



AGENDA REGULAR COUNCIL MEETING

Monday, July 26, 2021

3:15 p.m. to Proceed In Camera, Reconvene Open Meeting at 7:00 p.m.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:

2. PROCEDURAL MOTION:

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

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

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

(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

(c) labour relations or other employee relations;

(d) the security of property of the municipality;

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

(g) litigation or potential litigation affecting the municipality;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

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

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

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under Section 98 [*annual municipal report*];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

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

(o) the consideration of whether the authority under Section 91 [*other persons attending closed meetings*] should be exercised in relation to a Council meeting; and,

Community Charter Section 90(2):

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

3. INTRODUCTION OF LATE ITEMS:

4. APPROVAL OF THE AGENDA:

5. ADOPTION OF THE MINUTES:

a. Minutes

12 - 18

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on 2021-JUL-05 at 4:00 p.m.

6. MAYOR'S REPORT:

7. RISE AND REPORT

8. PRESENTATIONS:

9. COMMITTEE MINUTES:

a. Minutes

19 - 22

Minutes of the Board of Variance Meeting held in the Boardroom, Service and

Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-JUN-03 at 4:00 p.m.

- b. Minutes 23 - 34

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-14 at 1:00 p.m.

- c. Minutes 35 - 41

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-28 at 1:00 p.m.

- d. Minutes 42 - 53

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUL-12 at 1:00 p.m.

10. CONSENT ITEMS:

- a. Governance and Priorities Committee Meeting 2021-JUL-12 54

[A link to the 2021-JUL-12 Governance and Priorities Committee Agenda is provided for information.]

1. Policy and Bylaw Renewal Project Update

That Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents linked to the July 12, 2021 report by the Deputy City Clerk.

2. Proposed Amendments to the Business Licence Bylaw

That Council change the liquor primary business licence fee from \$1100 to \$165 per year.

3. Proposed Amendments to the Business Licence Bylaw

That Council direct Staff to proceed with finalizing the “Business Licence Bylaw 2021 No. 7318”, and that once finalized, return to a future Regular Council meeting for first, second and third readings of the “Business Licence Bylaw 2021 No. 7318”, along with amendments to the “Fees and Charges Bylaw 2007 No. 7041” and the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

4. Active Transportation Infrastructure Grant

That Council direct staff to submit two applications under the Active Transportation Infrastructure Grant Program and provide a Council resolution for each submission:

- That Council direct staff to submit an application for Metral Complete Street Corridor Phase 2, confirm the local share of \$2.54 million is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.
- That Council direct staff to submit an application for Fourth and Albert Complete Street Phase 4, confirm the local share of \$700,000 is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.

5. Community Amenity Contribution Policy

That Council direct Staff to work with the Nanaimo Development Group and other appropriate stakeholders, to look at options and provide more information regarding:

1. Calculation for townhouse residential dwellings based on a per area calculation
2. Amenity contribution values based on net floor area

b. Finance and Audit Committee Meeting 2021-JUL-21

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[A link to the 2021-JUL-21 Finance and Audit Committee Agenda is provided for information.]

1. Live Fire Training Centre Remediation

That Council add a Live Fire Training Facility Remediation project in the amount of \$275,300 to the 2021 budget funded from the General Asset Management Reserve Fund.

2. Funding Request for Commercial Street Revitalization Plan

That Council amend the 2021-2025 Financial Plan to add \$150,000 in 2021 for a Commercial Street Revitalization Plan funded from Payment in Lieu of Taxes.

3. Update on Welcome Pole at Sway'a'Lana/Maffeo Sutton Park and Request for Additional Funds

That Council:

1. approve the proposed location of the pole at Sway'a'Lana/Maffeo Sutton Park as identified on Attachment

“C” to the staff report; and

2. amend the 2021-2025 Financial Plan to include an additional \$50,000 for the installation of the Welcome Pole funded from the Strategic Infrastructure Reserve.

4. Community Program Development Grant - Nanaimo Climate Action Hub Society

That Council approve the request from the Nanaimo Climate Action Hub Society for a Community Program Development Grant in the amount of \$3,000 to assist in funding the Community Climate Circles program.

5. Nanaimo Operations Center - Phase 2 Environment Assessment

That Council increase the budget for the Public Works Facility: Conceptual Design by \$100,000 to undertake a Stage 2 environmental site investigation funded from Payments in Lieu of Taxes.

6. Ending the B.C. Climate Action Revenue Incentive Program (CARP)

That Council send a letter to Premier John Horgan, the Minister of Municipal Affairs, the Minister of Environment and Climate Change Strategy, and the Union of B.C. Municipalities outlining the value of the BC Climate Action Revenue Incentive Program (CARIP) and the implications of the program's end

7. Sustainability and Emission Reduction Reserve Funds

That Council:

1. Direct Staff to include in the 2022 – 2026 Draft Financial Plan for Council consideration a new funding strategy for the Emission Reduction Reserve based on an annual allocation of \$165,000.
2. Direct Staff to transfer the balance in the Sustainability Reserve Fund to the Emission Reduction Reserve Fund and return to Council with an updated Emission Reduction Reserve Fund Bylaw that includes supporting both energy and emission reduction projects and initiatives.

11. DELEGATIONS:

- a. Laura Augustine re: Potentially Rezoning of Lands Surrounding Cable Bay Trail

56

12. REPORTS:

- a. Special Events in Nanaimo

57 - 75

To be introduced by Art Groot, Director, Facility and Parks Operations.

Purpose: To provide an overview of outdoor events in City of Nanaimo parks and open spaces and outline how the City of Nanaimo facilitates the delivery of events with logistical support, funding opportunities and infrastructure.

Presentation:

1. Julie Bevan, Manager, Culture and Special Events, and Michele Duerksen, Recreation Coordinator - Special Events.

b. Off-Street Parking Reserve Fund Bylaw

76 - 81

To be introduced by Shelley Legin, General Manager, Corporate Services.

Purpose: To introduce "Off-Street Parking Reserve Fund Bylaw No. 7328" for first, second and third readings, to establish a statutory reserve for cash-in-lieu payments received under "Off-Street Parking Regulations Bylaw 2018 No. 7266".

Recommendation:

1. That "Off-Street Parking Reserve Fund Bylaw 2021 No. 7328" (To establish a statutory reserve for cash-in-lieu payments received under "Off-Street Parking Regulations Bylaw 2018 No. 7266"), pass first reading;
2. That "Off-Street Parking Reserve Fund Bylaw 2021 No. 7328" pass second reading; and,
3. That "Off-Street Parking Reserve Fund Bylaw 2021 No. 7328" pass third reading.

c. Endorsement of Draft Articles of Incorporation and Shareholder Agreement for the Nanaimo Prosperity Corporation

82 - 150

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To provide Council with an update on the work completed to date to establish the Nanaimo Prosperity Corporation and to seek Council endorsement of the draft articles of incorporation and shareholder agreement.

Presentation:

1. Bill Corsan, Director, Community Development.

Recommendation: That Council:

1. approve in principle the draft articles of incorporation and shareholder agreement for the Nanaimo Prosperity Corporation;
2. direct Staff to submit the articles of incorporation and shareholder agreement to the Inspector of Municipalities for approval;

3. delegate the Chief Administrative Officer to represent Council in discussions with the Inspector of Municipalities; and
4. direct Staff to return for Council's final approval of the articles of incorporation and shareholder agreement following approvals by the Inspector of Municipalities and the respective Councils/Boards of the five shareholder organizations.

- d. Official Community Plan Amendment OCP100 - 456 Milton Street and OCP101 - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street 151 - 165

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: The purpose of this report is to request direction from Council to proceed with two Official Community Plan amendment applications for proposed developments at 456 Milton Street (OCP100) and for the five properties located at 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101).

Delegations:

1. Myron Calof, I4 Property Group, and Don Yen, Urban Architectural Solutions.

Recommendation: That:

1. Council direct Staff to proceed with processing Official Community Plan amendment application OCP100 for 456 Milton Street; and
2. Council direct Staff to proceed with processing Official Community Plan amendment application OCP101 (120 Needham, 514 and 540 Haliburton Street, 535 and 575 Nicol Street).

- e. Development Variance Permit Application No. DVP420 - 4176 Wellesley Avenue 166 - 173

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To present for Council's consideration, a development variance permit application to reduce the minimum required front yard setback to allow a proposed dwelling on proposed Lot C.

Recommendation: That Council issue Development Variance Permit No. DVP420 for proposed Lot C (Lot 1, Block 7, Section 5, Wellington District, Plan 318 and Lot 5, Section 5, Wellington District, Plan EPP82222, to be consolidated) with the following variance:

- To reduce the minimum required front yard setback from 4.5m to 2m for a proposed dwelling.

- f. Property Disposition - 4176A Wellesley Avenue 174 - 180

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To obtain Council approval for the disposition of City-owned land at 4176A Wellesley Avenue to the owners of 4176 Wellesley Avenue.

Recommendation: That Council:

1. approve the property disposition of 4176A Wellesley Avenue for \$100,000 to Michael McKillican and Michelle Peakman; and
2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.

g. Property Disposition - 4220A and 4200A Victoria Avenue

181 - 186

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To seek Council approval for the property disposition of City-owned land at 4220A and 4200A Victoria Avenue to the owner of 4220 and 4200 Victoria Avenue.

Recommendation: That Council

1. approve the property disposition of 4220A and 4200A Victoria Avenue for \$134,000 to Karin Parakin; and
2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.

h. Development Permit Application No. DP1221 - 3945 Biggs Road

187 - 226

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To present for Council's consideration, a development permit application for the redevelopment of the Nanaimo Correctional Centre at 3945 Biggs Road.

Recommendation: That Council issue Development Permit No. DP1221 at 3945 Biggs Road with the following variances to:

- increase the maximum allowable building height from 14.0m to 18.73m; and
- reduce the minimum required watercourse setback from Brannen Lake from 15.0m to 0m and the Millstone River from 30.0m to 0m for proposed upgrades to the existing road, security fence, and utility infrastructure.

i. Development Permit Application No. DP1198 - 361 Albert Street

227 - 248

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To present for Council's consideration, a development permit application for a five-storey building with 22 residential units and a live/work studio at 361 Albert Street.

Recommendation: That Council issue Development Permit No. 1198 at 361 Albert

Street with one variance to increase the maximum allowable building height from 11.2m to 14.0m.

j. Development Permit Application No. DP1210 - 6030 Linley Valley Drive 249 - 280

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To present for Council's consideration, a development permit application for a multi-family residential development at 6030 Linley Valley Drive.

Recommendation: That Council issue Development Permit No. DP1210 at 6030 Linley Valley Drive with variances to increase the maximum permitted building height of Building B from 14.0m to 16.2m and Building C from 14.0m to 16.0m.

k. Housing Agreement - 1125 Seafield Crescent 281 - 289

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To obtain Council approval for a housing agreement for a 124-unit affordable seniors' housing development at 1125 Seafield Crescent in order to permit a 50% reduction in the development cost charges.

Recommendation: That:

1. "Housing Agreement Bylaw 2021 No. 7329" (To secure unit affordability) pass first reading;
2. "Housing Agreement Bylaw 2021 No. 7329" pass second reading;
3. "Housing Agreement Bylaw 2021 No. 7329" pass third reading; and
4. Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement.

l. Video Surveillance of Civic Property Policy 290 - 297

To be introduced by Sheila Gurrie, Director, Legislative Services.

Purpose: To introduce a new "Video Surveillance of Civic Property Policy" for Council's consideration.

Recommendation: That Council repeal Council Policy COU-178 - "Video Surveillance of Civic Property Policy", dated 2008MAY-26, and replace it with COU-223 - "Video Surveillance of Civic Property Policy" as attached to the 2021JUL-26 report by the Records/Information & Privacy Coordinator.

m. Council Resolutions Update 298 - 346

To be introduced by Sheila Gurrie, Director, Legislative Services.

Purpose: To provide Council with an update on Council's completed and outstanding resolutions.

13. BYLAWS:

- a. "Zoning Amendment Bylaw 2019 No. 4500.146" 347 - 349
That "Zoning Amendment Bylaw 2019 No. 4500.146" (To rezone 111 Terminal Avenue to allow Cannabis Retail Store as a site-specific use within the Terminal Avenue (DT4) Zone.) be adopted.
- b. "Zoning Amendment Bylaw 2021 No. 4500.183" 350 - 351
That "Zoning Amendment Bylaw 2021 No. 4500.183" (To amend the Corridor Three [COR3] zone to allow 'automobile sales, service and rental' as a site-specific use within 2355 Kenworth Road and a portion of 2345 Kenworth Road) be adopted.
- c. "Highway Closure and Dedication Removal Bylaw 2021 No. 7286" 352 - 354
That "Highway Closure and Dedication Removal Bylaw 2021 No. 7286" (To provide for highway closure and dedication removal of a portion of Eighth Street adjacent to 857 Old Victoria Road) be adopted.
- d. "Housing Agreement Bylaw 2021 No. 7327" 355 - 360
That "Housing Agreement Bylaw 2021 No. 7327" (To secure unit affordability) be adopted.

14. NOTICE OF MOTION:

- a. Notice of Motion Councillor Geselbracht re: City of Nanaimo Fossil Fuel Divestment and Ethical Investment Strategy and Policy Development 361 - 362
- Councillor Geselbracht advised that he would be bringing forward the following notice of motion for consideration at a future Council Meeting:
- "That staff prepare a report on an investment policy and strategy that can achieve the following considerations:
- 1) Divest from fossil fuel companies, by supporting fossil fuel free investment portfolios, such as the MFA Fossil Fuel Free Short-Term Bond Fund and build on the examples of fossil fuel free investment strategies from other municipalities such as Vancouver and Victoria;
 - 2) Select investments that make positive contributions to Environmental, Social and Governance (ESG) factors; and
 - 3) Align investment with the Sec.183 of the Community Charter, and best practices for investing public funds.
 - 4) Provide strategic options with associated budgetary considerations that include options for the immediate divestment of all funds that include holdings involved in

the production and distribution of fossil fuels and options that take a more graduated approach.”

[Note: Reference material provided for information.]

15. **OTHER BUSINESS:**

16. **QUESTION PERIOD:**

17. **ADJOURNMENT:**

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-JUL-05, AT 4:00 P.M.

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

Staff: D. Lindsay, General Manager, Development Services
R. Harding, General Manager, Parks, Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
B. Corsan, Director, Community Development
L. Mercer, Director, Finance
L. Bhopalsingh, Manager, Community Planning
T. Daliran, Manager, Sanitation, Recycling & Cemeteries
F. Farrokhi, Manager, Communications
C. Negrin, Manager, Subdivision/Deputy Approval Officer
L. Rowett, Manager, Current Planning
D. Stewart, Social Planner
D. Stevens, Supervisor, Applications Support
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk
J. Vanderhoef, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:00 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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

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

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

The motion carried unanimously.

Council moved In Camera at 4:00 p.m.
Council moved out of In Camera at 4:40 p.m.

Council recessed the Open Meeting 4:40 p.m.
Council reconvened the Open Meeting at 7:00 p.m.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

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

- Minutes of the Special Council Meeting (Public Hearing) held virtually on Thursday, 2021-MAY-20, at 7:00 p.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on 2021-JUN-17 at 7:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on 2021-JUN-21 at 4:00 p.m.

The motion carried unanimously.

5. MAYOR'S REPORT:

Mayor Krog spoke regarding:

- Phase 2 of REIMAGINE NANAIMO is underway and will focus on exploring options related to how Nanaimo will grow
- Reopening of City recreation facilities following the implementation of Phase 3 of the BC Restart Plan on July 1st
- Following a Provincial Order there is now a full ban on all open fires within Nanaimo City limits
- City of Nanaimo Emergency Volunteers have been called upon to support wildfire evacuees in the Village of Lytton. He noted that the Village of Lytton was a historic site and important part of British Columbia's history.

- The rainbow crosswalks downtown were vandalized on Saturday morning and Staff will be repainting them Tuesday, 2021-JUL-06

6. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-MAY-13 at 5:00 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2021-MAY-27 at 5:00 p.m.

7. DELEGATIONS:

- (a) Randi Nykwist and Wendy Hall, Community Living British Columbia (CLBC), Community Council, spoke regarding the need for affordable housing options for people with diverse abilities and invited members of Council to attend a CLBC meeting in the Fall to discuss community needs.

8. REPORTS:

- (a) Official Community Plan Amendment Application No. OCP00095 and Rezoning Application No. RA000457 - 3679 Shenton Road

Introduced by Dale Lindsay, General Manager, Development Services, and Lainya Rowett, Manager, Current Planning.

Delegations:

1. Bill McKay and Ian Niamath provided a PowerPoint presentation regarding the proposed Diver Lake Inn and Suites hotel project, and noted there is a need for additional hotel rooms in Nanaimo and how this project could help support the sports tourism market.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.043” (To re-designate 3679 Shenton Road on the Future Land Use Plan [Map 1] from Light Industrial to Corridor) pass first reading. The motion carried unanimously.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.043” pass second reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.189” (To rezone 3679 Shenton Road from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.189” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure a community amenity contribution, road dedication, public access for a future lakeside trail, water modelling and off-site water system upgrades, widened sanitary sewer right-of-way, and geotechnical covenant, prior to adoption of the bylaw should Council support the rezoning bylaw at third reading. The motion carried unanimously.

(b) Development Variance Permit Application No. DVP423 - 5610 Arnhem Terrace

Introduced by Lainya Rowett, Manager, Current Planning.

Delegation:

1. Robyn Bull explained the Development Variance Permit application was to permit the construction of a carriage home and retain the existing garage in order to allow her family members to move onto her property and to increase accessibility.

It was moved and seconded that Council issue Development Variance Permit No. DVP423 at 5610 Arnhem Terrace with the following variance:

- increase the maximum permitted gross floor area for a detached garage from 42m² to 49m².

The motion carried unanimously.

(c) Development Permit Application No. DP1212 and Housing Agreement HA000006 - 285 Prideaux Street

Introduced by Lainya Rowett, Manager, Current Planning.

Delegation:

1. Chad Zyla was available to respond to questions.

It was moved and seconded that Council issue Development Permit No. DP1212 at 285 Prideaux Street, with the following variances:

- increase the maximum permitted building height from 12m to 16m;
- reduce the minimum required landscape buffer width from 1.8m to 0m on the front (east) property line, and to 0.75m on the north property line;
- reduce the minimum required setback for the garbage and recycling enclosure from 3.0m to 0.75m;
- reduce the minimum required landscape buffer on three sides of the garbage and recycling enclosure from 1.8m to 0m; and

- reduce the minimum number of required parking spaces from ten spaces to six spaces.

The motion carried.

Opposed: *Councillor Armstrong*

It was moved and seconded that Council direct Staff to enter into discussion with BC Housing to place public art on the property at 285 Prideaux Street in 2022. The motion carried.

Opposed: *Councillors Armstrong, Thorpe and Turley*

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7327” (To secure unit affordability) pass first reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7327” pass second reading. The motion carried unanimously.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7327” pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement. The motion carried unanimously.

Councillor Bonner vacated the Shaw Auditorium at 7:44 p.m. declaring a conflict of interest as he lives close to Rezoning Application No. RA469 – 2220, 2232, 2238, 2246, 2254 Northfield Road and 2230 Boxwood Road.

- (d) Rezoning Application No. RA469 - 2220, 2232, 2238, 2246, 2254 Northfield Road and 2230 Boxwood Road

Introduced by Dale Lindsay, General Manager, Development Services.

Delegation:

1. Patrick Brandreth, Island West Coast Developments Ltd, was available to respond to questions.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.187” (To rezone the properties at 2220, 2232, 2238, 2246, 2254 Northfield Road, and 2230 Boxwood Road from Single Dwelling Residential [R1], Duplex Residential [R4], Medium Density Residential [R8], and Community Service One [CS1] to Mixed Use Corridor [COR2] with site-specific maximum gross floor area for a grocery store) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.187” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure road dedication and the community amenity contribution should Council support the bylaw at third reading. The motion carried.

Opposed: *Councillors Brown and Geselbracht*

Councillor Bonner returned to the Shaw Auditorium at 7:53 p.m.

(e) Renter and Landlord Experience Survey

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. David Stewart, Social Planner, provided a PowerPoint presentation regarding highlights from the renter and landlord surveys completed through the REIMAGINE NANAIMO project. Highlights included:

- Surveys were open between 2021-APR-21 to 2021-MAY-12 and were sent to ten rental apartment buildings in Nanaimo
- Received 465 eligible responses
- Provided some statistical results from the survey
- Provided a breakdown of the top concerns noted regarding accommodations
- Staff will be introducing an Affordable Housing Strategy in 2021/2022
- Explained the difference between Accessible versus Adaptable Housing

(f) School Site Acquisition Charge

Introduced by Dale Lindsay, General Manager, Development Services.

Claire Negrin, Manager, Subdivision/Deputy Approval Officer, spoke regarding the process for implementing a School Site Acquisition Bylaw, which is being considered by Nanaimo Ladysmith Public Schools.

(g) Curbside Recycling Contamination

Introduced by Bill Sims, General Manager, Public Works and Engineering.

Taaj Daliran, Manager, Sanitation, Recycling & Cemeteries, spoke regarding increased contamination in curbside recycling following the implementation of automated collection.

(h) Property Maintenance Amendment Bylaw - Third Reading, as Amended

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that Council rescind third reading of "Property Maintenance and Standards Amendment Bylaw 2021 No. 7242.01". The motion carried unanimously.

It was moved and seconded that Council give third reading, as amended, to “Property Maintenance and Standards Amendment 2021 No. 7242.01” (To include the revised definition for graffiti). The motion carried.

Opposed: *Councillors Armstrong and Turley*

9. QUESTION PERIOD:

- Bill Manners re: questions regarding parking being included in renter surveys

10. ADJOURNMENT:

It was moved and seconded at 8:55 p.m. that the meeting adjourn. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2021-JUN-03 AT 4:00 P.M.

PRESENT: Members: Jessica Kaman, Chair, At Large Member
 Nelson Allen, At Large Member
 Daryoush Firouzli, At Large Member (joined electronically)
 Kenneth Hample, At Large Member (joined electronically)

 Absent: Allan Dick, At Large Member

 Staff: S. Robinson, Planning Assistant
 L. Stevenson, Planner
 K. Berke, Recording Secretary

1. CALL THE BOARD OF VARIANCE COMMITTEE MEETING TO ORDER:

The Open Board of Variance Meeting was called to order at 4:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(a) Board of Variance Application No. BOV751 – 237 Irwin Street – Add an email from an adjacent property owner who is not in support of the variance.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

 It was moved and seconded that the Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2021-APR-01, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Board of Variance No. BOV751 – 237 Irwin Street

The Chair read the application requesting to reduce the required side yard setback from 1.5m to 0m in order to legalize an existing, non-conforming single residential dwelling and allow a proposed addition to the east side. This represents a side yard setback variance of 1.5m. Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1 zone.

