



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

Thursday, March 5, 2020, 7:00 P.M.

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

SCHEDULED RECESS AT 9:00 P.M.

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Pages

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

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

- |    |   |         |
|----|---|---------|
| a. | <u>Rezoning Application No. RA432 - 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North - Bylaw 4500.167</u> | 6 - 16  |
|    | To be introduced by Gepke Stevenson, Planner.   |         |
|    | Call for submissions from the Applicant.  |         |
|    | Call for submissions from the Public.   |         |
| b. | <u>Rezoning Application No. RA441 - 405 Rosehill Street - Bylaw 4500.171</u>  | 17 - 26 |
|    | To be introduced by Lisa Brinkman, Planner.   |         |
|    | Call for submissions from the Applicant.  |         |
|    | Call for submissions from the Public.   |         |

c. Supervised Consumption Site Zoning Amendments - Bylaw 4500.173

27 - 30

To be introduced by Karin Kronstal, Social Planner.

Call for submissions from the Applicant.

Call for submissions from the Public.

**6. FINAL CALL FOR SUBMISSIONS:**

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

**7. ADJOURNMENT OF THE PUBLIC HEARING:**

**8. BYLAWS:**

31

a. "Zoning Amendment Bylaw 2020 No. 4500.167"

32 - 34

That "Zoning Amendment Bylaw 2020 No. 4500.167" (To rezone 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North from Single Dwelling Residential [R1] to Community Corridor [COR3]) pass third reading.

b. "Zoning Amendment Bylaw 2020 No. 4500.171"

35 - 36

That "Zoning Amendment Bylaw 2020 No. 4500.171" (To rezone 405 Rosehill Street from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass third reading.

c. "Zoning Amendment Bylaw 2020 No. 4500.173"

37

That "Zoning Amendment Bylaw 2020 No. 4500.173" (To remove the definition for 'Drug Addiction Treatment Facility', amend the definition of 'Office Medical/Dental' to exclude Supervised Consumption Sites, and add a definition for Supervised Consumption Sites) pass third reading.

## 9. REPORTS:

### a. 1667 Extension Road - Illegal Construction

38 - 40

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 regarding Illegal Construction - 1667 Extension Road.

Recommendation: That Council:

1. issue a Remedial Action Order at 1667 Extension 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 the remedial action consisting of removal of the unauthorized structure.

### b. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 6451 Portsmouth Road

41 - 42

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 6451 Portsmouth Road.*

It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 6451 Portsmouth 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 6451 Portsmouth Road for construction not completed as per the conditions of the building permit.

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 495 Dunsmuir Street 43 - 44
- 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 495 Dunsmuir Street.*
- It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 495 Dunsmuir 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 495 Dunsmuir Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- d. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 740 Haliburton Street 45 - 46
- 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 740 Haliburton Street.*
- It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 740 Haliburton 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 740 Haliburton Street for construction not completed as per the conditions of the building permit.
- e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2112 Aaron Way 47 - 48
- 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 2112 Aaron Way.*
- It is requested that Council hear anyone wishing to speak regarding Bylaw Contravention Notice - 2112 Aaron Way.
- 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 2112 Aaron Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".



10. ADJOURNMENT:

DATE OF MEETING February 3, 2020

AUTHORED BY GEPKE STEVENSON, PLANNER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA432 – 3841 AND 3817 VICTORIA AVENUE AND 3896, 3874, 3852, 3848 AND 3816 ISLAND HIGHWAY NORTH**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the subject properties from Single Dwelling Residential [R1] to Community Corridor [COR3] to allow a future mixed-use development.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2020 No. 4500.167" (To rezone 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway North from Single Dwelling Residential [R1] to Community Corridor [COR3]) pass first reading;
2. "Zoning Amendment Bylaw 2020 No. 4500.167" pass second reading; and
3. Council direct Staff to secure road dedication, off-site improvements, reciprocal access, lot consolidation, and a Community Amenity Contribution, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application (RA432) was received from Seward Development Inc., on behalf of H.T. Management Inc. The applicant is requesting to rezone the seven subject properties from Single Dwelling Residential [R1] to Community Corridor [COR3] in order to allow development of the lands with a mix of residential and commercial uses on the properties.

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

<i>Location</i>	The subject properties lie between 104 <sup>th</sup> Street and 105 <sup>th</sup> Street and between Victoria Avenue and Island Highway North.
<i>Total Lot Area</i>	3,609m <sup>2</sup>
<i>Current Zone</i>	R1 – Single Dwelling Residential
<i>Proposed Zone</i>	COR3 – Community Corridor
<i>Official Community Plan Designation</i>	Corridor

The subject properties are located in the Wellington neighbourhood of the city. There are two lots fronting onto Victoria Avenue currently occupied by single family dwellings. There are four lots fronting onto Island Highway North and one lot at the corner of Island Highway North and 104<sup>th</sup> Street, all undeveloped. Directly adjacent to the subject properties to the east is a single family dwelling, and to the west, at the corner of 104<sup>th</sup> Street and Victoria Avenue, is a medical office. The surrounding neighbourhood to the north and east is primarily low-density residential,

and to the west are small-scale commercial uses and the Wellington Community Hall. Across Island Highway North to the south is Diver Lake and a mix of commercial and light industrial uses.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to rezone the properties in order to allow future development of a mix of residential and commercial uses. The applicant has submitted a conceptual site plan (see Attachment B) showing residential buildings on the two properties facing Victoria Avenue, and three mixed-use buildings (office/residential) on the five properties adjacent to Island Highway North and 104<sup>th</sup> Street.

There are two proposed site access points, one is a shared access from Victoria Avenue, and the other is from 104<sup>th</sup> Street via a shared access with the neighbouring property at 2778 104<sup>th</sup> Street (also owned by the owners of the subject properties). As future development relies upon this shared access arrangement, off-site improvements on 104<sup>th</sup> Street and reciprocal access agreements will be required as conditions of rezoning. A 1.3m road dedication on Victoria Avenue will also be required as a condition of rezoning.

The applicant proposes consolidation of the seven lots into three lots designated A, B, and C on the conceptual site plan. In order to ensure the COR3 zoning will apply to parcels that meet the minimum lot size requirements, lot consolidation will be required as a condition of rezoning.

### **Official Community Plan**

The subject properties are located in the Corridor designation of the Official Community Plan (OCP). The intent of the Corridor designation is to recognize the linkage between Urban Nodes and Neighbourhoods and provide for safe movement of pedestrians. In this case, the Corridor connects the Country Club Commercial Centre to the Wellington Neighbourhood Commercial Centre and surrounding residential areas. The Corridor designation encourages multi-unit residential and commercial services in mixed-use developments. It allows for residential densities in the 50 to 150 units per hectare range and building heights of two to five storeys. The Corridor designation encourages sensitivity to the form of residential densities and encourages human-scale and pedestrian-oriented forms of development. The applicant anticipates developing 10 to 25 residential units, which would result in a density range from 27 to 69 units per hectare. Additional density would be supported by the Corridor designation, but if built at this density, Staff consider it an appropriate scale and fit with the surrounding residential neighbourhood and the existing small-scale commercial neighbourhood to the west.

### **Transportation Master Plan**

The aim of the Transportation Master Plan is to encourage higher densities within mobility hubs that will support the use of alternative modes of transportation. In addition, it identifies routes for alternative modes of transportation. The subject properties are within the 600m buffer of the Country Club mobility hub; within walking distance of Norwell Drive, which is Rapid Bus Transit Corridor; and adjacent to Victoria Avenue, which is designated a Local Street Bikeway. By

supporting higher-density housing and commercial services, the proposed rezoning helps meet the objectives in the Transportation Master Plan.

