



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

Wednesday, October 9, 2019, 7:00 P.M.

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

SCHEDULED RECESS AT 9:00 P.M.

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Pages

1. **CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS:**
3. **ADOPTION OF AGENDA:**
4. **RECONVENE THE PUBLIC HEARING OF 2019-SEP-19:**

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. OCP Amendment Application - OCP89 and Rezoning Application RA395 - 388 Machleary Street

6 - 40

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

Call for submissions from the public.

5. **FINAL CALL FOR SUBMISSIONS REGARDING OCP AMENDMENT APPLICATION - OCP89 AND REZONING APPLICATION RA395 - 388 MACHLEARY STREET:**  
  
Following the close of a Public Hearing, no further submissions or comment from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.
6. **ADJOURNMENT OF THE 2019-SEP-19 PUBLIC HEARING:**
7. **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. Zoning Bylaw Schedule D Amendments - Step Code Implementation

41 - 64

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

Call for submissions from the public.

**8. 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.

**9. ADJOURNMENT OF THE PUBLIC HEARING**

**10. BYLAWS:**

65

a. "Official Community Plan Amendment Bylaw 2019 No. 6500.040"

66 - 67

That "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 third reading.

b. "Zoning Amendment Bylaw 2019 No. 4500.124"

68 - 72

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.

c. "Zoning Amendment Bylaw 2019 No. 4500.154"

73 - 80

That "Zoning Amendment Bylaw 2019 No. 4500.154" (To amend Schedule D of the Zoning Bylaw to modify Category 5 - Energy Management to include reference to the BC Energy Step Code) pass third reading.

**11. REPORTS:**

a. Unauthorized Structure - 479 Park Avenue

81 - 83

To be introduced by Dave Laberge, Manager, Bylaw Services.

*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.

b. Unauthorized Structure - 3440 Shenton Road

84 - 85

To be introduced by Dave Laberge, Manager, Bylaw Services.

*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.

c. Bylaw Contravention Notice - Secondary Suite

86 - 87

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 the property listed within this report.*

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

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

1. 432 Stable Place – illegal secondary suite

- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2805/2817/2829 Glenayr Drive 88 - 89

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 - 337 Ninth Street 90 - 91

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".

- f. Bylaw Contravention Notice - Construction Started Without A Building Permit - 4663 Lost Lake Road 92 - 93

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 4663 Lost Lake Road.*



It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 4663 Lost Lake 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 4663 Lost Lake Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

**12. ADJOURNMENT:**

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:**

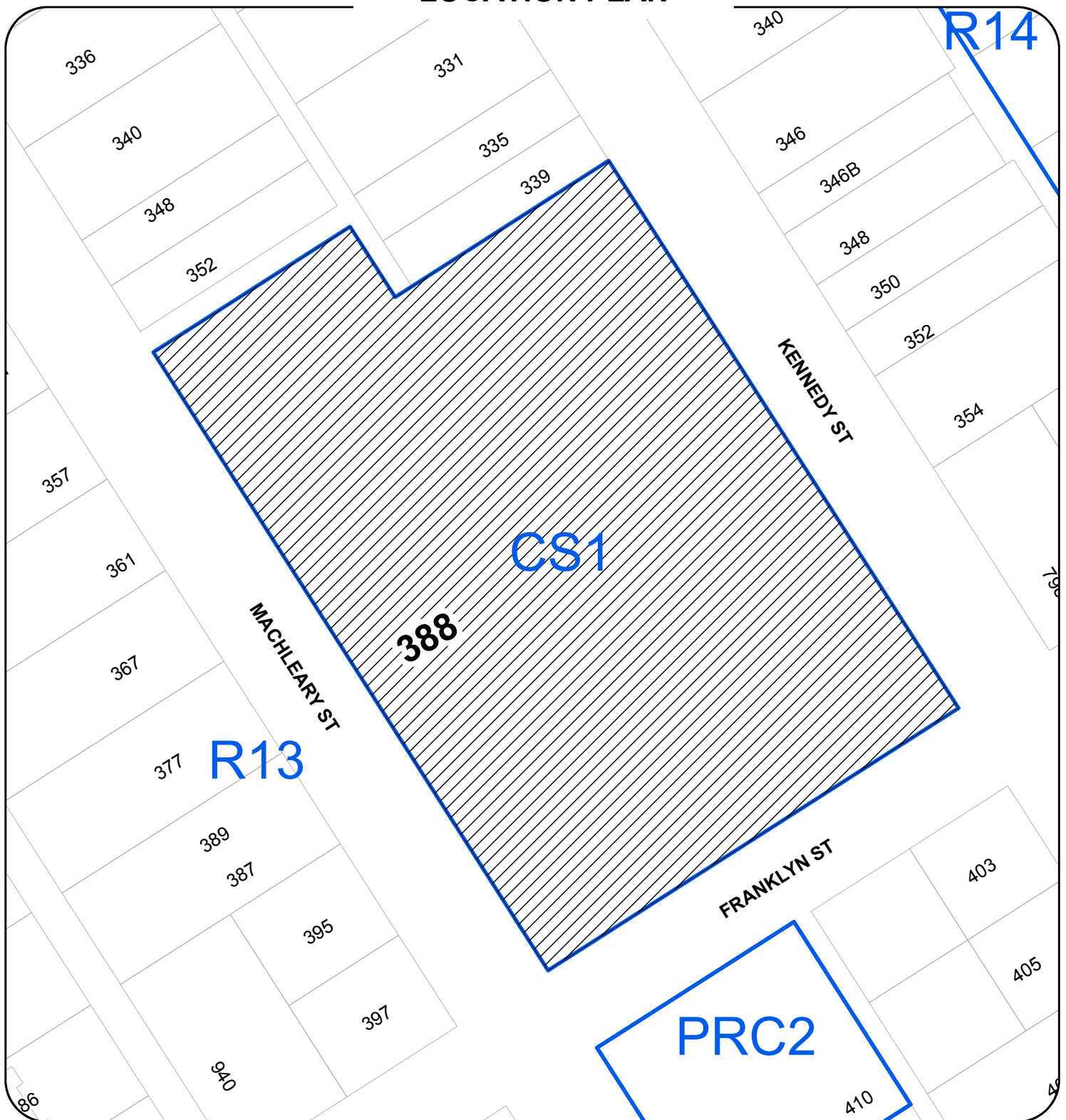
Jeremy Holm  
Director, Development Approvals

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, PL 13 53876



Subject Property

# ATTACHMENT B SITE PLAN

Historic Stairs &  
Commemorative Plaque



Public Seating Area

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.			
SEA			

# 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.



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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  
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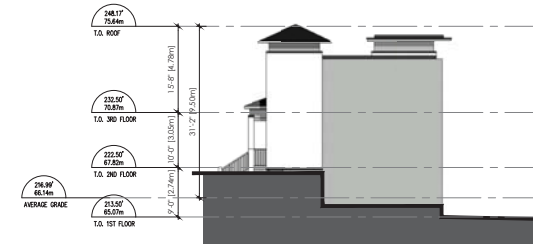
2 17109 - RENDERINGS  
NTS



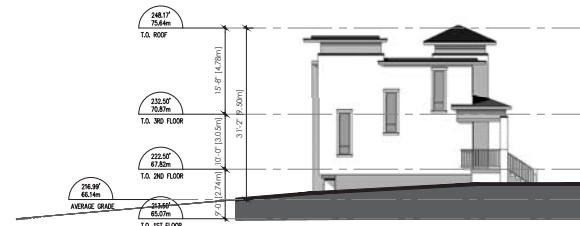
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NORTH ELEVATION  
3/32\"/>



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

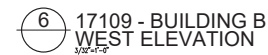
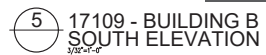
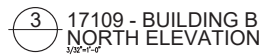
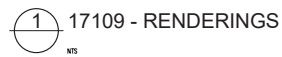
OWNER/CLIENT

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

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

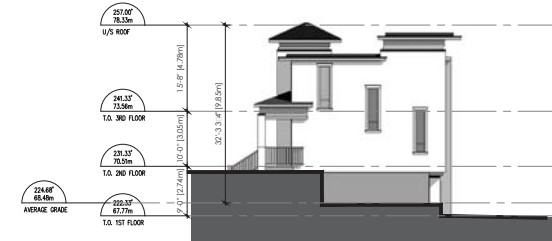
2 17109 - RENDERINGS  
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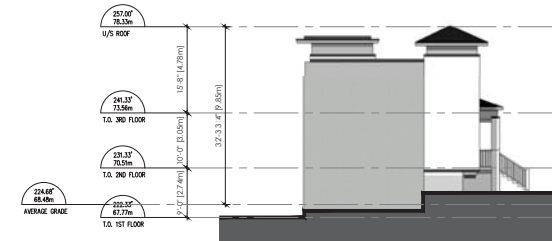
3 17109 - BUILDING C  
NORTH ELEVATION  
3/32"=1'-0"