Allison and Noel Ainsley, property owners, spoke to the application. They stated that the current addition is over the lot line by 0.14m, which is covered by an easement agreement. They plan to replace the current addition with a two-storey addition built to the current building code and plan to move the proposed addition to 0.3m inside their property line, reduce the impact on the southerly neighbour, and greatly improve the structure to comply with fire regulations. The reason for the request to reduce the setback is due to the narrowness of the lot and placement of their current structure. Trying to fit the proposed addition within the current setbacks would greatly impact access to their backyard on the northerly side as the house to the north encroaches onto their property on that side.

Discussion took place regarding:

- Whether the main part of the house encroaches on the neighbours lot to the south
- Whether the encroachment will remain after the proposed improvements
- The width of the easement on the property to the south
- The easement allowing access to the south side of the house
- Whether the existing building is built out of concrete or just wood
- BC Building Code requiring a 2 hour fire rating at 0 property line
- Whether the addition can be built out of concrete block to meet the BC Building Code
- Email from the neighbouring property in regards to the easement agreement
- No attempt to keep the existing addition foundation
- Whether they explored options to build the addition within the current setbacks
- Whether they will be required to amend the existing easement agreement and its effect on obtaining a building permit
- The size of the window on the south house elevation
- Whether the south elevation window faces the neighbours house to the south

It was moved and seconded that application BOV751 for 237 Irwin Street to vary the provisions of "Section 7.5.1 of City of Nanaimo Zoning Bylaw No. 4500" to reduce the required side yard setback from 1.5m to 0m to legalize an existing, non-conforming single residential dwelling and allow a proposed addition to the east side be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV752 – 3410 Arrowsmith Road

The Chair read the application requesting to reduce the required side yard setback from 3.0m to 2.0m in order to permit an exterior staircase on a single family

dwelling currently under construction. This represents a side yard setback variance of 1.0m. Zoning Bylaw No. 4500 requires a minimum side yard setback of 3m in the AR2 zone.

Ted Sorenson, owner, spoke to the application. He stated that the lot is very steep and treed with a lot of rock and they spent a lot of time designing the house to accommodate the topography of the lot while maintaining the view and trying to minimize impact to trees. He said they applied for a revision to their building permit and it was approved. He then asked questions to City staff about the fencing around their pool, which is when it became apparent that the landing on the stairs to their mechanical room was projecting into the side yard setback.

Discussion took place regarding:

- Whether the landing is just open stairs or if it includes a covered area
- Whether there would be an impact to the safety of the neighbouring property
- Whether it was a construction detail that caused the change to happen which invoked the need for the variance

It was moved and seconded that application BOV752 for 3410 Arrowsmith Road to vary the provisions of "Section 8.5 of City of Nanaimo Zoning Bylaw No. 4500" to reduce the required side yard setback from 3.0m to 2.0m in order to permit an exterior staircase on a single family dwelling be approved. The motion carried unanimously.

(c) Board of Variance Application No. BOV753 – 5525 Turner Road

The Chair read the application requesting to reduce the front yard setback from 7.0m to 6.37m in order to allow a proposed garage addition. This represents a variance of 0.63m. Zoning Bylaw No. 4500 requires a minimum front yard setback of 7.0m in the R1 zone where property abuts a major road.

Joe Bassanello, owner, spoke to the application. He stated that they had a house fire and had to rebuild the house. They designed the house to fit the property and made a plan for the garage, which would be added to the front of the house at a later time. In 2015, Turner Road was deemed a major road and now the design for the garage doesn't meet current setback requirements. Without the requested 0.63m setback variance, he stated that he would have to turn the garage on a 90 degree angle but would then require a new driveway, new road access, and tree removal. In addition, getting out of the property would become an issue and it would cut off access to the back of the property.

Discussion took place regarding:

- Whether the intention is to have the garage door facing Turner Road
- Whether there is enough room for parking in front of the garage
- Whether the change to the setback will functionally effect the neighbours
- Whether the garage was part of the original house design

It was moved and seconded that application BOV753 for 5525 Turner Road to vary the provisions of “Sections 7.5.1 and 7.5.4 of City of Nanaimo Zoning Bylaw No. 4500” to reduce the combined front yard setback requirement from 7m to 6.37m in order to facilitate a proposed garage addition be approved. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Board Member Term Extended

On 2021-APR-19, Council approved extending Jessica Kaman’s membership term on the Board of Variance until 2021-DEC-16.

7. ADJOURNMENT:

It was moved and seconded at 4:40 p.m. that the meeting adjourn. The motion carried unanimously.



CHAIR

CERTIFIED CORRECT:



RECORDING SECRETARY

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-JUN-14, AT 1:00 P.M.

Present: Councillor Maartman, Chair
Mayor L. Krog
Councillor S. D. Armstrong (joined electronically, disconnected 4:42 p.m.)
Councillor D. Bonner
Councillor T. Brown (joined electronically)
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor I. W. Thorpe
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
B. Corsan, Director, Community Development
A. Groot, Director, Facilities and Parks Operations
L. Bhopalsingh, Manager, Community Planning
K. Robertson, Deputy City Clerk
S. Gurrie, Director, Legislative Services
K. Gerard, Recording Secretary

1. CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 6(b)(1) – Policy and Bylaw Renewal Project Update – Add PowerPoint presentation titled “Bylaw and Policy Renewal Project Update”.
- (b) Agenda Item 4(a) – Minutes 2021-MAY-31 Governance and Priorities Committee – Replace with amended handout to note change to section 5(b)(1) – Councillor Maartman re: Permanent Recreational Vehicle Accommodation.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held virtually on Monday, 2021-MAY-31 at 10:01 a.m. be adopted as amended. The motion carried unanimously.

5. AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning

Sheila Gurrie, Director, Legislative Services, spoke regarding the Agenda planning documents and future meetings and advised the Committee that at the 2021-JUL-12 Governance and Priorities Committee Meeting the Committee will have the opportunity to review the priorities and make any changes or additions as well as view the status of current priorities listed.

6. REPORTS:

a. REIMAGINE NANAIMO

1. REIMAGINE Nanaimo – Scenarios Workshop and Public Engagement Update

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning, provided the Committee with a PowerPoint presentation. Highlights included:
- Today Staff will be reviewing the outcomes from the 2021-MAY-31 scenarios workshop, the public engagement strategy and next steps in the REIMAGINE Nanaimo process
 - Phase 2 involves taking all the information collected in Phase 1 and working through the different scenarios to provide the community options on achieving shared goals
 - All feedback and scenarios will work in tandem with the existing City plans including:
 - The Official Community Plan (OCP)
 - Parks, Recreation and Culture Plan
 - Climate Action Plan
 - Active Transportation Plan
 - The final draft of the REIMAGINE Nanaimo plan will include key strategic documents such as the Water Supply Strategic Plan and the Action Implementation Plan
 - Implementation plans will need to be reviewed every two to three years to ensure that the goals and targets are being achieved

- Key community input themes include:
 - Access to nature and outdoor recreation
 - Waterfront identity
 - A green approach
 - City living
 - Central hub identity
 - Inclusive and equitable
 - Mobility choice
 - Affordable City of Nanaimo
 - Supportive City of Nanaimo
 - Great jobs and businesses
 - Neighbourhood character
 - A thriving downtown
- Staff are using the doughnut model to flush out goals and indicators that work within the specified community input themes from public engagement
- The five draft strategic goals include:
 1. A Green Nanaimo – resilient and regenerative ecosystems
 2. A Healthy Nanaimo – community well-being and livability
 3. A Connected Nanaimo – equitable access and mobility
 4. An Empowered Nanaimo – diversity, culture and social integrity
 5. An Enabled Nanaimo – economic prosperity
- Staff are requesting that the Committee endorse the five goals which will ensure the City has a preliminary set of indicators
- The planning context will include an approximate population growth of 40,000 and employment growth of 18,000 jobs
- Staff need to ensure that the indicators are realistic and attainable through reliability, cost effectiveness and can be accomplished in a timely manner
- Working on indicators that Council and the community can influence and measure
- A Green Nanaimo includes subheadings for Water Resources, Waste, Soil and Waterway Health and Ocean Health
- Each of these are related to land use scenarios which can influence management and sustainability of these subheadings
- Each target is measurable to show the community if targets are being met

Committee discussion took place. Highlights included:

- Water resources and waste indicators
- Managing soil and waterway health and how the City can ensure reductions in the number of samples that fail to meet quality guidelines
- Baseline measurements to show if the City is meeting, exceeding or below targets
- Using the information provided and how the indicators can be used to make future decisions based on data collected

Lisa Bhopalsingh, Manager, Community Planning, advised the Committee that:

- Staff rely on other departments tracking methods to show whether the City is are meeting, exceeding or below targets
- Data used in the draft indicators is based on existing population and then compared to future growth
- Important to balance growth with consumption

Committee discussion took place. Highlights included:

- Concerns regarding community perception of the doughnut model
- Historically the OCP has always been the plan that is shaped by the community and ensuring that community feedback is the most important part of the process
- Including a question in the public inquiry section that asks the community if they want the doughnut model incorporated into the City plans and documents
- Focusing on the items that can be changed and influenced
- Important that this remain a public plan, without pre-determined outcomes and want to ensure genuine public engagement and feedback

Lisa Bhopalsingh, Manager, Community Planning, advised the Committee that in Phase 2 engagement the public will have options of endorsing goals, scenarios and the doughnut model.

Jake Rudolph, Chief Administrative Officer, advised the Committee that the steps Staff have taken so far are fundamental to the process and will assist in refreshing the OCP and other policies and plans. Council is the steering committee for the REIMAGINE Nanaimo process and as such are requested to approve/endorse materials for public engagement.

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- Air quality is measured by the Province and biodiversity can be measured and maintained through the Parks, Recreation and Culture department
- Climate change targets are currently endorsed with up-to-date data available
- Ensuring that targets and indicators are manageable for Staff and have the ability to be monitored on a community wide scale
- There are many variables which make some targets hard to measure but after Phase 2 Staff will have more information to set actual targets

Committee discussion took place. Highlights included:

- Concerns regarding how to measure each of the elements
- Baseline for draft targets and methods of measurements
- Policies or decisions that show how the goals or targets are being met
- Indicators and targets can assist Staff and Council in creating policies and strategic plans once the actual targets are set

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- Elements and draft targets are not yet fully developed
- Once the actual plan is in place benchmarks for the elements will be set and measurable throughout the community which will enable Staff to maintain and manage the targets and show the implications of each of the goals
- Parks and Recreation program registration can be tailored to acquire information for statistics on demographics

Committee discussion took place. Highlights included:

- Current areas of green space and parks and how the City compares with other municipalities regarding amount of green space
- Monitor the City's ability to utilize ground water flows and maintaining these to reduce negative impacts on the environment and maximize ground water

Dale Lindsay, General Manager, Development Services, advised the Committee that the City is an early adopter of storm/rain water management and this item is included in our Engineering Standards. Underground storage tanks on properties and parking lots are designed to intentionally flood so the natural waterway systems are not negatively impacted.

Bill Sims, General Manager, Engineering and Public Works, advised the Committee that methods for storm water management have shifted greatly in the last 30 years and the City uses more natural assets to ensure minimal effects on the environment and public safety.

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- A Healthy Nanaimo – community well-being and livability provides elements regarding homelessness, housing affordability, vacancy rates and housing types
- The Point-in-Time count is an important and reliable indicator for the homelessness element
- Affordability, vacancy rate and housing types are all measurable with a known baseline for each
- Phase 2 will provide more feedback on housing types the public would like and Staff will be able to set actual targets

Committee discussion took place. Highlights included:

- Lack of food security
- Role of the City in providing healthy food options and affordability of food
- The City has taken steps to assist with food security including assisting Loaves and Fishes and purchasing 5 acres of land for food growth
- Practicality of the goals/targets and using the doughnut model as a vision for the community to attain the targets
- The Food Policy Council will provide ideas and programs to increase access to healthy and affordable food
- Researching the City of Vancouver model which was implemented years ago to promote and assist with farmers markets, community kitchens and organizations that supply food
- Utilizing Parks and Recreation programs that teach food preservation and implementing incentives for grocery stores to donate to local food organizations
- Public engagement on housing types and what the community wants to see in the future
- Measuring food security and what success and/or failure looks like

It was moved and seconded that the goals statement under “A Healthy Nanaimo – Community Well-Being” be amended to read:

“so everyone has opportunity to have access to healthy, safe, and affordable food and housing”

and that an indicator be development to increase local food security.

The motion carried.

Opposed: *Councillor Turley*

Committee discussion continued. Highlights included:

- Adding “a clean and safe community” under the community well-being and livability heading
- The City’s financial limitations and constraints in meeting the targets under this heading
- Safety and cleanliness are a budget line item and something that can be influenced and changed
- Concerns regarding the draft target for homelessness and if it is attainable
- Need to look at the reasons behind homelessness in order to solve this issue in Nanaimo and get to the root of the problem

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- Safety was discussed at the 2021-MAY-10 Governance and Priorities Committee meeting including the concept of how to measure safety, and how perceptions of feeling safe are contradictory of actual safety
- Ensuring elements are included that can be measured while focusing on small goals versus the larger plans that are reviewed every ten years
- Council endorsed the Health and Housing Action Plan which Staff will monitor and tie into the doughnut model and future plans

The Governance and Priorities Committee recessed at 2:42 p.m.
The Governance and Priorities Committee reconvened at 2:54 p.m.

It was moved and seconded that under the “A Healthy Nanaimo – Community Well-Being and Livability” heading the draft target for Chronic/Episodic Homelessness that reads “elimination of homelessness by 2025” be removed. The motion carried.

Opposed: *Councillor Brown*

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- An Enabled Nanaimo – Economic Prosperity includes working age population, non-residential building permits, ample and diverse business opportunities with indicators and draft targets

Committee discussion took place. Highlights included:

- The draft target for the working age population and if COVID-19 has effected this target
- Non-residential building permits used as an indicator and if this title is misleading as it doesn’t focus on one type of business or entity
- Changing “non-residential building permits” to “economic structure index” to allow for measures by business sector and provide a more diverse economy scale

Bill Corsan, Director, Community Development, advised the Committee that acquiring the data used to finalize the indicators and targets for the economic structure index is approximately \$10,000 and Staff are attempting to look at ways to track this element at no cost.

Committee discussion continued. Highlights included:

- Increased construction of commercial space can indicate more employment and businesses in Nanaimo; however, measuring all types of construction provides valuable information to growth and prosperity

- Economic prosperity and economic structure index both have value and should be included for the public to comment on
- This information could provide insight into diversity of businesses in Nanaimo and what is driving the non-residential building permits
- The actual targets and clarifying the goals of the community

It was moved and seconded that the indicator for Economic Prosperity “Non-Residential Building Permits” be replaced with the Economic Structure Index.

It was moved and seconded that the motion be amended as follows:

It was moved and seconded that the indicators for Economic Prosperity include Non-Residential Building Permits and the Economic Structure Index.

The motion carried.

Opposed: *Councillor Geselbracht*

The vote was taken on the main motion as amended, as follows:

It was moved and seconded that the indicators for Economic Prosperity include Non-Residential Building permits and the Economic Structure Index. The motion carried unanimously.

It was moved and seconded that the title “Economic Prosperity” be changed to “Economic Resiliency”.

The motion was defeated.

Opposed: *Mayor Krog, Councillors Armstrong, Maartman, Thorpe and Turley*

It was moved and seconded that the title “Economic Prosperity” be changed to “Economic Prosperity and Resiliency”. The motion carried unanimously.

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- A Connected Nanaimo – equitable access and mobility includes elements of transportation, active transportation and growth and traffic injury rates
- Targets and baselines for these elements are measurable and reliable will be integrated into the Active Transportation Master Plan
- Growth in Nodes and Corridors can be measured by GIS and the target for traffic injury rates is vision zero

Committee discussion took place. Highlights included:

- The draft indicator stating a 400m walk to services does not realistically capture the design flaws in our road systems, lack of sidewalks and highway crossings
- A measure of time is an easier and more understood way to measure distance and can better show the distance between households to the services needed

- Need to ensure language is clear and easily understood by the community throughout the public engagement process

It was moved and seconded that the wording of the draft indicator for the Access to Daily Needs element be amended to read:

“Number of households within a 400m or 15 minute walk to employment lands, essential services, schools, transit, recreation services, parks and healthcare.”

The motion was defeated.

Opposed: *Councillors Bonner, Brown, Geselbracht, Hemmens, and Maartman*

It was moved and seconded that the wording of the draft indicator for the Access to Daily Needs element be amended to read:

“Number of households within a 15 minute walk to employment lands, essential services, schools, transit, recreation services, parks and healthcare.”

The motion carried.

Opposed: *Councillor Turley*

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- An Empowered Nanaimo – diversity, culture, and social integrity includes elements and draft indicators for:
 1. Inclusion and diversity
 2. Arts, culture and heritage
 3. Participation in Parks and Recreation programs
 4. Public waterfront access
- Indicators and targets can be measured for the second and third elements but Inclusion and Diversity are difficult to measure and Staff are working through how to measure these and create targets

Committee discussion took place. Highlights included:

- Including reconciliation under the heading “An Empowered Nanaimo”
- Different perspectives on how a diverse community should look and how to measure and create targets for inclusion and diversity
- Achievement of a diverse and inclusive community could include everyone feeling welcome, accepted, heard and safe
- Fitting reconciliation and political voice into the doughnut framework with public engagement as both are factors of inclusion and diversity
- Access to parks and the waterfront for individuals in need of a mobility device
- Ensure that Snuneymuxw First Nation (SFN) is involved in the engagement throughout the REIMAGINE Nanaimo process and implementing Truth and Reconciliation
- The importance of public engagement on these issues and moving toward the goals identified once public engagement is completed

- The City’s legal obligations in working with SFN on Truth and Reconciliation
- Suggestion of taking Inclusion and Diversity to the public with no draft indicators or targets

Sheila Gurrie, Director, Legislative Services, advised the Committee that the City is obligated through the Protocol Agreement Working Group to work with SFN on Truth and Reconciliation.

It was moved and seconded that Reconciliation be added to the title “An Empowered Nanaimo – Diversity, Culture and Social Integrity”. The motion carried.

Opposed: *Councillor Turley*

It was moved and seconded that the title read as follows: “An Empowered Nanaimo – Diversity, Culture, Reconciliation and Social Integrity”. The motion carried unanimously.

Committee discussion continued. Highlights included:

- Political voice is an important element under social foundations
- Political voice is about knowing the people who represent you, how to reach them and how the City’s engages and communicates with the community
- Ensuring that Council is relatable, understandable and has the communities best interests when making decisions
- Ways to provide more opportunity for people to voice their opinions and be heard
- Focus of Phase 2 will be land use scenarios and will have an impact on policies and plans that are being reviewed

It was moved and seconded that within the category of “Empowered Nanaimo” that “political voice” be added as a sub-category along with “diversity, culture and social integrity” and that an indicator be developed to track citizen’s access/participation in City decision making. The motion carried unanimously.

Dale Lindsay, General Manager, Development Services, advised the Committee of the following:

- The next public engagement session is focused on land use scenarios and separate session will be created for the Empowered Nanaimo elements including political voice
- Staff will work on framing this and return to the Committee for further discussion and a plan for the future engagement
- The public will be provided the opportunity to comment on the doughnut model and scenarios as they are presented

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- Key communication to the public will include planning context with elements such as employment, and population growth

- Public input will help identify and set the draft goals and targets and how those translate to the land use scenarios
- In Phase 3 the most popular scenarios will be drafted and will be brought to the Committee for discussion and feedback before further public consultation
- Staff will work with Literacy Nanaimo to ensure that the indicators and scenarios are easily understood by youth in grades 8 through 12
- Phase 2 engagement is focused on youth through collaboration with School District 68 and Vancouver Island University
- Open survey to be provided to the public in the Summer of 2021 and closes in the Fall of 2021
- Zoom workshops will be created for the community and Staff to interact and explain the different land use scenarios
- Out and About advertising includes pop-ups, posters, signs in transit busses, workshops, meetings and discussion groups
- Stakeholder engagement will include discussions and input from Council Committees, emails and calls to stakeholder groups and shared information with community agencies

Committee discussion took place regarding ensuring businesses, business owners and seniors are engaged throughout the REIMAGINE Nanaimo process.

Lisa Bhopalsingh, Manager, Community Planning, advised the Committee that youth were the lowest represented demographic in Phase 1 engagement and Staff are looking at ways to encourage youth to be a part of the process.

Councillor Armstrong disconnected at 4:42 p.m.

Committee discussion took place regarding key concepts and public endorsement of the doughnut model.

It was moved and seconded that language be added in doughnut messaging conveying environmental responsibility for our impact on our environment both locally and globally and to add language in doughnut messaging conveying social responsibility for the wellbeing of people both inside our borders and our impacts outside.

The motion was defeated.

Opposed: Mayor Krog, Councillors Bonner, Hemmens, Thorpe and Turley

b. GOVERNANCE AND MANAGEMENT EXCELLENCE:

1. Policy and Bylaw Renewal Project Update

Due to time constraints, the Policy and Bylaw Renewal Project Update will be moved to a future meeting.

7. ADJOURNMENT:

It was moved and seconded at 4:53 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-JUN-28, AT 1:00 P.M.

Present: Councillor I. W. Thorpe, Chair
Mayor L. Krog
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown (joined electronically 2:52 p.m.)
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
A. Groot, Director, Facilities and Parks Operations
L. Bhopalsingh, Manager Community Planning
K. MacDonald, Parks and Open Space Planner
S. Gurrie, Director, Legislative Services
K. Lundgren, Recording Secretary

1. CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. APPROVAL OF THE AGENDA:

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

3. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-14 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

4. AGENDA PLANNING

(a) Governance and Priorities Committee Agenda Planning

Introduced by Sheila Gurrie, Director, Legislative Services.

- Upcoming Governance and Priorities Committee (GPC) meetings 2021-JUL-12 and 2021-JUL-26
- Review matrix document and priority rankings at 2021-JUL-12 GPC meeting

5. REPORTS:

(a) REIMAGINE NANAIMO

1. Parks, Recreation and Culture Master Plan Update

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture, and Lisa Bhopalsingh, Manager, Community Planning.