## **Zoning Bylaw**

The purpose of the Community Corridor (COR3) designation is to provide for “a wide range of uses intended to meet the day-to-day needs of the surrounding community”. Of the three Corridor zone designations, COR3 allows for the highest degree of design flexibility in terms of floor area ratio and the size of offices. In addition, it provides the widest range of permitted land uses, such as multi-family residential, office, retail, restaurant, and veterinary clinic. The proposed rezoning to COR3 will optimize the redevelopment potential of the subject properties and support housing, shopping, and service opportunities that will directly benefit the surrounding neighbourhood as well as the wider community.

## **Community Consultation**

The Wellington Community Association received notification of the rezoning application and provided a response. Comments centered on the possibility of obtaining higher density on the site and the need for pedestrian connectivity.

The applicant held a neighbourhood meeting on 2019-OCT-29. Typical questions and comments related to parking, traffic, and privacy for adjacent dwellings.

## **Community Amenity Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community amenity contribution (CAC). The CAC will be calculated at the current rate of \$1,000 per residential unit and \$34 per square metre of gross commercial floor area, to be determined at the time of future development. If the site were developed according to the Conceptual Site Plan with 10 residential units and 551m<sup>2</sup> gross commercial floor area, this would result in a CAC of \$28,734.

The applicant proposes to direct the CAC toward the future completion, by the City, of sidewalks on 104<sup>th</sup> Street and Victoria Avenue fronting 2778 104<sup>th</sup> Street. This amounts to approximately 56m of frontage measured from the improved driveway to the east property line (see Attachment B). The current estimated cost of a sidewalk with curb is \$400 per metre, resulting in a total estimated cost of \$22,400. Depending on the future development plans and resulting CAC, any funds provided in excess of the amount needed to complete this section of sidewalk would be directed toward improvements within Loudon Park.

Staff support the proposed CAC as it enhances pedestrian accessibility for the neighbourhood..

## Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2020 No. 4500.167”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication*

A road dedication plan for 1.3m on Victoria Avenue to be registered at the Land Title Office.

2. *Off-site Improvements / Reciprocal Accesses*

- A Section 219 Covenant to obtain, at the developer's expense, sidewalk and driveway improvements along a portion of the 104<sup>th</sup> Street frontage of 2778 104<sup>th</sup> Street, as identified on the Conceptual Site Plan (Attachment B).
- Reciprocal Access Agreements for reciprocal access between the subject properties and between 2778 104<sup>th</sup> Street and the subject properties to be provided.

3. *Lot Consolidation*

Proof of lot consolidation in accordance with the Conceptual Site Plan (Attachment B).

4. *Community Amenity Contribution*

A Section 219 Covenant to secure the CAC at the time of future development based on a rate of \$1,000 per residential unit and \$34 per square metre of gross commercial floor area, to be directed toward the future completion of sidewalk improvements along the frontages of 2778 104<sup>th</sup> Street. Any CAC which may be in excess of the cost of sidewalk improvements will be directed toward improvements within Loudon Park.

### **SUMMARY POINTS**

- The application is to rezone the subject properties from Single Dwelling Residential [R1] to Community Corridor [COR3].
- The proposed rezoning meets the intent of the OCP, the Transportation Master Plan, and the purpose of the COR3 zone in “City of Nanaimo Zoning Bylaw 2011 No. 4500”.
- Staff support the proposed rezoning.

## **ATTACHMENTS**

ATTACHMENT A: Location Plan

ATTACHMENT B: Conceptual Site Plan

ATTACHMENT C: Aerial Photo

“Zoning Amendment Bylaw 2020 No. 4500.167”

### **Submitted by:**

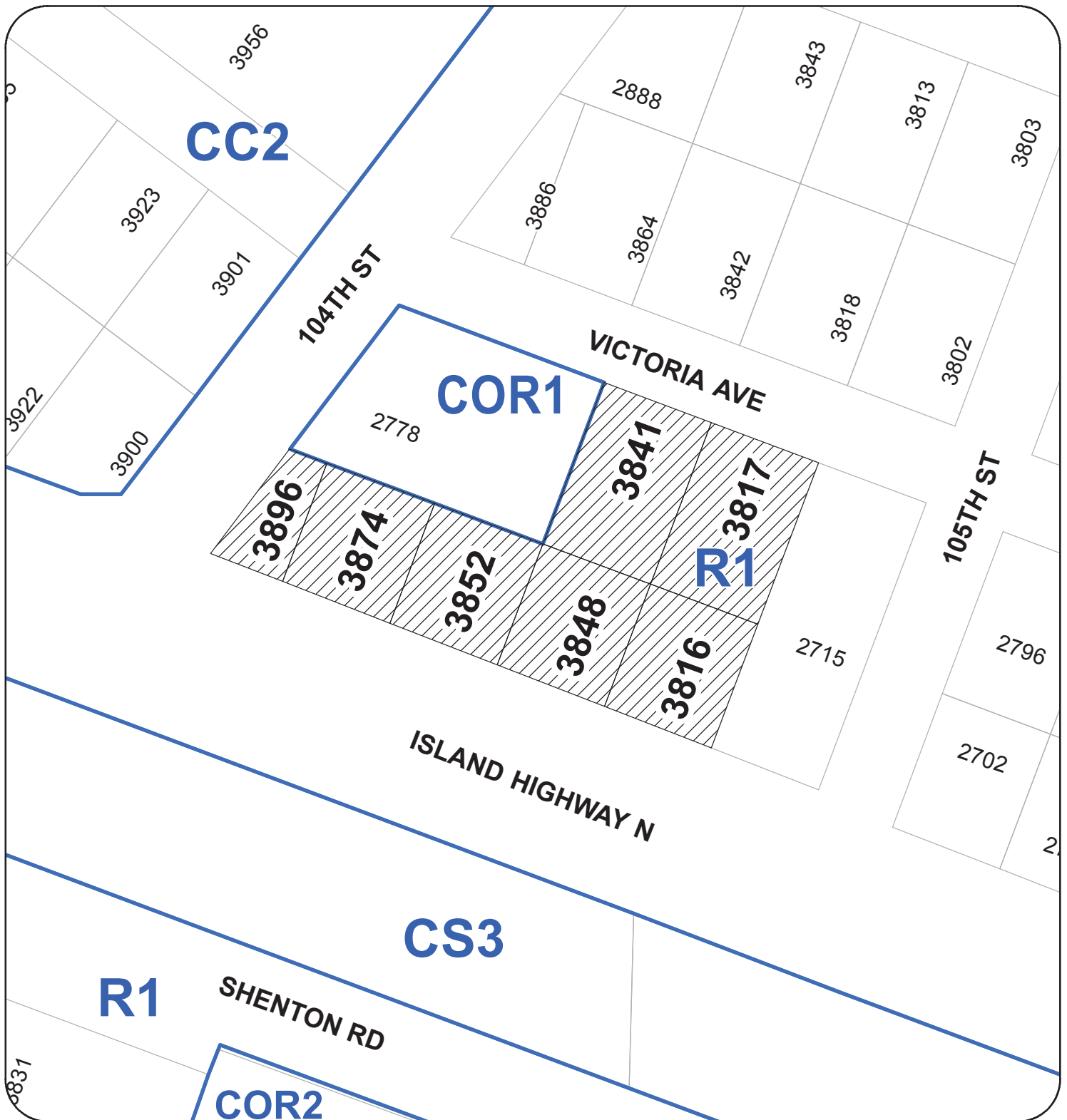
L. Rowett  
Manager, Current Planning

### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services

ATTACHMENT A  
LOCATION PLAN



REZONING APPLICATION NO. RA000432

LOCATION PLAN

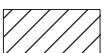
CIVIC: 3816 3848 3852 3874 3896 ISLAND HIGHWAY N  
3817 3841 VICTORIA AVENUE