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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SEAL

OWNER/CLIENT

NO.	DESCRIPTION	DATE
01	ISSUED FOR O&P AMENDMENT & REZONING	01/15/19
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PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

**WA**  
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 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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SEAL

CORNER/CIENT



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



1 17109 - RENDERNG  
NTS



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



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

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SEAL

OWNER/CLIENT

PROJECT NAME

OCEANVIEW  
RESIDENTIAL

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

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

DRAWING TITLE:  
BUILDING D  
ELEVATIONS

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

DRAWN BY: JEN  
REVIEW BY: JEN  
DRAWING NO: A305

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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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SEAL

OWNER/CLIENT



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



01	ISSUED FOR O&P AMENDMENT & REVISION	6/15/19
NO	REVISION	NO/1

PROJECT NAME

OCEANVIEW  
RESIDENTIAL

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

301-1648 Alberni St.  
Vancouver, BC V6C 2A7  
T: 604 681-3029  
info@wensleyarch.com

**WA**  
WENSLEY ARCHITECTURE LTD

CONSULTANTS:  
STRUCTURAL: N/A  
MECHANICAL: N/A  
ELECTRICAL: N/A  
CIVIL: J.E. ANDERSON & ASSOCIATES  
LANDSCAPE: LOMBARD 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:	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"

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SEAL

CORNER/CLIENT

01 ISSUED FOR OCP AMENDMENT & REVISION 02/15/19

PROJECT NAME

OCEANVIEW  
RESIDENTIAL

PROJECT ADDRESS:  
388 MACLEARY ST  
NANAIMO, BC

WA  
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:	CHEW
SCALE:	3/32"=1'-0"	REVIEW BY:	DM
DATE:	APRIL 2018	DRAWING NO:	A308





1 17109 - RENDERNG  
N.T.S.

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



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

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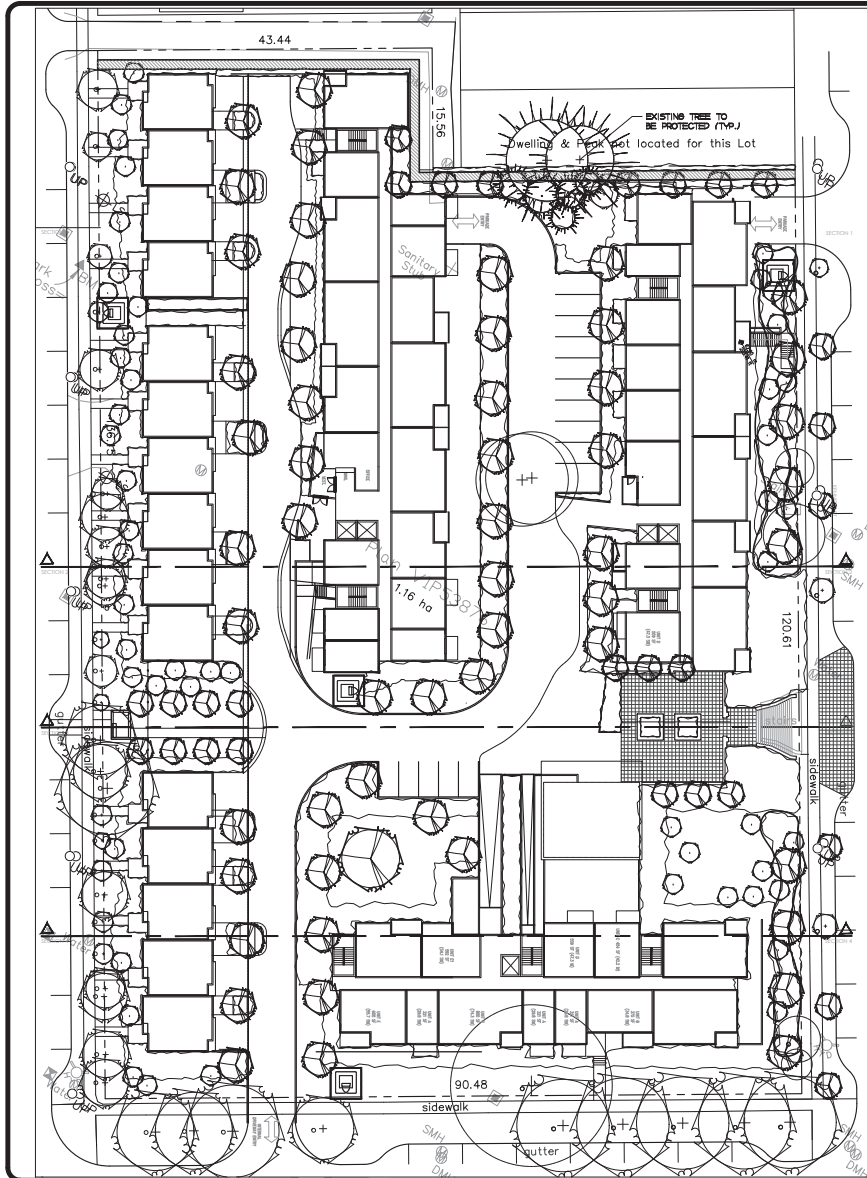
SEAL

OWNER/CLIENT

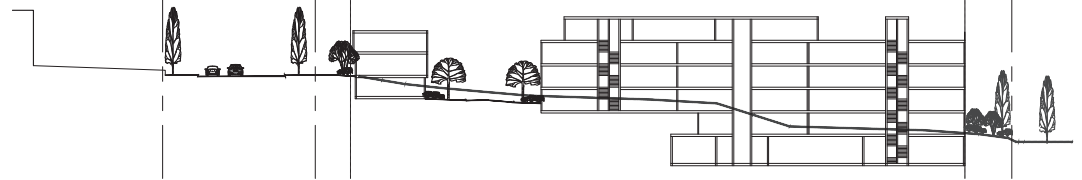


01	ISSUED FOR O.P. AMENDMENT & REVISION	01/15/19
NO	REVISION	NO/19
PROJECT NAME		
OCEANVIEW RESIDENTIAL		
PROJECT ADDRESS		
388 MACLEARY ST NANAIMO, BC		
 WENSLEY ARCHITECTURE LTD		
CONSULTANTS:		
STRUCTURAL: N/A		
MECHANICAL: N/A		
ELECTRICAL: N/A		
CIVIL: J.E. ANDERSON & ASSOCIATES		
LANDSCAPE: LORIANO NORTH GROUP		
DRAWING TITLE:		
BUILDING F ELEVATIONS		
PROJECT NO:	17109	DRAWN BY: CHEN
SCALE:	3/32"=1'-0"	REVIEW BY: JIM
DATE:	APRIL 2018	DRAWING NO: A309

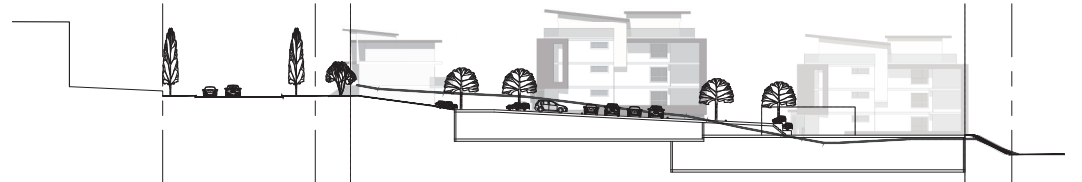
# ATTACHMENT F CONCEPTUAL LANDSCAPING PLAN