Presentation:

1. Kirsty MacDonald, Parks and Open Space Planner, provided a PowerPoint presentation. Highlights included:

- Parks, Recreation and Culture (PRC) Master Plan is a guiding document for community needs, service delivery, land acquisition, funding strategies and decisions
- PRC Master Plan has policies that link back to the Official Community Plan
- Accomplishments from the 2005 PRC Master Plan include:
 - Land acquisition acquired in the past 15 years

Committee discussion took place regarding future land acquisition, and a community desire for access to nature being a common thread that has continued since 2005.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Accomplishments from the 2005 PRC Master Plan include:
 - Playing fields along the Third Street corridor
 - Partnership agreements with School District #68 and Vancouver Island University
 - Ongoing improvements at Beban Park Recreation Centre and the Beban Centennial building
 - Energy efficiencies (reduced Green House Gas by 85%)
 - Special events to improve community identity
 - Increased public art
 - Increased cultural, rehearsal and art display spaces
 - Increased dog off-leash park locations
 - Completion of an urban forestry plan
 - Building Oliver Woods Community Centre

Committee discussion took place. Highlights included:

- Reviewing and updating aspects of the Urban Forestry Plan
- The role of an Urban Design Planner
- Support for land acquisition

- Consideration of climate change and expense of indoor swimming facilities
- Acknowledged additional accomplishments not presented in the PowerPoint, such as Harewood Centennial and the playground upgrade at Maffeo Sutton Park

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Projects in the PRC Master Plan that have not yet been completed include:
 - South End Community and Wellness Centre
 - Integrated community use of the old Harewood Sports Field area
 - The Paddling and Rowing Centre is still in the creative design phase
 - Working with partners to develop a Sports Tourism Strategy
- Engagement results from Phase 1 REIMAGINE Nanaimo
- Shifting trends in priorities for Parks, Recreation & Culture between 1994 and 2020

Committee discussion took place. Highlights included:

- The use of qualitative data to better understand the reasoning behind dissatisfaction with waterfront parks
- The City securing land outside of City boundaries
- Parking and accessibility at Westwood Lake Park

Lisa Bhopalsingh, Manager, Community Planning, noted that dissatisfaction with the waterfront parks related to a desire for improved access.

Committee discussion continued. Highlights included:

- Feedback from the community regarding the cost of the Departure Bay Waterfront Walkway
- Beach creation and access to beach front

Richard Harding, General Manager, Parks, Recreation and Culture, spoke regarding artificially made beachfronts at Swy-a-Lana Lagoon and Westwood Lake Park and providing access to the water while consideration restrictions and the environmental impact.

Lisa Bhopalsingh, Manager, Community Planning, clarified that there were two different data sets, the Statistically Significant Survey, and data collected through stakeholder groups. Council will be provided with a document containing all comments collected from public engagement to allow Council to make informed decisions.

Committee discussion took place regarding emerging trends in covered spaces and food security.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Trends in satisfaction over programs and services fairly steady over the past 30 years

Lisa Bhopalsingh, Manager, Community Planning, noted the response sample from the Statistically Significant Survey matched the census and strongly reflects Nanaimo's profile.

Committee discussion took place. Highlights included:

- Publicity and marketing
- Acknowledging the potential influence of COVID-19 on the survey responses

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Integrating the language and goals from the framework document "Pathways to Wellbeing" into REIMAGINE Nanaimo
- Many trends developed due to the pandemic are expected to continue, such as the increased and creative use of outdoor spaces and increased popularity in mountain biking
- Preserving mental health during the pandemic
- Public priorities identified in previous master plans compared to what the public identifies as priorities now

Committee discussion took place regarding plans for advancing reconciliation.

The Governance and Priorities Committee Meeting recessed at 2:39 p.m.

The Governance and Priorities Committee Meeting reconvened at 2:52 p.m.

Councillor Brown joined the meeting electronically at 2:52 p.m.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Integrating PRC policies into the City's goals and policies

Committee discussion took place regarding the process to identify key priority projects.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation. Highlights included:

- Phase 2 engagement launched today

- Draft framework, goals and indicators engagement taking place 2021-JUN-28 to 2021-SEP-20
- Growth scenarios engagement taking place 2021-JUL-12 to 2021-SEP-20
- Phase 3 will take place Fall 2021 and into 2022
- The use of Quick Response (QR) codes to provide access to the survey
- Phase 2 is looking at integrative group scenarios in workshop formats
- Workshop participants pre-screened to ensure an accurate representation of the diverse community
- Creative ways to engage the community
- Youth has been an underrepresented demographic; therefore increased engagement with students before the end of the school year
- Workshops with Leaders in Training (LIT) and Quest programs
- Engaging with elementary students through REIMAGINE art kit and creating a collaborative public art display
- Phase 2 Engagement Scenarios launching on 2021-JUL-12 focused on land use and development
- Emerging strategies and action plans to help inform the policies and topic areas for many action plans and strategies

Lisa Bhopalsingh, Manager, Community Planning, emphasised the need to inform the community on what actions a local government has control over.

Kirsty MacDonald, Parks and Open Space Planner, continued her presentation and spoke regarding site specific strategies and highlighted Westwood Lake, Linley Valley and East Wellington Park.

The committee thanked Staff for all the work they have done to encourage public engagement.

(b) COMMUNITY WELLNESS/LIVABILITY

1. Sports Tourism

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture, and Dan Brady, Executive Director, Nanaimo Hospitality Association.

Presentation:

1. Jacquelyn Novak, Toa Consulting, provided a PowerPoint presentation regarding Nanaimo's proposed sport tourism strategy. Highlights included:
 - Pre COVID-19 sport tourism was the fastest growing segment of the global tourism industry

- Provincial and federal funding continues to support amateur sport
- Impact of COVID-19 on sport tourism
- Sport identified as fastest road to recovery from COVID-19
- Sport tourism does not only include sport competition, but also mass participation sporting events, sport-related festivals and sport administration meetings
- Hosting sport events can bring many diverse benefits to a community
- Identifying Nanaimo's sport tourism goals and aspirations
- Goals and aspirations identified by key stakeholders
- Aspects to consider when selecting events to host including time of year, alignment with hotel availability, and volunteer burn out
- Feedback received from community sport organizations
- Nanaimo's depth of experience in many sports and building off of Nanaimo's strengths
- Events that foster growth and reconciliation and the cultural significance for the community
- COVID-19 triggered an increased demand for individual and small team sport such as cycling and paddle sports
- Adaptive sport and commitment to inclusion and diversity
- Opportunity for Nanaimo to act as location for athlete acclimatization for international events
- 2026 BC Summer Games bid

Committee discussion took place. Highlights included:

- Identifying the growing sport trends in Nanaimo
- Nanaimo being a strong sports community

Jacquelyn Novak, Toa Consulting, spoke regarding growing trends in adaptive sport, cultural importance of indigenous sport, and substantial increase in demand for mountain biking.

Committee discussion continued. Highlights included:

- The capacity of Nanaimo facilities to host all types of events
- Classification of Indigenous sport
- Sport tourism being a big first step in the provincial restart from COVID-19
- Sport is a means of attracting visitors who would not normally visit Nanaimo
- Recognizing and supporting the strong volunteer base in Nanaimo

Committee discussion took place regarding opportunities for "quick wins" to improve sport tourism in Nanaimo.

Richard Harding, General Manager, Parks, Recreation and Culture, spoke regarding further engagement taking place over the next few months and returning to Council in the Fall with a detailed report and recommendations.

Committee discussion continued. Highlights included:

- Initiating host city partnerships to attract international athletes
- All events provide opportunity for community involvement and developing community pride

6. ADJOURNMENT:

It was moved and seconded at 4:25 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2021-JUL-12, AT 1:00 P.M.

Present: Councillor I. W. Thorpe, Chair
Mayor L. Krog
Councillor S. D. Armstrong (vacated 4:40 p.m.)
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
S. Legin, General Manager, Corporate Services
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
B. Corsan, Director, Community Development
J. Holm, Director, Development Approvals
J. Van Horne, Director, Human Resources
L. Bhopalsingh, Manager, Community Planning
H. Davidson, Manager, Permit Centre and Business Licensing
W. Fulla, Manager, Business, Asset & Financial Planning (joined electronically)
J. Rose, Manager, Transportation
L. Rowett, Manager, Current Planning
L. Brinkman, Planner, Community Planning
K. Robertson, Deputy City Clerk
S. Gurrie, Director, Legislative Services
K. Gerard, Recording Secretary

1. CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 6(d)(1) – Add report – British Columbia Active Transportation Infrastructure Grant.
- (b) Agenda Item 6(e)(1) – REIMAGINE Nanaimo – Replace attached PowerPoint presentation.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2021-JUN-28, at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

5. AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning

Sheila Gurrie, Director, Legislative Services, spoke regarding the agenda planning documents. Highlights included:

- Items listed on the Governance and Priorities (GPC) matrix are listed in order of priority chosen by the Governance and Priorities Committee (the Committee)
- The Committee can change, add, or remove items as well as view the status of priorities listed
- Current items align with the strategic plan and these may change due to the budget planning session coming up in the fall of 2021
- Status of priority items include:
 - In the fall of 2021 the Committee will meet with various neighbourhood associations
 - Crosswalk safety - ongoing
 - 1 Port Drive - fall of 2021
 - Capital Planning process - complete
 - Safety and security - ongoing
 - Election signage will be brought forward in the fall of 2021
 - Street Entertainers – not yet scheduled but will come forward in fall/winter of 2021
 - Vancouver Island Conference Centre – fall of 2021
 - Sports venues – complete
 - Westwood Lake amenities – fall of 2021

Committee discussion took place. Highlights included:

- Add Chase River Extension to the list of priorities
- Items on the GPC Agenda that could have been brought forward to a Regular Council Meeting and intention of GPC meetings
- Impact of COVID-19 on public attendance at GPC meetings

Sheila Gurrie, Director, Legislative Services, advised the Committee that COVID-19 has had an impact on public participation at meetings. Staff bring forward items to GPC meetings that require more discussion before being placed on a Regular Council Meeting agenda for decision.

Committee discussion continued. Highlights included:

- GPC meeting times being in the day when people are at work
- Ensuring the Committee regulates the time spent on each item at GPC meetings and encourages more community participation and feedback
- Improvements to GPC meetings as well as setting time aside for REIMAGINE Nanaimo at each meeting

Sheila Gurrie, Director, Legislative Services, advised the Committee that REIMAGINE Nanaimo is an important initiative and a future GPC meeting could be set aside strictly for the REIMAGINE Nanaimo topic.

Jake Rudolph, Chief Administrative Officer, advised the Committee that changes to the GPC format and discussion regarding agenda items for GPC meetings could be brought forward to a future GPC meeting.

By unanimous consent the Governance and Priorities Committee moved Agenda Item 6(a)(2) – Community Amenity Contribution Policy to Agenda Item 6(a)(1) and reordered items accordingly.

6. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

1. Community Amenity Contribution Policy

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Lisa Brinkman, Planner, Current Planning, provided the Committee with a PowerPoint presentation. Highlights included:
 - The City of Nanaimo (the City) has been collecting Community Amenity Contributions (CAC) since 2010
 - Current rates are low compared to other municipalities in BC
 - In 2019 Staff retained Rollo and Associates Ltd., to conduct market analysis of the City's current rates and recommend changes
 - Rollo and Associates recommended increasing the CAC rates from \$1000 per unit to \$8000 per unit
 - A phased increase approach was recommended to ensure the development community was given time to adjust to the new rates

- Staff met with the development community in the fall of 2020 and the phased increase approach received positive feedback
- In April of 2021 Staff met with active neighbourhood associations and the development community to acquire more feedback on the rates
- Amendments were made based on the feedback from neighbourhood associations and the development community which included:
 1. Special consideration was revised to no longer contain a vacancy rate
 2. Private developers can receive a CAC waiver for secured non-market rental dwellings when the unit is operated by a non-profit or public institution

Delegation:

1. Darren Moss, Tectonica Management, spoke regarding the Community Amenity Contribution Policy. Highlights included:
 - Nanaimo Development Group (NDG) agrees that CAC's are a complex issue and if not considered carefully can deter creative development in Nanaimo
 - Policies, code requirements and bylaw all add other cost of construction to the developer
 - In the short term CAC's allow for increase in land value that gives back to the community and contributes to creative rezoning encouraging all means of development
 - Recommended adjustments to the current policy include:
 - Calculation for some building types be based on floor area not unit count
 - Additional flexibility added to encourage affordable housing options
 - Calculations based on net increase instead of gross building size
 - The NDG supports option 2 stated in the report and would like more consultation with the development community

Committee discussion took place. Highlights included:

- Calculation based on net versus gross floor area
- The four criteria listed in Attachment A and ensuring the developers have room to be innovative when developing affordable housing
- The need for more two and three bedroom developments
- Incentives for creating smaller, affordable housing units and larger family size units
- The "Off Street Parking Regulations Bylaw 2018 No. 7266" and whether the bylaw is making it difficult to build larger units
- Encouraging the building of commercial and residential mixed units

Darren Moss, Tectonica Management, continued his presentation. Highlights included:

- Value of rent or sale of a unit should also be considered when calculating CAC's
- CAC's can encourage affordable housing developments through incentives and waivers
- CAC policy needs to align with the many different zoning categories and have flexibility for different types of developments

Dale Lindsay, General Manager, Development Services, spoke regarding the CAC's. Highlights included:

- CAC's only apply when rezoning land and most land can be developed using existing zoning
- The City has always calculated CAC's based on gross as it is a much easier and better understood process
- Our current zoning categories allow for a wide range of uses and opportunities
- Multifamily and commercial zoned CAC's depend on the proposed development and density
- Staff would have to re-engage the consultant if the Committee requested more information regarding calculations based on net area versus gross

Committee discussion continued. Highlights included:

- Feedback from neighbourhood associations and developers
- Amenities chosen for contributions by the neighbourhood associations in that area
- Exploring CAC options from other communities and including real estate analysis when setting CAC rates
- Looking at alternative ways to calculate CAC's and if this information would be worthwhile to make a final decision
- Different rates for different building types and multi-family rezoning
- Ensuring a fair rate for developers and the community which encourages all types of development opportunities

Lainya Rowett, Manager, Current Planning, advised the Committee that community engagement on developments is completed and neighbourhood associations are encouraged to provide feedback.

Jeremy Holm, Director, Development Approvals, advised the Committee that the existing policy allows for CAC's to be negotiated on a gross or net calculation and there is flexibility based on the type of development proposed.

It was moved and seconded that the Governance and Priorities Committee deny endorsement of the Community Amenity Contribution Policy and refer the policy back to Staff for further consultation with all interested parties.

The motion was defeated.

Opposed: *Mayor Krog, Councillors Armstrong, Bonner, Brown, Geselbracht, Hemmens, Maartman, Thorpe and Turley.*

Committee discussion continued. Highlights included:

- Calculating CAC's based on square footage
- The deadline for CAC's to be paid by private owners of land that could be subdivided and developed

Dale Lindsay, General Manager, Development Services, advised the Committee that:

- CAC's are due at the building permit stage and are a small cost compared to the full cost of development
- Staff have included the recommendation to calculate CAC's on a gross square meter floor area versus cost per door
- CAC's are negotiated on a case by case basis and the policy has flexibility in it to negotiate based on the type and size of development
- The phased increase approach allows time for the development community to adjust to the changes in the policy

It was moved and seconded that the Governance and Priorities Committee deny approval of the Community Amenity Contribution Policy included in the report titled "Community Amenity Contribution Policy" subject to further consultation regarding:

- The current proposed Community Amenity Contribution rate starting 2022-JAN-01 contained in Column 3 of the PowerPoint presentation attached to the Governance and Priorities Committee agenda, dated 2021-JUL-12, titled Community Amenity Contribution Rate Discussion
- Calculations based on gross floor area versus net floor area

The motion was defeated.

Opposed: *Mayor Krog, Councillors Armstrong, Bonner, Brown, Geselbracht, Hemmens, Maartman, Thorpe and Turley*

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to work with the Nanaimo Development Group and other appropriate stakeholders, to look at options and provide more information regarding:

1. Calculation for townhouse residential dwellings based on a per area calculation
2. Amenity contribution values based on net floor area

The motion carried unanimously.

The Governance and Priorities Committee Meeting recessed at 3:02 p.m.
The Governance and Priorities Committee Meeting reconvened at 3:15 p.m.

2. Policy and Bylaw Renewal Project Update

Introduced by Sheila Gurrie, Director, Legislative Services.

Presentation:

1. Karen Robertson, Deputy City Clerk, provided the Committee with a PowerPoint presentation. Highlights included:
 - 2020-OCT-19 Staff presented the timeline and deliverables for undertaking both the bylaw and policy review projects
 - 2021 Bylaw Renewal deliverables included:
 - Development of a new Animal Responsibility Bylaw – with Ministry for approval
 - Create a Master Bylaw Registry - ongoing
 - Streamline the City's ticketing system - ongoing
 - Develop a comprehensive Fees and Charges bylaw - ongoing
 - Scan all signed bylaws - complete

Committee discussion took place regarding the Fees and Charges Bylaw and altering this to be a policy instead of a bylaw which would make it easier to amend when required.

Karen Robertson, Deputy City Clerk, continued her presentation. Highlights included:

- Fees and charges should be included in a bylaw
- Original target for completion was quarter four of 2021
- Focus was shifted from the Bylaw project to the Policy project to ensure this is completed by the end of 2021
- Staff continue to work on the Bylaw Registry in quarter three and four of 2021
- Conducted full inventory of Council Policies and transferred into one template
- Part of the audit process included reviewing Council minutes to ensure policies were endorsed properly and were in the proper format
- 70 policies were identified as directives, not official policies
- Staff in each department were tasked with reviewing their department policies to see if the policies marked historic were actually repealed or could be repealed
- Feedback from the departments showed that:
 - 39 policies were deemed "ok as is"
 - 46 policies needed to be amended
 - 100 policies could be repealed as they are redundant, no longer legal, and were outdated

Committee discussion took place. Highlights included:

- Development Cost Charges (DCC's) for non-profit rental housing policy and if the 50% reduction in DCC's originates from the general DCC Fund or the Housing Legacy fund
- Frontage Works and Services Requirements Policy regarding collection of funds for sidewalk development
- If the Bicycle Traffic Lanes Policy has been adhered to since its implementation
- Sidewalk/Asphalt Walking Shoulder Policy
- Council Remuneration Policy

Dale Lindsay, General Manager, Development Services, spoke regarding the above noted policies. Highlights included:

- The DCC Policy was developed before bylaws allowed for a reduction in DCC's for affordable housing and before the Housing Legacy Fund was created
- The Frontage Works and Services Requirement Policy needs to be amended but the policy was first developed so that if the neighbouring properties were not going to be developed then the frontage works and services were not obligated to be built on a new development
- Land use policies should exist in the Official Community Plan (OCP) and not in separate policies outside of the OCP

Bill Sims, General Manager, Engineering and Public Works, advised the Committee that the Bicycle Traffic Lanes Policy was created in the 1990's when it was thought that all roads 4.3 meters wide could accommodate vehicles and bicycles and the Sidewalk/Asphalt Walking Shoulder Policy has been replaced by the Manual of Engineering Standards.

Sheila Gurrie, Director, Legislative Services, advised the Committee that Council wages are adjusted annually based on the Council Remuneration policy.

Committee discussion took place regarding school zone signage.

It was moved and seconded that the Governance and Priorities Committee recommend that Council repeal the 100 outdated or redundant Council policies highlighted in red within the Table of Contents linked to the July 12, 2021 report by the Deputy City Clerk. The motion carried unanimously.

3. Proposed Amendments to the Business Licence Bylaw

Introduced Dale Lindsay, General Manager, Development Services.

Presentation:

1. Heidi Davidson, Manager, Permit Centre and Business Licensing, provided the Committee with a PowerPoint presentation. Highlights included:
 - Current “Business Licence Bylaw 1998 No. 5351” was adopted in 1998
 - This bylaws was based on a tiered fee model but was changed to a flat fee model and has not had any changes since
 - Research included looking at five other comparable size municipalities and their business licence fee model
 - Of the five, the District of Saanich is the only other municipality that uses a flat fee model, all others were tiered
 - The flat fee model is easy to administer and easy for the public and business community to understand
 - Current fee schedule will be removed from the Business Licence Bylaw and inserted into the “Fees and Charges Bylaw 2007 No. 7041”
 - Changes to the Business Licence Bylaw include:
 - Amendments and removals of definitions
 - Additions of non-profit and commercial leased property
 - Additions of any enactments that apply to the business licence must be stated on the application
 - Addition of language to clearly state that prorating of business licence fees are for the first year of operation only
 - Language to ensure clarity regarding payment of the annual licence fee and provides staff the ability to close unpaid businesses licences
 - Removal and addition of regulations and adding these as separate schedule for clarity
 - Home based businesses increased in COVID-19
 - Currently there are 6,770 open businesses licences in the City of Nanaimo

Committee discussion took place. Highlights included:

- Tiered system versus the flat fee model
- Business licence fees for small businesses compared to large businesses with more clientele
- Casino, massage parlors and escort services fee amounts compared to other businesses annual fees
- Paycheck loan and cheque cashing business annual fees
- Update regulation for adult stores to read “age of majority” instead of 18 years of age
- Liquor primary establishments and bringing those fees in line with annual licence fee amount of \$165.00 per year

It was moved and seconded that the Governance and Priorities Committee recommend that Council change the liquor primary business licence fee from \$1100 to \$165 per year. The motion carried unanimously.

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to proceed with finalizing the “Business Licence Bylaw 2021 No. 7318”, and that once finalized, return to a future Regular Council meeting for first, second and third readings of the “Business Licence Bylaw 2021 No. 7318”, along with amendments to the “Fees and Charges Bylaw 2007 No. 7041” and the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”. The motion carried unanimously.

b. COMMUNITY WELLNESS/LIVABILITY:

1. Active Transportation Infrastructure Grant

Shelley Legin, General Manager, Corporate Services, spoke regarding the Active Transportation Infrastructure Grant. Highlights included:

- Staff are proposing two projects be put forward to the Province for the grant including the Metral Drive Complete Streets and the Albert Street and Fourth Street Complete Streets
- The grant could cover 50% of the cost of each project

Committee discussion took place. Highlights included:

- Likelihood of the projects being awarded the grant money
- Albert Street and Fourth Street tender process and will the tender be completed before applying for the grant

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct staff to submit two applications under the Active Transportation Infrastructure Grant Program and provide a Council resolution for each submission:

- That Council direct staff to submit an application for Metral Complete Street Corridor Phase 2, confirm the local share of \$2.54 million is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.
- That Council direct staff to submit an application for Fourth and Albert Complete Street Phase 4, confirm the local share of \$700,000 is available and supported, the project is a municipal priority, and the project is "shovel ready" and intended to be complete within the required timeline.

