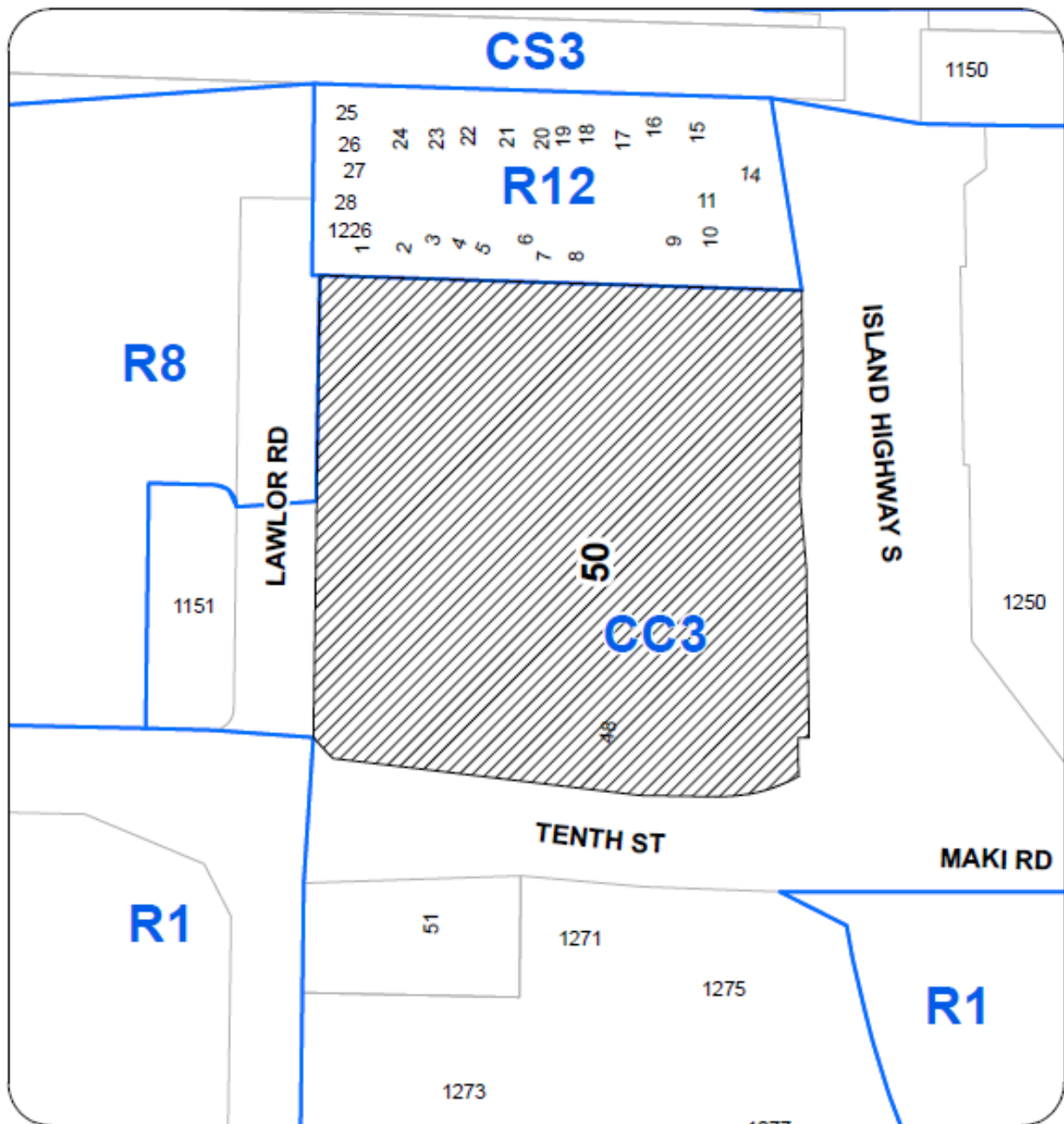
MAYOR

---

CORPORATE OFFICER

File: RA000431  
Address: 50 Tenth Street

## LOCATION PLAN



REZONING APPLICATION NO. RA000431

## LOCATION PLAN

CIVIC: 50 TENTH STREET

LEGAL: LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854



SUBJECT PROPERTY

Document Path: V:\Source Data\Departmental Data\Eng\Public\GIS\Projects\TEMPLATES\LOCATION\_PLAN\Map\RA000431\_LP.mxd



DATE OF MEETING August 26, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNER

**SUBJECT REZONING APPLICATION NO. RA372 – 2379 BROWNS LANE**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the subject property at 2379 Browns Lane from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to permit a 27-unit multiple-family development.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2019 No. 4500.157" (To rezone 2379 Browns Lane from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
2. "Zoning Amendment Bylaw 2019 No. 4500.157" pass second reading; and,
3. Council direct Staff to secure the road dedication, community amenity contribution, and reciprocal access agreement prior to the adoption of the bylaw, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA372, was received from GreenPlan, on behalf of Roland Brown. The applicant proposes to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to permit a 27-unit multiple-family residential development in three separate buildings.

### **Subject Property and Site Context**

|  |  |
|--|--|
| <i>Location</i>                                  | The subject property is located near the intersection of Labieux Road and Bowen Road, adjacent to Browns Lane. |
| <i>Total Lot Area</i>                            | 4,013m <sup>2</sup>  |
| <i>Current Zone</i>                              | R1- Single Dwelling Residential  |
| <i>Proposed Zone</i>                             | COR1- Residential Corridor   |
| <i>Official Community Plan Designation (OCP)</i> | Corridor   |
| <i>Neighbourhood Plan Designation</i>            | N/A  |

The subject property is accessed from Labieux Road via Browns Lane. A small portion of the property also borders Brackenwood Place to the southwest.

Beban Park is located less than 100m east of the property. The Bowen Road Gas Bar (Mid-Island Co-op) and commercial plaza is located to the north, across Labieux Road. All other surrounding uses are predominately residential, including a recently constructed townhouse development at 3 Leam Road on the opposite side of Browns Lane, and single and duplex lots on Brackenwood Place.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to rezone the subject property to allow the development of three, 3-storey multiple-family residential buildings, with a total of 27 units, and onsite amenities, including a common greenspace and children's play area.

The proposed Floor Area Ratio (FAR) of 0.51 is comparable to lower-density forms of development than a condominium or apartment form of housing would typically require.

All units will be accessed from the section of Browns Lane to the north, close to where the lane intersects with Labieux Road. The section of lane adjacent to the east lot line will remain as pedestrian/cycling path only. Access to the property from Brackenwood Place will be limited to emergency vehicles only. The applicant has proposed to provide shared access through the subject property to properties to the west to help facilitate future development.

### **Official Community Plan**

The Official Community Plan (OCP) designates the subject property as "Corridor". The Corridor land-use designation encourages higher-intensity land uses, such as medium- to higher-density residential. It also encourages developments with a pedestrian-oriented form that address the transition between Corridors and Neighbourhoods through design elements sensitive to Neighbourhood scale. The proposed 3-storey housing form offers a transitional scale from the larger building height permitted within the Corridor designation to the low-density neighbourhood to the west.

Specifically, the Corridor designation sets a residential density target of 50 to 150 units per hectare, in a 2- to 6-storey building form. The proposed development would achieve a residential density of 67 units per hectare. Staff is of the opinion that the proposed development complies with the intent of the OCP.

### **Transportation Master Plan**

The subject property is located within the 600m buffer area of the Country Club Mobility Hub within the Transportation Master Plan. The master plan notes "due to its central location within the city, and access to transit, residents of Country Club already tend to drive less than in other parts of the city". The subject property is located approximately 35m from the nearest bus stop on Bowen Road. Bowen Road is well serviced by a number of transit routes, including the #40 - VIU Express, which provides a high-frequency connection between Woodgrove Centre, Vancouver Island University, and Downtown Nanaimo.



As part of the required works and services for the development application, Browns Lane will be improved as a pedestrian and cycling route, providing a north/south pedestrian connection between Labieux Road and Rosstown Road.

### **Community Consultation**

The subject property is located within the area of the Wellington Community Association and was referred to the group for comment. A letter from the community association was received in support of increased residential density on the site. The community association also noted that the COR1 zone permits office use, but the preference of the neighbourhood would be for exclusively residential use. No office use is proposed as part of this development.

### **Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant proposes a monetary contribution of \$27,000 to be directed towards a pedestrian connection and park improvements to the park at 2350 Brackenwood Place.

Staff support the proposed Community Contribution.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2019 No. 4500.157”, Staff recommend the following items be secured prior to final adoption of the bylaw:

**1. Road Dedication**

Road dedication is required along the Browns Lane frontage to the north in order to accommodate future Browns Lane road alignment and multi-use trail with a minimum combined width of 10.15m, to be determined through detailed design review.

**2. Community Contribution**

A monetary contribution of \$27,000 is to be directed towards a pedestrian connection and improvements within the existing park at 2350 Brackenwood Place.

**3. Reciprocal Access Agreement**

A reciprocal access agreement is to be secured on the subject property to provide future access to 2333 and 2343 Labieux Road to the west.

### **SUMMARY POINTS**

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to permit a 27-unit multiple-family development.
- The proposed development is within the density target of the OCP and complies with the intent of the Corridor designation.
- A \$27,000 community contribution is proposed to be directed towards a pedestrian connection and park improvements to park within 2350 Brackenwood Place.

## **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Conceptual Site Plans  
ATTACHMENT C: Conceptual Building Renderings  
ATTACHMENT D: Aerial Photo  
“Zoning Amendment Bylaw 2019 No. 4500.157”

### **Submitted by:**

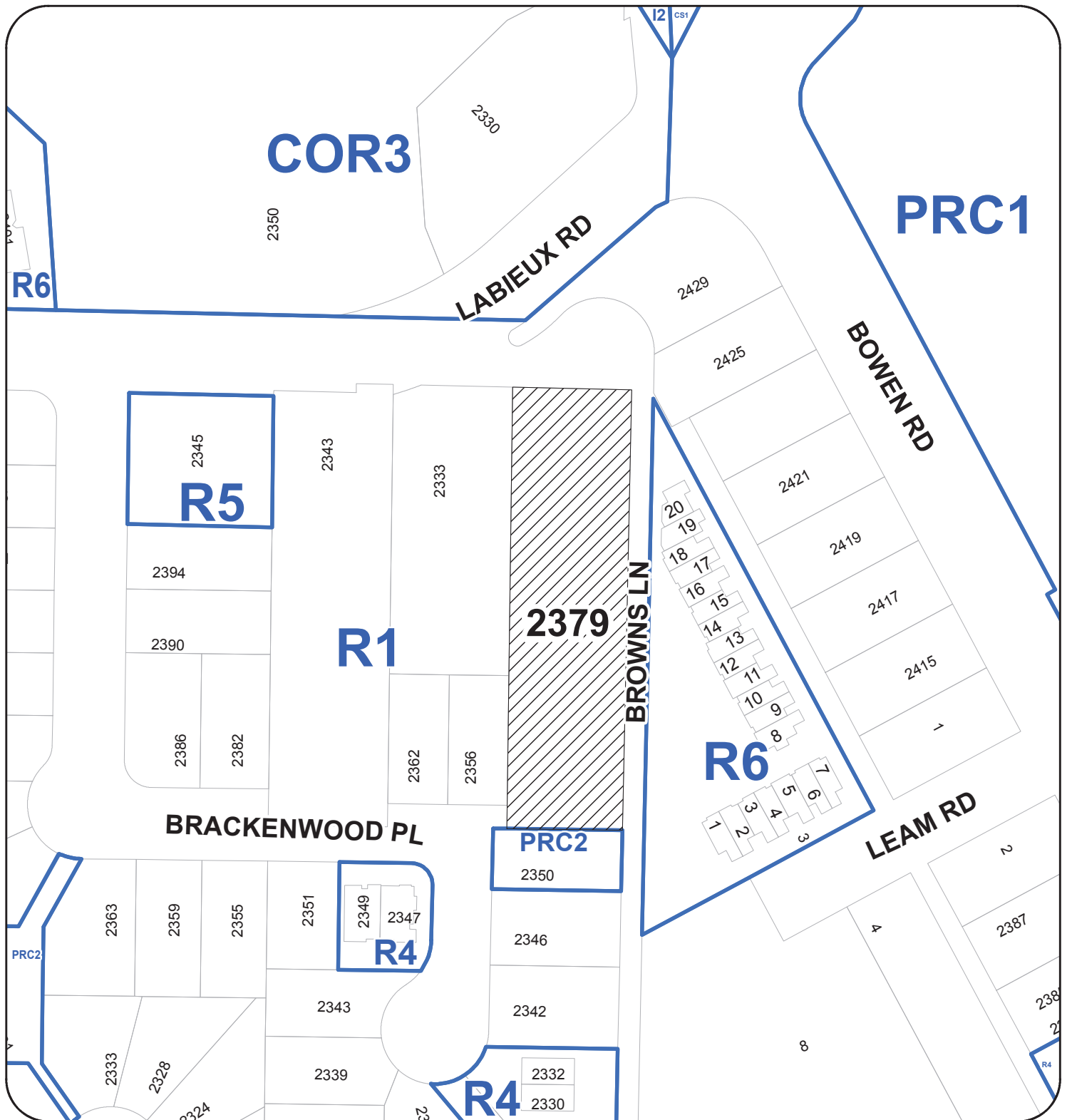
Lainya Rowett  
Manager, Current Planning

### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

ATTACHMENT A  
LOCATION PLAN



REZONING APPLICATION NO. RA000372  
LOCATION PLAN

CIVIC: 2379 BROWNS LANE  
LEGAL: LOT 3, SECTION 19, RANGE 6  
MOUNTAIN DISTRICT, PLAN 6733

N



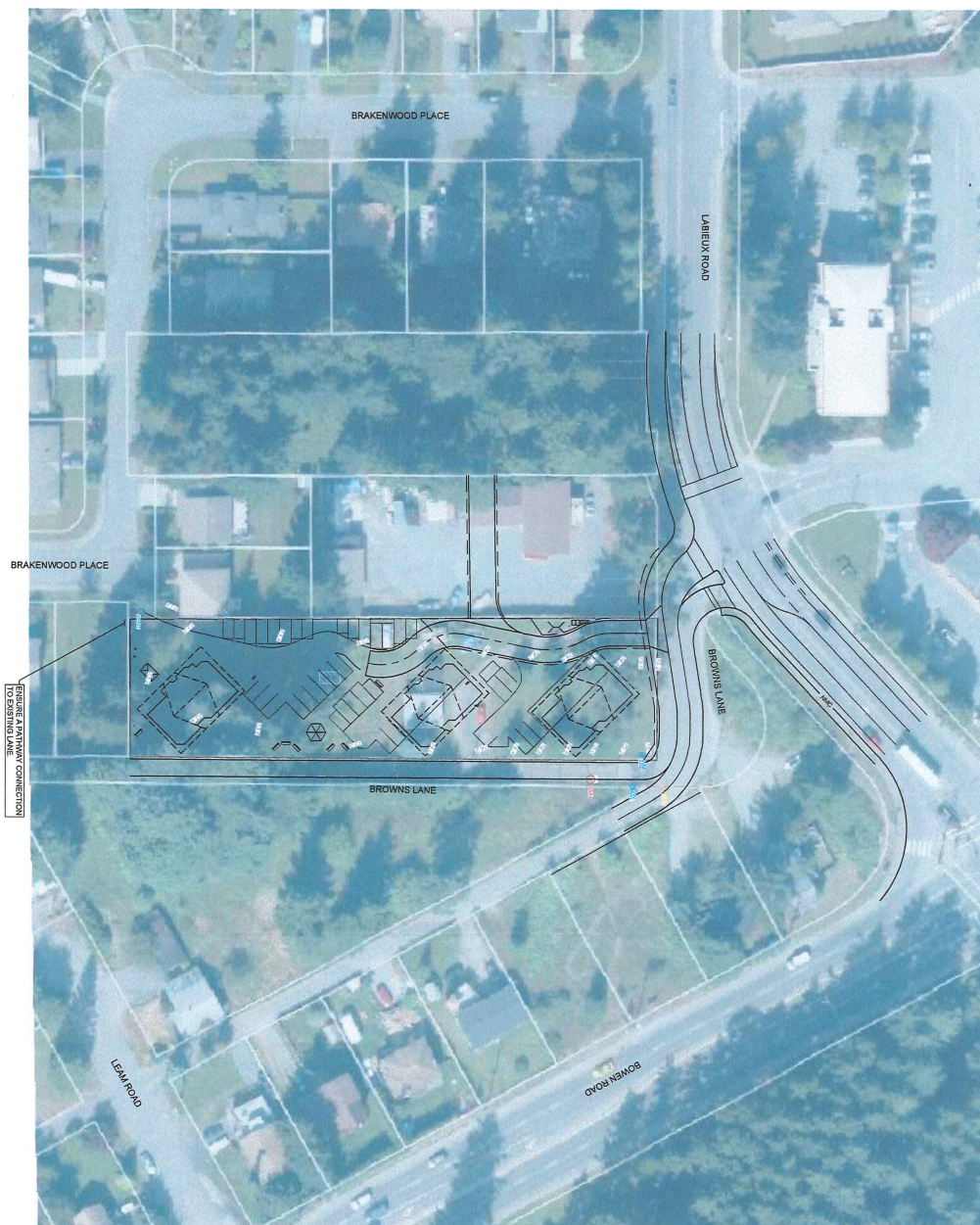
SUBJECT PROPERTY



## 1 of 2

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RA372  
2019-MAR-01  
Current Planning





## Schedule 5a

NOTES:  
AIR PHOTOGRAPH FROM CITY MAP.  
SITE SURVEY FROM 17G. HEIGHT AC LAND SURVEY. THIS SURVEY MATCHES REASONABLY WELL WITH THE AIR PHOTOGRAPH.  
THERE IS A DROP OF ABOUT 2 METRES BETWEEN THE EXISTING LAKE AND THE BUILDING AT 2353 BILDERA ROAD.

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RA372  
2019-MAR-01  
Current Planning

[illegible]



ATTACHMENT C  
CONCEPTUAL BUILDING RENDERINGS

1 of 2



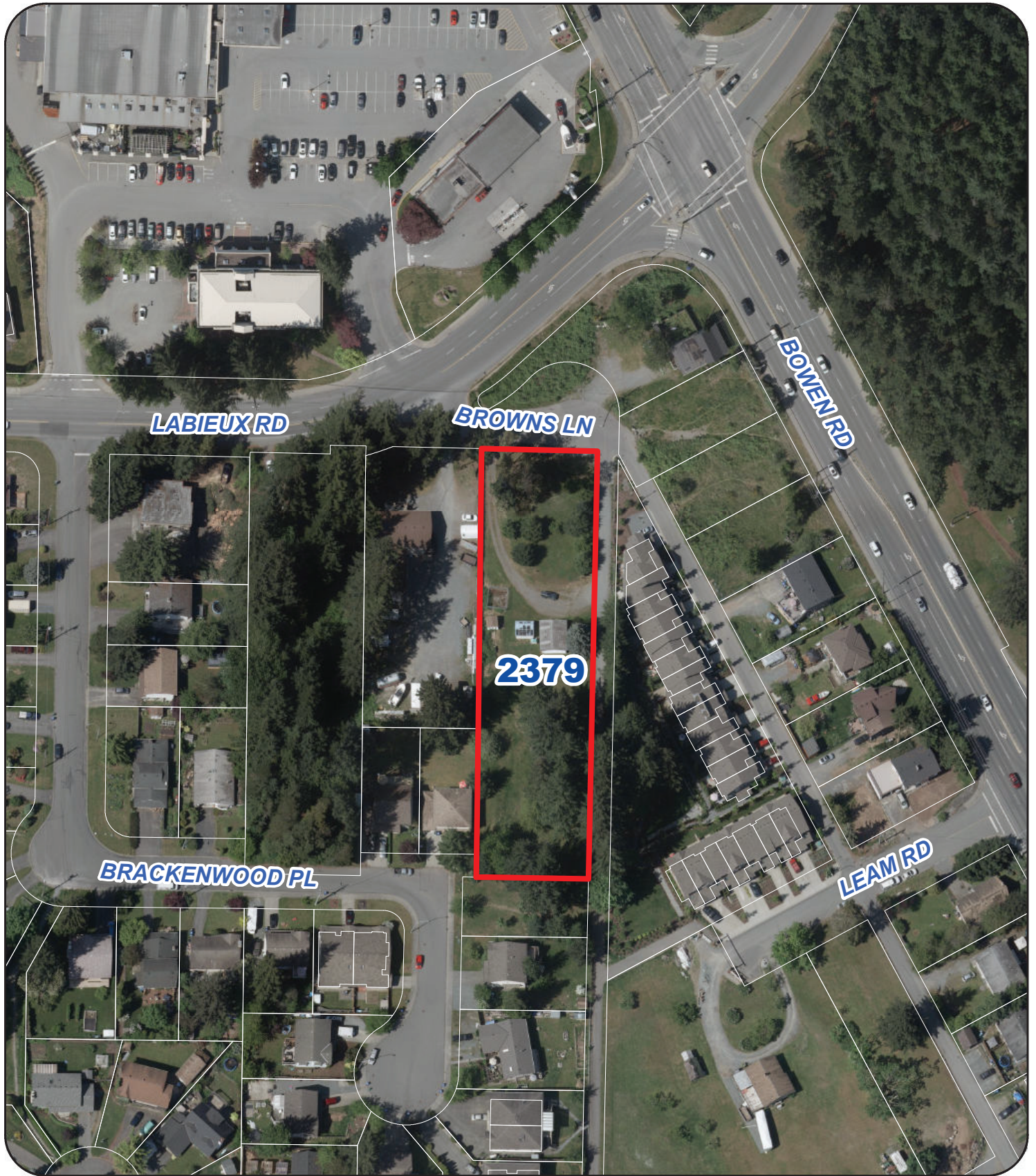




RECEIVED  
**RA372**  
2019-MAR-01  
Current Planning



ATTACHMENT D  
AERIAL PHOTO



REZONING APPLICATION NO. RA000372

LEGEND

 SUBJECT PROPERTY



CITY OF NANAIMO

BYLAW NO. 4500.157

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. 4500.157".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 3, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 6733 (2379 Browns Lane) from Single Dwelling Residential (R1) to Residential Corridor (COR1) as shown on Schedule A.