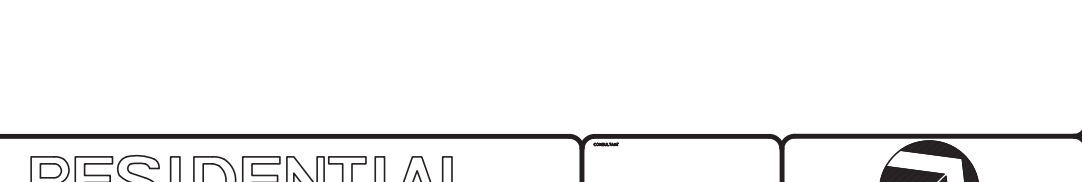
SECTION A-AA



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		

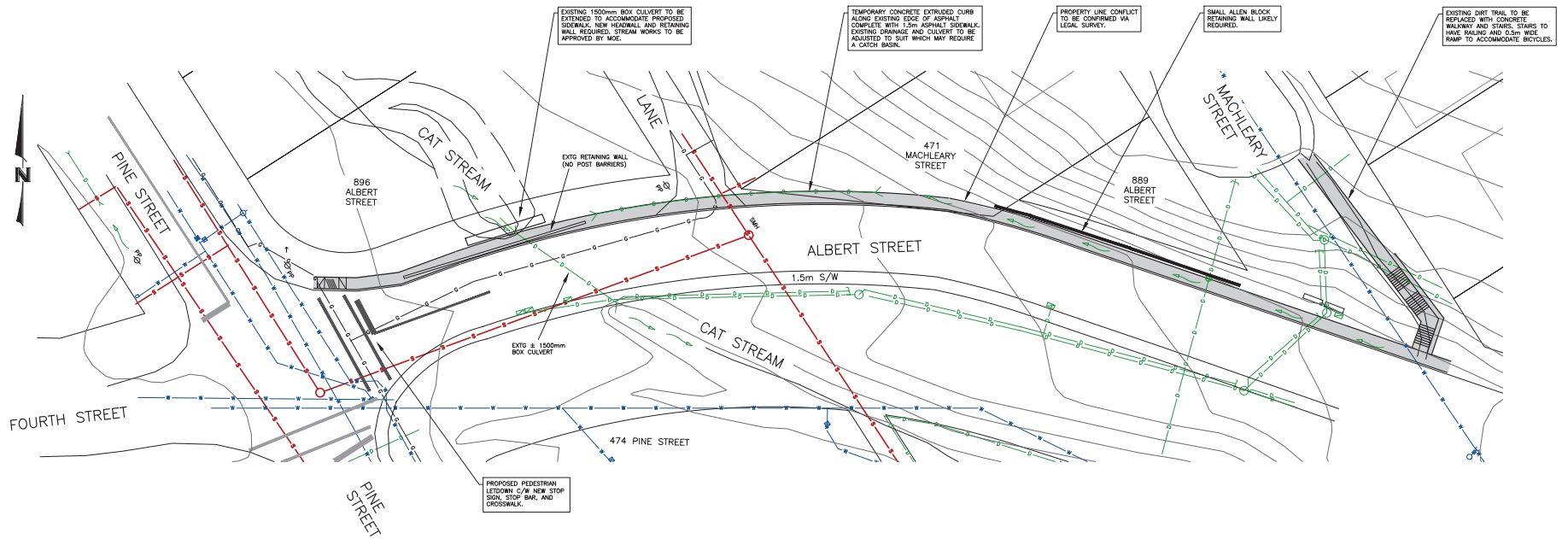


OCEAN VIEW RESIDENTIAL  
NANIAMO, B.C.



# ATTACHMENT G

## Pedestrian and Cycling Improvement Concept



LEGAL DESCRIPTION																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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**JEA** J.E. ANDERSON & ASSOCIATES  
 SURVEYORS -- ENGINEERS  
 1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1  
 TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660  
 E-MAIL : nanaimo@jeanderson.com

# 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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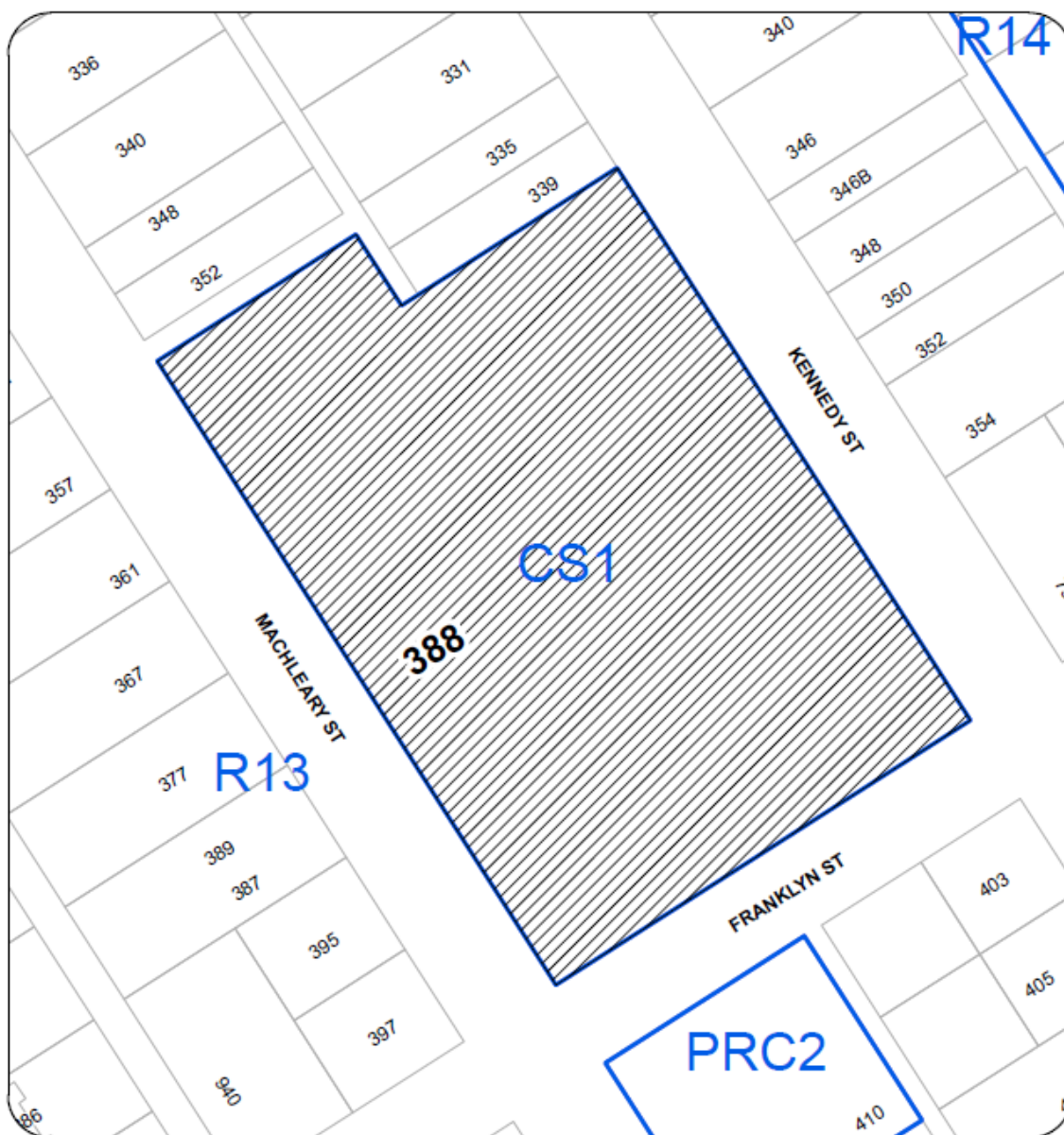
MAYOR