The motion carried unanimously.

c. REIMAGINE NANAIMO

1. REIMAGINE Nanaimo Update

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning, provided the Committee with a PowerPoint presentation. Highlights included:
 - A soft launch of Phase 2 was completed on 2021-JUN-28
 - Official launch is 2021-JUL-13
 - 125 surveys have already been received through the soft launch
 - Online and hard copy surveys are available
 - Phase 2 will ask for community feedback on different aspects of each pathway and options for the future
 - A video will be made available for those who find it easier to understand through a visual platform
 - In Phase 2 there will be eight staff lead workshops
 - The Committee is welcome to request a separate workshop and Staff can schedule that workshop if needed
 - Self guided booklets are available and can be mailed to community members as requested
 - Metro Quest Platform is a interactive tool that allows users to choose their priorities and choose different scenarios

Committee discussion took place regarding the Metro Quest Platform and if the scenarios and priorities in the interactive tool are preselected for the public and if community/public safety a choice.

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- Priorities in the Metro Quest Platform are preselected based on community feedback in Phase 1 but the public can add comments

Councillor Armstrong vacated the Shaw Auditorium at 4:40 p.m.

Lisa Bhopalsingh, Manager, Community Planning, continued her presentation. Highlights included:

- Staff are working with School District 68 to ensure youth are involved in the REIMAGINE Nanaimo process
- Staff have been meeting with the Environment Committee and the Advisory Committee on Accessibility and Inclusiveness Committee to review the REIMAGINE Nanaimo process and receive feedback
- Outreach to service providers is ongoing to ensure that barriers to participation are being reduced
- Two blind focus groups have been scheduled to guide participants through the process and acquire unbiased responses

- REIMAGINE Nanaimo has it's own Tik Tok channel as a way to better engage youth

7. QUESTION PERIOD:

- Bill Manners re: Community Amenity Contribution Policy re: Annual CAC increase and when CAC's are due.
- Bill Manners re: Proposed Amendments to the Business Licence Bylaw re: Business licence fees for non-profits and neighbourhood associations.

8. ADJOURNMENT:

It was moved and seconded at 4:51 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

Please click on the link below to access the 2021-JUL-12 Governance and Priorities Committee Agenda.

<https://pub-nanaimo.escribemeetings.com/FileStream.ashx?DocumentId=35975>

Please click on the link below to access the 2021-JUL-21 Finance and Audit Committee Agenda.

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=08bfadd2-ecb2-4c96-a087-6d1e0a773862&Agenda=Agenda&lang=English>

Delegation Request

Delegation's Information:

Laura Augustine has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is July 26, 2021.

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:

The lands surrounding Cable Bay Trail have been contentious for many years and undergone several proposals. Now this sensitive ecosystem is under threat of becoming industrial land. As a resident with property immediately bordering these lands, I would like to make the council aware of many of the factors that directly affect the other landowners in the area, as well as the community at large, and state the value an intact ecosystem provides for us all as a critical feature of the donut economy.

DATE OF MEETING July 26, 2021

AUTHORED BY MICHELE DUERKSEN, SPECIAL EVENTS COORDINATOR / JULIE BEVAN, MANAGER OF CULTURE & EVENTS
PARKS, RECREATION & CULTURE

SUBJECT SPECIAL EVENTS IN NANAIMO

OVERVIEW

Purpose of Report:

To provide an overview of outdoor events in City of Nanaimo parks and open spaces and outline how the City of Nanaimo facilitates the delivery of events with logistical support, funding opportunities and infrastructure.

BACKGROUND

At the 2021-FEB-08 Governance and Priorities Committee Meeting, discussion occurred regarding special events, and their potential to animate the downtown core. In response, this report presents information on how the City of Nanaimo currently facilitates the delivery of events with logistical support through staff, funding opportunities, and infrastructure.

The *Official Community Plan (OCP)*, and the *Parks, Recreation and Culture Masterplan* both outline policy and direction related to the provision and support of special events for the community. The OCP identifies that the City will “provide opportunities for all Nanaimo residents and visitors to express creativity and enjoy leisure time through a wide range of programs, courses, activities and special events.” A *Cultural Plan for a Creative Nanaimo* identifies actions related to events including: pursuing public and private partnerships; encouraging and supporting new and revitalized events and festivals; supporting events and festivals organizations to collaborate; and providing greater support to events and festivals.

Prior to the COVID-19 pandemic, the City of Nanaimo hosted over 250 outdoor events, tournaments and festivals in City parks and open spaces each year, including business/trade, political, educational, arts and culture, sports and recreational, ceremonial and private events. Events attract local and international visitors, build vibrant communities, create economic revenues, and generate community spirit and a sense of civic identity.

Events and the organizations and people who deliver them in Nanaimo were heavily impacted by the COVID-19 pandemic through 2020 and 2021 because of restrictions on gatherings and travel. While some groups were able to adapt to hold small in-person or virtual events, many were unable to adapt their event to meet Provincial Health Orders and cancelled. With restrictions now lifted, the focus is on supporting organizations and people to rebuild and re-establish well-loved special events, and re-engage our communities through fresh events of all kinds.

DISCUSSION

Staff Support – Special Events Coordinator on the Culture & Events team

As part of organizational restructuring in 2019, the Culture and Events section was created within the division of Recreation and Culture. New positions, including Manager of Culture & Events, and Special Events Coordinator were established. Guided by City plans, including *A Cultural Plan for a Creative Nanaimo*, the Culture & Events team serves as a convener, connector, facilitator, enabler and funder.

The Special Events Coordinator acts as key liaison, both internally and externally. They are responsible for connecting with and providing excellent customer service to individuals, community organizations, including non-profits, business and other agencies, and enabling them to deliver major community events, tournaments and festivals in City parks, picnic shelters, and other outdoor spaces. The Special Events Coordinator, in conjunction with other staff, helps to connect groups with a suitable venue for their event, and assists with booking parks, fields and other outdoor facilities. They provide guidance and one-on-one support to event organizers to ensure that appropriate licensing, insurance and other logistical considerations are addressed.

Within the past year, the Special Events Coordinator has spear-headed a Tourism and Events Networking Group, bringing together representatives from the Vancouver Island Conference Centre, Tourism Nanaimo, Vancouver Island Symphony, the Port Theatre, Vancouver Island University, Nanaimo Art Gallery, Nanaimo Museum, and sports tourism for conversations designed to share information, promote collaboration, and expand networks.

Within the City, the Special Events Coordinator facilitates connections between the various departments that support events in civic space, including Parks Operations, Engineering, Traffic, Bylaws, Fire Rescue, Communications and others as required. They also liaise with Community Development on filming permits. To strengthen these connections, regular inter-department meetings to specifically address events and festivals will be convened. A main purpose of the role is to ensure greater coordination, and provide a consistent point of contact knowledgeable about available City facilities and infrastructure, the logistics of major event operation, funding and opportunities, and the landscape of local events and festivals.

With leadership from the Special Events Coordinator, within the last month improvements have been implemented to make the City's online interface for booking requests simpler to access, in order to reduce barriers and better serve the individuals and organizations who wish to book City spaces.

OVERVIEW OF EVENTS AND CITY SUPPORT

In a typical year, the City of Nanaimo hosts, facilitates, supports and liaises to deliver events to the community year-round. Events are outlined in the following categories:

City-Hosted Events

The City of Nanaimo, through the Recreation Coordinator team, directly facilitates approximately 25 annual events, which are funded by the City. These include both free events and low-cost admission-based events. Examples include Healthamoungus, Family Fun Nights, Winter

Wonderland, the Culture & Heritage Awards, Concerts in the Park, and New Year's Eve Finale. Large scale events like Canada Day typically require significant investments of staff time. For example, Canada Day, which attracts over 10,000 people to Maffeo Sutton Park, takes three staff members approximately six months to plan, as staff take on all aspects of event design and management including: marketing and promotion, entertainers and technicians, food vendors, equipment rentals, custodial, first aid, volunteers, parking management, community booths, permits and licensing, site management, and additional elements as required.

Additionally, smaller scale events are routinely held throughout the year in aquatics, arenas and parks. Sponsorship of events by local groups or businesses including the Nanaimo Lions Club and Coast Capital Savings provides many free swimming and skating experiences to local residents. A listing of events hosted and directly facilitated by the City is included as item #1 in Attachment A.

In addition to the City's annual signature events listed above, staff also organize events and celebrations as occasions arise. Though in 2020 and 2021, while gathering in large numbers was not permitted, Staff were able to organize creative ways to mark the openings of important civic facilities, including the Rotary Centennial Garden, Harewood Youth Park, and Phase I of the Maffeo Sutton Park Inclusive Playground. Looking ahead, Recreation and Culture staff are collaborating on several upcoming celebrations related to the installation of the Welcome Pole at Maffeo Sutton Park and the re-opening of Beban Pool in October.

City-Supported Community Events

The City of Nanaimo supports events, festivals and tournaments by way of grant funding, physical space, liaising with provincial licensing officers, and providing assistance with logistical aspects of event implementation. Some well-known events, run by independent organizations with City support, have included the National Indigenous Peoples Day, Commercial Street Night Market, Symphony by the Sea, Nanaimo Dragon Boat Festival, the Marine Festival, Nanaimo Fringe Festival, among many others. An example of a notable large-scale event that the City supported was the 2014 BC Summer Games which had an economic impact of approximately \$2 million dollars and brought 3,000 athletes to Nanaimo. Most recently, the City supported Crimson Coast Dance's 23rd Infringing Dance Festival which held in-person events at venues across the community and virtual events that attracted international participation. Another example of upcoming activity the City is supporting are the series of Corner Concerts the Nanaimo Chamber will present downtown each weekend over the summer.

Typically, the majority of events take place at Maffeo Sutton Park, which is considered Nanaimo's premiere event park. Other well-used event locations include Westwood Lake Park, Bowen Park and Diana Krall Plaza. A listing of events supported by the City is included as item #2 in Attachment A.

Staff also represent the City by attending many events hosted by other community organizations, and participate in their delivery by hosting tents and providing fun activities, while promoting Parks, Recreation and Culture programs and inviting community participation.

Sports Tournament Events

City-owned facilities host many organized matches and tournaments in lakes, parks, pools, arenas and fields. A few of these events include the U17 Hockey Tournament, Nanaimo Minor

Lacrosse Tournament, and Nanaimo Women’s Field Hockey Association. The City is well-positioned to host additional events with the planned improvements to amenities at the Serauxmen Stadium. Upgrades to spectator and participant experience include; enhanced lighting, playing surface, seating, washrooms, power and all complement the existing facilities in the Larry McNabb Sports Zone. Nanaimo continues to promote hosting opportunities and with this in mind staff submitted a bid package to host the 2026 BC Summer Games earlier this year.

Private Events: Wedding Ceremonies, Family Reunions and Small Gatherings

City venues are routinely booked by individuals for private celebrations. Over the past few years, the City has seen an increase in bookings for wedding ceremonies. Two of our most popular wedding locations are the scenic amphitheatre at Bowen Park, with an average of 27 weddings per year, and Neck Point Park which hosts 22 weddings annually, across four locations. Additionally, an average of 100 smaller events take place each year in City parks. These private gatherings include workshops, reunions, birthday parties and other festivities.

City Funding for Special Events

The City of Nanaimo provides annual funding to assist groups in the production and growth of special events. The City funds events through two different grant streams, Culture and Heritage Project Grants, and Downtown Events and Revitalization Fund program. Additionally, arts and culture organizations who receive City operating funding, and those who co-manage City-owned culture facilities also host a variety of events, as part of their ongoing community programming.

Grants for events are typically awarded in January and fund a variety of activities throughout the year, though the majority of activity is concentrated from March to August. Over 90% of the events that the City funds through Downtown Event Revitalization Funds, and Culture and Heritage Project Grants take place downtown.

The total funding envelope for Culture & Heritage Project Grants is \$44,407. 25% of eligible costs can be supported through this stream, which requires organizers to raise the remaining 75% of costs through other means. The total funding envelope for Downtown Event Revitalization Fund grants is \$150,000. Up to 35% of eligible event costs can be supported through this stream, requiring organizers to raise the remaining 65% of costs.

Events Funded By Downtown Event Grants & Culture and Heritage Project Grants

Year	# of Events	City Funds Issued	COMMENTS
2017	33	\$149,699	
2018	42	\$186,254	
2019	35	\$165,082	
2020	38	\$200,000	Pandemic Impact
2021	42	\$163,000	Pandemic Impact

Other Funding Sources for Local Events

Other funding provided to events and festivals in Nanaimo is the Municipal and Regional District Tax (MRDT) The City, as the Designated Recipient of the MRDT, has assigned the Nanaimo Hospitality Association to administer MRDT funds, including the Nanaimo Hospitality Grant. The key priorities with this grant are to enhance new and existing festivals and drive overnight

visitation. At this time, awarding of Festivals and Events Grants through Nanaimo Hospitality Association are on hold.

Event Spaces, Facility and Amenity Development

The City's OCP speaks to the provision of public gathering places through a diversity of parks, plazas and open spaces, and recognizes downtown as the primary focus for community events and gatherings. Improving the performance space at Maffeo Sutton Park is outlined as a priority in *A Cultural Plan for a Creative Nanaimo*, and was feedback that was received via REIMAGINE NANAIMO Phase 1 engagement. An option that is currently being explored, in partnership with the Lions Club of Nanaimo, are upgrades to the Lions Pavilion to enhance acoustics, lighting and sightlines. At the same time, Diana Krall Plaza is currently the subject of study. Though discussions were on hold during the pandemic, a design charrette with an interdisciplinary team was recently convened to look at ways of improving the plaza. Recommendations for improvements to that space are expected to come forward to Council in the next few months.

Impacts of Covid-19 Pandemic

The majority of events were cancelled in 2020 and 2021 due to Public Health Orders. While some organizers were able to adapt their events, others could not. Through the pandemic, Staff liaised with Island Health and BC Recreation and Parks Association (BCRPA), with local tourism and event hosts, cultural organizations, and with other municipalities and regional districts across the province. This collegial network has afforded the opportunity to share ideas and issues, and helped us to adapt during periods of PHO restrictions and phases of reopening to deliver high-quality parks, recreation and culture services in safe and meaningful ways.

During this period, support and care was extended by Staff to community groups, organizations and residents. Staff liaised regularly with event organizers on bookings, changing restrictions, grant funding, and other matters, and collaborated to re-position their programs. A number of smaller scale, but impactful events took place, such as drive-in live performances and film screenings in community centre parking lots, COVID-safe scavenger hunts, and virtual concerts and gatherings. One example of a successful event during this time is the drive-through food drop-off and drive-in fireworks event presented by Nanaimo NightOwls on 2021-JAN-01 at Serausmen Stadium.

Following the announcement on 2021-MAY-25 of the BC's Restart Plan, our community is eager to organize and participate in programs and events, and Staff are managing increased booking requests and inquiry for space. Staff continue to support the community as we move through reopening phases.

CONCLUSION

As Nanaimo grows, we anticipate an even greater desire by the community to both participate in and organize unique, memorable events and festivals of different sizes and shapes, and facilitate new opportunities to promote and activate cultural and sport tourism. Maintaining and enhancing facilities, growing funding programs to support events and festivals, streamlining City systems and communications channels, and continuing to build collaborations with and between a range of community partners and business are essential ingredients for future success. Recognizing that events and festivals of all kinds contribute to our social, environmental, cultural

and economic sustainability, the City has a commitment to events and festivals and a strong foundation on which to build.

SUMMARY POINTS

- Recreation & Culture Staff provide over 25 well-received community events.
- The City supports over 250 annual events, by providing space, funding and other resources.
- The City is well-positioned to host unique experiences and is constantly evolving its approach to provide high levels of service.

ATTACHMENTS

ATTACHMENT A: Special Events in Nanaimo – Tables
ATTACHMENT B: PowerPoint Presentation – Special Events in Nanaimo

Submitted by:

Julie Bevan, Manager
Culture & Events

Concurrence by:

Lynn Wark, Director
Recreation & Culture

Richard Harding, General Manager
Parks, Recreation & Culture

ATTACHMENT A

Special Events in Nanaimo

1. City-Hosted Events

The Recreation Coordinator team directly facilitates approximately 24 annual events, which are organized, delivered and funded by the City. These include both free events and low-cost admission-based events:

EVENT NAME	LOCATION
CANADA DAY	MAFFEO SUTTON PARK
HEALTHAMONGUS	MERLE LOGAN FIELD / SECOND ARTIFICIAL TURF
WINTER WONDERLAND	FRANK CRANE ARENA
CONCERTS IN THE PARK	NANAIMO PARKS
FREE FAMILY FUN NIGHTS	NANAIMO PARKS
LIONS FREE SWIMS	SWIMMING POOLS
LIONS FREE SKATES	ARENAS
COAST CAPITAL SAVINGS SWIM/SKATES	SWIMMING POOLS AND ARENAS
EARTH DAY SKATE	ARENAS
THEMED SKATES, EASTER, VALENTINES DAY, ST PATRICK'S DAY, THANKSGIVING	ARENAS
GLOW IN THE DARK SKATES	ARENAS
DIVE-IN MOVIES	SWIMMING POOLS
POP-UP EVENTS IN PARKS	NANAIMO PARKS
WALK ON WINTER WELLNESS CHALLENGE	VIRTUAL
GOLDEN BUCKET	NANAIMO PARKS
FROSTY BUCKET	NANAIMO PARKS
NATIONAL LIFEJACKET DAY	AQUATICS
DROWNING PREVENTION WEEK	AQUATICS
CIVIC SPORT MERIT AWARDS	COUNCIL CHAMBERS
THURSDAY SPECIAL EVENT NANAIMO HARBOUR CITY SENIORS	BOWEN COMPLEX
ANNUAL OPEN HOUSE NANAIMO HARBOUR CITY SENIORS	BOWEN COMPLEX
CULTURE & HERITAGE AWARDS	PORT THEATRE
PUBLIC WORKS DAY	PUBLIC WORKS

2. City-Supported Community Events, 2019

The City of Nanaimo supports events, festivals and tournaments by way of grant funding, physical space, liaising with provincial licencing officers, and providing assistance with logistical aspects of event implementation. Some of the larger events held in 2019 are listed below:

ORGANIZATION	EVENT	LOCATION
ALZHEIMERS SOCIETY	2019 ALZHEMERS WALK	BOWEN PARK TRAILS

205 COLLISHAW SSC - AIR CADETS	YEAR END BBQ	LOUDON PARK
7 POTATOES	TANABATA FESTIVAL	BOWEN LOWER SHELTER
ALINA ZUTZ	PICNIC IN THE PARK	MAFFEO SUTTON PARK
AUTISM SOCIETY CENTRAL VANCOUVER ISLAND	2019 NANAIMO WALK & BOUNCE FOR AUTISM	CALEDONIA PARK
BC GOVERNMENT & SERVICES EMPLOYEES UNION	BCGEU SITE VISIT & BBQ	DIANA KRALL PLAZA
BERWICK ON THE LAKE	BRC - ALL SITES PCINIC	BEBAN GYRO FIELDS
BRENDA PEACOCK	FRIENDS & FAMILY CELEBRATION	MAFFEO SUTTON PARK
CALVARY FELLOWSHIP NANAIMO	CAROLING IN THE PARK	MAFFEO SUTTON PARK
CANADIAN CANCER SOCIETY	CIBC RUN FOR THE CURE	BEBAN FIELDS
CANADIAN FEDERATION OF UNIVERSITY WOMEN	PRESIDENT'S PICNIC	MAFFEO SUTTON PARK SPIRIT SQUARE
CANOE & KAYAK	NANAIMO CRAZY 8 & NPI ATTACK	BRECHIN BOAT RAMP #2
CANOE AND KAYAK CLUB	BC CUP 3	LOUDEN PARK
CHAMBER OF COMMERCE	2019 STREET MARKET	DIANA KRALL PLAZA
CHESAPEAKE SHORES S4 PRODUCTION	CHESAPEAKE SHORES FILMING	NECK POINT PARK
CHRIST COMMUNITY CHURCH	2019 EASTER SUNRISE CHURCH SERVICE	DEPARTURE BAY BEACH
CITY OF NANAIMO	INVASIVE PLANT AWARENESS MONTH	VARIOUS
CITY OF NANAIMO	FAMILY FISHING DAY	VARIOUS
CITY OF NANAIMO	DOWNTOWN MOBILITY HUB PROJECT - OPEN HOUSE	MAFFEO SUTTON PARK
CITY OF NANAIMO	CANADA DAY	MAFFEO SUTTON PARK
CITY OF NANAIMO	TERRY FOX RUN	BOWEN PARK
CITY OF NANAIMO	RIVERS DAY	MAFFEO SUTTON PARK/BOWEN LOWER SHELTER
CITY OF NANAIMO - CHRIS BARFOOT	POETRY EVENT	DIANA KRALL PLAZA
CITY, DFO	RIVERS DAY	VARIOUS
CITY, DFO, PORT AUTHORITY	OCEANS DAY	VARIOUS
CITY, RDN, NALT, DFO	WATER TO EARTH MONTH	VARIOUS
CITY, VARIOUS	YOUTH WEEK	VARIOUS
CITY, VARIOUS GNYP	TEDDY BEAR PICNIC	VARIOUS
CITY, VARIOUS, GNYP	STORY WALK	VARIOUS