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

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

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

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

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

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

\_\_\_\_\_  
MAYOR

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

File: RA000372  
Address: 2379 Browns Lane



DATE OF MEETING July 22, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA399 – 1534 EXTENSION ROAD

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the property at 1534 Extension Road to allow an 11-unit multiple-family development.

### **Recommendation**

1. That "Zoning Amendment Bylaw 2019 No. 4500.134" (To rezone 1534 Extension Road from Single Dwelling Residential [R1] to Townhouse Residential [R6] with site-specific provisions to increase the maximum permitted floor area ratio) pass first reading;
2. That "Zoning Amendment Bylaw 2019 No. 4500.134" pass second reading; and
3. That Council direct Staff to secure the community contribution, works and services covenant, and road dedication prior to the adoption of the bylaw, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA399, was received from Chris Cathers on behalf of Clifford Cathers and Sherry Anne Cathers. The applicant proposes to rezone the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) with a site provision to increase the maximum permitted floor area ratio (FAR) in order to allow an 11-unit multiple-family development.

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

|   |  |
|---|--|
| <i>Location</i>                                     | The subject property is a triangular shaped lot that borders the E&N rail corridor to the northeast. |
| <i>Total Lot Area</i>                               | 3,115m <sup>2</sup>  |
| <i>Current Zone</i>                                 | R1- Single Dwelling Residential  |
| <i>Proposed Zone</i>                                | R6- Townhouse Residential with a site-specific provision for floor area ratio.                       |
| <i>Official Community Plan Designation (OCP)</i>    | Neighbourhood  |
| <i>Neighbourhood Plan Designation - Chase River</i> | Neighbourhoods   |

The subject property is located within the Chase River neighbourhood. Land use in the surrounding area is predominantly low-density residential with a mixture of lot sizes.

The large triangular lot is bordered by Extension Road to the west, the E&N rail corridor to the north and east, and two large single residential dwelling lots to the south.

Chase River Elementary School (1503 Cranberry Avenue) is located on the opposite side of the railway tracks approximately 78m to the north of the subject property. In between the railway tracks and the school is a significant Chase River historical site – the old Stark Barn at 1526 Extension Road.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to rezone the subject property with a site-specific provision for building FAR to allow an 11-unit townhouse development with units accessed from an internal driveway off Extension Road. The applicant is seeking to increase the FAR from 0.45 to 0.65. The townhouse units range in height from one- to three-storey units, depending on the grade of the land and size of the townhouse units. Road dedication along Extension Road is required and ranges from 2.0m to 3.5m in width. The proposed FAR after road dedication taken is 0.65. The “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) does not include a zone with sufficient FAR to allow a three-storey townhouse building form on properties in the Neighbourhood designation of the Official Community Plan (OCP). The Townhouse Residential (R6) zone allows up to two storeys (7m building height for a flat roof) with a base density of 0.45 FAR and the Medium Density Residential (R8) zone allows up to four storeys (14m building height for a flat roof) with a base density of 1.25 FAR.

### **Official Community Plan (OCP)**

The Neighbourhood land-use designation encourages a mix of low-density residential uses (10 to 50 units per hectare) in two- to four-storey building forms. The proposed development fits within the building form and density envisioned in the OCP at approximately 35 units/ha. The Neighbourhood designation also encourages building design that complements existing neighbourhood character, including the ground-oriented form of the existing housing. The proposed townhouses will be ground-oriented and designed to complement the existing single and duplex residential dwellings in the area. In addition, the three-storey townhouse form will add diversity to the existing housing stock and offer a new type of housing not currently available within Chase River.

A gap in the Zoning Bylaw has been identified for larger townhouse projects, such as the proposed development, that fall between the permitted density of the Townhouse Residential (R6) and Medium Density Residential (R8) zones. The R6 permitted FAR of 0.45 generally does not permit a development to reach the upper end of the OCP Neighbourhood target density. The R8 zone FAR of 1.25 often exceeds the OCP Neighbourhood density target and is intended to permit a larger four-storey building form. It is anticipated a bylaw amendment to address this gap will be brought forward by Staff in the future for Council’s consideration.

## **Neighbourhood Plan**

The subject property is designated as Neighbourhoods within the Chase River Neighbourhood Plan. Residential density is as set out within the OCP. The neighbourhood plan encourages cluster housing in order to achieve additional onsite open space and/or protect the environment. The conceptual site plan envisions spaces for outdoor amenities onsite. Boulevard trees will be required adjacent to the property frontages as per the requirements of the neighbourhood plan.

## **Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant proposes a monetary contribution of \$11,000 to be directed towards the Housing Legacy Reserve Fund.

## **Transportation Master Plan**

The subject property is not located within a designated mobility hub as identified within the Transportation Master Plan; however, transit stops exist adjacent to the school (75m from the property) and approximately 120m south of the subject property and provide connections to the downtown bus exchanges.

## **Community Planning and Development Committee**

The Community Planning and Development Committee, at its meeting held on 2018-OCT-16, recommended that Council approve the rezoning application.

## **Conditions of Rezoning**

Should Council support this application and pass third reading of Bylaw No. 4500.134, Staff recommend the following items be secured prior to final adoption of the bylaw:

### *1. Road Dedication*

The required road dedication from the property is 2m at the south property line and approximately 3.25m at north property line and transition from one to other at approximately 40m from the north property line, as shown on the site plan.

### *2. Community Contribution*

Monetary contribution of \$11,000 is to be directed towards the Housing Legacy Reserve Fund.

### **SUMMARY POINTS**

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) with a site-specific provision to increase the maximum allowable floor area ratio to 0.65.
- The proposed development meets the density targets of the OCP and Chase River Neighbourhood Plan, and adds a new housing form not currently available within the neighbourhood.
- An \$11,000 community contribution is proposed to be directed towards the Housing Legacy Fund.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan

ATTACHMENT B: Conceptual Site Plan

ATTACHMENT C: Conceptual Renderings

ATTACHMENT D: Aerial Photo

“Zoning Amendment Bylaw 2018 No. 4500.134”

#### **Submitted by:**

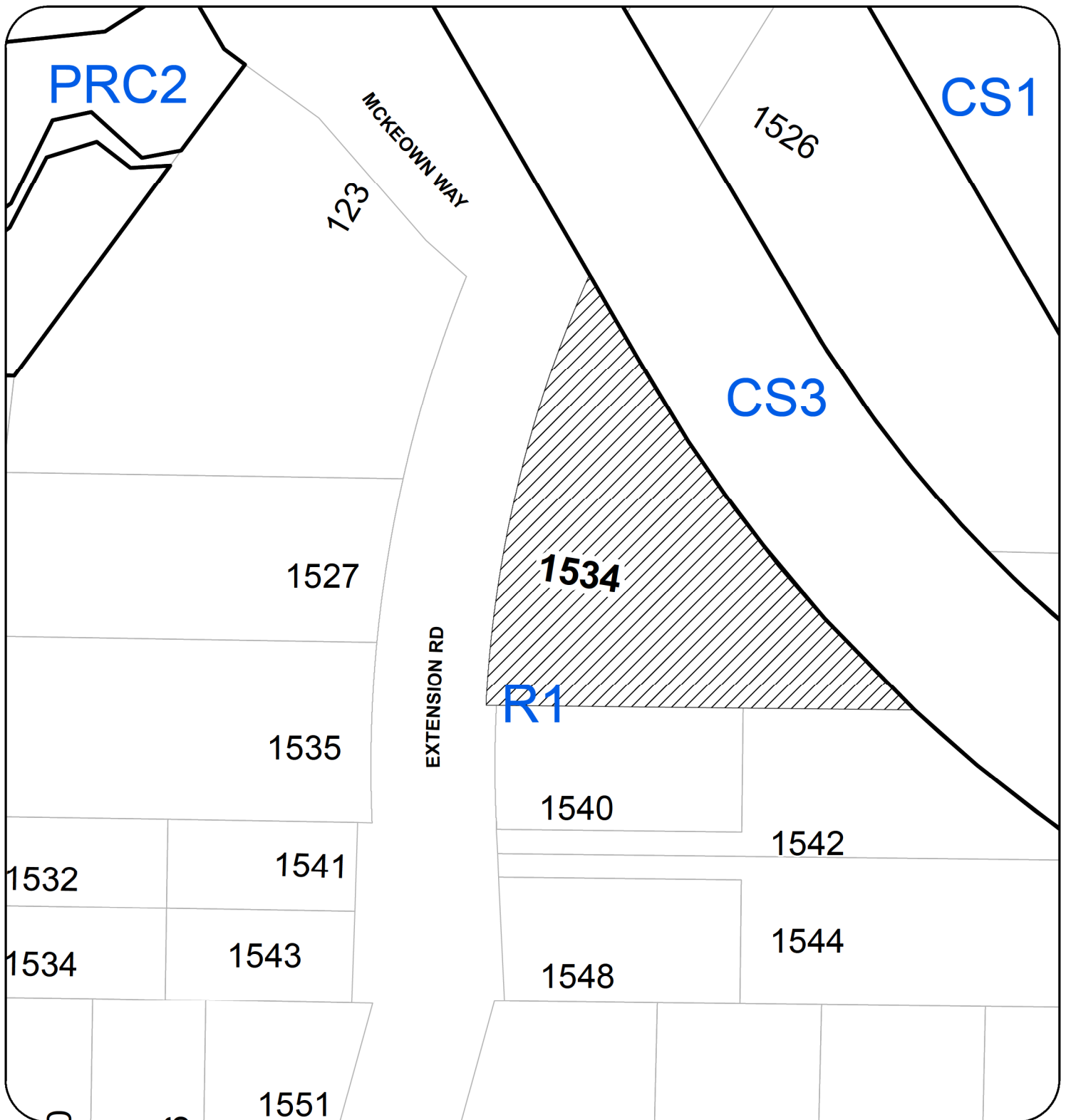
Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director of Development Approvals

Dale Lindsay  
General Manager of Development Services

ATTACHMENT A  
LOCATION PLAN



REZONING APPLICATION NO. RA000399

LOCATION PLAN

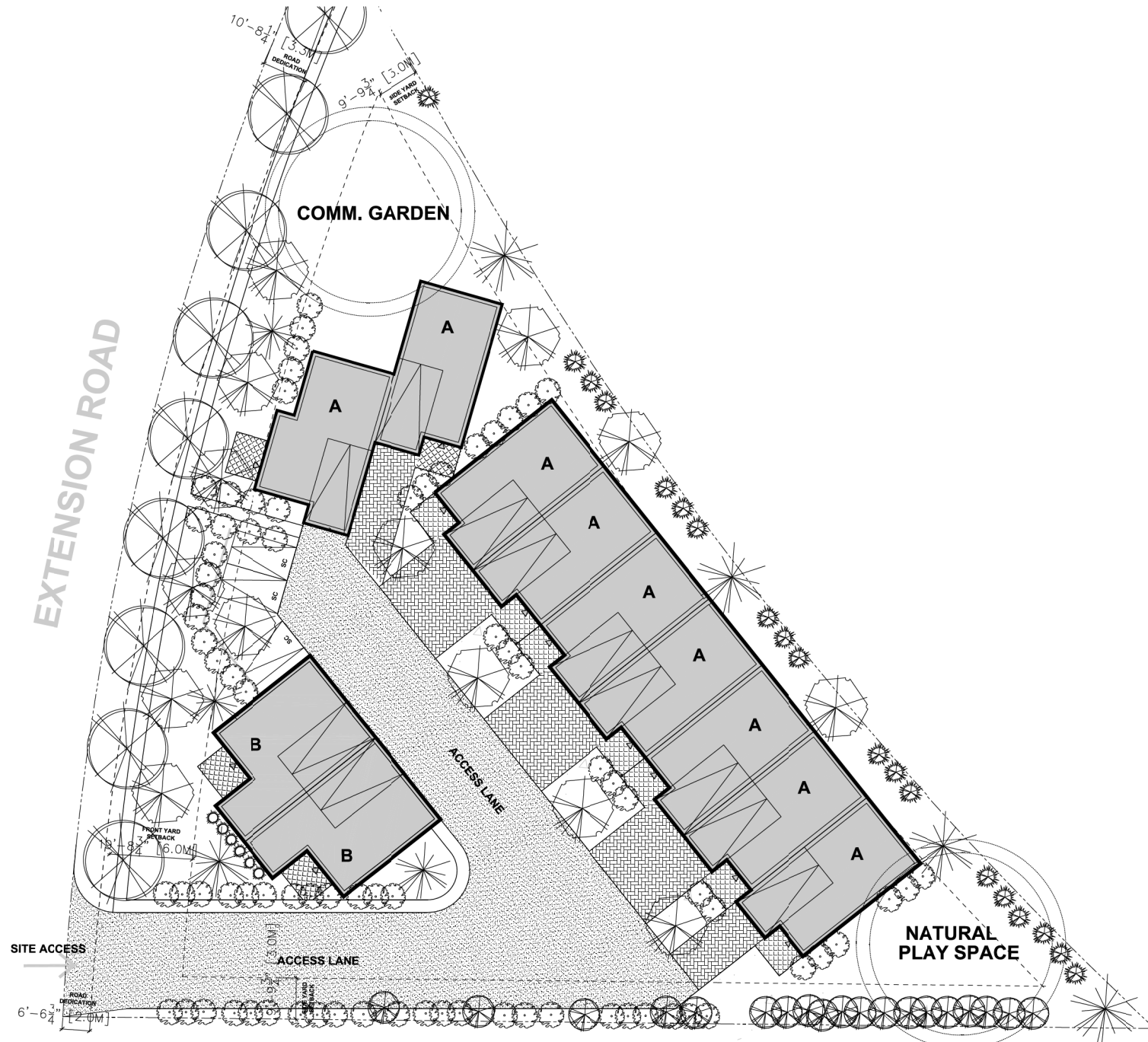


Subject Property

Civic: 1534 Extension Road  
Legal: LOT 1, SECTION 18, RANGE 4,  
CRANBERRY DISTRICT, PLAN 15503



# ATTACHMENT B CONCEPTUAL SITE PLAN



JOYCE TROOST ARCHITECT A/BC  
2515 CLINATE DRIVE, BC V8S 1B9  
(250) 714-6149 - jtroost@jtrarchitect.com

PROJECT NAME:  
**1534  
EXTENSION RD**

ADDRESS:  
1534 EXTENSION ROAD  
NANAIMO, BC

CLIENT:  
CHRIS CATHERS

THE DRAWING, SPECIFICATIONS, AND  
NOTES OF THIS DOCUMENT ARE  
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CLIENT AND ARE NOT TO BE  
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OR BY ANY INFORMATION  
STORAGE AND RETRIEVAL  
SYSTEM, WITHOUT THE  
WRITTEN PERMISSION OF  
JR larch ARCHITECT. ANY  
VIOLATION OF THIS  
STATEMENT SHALL BE  
CONSIDERED A BREACH  
OF THE PROFESSIONAL  
OATH AND MAY BE  
PUNISHED BY THE  
PROFESSIONAL BOARD.  
JR larch ARCHITECT  
RESERVED ALL RIGHTS.

DATE ISSUED:  
2019-07-06 | REZONING PACKAGE

DATE  
DECEMBER 28, 2018

DRAWN BY:  
JOYCE TROOST

SCALE:  
1/2" = 1'-0"

DRAWING TITLE:  
PROPOSED SITE PLAN  
CONCEPT UNIT PLANS

SHEET:  
**A2**

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**RA399**  
2019-FEB-25  
Current Planning



# ATTACHMENT C CONCEPTUAL RENDERINGS

1 of 2



LOOKING SOUTH ALONG EXTENSION ROAD



LOOKING SOUTH ALONG EXTENSION ROAD



LOOKING EAST ALONG EXTENSION ROAD



LOOKING NORTHEAST ALONG EXTENSION ROAD

|  |  |
|--|--|
|                                     |  |
| <small>JOYCE ROOST ARCHITECT AIBC<br/>2315 DENAIRE DRIVE, BC V9B 3N4<br/>250.714.3749 - joyce@jrtarchitect.com</small> |  |
| <small>PROJECT NAME:</small><br><b>1534<br/>EXTENSION RD</b>   |  |
| <small>ADDRESS:</small><br>1534 EXTENSION ROAD<br>NANAIMO, BC  |  |
| <small>CLIENT:</small><br>CHRIS CATHERS  |  |
| <small>ISSUE DATE:</small><br>2018/07/30   REZONING PACKAGE  |  |
| <small>DATE:</small><br>JULY 30, 2018  |  |
| <small>DRAWN BY:</small><br>JOYCE TROOST   |  |
| <small>SCALE:</small><br>SEE DRAWING   |  |
| <small>DRAWING TITLE:</small><br><b>PERSPECTIVES</b>   |  |
| <small>SHEET:</small><br><b>A3</b>   |  |

RECEIVED  
RA399  
2019-FEB-25  
CITY OF NANAIMO





5  
FRONT ELEVATION OF TOWNHOME B (ALONG EXTENSION ROAD)



6  
FRONT ELEVATION OF TOWNHOME A (ALONG ACCESS LANE)



7  
FRONT ELEVATION OF TOWNHOME A (ALONG EXTENSION ROAD)



8  
VIEW FACING NORTHEAST (ACCESS LANE)

RECEIVED  
RA399  
2019-FEB-25  
CITY OF NANAIMO



JOYCE REID TROOST ARCHITECT AIBC  
2315 OLIVIA DRIVE, BC V9S 3K9  
250.714.3740 - joyce@jrtarchitect.com

PROJECT NAME:

**1534  
EXTENSION RD**

ADDRESS:  
1534 EXTENSION ROAD  
NANAIMO, BC

CLIENT:  
CHRIS CATHERS

ISSUE DATE:  
2018/07/30 | REZONING PACKAGE

DATE:  
JULY 30, 2018

DRAWN BY:  
JOYCE TROOST

SCALE:  
SEE DRAWING

DRAWING TITLE:  
**PERSPECTIVES**

SHEET:

**A4**



**ATTACHMENT D  
AERIAL PHOTO**



**REZONING APPLICATION NO. RA000399**

CITY OF NANAIMO

BYLAW NO. 4500.134

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

---

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

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2018 No. 4500.134".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the lands legally described as LOT 1, SECTION 18, RANGE 4, CRANBERRY DISTRICT, PLAN 15503 (1534 Extension Road) from Single Dwelling Residential (R1) to Townhouse Residential (R6) as shown on Schedule A.
  - (B) By adding the following after Subsection 7.3.7:

7.3.8 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 0.65 on the land legally described as LOT 1, SECTION 18, RANGE 4, CRANBERRY DISTRICT, PLAN 15503 (1534 Extension Road)

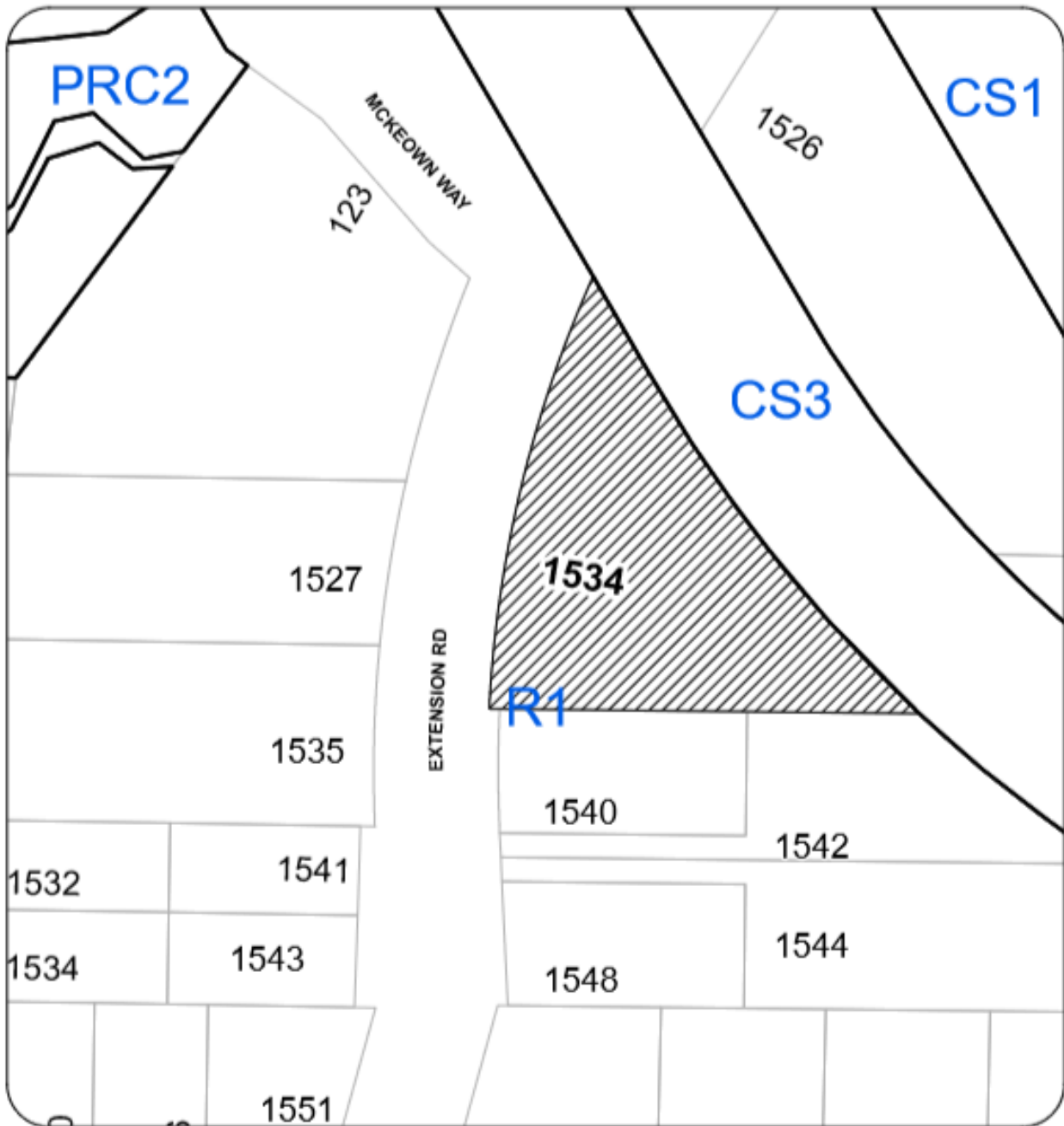
PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

File: RA000399  
Address: 1534 Extension Road

**SCHEDULE A**  
**LOCATION PLAN**



**REZONING APPLICATION NO. RA000399**

**LOCATION PLAN**



Civic: 1534 Extension Road  
Legal: LOT 1, SECTION 18, RANGE 4,  
CRANBERRY DISTRICT, PLAN 15503



DATE OF MEETING August 26, 2019

AUTHORED BY BRIAN ZUREK, COMMUNITY PLANNING AND DEVELOPMENT

**SUBJECT OCP AMENDMENT APPLICATION – OCP89 AND REZONING  
APPLICATION RA395 – 388 MACHLEARY STREET**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, an Official Community Plan amendment application to amend the land-use designation within the Official Community Plan from Neighbourhood to Corridor, to amend the text of the Old City Neighbourhood Concept Plan, and to concurrently present for Council's consideration a "City of Nanaimo Zoning Bylaw 2011 No. 4500" amendment application to rezone the subject property from Community Service One to Comprehensive Development Eleven to develop a 175-unit multi-family development.