---

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

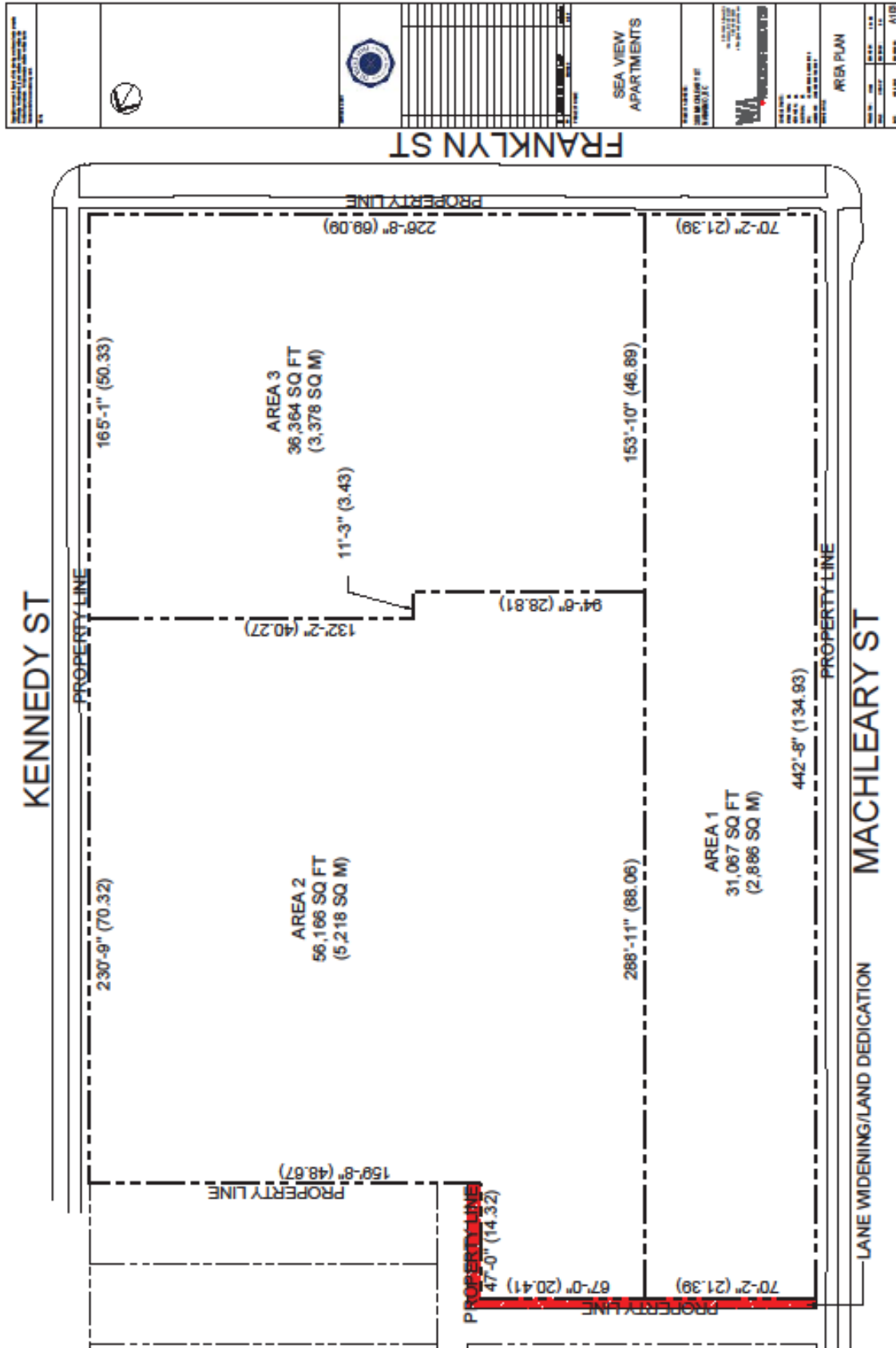
### 16.11.5 Area Size and Dimensions

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: \_\_\_\_\_

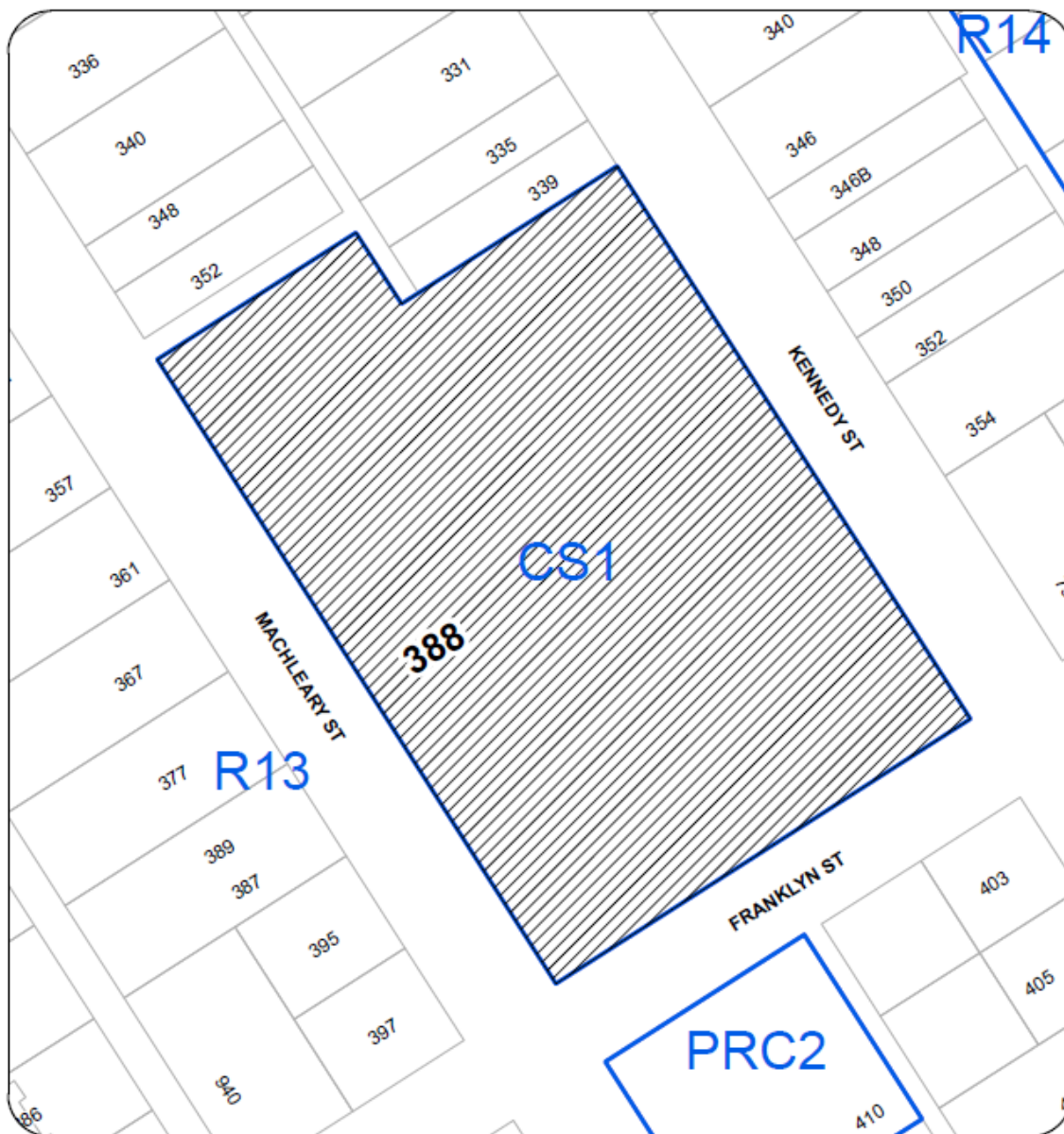
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
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

DATE OF MEETING September 16, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

**SUBJECT STEP CODE IMPLEMENTATION – ZONING BYLAW SCHEDULE D  
AND REZONING POLICY**

## **OVERVIEW**

### **Purpose of Report**

To amend Schedule D of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to include amenity points for buildings in compliance with BC Energy Step Code and seek direction to prepare a building energy efficiency rezoning policy.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.154” (To amend Schedule D of the Zoning Bylaw to modify Category 5 – Energy Management to include reference to the BC Energy Step Code) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.154” pass second reading; and
3. Council direct Staff to develop a building energy efficiency rezoning policy.

## **BACKGROUND**

On 2018-JUL-09, Council endorsed an implementation strategy for the BC Energy Step Code (the “Step Code”, see Attachment A). The implementation strategy included a recommendation to amend Schedule D of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to reward additional amenity points to projects that meet or exceed Step 3 of the Step Code. Additionally, the implementation strategy recommended a rezoning policy to require Step 2 compliance for all new multi-family, mixed-use, and commercial developments. Another recommendation from the implementation strategy, to amend “Building Bylaw 2016 No. 7224” (the “Building Bylaw”) with Step Code requirements, is presented on Council’s agenda under a separate report.

Schedule D of the Zoning Bylaw was created to promote sustainable building practices by rewarding developments that meet or exceed the City’s sustainable amenity criteria with additional density. The current Schedule D was adopted as part of the Zoning Bylaw on 2011-AUG-08 and was updated in 2017. The density bonus schedule currently contains seven different categories and two tiers. Each category contains a list of desirable amenity features, each with a weighted point value and a minimum amount of points needed to achieve the category. The existing categories are:

1. Site Selection and Connectivity
2. Retention of Natural Features
3. Parking and Pedestrian Connectivity
4. Building Materials
5. Energy Management

6. Water Management
7. Social Sustainability

Additional density is awarded within a number of residential and mixed-use zones in two separate tiers. In order to achieve Tier 1, a development must achieve the minimum number of points in three categories. To achieve Tier 2, a development currently needs to meet a minimum number of total points (60).

Category 5 (Energy Management) currently references the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard. On 2017-APR-11, the Province of British Columbia adopted the Step Code, a voluntary compliance path as set out in Subsections 9.36.6 and 10.2.3 of the BC Building Code (BCBC). The Step Code establishes performance steps for new construction projects to take toward the target of net-zero-energy-ready construction by 2032. The Step Code was adopted to create a performance-based building energy efficiency standard for the Province and, as such, references to other energy standards such as ASHRAE should be replaced with references to the Step Code.

The Step Code was also created to help local governments incentivize or require a level of energy efficiency in new construction that goes above and beyond the base requirements of the BCBC.

The Step Code applies to new construction in buildings for both Part 3 (large and complex buildings) and Part 9 (houses and small buildings).