CLARO LEARNING CENTRE	GRADUATION AWARDS	MAFFEO SUTTON PARK
COASTAL COMMUNITY CREDIT UNION	CONFERENCE DDAY	DIANA KRALL PLAZA
COMMUNITY LIVING OF BC	PICNIC	MAFFEO SUTTON PARK
CONCERT BAND OF NANAIMO	2019 CONCERT IN THE PARK	MAFFEO SUTTON PARK
CROHN'S COLITIS CANADA	2019 GUTSY WALK	MAFFEO SUTTON PARK - GRASS BY LAGOON
CROSS CANADA FIDDLE	FIDDLE DANCE IN THE PARK	MAFFEO SUTTON PARK
CRPS HOPE AND AWARENESS FOUNDATION	LIGHTS OF HOPE FESTIVAL	MAFFEO SUTTON LAGOON
CYNDY HALL	THE VIGIL FOR LISA MARIE YOUNG	MAFFEO SUTTON PARK
CYSTIC FIBROSIS CANADA	2019 WALK TO MAKE CYSTIC FIBROSIS HISTORY	WESTWOOD LAKE
DAWN WALTON AND ASSOCIATES	NORTH NANAIMO PUMPKIN PATCH	DAYNES PARK
DAWN WALTON AND ASSOCIATES	NORTH NANAIMO PUMPKIN PATCH	DAYNES PARK
DEPARTURE BAY NEIGHBOURHOOD ASS.	EASTER EGG SCAVENGER HUNT	KIN PARK
DRAGON BOAT FESTIVAL SOCIETY	2019 DRAGON BOAT FESTIVAL	MAFFEO SUTTON PARK
DWELLING PLACE HEALTH CARE	PRAISE PRAYER IN THE PARK	MAFFEO SUTTON PARK
DYNAMIC RACE EVENTS	2019 4TH ANNUAL WESTWOOD LAKE TRIATHLON	WESTWOOD LAKE
EDEN GARDENS	PICNIC IN THE PARK	WESTWOOD LAKE
EDGEWOOD	RUN FOR RECOVERY	WESTWOOD LAKE
FEARLESS 7 PRODUCTIONS	FILMING	NECK POINT
FIRST BAPTIST CHURCH	2019 EASTER EGG HUNT	MANSFIELD PARK
FRESH AIR CINEMA	SUNSET CINEMA	MAFFEO SUTTON PARK
FRIENDS OF HERITAGE SOCIETY	NANAIMO HERITAGE FESTIVAL	DIANA KRALL/MAFFEO SUTTON PARK
GIRL GUIDES OF CANADA	PIPERS DISTRICT ADVANCEMENT	MAFFEO SUTTON PARK
GWEN VONARX	FAMILY REUNION	PIPERS LAGOON
HALEY HOUSE PRODUCTIONS	SHORT FILM	BOWEN PARK DISC GOLF
HAREWOOD COMMUNITY - ALEXIS PETERSEN	HARWOOD ON JULY 1, 2019	HAREWOOD SCHOOL FIELDS
HOPE AND HEALTH FOR LIFE SOCIETY	VI 8TH ANNUAL HOPE AND HEALTH COMMUNITY CAMP	MERLE LOGAN/SATF
INTERNATIONAL CHINA CONCERN	SUPERHERO WALKATHON NANAIMO	MAFFEO SUTTON PARK

ISLAND CRISIS CARE SOCIETY	COLDEST NIGHT OF THE YEAR	ELKS PARK
JOE LYCHAK	MONCADA DAY	COLLIERY DAM
KERRY CHANG	MAKAYLA'S MEMORIAL BIRTHDAY CELEBRATION	MAFFEO SUTTON PARK
KIDNEY FOUNDATION	2019 KIDNEY WALK	MAFFEO SUTTON PARK
KIDS HELP PHONE	2019 WALK SO KIDS CAN TALK	COLLIERY DAM PARK
KIWANIS CLUB OF NANAIMO SUNRISERS	BRUNO'S BULLHEAD DERBY FOR UNDER 12'S	BRECHIN BOAT RAMP #1
KRAWCHUK ENTERPRISES INC. MCDONALD'S	ANNUAL CREW BBQ	KIN PARK
KWUMUT LELUM	CANOE TRAINING	WESTWOOD LAKE
LAUREN SEMPLE	CANDLELIGHT VIGIL FOR TRANSGENDER	DIANA KRALL PLAZA
LOYAL NANAIMO BATHTUB SOCIETY	LNBS DEPARTURE BAY RACE	KIN HUT/KIN PARK/DB BEACH
LOYAL NANAIMO BATHTUB SOCIETY	2019 MARINE FESTIVAL	MAFFEO SUTTON PARK
LOYAL NANAIMO BATHTUB SOCIETY	LNBS DB RACE #2	DEPARTURE BAY BEACH/KIN PARK
MATT SCHEIBEL	ROCK RIDGE PARK EASTER EGG HUNT	ROCK RIDGE PARK
MID ISLAND METIS NATION ASSOCIATION	NATIONAL INDIGENOUS DAY	MAFFEO SUTTON PARK
MID ISLAND WEAVERS AND SPINNERS GUILD	PICNIC IN THE PARK SPINNING	MAFFEO SUTTON PARK
MUSCULAR DYSTROPHY CANADA	NANAIMO WALK FO MUSCULA DYSTROPHY	MAFFEO SUTTON PARK
MYELOMA CANADA	MYELOMA MARCH	MAFFEO SUTTON PARK
NANAIMO & DISTRICT HOSPITAL FOUNDATION	2019 RUN FOR LIFE	BOWEN LOWER SHELTER
NANAIMO 7-10 CLUB	RUN/WALK OUT HUNGER	WESTWOOD LAKE
NANAIMO AMATEUR RADIO ASSOCIATION	ARRL WINTER FIELD DAY	MAFFEO SUTTON PARK
NANAIMO BLUES SOCIETY	BLUES FESTIVAL	MAFFEO SUTTON PARK
NANAIMO CHAMBER ORCHESTRA	NANAIMO CHAMBER ORCHESTRA	MAFFEO SUTTON PARK
NANAIMO CHILD DEVELOPMENT CENTRE	SILLY BOAT REGATTA	MAFFEO SUTTON PARK
NANAIMO CHILD DEVELOPMENT CENTRE	SILLY BOAT REGATTA	MAFFEO SUTTON PARK
NANAIMO CHILD DEVELOPMENT SOCIETY	HAVE A GO DAY	WESTWOOD LAKE #2
NANAIMO COMMUNITY BAND	2019 NANAIMO COMMUNITY BAND	MAFFEO SUTTON PARK
NANAIMO COMMUNITY HOSPICE SOCIETY	2019 HIKE FOR HOSPICE	WESTWOOD LAKE

NANAIMO DISC GOLF	DISC GOLF TOURNAMENT	BOWEN PARK
NANAIMO DISC GOLF	WINTER TOUR VANCOUVER ISLAND DISC GOLF	BOWEN PARK
NANAIMO DISC GOLF CLUB	HUB CITY HUC	DISC GOLF/BOWEN LOWER SHELTER
NANAIMO FIDDLE SOCIETY	FIDDLE CONCERT	MAFFEO SUTTON PARK
NANAIMO FIDDLE SOCIETY	NANAIMO FIDDLE SOCIETY	MAFFEO SUTTON PARK
NANAIMO NATIVE VICTORY CHAPEL	PICNIC SERVICE	DEVERILL PARK
NANAIMO PICKLE BALL CLUB	BBQ	BEAUFORT PARK
NANAIMO PRIDE SOCIETY	NANAIMO PRIDE FESTIVAL	MAFFEO SUTTON PARK
NANAIMO ROWING CLUB	NANAIMO JUNIOR SPRINTS REGATTA	LOUDON PARK
NANAIMO SALSA	SALSA THURSDAYS IN THE PARK	MAFFEO SUTTON PARK
NANAIMO SUPPORTIVE LIFESTYLE	2019 MILK CARTON BOAT RACE	BOWEN LOWER SHELTER
NANAIMO WOMEN'S ACTION COMMITTEE VIU	2019 NANAIMO WOMEN'S MARCH	MAFFEO SUTTON PARK
NANAIMO WOMEN'S CENTRE	MONSTER DASH	MAFFEO SUTTON PARK WALKWAY
NANAIMO YOGATHON	2019 YOGATHON	MAFFEO SUTTON PARK
NANGO GRANNIES	VG4A CYCLE TOUR FOR GRANNIES FRM COURTENAY TO VICTORIA	MAFFEO SUTTON PARK
NEW LEAF OUTREACH	NATIONAL DAY OF ACTION TO STOP THE OVERDOSE CRISIS	MAFFEO SUTTON PARK
OCEANSIDE CHRISTIAN MINISTRIES	2019 LOVE YOU CITY	MAFFEO SUTTON PARK
PACIFIC SPORT	ACTIVE FOR LIFE EXPO	MAFFEO SUTTON PARK
PACIFIC SPORT	ACTIVE FOR LIFE EXPO	VARIOUS
PARKINSON'S SOCIETY	PARKINSON SUPERWALK 2019	MAFFEO SUTTON PARK
PATRICK PHILLIPS	CATHY DAVIS CELEBRATION OF LIFE	MAFFEO SUTTON PARK
PAUL MANLY FEDERAL GREEN PARTY CAMPAIGN	EARTH DAY CELEBRATION	MAFFEO SUTTON PARK
REBECCA STEVENSON	REBECCA STEVENSON	KNOWLES PARK
REDEEM CHRISTIAN CHURCH OF GOD	SUMMER OUTREACH PROGRAM	MAFFEO SUTTON PARK
ROADRUNNERS BALL HOCKEY TEAM	2019 ROADRUNNERS SPRING CLASSIC	DEPARTURE BAY MULTI USE COURT/TENNIS COURTS
ROCK CITY CYCLES	MUC OFF CUP	BOWEN PARK TRAILS/VOLLEYBALL COURTS

ROCKHEIGHTS MIDDLE SCHOOL	BEGINNER BAND PERFORMANCE	MAFFEO SUTTON PARK
ROTARY CLUB OF NANAIMO DAYBREAK	ROTARY WALK FO NEPAL	WESTWOOD LAKE 2ND BEACH
RUNNERS OF COMPASSION	FLETCHER'S CHALLENGE	WESTWOOD LAKE 2ND BEACH
SCOTT LITTLEJOHN RUEDA DANCE	RUEDA DANCE	MAFFEO SUTTON PARK
SERAUXMEN SERVICE CLUB	3RD ANNUAL SERAUXMEN "SHSUT UP & FISH" SALMON DERBY	BRECHIN BOAT RAMP
SOUTH END COMMUNITY ASSOCIATION	MINER'S HERITAGE PICNIC	DEVERILL PARK
SPINAL CORD INJURY	ANNUAL BBQ	DIVER LAKE PARK
SPINAL CORD INJURY OF BC	NANAIMO ADAPTED PADDLING DAY	WESTWOOD LAKE BOAT LAUNCH
TAISSIA GLOUKHOVA	BELLY DANCE PARTY	PIPERS LAGOON GRASSY AREA
TERESA CAVANAUGH	SUPPORT FOR ABBY	WESTWOOD LAKE
THE LAUNDRY FAIRY	GRAND OPENING/LAUNCH PARTY	KIN PARK
THE MEETING PLACE	COMMUNITY BBQ	DEVERILL PARK FIELD
THE MEETING PLACE CHURCH	BAPTISM/SWIM DAY	LOUDON PARK
THE MEN'S CENTRE	FATHERS DAY IN THE PARK	MAFFEO SUTTON PARK
TILlicum LELUM	CULTURAL AWARENESS DAYS	WESTWOOD LAKE
TRANSPORTATION	GO-BY BIKE/COMMUTER CHALLENGE	VARIOUS
UVIC COMMERCE STUDENT SOCIETY	GUTSY'S CHALLENGE FOR GSBC	MAFFEO SUTTON PARK
VANCOUVER ISLAND CHILDRENS'S BOOK FESTIVAL	VANCOUVER ISLAND CHILDRENS'S BOOK FESTIVAL	DIANA KRALL PLAZA
VANCOUVER ISLAND CRISIS SOCIETY	SOLES REMEMBERING SOULS	MAFFEO SUTTON PARK
VANCOUVER ISLAND WATER WATCH	MARCH FOR THE FORESTS	MAFFEO SUTTON PARK
VARIOUS	CHILDREN'S FAIR	VICC
VARIOUS, GNYP	HEALTHY START FAIRS	VARIOUS
VI REGIONAL LIBRARY	GEEKCON	DIANA KRALL PLAZA
VI TRAIL RUNNING SERIES	VI TRAIL RUNNING SERIES	WESTWOOD LAKE
VIRL	SCORE WITH READING	DIANA KRALL PLAZA
VIU	INTERNATIONAL STUDENTS WELCOME	NANAIMO MUSEUM
VOLUNTEER NANAIMO	YOUTH 20/20 CAN COATS FOR CHRISTMAS	MAFFEO SUTTON PARK
WELLINGTON PROM	PROM PICTURES	MAFFEO SUTTON PARK

WEST COAST KAYAK ANGLER SERIES	NANAIMO SALTWATER DERBY	NECK POINT FINN BEACH
WISTERIA COMMUNITY ASSOCIATION	2019 SUMMER FLING	DEVERILL PARK
WISTERIA COMMUNITY ASSOCIATION	INTERNATIONAL OVERDOSE AWARENESS DAY	MAFFEO SUTTON PARK
WORLD OF PENTECOST CHURCH	KIDS IN THE PARK FUN TIME	DEVERILL PARK
YOUNG PROFESSIONALS OF NANAIMO	YPN TRY IT SUMMER GAMES	MAFFEO SUTTON PARK
YOUNG PROFESSIONALS OF NANAIMO	YN AMAZING RACE	KINSMEN PARK

Special Events in Nanaimo



Parks, Recreation & Culture

Events Highlights

- 250+ public events annually
- 100+ private events and gatherings at picnic shelters
- Most popular locations are Maffeo Sutton Park, Bowen Park, Neck Point Park
- Average of 50 weddings annually
- 120 groups organize events

Parks, Recreation & Culture











DATE OF MEETING JULY 26, 2021

AUTHORED BY WENDY FULLA, MANAGER BUSINESS, ASSET AND FINANCIAL PLANNING

SUBJECT OFF-STREET PARKING RESERVE FUND BYLAW

OVERVIEW

Purpose of Report

To introduce “Off-Street Parking Reserve Fund Bylaw No. 7328” for first, second and third readings, to establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”.

Recommendation

1. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” (To establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”), pass first reading;
2. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass second reading; and,
3. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass third reading.

BACKGROUND

Under Section 525 (1)(d) of the *Local Government Act* Municipalities may as an alternative to complying with a requirement to provide off-street parking allow the owner or occupier of property within a designated area to offer a payment (cash-in-lieu), as specified in a bylaw.

Sections 525 (7) (a) (b) & (8) of the *Local Government Act* requires:

1. The municipality to establish a reserve for the purpose of providing:
 - a. New and existing off-street parking spaces, or,
 - b. Transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
2. Cash-in-lieu received must be credited to the reserve fund; and,
3. A separate reserve must be established for each of the purposed purposes.

In 1994, Council adopted the “Old City Neighbourhood Off-Street Parking Reserve Fund Bylaw 1993 No. 4737” (Bylaw 4737) for cash-in-lieu payments for the purposes of providing new and existing off-street parking spaces. At the time, Bylaw No. 4737 was governed by the “Nanaimo Zoning Bylaw 1993 No. 4000” that outlined the cash-in-lieu criteria for the City.

DISCUSSION

On 2018-SEP-18, Council adopted a new parking regulation bylaw “Off-Street Parking Regulations Bylaw 2018 No. 7266” (Bylaw 7266). The new Bylaw expanded the cash-in-lieu parking areas and directed that funds received under the Bylaw be used towards local transportation improvements by the City that encourage non-automotive transportation.

As the *Local Government Act* requires that the City establish separate reserves for each proposed purpose under Section 525, the City needs to establish a second reserve for cash-in-lieu payments received under Bylaw 7266.

“Old City Neighbourhood Off-Street Parking Reserve Fund Bylaw 1993 No. 4737” (Bylaw 4737) will remain as the funds were collected for new and existing off-street parking spaces. A new reserve “Off-Street Parking Reserve Fund Establishing Bylaw 2021 No. 7328” will be established for cash-in-lieu payments received under Bylaw 7266 for transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

Two cash-in-lieu payments have been received since September 2018 under Bylaw 7266. These payments, plus applicable interest total \$70,684.15 and will be transferred to the new reserve once it is established. |

FINANCIAL CONSIDERATIONS

Once established, \$70,684.15 will be transferred from the Old City Neighbourhood Off-Street Parking Reserve Fund to the new Off-Street Parking Reserve Fund. Future cash-in-lieu contributions received under Bylaw 7266 will be deposited to the new reserve fund and the available balance can be used to support transportation infrastructure that encourages non-automotive transportation. The funds in the Old City Neighbourhood Off-Street Parking Fund will continue to be used for the provision of new and existing off-street parking spaces.

OPTIONS

1.
 1. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” (To establish a statutory reserve for cash-in-lieu payments received under “Off-Street Parking Regulations Bylaw 2018 No. 7266”), pass first reading;
 2. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass second reading; and,
 3. That “Off-Street Parking Reserve Fund Bylaw 2021 No. 7328” pass third reading.
 - The advantages of this option: Ensures the City is in compliance with the requirement to establish a separate reserve for each proposed purpose for cash-in-lieu payments received.
 - Financial Implications: Reserve funding will be available to support projects that support transportation infrastructure that encourages non-automotive transportation.
2. That Council table the report and request more information from Staff.

SUMMARY POINTS

- The establishment of the reserve is required under Section 525 of the *Local Government Act*.
- The City will use the reserve to assist in funding transportation infrastructure that encourages non-automotive transportation.

ATTACHMENTS:

“Off-Street Parking Reserve Fund Establishing Bylaw 2021 No. 7328” |

Submitted by:

Wendy Fulla
Manager, Business, Asset and Financial
Planning |

Concurrence by:

Laura Mercer
Director, Finance

Shelley Legin
General Manager, Corporate Services |

CITY OF NANAIMO

BYLAW NO. 7328

A BYLAW AUTHORIZING THE CITY OF NANAIMO TO ESTABLISH THE OFF-STREET
PARKING RESERVE FUND

WHEREAS the Council of the City of Nanaimo pursuant to Section 525 (1)(d) of the *Local Government Act*, where a property is designated as indicated in Schedule 'A', an owner or occupier of that property may, in lieu of providing off-street parking spaces pay an amount of money, specified by bylaw, instead of providing the required off-street parking spaces;

AND WHEREAS Section 188 of the *Community Charter* authorizes Council to establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund;

AND WHEREAS money in this reserve fund, and interest earned on it, must be used only for the purpose for which the fund was established;

AND WHEREAS there was on hand at 2020-DEC-30, the sum of \$70,684.15.

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

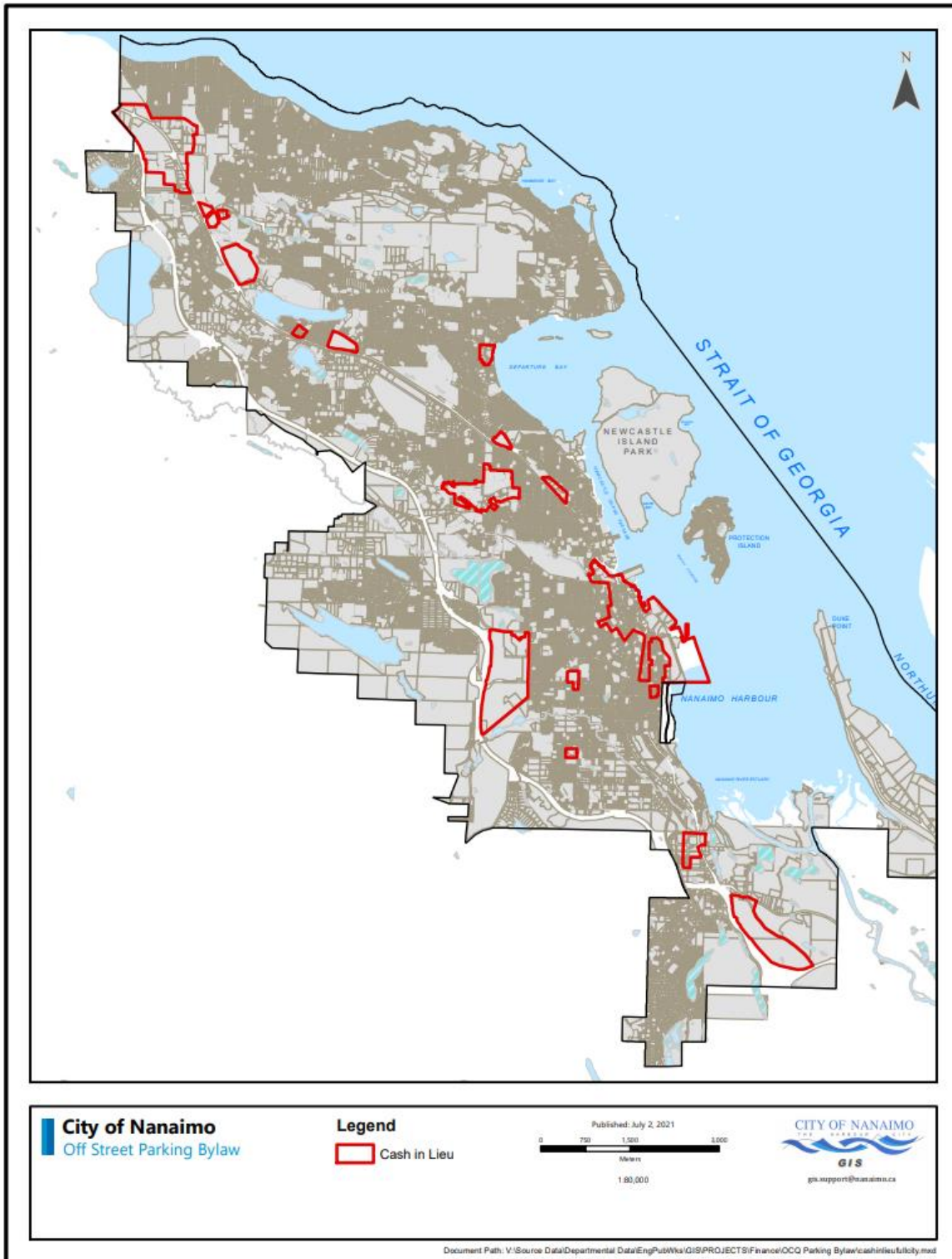
1. This Bylaw may be cited as "OFF-STREET PARKING RESERVE FUND BYLAW 2021 NO. 7328".
2. Money paid to the municipality by owners or occupiers of land, buildings or structures instead of providing off-street parking spaces under the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7266", shall be paid from time to time into the reserve fund.
3. The accumulated funds in the Off-Street Parking Reserve Fund will be expended towards transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

Schedule A



DATE OF MEETING July 26, 2021

AUTHORED BY BILL CORSAN, DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT ENDORSEMENT OF DRAFT ARTICLES OF INCORPORATION AND SHAREHOLDER AGREEMENT FOR THE NANAIMO PROSPERITY CORPORATION

OVERVIEW

Purpose of Report

To provide Council with an update on the work completed to date to establish the Nanaimo Prosperity Corporation and to seek Council endorsement of the draft articles of incorporation and shareholder agreement.