### **Recommendation**

That

1. "Official Community Plan Amendment Bylaw 2019 No. 6500.040" (To re-designate 388 Machleary Street on the Future Land Use Plan [Map 1] from 'Neighbourhood' to 'Corridor,' and to amend the text of Section 4.1.2 'Land Use Designations' of the Old City Neighbourhood Concept Plan) pass first reading;
2. "Official Community Plan Amendment Bylaw 2019 No. 6500.040" pass second reading;
3. "Zoning Amendment Bylaw 2019 No. 4500.124" (To rezone 388 Machleary Street from Community Service One [CS1] to Comprehensive Development Eleven [CD11]) pass first reading;
4. "Zoning Amendment Bylaw 2019 No. 4500.124" pass second reading; and
5. Council direct Staff to secure road dedication, community amenity contribution, site improvements, and public rights-of-way prior to adoption of the "Zoning Amendment Bylaw 2019 No. 4500.124", should Council support the bylaw at third reading.

## **BACKGROUND**

An Official Community Plan (OCP) amendment application (OCP89) and a concurrent "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") amendment application (RA395) was submitted by Wensley Architecture Ltd., on behalf of the Molnar Group, for the property located at 388 Machleary Street.



## Subject Property

|   |  |
|---|--|
| <i>Location</i>   | The subject property is located in Nanaimo's Old City Neighbourhood at the intersections of Franklyn and Machleary and Franklyn and Kennedy Streets. |
| <i>Total Area</i>   | 11,587m <sup>2</sup>   |
| <i>OCP Designation</i>  | Neighbourhood  |
| <i>Old City Neighbourhood Concept Plan Designation</i>          | Single Family / Duplex   |
| <i>Proposed OCP Designation</i>                                 | Corridor   |
| <i>Proposed Old City Neighbourhood Concept Plan Designation</i> | Single Family / Duplex – with text amendment permitting the proposed development   |
| <i>Current Zoning</i>   | Community Service One (CS1)  |
| <i>Proposed Zoning</i>  | Comprehensive Development Eleven (CD11)  |

The site occupies over two-fifths of the block bordered by Fitzwilliam, Franklyn, Machleary and Kennedy Streets. Currently vacant, the site once held a building listed in the City's heritage register first used in the 1800s as the Nanaimo Hospital, which was later repurposed for use as the Malaspina College. Since 1980, the site was used as a seniors' care facility (Malaspina Gardens). The previous owner demolished the buildings in 2017.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to develop a comprehensively planned 175-unit multi-family development within the subject property, including a mix of townhouses along Machleary Street and four- and five-storey apartment-style buildings, internal to the site and along Franklyn and Kennedy Streets. The buildings would contain a variety of unit sizes, from micro to three-bedroom units, plus underground parking.

The scale of the proposed development is comparable to the massing of the previous site buildings.

The developer proposes to include a public seating area along Machleary Street with a view corridor that would provide a prominent ocean view. The developer also proposes a plaque to commemorate the history of the site. These features would also be secured as a condition of rezoning approval.

The City would also secure a pedestrian walkway linking Machleary and Kennedy Streets along the north property line of the subject property that borders 339 Kennedy Street. The developer proposes to retain and refurbish the existing staircase off Kennedy Street that once provided pedestrian access to the former heritage building on the property. The refurbished staircase would provide access to a plaza for use by residents of the proposed development. Additionally, the developer proposes to provide a heritage-inspired cornerstone within the project to commemorate the historic site buildings. The City would secure the provision of these site features as conditions of rezoning approval.

Finally, during the review of the development proposal, Staff required the developer to provide a concept plan to improve pedestrian and cycling infrastructure in the Old City. The resulting concept plan described pedestrian and cycling improvements to link Machleary, Albert, and Pine Streets (see Attachment G). The developer proposes to offset the City's construction costs of the pedestrian and cycling improvements as a community amenity contribution.

### **Official Community Plan and Old City Neighbourhood Concept Plan**

The OCP designates the property as Neighbourhood, which includes a target density range of 10 to 50 units per hectare in buildings two- to four-storeys high. The 175 units proposed by the developer corresponds to 151 units per hectare, with an average unit size of 61m<sup>2</sup> (ranging from 29m<sup>2</sup> to 135m<sup>2</sup>). The Old City Neighbourhood Concept Plan designates 388 Machleary Street as Single/Duplex Residential. The Neighbourhood Plan suggests the need to maintain the established areas of single family housing, while providing for larger-scale medium-density developments within other portions of the Old City.

The guiding principles of the Neighbourhood Concept Plan include:

- improving pedestrian orientation of the community;
- providing a range of housing, from single dwellings to apartment buildings; and,
- maintaining a sensitivity to the streetscape.

Council adopted the Neighbourhood Plan in 1994. Since then, the city's population has grown over 50 percent, from 60,129 in 1991, to 90,504 in 2016. The City's policy direction has evolved to focus on housing affordability, active transportation, and land-use intensity to accommodate growth.

To allow the development, the applicant proposes to designate the subject property from Neighbourhood to Corridor. The Corridor designation supports medium-density residential developments in two to six-storey buildings. Additionally, Corridor-designated properties are characterized by:

- public parks and open spaces in the form of urban plazas, community gardens, and landscaped boulevards;
- redevelopment that improves the human scale of the area, increases landscaping and green space, and improves safety for non-motorized travelers;
- use of design elements, including building siting, height and massing (stepping back upper floors), to address the interface between corridors and neighbourhoods; and,
- promotion of energy-efficient buildings.

The property is in close proximity to Corridor-designated lands along Fitzwilliam Street.

Additionally, the project would meet the following objectives of the Corridor designation:

- to increase residential densities and the mix of land uses;
- to encourage sensitivity in the form of residential developments; and,
- to encourage sustainability in transit and active transportation, including walking and cycling.

## **Affordable Housing Strategy**

The City's Affordable Housing Strategy contains the following policies:

- increasing the supply of rental housing;
- infilling or intensifying development in existing neighbourhoods;
- diversifying housing in all neighbourhoods;
- supporting low-income and special needs housing; and
- strengthening housing partnerships.

The Affordable Housing Strategy supports the development of micro suites, as proposed, where transit, community services and amenities, and green space exist. When calculating density using the ratio of units per hectare, projects with lower-than-average unit sizes, such as micro units, result in higher densities.

Therefore, the strategy proposes the review of the OCP's density calculation, particularly when developments include a smaller unit types.

## **Transportation Master Plan**

The Nanaimo Transportation Master Plan introduced the concept of *mobility hubs* as compact, mixed-use urban nodes that would promote walking, cycling, and transit. The subject property is located within the 200m buffer of the downtown mobility hub. The master plan notes the downtown has the highest proportion of sustainable trips in the city.

Increasing residential density in the downtown mobility hub would result in the more efficient use of services, and better support viable transit service.

## **Community Consultation**

The developer consulted with the community, principally the Nanaimo Old City Association (NOCA) prior to and since submitting the OCP and Zoning Bylaw amendment applications. Both NOCA and the developer organized several community engagement activities regarding the redevelopment of the subject property. Additionally, NOCA generated a visioning workbook and two surveys. Since the Molnar Group's first formal interaction with the community, the proposed project concept evolved from strictly apartment rental units to include townhomes and mixed-tenure apartment buildings.

NOCA, in its formal response to the proposed project, opposed both the OCP and Zoning Bylaw amendment applications. Instead, the group advocated for residential development that matched the OCP's target density range, and that followed the intended form and scale as referenced in the Old City Neighbourhood Concept Plan.

## **Zoning**

The Zoning Bylaw recognizes the historic use of the property as a seniors' congregate care facility and designates the parcel as Community Service One (CS1). The CS1 zone supports a FAR of 1.25 (personal care facility or seniors' congregate housing) and a building height of 14m.

The scale and massing of the proposed buildings would be consistent generally with the CS1 zone; however, rezoning is required to permit the multi-family residential use. The CS1 zone limits uses to institutional.

The developer proposes a site-specific Comprehensive Development Eleven (CD11) zone. The details of the concept plan would restrict the development proposal to the location (setbacks), size (area), building height, and use detailed by the application.

| Zone                                    | Site Area       | Lot Coverage (%) | Floor Area Ratio | Building Height (m) |
|---|-----------------|------------------|------------------|---------------------|
| Community Service One (CS1)             | Total Site      | 40               | 1.25*            | 14.0                |
| Comprehensive Development Eleven (CD11) | Proposed Area 1 | 40               | 0.75             | 10.0                |
|   | Proposed Area 2 | 45               | 1.43             | 16.5                |
|   | Proposed Area 3 | 30               | 1.03             | 17.5                |
|   | Total Site      | 37               | 1.13             | 17.5                |

\*personal care facility or seniors' congregate housing

In addition to the proposed concept densities and building heights noted above, the draft Zoning Bylaw amendment (attached) contains the complete list of CD11 regulations.

### Community Amenity Contribution

Section 7.3 of Nanaimo's OCP addresses development amenities triggered through the Zoning Bylaw amendment process. Typically, developers provide the City with an amenity calculated at a rate of \$1,000 per unit of residential development. The developer's amenity contribution for the 175-unit proposal is \$175,000. The developer would direct the community amenity contribution as follows:

1. \$75,000 – pedestrian and cycling infrastructure improvements at the intersection of Machleary and Albert Streets;
2. \$35,000 – public art to be installed by the developer within the proposed public seating area off Machleary Street; and
3. \$65,000 – Pawson Park improvements.

Staff support the proposed community amenity contribution.

### Conditions of Approval

The City would require the following to be secured prior to final adoption of the Zoning Bylaw amendment:

1. Registration of a road dedication plan to secure 1.2m / 1.6m off the lane adjacent to the subject property.
2. Registration of a Section 219 *Land Title Act* covenant to secure the community amenity contribution of \$175,000, including: \$75,000 for pedestrian and cycling infrastructure improvements, \$35,000 for public art, and \$65,000 for Pawson Park improvements.
3. Registration of a Section 219 *Land Title Act* covenant to secure heritage recognition, including refurbished historic staircase, conservation covenant, commemorative plaque, and heritage-inspired cornerstone.
4. Registration of a statutory right-of-way to secure street furniture for the public seating area and view corridor off Machleary Street; and,

5. Registration of statutory right-of-ways, to secure public access over the 1.2m-wide pedestrian walkway linking Machleary and Kennedy Streets, and the view corridor and seating area off Machleary Street.

## **OPTIONS**

### **1. That**

1. “Official Community Plan Amendment Bylaw 2019 No. 6500.040” (To re-designate 388 Machleary Street on the Future Land Use Plan [Map 1] from ‘Neighbourhood’ to ‘Corridor,’ and to amend the text of Section 4.1.2 ‘Land Use Designations’ of the Old City Neighbourhood Concept Plan) pass first reading;
  2. “Official Community Plan Amendment Bylaw 2019 No. 6500.040” pass second reading;
  3. “Zoning Amendment Bylaw 2019 No. 4500.124” (To rezone 388 Machleary Street from Community Service One [CS1] to Comprehensive Development Eleven [CD11]) pass first reading;
  4. “Zoning Amendment Bylaw 2019 No. 4500.124” pass second reading; and
  5. Council direct Staff to secure road dedication, community amenity contribution, site improvements, and public rights-of-way prior to adoption of the “Zoning Amendment Bylaw 2019 No. 4500.124”, should Council support the bylaw at third reading.
- The advantages of this option: Supported by broad-based policy objectives for increased residential infill development as described in the OCP, Affordable Housing Strategy, and the Transportation Master Plan. Would diversify the housing stock in the Old City by introducing housing of mixed form and unit size. Additional density would result in the more efficient use of existing municipal infrastructure and services, and promote walking, cycling, and transit. Allocating more residential units into the Old City would help support local downtown businesses.
  - The disadvantages of this option: Groups or individuals opposed to introducing medium-density multi-family development into an area of the Old City that has remained predominantly single family in nature may be critical of the position.

### **2. That Council deny the Staff recommendation.**

- The advantages of this option: Supports the existing policies of the Old City Neighbourhood Concept Plan and maintains the single family residential form of development in the area. Acknowledges the position of the Nanaimo Old City Association.
- The disadvantages of this option: Contrary to broad-based policy objectives for increased residential infill development as described in the OCP, Affordable Housing Strategy, and the Transportation Master Plan.

### **3. That Council provide Staff with an alternative direction.**

- The advantages of this option: Council could propose an alternative objective.
- The disadvantages of this option: An alternative objective may extend the application processing time and result in uncertainty for the community and the developer.

### **SUMMARY POINTS**

- The developer proposes to comprehensively redevelop the subject property as a 175-unit multi-family development characterized by a mix of townhouses and multi-storey apartment buildings.
- The proposed OCP amendment would reinforce the goals and objectives of the Transportation Master Plan and the Affordable Housing Strategy.
- The existing OCP and Old City Neighbourhood Concept Plan policy support low-density residential development, while the existing Zoning Bylaw designation supports a more intensive community service use.
- The proposed OCP and Neighbourhood Plan amendments would designate the subject property as a Corridor, and allow the medium-density residential development.
- The proposed Zoning Bylaw amendment would create a new comprehensive development zone to define the size, scale, and use of the proposed development.
- Staff support the proposed OCP, Neighbourhood Plan, and Zoning Bylaw amendments.

### **ATTACHMENTS:**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Site Plan  
ATTACHMENT C: Development Details  
ATTACHMENT D: Letter of Rationale  
ATTACHMENT E: Conceptual Building Elevations and Renderings  
ATTACHMENT F: Conceptual Landscaping Plan  
ATTACHMENT G: Pedestrian and Cycling Improvement Concept  
ATTACHMENT H: Consultation Summary  
ATTACHMENT I: Aerial Photo  
"Official Community Plan Amendment Bylaw 2019 No. 6500.040"  
"Zoning Amendment Bylaw 2019 No. 4500.124"

#### **Submitted by:**

Lisa Bhopalsingh  
Manager, Community Planning

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

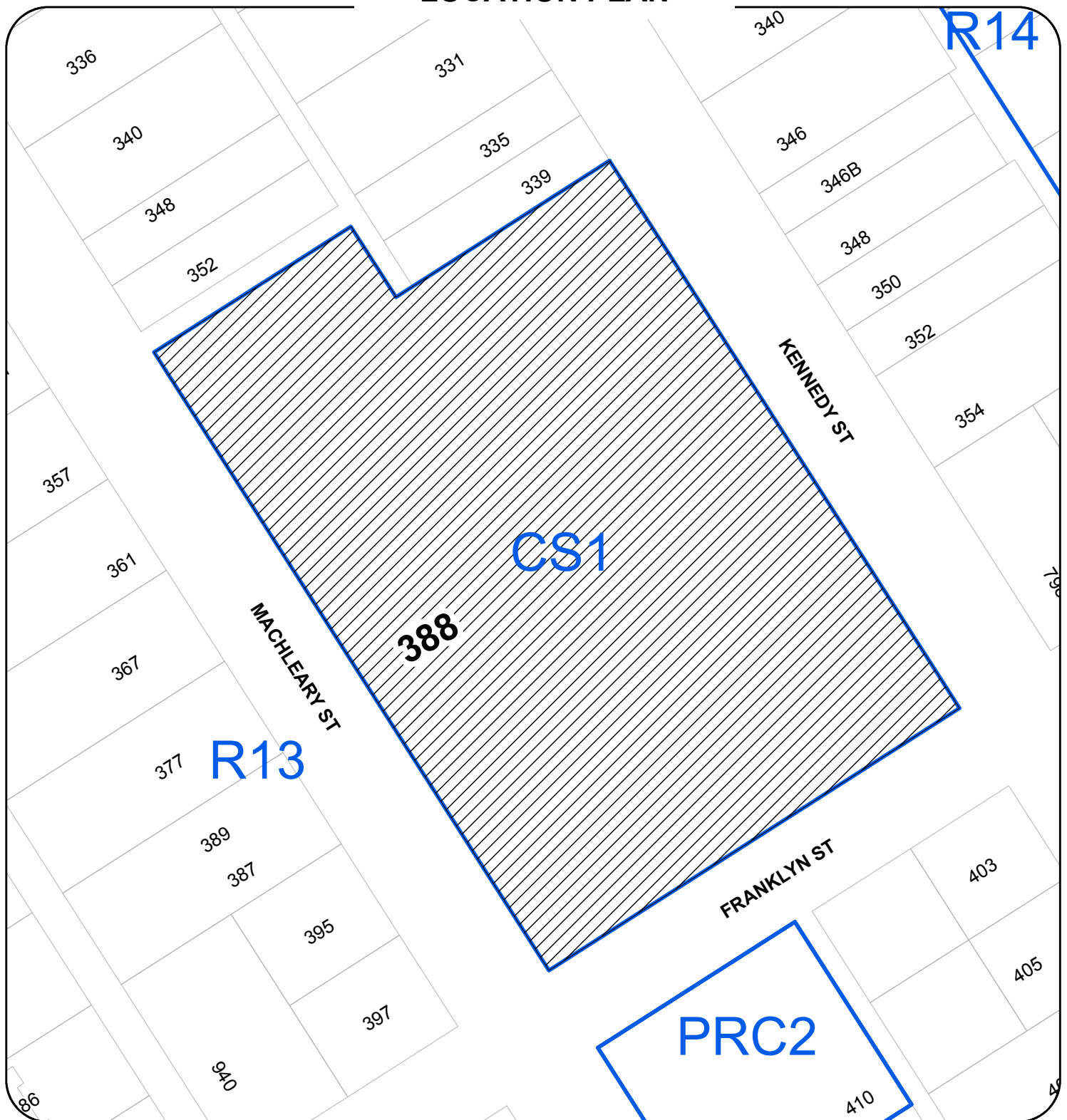
Jeremy Holm  
Director, Development Approvals

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services



# ATTACHMENT A LOCATION PLAN



**OFFICIAL COMMUNITY PLAN APPLICATION NO. OCP00089 and  
REZONING APPLICATION NO. RA000395**

## LOCATION PLAN

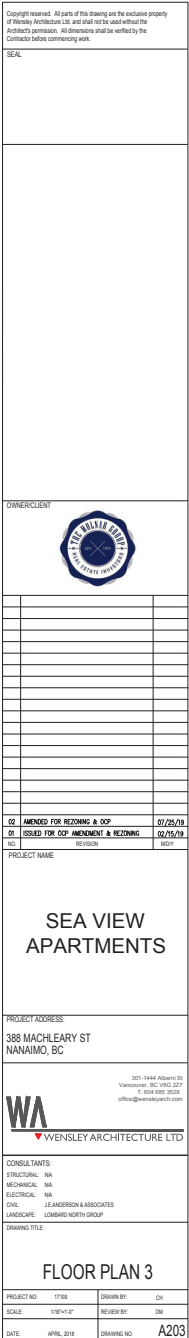


Civic: 388 MACHLEARY STREET  
Legal Description: LOT A, SECTION 1,  
NANAIMO CITY, PL55 53876