For Part 3 buildings, the Step Code includes the following four steps:

Step	Energy Performance Improvement (% better than BCBC)	
	Wood Frame Residential	Concrete Residential
1	Enhanced compliance with BCBC*	
2	10 to 20%	20 to 40%
3	20 to 30%	50%
4	Net Zero Ready/ Passive House	

For Part 9 buildings the Step Code includes the following five steps:

Step	Energy Performance Improvement (% better than BCBC)
1	Enhanced compliance with BCBC*
2	10%
3	20%
4	40%
5	Net Zero Ready/ Passive House

\* "Enhanced compliance with BCBC" refers to the same construction methods as the current BCBC, but with additional measurements for energy efficiency.

In addition to the above-noted changes, the proposed "Zoning Amendment Bylaw 2019 No. 4500.154" (the "Amendment Bylaw") will also replace the reference to Forestry Stewardship Council (FSC) wood within Category 4 - Building Materials with a broader reference to include

other accepted sustainable forestry wood standards, such as the Sustainable Forestry Initiative (SFI) and the Canadian Standards Association – Sustainable Forest Management Standard (CSA- SFM). Applicants and suppliers have advised FSC-certified wood is not always available on Vancouver Island and other sustainable forestry standards are more common.

Step Code implementation is consistent with and works towards the City's Community Sustainable Action Plan.

## **DISCUSSION**

The proposed Amendment Bylaw, if adopted, will replace the current Category 5 - Energy Management of Schedule D with a revised category that references the Step Code. As outlined in Attachment C, Schedule D amenity points will be awarded for developments that exceed the Building Bylaw requirement by one step (10 points), exceed the Building Bylaw requirement by two steps (15 points), and meet the highest steps of the Step Code (30 points). A greater number of points are proposed for projects that meet the highest steps of the Step Code, as these steps are significantly more difficult to achieve. Points will not be awarded for Step 1 as there is a concurrent proposed amendment to the Building Bylaw to require Step 1 for all new construction within six months of adoption of the Building Bylaw amendment.

The Step Code Implementation Strategy recommended awarding bonus points where projects achieved Step 3 or greater. The proposed Amendment Bylaw also includes bonus points for projects achieving Step 2 as an interim measure to help incentivize greater energy efficiency and to familiarize developers with Step 2 requirements prior to becoming the standard in 2021 for Part 9 buildings and 2022 for Part 3 buildings.

Should Council adopt both the Building Bylaw and Zoning Bylaw amendments regarding Step Code implementation, the additional Schedule D amenity points will be awarded as shown in the tables below:

### **For Part 3 buildings**

Step	At adoption of Building Bylaw amendment	6 months following Building Bylaw amendment	As of 2021-JAN-01	As of 2022-JAN-01
1	0 points	0 points (required)	0 points (required)	0 points (required)
2	10 points	10 points	10 points	0 points (required)
3	15 points	15 points	15 points	10 points
4	30 points	30 points	30 points	30 points



## For Part 9 buildings

Step	At adoption of Building Bylaw amendment	6 months following Building Bylaw amendment	As of 2021-JAN-01	As of 2022-JAN-01
1	0 points	0 points (required)	0 points (required)	0 points (required)
2	10 points	10 points	0 points (required)	0 points (required)
3	15 points	15 points	10 points	0 points (required)
4	30 points	30 points	30 points	30 points
5	30 points	30 points	30 points	30 points

As part of the proposed amendment, the total number of Schedule D points required to achieve Tier 2 density will be changed from 60 to 65, to reflect the greater number of achievable points.

The Step Code Implementation Strategy included a recommendation that a rezoning policy be put into the Official Community Plan (OCP) in 2019 to require all rezoning applications for multi-family, mixed-use, or commercial buildings to enter into a restrictive covenant, ensuring Step 2 compliance at the time of building and development permit issuance.

In the interest of meeting the 2019 target for adoption of a rezoning building energy efficiency policy, it is recommended Council consider adoption of a Council policy as interim measure at this time, with the OCP policy contemplated in the Step Code Implementation Strategy to be considered through the OCP review process. Should Council direct Staff to prepare a building energy efficiency rezoning policy, consultation with building industry stakeholders could take place at building energy efficiency workshops planned for fall 2019, with an anticipated return of a draft policy for Council's consideration before year-end.

## OPTIONS

### 1. That:

1. "Zoning Amendment Bylaw 2019 No. 4500.154" (To amend Schedule D of the Zoning Bylaw to modify Category 5 – Energy Management to include reference to the BC Energy Step Code) pass first reading;
2. "Zoning Amendment Bylaw 2019 No. 4500.154" pass second reading; and
3. Council direct Staff to develop an energy efficiency rezoning policy.
  - Advantages: The proposed Amendment Bylaw will implement a recommendation of the BC Energy Step Code Implementation Strategy, recognize the Provincial Step Code as the City's building energy standard, and encourage more energy-efficient building design. Adopting Step Code requirements within Schedule D will ensure the City is using the same energy efficiency standard as other municipalities within the province and ensure greater familiarity with the standards among builders working in multiple jurisdictions.
  - Disadvantages: The proposed amendment may result in a minor additional cost for developments to achieve Category 5 of Schedule D in order to be permitted additional density, but will also prepare builders for what will eventually become the standard over time. The Step Code does not apply to all building types and, as such, may limit building projects that can achieve Category 5 of Schedule D;

however, Schedule D does apply to the majority of building types that require additional density.

2. That Council deny “Zoning Amendment Bylaw 2019 No. 4500.154” and maintain Schedule D as currently written.
  - Advantages: Maintains status quo and will not result in additional requirements or design changes for future developments.
  - Disadvantages: The Step Code is intended to be a universal Provincial standard. Not adopting the Step Code within Schedule D will result in the City not being compliant with Provincial standards or the Council-endorsed BC Energy Step Code Implementation Strategy.
3. That Council deny support of “Zoning Amendment Bylaw 2019 No. 4500.154” as written and direct Staff to prepare a zoning amendment bylaw that only awards development with amenity points where the development meets or exceeds Step 3 of the Step Code.
  - Advantages: Given the City’s Building Bylaw will require all new Part 9 buildings to achieve Step 2 by 2021, not including Step 2 within Schedule D will ensure amenity points are not offered for what will become a Building Bylaw requirement. Only awarding a higher standard may encourage more energy-efficient buildings.
  - Disadvantages: Not including Step 2 within Schedule D will result in an increased cost for developers seeking additional density through Category 5 of Schedule D. In particular, this may affect in-stream applications in which the applicant is proposing to exceed the current ASHRAE standard in order to achieve the minimum points necessary to meet Category 5 of Schedule D. |

#### **SUMMARY POINTS**

- The Step Code was adopted by the Province on 2017-APR-11. The Step Code establishes a set of progressive energy performance steps for new construction projects.
- Schedule D of the Zoning Bylaw rewards developments that meet or exceed the City’s sustainable amenity criteria with additional density.
- If adopted, the proposed Amendment Bylaw will amend Schedule D of the Zoning Bylaw to include amenity points for buildings meeting the Step Code requirements.
- A policy stating Council’s position on building energy efficiency targets through rezoning applications can be drafted and brought forward for Council’s consideration before year-end following consultation with industry stakeholders.

#### **ATTACHMENTS:**

ATTACHMENT A: BC Energy Step Code Implementation Strategy  
ATTACHMENT B: Existing Schedule D – Category 5 Table  
ATTACHMENT C: Proposed Schedule D – Category 5 Table  
“Zoning Amendment Bylaw 2019 No. 4500.154” |

**Submitted by:**

Lainya Rowett  
Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

# **ATTACHMENT A**

## **BC ENERGY STEP CODE IMPLEMENTATION STRATEGY**

The proposed implementation strategy is as follows:

### **2018**

- Inform Council and seek direction to pursue step code implementation strategy.
- Continue working with regional partners to coordinate a regional approach to step code implementation and support industry/public engagement.
- Continue supporting the Real Estate Energy Efficiency Program (REEP) program and consider expanding the program to include home builders for 2019.
- Provide support for regional step code workshops and seminars with the Regional District of Nanaimo.
- Implement a home energy rebate program. The program will promote energy efficiency within new and existing buildings and support the implementation of the BC Energy Step Code. The program is to provide homeowners with a \$150 rebate for an initial home energy assessment conducted by a certified energy advisor. Homeowners who achieve Step Two or higher will be offered an additional rebate.
- Amend Schedule D (Amenity Requirements for Additional Density) of the Zoning Bylaw to reward additional amenity points to projects that meet or exceed Step Three.
- Draft a Building Bylaw that requires Step One compliance to become effective one year from adoption.