Recommendation

That Council:

1. approve in principle the draft articles of incorporation and shareholder agreement for the Nanaimo Prosperity Corporation;
2. direct Staff to submit the articles of incorporation and shareholder agreement to the Inspector of Municipalities for approval;
3. delegate the Chief Administrative Officer to represent Council in discussions with the Inspector of Municipalities; and
4. direct Staff to return for Council's final approval of the articles of incorporation and shareholder agreement following approvals by the Inspector of Municipalities and the respective Councils/Boards of the five shareholder organizations.

BACKGROUND

Council has expressed a strong commitment to economic development. The *2019-2022 Strategic Plan* identifies Economic Health as one of the four pillars. The plan specifically identifies the need to identify an economic development model and completion of an Economic Development Strategy as specific actions.

Considerable work has been advanced on the economic development file in the past three years. A review of the Economic Development Function was completed in the fall of 2019. Council established the Economic Development Task Force (EDTF) to prepare an economic development strategy and to prepare the framework for a new external economic development agency.

The work of the EDTF was completed at the end of 2020, with Council endorsing the Economic Development Strategy and the Economic Development Corporation Charter at the 2021-FEB-01 Council meeting. The following resolutions were provided by Council:

At the 2021-FEB-01 Council Meeting, it was moved that Council:

- “1. endorse the final Economic Development Strategy;
2. endorse the External Corporation Charter; and
3. direct Staff to work with the Class B shareholders to prepare Letters of Incorporation and return to an upcoming meeting for Council approval.”

Progress in Establishing the Nanaimo Prosperity Corporation

Since February 2021, the City solicitor has worked with Staff and representatives of the five shareholders to develop the Articles of Incorporation and the Shareholders Agreement for the Corporation.

The group have met on a number of occasions, including on:

- 2021-APR-27
- 2021-MAY-12
- 2021-JUN-17

Each of the shareholders has reviewed the Articles of Incorporation and the Shareholder Agreement and provided feedback.

Corporation Charter

The framework for the new Economic Development Agency (now referred to as the Nanaimo Prosperity Corporation [the “Corporation”], Attachment A) was originally developed by the EDTF with the assistance of Neilson Strategies. In subsequent conversations with the shareholders, minor adjustments have been incorporated into the document.

The key elements of the Charter are as follows:

Purpose: The Corporation is the economic development corporation through which business, government, First Nation, and community partners collaborate to build Nanaimo’s economy and increase the level of shared prosperity enjoyed by those who live here.

Mandate: The Corporation will maintain and update the Economic Development Strategy, develop and undertake initiatives to attract business and employers to the community, coordinate the sector-specific activities, and develop initiatives to retain and expand business.

Ownership: The Corporation is jointly owned by the City of Nanaimo and five other governments and organizations (Class B & C shareholders), including (in alphabetical order):

- Nanaimo Airport Commission
- Nanaimo Chamber of Commerce
- Nanaimo Port Authority
- Snuneymuxw First Nation
- Vancouver Island University

Board of Directors: The Corporation is comprised of nine voting directors appointed by the shareholders, with one being from the social services sector.

Funding: The City of Nanaimo is a Class A shareholder and will provide the bulk of the base funding. The Class B & C shareholders are committed to providing a \$5,000 cash or in-kind contribution in 2021, and \$10,000 cash or in-kind contribution in 2022 through to 2025 (subject to approval of their respective boards).

Remuneration: All board members serve without remuneration.

Three-Year Review: All founding shareholders agree to support and fund the corporation for an initial period of three years.

NEXT STEPS

City Staff will continue to work with the shareholders to establish the Corporation.

The *Community Charter* (Section 185[1]) requires a municipality to secure approval from the Inspector of Municipalities prior to establishing a corporation.

Should Council approve the recommendations in this report, Staff will submit an application to the Inspector of Municipalities. Approval from the Inspector is expected to take up to three months.

While the City awaits the approval from the Inspector of Municipalities, the shareholders will circulate the documents to their respective councils and boards for final approval.

In the fall of 2021, the City and its partners will be in a position to:

- Prepare policies and procedures for the new Corporation;
- Select three additional voting board members, including one from the social services;
- Host an inaugural board meeting;
- Hire an executive director;
- Secure office space;
- Prepare a 2022 work plan based on the Economic Development Strategy.

FINANCIAL CONSIDERATIONS

Staff were advised through the development of the Economic Development Strategy that a City the size of Nanaimo should allocate between \$750,000 and \$1,000,000 towards economic development.

The Economic Development Function Service Review recommended that economic development be delivered in Nanaimo through a hybrid approach with both an internal and external function.

The internal function has an annual budget of \$328,000 in the 2021-2025 Financial Plan. These funds are largely committed to staffing through an economic development manager and economic development officer.

The 2021-2025 Financial Plan has a budget of \$449,000 allocated towards the Nanaimo Prosperity Corporation in 2021. These funds are to establish the Corporation and cover office rental, staffing, marketing, etc. Staff anticipate \$100,000 will be carried forward into 2022.

Under the Shareholder Agreement, the shareholders will provide an additional \$50,000 per annum in cash or in-kind contributions. The total 2022 budget is \$450,000, with the City contributing \$300,000 from the General Reserve and a \$100,000 carry over from 2021.

OPTIONS

1. That Council:
 1. approve in principle the draft articles of incorporation and shareholder agreement for the Nanaimo Prosperity Corporation;
 2. direct Staff to submit the articles of incorporation and shareholder agreement to the Inspector of Municipalities for approval;
 3. delegate the Chief Administrative Officer to represent Council in discussions with the Inspector of Municipalities; and
 4. direct Staff to return for Council's final approval of the articles of incorporation and shareholder agreement following approvals by the Inspector of Municipalities and the respective Councils/Boards of the five shareholder organization.
 - Advantages: Advancing the creation of the Nanaimo Prosperity Corporation aligns with the recommendations of the Economic Development Function Service Model Review (2019) and the recommendations of the Economic Development Task Force. The creation of the external economic development agency is consistent with Council's goals in the *2019-2022 Strategic Plan*.
 - Disadvantages: None identified.
 - Financial Implications: Council has allocated \$449,000 towards the Nanaimo Prosperity Corporation in 2021. The draft 2022 budget has \$400,000 allocated by the City to the Corporation. The shareholders are expected to contribute \$50,000 in 2022 as envisioned under the Shareholder Agreement.
2. That Council provide alternative direction.

SUMMARY POINTS

- Council has expressed a strong commitment to economic development. The *2019-2022 Strategic Plan* identifies Economic Health as one of the four pillars.
- In 2019, Council completed a review of the Economic Development Function.
- In 2020, Council created the Economic Development Task Force to prepare an economic development strategy and a framework for an external economic development agency.
- At the 2021-FEB-01 Council meeting, Council endorsed the creation of an external Economic Development Corporation and directed Staff to move forward with its creation.
- The City solicitor has prepared draft Articles of Incorporation and a Shareholder Agreement for the Nanaimo Prosperity Corporation.
- Under the *Community Charter* (Section 185[1]), the formation of a corporation requires approval of the Inspector of Municipalities.
- Staff will continue to work with the shareholders to have the Corporation established in the fall of 2021.

ATTACHMENTS:

ATTACHMENT A: Revised Nanaimo Prosperity Corporation Charter
ATTACHMENT B: Draft Articles of Incorporation
ATTACHMENT C: Draft Shareholder Agreement

Submitted by:

Bill Corsan
Director, Community Development

Concurrence by:

Dale Lindsay
General Manager, Development Services

ATTACHMENT A



Nanaimo Prosperity Corporation
July 12, 2021

CORPORATION CHARTER

- NAME:** Nanaimo Prosperity Corporation
- PURPOSE:** The Nanaimo Prosperity Corporation is the economic development corporation through which business, government, First Nation, and community partners collaborate to build Nanaimo's economy, and increase the level of shared prosperity enjoyed by those who live here.
- MANDATE:** The Nanaimo Prosperity Corporation has the following responsibilities:
- > to implement, maintain, and update as required the Nanaimo Economic Development Strategy
 - > to develop and directly undertake initiatives aimed at attracting businesses, employers, talent, and investment to the community
 - > to coordinate the sector-specific and other economic development activities undertaken by a range of stakeholder organizations
 - > to develop and directly undertake initiatives aimed at retaining and expanding existing businesses
- LEGAL STRUCTURE:** The Nanaimo Prosperity Corporation is a City of Nanaimo local government corporation, created pursuant to section 185 of the *Community Charter*. The Corporation is incorporated under the British Columbia *Business Corporations Act*, and is registered as a non-profit corporation under the *Income Tax Act* of Canada, exempt from paying income taxes.
- SHAREHOLDERS:** The Nanaimo Prosperity Corporation is jointly-owned by the City of Nanaimo and five other governments and organizations, including (in alphabetical order):
- > Nanaimo Chamber of Commerce
 - > Nanaimo Airport Commission
 - > Nanaimo Port Authority
 - > Snuneymuxw First Nation
 - > Vancouver Island University

All six partner organizations, including the City, are designated as the founding *Shareholders* in the Corporation's *Articles of Incorporation*.

The City of Nanaimo, as the lead shareholder, holds one Class A share in the Corporation; each of the other shareholders holds one Class B or C share. All Class A, Class B and Class C shares are without par value.

SHAREHOLDER DECISIONS:

Key decisions related to the mandate, ownership, governance, expansion, and funding of the Corporation are made by the shareholders in accordance with the following voting rules:

- > All shareholders (i.e., Class A, Class B and Class C shareholders) participate in, and receive one vote on, decisions related to:
 - the Corporation's purpose and mandate
 - the composition and authority of, and method of appointment to, the Corporation's Board of Directors
 - the appointment of individual Directors to the Board
 - the Corporation's funding model, including changes to cost-sharing arrangements to support the work of the Corporation
 - the categories of Corporation expenses to be included under "base funding"
 - the inclusion of additional Class B or Class C shareholders, which may be public, First Nation, and/or not-for-profit entities

In an effort to ensure broad support for decisions involving all shareholders, votes on the matters to be decided by the full group require two-thirds support of all shareholders.

- > The City of Nanaimo, as the sole Class A shareholder, makes all decisions related to:
 - the borrowing of monies by or on behalf of the Corporation
 - any change to the Corporation's non-profit status
 - the inclusion of additional Class A shareholders, which must be either municipalities or regional districts

BOARD OF DIRECTORS (Composition):

The Nanaimo Prosperity Corporation is governed by its own Board of Directors which is comprised of nine (9) voting Directors appointed by the shareholders at the corporation's Annual General Meeting, in accordance with the following rules on composition:

- > the City of Nanaimo designates one (1) senior staff member to serve as a voting Director

- > each of the other shareholders designates one (1) individual to serve as a voting Director
- > the shareholders together select and appoint the remaining three (3) voting Directors, including one from the Social Services sector, from persons who apply to the Board through a public call for applicants

In addition to these nine (9) voting Directors, the City of Nanaimo designates one (1) elected official to serve on the Board, *ex officio*, as a non-voting Director.

In appointing Directors, the shareholders take into consideration:

- > the skill sets and backgrounds (e.g., finance, business development, marketing, community development) that should, to the extent possible, inform the decisions of the Board
- > the economic sectors in Nanaimo that candidates represent

BOARD OF DIRECTORS (Term):

Each voting Director is appointed for a term of two (2) years, and may be reappointed by the shareholders for two (2) consecutive additional terms, for a maximum period of six (6) years. Additional rules on term of office intended to promote continuity in Corporation governance are as follows:

- > Five (5) of the nine (9) voting Directors of the inaugural Board are appointed for a three (3) year term; these Directors may be re-appointed for an additional two (2) consecutive terms, each of which is two (2) years in duration.
- > Directors are appointed (or reappointed, as the case may be) on a staggered basis beginning at the end of year two when four (4) voting Director positions become open.

BOARD OF DIRECTORS (Chair/Vice):

At the first Board meeting of each calendar year, following the Annual General Meeting, the Board Directors elect from among their numbers a Board Chair and Vice Chair. The duties of the Chair include:

- > presiding at all meetings of the Board
- > providing leadership to the Board, including by recommending resolutions
- > providing, on behalf of the Board, general direction to the Corporation's Executive Director
- > acting as the Board's chief liaison with the shareholders, the media, and external agencies
- > signing contracts and other legal documents in accordance with Board decisions
- > carrying out other duties assigned by the Board

The Vice Chair acts in place of the Chair when the Chair is absent.

BOARD OF DIRECTORS (Remuneration):

All Board members serve without remuneration. Expenses incurred to conduct Corporation business may be claimed in accordance with Board policies.

BOARD OF DIRECTORS (Decisions):

The Board of Directors is an autonomous decision-making body, appointed to direct and oversee the activities of the Nanaimo Prosperity Corporation. The Board is empowered to make a broad range of decisions, including those related to:

- > the Corporation's annual five-year financial plan (i.e., operating and capital budgets)
- > the Economic Development Strategy for Nanaimo
- > the hiring of the Executive Director for the Corporation
- > empowering and holding to account the Corporation's Executive Director
- > the development of policies and protocols to govern Corporation business
- > entering into agreements and contracts, and terminating such agreements and contracts
- > initiating projects and programs to implement the Economic Development Strategy
- > appointing an independent auditor to prepare the Corporation's *Annual Financial Statements*
- > the creation, and appointment of members to, Board advisory committees

All Directors vote on all decisions of the Board; each Director including the Chair holds one vote. Decisions in favour of a resolution require a straight majority of Directors present. A quorum of five (5) voting members is required for meetings to be held and voting to occur.

BOARD OF DIRECTORS (Committees):

The Board of Directors creates advisory committees to engage the broader community in the economic development of Nanaimo, to assist in implementing the Economic Development Strategy, to provide advice on new and ongoing initiatives, and to attend to the business of the Board. The Board's choice of committees is informed by the Economic Development Strategy, opportunities or issues that arise, requests made by different sectors of the community, and the Board's own needs.

The list of specific Committees is determined by the Board, but includes:

- > Governance Committee
- > Finance Committee

All committee members are appointed by the Board as a whole. The Board as a whole also appoints a Chair and Vice Chair for each committee.

BOARD OF DIRECTORS (Reporting):

The Board is accountable to the shareholders for the operation and performance of the Nanaimo Prosperity Corporation. Accountability is achieved through:

- > the presentation to the shareholders, and to the public, of Annual Financial Statements prepared by an independent auditor
- > the presentation to the shareholders, and to the public, of an Annual Report that:
 - provides information on the Corporation’s initiatives and efforts over the previous year
 - assesses the Corporation's past year performance using progress measures that are informed by the Economic Development Strategy
 - sets out important initiatives and events that are planned for the upcoming year, as per the Economic Development Strategy
- > presentations to the shareholders at the Corporation's Annual General Meeting
- > semi-annual briefings to each shareholders
- > other means, formal and informal, that the shareholders may request

FUNDING MODEL (Base Funding):

Base funding for the Corporation is in place to provide the support and certainty required by the Corporation to function effectively, particularly during its early years. Base funding is intended to cover:

- > Corporation staffing costs
- > the operation of the Board
- > office expenses including rent/lease
- > an amount for marketing, business development, talent development, and other initiatives aimed at attracting business and investment to Nanaimo
- > community outreach and reporting
- > other costs identified by the Board and approved as "base funding" by the shareholders

The City of Nanaimo, as the sole Class A shareholder, accepts responsibility for the bulk of these base funding expenses. Class B or Class C shareholders as a collective contribute a small portion of base funding as a demonstration of their support for the Corporation and its value to the

community. The total amount of base funding approved by the Board of Directors each year is assigned to shareholders as follows:

- > Class B or Class C shareholders, in 2021, will each contribute \$5,000 in cash or in kind and from 2022 onward will each contribute \$10,000 in cash or in kind
- > City of Nanaimo contributes the remainder

**FUNDING
MODEL
(Projects):**

Project funding is provided in part by shareholders through their investment in base funding, and in part by private businesses, governments, and public agencies in the form of conditional, initiative-related grants. In identifying the need for project funding, and in pursuing sources of funds, the Corporation is guided by the Economic Development Strategy.

**EXECUTIVE
DIRECTOR:**

Nanaimo Prosperity Corporation is headed by an Executive Director who is hired by and accountable to the Board of Directors. The Executive Director:

- > directs and oversees the work of Corporation staff, contractors, and consultants
- > recommends to the Board the development of new staff and contract positions
- > advises the Board on the implementation, maintenance, and updating of the Economic Development Strategy
- > identifies for Board approval initiatives aimed at fulfilling the Corporation's mandate
- > liaises with senior staff at the City of Nanaimo, key representatives of the other shareholders, and businesses, associations, and other groups in Nanaimo
- > represents the Corporation at various events inside and outside of Nanaimo

OPERATIONS:

The Nanaimo Prosperity Corporation leases its own office space in Downtown Nanaimo. The Corporation attends to its own operational needs, including those related to financial management and accounting, legal matters, human resources, purchasing, information technology, and others.

Where cost-effective, the Corporation may contract the City of Nanaimo to provide corporate and other services required for the Corporation's operations.

**DISPUTE
RESOLUTION:**

The shareholders attempt to resolve disagreements and disputes among themselves through discussion. Where necessary, shareholders may seek the assistance of a third-party mediator to provide non-binding recommendations.

Where discussion and mediation fail, shareholders agree to resolve disputes through the appointment of a single arbitrator, using final proposal arbitration under the provisions of the *Arbitration Act*.

**THREE-YEAR
REVIEW:**

All founding shareholders, including the City of Nanaimo, agree to support, fund, and participate in the Nanaimo Prosperity Corporation for an initial period of three (3) years.

In the second half of the Corporation's third year of operations, the City will initiate and complete a review of the Corporation that:

- > examines the Corporation's mandate, structure, funding, and performance, along with other factors that the shareholders may identify
- > assesses the level of community and shareholder support for the Corporation
- > examines the potential to expand the Corporation's service area to include the broader Mid-Island economic region
- > identifies changes to the Corporation and/or corporation model for consideration by the shareholders

At the end of the Corporation's third year of operations, any shareholder may serve twelve (12) months' notice of its intention to terminate its position in the Corporation. A shareholder that exercises this option understands that:

- > termination of shareholder status takes effect at the end of the year four (4) of Corporation operations
- > termination of shareholder status does not change any financial commitment made by the shareholder to an ongoing project or initiative of the Corporation

For clarity, none of the founding shareholders may issue notice of termination before the end of year three (3).

**SECOND THREE-
YEAR TERM:**

Shareholders that have not issued notice of termination at the end of the Corporation's third year of operations commit, by default, to a second three (3) year period of commitment as a shareholder in the Corporation.

ATTACHMENT B

Incorporation number: [number]

Nanaimo Prosperity Corporation

(the “Company”)

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1. Interpretation

1.1. Definitions

In these Articles, unless the context otherwise requires:

- 1) **“appropriate person”** has the meaning assigned in the *Securities Transfer Act*;
- 2) **“board of directors”, “directors”, and “board”** mean the directors or sole director of the Company for the time being;
- 3) **“Business Corporations Act”** means the *Business Corporations Act* (British Columbia) from time to time in force and all amendments thereto and includes all regulations and amendments thereto made pursuant to that Act;
- 4) **“Community Charter”** means the *Community Charter* (British Columbia) from time to time in force and all amendments thereto and includes all regulations and amendments thereto made pursuant to that Act;
- 5) **“Income Tax Act”** means the *Income Tax Act* (Canada) from time to time in force and all amendments thereto and includes all regulations and amendments thereto made pursuant to that Act;
- 6) **“Interpretation Act”** means the *Interpretation Act* (British Columbia) from time to time in force and all amendments thereto and includes all regulations and amendments thereto made pursuant to that Act;
- 7) **“legal personal representative”** means the personal or other legal representative of a shareholder;
- 8) **“Local Government Act”** means the *Local Government Act* (British Columbia) from time to time in force and all amendments thereto and includes all regulations and amendments thereto made pursuant to that Act;
- 9) **“non-voting director”** means a director serving on the board of directors that is not entitled to vote at a meeting of directors;
- 10) **“protected purchaser”** has the meaning assigned in the *Securities Transfer Act*;
- 11) **“registered address”** of a shareholder means the shareholder’s address as recorded in the central securities register;
- 12) **“securities legislation”** means statutes concerning the regulation of securities markets and trading in securities and the regulations, rules, forms and schedules under those statutes, all as amended from time to time, and the blanket rulings and orders, as amended from time to time, issued by the securities commissions or similar regulatory authorities appointed under or pursuant to those statutes; **“Canadian securities legislation”** means the securities legislation in any province or territory of Canada and includes the *Securities Act* (British Columbia); and **“U.S. securities legislation”** means the securities legislation in the federal jurisdiction of the United

States and in any state of the United States and includes the *Securities Act* of 1933 and the *Securities Exchange Act* of 1934;

- 13) “**shareholders**” means, collectively, all the shareholders of the Company, regardless of class of share;
- 14) “**special majority**” means a 2/3 of the votes cast on a resolution of the Company by those entitled to vote on such a resolution;
- 15) “**Statutory Reporting Company Provisions**” has the meaning assigned in the *Business Corporations Act*;
- 16) “**Securities Transfer Act**” means the *Securities Transfer Act* (British Columbia) from time to time in force and all amendments thereto and includes all regulations and amendments thereto made pursuant to that Act; and
- 17) “**voting director**” means a director that is entitled to vote at a meeting of directors.

1.2. Business Corporations Act and Interpretation Act Definitions Applicable

The definitions in the *Business Corporations Act* and the definitions and rules of construction in the *Interpretation Act*, with the necessary changes, so far as applicable, and unless the context requires otherwise, apply to these Articles as if they were an enactment. If there is a conflict between a definition in the *Business Corporations Act* and a definition or rule in the *Interpretation Act* relating to a term used in these Articles, the definition in the *Business Corporations Act* will prevail in relation to the use of the term in these Articles. If there is a conflict or inconsistency between these Articles and the *Business Corporations Act*, the *Business Corporations Act* will prevail.

2. Shares and Share Certificates

2.1. Authorized Share Structure

The authorized share structure of the Company consists of shares of the class or classes and series, if any, described in the Notice of Articles of the Company.

2.2. Form of Share Certificate

Each share certificate issued by the Company must comply with, and be signed as required by, the *Business Corporations Act*.