Subject Property

## Historic Stairs & Commemorative Plaque



# ATTACHMENT C DEVELOPMENT DETAILS



| PROJECT STATISTICS FOR OCP AMENDMENT   |   |                 |               |            |                    |              |
|--|---|-----------------|---------------|------------|--------------------|--------------|
| SEA VIEW APARTMENTS  |   |                 |               |            |                    |              |
| Project No.: 17109   |   |                 |               |            |                    |              |
| REVISION NO.12   |   |                 |               |            | DATE:              | 02-Jul-19    |
| LOT 1  |   |                 |               |            |                    |              |
| LEGAL DESCRIPTION  | LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP53876 |                 |               |            |                    |              |
| CIVIC ADDRESS  | 388 MACHLEARY STREET, NANAIMO, BC                 |                 |               |            |                    |              |
| ZONING   | EXISTING  |                 |               | REQUIRED   | PROPOSED           |              |
|  | CS1   |                 |               |            | N/A                |              |
| SITE AREA (m²)   | 2,886   | (0.287 hectare) |               |            |                    |              |
| FAR  |   |                 |               |            | 0.74               |              |
| UPH  |   |                 |               |            | 52UPH              |              |
| SITE COVERAGE  |   |                 |               |            | 38%                |              |
| BUILDING A HEIGHT  |   |                 |               |            | 31'-2" (9.50m)     |              |
| BUILDING B HEIGHT  |   |                 |               |            | 31'-0 3/4" (9.47m) |              |
| BUILDING C HEIGHT  |   |                 |               |            | 32'-3 3/4" (9.85m) |              |
| SETBACKS   | MACHLEARY ST (FRONT)                              |                 |               |            | 15.00' (4.57m)     |              |
|  | FRANKLYN ST (SIDE)                                |                 |               |            | 20.00' (6.10m)     |              |
|  | REAR  |                 |               |            | 20.00' (6.10m)     |              |
|  | SIDE  |                 |               |            | 6.00' (1.83m)      |              |
| BUILDING DATA  |   |                 |               |            |                    |              |
| BUILDING A   |   |                 |               |            |                    |              |
| UNITS  | DESCRIPTION                                       | NET AREA (ft²)  | NET AREA (m²) | # OF UNITS | TOTAL (ft²)        | TOTAL (m²)   |
| TH   | 3BED  | 1528            | 142           | 4          | 6,112              | 568          |
|  |   | TOTAL           |               | 4          | 6,112              | 568          |
| BUILDING B   |   |                 |               |            |                    |              |
| UNITS  | DESCRIPTION                                       | NET AREA (ft²)  |               | # OF UNITS | TOTAL (ft²)        | TOTAL (m²)   |
| TH   | 3BED  | 1528            | 142           | 6          | 9,168              | 852          |
|  |   | TOTAL           |               | 6          | 9,168              | 852          |
| BUILDING C   |   |                 |               |            |                    |              |
| UNITS  | DESCRIPTION                                       | NET AREA (ft²)  |               | # OF UNITS | TOTAL (ft²)        | TOTAL (m²)   |
| TH   | 3BED  | 1528            | 142           | 5          | 7,640              | 710          |
|  |   | TOTAL           |               | 5          | 7,640              | 710          |
|  |   | TOTAL           |               | 15         | 22,920             | 2129         |
| SITE DATA  |   |                 |               |            | (ft²)              | (m²)         |
| GROSS FLOOR AREA   |   |                 |               |            | 22,920             | 2,129        |
| HORIZONTAL PROJECTION (BC BUILDING CODE)   |   |                 |               |            | 10,746             | 998          |
| LOT COVERAGE   |   |                 |               |            | 11,756             | 1,092        |
| PARKING DATA   |   |                 |               |            |                    |              |
| PROPOSED PARKING   |   |                 |               |            |                    |              |
| Surface Parking  |   |                 |               |            |                    | n/a          |
| Townhomes Parking (2 per unit)   |   |                 |               |            |                    | 30           |
| TOTAL PROPOSED PARKING   |   |                 |               |            |                    | 30           |
| REQUIRED PARKING (Area 5: New City of Nanaimo parking ratios. High designation - council has yet to approve) |   |                 |               |            |                    | # OF PARKING |
| 1.20 stalls per 3 Bedroom  |   |                 |               |            |                    | 18           |
| PROPOSED BICYCLE PARKING   |   |                 |               |            |                    |              |
| Short Term Bicycle Parking   |   |                 |               |            |                    | TBD          |
| Long Term Bicycle Parking  |   |                 |               |            |                    | TBD          |
| TOTAL PROPOSED BICYCLE PARKING   |   |                 |               |            |                    | TBD          |
| REQUIRED BICYCLE PARKING (New City of Nanaimo bicycle parking requirements- council has yet to approve)      |   |                 |               |            |                    |              |
| Short Term Bicycle Parking - 0.1 space per dwelling  |   |                 |               |            |                    | 2            |
| Long Term Bicycle Parking - 0.5 per dwelling   |   |                 |               |            |                    | 8            |
| TOTAL REQUIRED BICYCLE PARKING   |   |                 |               |            |                    | 10           |

| PROJECT STATISTICS FOR OCP AMENDMENT   |             |   |               |            |              |                     |
|--|-------------|---|---------------|------------|--------------|---------------------|
| SEA VIEW APARTMENTS  |             |   |               |            |              |                     |
| Project No.: 17109   |             |   |               |            |              |                     |
| REVISION NO.12   |             |   |               |            | DATE:        | 02-Jul-19           |
| LOT 2  |             |   |               |            |              |                     |
| LEGAL DESCRIPTION  |             | LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP53876 |               |            |              |                     |
| CIVIC ADDRESS  |             | 388 MACHLEARY STREET, NANAIMO, BC                 |               |            |              |                     |
| ZONING   |             | EXISTING  |               | REQUIRED   |              | PROPOSED            |
|  |             | CS1   |               |            |              | N/A                 |
| SITE AREA (m²)   |             | 5,218 (0.523 hectare)                             |               |            |              |                     |
| FAR  |             |   |               |            |              | 1.43                |
| UPH  |             |   |               |            |              | 216 UPH             |
| SITE COVERAGE  |             |   |               |            |              | 42%                 |
| BUILDING D HEIGHT  |             |   |               |            |              | 52'-7 1/4" (16.03m) |
| BUILDING E HIEGHT  |             |   |               |            |              | 49'-8 1/2" (15.15m) |
| BUILDING SETBACKS  |             | KENNEDY ST (FRONT)                                |               |            |              | 20.00' (6.1m)       |
|  |             | SIDE (SOUTH)                                      |               |            |              | 16.42' (5.00m)      |
|  |             | SIDE (NORTH)                                      |               |            |              | 6.00' (1.83m)       |
|  |             | REAR  |               |            |              | 19.79' (6.03m)      |
| PARKADE SETBACKS   |             | KENNEDY ST (FRONT)                                |               |            |              | 13.46' (4.10m)      |
|  |             | SIDE (SOUTH)                                      |               |            |              | 0.00' (0.00m)       |
|  |             | SIDE (NORTH)                                      |               |            |              | 10.00' (3.00m)      |
|  |             | REAR  |               |            |              | 0.00' (0.00m)       |
| BUILDING DATA  |             |   |               |            |              |                     |
| BUILDING D   |             |   |               |            |              |                     |
| UNITS  | DESCRIPTION | NET AREA (ft²)                                    | NET AREA (m²) | # OF UNITS | TOTAL (ft²)  | TOTAL (m²)          |
| Unit A   | Micro       | 321   | 29.8          | 12         | 3,852        | 358                 |
| Unit A2  | Micro       | 407   | 37.8          | 1          | 407          | 38                  |
| Unit C   | Studio      | 454   | 42.2          | 6          | 2,724        | 253                 |
| Unit D   | Junior 1Bed | 509   | 47.3          | 6          | 3,054        | 284                 |
| Unit E   | 1Bed        | 600   | 55.7          | 8          | 4,800        | 446                 |
| Unit F   | 1Bed        | 523   | 48.5          | 3          | 1,569        | 146                 |
| Unit G   | 2Bed        | 800   | 74.3          | 15         | 12,000       | 1,115               |
| PH1  | Studio      | 358   | 33.3          | 1          | 358          | 33                  |
| PH2  | Junior 1Bed | 508   | 47.3          | 1          | 508          | 47                  |
| PH5  | 1Bed        | 603   | 56.02         | 2          | 1,206        | 112                 |
| PH7  | 2Bed        | 823   | 76.5          | 3          | 2,469        | 230                 |
| PH8  | 2Bed        | 891   | 82.8          | 3          | 2,673        | 248                 |
| PH10   | 1Bed        | 564   | 52.4          | 1          | 564          | 52                  |
|  |             |   |               | 62         | 36,184       | 3,361               |
| BUILDING E   |             |   |               |            |              |                     |
| UNITS  | DESCRIPTION | NET AREA (ft²)                                    | NET AREA (m²) | # OF UNITS | TOTAL (ft²)  | TOTAL (m²)          |
| Unit A   | Micro       | 321   | 29.8          | 3          | 963          | 89                  |
| Unit A1  | Micro       | 381   | 35.8          | 1          | 381          | 36                  |
| Unit B   | Micro       | 375   | 34.8          | 1          | 375          | 35                  |
| Unit C   | Studio      | 454   | 42.2          | 9          | 4,086        | 380                 |
| Unit D   | Junior 1Bed | 509   | 47.3          | 8          | 4,072        | 378                 |
| Unit E   | 1Bed        | 600   | 55.7          | 3          | 1,800        | 167                 |
| Unit E1  | 1Bed        | 535   | 54.1          | 2          | 1,070        | 108                 |
| Unit F   | 1Bed        | 523   | 48.5          | 2          | 1,046        | 97                  |
| Unit G   | 2Bed        | 800   | 74.3          | 12         | 9,600        | 892                 |
| PH1  | Studio      | 358   | 33.3          | 1          | 358          | 33                  |
| PH2  | Junior 1Bed | 508   | 47.3          | 1          | 508          | 47                  |
| PH3  | 1Bed        | 558   | 51.8          | 2          | 1,116        | 104                 |
| PH4  | 1Bed        | 597   | 55.5          | 1          | 597          | 56                  |
| PH6  | 2Bed        | 753   | 69.9          | 1          | 753          | 70                  |
| PH7  | 2Bed        | 823   | 76.5          | 4          | 3,292        | 306                 |
|  |             | TOTAL   |               | 51         | 30,017       | 2,798               |
|  |             |   |               | 113        | 66,201       | 6,159               |
| UNIT TYPE PERCENTAGE (of project total)  |             |   |               |            |              |                     |
|  | UNIT TYPE   | PERCENTAGE  |               |            |              |                     |
|  | Micro       | 15.9%   |               |            |              |                     |
|  | Studio      | 15.0%   |               |            |              |                     |
|  | Junior 1Bed | 14.2%   |               |            |              |                     |
|  | 1Bed        | 21.2%   |               |            |              |                     |
|  | 2Bed        | 33.6%   |               |            |              |                     |
| SITE DATA  |             |   |               |            | (ft²)        | (m²)                |
| GROSS FLOOR AREA   |             |   |               |            | 80,325       | 7,462               |
| HORIZONTAL PROJECTION (BC BUILDING CODE)   |             |   |               |            | 21,595       | 2,006               |
| LOT COVERAGE   |             |   |               |            | 23,481       | 2,181               |
| PARKING DATA   |             |   |               |            |              |                     |
| PROPOSED PARKING   |             |   |               |            |              |                     |
| Surface Parking  |             |   |               |            | 10           |                     |
| Underground Parking  |             |   |               |            | 72           |                     |
| visitors' parking stalls (included)  |             |   |               |            | 10           |                     |
| accessible parking stalls (included)   |             |   |               |            | 3            |                     |
| TOTAL PROPOSED PARKING   |             |   |               |            | 82           |                     |
| REQUIRED PARKING (Area 5: New City of Nanaimo parking ratios. High designation - council has yet to approve) |             |   |               |            | # OF PARKING |                     |
| 0.45 stalls per studio/micro unit  |             |   |               |            | 16           |                     |
| 0.50 stalls per 1 bedroom  |             |   |               |            | 20           |                     |
| 0.90 stalls per 2 bedroom  |             |   |               |            | 34           |                     |
| 40% max small car parking (included)   |             |   |               |            | 28           |                     |
| accessible - 101-1000 - 2 per 100 required spaces or part thereof (included)                                 |             |   |               |            | 3            |                     |
| visitor - 1 space per 22 required spaces (included)  |             |   |               |            | 3            |                     |
| TOTAL REQUIRED PARKING   |             |   |               |            | 70           |                     |
| PROPOSED BICYCLE PARKING   |             |   |               |            |              |                     |
| Short Term Bicycle Parking   |             |   |               |            | TBD          |                     |
| Long Term Bicycle Parking  |             |   |               |            | 71           |                     |
| TOTAL PROPOSED BICYCLE PARKING   |             |   |               |            | TBD          |                     |
| REQUIRED BICYCLE PARKING (New City of Nanaimo bicycle parking requirements- council has yet to approve)      |             |   |               |            |              |                     |
| Short Term Bicycle Parking - 0.1 space per dwelling  |             |   |               |            | 11           |                     |
| Long Term Bicycle Parking - 0.5 per dwelling   |             |   |               |            | 57           |                     |
| TOTAL REQUIRED BICYCLE PARKING   |             |   |               |            | 68           |                     |

## PROJECT STATISTICS FOR OCP AMENDMENT

### SEA VIEW APARTMENTS

Project No.: 17109

| REVISION NO.12   |             | DATE:   |               | 02-Jul-19           |              |            |
|--|-------------|---|---------------|---------------------|--------------|------------|
| LOT 3  |             |   |               |                     |              |            |
| LEGAL DESCRIPTION  |             | LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP53876 |               |                     |              |            |
| CIVIC ADDRESS  |             | 388 MACHLEARY STREET, NANAIMO, BC                 |               |                     |              |            |
| ZONING   |             | EXISTING  |               | REQUIRED            |              |            |
|  |             | CS1   |               | PROPOSED            |              |            |
|  |             |   |               | N/A                 |              |            |
| SITE AREA (m²)   |             | 3,378 (0.338 hectare)                             |               |                     |              |            |
| FAR  |             |   |               | 1.03                |              |            |
| UPH  |             |   |               | 139 UPH             |              |            |
| LOT COVERAGE   |             |   |               | 29%                 |              |            |
| BUILDING F HEIGHT  |             |   |               | 56'-2 1/2" (17.13m) |              |            |
| BUILDING SETBACKS  |             | FRANKLYN ST (SIDE)                                |               | 20.0' (6.1m)        |              |            |
|  |             | KENNEDY ST (FRONT)                                |               | 20.0' (6.1m)        |              |            |
|  |             | SIDE (NORTH)                                      |               | 72.83' (22.2m)      |              |            |
|  |             | REAR  |               | 29.0' (8.84m)       |              |            |
| PARKADE SETBACKS   |             | FRANKLYN ST (SIDE)                                |               | 20.0' (6.1m)        |              |            |
|  |             | KENNEDY ST (FRONT)                                |               | 13.46' (4.10m)      |              |            |
|  |             | SIDE (NORTH)                                      |               | 0.00' (0.00m)       |              |            |
|  |             | REAR  |               | 29.0' (8.84m)       |              |            |
| ACCESSORY BLDG. SETBACK  |             | KENNEDY ST  |               | 65.92' (20.09m)     |              |            |
|  |             | SIDE (NORTH)                                      |               | 30.31' (9.24m)      |              |            |
|  |             | REAR  |               | 119.85' (36.53m)    |              |            |
| BUILDING DATA  |             |   |               |                     |              |            |
| BUILDING F   |             |   |               |                     |              |            |
| UNITS  | DESCRIPTION | NET AREA (ft²)                                    | NET AREA (m²) | # OF UNITS          | TOTAL (ft²)  | TOTAL (m²) |
| Unit A   | Micro       | 321   | 29.8          | 11                  | 3,531        | 328        |
| Unit B   | Micro       | 375   | 34.8          | 2                   | 750          | 70         |
| Unit C   | Studio      | 454   | 42.2          | 4                   | 1,816        | 169        |
| Unit D   | Junior 1Bed | 509   | 47.3          | 4                   | 2,036        | 189        |
| Unit E   | 1Bed        | 600   | 55.7          | 6                   | 3,600        | 334        |
| Unit E1  | 1Bed        | 535   | 49.7          | 3                   | 1,605        | 149        |
| Unit F   | 1Bed        | 523   | 48.6          | 2                   | 1,046        | 97         |
| Unit G   | 2Bed        | 800   | 74.3          | 11                  | 8,800        | 818        |
| PH7  | 2Bed        | 823   | 76.5          | 2                   | 1,646        | 153        |
| PH9  | 2Bed        | 968   | 89.9          | 1                   | 968          | 90         |
| PH9-B  | 2Bed        | 823   | 76.5          | 1                   | 823          | 76         |
|  |             | TOTAL   |               | 47                  | 26,621       | 2,473      |
| UNIT TYPE PERCENTAGE (of project total)  |             |   |               |                     |              |            |
|  | UNIT TYPE   | PERCENTAGE  |               |                     |              |            |
|  | Micro       | 27.7%   |               |                     |              |            |
|  | Studio      | 8.5%  |               |                     |              |            |
|  | Junior 1Bed | 8.5%  |               |                     |              |            |
|  | 1Bed        | 23.4%   |               |                     |              |            |
|  | 2Bed        | 31.9%   |               |                     |              |            |
| SITE DATA  |             |   |               |                     | (ft²)        | (m²)       |
| GROSS FLOOR AREA   |             |   |               |                     | 37,341       | 3,469.09   |
| HORIZONTAL PROJECTION (BC BUILDING CODE)   |             |   |               |                     | 8,477        | 787.54     |
| LOT COVERAGE   |             |   |               |                     | 10,491       | 974.65     |
| PARKING DATA   |             |   |               |                     |              |            |
| PROPOSED PARKING   |             |   |               |                     |              |            |
| Surface Parking  |             |   |               |                     | 5            |            |
| Underground Parking  |             |   |               |                     | 48           |            |
| small parking stalls (included)  |             |   |               |                     | 0            |            |
| visitors' parking stalls (included)  |             |   |               |                     | 5            |            |
| accessible parking stalls (included)   |             |   |               |                     | 2            |            |
| TOTAL PROPOSED PARKING   |             |   |               |                     | 53           |            |
| REQUIRED PARKING (Area 5: New City of Nanaimo parking ratios. High designation - council has yet to approve) |             |   |               |                     | # OF PARKING |            |
| 0.45 stalls per studio/micro unit  |             |   |               |                     | 8            |            |
| 0.50 stalls per 1 bedroom  |             |   |               |                     | 8            |            |
| 0.90 stalls per 2 bedroom  |             |   |               |                     | 14           |            |
| 40% max small car parking (included)   |             |   |               |                     | 12           |            |
| accessible - 21-100 - 2  |             |   |               |                     | 2            |            |
| visitor - 1 space per 22 required spaces (included)  |             |   |               |                     | 1            |            |
| TOTAL REQUIRED PARKING   |             |   |               |                     | 30           |            |
| PROPOSED BICYCLE PARKING   |             |   |               |                     |              |            |
| Short Term Bicycle Parking   |             |   |               |                     | TBD          |            |
| Long Term Bicycle Parking  |             |   |               |                     | 25           |            |
| TOTAL PROPOSED BICYCLE PARKING   |             |   |               |                     | TBD          |            |
| REQUIRED BICYCLE PARKING (New City of Nanaimo bicycle parking requirements- council has yet to approve)      |             |   |               |                     |              |            |
| Short Term Bicycle Parking - 0.1 space per dwelling  |             |   |               |                     | 5            |            |
| Long Term Bicycle Parking - 0.5 per dwelling   |             |   |               |                     | 24           |            |
| TOTAL REQUIRED BICYCLE PARKING   |             |   |               |                     | 28           |            |



# ATTACHMENT D

## LETTER OF RATIONALE

19 February 2019

Project #17109

### OCP AMMENDMENT/REZONING DESIGN RATIONALE FOR PROPOSED RESIDENTIAL DEVELOPMENT AT 388 MACHLEARY STREET – NANAIMO'S OLD CITY

The Molnar Group is proposing a multi-family residential development at the site of City of Nanaimo's first general hospital located at 388 Machleary Street. This building was most recently occupied by Malaspina Gardens, a senior's care facility but has since been demolished. It currently is a vacant lot.

This lot lies within the Old City Neighbourhood Concept plan of the Official Community Plan (OCP) and Sub-Area 1a (Single Family/Duplex) which permits single family and duplex use only. The community development being proposed reflects the residential use objectives within the OCP "in order to allow development in a manner that is compatible with the existing residential character of the neighbourhood". It is our intent to follow these objectives yet still create a residential "community" development with greater density, amenity opportunities and a high level of design that Nanaimo residents will be proud to call home. We are looking to provide a varied mix of unit types in the form of town homes and multi-storey structures designed to accommodate modern living.

This proposed residential development will accommodate three multi-storey residential buildings (Buildings D, E and F – all containing four levels of micro, studio, one-bedroom and two-bedroom units), along with 15 three-bedroom town home units in three separate buildings facing Machleary Street. It will be a mix of market rental units and strata condominiums. The density is approximately 151 units per hectare.

We understand the potential impact that a development of this size may have on a predominantly single-family lot neighbourhood. We appreciate the concerns neighbours may have regarding a density increase and have strived to have as much public consultation and feedback as possible. To this point the Molnar Group has engaged with the public and City of Nanaimo staff on several occasions throughout this process to introduce our design team, describe our vision, and work with the neighbourhood to create a vibrant family-oriented community sympathetic to neighbourhood and city concerns. Our approach and evolving design has clearly shown our commitment to engage, educate and listen to City staff and neighbourhood residents. This has been a two-year process.

We approached this potential development site knowing that the Nanaimo Old City Association (NOCA) was quite organized and had already held a workshop regarding the future of this site and what it could mean to their standard and way of living. "The Report on the Outcomes of the Community Workshop on the Future of the Malaspina Gardens Site" July 2017 was a great tool for us to develop the initial concepts of our proposed development. With this report in mind, we held our first "Open House" public engagement on October 17<sup>th</sup>, 2017. The subsequent letter we received from NOCA made it clear that we would have to address issues/concerns in greater detail and in coordination with City of Nanaimo staff. We would focus our design to reduce the visual impact and massing of buildings along Machleary, reduce the massing/size of the multi-storey structures by keeping them to four levels of residential units with the top penthouse floorplate set back, organize the configuration of all buildings so as to maintain a significant water view corridor and provide all necessary resident parking underground. With these changes in development, we participated in meetings at City Hall with staff and NOCA on December 13<sup>th</sup>, 2017 and another on February 26<sup>th</sup>, 2018 where our revised scheme was well received. We subsequently agreed to meet with the larger community/neighbourhood in a town-hall type presentation held by NOCA on March 27, 2018 as well as a Molnar organized public presentation of our revised scheme held February 10<sup>th</sup>, 2019. Our design team presented our project and answered questions from the public to the best of our ability. The result of this meeting and collected questionnaires/surveys were overwhelmingly favourable in nature.