LEGAL: LOTS 1-5, 8-9, BLOCK 17, SECTION 3  
WELLINGTON DISTRICT

PLAN 318A EXCEPT THAT PART IN PLAN 33807

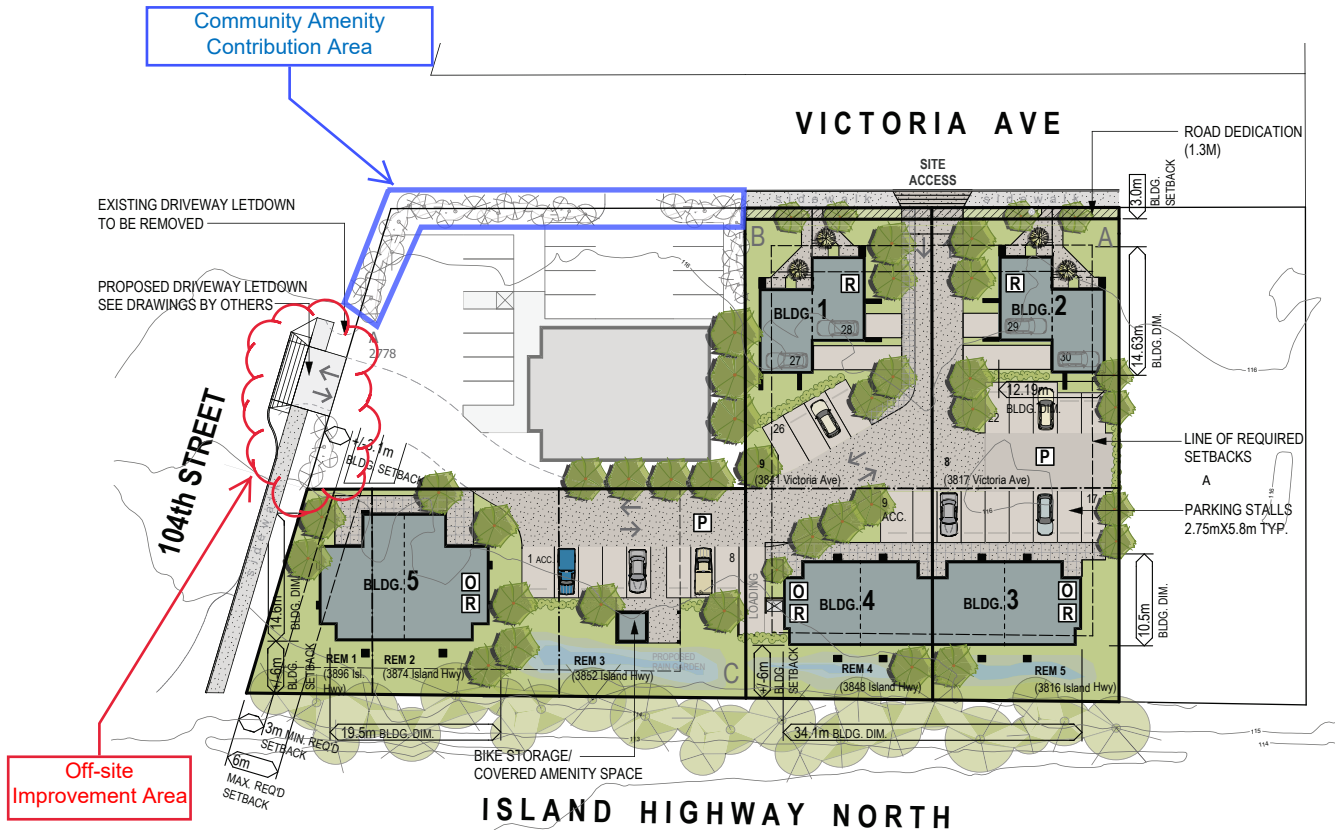
Document Path: V:\Source Data\Departmental Data\Eng\PubWks\GIS\Projects\TEMPLATES\LOCATION\_PLAN\Maps\RA000432\_LP.mxd

N



SUBJECT PROPERTY

# ATTACHMENT B CONCEPTUAL SITE PLAN



## SITE SCHEMATIC

NOTE: PROPERTY BOUNDARIES AND EXISTING BUILDINGS DERIVED FROM CITY OF NANAIMO MAPPING AND INFORMATION PROVIDED BY OTHERS. TO BE VERIFIED.

### LEGEND

- R RESIDENTIAL
- O OFFICE
- P PARKING

### SITE DATA

**CIVIL ADDRESS:** 3917 & 3841 - VICTORIA AVENUE  
3896, 3974, 3952, 3848, 3816 ISLAND HWY

**LEGAL:** LOTS 8 & 9, REM. 1,2,3,4,5, BLK. 17, PLAN 318A

**COMBINED LOT AREA:** +/- 3,609 M.SQ. / +/- 0.89 ACRE

**EXIST.ZONING:** R1 - SINGLE FAMILY RESIDENTIAL

**PROP. ZONING:** COR3 - COMMUNITY CORRIDOR

**OCP DES.:** CORRIDOR

**LOT COVERAGE:** +/- 21% (MAX. 60%)

**F.A.R.:** +/- .41 (MAX. 0.75)

### LAND USE

BLDG.	MAIN	2ND	3RD
1	RES.	RES.	RES.
2	RES.	RES.	RES.
3	OFFICE	RES.	-
4	OFFICE	RES.	-
5	OFFICE	RES.	-

### BUILDING AREA (M.SQ. GROSS)

BLDG.	MAIN	2ND	3RD	G.F.A.
1	43	65	65	173
2	43	65	65	173
3	195	195	-	390
4	165	165	-	330
5	252	150	-	402
<b>TOTALS</b>				<b>1,468</b>

### UNIT TYPES

BLDG.	RES. UNITS (1 BDRM)	RES. UNITS (2 BDRM)	OFFICE (M.SQ. NET)
1	-	2	-
2	-	2	-
3 main upper	2	-	175.5
4 main upper	2	-	148.5
5 main upper	-	-	227
<b>TOTALS</b>	<b>4</b>	<b>6</b>	<b>551m.sq.</b>

### PARKING

<b>REQUIRED:</b>	
4 UNITS @ 1.07	4.28
6 UNITS @ 1.44	8.64
C.R.U.'S @ 1/22 m.sq.	25.04
<b>TOTAL</b>	<b>38</b>
(SHARED PARKING REDUCTION 80%)	30
<b>PROVIDED:</b>	<b>30</b>

## PROPOSED REZONING

3917 & 3841 - VICTORIA AVENUE  
3896, 3974, 3952, 3848 & 3816 - ISLAND HIGHWAY  
NANAIMO B.C.



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PROJECT #: d1476.27.17  
ISSUED:  
REVIEW: 13 DEC. 2018  
REVIEW: 31 JAN. 2019  
REVIEW: 12 FEB. 2019  
REVIEW: 31 JAN. 2019  
CONSULTANT: 22 FEB. 2019  
REZONING: 27 FEB. 2019  
COORDINATION: 03 OCT. 2019  
PUBLIC. INFO. MTG: 21 OCT. 2019  
REVISED: 21 NOV. 2019  
REVISED FOR REZONING: 26 NOV. 2019

DRAWING #:

PR1.0



ATTACHMENT C  
AERIAL PHOTO



REZONING APPLICATION NO. RA000432

 SUBJECT PROPERTY

CITY OF NANAIMO

BYLAW NO. 4500.167

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. 4500.167".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the lands legally described as LOT 1, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3896 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A
  - (B) By rezoning the lands legally described as LOT 2, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3874 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A
  - (C) By rezoning the lands legally described as LOT 3, BLOCK 17, SECTIONS 3 AND 4, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3852 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (D) By rezoning the lands legally described as LOT 4, BLOCK 17, SECTIONS 3 AND 4 WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3848 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (E) By rezoning the lands legally described as LOT 5, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3816 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (F) By rezoning the lands legally described as LOT 8, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A (3817 Victoria Avenue) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (G) By rezoning the lands legally described as LOT 9, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A (3841 Victoria Avenue) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.