### **2019**

- Support continuing education to support step code implementation.
- Create rezoning policy within the Official Community Plan that requires all rezoning applications for multiple-family, mixed-use, or commercial buildings to enter into a restrictive covenant that requires Step Two compliance at the time of development and building permit.
- Implement Step One code compliance. All new construction (Parts 9 and 3) will require a home energy assessment conducted by a certified energy advisor (Step One).
- Subject to funding approval, restrict energy rebate incentive to existing homes.
- Continue to work with the realtor community and support the REEP program.

### **2020**

- Subject to funding approval, support continuing education to support step code implementation.
- Subject to funding approval, restrict energy rebate incentive to existing homes.
- Continue to work with the realtor community and support the REEP Program.
- Monitor rezoning policy and report to Council one year after implementation date.

# **ATTACHMENT B** **EXISTING SCHEDULE D - CATEGORY 5** **ENERGY MANAGMENT REQUIREMENTS**

Category 5: Energy Management (6 points required)

Amenity		Points
A	<p>The project developer has provided all of the following:</p> <ul style="list-style-type: none"> <li>a) letter from a mechanical engineer or equivalent consultant stating that the project exceeds the ASHRAE 90.1 2010 Energy Standard by 5% or more; and</li> <li>b) letter of credit for 1% of construction costs, prior to the issuance of a building permit, to be returned upon successful provision of all of the above to the satisfaction of the Manager of Building Inspections or designate.</li> </ul>	5
B	<p>The proposed developed is certified as a PassiveHouse by the Passive House Institute and meets the following standards:</p> <ul style="list-style-type: none"> <li>• yearly heating demand <math>\leq 15</math> kWh or peak heat demand <math>\leq 10</math> W/m<sup>2</sup></li> <li>• yearly cooling demand <math>\leq 15</math> kWh</li> <li>• building air tightness <math>\leq 0.6</math> ACH @50</li> <li>• excess temp frequency <math>\leq 10\%</math></li> <li>• primary energy demand <math>\leq 120</math> kWh</li> </ul>	10
C	<p>The development includes permanent education signage or display(s) regarding sustainable energy management practices used on site.</p>	1
Total		16

## ATTACHMENT C

### PROPOSED SCHEDULE D – CATEGORY 5 ENERGY MANAGEMENT REQUIREMENTS

Category 5: Energy Management (11 points required)

Amenity		Points
A	The proposed development meets at least the requirements of Step 2 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by one step.*	10
B	The proposed development meets at least the requirements of Step 3 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by two steps.*	15
C	<p>The proposed development is considered a Part 3 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 (Net Zero Ready) within the BC Energy Step Code; or</p> <p>The proposed development is considered a Part 9 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 or 5 within the BC Energy Step Code.*</p>	30
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite.	1
Total		56

\* Points will be awarded for only one of A, B, or C.



CITY OF NANAIMO

BYLAW NO. 4500.154

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

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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. 4500.154".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By deleting "Schedule D - Amenity Requirements for Additional Density" and replacing it with the Schedule '1' attached to this Bylaw.

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

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

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

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

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

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

\_\_\_\_\_  
MAYOR

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

File: ZA1-23  
Address: N/A

# Schedule 1

## Schedule D

### Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 65 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

#### Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> <li>• retail store;</li> <li>• daycare facility;</li> <li>• Nanaimo Regional District transit bus stop;</li> <li>• any PRC (Parks, Recreation and Culture)-zoned property; and / or</li> <li>• a CS-1 (Community Service One)-zoned property.</li> </ul>	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> <li>• retail store or public market;</li> <li>• daycare facility;</li> <li>• Nanaimo Regional District transit bus stop;</li> <li>• any PRC (Parks, Recreation and Culture)-zoned property;</li> <li>• a CS-1 (Community Service One)-zoned property; and / or</li> <li>• public art.</li> </ul>	1 point each
Total		20

Category 2: Retention and Restoration of Natural Features (8 points required)

Amenity		Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally-sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

## Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	Long-term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable.	3
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	The parking area within the proposed development includes at least one electric vehicle charging station.	1
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	The proposed development includes covered and designated parking spaces for a motorized scooter or plug-in for an electronic bicycle or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces: <ul style="list-style-type: none"> <li>a) multiple-family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and</li> <li>b) non-residential uses: 1 motorized scooter or motorcycle space per 600m<sup>2</sup> of Gross Floor Area for the first 5000m<sup>2</sup> plus one space per 1500m<sup>2</sup> of additional Gross Floor Area; and</li> <li>a) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle.</li> </ul>	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way, and the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC), the Sustainable Forestry Initiative (SFI), the Canadian Standards Association – Sustainable Forest Management Standard (CSA-SFM), or recognized equivalent.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

## Category 5: Energy Management (11 points required)

Amenity		Points
A	The proposed development meets at least the requirements of Step 2 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by one step.*	10
B	The proposed development meets at least the requirements of Step 3 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by two steps.*	15
C	The proposed development is considered a Part 3 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 (Net Zero Ready) within the BC Energy Step Code; or The proposed development is considered a Part 9 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 or 5 within the BC Energy Step Code.*	30
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite.	1
Total		56

\* Points will be awarded for only one of A, B, or C.

## Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16



## Category 7: Social and Cultural Sustainability (10 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m <sup>2</sup> in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	3
C	The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	3
D	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 29m <sup>2</sup> in area.	4
E	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		21

165 points total

## Definitions

**BC Energy Step Code:** means a voluntary Provincial standard enacted in April 2017 that provides an incremental and consistent approach to achieving more energy-efficient buildings that go beyond the requirements of the base BC Building Code.

**Brownfield Site:** means a previously commercial or industrial property that is abandoned, idled, or underused, where expansion or redevelopment is complicated by environmental contamination.

**Carpool Parking Space:** means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

**Electric Vehicle Charging Station:** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Non-potable Irrigation System:** means a system used for providing water to plants that uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

**Pedestrian Network:** means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

**Permeable Surface Area:** means any surface consisting of a material that can provide for storm water infiltration.  
(4500.103; 2017-JUL-10)

# City of Nanaimo BC Energy Step Code Implementation



ENERGY  
**STEP**CODE  
BUILDING BEYOND THE STANDARD

# Local Government Approaches to Energy Efficiency

## Eliminating the Patchwork:

- Local government adopted a wide range of programs and approaches to address building energy efficiency.
- Development industry struggled to stay on top of these requirements.
- BC Energy Step Code offers a common standard for achieving building energy goals.



# BC Energy Step Code Implementation

A Step Code Implementation Strategy was adopted by Council July 2018.  
The following components of the strategy are being addressed:

- Amending Schedule D (Amenity Requirements for Additional Density) of **Zoning Bylaw No. 4500** to reward projects that meet or exceed Step Three of the BC Energy Step Code.
- Adopting an amendment to the **City's Building Bylaw** to require gradual compliance of up to Step Three of the Step BC Energy Step Code.
- Council direction to create a **Council Policy** to require all rezoning applications for multi-family, mixed-use, or commercial buildings to enter into restrictive covenants to require Step code compliance at the time of building and development permit.

# Engagement and Education on BC Energy Step Code

Date	Workshop / Meeting	Target Audience	Host
Oct / 17	Passive House Tour for elected officials	Council, Staff, Building Industry	RDN
Nov / 17	Local government working session on BC Energy Step Code: Policy and Implementation for local government / Building Inspectors	Building Inspectors	RDN
Dec / 17	The BC Energy Step Code Implementation Workshop (Part 3 and 9 Buildings) for Building Inspectors	Building Inspectors	RDN
Jan 25 / 18	Canadian Homebuilders Association Forum – Working with the BC Energy Step Code	Construction Industry and Architects	CHBA - VI / RDN
Feb / 18	Building Smart with the BC Energy Step Code – Lower Steps, Climate Zone 5 (Nanaimo)	General Construction Industry	BC Housing
Mar / 18	Selling the Benefits of Energy Efficiency / Green Building Tour	Real Estate Industry	RDN / VIREB
Oct / 18	LEEP Technology Forum	Building Industry	CHBA - VI / BC Housing
Feb / 19	BC Airtightness Training	Building Industry	BC Housing
Feb / 19	A Holistic Approach Towards Improving Air Tightness	Building Industry / General Construction	CHBA – VI / CoN / RDN
Feb – Mar / 19	Passive House Design and Construction Course	Building Industry	RDN / CoN
Fall 2019 / Winter 2020	Stakeholder outreach on Building Bylaw Amendment and draft Council Policy	Building Industry	CoN and partners

# Proposed Building Bylaw Amendment and Zoning Bylaw Density Amenity Incentive

Zoning Bylaw No.4500:  
Density Amenity Bonusing –  
Step Three and above  
(\*short-term for Step 2)

Part 9 – January 1, 2022  
Part 3 – TBD  
Part 3 – January 1, 2022  
Part 9 – January 1, 2021