Although the public comments and discussions varied widely in topics, we were able to identify four main areas of concern. They were:

1. **Added traffic and loss of street parking** – the Molnar Group has engaged Watt Engineering Ltd. to provide analysis and recommendations with respect to how best to integrate a development of this density within a predominantly single-family lot neighbourhood. We have looked at traffic patterns and analyzed how traffic flows would be affected by the added number of vehicles within a 6-block radius around the site. This information will then be used to propose traffic directing and calming strategies. Bike and pedestrian means of transport are strongly encouraged through the inclusion of multiple entry points into this community as well as a significant increase in the number of bike storage/parking facilities.



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2. **Obstructed views and overwhelming density**– We have been very sensitive to neighbouring views. We have reduced the size of this project from our initial four six-storey building concept to include two-level street side town homes and three four storey residential buildings. We have utilized the existing grade to integrate the height of buildings within the topography and have dug into the site to completely hide the parking structure. We have provided a framed view along an axis that connects the existing hospital stairs (retained at Kennedy St) and a public seating area along Machleary Street.
3. **Architectural vocabulary and how well it fits into the existing fabric and character of their neighbourhood** – We have familiarized ourselves intimately with the existing built-form of the neighbourhood. We understand the implications and importance of the Craftsman aesthetics and are well versed in the guiding principles that resonate within this historical architectural style. A more detailed description of the principles of Arts and Crafts can be found below.
4. **Public engagement** – the Molnar Group is keenly aware of the importance of public engagement in the development of communities within established neighbourhoods. They have been doing this for over 40 years and have prided themselves in producing high-quality successful residential developments. Being a Vancouver based development company, they have been extremely careful not to be perceived as the big corporate developer out to maximize their profits to the detriment of the communities they develop in. This is a Molnar Legacy project. It is their intent to keep and manage the rental portions of this development for generations to come. Their commitment to this project requires a “good neighbour” approach in our design and project programming. It has been an interesting process getting to know the neighbourhood and discussing all aspects of this project.

We understand the significance of this site and its importance to the City of Nanaimo. We are working with our Landscape Architect and City of Nanaimo staff to properly honour and celebrate this site’s history and significance. We endeavour to reflect and memorialize its past in some form of public amenity that speaks to its past and its future.

#### OCP Goals

This proposed development addresses most of the OCP goals identified. They are:

- **Goal One** – Manage Urban Growth – by providing higher density (151 units per hectare) within the lower density neighbourhood of Old City Neighbourhood, we are responding directly to urban sprawl. As stipulated within this section of the OCP, higher density neighbourhoods lead to more efficient use of roads, sewers, water and storm services and provides tax savings as new development can use existing infrastructure as well as allowing for better and more efficient public transit systems.
- **Goal Two** – Build a More Sustainable Community – This proposed development will utilize modern, efficient and durable construction methods and materials; therefore, contributing to lower energy use and longevity of the building. Energy Star appliances and LED lighting will result in lower energy consumption, reducing the demand on the city’s infrastructure. This proposed development will be subjected to a Built-Green evaluation (checklist) to identify improvement strategies to the environmental impact of this build. Retention of existing municipal trees in addition to the design and planting of native drought resistance plants and materials will contribute positively to our environment.
- **Goal Three** – Encourage Social Enrichment – Part of the design intent of this development is to create a community with various opportunities for residents to interact and meet through space planning and programming. By providing communal amenity spaces and services (such as a community plaza, park benches within landscaped courtyards, community gardens, community announcement boards and shared multi-function and fitness rooms), we will encourage “community” and social participation. The development will provide rental and market condos thus providing housing for a large cross section of the population. Our efforts to remind residents of the past history of this site contributes to the history and social enrichment of this neighbourhood.
- **Goal Four** – Promote a Thriving Economy – A density increase alone encourages and supports local businesses and increases the tax base for the betterment of the community.
- **Goal Five** – Protect and Enhance Our Environment – Similar to environmental comments stated in Goal Two, this project will help protect the environment through densification and sustainability measures being implemented.
- **Goal Six** – Improve Mobility and Servicing Efficiency – By creating higher density, this project will contribute to a more efficient use of City of Nanaimo’s infrastructure. It will also allow for better and more cost-effective public transit system.

---

Nanaimo's Old City Multiple-family Residential Guidelines – September 1990, is a document put together to provide a general direction as to the form and character of a predominantly single family and duplex home neighbourhood. It speaks to an Architectural vocabulary based on the Arts and Crafts (or Craftsman) movement and is a rejection of massed-produced minimalist architecture. It is detail-rich with an emphasis on the quality of old-world craftsmen honing their skills. Although this document provides a component driven method of describing this aesthetic, it is limited in its approach in addressing larger multi-residential multi-storey structures. It is our strong belief that the guiding principles of the craftsman style can be used effectively to create a successful community within Nanaimo's Old City neighbourhood that supports and accentuates the existing character of this unique area of Nanaimo. One does not have to copy a style verbatim in order to properly address and recognize the distinctive characteristic of the neighbourhood. It is our opinion that the replication of existing aesthetics only serves to diminish the impact and importance of the original and authentic architecture. We will use

We have identified four main driving principles of the arts and crafts movement that served to design this community. They are:

1. Materiality – We are proposing a rich palette of materials and colours. The emphasis is being given to durable and natural-looking materials.
2. Proportions and scale – a sensitivity to the pedestrian scale has been utilized throughout this development. It is most evident the strategies utilized to bring down the perceived scale of the multi-storey buildings. Strategies such as stepping back the top floors, identifying the entries, providing individual exterior spaces and using elements (extruded boxes) to break down the massing all serve this purpose. The town homes along Macleary serve as a transition to the higher density and massing of the multi-storey structures further down the site.
3. Covered and protected exterior spaces- All units and town homes are provided with private and generous outdoor space that is delineated and protected. This is a common theme of craftsman style.
4. Expression of structure and Interior Space – where possible, expression of post and beam construction, wide trim, and an articulated base. Expression of interior functions of space.

## OCP AMMENDMENT PUBLIC AMENITY CONTRIBUTION

The development team is working with City of Nanaimo Staff to identify and implement a substantial public amenity contribution as part of our OCP Amendment and Rezoning process. It is our recommendation that City of Nanaimo allocate the required Developer's Public Amenity contribution funds to the immediate neighbourhood of Old City Neighbourhood Sub-Area 1a (Single Family/Duplex) for public beautification and infrastructure projects.

It is our intent to continue with public engagement through the remaining protocols and processes outlined by City of Nanaimo's OCP Amendment and Rezoning policies. We feel strongly that this proposed development can serve to strengthen and activate the Old City neighbourhood and create a family-based community within this larger established neighbourhood. We look forward to our continued work with City staff to bring to fruition some badly needed quality rental stock within a well thought out residential community plan.

End

# ATTACHMENT E

## CONCEPTUAL BUILDING ELEVATIONS AND RENDERINGS



1 17109 - RENDERINGS  
NTS



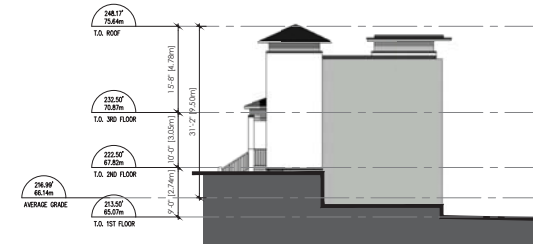
2 17109 - RENDERINGS  
NTS



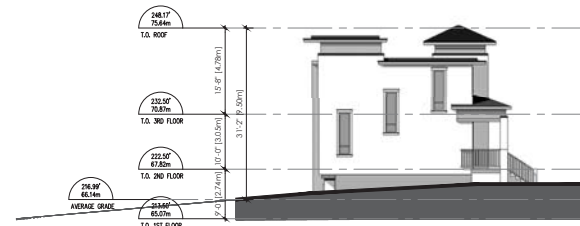
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NORTH ELEVATION  
3/32\"/>



5 17109 - BUILDING A  
SOUTH ELEVATION  
3/32\"/>



4 17109 BUILDING A  
EAST ELEVATION  
3/32\"/>



6 17109 - BUILDING A  
WEST ELEVATION  
3/32\"/>

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SEAL

OWNER/CLIENT

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

PROJECT NAME:  
OCEANVIEW  
RESIDENTIAL

CONSULTANTS:  
STRUCTURAL: N/A  
MECHANICAL: N/A  
ELECTRICAL: N/A  
CIVIL: J.E. ANDERSON & ASSOCIATES  
LANDSCAPE: LORNAUD NORTH GROUP

DRAWING TITLE:  
BUILDING A  
ELEVATIONS

PROJECT NO: 17109  
SCALE: 1/8\"/>







1 17109 - RENDERINGS  
NTS

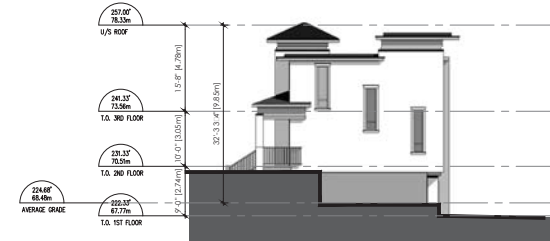
2 17109 - RENDERINGS  
NTS



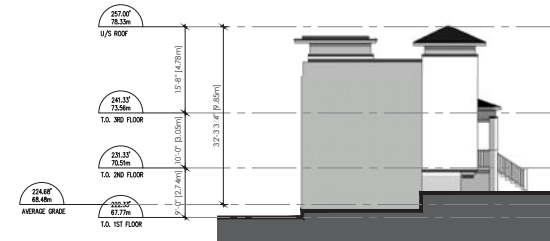
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NORTH ELEVATION  
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5 17109 - BUILDING C  
SOUTH ELEVATION  
3/32"=1'-0"



4 17109 BUILDING C  
EAST ELEVATION  
3/32"=1'-0"



6 17109 - BUILDING C  
WEST ELEVATION  
3/32"=1'-0"

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|                                      |          |
|--------------------------------------|----------|
| ISSUED FOR O.P. AMENDMENT & REVISION | 6/15/19  |
| NO                                   | REVISION |
| PROJECT NAME                         |          |

OCEANVIEW  
RESIDENTIAL

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

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CONSULTANTS:  
STRUCTURAL: N/A  
MECHANICAL: N/A  
ELECTRICAL: N/A  
CIVIL: J.E. ANDERSON & ASSOCIATES  
LANDSCAPE: LORIANO NORTH GROUP

DRAWING TITLE:  
BUILDING C  
ELEVATIONS

|             |             |             |       |
|-------------|-------------|-------------|-------|
| PROJECT NO: | 17109       | DRAWN BY:   | CHB/H |
| SCALE:      | 3/32"=1'-0" | REVIEW BY:  | DM    |
| DATE:       | APRIL 2018  | DRAWING NO: | A303  |



1 17109 - RENDERNG  
MS

2 17109 - BUILDING D  
WEST ELEVATION  
3/32"-1"=1'-0"



3 17109 - BUILDING D  
NORTH ELEVATION  
3/32"-1"=1'-0"

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|   |                                     |                  |
|---|-------------------------------------|------------------|
| 01  | ISSUED FOR O&P AMENDMENT & REVISION | 02/15/19         |
| NO  | REVISION                            | NO               |
| PROJECT NAME  |                                     |                  |
| OCEANVIEW RESIDENTIAL   |                                     |                  |
| PROJECT ADDRESS   |                                     |                  |
| 388 MACLEARY ST<br>NANAIMO, BC  |                                     |                  |
|  <b>W</b><br>WENSLEY ARCHITECTURE LTD. |                                     |                  |
| CONSULTANTS:  |                                     |                  |
| STRUCTURAL:   | NA                                  |                  |
| MECHANICAL:   | NA                                  |                  |
| ELECTRICAL:   | NA                                  |                  |
| CIVIL:  | J.E. ANDERSON & ASSOCIATES          |                  |
| LANDSCAPE:  | LOMBARD NORTH GROUP                 |                  |
| DRAWING TITLE:  |                                     |                  |
| BUILDING D ELEVATIONS   |                                     |                  |
| PROJECT NO:   | 17109                               | DRAWN BY: JEN    |
| SCALE:  | 3/32"=1'-0"                         | REVIEW BY: JEN   |
| DATE:   | APRIL 2018                          | DRAWING NO: A304 |





1 17109 - RENDERNG  
NTS



2 17109 - BUILDING D  
EAST ELEVATION  
3/32"=1'-0"



3 17109 - BUILDING D  
SOUTH ELEVATION  
3/32"=1'-0"

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OWNER/CLIENT

PROJECT NAME

PROJECT ADDRESS

PROJECT NO.

DATE

ISSUED FOR O.P. AMENDMENT & REVISION

REVISION

DATE

OCEANVIEW RESIDENTIAL

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office@wensleyarch.com

WA  
WENSLEY ARCHITECTURE LTD

CONSULTANTS:

STRUCTURAL: N/A

MECHANICAL: N/A

ELECTRICAL: N/A

CIVIL: J.E. ANDERSON & ASSOCIATES

LANDSCAPE: LORIBARD NORTH GROUP

DRAWING TITLE:

BUILDING D ELEVATIONS

PROJECT NO.: 17109

DRAWN BY: JEN

SCALE: 3/32"=1'-0"

REVIEW BY: JEN

DATE: APRIL 2018

DRAWING NO.: A305



1 17109 - RENDERNG  
NTS

2 17109 - BUILDING E  
WEST ELEVATION  
3/32"=1'-0"



3 17109 - BUILDING E  
NORTH ELEVATION  
3/32"=1'-0"

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|    |                                     |          |
|----|-------------------------------------|----------|
| 01 | ISSUED FOR O&P AMENDMENT & REVISION | 60/75/79 |
| NO | REVISION                            | NO/79    |

PROJECT NAME

OCEANVIEW  
RESIDENTIAL

PROJECT ADDRESS

388 MACLEARY ST  
NANAIMO, BC

 WENSELY ARCHITECTURE LTD

CONSULTANTS:

STRUCTURAL: N/A  
MECHANICAL: N/A  
ELECTRICAL: N/A  
CIVIL: J.E. ANDERSON & ASSOCIATES  
LANDSCAPE: LOWLAND NORTH GROUP

DRAWING TITLE

BUILDING E  
ELEVATIONS

|             |             |             |      |
|-------------|-------------|-------------|------|
| PROJECT NO: | 17109       | DRAWN BY:   | CHEN |
| SCALE:      | 3/32"=1'-0" | REVIEW BY:  | DM   |
| DATE:       | APRIL 2018  | DRAWING NO: | A306 |



1 17109 - RENDERNG  
NTS

2 17109 - BUILDING E  
EAST ELEVATION  
3/32"=1'-0"



3 17109 - BUILDING E  
SOUTH ELEVATION  
3/32"=1'-0"

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SEAL

CORNER/CLIENT

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

PROJECT NAME:  
OCEANVIEW  
RESIDENTIAL

CONSULTANTS:  
STRUCTURAL: N/A  
MECHANICAL: N/A  
ELECTRICAL: N/A  
CIVIL: J.E. ANDERSON & ASSOCIATES  
LANDSCAPE: LORNAUD NORTH GROUP

DRAWING TITLE:  
BUILDING E  
ELEVATIONS

PROJECT NO: 17109  
SCALE: 3/32"=1'-0"  
DATE: APRIL 2018

DRAWN BY: CHEN  
REVIEW BY: JEN  
DRAWING NO: A307





1 17109 - RENDERNG  
NTS

2 17109 - BUILDING F  
NORTH ELEVATION  
3/32"=1'-0"



3 17109 - BUILDING F  
WEST ELEVATION  
3/32"=1'-0"

Copyright reserved. All parts of this drawing are the exclusive property of Wensley Architecture Ltd. and shall not be used without the Architect's permission. All dimensions shall be verified by the Contractor before commencing work.

SEAL

CORNER/CLIENT



|   |                                     |                  |
|---|-------------------------------------|------------------|
| 01  | ISSUED FOR O&P AMENDMENT & REVISION | 01/15/19         |
| NO  | REVISION                            | NO/1             |
| PROJECT NAME  |                                     |                  |
| OCEANVIEW RESIDENTIAL   |                                     |                  |
| PROJECT ADDRESS   |                                     |                  |
| 388 MACLEARY ST<br>NANAIMO, BC  |                                     |                  |
|  <b>W</b><br>WENSLEY ARCHITECTURE LTD. |                                     |                  |
| CONSULTANTS:  |                                     |                  |
| STRUCTURAL: N/A   |                                     |                  |
| MECHANICAL: N/A   |                                     |                  |
| ELECTRICAL: N/A   |                                     |                  |
| CIVIL: J.E. ANDERSON & ASSOCIATES   |                                     |                  |
| LANDSCAPE: LORIANO NORTH GROUP  |                                     |                  |
| DRAWING TITLE:  |                                     |                  |
| BUILDING F ELEVATIONS   |                                     |                  |
| PROJECT NO:   | 17109                               | DRAWN BY: CHEN   |
| SCALE:  | 3/32"=1'-0"                         | REVIEW BY: JAW   |
| DATE:   | APRIL 2018                          | DRAWING NO: A308 |



1 17109 - RENDERNG



2 17109 - BUILDING F  
SOUTH ELEVATION  
3/32"=1'-0"



3 17109 - BUILDING F  
EAST ELEVATION

|   |  |
|---|--|
| 2 |  |
|---|--|

|            |
|------------|
| CONFEREENT |
|------------|



|    |                                     |          |
|----|-------------------------------------|----------|
| 01 | ISSUED FOR OCP AMENDMENT & REZONING | 02/15/19 |
|----|-------------------------------------|----------|

|              |          |     |
|--------------|----------|-----|
| NO.          | REVISION | WDY |
| PROJECT NAME |          |     |

|              |          |     |
|--------------|----------|-----|
| NO.          | REVISION | WDY |
| PROJECT NAME |          |     |

OCEANVIEW  
RESIDENTIAL

CONTACT ADDRESS:

388 MACHLEARY ST  
NANAIMO, BC

**WA**

301-1444 Alberni St  
Vancouver, BC V6G 2Z7  
T: 604 685 3529  
office@wensleyarch.com

**WENSLEY ARCHITECTURE LTD.**

**WA**  
T: 604 685 3529  
office@wensleyarch.com

---

 **WENSLEY ARCHITECTURE LTD**

|                     |                           |
|---------------------|---------------------------|
| <b>CONSULTANTS:</b> |                           |
| STRUCTURAL:         | NA                        |
| MECHANICAL:         | NA                        |
| ELECTRICAL:         | NA                        |
| CIVIL:              | J.E. ANDERSON & ASSOCIATE |
| LANDSCAPE:          | LOMBARD NORTH GROUP       |

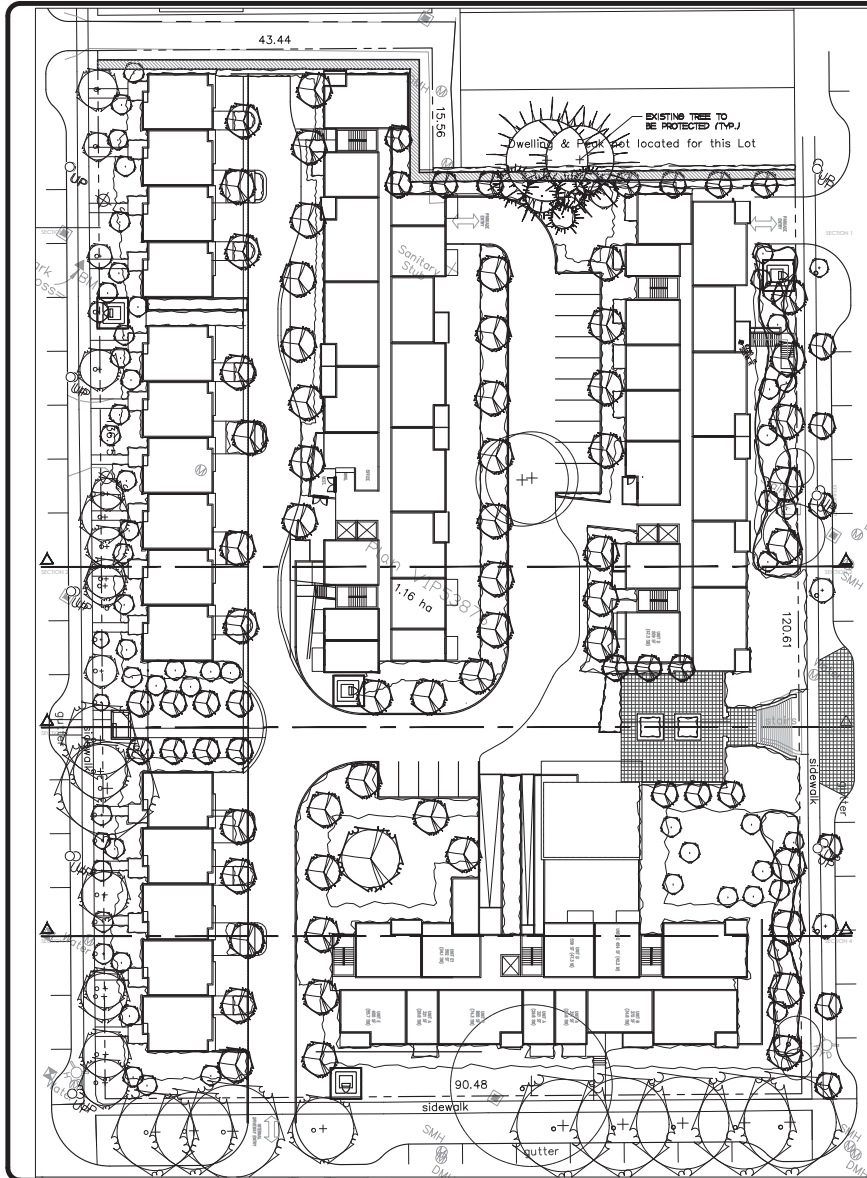
DRAWING TITLE:

BUILDING F  
ELEVATIONS

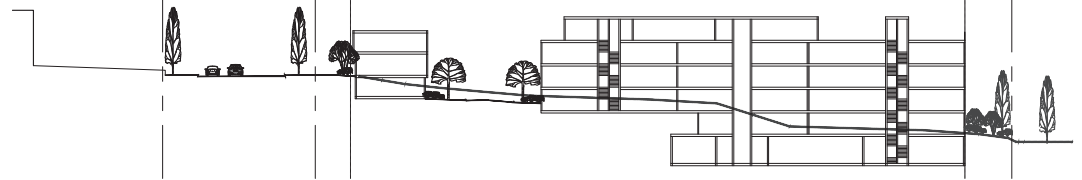
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|-------------|-------------|-------------|--------|
| PROJECT NO: | 17109       | DRAWN BY:   | CHBIII |
| SCALE:      | 3/32"=1'-0" | REVIEW BY:  | DM     |
| DATE:       | APRIL, 2018 | DRAWING NO: | A309   |



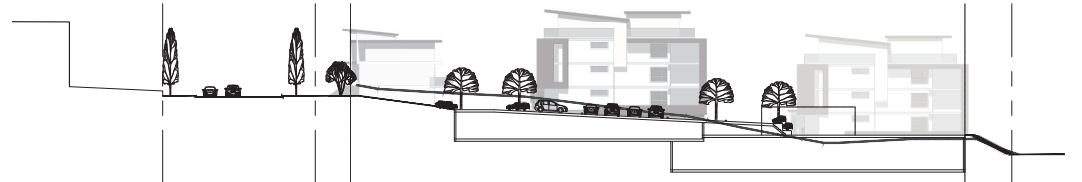
# ATTACHMENT F CONCEPTUAL LANDSCAPING PLAN



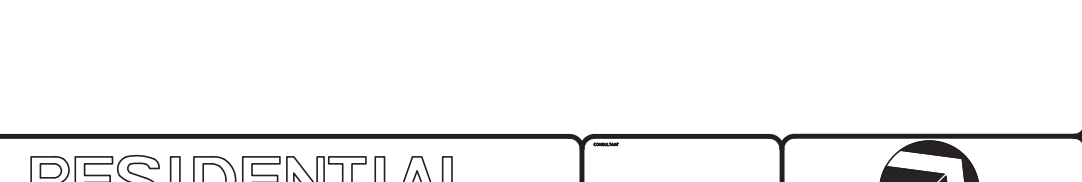
SECTION A-AA



SECTION B-BB



SECTION C-CC



|             |          |                   |
|-------------|----------|-------------------|
| 1           | 02/15/19 | S.P. GENERAL SITE |
| 2           | 07/24/19 | S.P. GENERAL SITE |
| S.P.        |          |                   |
| J.P.        |          |                   |
| FEB. 15, 19 |          |                   |
| OVR-SIR4    |          |                   |



OCEAN VIEW RESIDENTIAL  
NANIAMO, B.C.