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

\_\_\_\_\_  
MAYOR

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

*File:* RA000432  
*Address:* 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway



## SCHEDULE A



### REZONING APPLICATION NO. RA000432

CIVIC: 3816 3848 3852 3874 3896 ISLAND HIGHWAY N  
3817 3841 VICTORIA AVENUE  
LEGAL: LOTS 1-5, 8-9, BLOCK 17, SECTION 3 WELLINGTON  
DISTRICT PLAN 318A EXCEPT THAT PART IN PLAN 33807



SUBJECT PROPERTY

DATE OF MEETING February 3, 2020

AUTHORED BY LISA BRINKMAN, PLANNER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA441 – 405 ROSEHILL STREET**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the subject property at 405 Rosehill Street from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow a multi-family development.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2020 No. 4500.171" (To rezone 405 Rosehill Street from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass first reading;
2. "Zoning Amendment Bylaw 2020 No. 4500.171" pass second reading; and
3. Council direct Staff to secure the road dedication and community amenity contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application (RA441) was received from Seward Developments Inc., on behalf of Christopher and Janeane Coutu, to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow a multi-family development.

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

<i>Location</i>	The subject property is located by the Newcastle neighbourhood, near Caledonia Park, and is adjacent to the Island Corridor Foundation multi-use route.
<i>Total lot area</i>	0.9ha
<i>Current zone</i>	Single Dwelling Residential (R1)
<i>Proposed zone</i>	Low Density Residential (R6) with site-specific provisions for building height and floor area ratio.
<i>Official Community Plan designation</i>	Neighbourhood

The subject property is surrounded by Medium Density Residential (R8)-zoned properties with apartment buildings to the north and west; and Single Dwelling Residential (R1)-zoned properties with single family homes to the south. Commercial uses exist one block to the east on Terminal Avenue.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow the development of five townhouse units. The development concept anticipates a Floor Area Ratio (FAR) of 0.79, and a building height of 10.7m (three storeys with a gable-pitch roof). Since the development concept for the property proposes a building height and FAR greater than permitted in the R6 zone, it is recommended site-specific provisions be included in the amending bylaw to allow for the proposed three-storey townhouse building form. This approach is recommended rather than applying the 'Medium Density Residential' (R8) zone, which would allow a greater density than is supported by the Official Community Plan (OCP). The following table provides a comparison of the R6 zone in relation to the proposed site-specific amendments for 405 Rosehill Street.

<b>Zone</b>	<b>Building Height</b>	<b>Density</b>
R6	7m (4:12 pitch or less) 9m (4:12 pitch or greater)	0.45 FAR base density 0.55 FAR with Tier One amenities 0.7 FAR with Tier Two amenities
Proposed R6 zone with site-specific provisions	10.7m	0.79 FAR

Staff are recommending that road dedication – 0.75m along the Rosehill Street property frontage – be provided as a condition of the rezoning to ensure Rosehill Street meets future transportation needs. At the time of building permit application, street frontage improvements would be required to be constructed to meet the City's engineering standards.

### *Official Community Plan (OCP)*

The OCP designates the subject property as 'Neighbourhood', which supports residential infill and a mix of housing types, including ground-oriented multiple-family units, two to four storeys in height, with a maximum density of 10-50 dwelling units per hectare (uph). The development concept proposes a density of approximately 50 uph in a ground-oriented housing form, which is consistent with the Neighbourhood designation policies.

### *Transportation Master Plan*

The subject property is located between Townsite Road, which is a major collector road, and Terminal Avenue and Bowen Road, which are arterial roads. This area falls within 600m of the downtown mobility hub, thus mobility options (including transit, sidewalks, and bike lanes) will continue to improve. The subject property is adjacent to Island Corridor Foundation land, and future development at 405 Rosehill Street will be reviewed to ensure the railway use and the railway crossing are respected.

## Community Consultation

The rezoning application was referred to the 'Caring about Townsite Society' residents' association for comment; however, no comments have been received. A rezoning sign was posted on the property in December 2019, and the applicant hosted a neighbourhood information meeting on 2020-JAN-08. The application will proceed to public hearing if the proposed amendment bylaw receives first and second reading.

## Community Contribution

As outlined in Section 7.3 of the OCP, applicants are encouraged to provide an amenity contribution as part of their rezoning proposal. The applicant is proposing an amenity contribution of \$5,000 towards the 'Great Trail'. The 'Great Trail' is the name of the public pedestrian route near the subject property (formally known as the Trans Canada Trail).

## Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2020 No. 4500.171", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication*  
A 0.75m road dedication from the Rosehill Street frontage through an application to deposit a plan of road dedication.
2. *Community Amenity Contribution*  
A monetary contribution of \$5,000 to be directed towards the 'Great Trail' (Trans Canada Trail).

### **SUMMARY POINTS**

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) with site-specific provisions to increase the maximum permitted building height to 10.7m (sloped roof) and increase the maximum allowable floor area ratio to 0.79.
- The proposed development meets the policy objectives of the OCP and offers an infill development in a neighbourhood near parks and transit.
- A \$5,000 community contribution is proposed to be directed towards the 'Great Trail' (Trans Canada Trail).

**ATTACHMENTS:**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Renderings  
ATTACHMENT D: Aerial Photo  
“Zoning Amendment Bylaw 2020 No. 4500.171” |

**Submitted by:**

Lainya Rowett  
Manager, Current Planning |

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services |



The map displays a residential area with the following streets and lot numbers:

- Townsite Rd** (top)
- Holly Ave** (vertical, center-left)
- Rosehill St** (horizontal, center-left)
- Bradley St** (horizontal, bottom-left)
- Wall St** (vertical, bottom-left)
- Caledonia Ave** (vertical, center-right)
- Terminal Ave N** (diagonal, top-right)
- Mt Benson St** (diagonal, bottom-right)

**Zoning Designations:**

- R1:** Located in the top-left, bottom-left, and middle-right areas.
- R8:** Located in the center-left and bottom-right areas.
- COR2:** Located in the top-right and bottom-right areas.
- COR3:** Located in the bottom-right area.

**Lot 405:** A hatched lot located between Rosehill St and Bradley St, east of Holly Ave.

**Other Lot Numbers:** 511, 510, 537, 535, 533, 531, 525, 411, 424, 422, 428, 426, 420, 430, 432, 436, 434, 408, 406, 410, 408, 405, 504, 512, 508, 520, 516, 514, 519, 511, 507, 315, 311, 307, 303, 310, 308, 306, 304, 302, 300, 350, 310, 315, 477, 455, 435, 427, 419, 415, 407, 405, 480, 360, 316, 480, 476, 464, 421, 335, 310, 312, 347, 343, 339, 335, 311, 266, 285, 520.