2.3. Shareholder Entitled to Certificate or Acknowledgment

Unless the shares of which the shareholder is the registered owner are uncertificated shares within the meaning of the *Business Corporations Act*, each shareholder is entitled, without charge, to (a) one share certificate representing the shares of each class or series of shares registered in the shareholder’s name or (b) a non-transferable written acknowledgment of the shareholder’s right to obtain such a share certificate, provided that in respect of a share held jointly by several persons, the Company is not bound to issue more than one share certificate or acknowledgment and delivery of a share certificate, or an

acknowledgment to one of several joint shareholders or to a duly authorized agent of one of the joint shareholders will be sufficient delivery to all.

2.4. Delivery by Mail

Any share certificate or non-transferable written acknowledgment of a shareholder's right to obtain a share certificate may be sent to the shareholder by mail at the shareholder's registered address and neither the Company nor any director, officer, or agent of the Company is liable for any loss to the shareholder because the share certificate or acknowledgment is lost in the mail or stolen.

2.5. Replacement of Worn Out or Defaced Certificate or Acknowledgement

If the directors are satisfied that a share certificate or a non-transferable written acknowledgment of the shareholder's right to obtain a share certificate is worn out or defaced, they must, on production to them of the share certificate or acknowledgment, as the case may be, and on such other terms, if any, as they think fit:

- 1) order the share certificate or acknowledgment, as the case may be, to be cancelled; and
- 2) issue a replacement share certificate or acknowledgment, as the case may be.

2.6. Replacement of Lost, Destroyed, or Wrongfully Taken Certificate

If a person entitled to a share certificate claims that the share certificate has been lost, destroyed, or wrongfully taken, the Company must issue a new share certificate, if that person:

- 1) so requests before the Company has notice that the share certificate has been acquired by a protected purchaser;
- 2) provides the Company with an indemnity bond sufficient in the Company's judgment to protect the Company from any loss that the Company may suffer by issuing a new certificate; and
- 3) satisfies any other reasonable requirements imposed by the directors.

A person entitled to a share certificate may not assert against the Company a claim for a new share certificate where a share certificate has been lost, apparently destroyed, or wrongfully taken if that person fails to notify the Company of that fact within a reasonable time after that person has notice of it and the Company registers a transfer of the shares represented by the certificate before receiving a notice of the loss, apparent destruction, or wrongful taking of the share certificate.

2.7. Recovery of New Share Certificate

If, after the issue of a new share certificate, a protected purchaser of the original share certificate presents the original share certificate for the registration of transfer, then in addition to any rights under the indemnity bond, the Company may recover the new share certificate from a person to whom it was issued or any person taking under that person other than a protected purchaser.

2.8. Recognition of Trusts

Except as required by law or statute or these Articles, no person will be recognized by the Company as holding any share upon any trust, and the Company is not bound by or compelled in any way to recognize (even when having notice thereof) any equitable, contingent, future, or partial interest in any share or fraction of a share or (except as required by law or statute or these Articles or as ordered by a court of competent jurisdiction) any other rights in respect of any share except an absolute right to the entirety thereof in the shareholder.

3. Issue of Shares

3.1. Authorization of Issuance

The Company may issue, allot, sell, or otherwise dispose of the unissued shares, and issued shares held by the Company, at the times, to the persons, including directors, in the manner, on the terms and conditions and for the issue prices authorized by the Shareholders via resolution.

4. Share Registers

4.1. Central Securities Register

As required by and subject to the *Business Corporations Act*, the Company must maintain a central securities register. The directors may, subject to the *Business Corporations Act*, appoint an agent to maintain the central securities register. The directors may also appoint one or more agents, including the agent which keeps the central securities register, as transfer agent for its shares or any class or series of its shares, as the case may be, and the same or another agent as registrar for its shares or such class or series of its shares, as the case may be. The directors may terminate such appointment of any agent at any time and may appoint another agent in its place.

4.2. Closing Register

The Company must not at any time close its central securities register.

5. Share Transfers

5.1. Registering Transfers

The Company must register a transfer of a share of the Company if the Company or the transfer agent or registrar for the class or series of share to be transferred has received:

- (a) in the case where the Company has issued a share certificate in respect of the share to be transferred, that share certificate and a written instrument of transfer (which may be on a separate document or endorsed on the share certificate) made by the shareholder or other appropriate person or by an agent who has actual authority to act on behalf of that person;
- (b) in the case of a share that is not represented by a share certificate (including an uncertificated share within the meaning of the *Business Corporations Act* and including the case where the Company has issued a non-transferable written acknowledgment of

the shareholder's right to obtain a share certificate in respect of the share to be transferred), a written instrument of transfer made by the shareholder or other appropriate person or by an agent who has actual authority to act on behalf of that person; and

- (c) such other evidence, if any, as the Company or the transfer agent or registrar for the class or series of share to be transferred may require to prove the title of the transferor or the transferor's right to transfer the share, that the written instrument of transfer is genuine and authorized and that the transfer is rightful or to a protected purchaser.

5.1A. Waivers of Requirements for Transfer

The Company may waive any of the requirements set out in Article 5.1.

5.2. Form of Instrument of Transfer

The instrument of transfer in respect of any share of the Company must be either in the form, if any, on the back of the Company's share certificates or in any other form that may be approved by the company or the transfer agent for the class or series of shares to be transferred.

5.3. Transferor Remains Shareholder

Except to the extent that the *Business Corporations Act* otherwise provides, the transferor of shares is deemed to remain the holder of the shares until the name of the transferee is entered in a securities register of the Company in respect of the transfer.

6. Restrictions on Share Transfer and Shareholders

No shares shall be issued or transferred except via shareholders' resolution.

7. Acquisition of Company's Shares

7.1. Company Authorized to Purchase or Otherwise Acquire Shares

Subject to Article 7.2, the special rights or restrictions attached to the shares of any class or series of shares and the *Business Corporations Act*, the Company may, if authorized by the shareholders, purchase or otherwise acquire any of its shares at the price and upon the terms determined by the shareholders.

7.2. No Purchase, Redemption, or Other Acquisition When Insolvent

The Company must not make a payment or provide any other consideration to purchase, redeem, or otherwise acquire any of its shares if there are reasonable grounds for believing that:

- 1) the Company is insolvent; or
- 2) making the payment or providing the consideration would render the Company insolvent.

8. Borrowing Powers

The Company, if authorized by a shareholder's resolution, may:

- 1) borrow money in the manner and amount, on the security provided by the Class A Shareholder, from the sources and on the terms and conditions outlined in the relevant Class A shareholder's resolution;
- 2) issue bonds, debentures, and other debt obligations either outright or as security for any liability or obligation of the Company or any other person and at such discounts or premiums and on such other terms outlined in the relevant Class A shareholder's resolution;
- 3) guarantee the repayment of money by any other person or the performance of any obligation of any other person; and
- 4) mortgage, charge, whether by way of specific or floating charge, grant a security interest in, or give other security on, the whole or any part of the present and future assets and undertaking of the Company.

9. Alterations

9.1. Alteration of Authorized Share Structure

Subject to Article 9.2 and the *Business Corporations Act*, the Company may by special resolution of the shareholders:

- 1) create one or more classes or series of shares or, if none of the shares of a class or series of shares are allotted or issued, eliminate that class or series of shares;
- 2) increase, reduce, or eliminate the maximum number of shares that the Company is authorized to issue out of any class or series of shares or establish a maximum number of shares that the Company is authorized to issue out of any class or series of shares for which no maximum is established;
- 3) alter the identifying name of any of its shares; or
- 4) otherwise alter its shares or authorized share structure when required or permitted to do so by the *Business Corporations Act*,

and, if applicable, alter its Notice of Articles and, if applicable, its Articles, accordingly.

9.2. Special Rights or Restrictions

Subject to the *Business Corporations Act*, the Company may by special resolution of the shareholders:

- (1) create special rights or restrictions for, and attach those special rights or restrictions to, the shares of any class or series of shares, whether or not any or all of those shares have been issued; or
- (2) vary or delete any special rights or restrictions attached to the shares of any class or series of shares, whether or not any or all of those shares have been issued,

and alter its Articles and Notice of Articles accordingly.

9.3. Change of Name

The Company may by special resolution of the shareholders authorize an alteration to its Notice of Articles in order to change its name and may, by special resolution, adopt or change any translation of that name.

9.4 Other Alterations

If the *Business Corporations Act* does not specify the type of resolution and these Articles do not specify another type of resolution, the Company may by special resolution of the shareholders alter these Articles.

10. Meetings of Shareholders

10.1. Annual General Meetings

Unless an annual general meeting is deferred or waived in accordance with the *Business Corporations Act*, the Company must hold its first annual general meeting within 18 months after the date on which it was incorporated or otherwise recognized, and after that must hold an annual general meeting at least once in each calendar year and not more than 15 months after the last annual reference date at such time and place as may be determined by the directors.

10.2. Resolution Instead of Annual General Meeting

If all the shareholders who are entitled to vote at an annual general meeting consent by a unanimous resolution to all of the business that is required to be transacted at that annual general meeting, the annual general meeting is deemed to have been held on the date of the unanimous resolution. The shareholders must, in any unanimous resolution passed under this Article 10.2, select as the Company's annual reference date a date that would be appropriate for the holding of the applicable annual general meeting.

10.3. Calling of Meetings of Shareholders

The directors may, at any time, call a meeting of shareholders to be held at such time and place as may be determined by the directors.

10.4. Notice for Meetings of Shareholders

The Company must send notice of the date, time, and location of any meeting of shareholders (including, without limitation, any notice specifying the intention to propose a resolution as an exceptional resolution, a special resolution or a special separate resolution and any notice to consider approving an amalgamation into a foreign jurisdiction, an arrangement or the adoption of an amalgamation agreement, and any notice of a general meeting, class meeting, or series meeting), in the manner provided in these Articles, or in such other manner, if any, as may be prescribed by special resolution (whether previous notice of the resolution has been given or not), to each shareholder entitled to attend the meeting, to each director, and to the auditor of the Company, unless these Articles otherwise provide, at least 10 days before the meeting.

10.5. Notice of Resolution to Which Shareholders May Dissent

The Company must send to each of its shareholders, whether or not their shares carry the right to vote, a notice of any meeting of shareholders at which a resolution entitling shareholders to dissent is to be considered specifying the date of the meeting and containing a statement advising of the right to send a notice of dissent together with a copy of the proposed resolution at least 10 days before the meeting.

10.6. Record Date for Notice

The directors may set a date as the record date for the purpose of determining shareholders entitled to notice of any meeting of shareholders. The record date must not precede the date on which the meeting is to be held by more than two months or, in the case of a general meeting requisitioned by shareholders under the *Business Corporations Act*, by more than four months. The record date must not precede the date on which the meeting is held by fewer than 10 days.

If no record date is set, the record date is 5:00 p.m. on the day immediately preceding the first date on which the notice is sent or, if no notice is sent, the beginning of the meeting.

10.7. Record Date for Voting

The directors may set a date as the record date for the purpose of determining shareholders entitled to vote at any meeting of shareholders. The record date must not precede the date on which the meeting is to be held by more than two months or, in the case of a general meeting requisitioned by shareholders under the *Business Corporations Act*, by more than four months. If no record date is set, the record date is 5:00 p.m. on the day immediately preceding the first date on which the notice is sent or, if no notice is sent, the beginning of the meeting.

10.8. Failure to Give Notice and Waiver of Notice

The accidental omission to send notice of any meeting of shareholders to, or the non-receipt of any notice by, any of the persons entitled to notice does not invalidate any proceedings at that meeting. Any person entitled to notice of a meeting of shareholders may, in writing or otherwise, waive that entitlement or agree to reduce the period of that notice. Attendance of a person at a meeting of shareholders is a waiver of entitlement to notice of the meeting unless that person attends the meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

10.9. Notice of Special Business at Meetings of Shareholders

If a meeting of shareholders is to consider special business within the meaning of Article 11.1, the notice of meeting must:

- (1) state the general nature of the special business; and
- (2) if the special business includes considering, approving, ratifying, adopting, or authorizing any document or the signing of or giving of effect to any document, have attached to it a copy of the document or state that a copy of the document will be available for inspection by shareholders:

- (a) at the Company's records office, or at such other reasonably accessible location in British Columbia as is specified in the notice; and
- (b) during statutory business hours on any one or more specified days before the day set for the holding of the meeting.

11. Proceedings at Meetings of Shareholders

11.1. Special Business

At a meeting of shareholders, the following business is special business:

- (1) at a meeting of shareholders that is not an annual general meeting, all business is special business except business relating to the conduct of or voting at the meeting;
- (2) at an annual general meeting, all business is special business except for the following:
 - (a) business relating to the conduct of or voting at the meeting;
 - (b) consideration of any financial statements of the Company presented to the meeting;
 - (c) consideration of any reports of the directors or auditor;
 - (d) the setting or changing of the number of directors;
 - (e) the election or appointment of directors;
 - (f) the appointment of an auditor;
 - (g) the setting of the remuneration of an auditor;
 - (h) business arising out of a report of the directors not requiring the passing of a special resolution or an exceptional resolution; and
 - (i) any other business which, under these Articles or the *Business Corporations Act*, may be transacted at a meeting of shareholders without prior notice of the business being given to the shareholders.

11.2. Special Majority

The majority of votes required for the Company to pass a special resolution at a general meeting of shareholders is two-thirds of the votes cast on the resolution.

11.3. Quorum

Subject to the special rights or restrictions attached to the shares of any class or series of shares, the quorum for the transaction of business at a meeting of shareholders is five shareholders.

11.4. Persons Entitled to Attend Meeting

In addition to those persons who are entitled to vote at a meeting of shareholders, the only other persons entitled to be present at the meeting are the directors, the president (if any), the secretary (if any), the assistant secretary (if any), any lawyer for the Company, the auditor of the Company, any persons invited to be present at the meeting by the directors or by the chair of the meeting, and any persons entitled or required under the *Business Corporations Act* or these Articles to be present at the meeting; but if any of those persons does attend the meeting, that person is not to be counted in the quorum and is not entitled to vote at the meeting unless that person is a shareholder or proxy holder entitled to vote at the meeting.

11.5. Requirement of Quorum

No business, other than the election of a chair of the meeting and the adjournment of the meeting, may be transacted at any meeting of shareholders unless a quorum of shareholders entitled to vote is present at the commencement of the meeting, but such quorum need not be present throughout the meeting.

11.6. Lack of Quorum

If, within one-half hour from the time set for the holding of a meeting of shareholders, a quorum is not present:

- (1) in the case of a general meeting requisitioned by shareholders, the meeting is dissolved; and
- (2) in the case of any other meeting of shareholders, the meeting stands adjourned to the same day in the next week at the same time and place.

11.7. Lack of Quorum at Succeeding Meeting

If, at the meeting to which the meeting referred to in Article 11.6(2) was adjourned, a quorum is not present within one-half hour from the time set for the holding of the meeting, the person or persons present and being, or representing by proxy, one or more shareholders entitled to attend and vote at the meeting, constitute a quorum.

11.8. Chair

The following individual is entitled to preside as chair at a meeting of shareholders:

- 1) the chair of the board; or
- 2) if the chair of the board is absent or unwilling to act as chair of the meeting, the vice chair of the board.

11.9. Selection of Alternate Chair

If, at any meeting of shareholders, there is no chair of the board or vice chair of the board present within 15 minutes after the time set for holding the meeting, or if the chair of the board and the vice chair of the board are unwilling to act as chair of the meeting, or if the chair of the board and vice chair of the board have advised the secretary, if any, or any director present at the meeting, that they will not be present at the meeting, the directors present must choose one of their number to be chair of the meeting or if all of

the directors present decline to take the chair or fail to so choose or if no director is present, the shareholders entitled to vote at the meeting who are present in person or by proxy may choose any person present at the meeting to chair the meeting.

11.10. Adjournments

The chair of a meeting of shareholders may, and if so directed by the meeting must, adjourn the meeting from time to time and from place to place, but no business may be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

11.11. Notice of Adjourned Meeting

It is not necessary to give any notice of an adjourned meeting of shareholders or of the business to be transacted at an adjourned meeting of shareholders except that, when a meeting is adjourned for 30 days or more, notice of the adjourned meeting must be given as in the case of the original meeting.

11.12. Decisions by Show of Hands or Poll

Subject to the *Business Corporations Act*, every motion put to a vote at a meeting of shareholders will be decided on a show of hands unless a poll, before or on the declaration of the result of the vote by show of hands, is directed by the chair or demanded by any shareholder entitled to vote who is present in person or by proxy.

11.13. Declaration of Result

The chair of a meeting of shareholders must declare to the meeting the decision on every question in accordance with the result of the show of hands or the poll, as the case may be, and that decision must be entered in the minutes of the meeting. A declaration of the chair that a resolution is carried by the necessary majority or is defeated is, unless a poll is directed by the chair or demanded under Article 11.12, conclusive evidence without proof of the number or proportion of the votes recorded in favour of or against the resolution.

11.14. Motion Need Not be Seconded

No motion proposed at a meeting of shareholders need be seconded unless the chair of the meeting rules otherwise, and the chair of any meeting of shareholders is entitled to propose or second a motion.

11.15. Casting Vote

In the case of an equality of votes, the chair of a meeting of shareholders does not, either on a show of hands or on a poll, have a second or casting vote in addition to the vote or votes to which the chair may be entitled as a shareholder.

11.16. Manner of Taking Poll

Subject to Article 11.17, if a poll is duly demanded at a meeting of shareholders:

- 1) the poll must be taken:

- i) at the meeting, or within seven days after the date of the meeting, as the chair of the meeting directs; and
 - ii) in the manner, at the time and at the place that the chair of the meeting directs;
- 2) the result of the poll is deemed to be the decision of the meeting at which the poll is demanded; and
- 3) the demand for the poll may be withdrawn by the person who demanded it.

11.17. Demand for Poll on Adjournment

A poll demanded at a meeting of shareholders on a question of adjournment must be taken immediately at the meeting.

11.18. Chair Must Resolve Dispute

In the case of any dispute as to the admission or rejection of a vote given on a poll, the chair of the meeting must determine the dispute, and their determination made in good faith is final and conclusive.

11.19. Casting of Votes

11.20. No Demand for Poll on Election of Chair

No poll may be demanded in respect of the vote by which a chair of a meeting of shareholders is elected.

11.21. Demand for Poll Not to Prevent Continuance of Meeting

The demand for a poll at a meeting of shareholders does not, unless the chair of the meeting so rules, prevent the continuation of the meeting for the transaction of any business other than the question on which a poll has been demanded.

11.22. Retention of Ballots and Proxies

The Company must, for at least three months after a meeting of shareholders, keep each ballot cast on a poll and each proxy voted at the meeting, and, during that period, make them available for inspection during normal business hours by any shareholder or proxyholder entitled to vote at the meeting. At the end of such three month period, the Company may destroy such ballots and proxies.

12. Votes of Shareholders

12.1. Number of Votes by Shareholder or by Shares

Subject to any special rights or restrictions attached to any shares:

- 1) on a vote by show of hands, every person present who is a shareholder or proxy holder and entitled to vote on the matter has one vote; and

on a poll, every shareholder entitled to vote on the matter has one vote in respect of each share entitled to be voted on the matter and held by that shareholder and may exercise that vote either in person or by proxy.

12.2. Votes of Persons in Representative Capacity

A person who is not a shareholder may vote at a meeting of shareholders, whether on a show of hands or on a poll, and may appoint a proxy holder to act at the meeting, if, before doing so, the person satisfies the chair of the meeting, or the directors, that the person is a legal personal representative or a trustee in bankruptcy for a shareholder who is entitled to vote at the meeting.

12.3. Representative of a Corporate Shareholder

- 1) If a corporation that is not a subsidiary of the Company is a shareholder, that corporation may appoint a person to act as its representative at any meeting of shareholders of the Company.
- 2) if a representative is appointed under this Article 12.3:
 - (a) the representative is entitled to exercise in respect of and at that meeting the same rights on behalf of the corporation that the representative represents as that corporation could exercise if it were a shareholder who is an individual, including, without limitation, the right to appoint a proxy holder; and
 - (b) the representative, if present at the meeting, is to be counted for the purpose of forming a quorum and is deemed to be a shareholder present in person at the meeting.

12.4. Appointment of Proxy Holders

Every shareholder of the Company, including a corporation that is a shareholder but not a subsidiary of the Company, entitled to vote at a meeting of shareholders may, by proxy, appoint one or more proxy holders to attend and act at the meeting in the manner, to the extent and with the powers conferred by the proxy.

12.5. Alternate Proxy Holders

A shareholder may appoint one or more alternate proxy holders to act in the place of an absent proxy holder.

12.6. Deposit of Proxy

A proxy for a meeting of shareholders must be received at the meeting or any adjourned meeting, by the chair of the meeting or adjourned meeting or by a person designated by the chair of the meeting or adjourned meeting.

12.7. Form of Proxy

A proxy, whether for a specified meeting or otherwise, must be either in the following form or in any other form approved by the directors or the chair of the meeting:

[name of company]
(the “Company”)

The undersigned, being a shareholder of the Company, hereby appoints *[name]* or, failing that person, *[name]*, as proxy holder for the undersigned to attend, act, and vote for and on behalf of the undersigned at the meeting of shareholders of the Company to be held on *[month, day, year]* and at any adjournment of that meeting.

Number of shares in respect of which this proxy is given (if no number is specified, then this proxy is given in respect of all shares registered in the name of the undersigned):

Signed *[month, day, year]*

[Signature of shareholder]

[Name of shareholder—printed]

12.8. Chair May Determine Validity of Proxy

The chair of any meeting of shareholders may determine whether or not a proxy deposited for use at the meeting, which may not strictly comply with the requirements of this Part 12 as to form, execution, accompanying documentation, time of filing, or otherwise, will be valid for use at the meeting, and any such determination made in good faith will be final, conclusive, and binding upon the meeting.

12.9. Production of Evidence of Authority to Vote

The chair of any meeting of shareholders may, but need not, inquire into the authority of any person to vote at the meeting and may, but need not, demand from that person production of evidence as to the existence of the authority to vote.

13. Directors

13.1. First Directors; Number of Directors

The first directors are the persons designated as directors of the Company in the Notice of Articles that applies to the Company when it is recognized under the *Business Corporations Act*. The number of directors is set at the most recently set of:

- (a) the number of directors set by special resolution (whether or not previous notice of the resolution was given); and
- (b) the number of directors set under Article 14.4.