SCHEMATIC PLAN 151

EXISTING 1500mm BOX CULVERT TO BE EXTENDED TO ACCOMMODATE PROPOSED SIDEWALK, NEW HEADWALL, AND RETAINING WALL REQUIRED. STREAM WORKS TO BE APPROVED BY MOE.

TEMPORARY CONCRETE EXTRUDED CURB ALONG EXISTING EDGE OF ASPHALT COMPLETE WITH 1.5m ASPHALT SIDEWALK. EXISTING DRAINAGE AND CULVERT TO BE ADJUSTED TO SUIT WHICH MAY REQUIRE A CATCH BASIN.

PROPERTY LINE CONFLICT TO BE CONFIRMED VIA LEGAL SURVEY.

SMALL ALLEN BLOCK RETAINING WALL LIKELY REQUIRED.

EXISTING DIRT TRAIL TO BE REPLACED WITH CONCRETE WALKWAY AND STAIRS. STAIRS TO HAVE RAILING AND 0.5m WIDE RAMP TO ACCOMMODATE BICYCLES.

896 ALBERT STREET

471 MACHLEARY STREET

889 ALBERT STREET

474 PINE STREET

ALBERT STREET

CAT STREAM

PINE STREET

FOURTH STREET

MACHLEARY STREET

EXTD RETAINING WALL (NO POST BARRIERS)

EXTD ± 1500mm BOX CULVERT

1.5m S/W

PROPOSED PEDESTRIAN LETDOWN C/W NEW STOP SIGN, STOP BAR, AND CROSSWALK.

LEGEND

LAMP STANDARD • LS • LS CLEANSOUT •

POLE (Hydro, Tel.) • PP • PP CATCHBASIN □ □

U/G WIRING --- UGH --- MANHOLE ○ ○

GAS --- GAS --- SERVICE RISER ○ •

WATER --- W --- MOUNTABLE CURB ---MC---

SEWER --- S --- NON-MOUNT. CURB ---NMC---

DRAIN --- D --- EDGE ASPHALT ---

DITCH ---

METER ---

FLUSH VALVE ---

VALVE ---

REDUCER ---

HYDRANT ---

AIR VALVE ---

1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1  
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660  
E-MAIL : nanaimo@jeanderson.com

J.E. ANDERSON & ASSOCIATES  
SURVEYORS -- ENGINEERS

JURISDICTION  
CITY OF NANAIMO

CLIENT  
OCEAN VIEW INVESTMENTS LTD.

PROJECT  
388 MACHLEARY STREET  
CONCEPTUAL PEDESTRIAN CONNECTION  
MACHLEARY ST. TO PINE ST.

89202 01 SK1

1 JUN 28/19

NO. REVISION DESCRIPTION DATE CHECK APPR.

1 ISSUED FOR COORDINATION

ELEVATIONS ARE GEODETIC AND TO NAD83

PROJECT DATUM

LEGAL DESCRIPTION

1:250 0 5 15m

FULL SIZE  
SCALE: 1:250 HORIZ.  
N/A VERT.

DESIGN: SS

DRAWN: TD

SHEET 1 OF 1

# ATTACHMENT H

## Consultation Summary

| <b>Host Organization</b> | <b>Consultation and Engagement</b>                                    | <b>Date</b>         | <b>Attendees / Responses</b> |
|--------------------------|---|---------------------|------------------------------|
| NOCA                     | Community workshop and visioning workbook                             | May 2017            | 60                           |
| Developer                | Open House – Saint Peter's Catholic Church                            | October 2017        | 80                           |
| City of Nanaimo          | Meeting between Developer and NOCA Working Group                      | February 2018       | 12                           |
| NOCA                     | Open House – Saint Andrew's United Church Hall and Facilitated Survey | March 2018          | 80 / 51                      |
| Developer                | Open House  | January 2019        | 50                           |
| NOCA                     | Public survey and information session                                 | March – April, 2019 | 148                          |



**ATTACHMENT I  
AERIAL PHOTO**



**OFFICIAL COMMUNITY PLAN APPLICATION NO. OCP00089 and  
REZONING APPLICATION NO. RA00395**



CITY OF NANAIMO

BYLAW NO. 6500.040

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend the City of Nanimo "Offical Community Plan Bylaw 2008 No. 6500";

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

1. Title

This Bylaw may be cited as "Offical Community Plan Amendment Bylaw 2019 No. 6500.040".

2. Amendments

"Official Community Plan Bylaw 2008 No. 6500" is hereby amended as follows:

1. MAP 1 (Future Land Use Plan) of the "Official Community Plan Bylaw 2008 No. 6500" is amended as follows:

- a. Redesignate the land legally described as LOT A, SECTION 1, NANAIMO CITY, PLAN VIP53876 (388 Machleary Street) from 'Neighbourhood' to 'Corridor' as shown on Schedule A – Location Plan.

2. Amend Schedule B (Old City Neighbourhood Concept Plan) of the "Official Community Plan Bylaw 2008 No. 6500" as follows:

- a. Adding subsection 4.1.2.4 as the following:

Notwithstanding Section 4.1.2, Sub-Area 1a, a multiple-family residential development for a maximum of 175 residential units is permitted on the property legally described as 388 Machleary Street (LOT A, SECTION 1, NANAIMO CITY, PLAN VIP53876; PID 017 705 690).

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

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

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

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

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

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

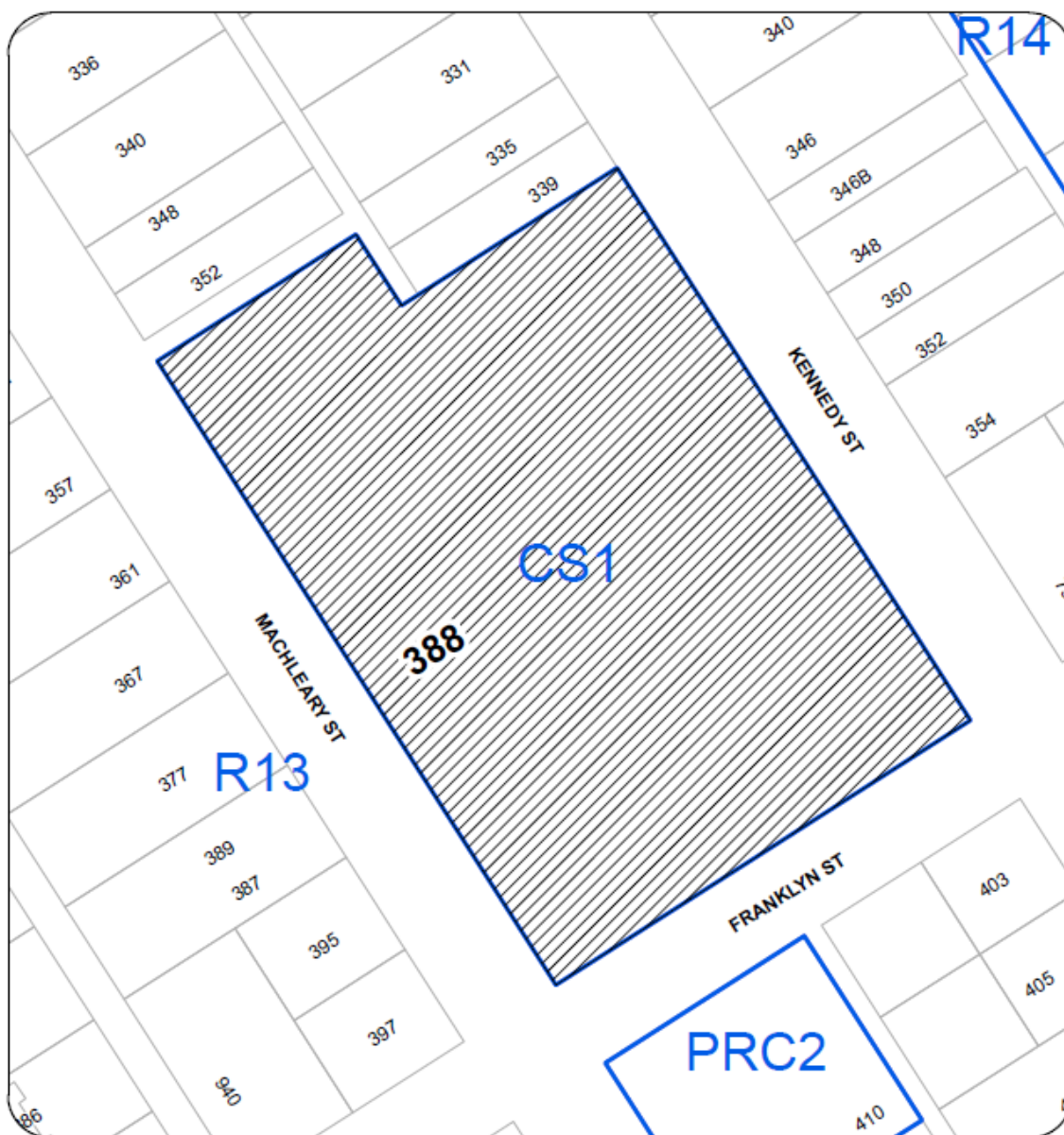
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MAYOR

---

CORPORATE OFFICER

## SCHEDULE A




**OFFICIAL COMMUNITY PLAN APPLICATION NO. OCP00089 and  
REZONING APPLICATION NO. RA000395**

### LOCATION PLAN



Civic: 388 MACHLEARY STREET  
Legal Description: LOT A, SECTION 1,  
NANAIMO CITY, PLAN 53876

 Subject Property

CITY OF NANAIMO

BYLAW NO. 4500.124

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

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

1. This Bylaw may be cited as “Zoning Amendment Bylaw 2019 No. 4500.124”.
2. By rezoning the lands legally described LOT A, SECTION 1, NANAIMO CITY, PLAN VIP53876 (388 Machleary Street) Community Service One (CS1) to Comprehensive Development Eleven (CD11) as shown on Schedule A.
3. The “City of Nanaimo Zoning Bylaw 2011 No.4500” is hereby amended by adding Section 16.11 as follows:

16.11 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE ELEVEN (CD11)  
The intent of this zone is to provide for a multiple family residential development within the Old City which includes townhouse and medium density residential development.

16.11.1 Permitted Uses

Principal Use:  
Multiple Residential Dwelling

Accessory Uses:

| Accessory Use       | Conditions of Use  |
|---------------------|--------------------|
| Daycare             | Subject to Part 6. |
| Home Based Business | Subject to Part 6. |

16.11.2 Density

The following table specifies the maximum allowable density (floor area ratio) per individual area as shown on the plans included within Subsection 16.11.6.

| Area # | Maximum Floor Area Ratio |
|--------|--------------------------|
| 1      | 0.75                     |
| 2      | 1.43                     |
| 3      | 1.03                     |

### 16.11.3 Building Size

The following table specifies the maximum allowable building height per individual area as shown on the plans included within Subsection 16.11.6.

| Area # | Maximum Allowable Building Height | Area Coverage |
|--------|-----------------------------------|---------------|
| 1      | 10m                               | 40%           |
| 2      | 16.5m                             | 45%           |
| 3      | 17.5m                             | 30%           |

### 16.11.4 Building Siting

The following table identifies the minimum distance a principal building must be setback from the area boundary immediately adjacent to the street or area line specified within each respective column heading within each area, as identified on the plans included within Subsection 16.11.6.

| Area # | Machleary Street | Franklyn Street | Kennedy Street | Side Yard | Rear Yard |
|--------|------------------|-----------------|----------------|-----------|-----------|
| 1      | 4.5m             | 6m              | N/A            | 1.5m      | 6m        |
| 2      | N/A              | N/A             | 6m             | 1.5m      | 6m        |
| 3      | N/A              | 6m              | 6m             | 3m        | 8m        |

### 16.11.5 Area Size and Dimensions

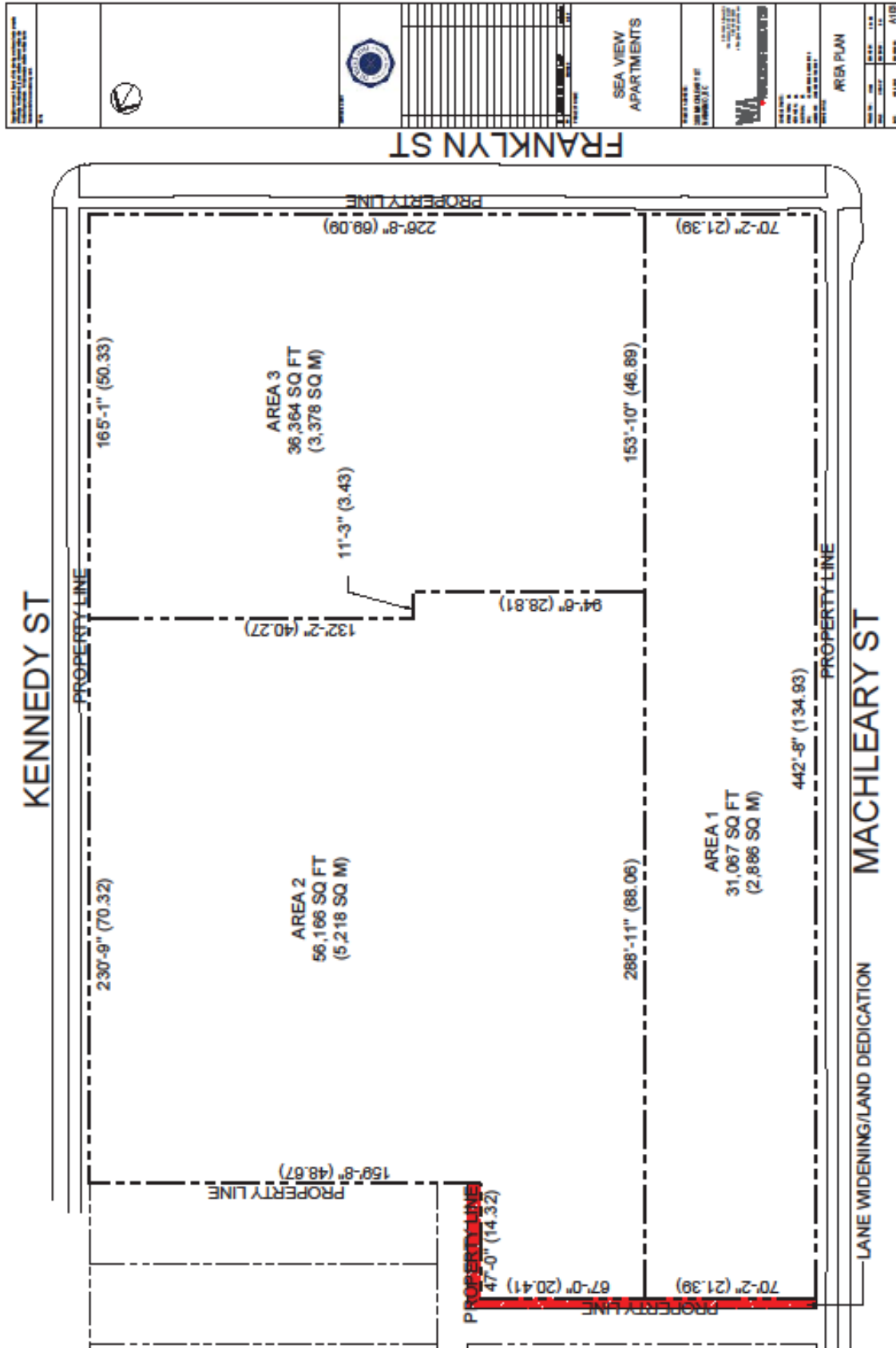
The minimum area frontage, size and depth and the area numbers referred to in Subsections 16.11.2, 16.11.3, and 16.11.4 shall be in general accordance with the following table:

| Area # | Minimum Lot Size     | Minimum Lot Frontage | Minimum Lot Depth |
|--------|----------------------|----------------------|-------------------|
| 1      | 2,800 m <sup>2</sup> | 130                  | 20                |
| 2      | 5,200 m <sup>2</sup> | 70                   | 65                |
| 3      | 3,300 m <sup>2</sup> | 50                   | 65                |

### 16.11.6 Plans

Within the CD11 zone, the lands shall be developed in accordance with the areas outlined in the following plan:





#### 16.11.7 Fences

The following table specifies the maximum allowable fence height per individual Area as shown on the plans included within Subsection 16.11.6.

| Area # | Machleary Street | Franklyn Street | Kennedy Street | Lane / Walkway | Side Yard | Rear Yard |
|--------|------------------|-----------------|----------------|----------------|-----------|-----------|
| 1      | 1.2m             | 1.2m            | N/A            | 1.2m           | N/A       | 1.8m      |
| 2      | N/A              | N/A             | 1.2m           | 1.2m           | 1.8m      | 1.8m      |
| 3      | N/A              | 1.2m            | 1.2m           | N/A            | 1.8m      | 1.8m      |

#### 16.11.8 Screening and Landscaping

Screening and landscaping shall be completed in compliance with Part 17.

#### 16.11.9 Location of Vehicle Parking Areas

No vehicle parking shall be permitted between a building and a property line abutting a public street.