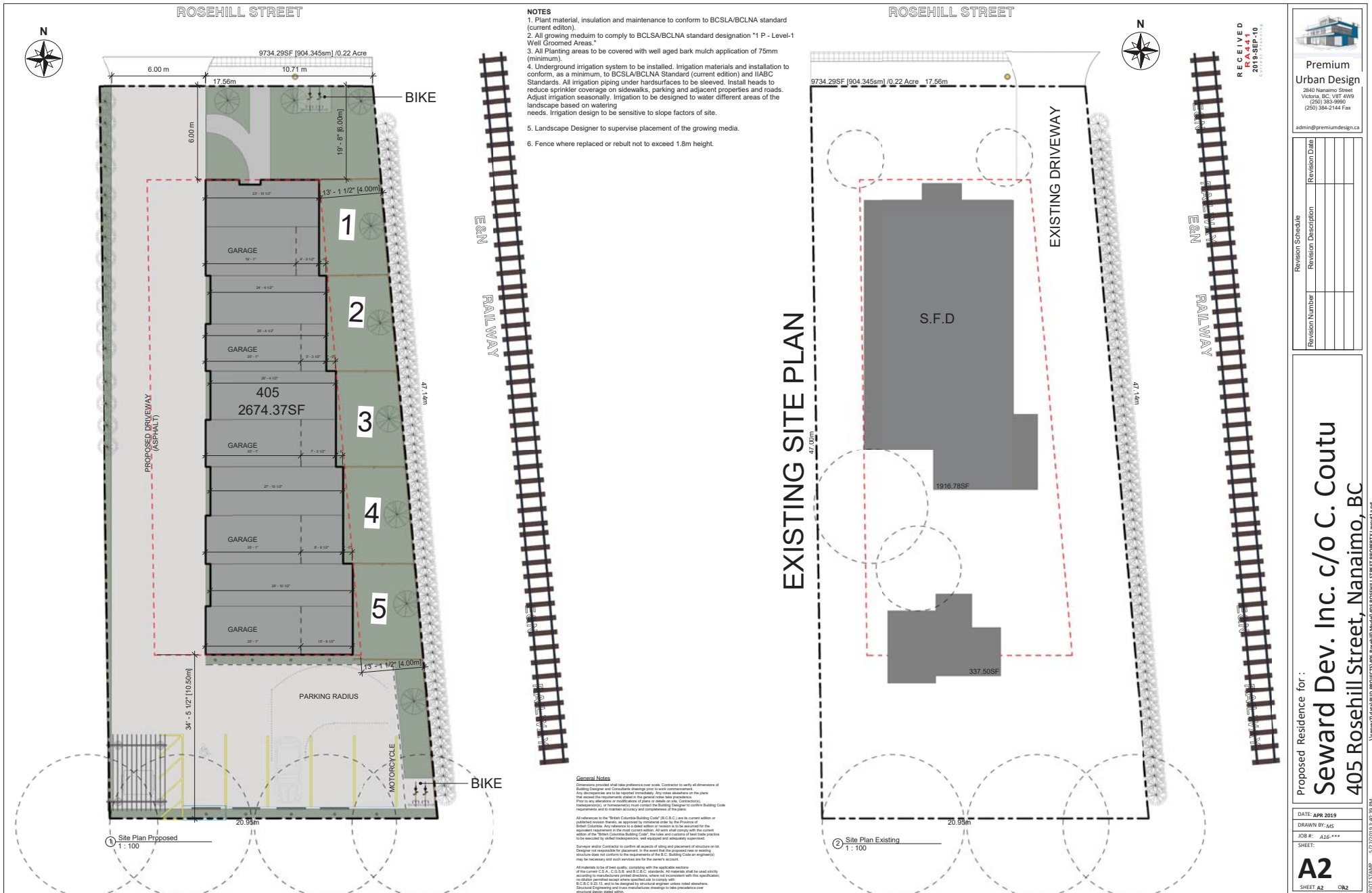
CIVIC: 405 ROSEHILL STREET  
LEGAL: LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 21869



## SUBJECT PROPERTY

## ATTACHMENT B

### CONCEPTUAL SITE PLAN



**ATTACHMENT C  
CONCEPTUAL RENDERINGS**

PROPOSED TOWNHOME 5 UNIT COMPLEX:

# 405 ROSEHILL STREET TOWNHOMES



NORTH EAST ELEVATION



NORTH ELEVATION



NORTH ELEVATION



NORTH WEST ELEVATION



SOUTH EAST ELEVATION



**Premium  
Urban Design**  
2840 Nanaimo Street  
Victoria, BC V8T 4W9  
(250) 363-9990  
(250) 364-2144 Fax  
admin@premiumdesign.ca

Revision Number	Revision Description	Revision Date

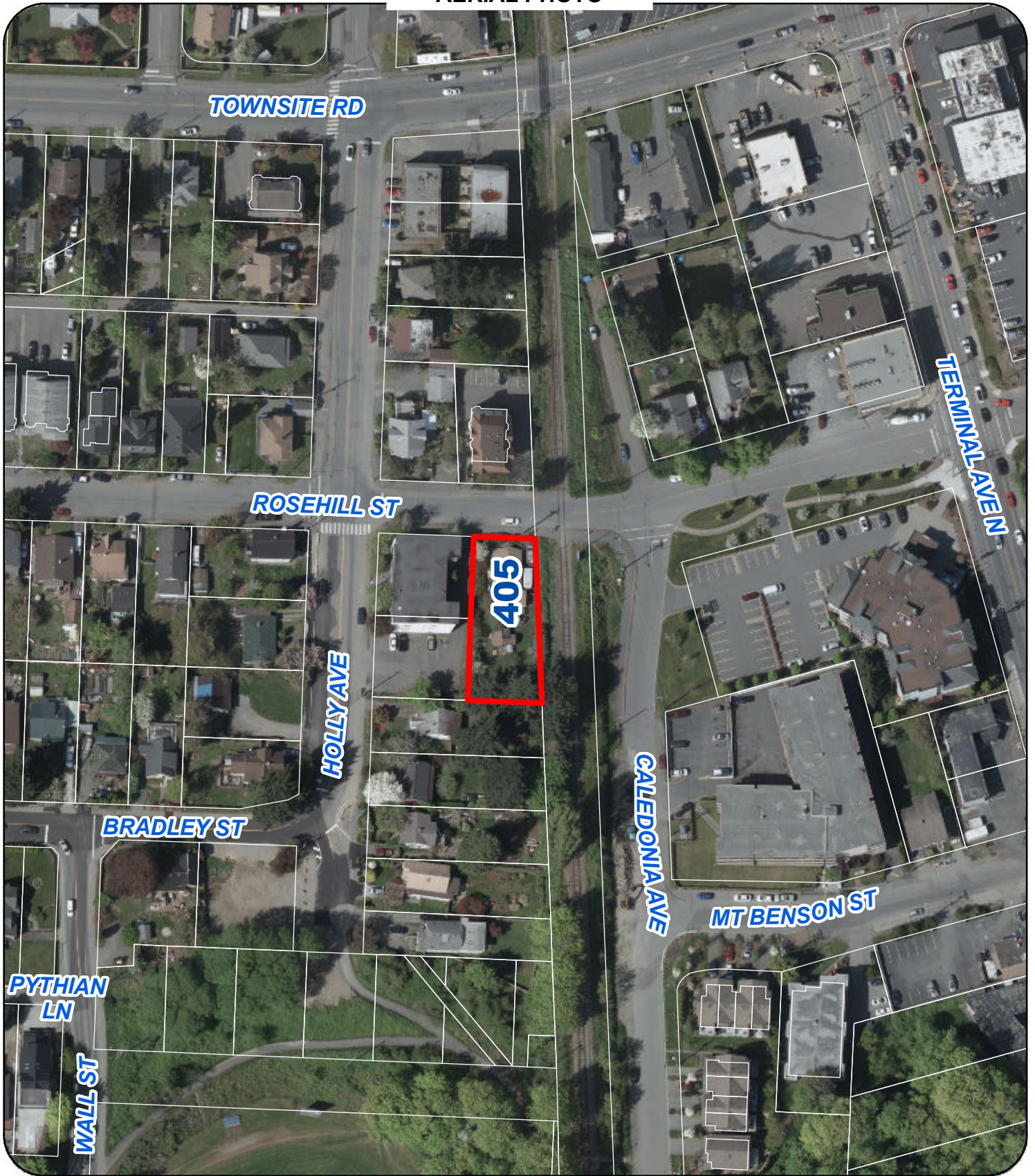
**RECEIVED**  
**RA-441**  
**2019-SEP-10**  
CONCEPT RENDERING