Part 3 and 9:  
6 months after City of Nanaimo  
Building Bylaw Adoption





# Part 9: Home Energy Assessment Rebate



**\$150 rebate for completing a pre-retrofit Energuide home evaluation**

**Up to \$200 after post-retrofit evaluation for improving your Energuide rating**



# Thank You!

**Darcy Fox**

Manager, Building Inspections  
City of Nanaimo

**darcy.fox@nanaimo.ca**

**Rob Lawrance**

Environmental Planner  
City of Nanaimo

**rob.lawrance@nanaimo.ca**

# **10. Bylaws**

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: \_\_\_\_\_

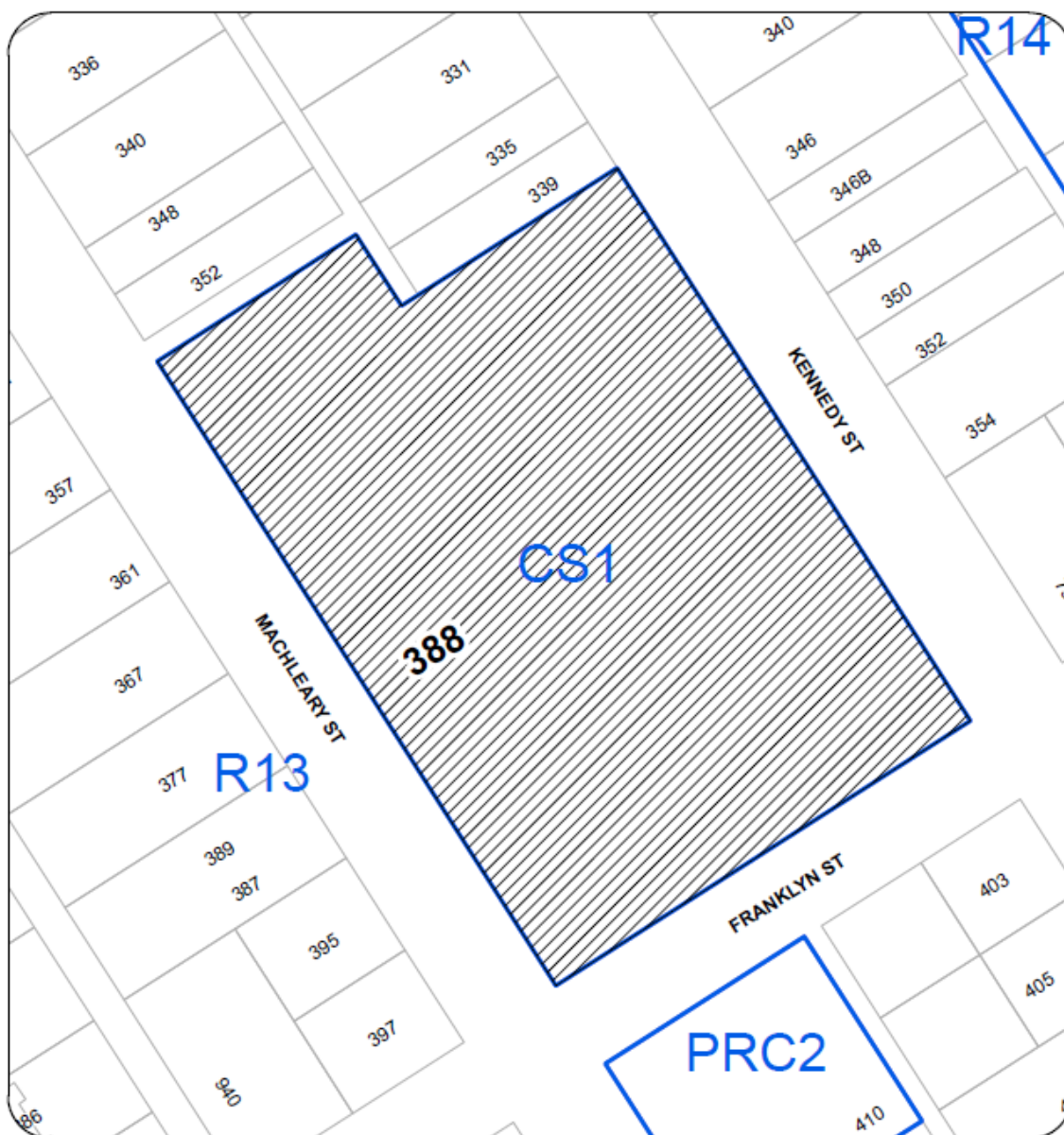
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MAYOR

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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

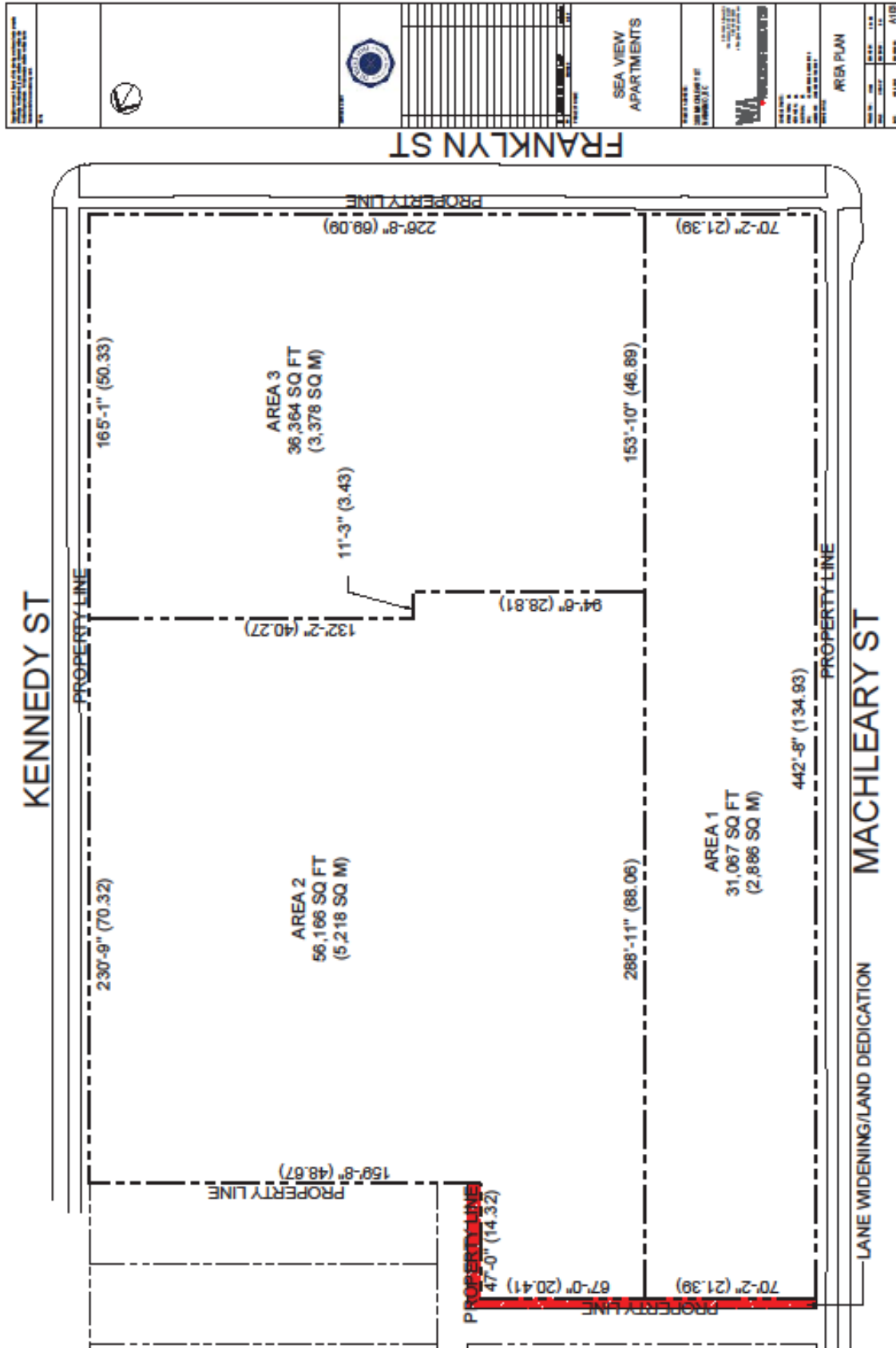
The minimum area frontage, size and depth and the area numbers referred to in Subsections 16.11.2, 16.11.3, and 16.11.4 shall be in general accordance with the following table:

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: \_\_\_\_\_

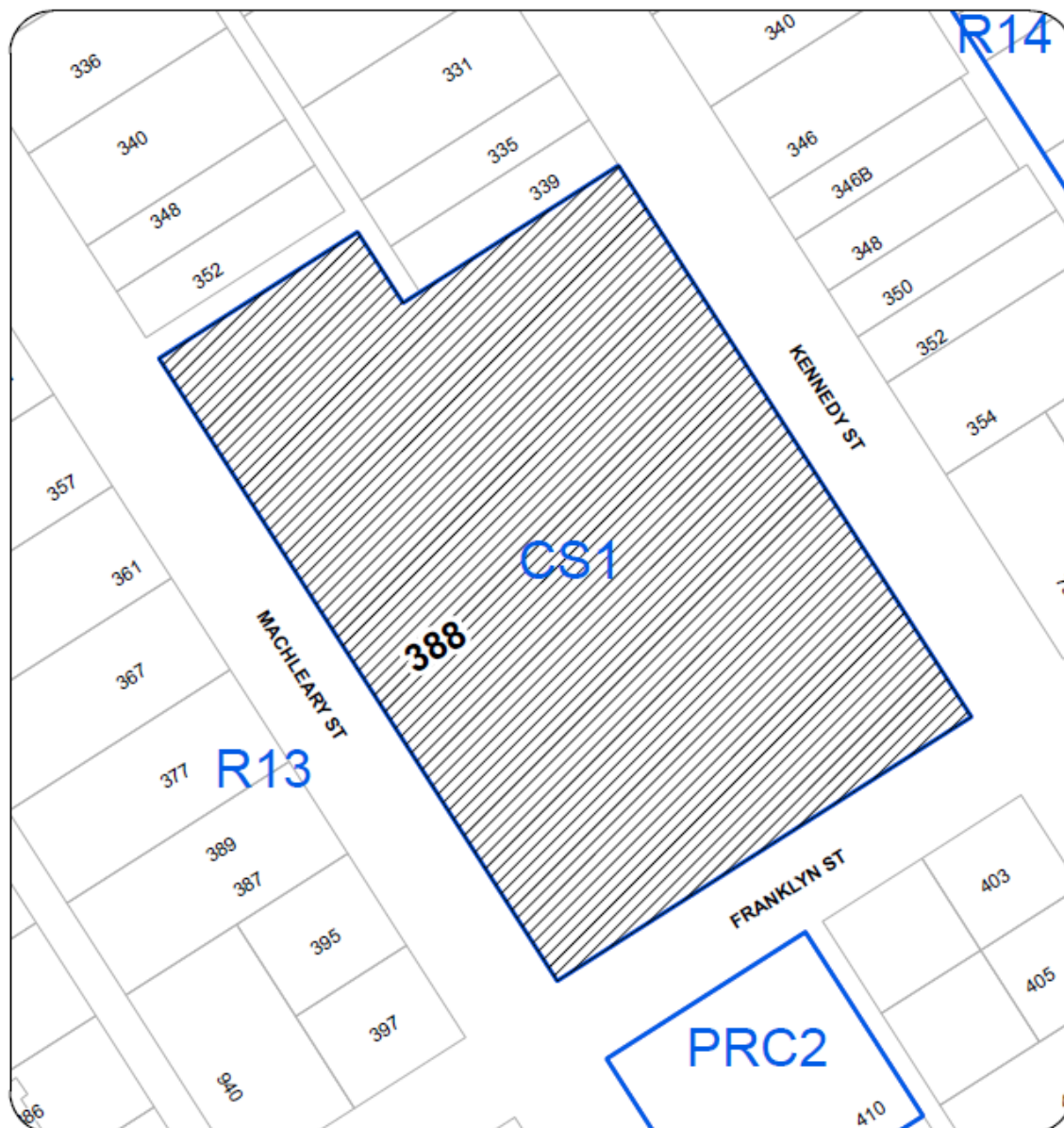
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
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

CITY OF NANAIMO

BYLAW NO. 4500.154

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. 4500.154".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By deleting "Schedule D - Amenity Requirements for Additional Density" and replacing it with the Schedule '1' attached to this Bylaw.

PASSED FIRST READING: 2019-SEP-16

PASSED SECOND READING: 2019-SEP-16

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

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

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

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

\_\_\_\_\_  
MAYOR

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

File: ZA1-23

Address: N/A

# Schedule 1

## Schedule D

### Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 65 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

#### Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> <li>• retail store;</li> <li>• daycare facility;</li> <li>• Nanaimo Regional District transit bus stop;</li> <li>• any PRC (Parks, Recreation and Culture)-zoned property; and / or</li> <li>• a CS-1 (Community Service One)-zoned property.</li> </ul>	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> <li>• retail store or public market;</li> <li>• daycare facility;</li> <li>• Nanaimo Regional District transit bus stop;</li> <li>• any PRC (Parks, Recreation and Culture)-zoned property;</li> <li>• a CS-1 (Community Service One)-zoned property; and / or</li> <li>• public art.</li> </ul>	1 point each
Total		20

Category 2: Retention and Restoration of Natural Features (8 points required)

Amenity		Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally-sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

## Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	Long-term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable.	3
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	The parking area within the proposed development includes at least one electric vehicle charging station.	1
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	The proposed development includes covered and designated parking spaces for a motorized scooter or plug-in for an electronic bicycle or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces: <ul style="list-style-type: none"> <li>a) multiple-family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and</li> <li>b) non-residential uses: 1 motorized scooter or motorcycle space per 600m<sup>2</sup> of Gross Floor Area for the first 5000m<sup>2</sup> plus one space per 1500m<sup>2</sup> of additional Gross Floor Area; and</li> <li>a) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle.</li> </ul>	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way, and the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20



Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC), the Sustainable Forestry Initiative (SFI), the Canadian Standards Association – Sustainable Forest Management Standard (CSA-SFM), or recognized equivalent.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

## Category 5: Energy Management (11 points required)

Amenity		Points
A	The proposed development meets at least the requirements of Step 2 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by one step.*	10
B	The proposed development meets at least the requirements of Step 3 of the BC Energy Step Code and exceeds the requirement specified in the Building Bylaw by two steps.*	15
C	The proposed development is considered a Part 3 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 (Net Zero Ready) within the BC Energy Step Code; or The proposed development is considered a Part 9 within the British Columbia Building Code (BCBC) and the building meets the minimum requirements of Step 4 or 5 within the BC Energy Step Code.*	30
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite.	1
Total		56

\* Points will be awarded for only one of A, B, or C.

## Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16

## Category 7: Social and Cultural Sustainability (10 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m <sup>2</sup> in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	3
C	The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	3
D	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 29m <sup>2</sup> in area.	4
E	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		21

165 points total

## Definitions

**BC Energy Step Code:** means a voluntary Provincial standard enacted in April 2017 that provides an incremental and consistent approach to achieving more energy-efficient buildings that go beyond the requirements of the base BC Building Code.

**Brownfield Site:** means a previously commercial or industrial property that is abandoned, idled, or underused, where expansion or redevelopment is complicated by environmental contamination.

**Carpool Parking Space:** means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

**Electric Vehicle Charging Station:** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Non-potable Irrigation System:** means a system used for providing water to plants that uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

**Pedestrian Network:** means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

**Permeable Surface Area:** means any surface consisting of a material that can provide for storm water infiltration.  
(4500.103; 2017-JUL-10)

DATE OF MEETING October 9, 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**





DATE OF MEETING October 9, 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 |

# Staff Report for Decision

DATE OF MEETING October 9, 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. 432 Stable Place – illegal secondary suite|

## **BACKGROUND**

### **Illegal Secondary Suite / Illegal Construction**

- 432 Stable Place

An inspection was completed on 2018-APR-09 in response to a complaint received. The inspection revealed that work had been completed to significantly alter the basement of the dwelling to incorporate a suite, including the installation of a countertop with electrical outlets, cabinets, a kitchen sink, and the removal of a window that was replaced by an exterior door. This work was done without a permit or inspections. A building permit application for the work was subsequently received; however, the permit was never picked up and has now expired. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224”.

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

## **DISCUSSION**

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

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

#### **SUMMARY POINTS**

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

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | October 9, 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 | October 9, 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 | October 9, 2019 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 4663 LOST LAKE ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4663 Lost Lake 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 4663 Lost Lake Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection on 2019-MAR-07 was conducted as part of a site visit for a previously-applied for permit, during which the inspector observed three accessory buildings had been constructed on the property, two of which appear to encroach in to the setback area. Correspondence was forwarded to the property owners with a deadline to submit a building permit application for the two larger accessory buildings and a survey to show the building locations. To date, the permit application and survey have not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

As two of the buildings encroach into the setback area, this matter will be referred to Bylaws Services for removal enforcement.

## **DISCUSSION**

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

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

#### **Submitted by:**

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