4. By amending Subsection 17.11 by adding “CD11” before “CC1, CC2, CC3, CC4, CC5, CC6” in the MINIMUM LANDSCAPE TREATMENT LEVELS table as follows:

| Subject Property Zoned | Front Yard | Side Yard | Rear Yard | Storage / Landfill / Refuse Receptacles |
|------------------------|------------|-----------|-----------|---|
| CD11                   | 1          | 2         | 2         | 2                                       |

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

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

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

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

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

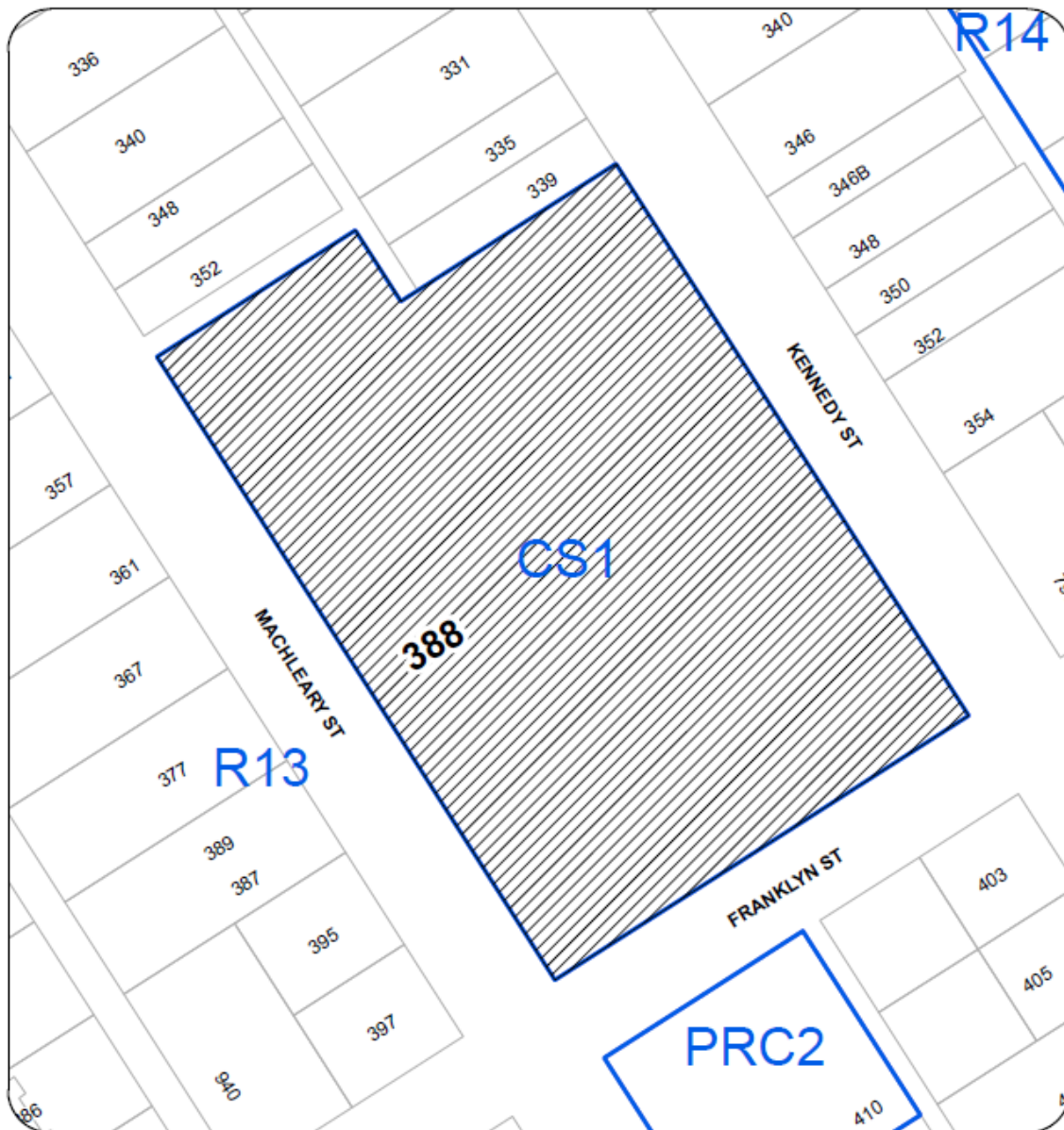
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

File: RA000395  
388 Machleary Street

## SCHEDULE A




**OFFICIAL COMMUNITY PLAN APPLICATION NO. OCP00089 and  
REZONING APPLICATION NO. RA000395**

### LOCATION PLAN



Civic: 388 MACHLEARY STREET  
Legal Description: LOT A, SECTION 1,  
NANAIMO CITY, PLAN 53876

 Subject Property

## **8. Bylaw**



CITY OF NANAIMO

BYLAW NO. 4500.155

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. 4500.155".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854, (50 Tenth Street) to allow Cannabis Retail Store as a site-specific use within the City Commercial Centre (CC3) Zone, as shown on Schedule A.

PASSED FIRST READING: 2019-JUL-22

PASSED SECOND READING: 2019-JUL-22

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

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

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

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

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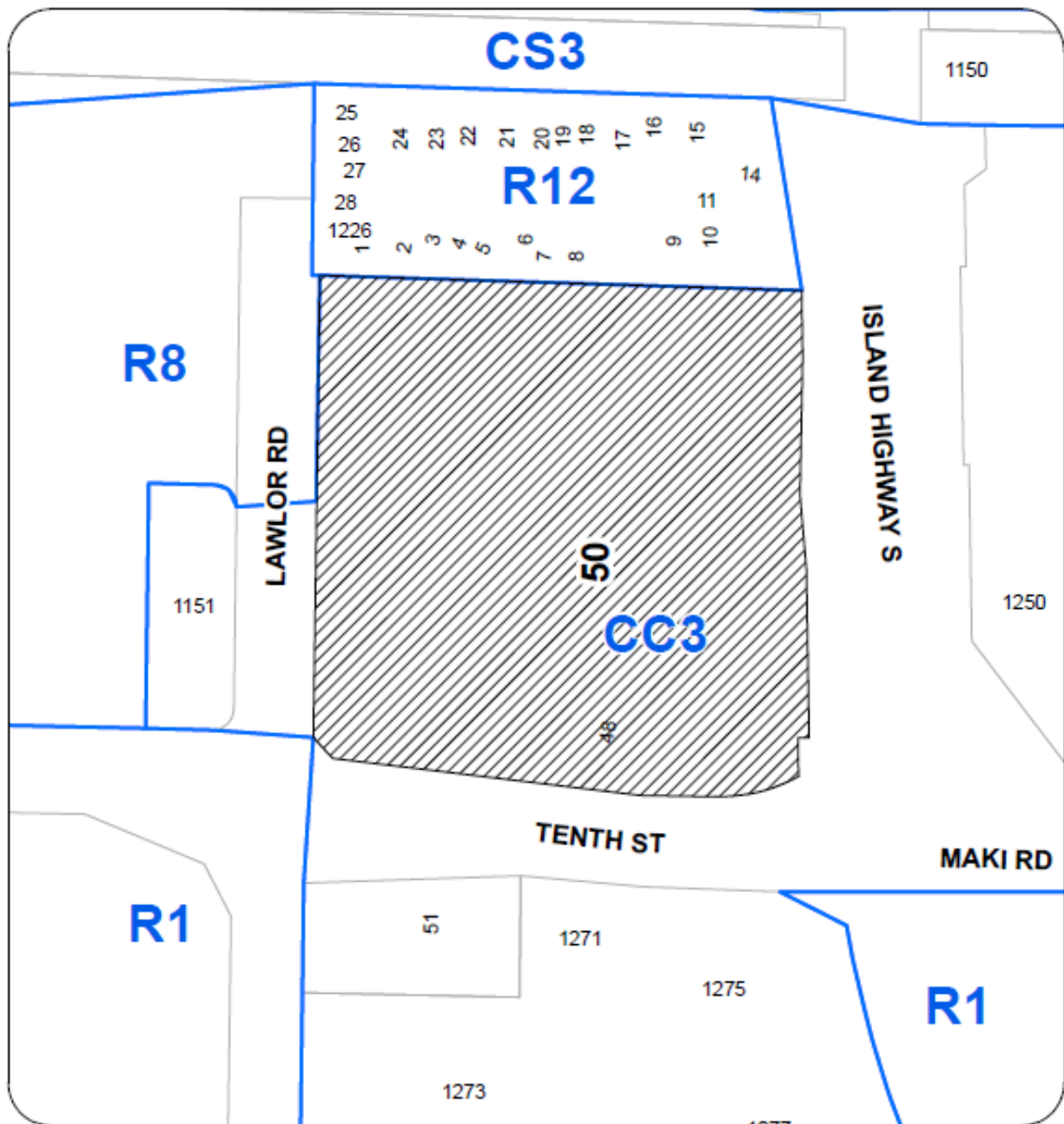
MAYOR

---

CORPORATE OFFICER

File: RA000431  
Address: 50 Tenth Street

## LOCATION PLAN



REZONING APPLICATION NO. RA000431

## LOCATION PLAN

CIVIC: 50 TENTH STREET

LEGAL: LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854



SUBJECT PROPERTY

Document Path: V:\Source Data\Departmental Data\Eng\Public\GIS\Projects\TEMPLATES\LOCATION\_PLAN\Map\RA000431\_LP.mxd

CITY OF NANAIMO

BYLAW NO. 4500.157

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. 4500.157".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 3, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 6733 (2379 Browns Lane) from Single Dwelling Residential (R1) to Residential Corridor (COR1) as shown on Schedule A.

PASSED FIRST READING: 2019-AUG-26

PASSED SECOND READING: 2019-AUG-26

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

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

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

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

\_\_\_\_\_  
MAYOR

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

File: RA000372  
Address: 2379 Browns Lane





CITY OF NANAIMO

BYLAW NO. 4500.134

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. 4500.134".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the lands legally described as LOT 1, SECTION 18, RANGE 4, CRANBERRY DISTRICT, PLAN 15503 (1534 Extension Road) from Single Dwelling Residential (R1) to Townhouse Residential (R6) as shown on Schedule A.
  - (B) By adding the following after Subsection 7.3.7:

7.3.8 Notwithstanding 7.3.1, the maximum Floor Area Ratio shall not exceed 0.65 on the land legally described as LOT 1, SECTION 18, RANGE 4, CRANBERRY DISTRICT, PLAN 15503 (1534 Extension Road)

PASSED FIRST READING: 2019-JUL-22

PASSED SECOND READING: 2019-JUL-22

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

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

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

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

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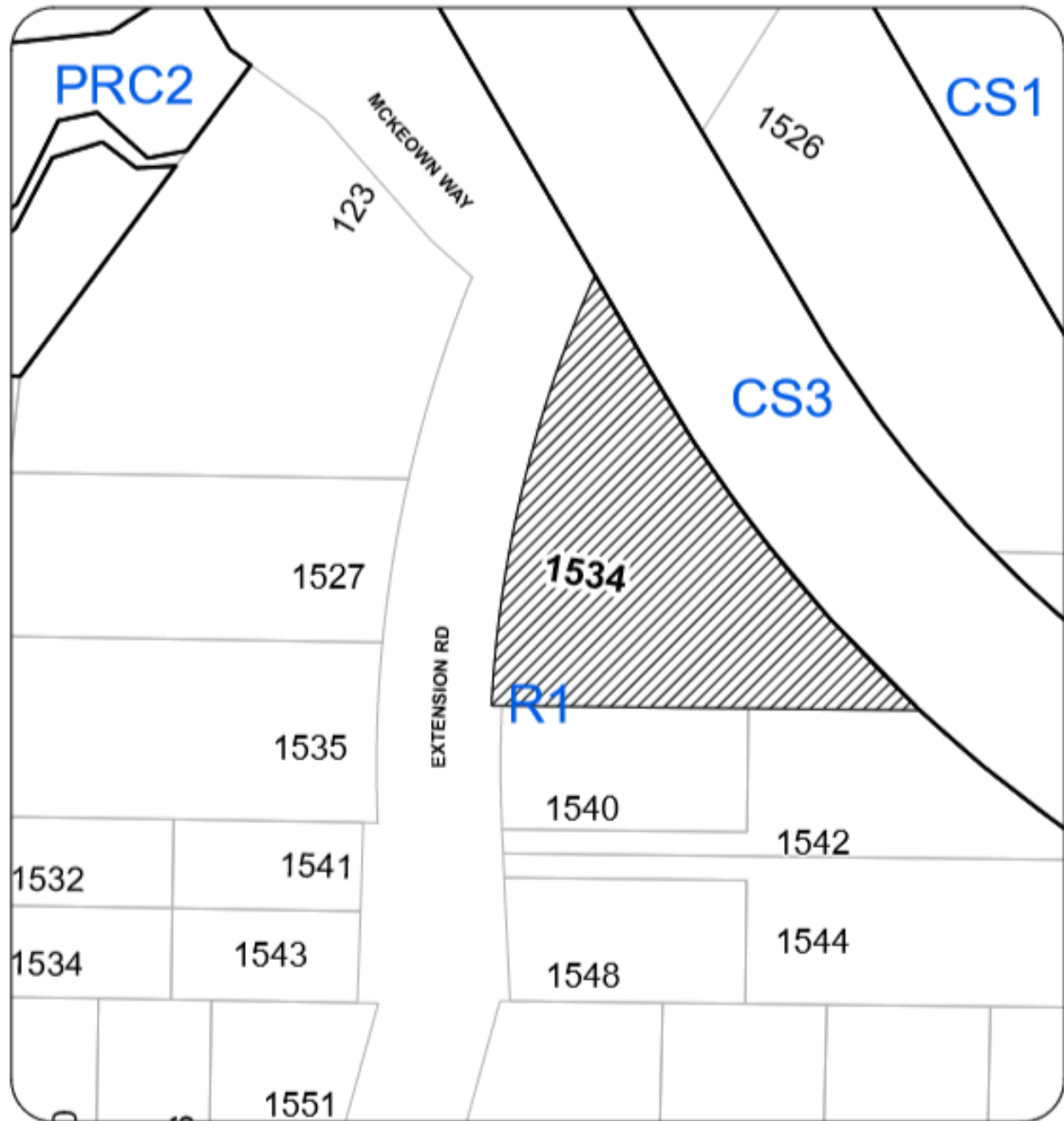
MAYOR

---

CORPORATE OFFICER

File: RA000399  
Address: 1534 Extension Road

**SCHEDULE A  
LOCATION PLAN**



**REZONING APPLICATION NO. RA000399**

**LOCATION PLAN**



Civic: 1534 Extension Road  
Legal: LOT 1, SECTION 18, RANGE 4,  
CRANBERRY DISTRICT, PLAN 15503

CITY OF NANAIMO

BYLAW NO. 6500.040

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend the City of Nanimo "Offical Community Plan Bylaw 2008 No. 6500";

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

1. Title

This Bylaw may be cited as "Offical Community Plan Amendment Bylaw 2019 No. 6500.040".

2. Amendments

"Official Community Plan Bylaw 2008 No. 6500" is hereby amended as follows:

1. MAP 1 (Future Land Use Plan) of the "Official Community Plan Bylaw 2008 No. 6500" is amended as follows:

- a. Redesignate the land legally described as LOT A, SECTION 1, NANAIMO CITY, PLAN VIP53876 (388 Machleary Street) from 'Neighbourhood' to 'Corridor' as shown on Schedule A – Location Plan.

2. Amend Schedule B (Old City Neighbourhood Concept Plan) of the "Official Community Plan Bylaw 2008 No. 6500" as follows:

- a. Adding subsection 4.1.2.4 as the following:

Notwithstanding Section 4.1.2, Sub-Area 1a, a multiple-family residential development for a maximum of 175 residential units is permitted on the property legally described as 388 Machleary Street (LOT A, SECTION 1, NANAIMO CITY, PLAN VIP53876; PID 017 705 690).

PASSED FIRST READING: 2019-AUG-26

PASSED SECOND READING: 2019-AUG-26

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

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

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

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

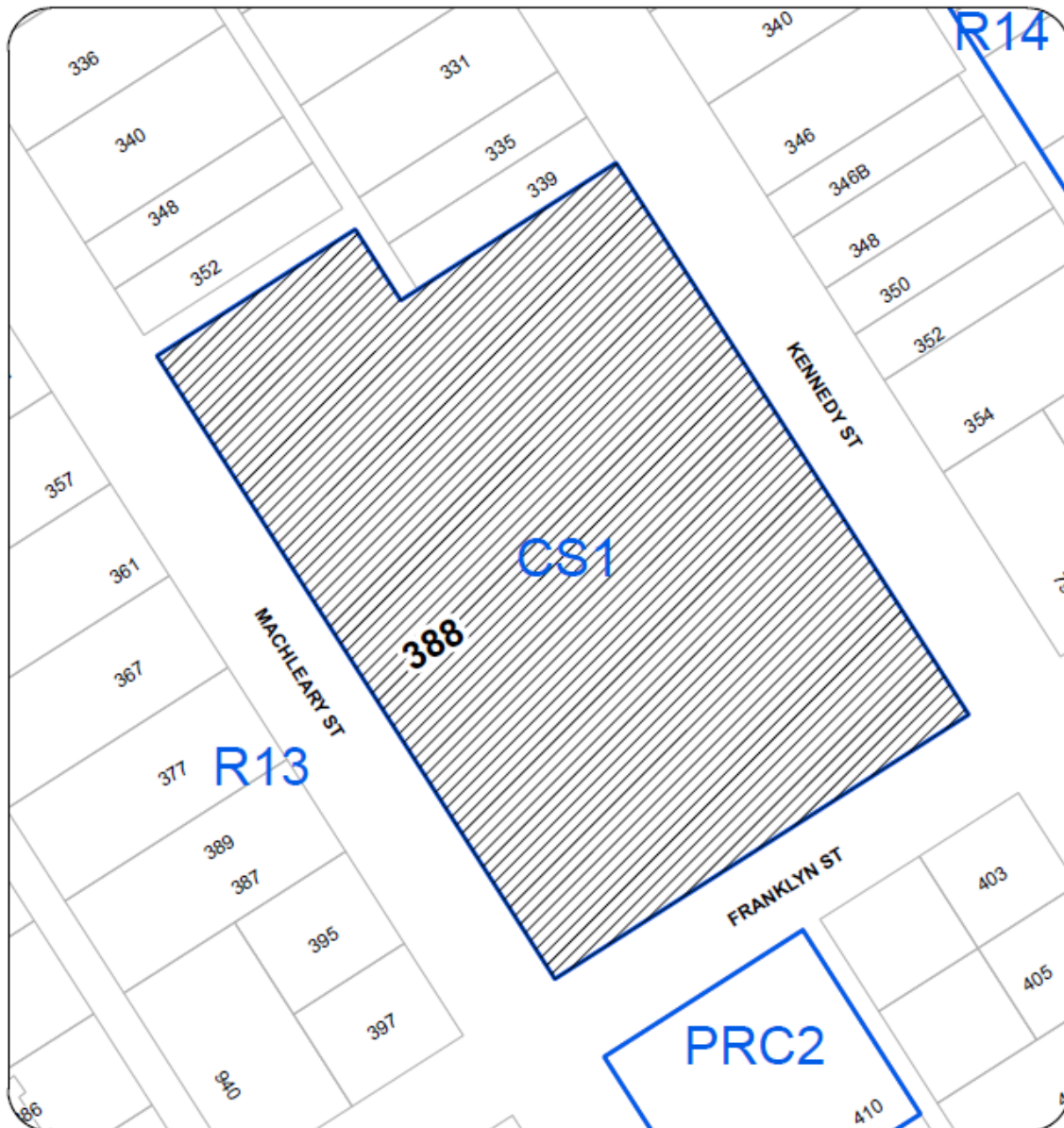
---

MAYOR

---

CORPORATE OFFICER

## SCHEDULE A




**OFFICIAL COMMUNITY PLAN APPLICATION NO. OCP00089 and  
REZONING APPLICATION NO. RA000395**

### LOCATION PLAN



Civic: 388 MACHLEARY STREET  
Legal Description: LOT A, SECTION 1,  
NANAIMO CITY, PLAN 53876

 Subject Property



CITY OF NANAIMO

BYLAW NO. 4500.124

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

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

1. This Bylaw may be cited as “Zoning Amendment Bylaw 2019 No. 4500.124”.
2. By rezoning the lands legally described LOT A, SECTION 1, NANAIMO CITY, PLAN VIP53876 (388 Machleary Street) Community Service One (CS1) to Comprehensive Development Eleven (CD11) as shown on Schedule A.
3. The “City of Nanaimo Zoning Bylaw 2011 No.4500” is hereby amended by adding Section 16.11 as follows:

16.11 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE ELEVEN (CD11)  
The intent of this zone is to provide for a multiple family residential development within the Old City which includes townhouse and medium density residential development.

16.11.1 Permitted Uses

Principal Use:  
Multiple Residential Dwelling

Accessory Uses:

| Accessory Use       | Conditions of Use  |
|---------------------|--------------------|
| Daycare             | Subject to Part 6. |
| Home Based Business | Subject to Part 6. |

16.11.2 Density

The following table specifies the maximum allowable density (floor area ratio) per individual area as shown on the plans included within Subsection 16.11.6.

| Area # | Maximum Floor Area Ratio |
|--------|--------------------------|
| 1      | 0.75                     |
| 2      | 1.43                     |
| 3      | 1.03                     |

### 16.11.3 Building Size

The following table specifies the maximum allowable building height per individual area as shown on the plans included within Subsection 16.11.6.

| Area # | Maximum Allowable Building Height | Area Coverage |
|--------|-----------------------------------|---------------|
| 1      | 10m                               | 40%           |
| 2      | 16.5m                             | 45%           |
| 3      | 17.5m                             | 30%           |

### 16.11.4 Building Siting

The following table identifies the minimum distance a principal building must be setback from the area boundary immediately adjacent to the street or area line specified within each respective column heading within each area, as identified on the plans included within Subsection 16.11.6.

| Area # | Machleary Street | Franklyn Street | Kennedy Street | Side Yard | Rear Yard |
|--------|------------------|-----------------|----------------|-----------|-----------|
| 1      | 4.5m             | 6m              | N/A            | 1.5m      | 6m        |
| 2      | N/A              | N/A             | 6m             | 1.5m      | 6m        |
| 3      | N/A              | 6m              | 6m             | 3m        | 8m        |