Proposed Residence for :  
**Seward Dev. Inc. c/o C. Coutu**  
**405 Rosehill Street, Nanaimo, BC**  
Viewer: C:\Users\JLD\PROJECTS\405 Rosehill\Model\405 ROSEHILL STREET PROPERTY Layout.dwg

DATE: APR 2019  
DRAWN BY: JMS  
JOB #: A26-\*\*\*  
SHEET:  
**A4**  
SHEET A4 OF 04



ATTACHMENT D  
AERIAL PHOTO



 SUBJECT PROPERTY

REZONING APPLICATION NO. RA000441

CITY OF NANAIMO

BYLAW NO. 4500.171

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 2020 No. 4500.171".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A.
  - (B) By adding the following after Subsection 7.3.8:

7.3.9 Notwithstanding 7.3.1, the total maximum Floor Area Ratio shall not exceed 0.79, on the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street).
  - (C) By adding the following after Subsection 7.6.1:

7.6.8 Notwithstanding 7.6.1, the height of a principal building shall not exceed 10.7 metres on the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street).

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

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

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

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

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

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

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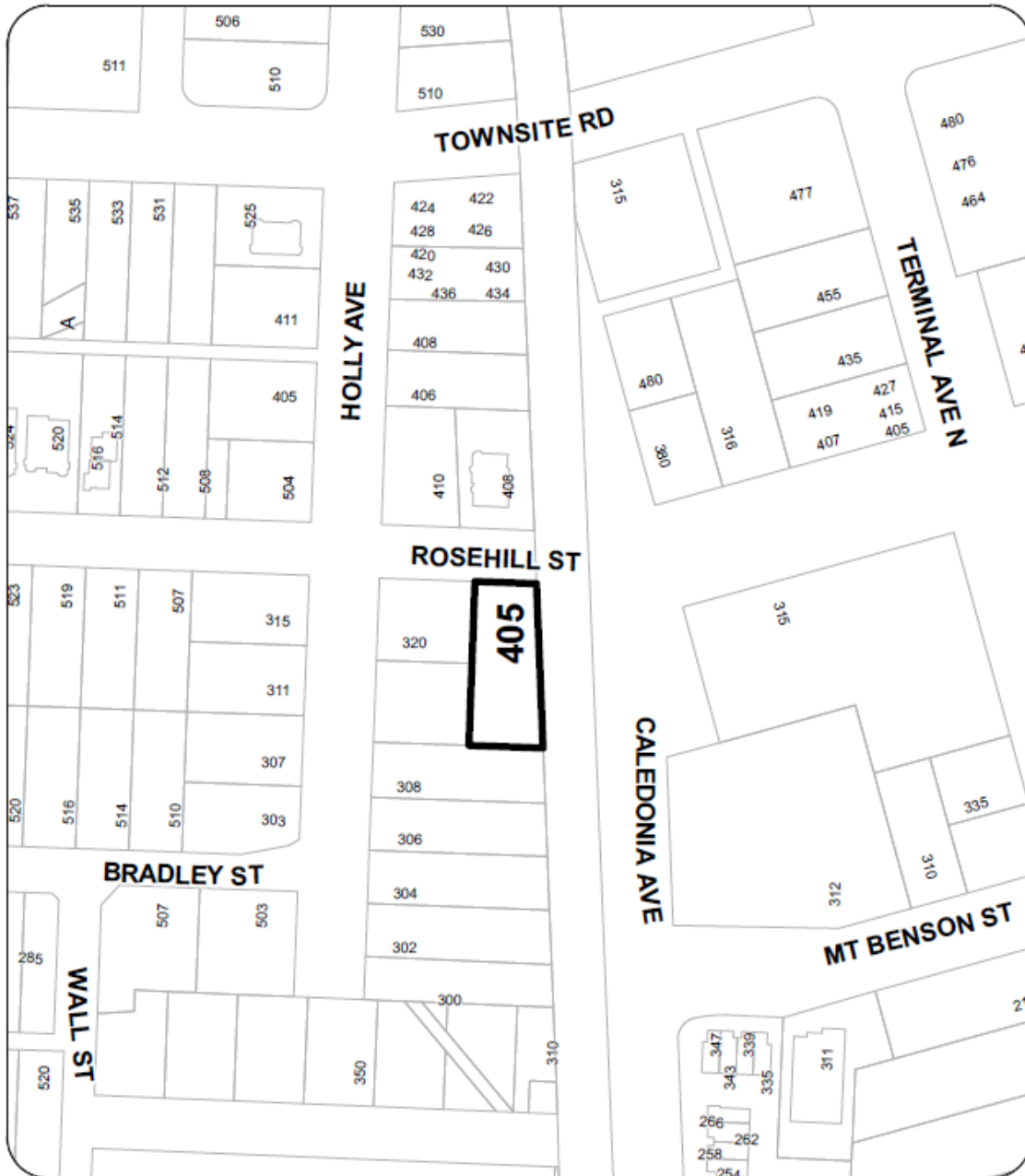
MAYOR

---

CORPORATE OFFICER

File: RA000441  
Address: 405 Rosehill Street

## SCHEDULE A

**REZONING APPLICATION NO. RA000441**

**SUBJECT PROPERTY**

CIVIC: 405 ROSEHILL STREET  
LEGAL: LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 21869



DATE OF MEETING |February 3, 2020|

AUTHORED BY |KARIN KRONSTAL, SOCIAL PLANNER

**SUBJECT |SUPERVISED CONSUMPTION SITE ZONING AMENDMENTS**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with options for changes to “City of Nanaimo Zoning Bylaw 2011 No. 4500” related to the siting of Federally-approved supervised consumption sites. |

### **Recommendation**

That

1. “Zoning Amendment Bylaw 2020 No. 4500.173” (To remove the definition for ‘Drug Addiction Treatment Facility’, amend the definition of ‘Office Medical/Dental’ to exclude Supervised Consumption Sites, and add a definition for Supervised Consumption Sites) pass first reading; and
2. “Zoning Amendment Bylaw 2020 No. 4500.173” pass second reading.

## **BACKGROUND**

At its Regular Council Meeting on 2020-JAN-13, Council directed Staff to bring forward a “City of Nanaimo 2011 No. 4500” (the “Zoning Bylaw”) amendment to change the definition of Office/Medical Dental to be interpreted more broadly and to exclude Supervised Consumption Site (SCS), and for the topic of SCS to be brought to the Health and Housing Task Force. This report follows up on the first part of that motion. The topic will also be discussed at a future meeting of the Health and Housing Task Force.

## **DISCUSSION**

Council’s direction on 2020-JAN-13 would allow Council to continue to consider SCS use through a site-specific zoning approval process. This direction also addresses outdated language in the Drug Addiction Treatment Facility definition, and creates clarity for health services allowed under Office/Medical Dental. In order to amend the definition of Office/Medical Dental to exclude SCS, a new definition for SCS must also be added to the Zoning Bylaw. Subsequently the proposed “Zoning Amendment Bylaw No. 4500.173” as attached, includes three changes:

1. It repeals the definition of ‘Drug Addiction Treatment Facility’;
2. It amends the definition of Office/Medical Dental to mean, “the office, clinic or laboratory of a health professional in the field of medicine, including a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician; and any other health professional designated under the Province of British Columbia’s *Health Professions Act* or *Emergency Health Services Act*. This use excludes Supervised Consumption Site”; and

3. It adds a new definition for SCS as meaning, “the supervised consumption of controlled substances as regulated under the Government of Canada’s *Respect for Communities Act* and *Controlled Drugs and Substances Act*, as well as any subsequent Act or Acts, which may be enacted in substitution thereto”.

Considering any future SCS on a site-specific basis allows Council to attach conditions for an SCS through the zoning approval process. This approach strikes a balance by acknowledging that an SCS is a necessary health service, while recognizing the City is accountable to the public for potential impacts that may result from introducing a new potentially high-impact use to a neighbourhood through regulatory changes. Should Council choose not to proceed with the option presented, the status quo would remain, meaning that an SCS would still require a site-specific rezoning, but under the existing definition of ‘Drug Addiction Treatment Facility.’

## **OPTIONS**

1. That:
  1. “Zoning Amendment Bylaw 2020 No. 4500.173” (To remove the definition for ‘Drug Addiction Treatment Facility’, amend the definition of ‘Office Medical/Dental’ to exclude Supervised Consumption Sites, and add a definition for Supervised Consumption Sites) pass first reading; and
  2. “Zoning Amendment Bylaw 2020 No. 4500.173” pass second reading.
    - Advantages: Provides Council with a greater level of oversight and accountability for the siting of any future SCS. Permits Council to add conditions of rezoning approval. Consistent with precedent policies of requiring site-specific rezoning for Liquor Retail Stores and Cannabis Retail Stores.
    - Disadvantages: Requires that Council make a decision on a specific location in response to a future SCS application, rather than leaving that decision up to Island Health based on public health criteria. This gives Island Health less flexibility in siting options and could be seen as stigmatizing towards substance users.
2. That Council provide alternative direction.

## **SUMMARY POINTS**

- Consistent with Council direction on 2020-JAN-13, Staff are bringing forward revisions to the Zoning Bylaw to repeal the definition of ‘Drug Addiction Treatment Facility’, amend the definition of Office/Medical Dental to exclude SCS and add a definition for SCS to continue to be permitted on a site-specific basis.
- Should Council choose not to proceed with the option presented, the status quo would remain, meaning that an SCS would still require a site-specific rezoning, but under the existing definition of ‘Drug Addiction Treatment Facility.’
- Further discussion about SCS will be brought to a future meeting of the Health and Housing Task Force.



**ATTACHMENTS:**

“Zoning Amendment Bylaw 2020 No. 4500.173”

**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

CITY OF NANAIMO

BYLAW NO. 4500.173

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

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 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 2020 No. 4500.173".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (1) By deleting the definition of "Drug Addiction Treatment Facility".
  - (2) By deleting the definition of "Office Medical/Dental" and replacing it with the following definition:

OFFICE MEDICAL / DENTAL - means the office, clinic or laboratory of a health professional in the field of medicine, including a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician; and any other health professional designated under the Province of British Columbia's *Health Professions Act* or *Emergency Health Services Act*. This use excludes Supervised Consumption Site.

- (3) By adding the following definition for "Supervised Consumption Site":

SUPERVISED CONSUMPTION SITE - means the supervised consumption of controlled substances as regulated under the Government of Canada's *Respect For Communities Act* and *Controlled Drugs and Substances Act*, as well as any subsequent Act or Acts, which may be enacted in substitution thereto.

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

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

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

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

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

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

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MAYOR

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CORPORATE OFFICER

File: Supervised Consumption Site Zoning  
Address: N/A

## **8. Bylaw**

CITY OF NANAIMO

BYLAW NO. 4500.167

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 2020 No. 4500.167".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the lands legally described as LOT 1, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3896 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A
  - (B) By rezoning the lands legally described as LOT 2, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3874 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A
  - (C) By rezoning the lands legally described as LOT 3, BLOCK 17, SECTIONS 3 AND 4, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3852 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (D) By rezoning the lands legally described as LOT 4, BLOCK 17, SECTIONS 3 AND 4 WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3848 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (E) By rezoning the lands legally described as LOT 5, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A EXCEPT THAT PART IN PLAN 33807 (3816 Island Highway N.) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (F) By rezoning the lands legally described as LOT 8, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A (3817 Victoria Avenue) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.
  - (G) By rezoning the lands legally described as LOT 9, BLOCK 17, SECTION 3, WELLINGTON DISTRICT, PLAN 318A (3841 Victoria Avenue) from Single Dwelling Residential (R1) to Community Corridor (COR3) as shown on Schedule A.

PASSED FIRST READING: 2020-FEB-3  
PASSED SECOND READING: 2020-FEB-3  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

*File: RA000432*  
*Address: 3841 and 3817 Victoria Avenue and 3896, 3874, 3852, 3848 and 3816 Island Highway*

## SCHEDULE A



### REZONING APPLICATION NO. RA000432

CIVIC: 3816 3848 3852 3874 3896 ISLAND HIGHWAY N  
3817 3841 VICTORIA AVENUE  
LEGAL: LOTS 1-5, 8-9, BLOCK 17, SECTION 3 WELLINGTON  
DISTRICT PLAN 318A EXCEPT THAT PART IN PLAN 33807



SUBJECT PROPERTY

CITY OF NANAIMO

BYLAW NO. 4500.171

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 2020 No. 4500.171".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A.
  - (B) By adding the following after Subsection 7.3.8:

7.3.9 Notwithstanding 7.3.1, the total maximum Floor Area Ratio shall not exceed 0.79, on the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street).
  - (C) By adding the following after Subsection 7.6.1:

7.6.8 Notwithstanding 7.6.1, the height of a principal building shall not exceed 10.7 metres on the land legally described as LOT B, SUBURBAN LOT 26, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 21869 (405 Rosehill Street).

PASSED FIRST READING: 2020-FEB-3

PASSED SECOND READING: 2020-FEB-3

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

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

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

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

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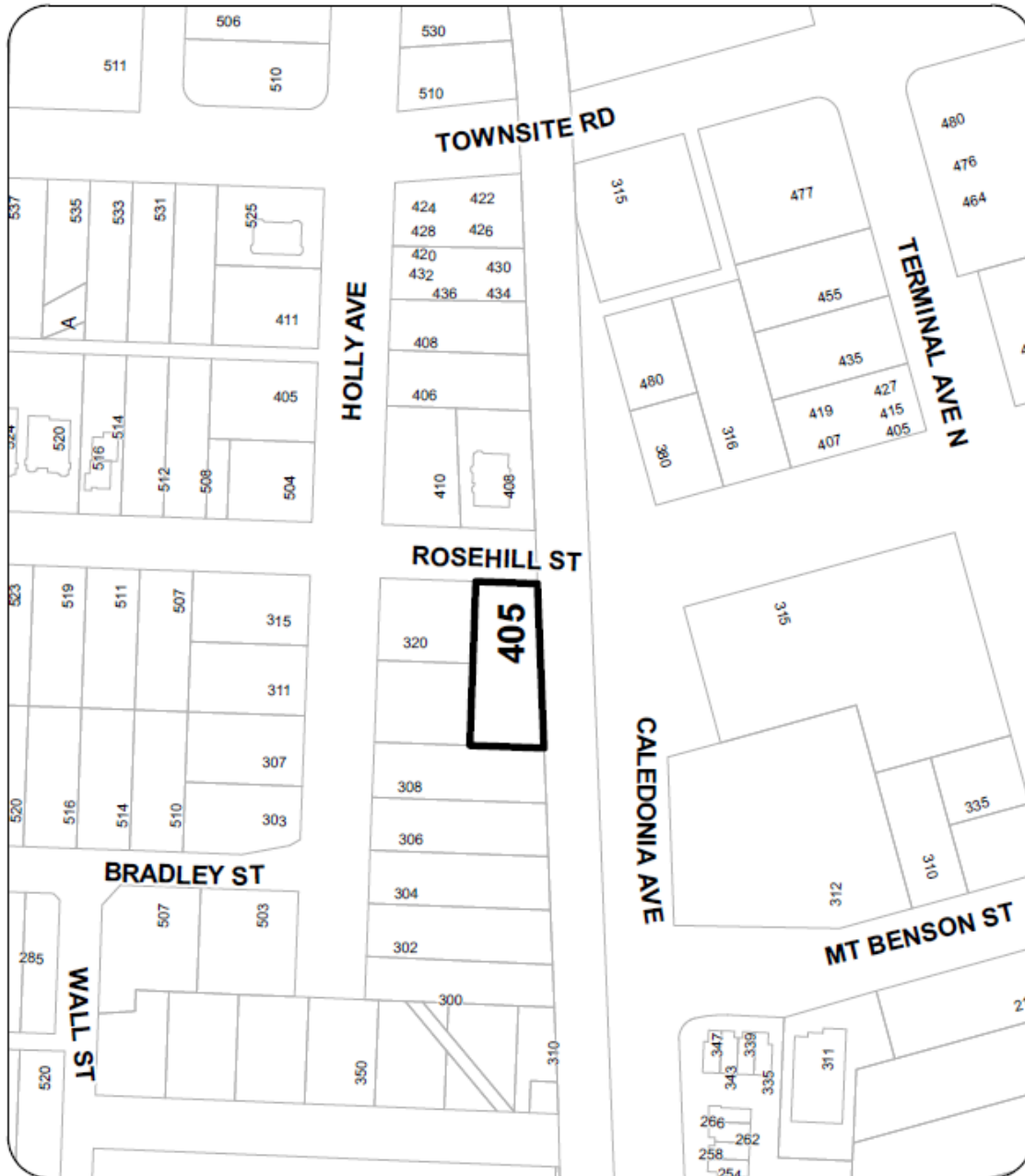
MAYOR