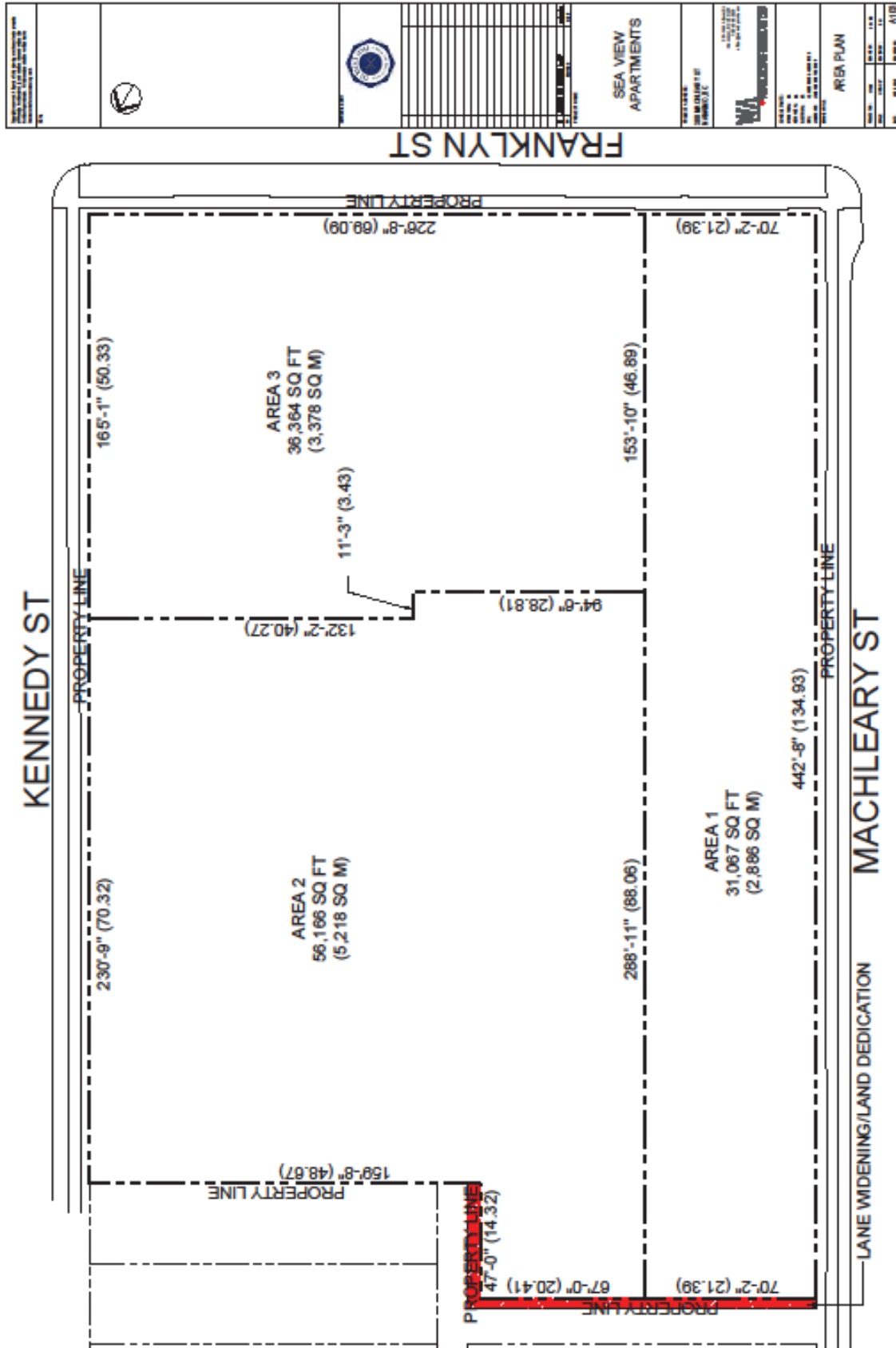
### 16.11.5 Area Size and Dimensions

The minimum area frontage, size and depth and the area numbers referred to in Subsections 16.11.2, 16.11.3, and 16.11.4 shall be in general accordance with the following table:

| Area # | Minimum Lot Size     | Minimum Lot Frontage | Minimum Lot Depth |
|--------|----------------------|----------------------|-------------------|
| 1      | 2,800 m <sup>2</sup> | 130                  | 20                |
| 2      | 5,200 m <sup>2</sup> | 70                   | 65                |
| 3      | 3,300 m <sup>2</sup> | 50                   | 65                |

### 16.11.6 Plans

Within the CD11 zone, the lands shall be developed in accordance with the areas outlined in the following plan:



#### 16.11.7 Fences

The following table specifies the maximum allowable fence height per individual Area as shown on the plans included within Subsection 16.11.6.

| Area # | Machleary Street | Franklyn Street | Kennedy Street | Lane / Walkway | Side Yard | Rear Yard |
|--------|------------------|-----------------|----------------|----------------|-----------|-----------|
| 1      | 1.2m             | 1.2m            | N/A            | 1.2m           | N/A       | 1.8m      |
| 2      | N/A              | N/A             | 1.2m           | 1.2m           | 1.8m      | 1.8m      |
| 3      | N/A              | 1.2m            | 1.2m           | N/A            | 1.8m      | 1.8m      |

#### 16.11.8 Screening and Landscaping

Screening and landscaping shall be completed in compliance with Part 17.

#### 16.11.9 Location of Vehicle Parking Areas

No vehicle parking shall be permitted between a building and a property line abutting a public street.

4. By amending Subsection 17.11 by adding “CD11” before “CC1, CC2, CC3, CC4, CC5, CC6” in the MINIMUM LANDSCAPE TREATMENT LEVELS table as follows:

| Subject Property Zoned | Front Yard | Side Yard | Rear Yard | Storage / Landfill / Refuse Receptacles |
|------------------------|------------|-----------|-----------|---|
| CD11                   | 1          | 2         | 2         | 2                                       |

PASSED FIRST READING: 2019-AUG-26

PASSED SECOND READING: 2019-AUG-26

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

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

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

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

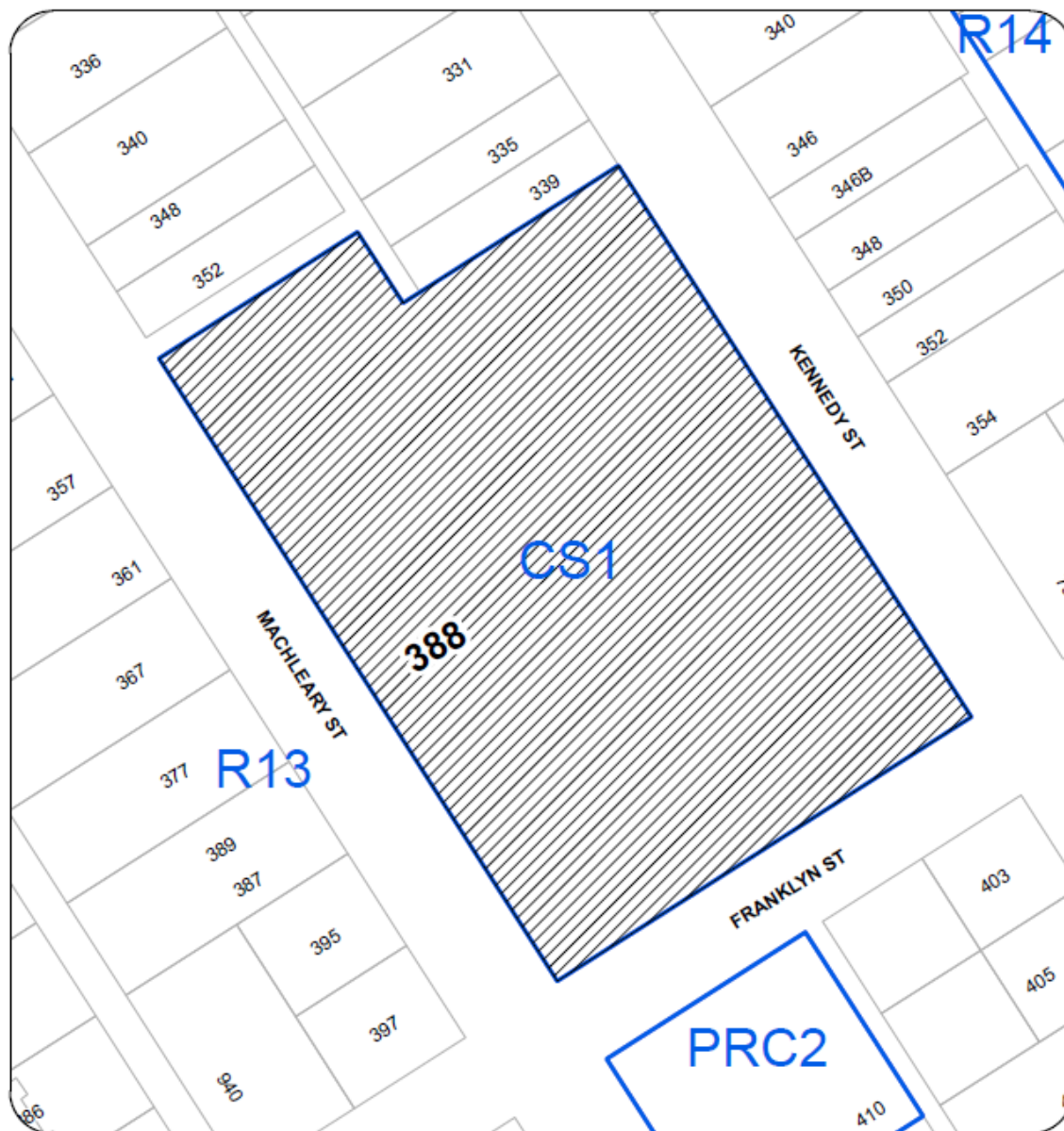
\_\_\_\_\_  
MAYOR

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

File: RA000395  
388 Machleary Street



## SCHEDULE A




**OFFICIAL COMMUNITY PLAN APPLICATION NO. OCP00089 and  
REZONING APPLICATION NO. RA000395**

### LOCATION PLAN



Civic: 388 MACHLEARY STREET  
Legal Description: LOT A, SECTION 1,  
NANAIMO CITY, PLAN 53876

 Subject Property

DATE OF MEETING | September 19, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

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

## **OVERVIEW**

### **Purpose of Report**

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

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following property:

1. 1055 Old Victoria Road – illegal secondary suite |

## **BACKGROUND**

### **Illegal Secondary Suite**

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

- 1055 Old Victoria Road

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

## **DISCUSSION**

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

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

### **SUMMARY POINTS**

- A Bylaw Contravention Notice is being registered in compliance with the Secondary Suite Enforcement Policy.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | September 19, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT –16 FIFTH STREET |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 16 Fifth Street. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 16 Fifth Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection conducted as a result of a business licence referral revealed that construction had previously been completed to enclose the mezzanine to create a second storey and to reconfigure a portion of the office area without first obtaining a building permit. Correspondence was forwarded to the owners detailing what is required in order to bring the building into compliance under a building permit. The deadline for a building permit application was 2017-AUG-28. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.



- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | September 19, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 651 BRECHIN ROAD** |

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 651 Brechin Road. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 651 Brechin Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection was completed on 2018-MAY-22 in response to a complaint received regarding illegal construction. The inspection confirmed that work had been completed to construct a front entry without a building permit. Correspondence was forwarded to the owner advising that a building permit was required for this work. An application to legitimize the construction was subsequently received; however, the permit was never picked up and the application has now expired. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

## **DISCUSSION**

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

## **SUMMARY POINTS**

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

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

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | September 19, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2805/2817/2829 GLENAYR DR** |

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2805/2817/2829 Glenayr Drive. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2805/2817/2829 Glenayr Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". |

## **BACKGROUND**

An inspection was completed on 2018-FEB-14 in response to a complaint received regarding illegal construction. The inspection confirmed that work had been completed to enclose a portion of the multi-family-use carport to create a storage/workshop. This work was undertaken without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2019-APR-04. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224". |

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.



- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | September 19, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 311 WOODHAVEN DRIVE |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 311 Woodhaven Drive. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 311 Woodhaven Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection was completed on 2019-JUN-03 in response to a complaint received regarding illegal construction. The inspection confirmed that work to enclose the upper deck to create living space was underway, and the front entry deck, including stairs, was being rebuilt and expanded without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that the illegal work is to be deconstructed and a permit to rebuild would be required. The deadline for deconstruction and application for a building permit was 2019-JUN-19. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.

- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
Director, Community Development

DATE OF MEETING | September 19, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 337 NINTH STREET** |

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 337 Ninth Street. |

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 337 Ninth Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection was completed on 2016-JUN-03 in response to a complaint regarding illegal construction. The inspection confirmed construction of a shed-type roof structure attached to the main dwelling was underway without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for an application was 2019-JUN-18. To date, a building permit application for this work has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.



- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
Director, Community Development

DATE OF MEETING September 19, 2019

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNAUTHORIZED STRUCTURE – 3440 SHENTON ROAD

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to enforce the provisions of the *Community Charter* related to an unauthorized temporary fabric-covered structure.

### **Recommendation**

That Council:

1. issue a Remedial Action Order at 3440 Shenton Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
4. direct that the remedial action consist of removal of the temporary fabric-covered structure.

## **BACKGROUND**

The property at 3440 Shenton Road is the site of Enterprises Rent-a-Car Canada Ltd, operating as a commercial business. A complaint was received regarding a temporary fabric structure that has been erected on the property, which is utilized by the business as a car wash/detailing station. Temporary fabric structures are permitted for a limited time; however, as the structure exceeds 23m<sup>2</sup>, a building permit with an accompanying structural engineering report must be obtained. A building permit has not been obtained, and the structure is therefore a hazard.

## **DISCUSSION**

The business owner responsible for erecting the structure met with Staff from the Building Inspections Section and has been given options for legalizing this structure or erecting a permanent structure on site. The property owner was given direction to remove the temporary structure and has failed to do so.

## **OPTIONS**

1. That Council:
  - a) issue a Remedial Action Order at 3440 Shenton Road pursuant to Sections 72 and 73 of the *Community Charter*;
  - b) direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
  - c) direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
  - d) that the remedial action consist of removal of the temporary fabric-covered structure.
2. That Council provide alternative direction. |

## **SUMMARY POINTS**

- An illegal structure has been located on the property.
- The fabric-covered structure exceeds the allowable 23m<sup>2</sup>, and to remain, would require a building permit.
- The property owner has been directed to remove the structure.

### **Submitted by:**

David LaBerge  
Manager, Bylaw Services |

### **Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services |

DATE OF MEETING September 19, 2019

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNAUTHORIZED STRUCTURE – 479 PARK AVENUE

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to enforce the provisions of the *Community Charter* related to an unauthorized structure.

### **Recommendation**

That Council:

1. issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
4. direct that the remedial action consist of removal of the unauthorized lean-to structure.

## **BACKGROUND**

The City's Building Inspections Section Staff attended to the property at 479 Park Avenue on 2019-JAN-21 and determined a lean-to structure had been built onto the existing building, and had been constructed without a building permit. As such, the structure has not been inspected or otherwise confirmed to be in compliance with the BC Building Code, City of Nanaimo "Building Bylaw 2016 No. 7224", or "City of Nanaimo Zoning Bylaw 2011 No. 4500" and therefore cannot be considered to be safe. The property owner was informed in writing to remove the structure and a Stop Work Order was issued on 2019-MAR-11.

## **DISCUSSION**

The property owner met in person with Staff and was directed by hand-delivered correspondence dated 2019-MAR-29 to remove the structure. Subsequent inspection by the City Bylaw Enforcement Staff revealed the owner has taken no action and the structure is still in place.

## **OPTIONS**

1. That Council:
  - a) issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
  - b) direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
  - c) direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
  - d) that the remedial action consist of removal of the unauthorized lean-to structure.
2. That Council provide alternative direction. |

## **SUMMARY POINTS**

- An illegal structure has been constructed on the property.
- The lean-to structure cannot comply with the BC Building Code, City of Nanaimo "Building Bylaw 2016 No. 7224" and the "City of Nanaimo Zoning Bylaw 2011 No. 4500".
- The property owner has been directed to remove the structure.

## **ATTACHMENTS:**

ATTACHMENT A: Photos of unauthorized structure (lean-to) |

### **Submitted by:**

David LaBerge  
Manager, Bylaw Services

### **Concurrence by:**

Bill Corsan  
Director, Community Development

|  
Dale Lindsay  
General Manager, Development Services



**ATTACHMENT A**  
**479 PARK AVENUE**



# Staff Report for Decision

DATE OF MEETING September 19, 2019

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNAUTHORIZED SUITE REMOVAL – 515 STEWART AVENUE

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to enforce the provisions of the *Community Charter* related to unauthorized suites.

### **Recommendation**

That Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owners of 515 Stewart Avenue to remove the unauthorized suite to bring the property into compliance within 30 days.

## **BACKGROUND**

The dwelling at 515 Stewart Avenue is a single family dwelling with an unauthorized suite. Alterations were done without a building permit, as required by City of Nanaimo “Building Bylaw 2016 No. 7224”.

Correspondence was directed to the property owner outlining the requirements to retain the suite or remove it.

- The Building Inspections Section conducted an inspection of the suite on 2018-MAY-28. The suite was constructed in the single family dwelling after 2005 without a building permit.
- Post-inspection correspondence was directed to the property owner advising they must obtain a building permit or remove the suite prior to 2018-NOV-31.
- A Building Contravention notice was registered on the title of the property on 2019-JAN-16.
- The property owner did not take steps to legalize the suite, and, as such, enforcement action was commenced on 2019-APR-01.
- The matter was set to go forward to Council on 2019-JUL-22 to seek a removal order. The matter was pulled from that meeting and correspondence was hand delivered on 2019-JUL-11 to the property owner advising that the meeting would be rescheduled.
- To date, the property is not in compliance.

## **DISCUSSION**

Opportunity has been provided for the property owners to bring the single family dwelling into compliance. To date, the illegal suite remains in the dwelling. Correspondence was received

from the owner 2019-SEP-09 in which the City was advised the owner has received financing and expects a building permit to be submitted in the first part of October 2019.

Staff are seeking authorization for a Removal Order from Council for the illegal suite, with a 30-day window in which the owner has opportunity to abide by the City's requirement for a building permit submission.

## **OPTIONS**

1. That Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the property owners of 515 Stewart Avenue to remove the unauthorized suite to bring the property into compliance within 30 days.
2. That Council provide alternative direction.

## **SUMMARY POINTS**

- The Property at 515 Stewart Avenue contains an unauthorized suite.
- Efforts were made to bring the property into compliance.
- As compliance was not achieved, the property has been forwarded to Council for authorization to enforce the provisions of Sections 72 and 73 of the *Community Charter*, with a 30-day window in which to bring the property into compliance.

### **Submitted by:**

Dave LaBerge  
Manager, Bylaw Services

### **Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING 2019-SEP-19

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

**SUBJECT PROPERTY MAINTENANCE - 188 CAPT MORGANS BOULEVARD  
AND 63 PIRATES LANE**

## **OVERVIEW**

### **Purpose of Report**

The property owner is appealing the direction of the Manager of Bylaw Services to remove accumulated rubbish on or around lands or buildings owned by him at 188 Capt Morgans Boulevard and 63 Pirates Lane, pursuant to Section 8 of the "Property Maintenance and Standards Bylaw 2017 No. 7242".

### **Recommendation**

That Council, pursuant to "Property Maintenance and Standards Bylaw 2017 No. 7242", direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners' cost:

1. 188 Capt Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage.
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

## **BACKGROUND**

Complaints were received about the unsightly condition of the properties addressed as 188 Capt Morgans Boulevard and 63 Pirates Lane. Both properties were inspected and found to be in contravention of "Property Maintenance and Standards Bylaw 2017 No. 7242" (the "Property Maintenance Bylaw"). The property owner has had many months to come into compliance with the bylaw, but very little work has been completed. The Manager of Bylaw Services, who is designated to administer the enforcement of bylaw regulations, is seeking Council direction to bring these properties into compliance.

## **DISCUSSION**

### **188 Capt Morgans Boulevard**

The property addressed as 188 Capt Morgans Boulevard was inspected on 2019-JUN-19. An accumulation of vehicles, boats, trailers, building materials and garbage were observed, including chattels and vehicles on the city boulevard.

- The owner was given to 2019-JUN-30 to clean up the property. He requested additional time to comply.



- A letter was sent to the owner on 2019-JUL-11 advising the property would have to be cleaned up in compliance with the Property Maintenance Bylaw by 2019-AUG-02 or the City would complete the work at his cost.
- On 2019-JUL-23, the owner contacted the City by e-mail requesting to appear as a delegation before Council to appeal the direction.
- On 2019-AUG-07, a couple identifying as co-owners of the property contacted Bylaw Services Staff. They advised they were unaware the property had fallen into such a state of disrepair and requested assistance in compelling the owner to comply with the bylaw. They were informed they could request to speak as a delegation when the appeal was heard by Council.

### **63 Pirates Lane**

The property addressed as 63 Pirates Lane was inspected on 2019-JUN-19. An accumulation of building materials, scrap steel, lumber, appliances, a derelict boat on trailer, derelict hovercraft, older dump truck, and an old trailer full of debris were observed. There was also evidence of a fifth-wheel trailer being unlawfully occupied on the property.

- The owner was given to 2019-JUN-30 to clean up the property. He requested additional time to comply.
- A letter was sent to the owner on 2019-JUL-11 advising the property would have to be cleaned up in compliance with the Property Maintenance Bylaw by 2019-AUG-02 or the City would complete the work at his cost.
- On 2019-JUL-23, the owner contacted the City by e-mail requesting to appear as a delegation before Council to appeal the direction.
- During a subsequent inspection of the property on 2019-AUG-15, an excavator was observed on site, with a large excavation and partially installed septic system. A Stop Work Order was served as no permit had been issued for installation of a septic system.
- An inspection 2019-AUG-23 found a sanitation pipe discharging into the open ground from the fifth-wheel trailer. The Ministry of Environment was notified.
- On 2019-SEP-03, a ticket was issued pursuant to the Property Maintenance Bylaw for allowing rubbish to collect as there was no significant improvement to the property.

### **OPTIONS**

1. That Council, pursuant to "Property Maintenance and Standards Bylaw 2017 No. 7242", direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners' cost:



1. 188 Capt Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage.
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

Advantages: Removal of the materials would bring the property into compliance with the Property Maintenance Bylaw.

Disadvantages: None identified.

2. That Council provide the property owner with additional time to comply with the Property Maintenance Bylaw requirements. The property owner has not completed any substantial work to conform to the bylaw since notification in June, 2019.

Advantages: None identified.

Disadvantages: The property would continue to be in violation of the Property Maintenance Bylaw and pose a health and safety hazard.

3. That Council permit the property owner to keep the properties in their current conditions. Derelict vehicles, materials and garbage have accumulated on both properties.

Advantages: None identified.

Disadvantages: The property would remain in an unsafe, unsanitary, derelict state and would be in violation of the Property Maintenance Bylaw.

4. That Council provide alternative direction.

### **SUMMARY POINTS**

- Complaints have been received about the conditions of the properties listed in this Staff Report.
- Each property was inspected, the owners were contacted, and efforts were made to gain voluntary compliance.
- The appearance and conditions of the properties have not improved.
- The owners have requested opportunity to appeal the direction to clean the properties to Council.
- It is recommended Council direct the owners of the properties to remove accumulated materials within 14 days, or the work will be completed by the City at the owners' cost.

#### **Submitted by:**

David LaBerge  
Manager, Bylaw Services

#### **Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

## Delegation Request

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### **Delegation's Information:**

Dan Hibbert has requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is September 19, 2019.

The requested meeting is: Public Hearing

Bringing a presentation: Yes

Details of the Presentation:

Concerns with the Bylaw Department.