---

CORPORATE OFFICER

File: RA000441  
Address: 405 Rosehill Street

## SCHEDULE A



**REZONING APPLICATION NO. RA000441**



**SUBJECT PROPERTY**

CIVIC: 405 ROSEHILL STREET  
LEGAL: LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 21869



CITY OF NANAIMO

BYLAW NO. 4500.173

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

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 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 2020 No. 4500.173".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (1) By deleting the definition of "Drug Addiction Treatment Facility".
  - (2) By deleting the definition of "Office Medical/Dental" and replacing it with the following definition:

OFFICE MEDICAL / DENTAL - means the office, clinic or laboratory of a health professional in the field of medicine, including a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician; and any other health professional designated under the Province of British Columbia's *Health Professions Act* or *Emergency Health Services Act*. This use excludes Supervised Consumption Site.

- (3) By adding the following definition for "Supervised Consumption Site":

SUPERVISED CONSUMPTION SITE - means the supervised consumption of controlled substances as regulated under the Government of Canada's *Respect For Communities Act* and *Controlled Drugs and Substances Act*, as well as any subsequent Act or Acts, which may be enacted in substitution thereto.

PASSED FIRST READING: 2020-FEB-3

PASSED SECOND READING: 2020-FEB-3

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

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

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

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

---

MAYOR

---

CORPORATE OFFICER

File: Supervised Consumption Site Zoning  
Address: N/A

DATE OF MEETING March 5, 2020

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT 1667 EXTENSION ROAD – ILLEGAL CONSTRUCTION

## **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 1667 Extension 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 the remedial action consisting of removal of the unauthorized structure.

## **BACKGROUND**

The property at Lot 10, Section 17, Range 4, Cranberry District, Plan 8000 (1667 Extension Road) is a single family dwelling.

A deck was constructed at 1667 Extension Road without permit, in contravention of City of Nanaimo "Building Bylaw 2003 No. 5693".

Correspondence was forwarded to the property owner advising a building permit would be required for the work. A permit was received for the work, but the permit expired with deficiencies remaining outstanding.

- Building Inspections observed the illegal deck on 2016-MAY-05.
- Correspondence was sent to the property owner on 2016-MAY-06 providing opportunity to submit a permit for the work.
- A building permit was received for the work and issued 2016-NOV-10.
- The permit expired 2018-OCT-30 without being completed and correspondence was forwarded to the property owner providing opportunity to rectify the outstanding deficiencies.

- No further inspections were called and the building permit was retired as incomplete 2019-MAR-30 with deficiencies remaining outstanding. The file was forwarded to Bylaw Services for enforcement action.
- Building Bylaw Contravention Notice (*Community Charter* Section 57) was registered on title 2016-AUG-10.
- The file was received by Bylaw Services Mar 2019.
- A Bylaw Officer attended the property April 2019. No response was received; it appeared to no one was home.
- A Bylaw Officer telephoned the residence in May 2019. No response received.
- A recent site inspection In December 2019 confirmed the illegal deck structure is still in place and Building Inspections Staff consider this to be a safety issue that must be addressed.

## **DISCUSSION**

Opportunity has been provided to the property owners to legitimize or remove the illegal construction. To date, the illegal construction remains.

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

## **OPTIONS**

1. That Council:
  1. issue a Remedial Action Order at 1667 Extension 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 the remedial action consisting of removal of the unauthorized structure.

### **SUMMARY POINTS**

- An illegally-constructed deck was observed at the property at 1667 Extension Road.
- The owner was provided opportunity to legitimize or remove the illegal construction.
- As compliance was not achieved, the property has been forwarded to Council for authorization to enforce the provisions of Sections 72 and 73 of the Community Charter, with a 30-day window in which to bring the property into compliance.

#### **Submitted by:**

Dave LaBerge  
Manager, Bylaw Services

#### **Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING March 5, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 6451 PORTSMOUTH ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6451 Portsmouth 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 6451 Portsmouth Road for construction not completed as per the conditions of the building permit.

## **BACKGROUND**

A building permit for a number of alterations to the building was issued 2017-OCT-11. However, the permit has now expired with deficiencies remaining outstanding, in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit and providing opportunity to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the contravention of "Building Bylaw 2016 No 7224".

## **DISCUSSION**

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

### **SUMMARY POINTS**

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services



DATE OF MEETING | March 5, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 495 DUNSMUIR STREET |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 495 Dunsmuir 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 495 Dunsmuir Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection conducted 2018-FEB-07 as a result of a business licence referral revealed that illegal construction to create a new commercial rental unit (CRU) had previously taken place without a building permit. Correspondence was forwarded to the property owner advising a building permit was required for the work completed without a permit. To date, a building permit application has 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”. |

## **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, Community Development

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING March 5, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 740 HALIBURTON STREET**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 740 Haliburton 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 740 Haliburton Street for construction not completed as per the conditions of the building permit.

## **BACKGROUND**

A building permit (BP124674) for the renovation of the dwelling and the construction of a secondary suite was issued 2018-OCT-02. During the course of an inspection, the inspector observed that the work had gone beyond the scope of the permit in that the dwelling had been fully reconstructed. A Stop Work notice was issued and correspondence was forwarded to the owner advising that a complete and detailed revision to the existing permit was required by 2020-JAN-08, but to date, a complete revision application has 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 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 outside the scope of the permit was completed.
- The deadline to submit a revision to the permit has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services

DATE OF MEETING | March 5, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 2112 AARON WAY** |

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2112 Aaron Way. |

### **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 2112 Aaron Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

A building permit was applied for 2019-AUG-28 for the conversion of the existing garage to a second kitchen; however, the work was completed before the permit was issued, in contravention of “Building Bylaw 2016 No 7224”. Therefore, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without the required inspections.

## **DISCUSSION**

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

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Community Development

Dale Lindsay  
General Manager, Development Services