13.2. Change in Number of Directors

If there is a vacancy on the board of directors, the shareholder or shareholders responsible for filling such vacancy will be the shareholder or shareholders that originally appointed or elected the director that ceased to hold office and created the vacancy being filled.

13.3. Directors' Acts Valid Despite Vacancy

An act or proceeding of the directors is not invalid merely because fewer than the number of directors set or otherwise required under these Articles is in office.

13.4. Qualifications of Directors

A director is not required to hold a share of the Company as qualification for their office but must be qualified as required by the *Business Corporations Act* to become, act, or continue to act as a director.

13.5. Remuneration of Directors

The directors are not entitled to the remuneration for acting as a director and no director shall directly or indirectly receive any profit from a position as a director of the Company.

13.6. Reimbursement of Expenses of Directors

The Company must reimburse each director for the reasonable expenses that they may incur in and about the business of the Company.

13.7. Special Remuneration for Directors

If any director performs any professional or other services for the Company that in the opinion of the directors are outside the ordinary duties of a director, or if any director is otherwise specially occupied in or about the Company's business, they may be paid remuneration fixed by the directors, or, at the option of that director, fixed by special resolution, and such remuneration may be either in addition to, or in substitution for, any other remuneration that they may be entitled to receive.

14. Election and Removal of Directors

14.1. Appointment and Election of Directors

The shareholders will elect or appoint directors at the intervals and for the term determined by the shareholders. Notwithstanding the foregoing, if at an annual general meeting there exists a vacancy among the directors, the shareholders entitled to vote at the annual general meeting for the election of directors must elect a director or directors to fill such vacancy.

14.2. Consent to be a Director

No election, appointment, or designation of an individual as a director is valid unless:

- 1) that individual consents to be a director in the manner provided for in the *Business Corporations Act*;
- 2) that individual is elected or appointed at a meeting at which the individual is present and the individual does not refuse, at the meeting, to be a director; or
- 3) with respect to first directors, the designation is otherwise valid under the *Business Corporations Act*.

14.3. Failure to Elect or Appoint Directors

If:

- 1) the Company fails to hold an annual general meeting, and all the shareholders who are entitled to vote at an annual general meeting fail to pass the unanimous resolution contemplated by Article 10.2, on or before the date by which the annual general meeting is required to be held under the *Business Corporations Act*; or
- 2) the shareholders fail, at the annual general meeting or in the unanimous resolution contemplated by Article 10.2, to elect or appoint any directors,

then each director then in office continues to hold office until the earlier of:

- 3) when their respective successor is elected or appointed; and
- 4) when they otherwise cease to hold office under the *Business Corporations Act* or these Articles.

14.4. Places of Retiring Directors Not Filled

If, at any meeting of shareholders at which there should be an election of directors, the places of any of the retiring directors are not filled by that election, those retiring directors who are not re-elected and who are asked by the newly elected directors to continue in office will, if willing to do so, continue in office to complete the number of directors for the time being set pursuant to these Articles until further new directors are elected at a meeting of shareholders convened for that purpose. If any such election or continuance of directors does not result in the election or continuance of the number of directors for the time being set pursuant to these Articles, the number of directors of the Company is deemed to be set at the number of directors actually elected or continued in office.

14.5. Casual Vacancies

If there is a vacancy on the board of directors, the shareholders may, via resolution, elect or appoint directors to fill such vacancy.

14.6. Remaining Directors' Power to Act

The directors may act notwithstanding any vacancy in the board of directors, but if the Company has fewer directors in office than the number set pursuant to these Articles as the quorum of directors, the directors may only act for the purpose of appointing directors up to that number or of calling a meeting of shareholders for the purpose of filling any vacancies on the board of directors or, subject to the *Business Corporations Act*, for any other purpose.

14.7. Shareholders May Fill Vacancies

If the Company has no directors or fewer directors in office than the number set pursuant to these Articles as the quorum of directors, the shareholders may, via resolution, elect or appoint directors to fill any vacancies on the board of directors.

14.8. Additional Directors

The directors may not appoint additional directors.

14.9. Ceasing to be a Director

A director ceases to be a director when:

- 1) the term of office of the director expires;
- 2) the director dies;
- 3) the director resigns as a director by notice in writing provided to the Company or a lawyer for the Company; or
- 4) the director is removed from office pursuant to Articles 14.10 or 14.11.

14.10. Removal of Director by Shareholders

The Company may remove any director before the expiration of their term of office by special resolution. In that event, the shareholders may elect, or appoint by special resolution, a director to fill the resulting vacancy. If the shareholders do not elect or appoint a director to fill the resulting vacancy contemporaneously with the removal, then the directors may appoint or the shareholders may elect, or appoint by special resolution, a director to fill that vacancy.

14.11. Removal of Director by Directors

The directors may remove any director before the expiration of such director's term of office if the director is convicted of an indictable offence, or if the director ceases to be qualified to act as a director of a company and does not promptly resign, and the resulting vacancy will be treated as a casual vacancy and filled accordingly.

14.12. Term of Directors Appointed to Fill Vacancy

If the shareholders appoint a director to fill a vacancy on the board, the term of such replacement director will be the same as the term of the director that created such vacancy being filled.

15. Alternate Directors

15.1. Appointment of Alternate Director

Any director (an "appointor") may by notice in writing received by the Company appoint any person (an "appointee") who is qualified to act as a director to be their alternate to act in their place at meetings of the directors or committees of the directors at which the appointor is not present unless (in the case of an appointee who is not a director) the directors have reasonably disapproved the appointment of such person as an alternate director and have given notice to that effect to their appointor within a reasonable time after the notice of appointment is received by the Company.

15.2. Notice of Meetings

Every alternate director so appointed is entitled to notice of meetings of the directors and of committees of the directors of which the alternate director's appointor is a member and to attend and vote as a director at any such meetings at which their appointor is not present.

15.3. Alternate for More Than One Director Attending Meetings

A person may be appointed as an alternate director by more than one director, and an alternate director:

- 1) will be counted in determining the quorum for a meeting of directors once for each of the appointee's appointors and, in the case of an appointee who is also a director, once more in that capacity;
- 2) has a separate vote at a meeting of directors for each of the appointee's appointors and, in the case of an appointee who is also a director, an additional vote in that capacity;
- 3) will be counted in determining the quorum for a meeting of a committee of directors once for each of the appointee's appointors who is a member of that committee and, in the case of an appointee who is also a member of that committee as a director, once more in that capacity; and
- 4) has a separate vote at a meeting of a committee of directors for each of the appointee's appointors who is a member of that committee and, in the case of an appointee who is also a member of that committee as a director, an additional vote in that capacity.

15.4. Consent Resolutions

Every alternate director, if authorized by the notice appointing them, may sign in place of their appointor any resolutions to be consented to in writing.

15.5. Alternate Director Not an Agent

Every alternate director is deemed not to be the agent of their appointor.

15.6. Revocation of Appointment of Alternate Director

An appointor may at any time, by notice in writing received by the Company, revoke the appointment of an alternate director appointed by them.

15.7. Ceasing to be an Alternate Director

The appointment of an alternate director ceases when:

- 1) their appointor ceases to be a director and is not promptly re-elected or re-appointed;
- 2) the alternate director dies;
- 3) the alternate director resigns as an alternate director by notice in writing provided to the Company or a lawyer for the Company;

- 4) the alternate director ceases to be qualified to act as a director; or
- 5) their appointor revokes the appointment of the alternate director.

15.8. Remuneration and Expenses of Alternate Director

The Company may reimburse an alternate director for the reasonable expenses that would be properly reimbursed if they were a director, and the alternate director is entitled to receive from the Company such proportion, if any, of the remuneration otherwise payable to the appointor as the appointor may from time to time direct.

16. Powers and Duties of Directors

16.1. Powers of Management

The directors must, subject to the *Business Corporations Act* and these Articles, manage or supervise the management of the business and affairs of the Company and have the authority to exercise all such powers of the Company as are not, by the *Business Corporations Act* or by these Articles, required to be exercised by the shareholders of the Company.

16.2. Appointment of Attorney of Company

The directors may from time to time, by power of attorney or other instrument, under seal if so required by law, appoint any person to be the attorney of the Company for such purposes, and with such powers, authorities and discretions (not exceeding those vested in or exercisable by the directors under these Articles and excepting the power to fill vacancies in the board of directors, to remove a director, to change the membership of, or fill vacancies in, any committee of the directors, to appoint or remove officers appointed by the directors, and to declare dividends) and for such period, and with such remuneration and subject to such conditions as the directors may think fit. Any such power of attorney may contain such provisions for the protection or convenience of persons dealing with such attorney as the directors think fit. Any such attorney may be authorized by the directors to sub-delegate all or any of the powers, authorities, and discretions for the time being vested in such attorney.

17. Interests of Directors and Officers

17.1. Obligation to Account for Profits

A director or senior officer who holds a disclosable interest (as that term is used in the *Business Corporations Act*) in a contract or transaction into which the Company has entered or proposes to enter is liable to account to the Company for any profit that accrues to the director or senior officer under or as a result of the contract or transaction only if and to the extent provided in the *Business Corporations Act*.

17.2. Restrictions on Voting by Reason of Interest

A director who holds a disclosable interest in a contract or transaction into which the Company has entered or proposes to enter is not entitled to vote on any directors' resolution to approve that contract or transaction, unless all the directors have a disclosable interest in that contract or transaction, in which case any or all of those directors may vote on such resolution.

17.3. Interested Director Counted in Quorum

A director who holds a disclosable interest in a contract or transaction into which the Company has entered or proposes to enter and who is present at the meeting of directors at which the contract or transaction is considered for approval may be counted in the quorum at the meeting whether or not the director votes on any or all of the resolutions considered at the meeting.

17.4. Disclosure of Conflict of Interest or Property

A director or senior officer who holds any office or possesses any property, right, or interest that could result, directly or indirectly, in the creation of a duty or interest that materially conflicts with that individual's duty or interest as a director or senior officer, must disclose the nature and extent of the conflict as required by the *Business Corporations Act*.

17.5. Director Holding Other Office in the Company

A director may hold any office or place of profit with the Company, other than the office of auditor of the Company, in addition to their office of director for the period and on the terms (as to remuneration or otherwise) that the directors may determine.

17.6. No Disqualification

No director or intended director is disqualified by their office from contracting with the Company either with regard to the holding of any office or place of profit the director holds with the Company or as vendor, purchaser, or otherwise, and no contract or transaction entered into by or on behalf of the Company in which a director is in any way interested is liable to be voided for that reason.

17.7. Professional Services by Director or Officer

Subject to the *Business Corporations Act*, a director or officer, or any person in which a director or officer has an interest, may act in a professional capacity for the Company, except as auditor of the Company, and the director or officer or such person is entitled to remuneration for professional services as if that director or officer were not a director or officer.

17.8. Director or Officer in Other Corporations

A director or officer may be or become a director, officer, or employee of, or otherwise interested in, any person in which the Company may be interested as a shareholder or otherwise, and, subject to the *Business Corporations Act*, the director or officer is not accountable to the Company for any remuneration or other benefits received by them as director, officer, or employee of, or from their interest in, such other person.

18. Proceedings of Directors

18.1. Meetings of Directors

The directors may meet together for the conduct of business, and adjourn and otherwise regulate their meetings as they think fit, and meetings of the directors held at regular intervals may be held at the place, at the time, and on the notice, if any, as the directors may from time to time determine.

18.2. Voting at Meetings

Questions arising at any meeting of directors are to be decided by a majority of votes and, in the case of an equality of votes, the chair of the meeting does not have a second or casting vote.

18.2A Election and Duties of Chair

- 1) At the first meeting of the board in a calendar year, the directors will elect a chair and vice-chair of the board, with the vice-chair acting in place of the chair when the chair is unavailable.
- 2) Duties of the chair will include:
 - i) presiding at meetings of the board;
 - ii) providing general direction to the chief executive officer of the Company;
 - iii) acting as the board's liaison with the Company's shareholder's, media, and other external entities;
 - iv) executing any instrument, document, or agreement in the name of and on behalf of the Company; and
 - v) carrying out all other duties and functions assigned by the directors.

18.3. Chair of Meetings

The following individual is entitled to preside as chair at a meeting of directors:

- 1) the chair of the board;
- 2) the vice-chair of the board;
- 3) in the absence of the chair or vice-chair of the board, the president, if any, if the president is a director; or
- 4) any other director chosen by the directors if:
 - i) neither the chair of the board nor the president, if a director, is present at the meeting within 15 minutes after the time set for holding the meeting;
 - ii) neither the chair of the board nor the president, if a director, is willing to chair the meeting; or
 - iii) the chair of the board and the president, if a director, have advised the secretary, if any, or any other director, that they will not be present at the meeting.

18.4. Meetings by Telephone or Other Communications Medium

A director may participate in a meeting of the directors or of any committee of the directors:

- 1) in person;
- 2) by telephone; or
- 3) with the consent of all directors who wish to participate in the meeting, by other communications medium,

if all directors participating in the meeting, whether in person or by telephone or other communications medium, are able to communicate with each other. A director who participates in a meeting in a manner contemplated by this Article 18.4 is deemed for all purposes of the *Business Corporations Act* and these Articles to be present at the meeting and to have agreed to participate in that manner.

18.5. Calling of Meetings

A director may, and the secretary or an assistant secretary of the Company, if any, on the request of a director must, call a meeting of the directors at any time.

18.6. Notice of Meetings

Other than for meetings held at regular intervals as determined by the directors pursuant to Article 18.1 or as provided in Article 18.7, reasonable notice of each meeting of the directors, specifying the place, day, and time of that meeting, must be given to each of the directors and the alternate directors by any method set out in Article 23.1 or orally or by telephone.

18.7. When Notice Not Required

It is not necessary to give notice of a meeting of the directors to a director or an alternate director if:

- 1) the meeting is to be held immediately following a meeting of shareholders at which that director was elected or appointed, or is the meeting of the directors at which that director is appointed; or
- 2) the director or alternate director, as the case may be, has waived notice of the meeting.

18.8. Meeting Valid Despite Failure to Give Notice

The accidental omission to give notice of any meeting of directors to, or the non-receipt of any notice by, any director or alternate director, does not invalidate any proceedings at that meeting.

18.9. Waiver of Notice of Meetings

Any director or alternate director may send to the Company a document signed by them waiving notice of any past, present, or future meeting or meetings of the directors and may at any time withdraw that waiver with respect to meetings held after that withdrawal. After sending a waiver with respect to all future meetings and until that waiver is withdrawn, no notice of any meeting of the directors need be given to that director or, unless the director otherwise requires by notice in writing to the Company, to their alternate director, and all meetings of the directors so held are deemed not to be improperly called or constituted by reason of notice not having been given to such director or alternate director. Attendance of a director or alternate director at a meeting of the directors is a waiver of notice of the meeting unless

that director or alternate director attends the meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

18.10. Quorum

The quorum necessary for the transaction of the business of the directors is five voting directors.

18.11. Validity of Acts Where Appointment Defective

Subject to the *Business Corporations Act*, an act of a director or officer is not invalid merely because of an irregularity in the election or appointment or a defect in the qualification of that director or officer.

18.12. Consent Resolutions in Writing

A resolution of the directors or of any committee of the directors may be passed without a meeting:

- 1) in all cases, if each of the directors entitled to vote on the resolution consents to it in writing; or
- 2) in the case of a resolution to approve a contract or transaction in respect of which a director has disclosed that they have or may have a disclosable interest, if each of the other directors who have not made such a disclosure consents in writing to the resolution.

A consent in writing under this Article 18.12 may be by any written instrument, fax, email, or any other method of transmitting legibly recorded messages in which the consent of the director is evidenced, whether or not the signature of the director is included in the record. A consent in writing may be in two or more counterparts which together are deemed to constitute one consent in writing. A resolution of the directors or of any committee of the directors passed in accordance with this Article 18.12 is effective on the date stated in the consent in writing or on the latest date stated on any counterpart and is deemed to be a proceeding at a meeting of the directors or of the committee of the directors and to be as valid and effective as if it had been passed at a meeting of the directors or of the committee of the directors that satisfies all the requirements of the *Business Corporations Act* and all the requirements of these Articles relating to meetings of the directors or of a committee of the directors.

19. Executive and Other Committees

19.1. Appointment and Powers of Executive Committee

The directors may, by resolution, appoint an executive committee consisting of the director or directors that they consider appropriate, and during the intervals between meetings of the board of directors all of the directors' powers are delegated to the executive committee, except:

- 1) the power to fill vacancies in the board of directors;
- 2) the power to remove a director;
- 3) the power to change the membership of, or fill vacancies in, any committee of the directors; and
- 4) such other powers, if any, as may be set out in the resolution or any subsequent directors' resolution.

19.2. Appointment and Powers of Other Committees

The directors may, by resolution:

- 1) appoint one or more committees (other than the executive committee) consisting of the director or directors that they consider appropriate, as well as a chair and vice-chair for each committee;
- 2) delegate to a committee appointed under paragraph (1) any of the directors' powers, except:
 - i) the power to remove a director;
 - ii) the power to change the membership of, or fill vacancies in, any committee of the directors; and
 - iii) the power to appoint or remove officers appointed by the directors; and
- 3) make any delegation referred to in paragraph (2) subject to the conditions set out in the resolution or any subsequent directors' resolution.

19.3. Obligations of Committees

Any committee appointed under Articles 19.1 or 19.2, in the exercise of the powers delegated to it, must:

- 1) conform to any rules that may from time to time be imposed on it by the directors; and
- 2) report every act or thing done in exercise of those powers at such times as the directors may require.

19.4. Powers of Board

The directors may, at any time, with respect to a committee appointed under Articles 19.1 or 19.2:

- 1) revoke or alter the authority given to the committee, or override a decision made by the committee, except as to acts done before such revocation, alteration or overriding;
- 2) terminate the appointment of, or change the membership of, the committee; and
- 3) fill vacancies in the committee.

19.5. Committee Meetings

Subject to Article 19.3(1) and unless the directors otherwise provide in the resolution appointing the committee or in any subsequent resolution, with respect to a committee appointed under Articles 19.1 or 19.2:

- 1) the committee may meet and adjourn as it thinks proper;

- 2) the committee may elect a chair of its meetings but, if no chair of a meeting is elected, or if at a meeting the chair of the meeting is not present within 15 minutes after the time set for holding the meeting, the directors present who are members of the committee may choose one of their number to chair the meeting;
- 3) a majority of the members of the committee constitutes a quorum of the committee; and
- 4) questions arising at any meeting of the committee are determined by a majority of votes of the members present, and in the case of an equality of votes, the chair of the meeting does not have a second or casting vote.

20. Officers

20.1. Directors May Appoint Officers

The directors may, from time to time, appoint such officers, if any, as the directors determine and the directors may, at any time, terminate any such appointment.

20.2. Functions, Duties, and Powers of Officers

The directors may, for each officer:

- 1) determine the functions and duties of the officer;
- 2) delegate to the officer any of the powers exercisable by the directors on such terms and conditions and with such restrictions as the directors think fit; and
- 3) revoke, withdraw, alter, or vary all or any of the functions, duties, and powers of the officer.

20.3. Qualifications

No officer may be appointed unless that officer is qualified in accordance with the *Business Corporations Act*. One person may hold more than one position as an officer of the Company. Any person appointed as the chair of the board or as a managing director must be a director. Any other officer need not be a director.

20.4. Remuneration and Terms of Appointment

All appointments of officers are to be made on the terms and conditions and at the remuneration (whether by way of salary, fee, commission, participation in profits or otherwise) that the directors think fit and are subject to termination at the pleasure of the directors, and an officer may in addition to such remuneration be entitled to receive, after they cease to hold such office or leaves the employment of the Company, a pension or gratuity.

21. Indemnification

21.1. Definitions

In this Article 21:

- 1) **“eligible penalty”** means a judgment, penalty, or fine awarded or imposed in, or an amount paid in settlement of, an eligible proceeding;
- 2) **“eligible proceeding”** means a legal proceeding or investigative action, whether current, threatened, pending, or completed, in which a director, former director, or alternate director of the Company (an **“eligible party”**) or any of the heirs and legal personal representatives of the eligible party, by reason of the eligible party being or having been a director or alternate director of the Company:
 - i) is or may be joined as a party; or
 - ii) is or may be liable for or in respect of a judgment, penalty, or fine in, or expenses related to, the proceeding; and
- 3) **“expenses”** has the meaning set out in the *Business Corporations Act*.

21.2. Mandatory Indemnification of Directors

Subject to the *Business Corporations Act*, the Company must indemnify a director, former director, or alternate director of the Company and their heirs and legal personal representatives against all eligible penalties to which such person is or may be liable, and the Company must, after the final disposition of an eligible proceeding, pay the expenses actually and reasonably incurred by such person in respect of that proceeding. Each director and alternate director is deemed to have contracted with the Company on the terms of the indemnity contained in this Article 21.2.

21.3. Permitted Indemnification

Subject to any restrictions in the *Business Corporations Act*, the Company may indemnify any person.

21.4. Non-Compliance with Business Corporations Act

The failure of a director, alternate director, or officer of the Company to comply with the *Business Corporations Act* or these Articles or, if applicable, any former Companies Act or former Articles, does not invalidate any indemnity to which such person is entitled under this Part 21.

21.5. Company May Purchase Insurance

The Company may purchase and maintain insurance for the benefit of any person (or their heirs or legal personal representatives) who:

- 1) is or was a director, alternate director, officer, employee, or agent of the Company;
- 2) is or was a director, alternate director, officer, employee, or agent of a corporation at a time when the corporation is or was an affiliate of the Company;
- 3) at the request of the Company, is or was a director, alternate director, officer, employee, or agent of a corporation or of a partnership, trust, joint venture, or other unincorporated entity;

- 4) at the request of the Company, holds or held a position equivalent to that of a director, alternate director, or officer of a partnership, trust, joint venture, or other unincorporated entity,

against any liability incurred by such person as such director, alternate director, officer, employee, or agent or person who holds or held such equivalent position.

22. Accounting Records and Auditor

22.1. Recording of Financial Affairs

The directors must cause adequate accounting records to be kept to record properly the financial affairs and condition of the Company and to comply with the *Business Corporations Act*.

22.2. Inspection of Accounting Records

Unless the directors determine otherwise, or unless otherwise determined by special resolution, no shareholder of the Company is entitled to inspect or obtain a copy of any accounting records of the Company.

22.3. Remuneration of Auditor

The directors may set the remuneration of the auditor of the Company.

23. Notices

23.1. Method of Giving Notice

Unless the *Business Corporations Act* or these Articles provide otherwise, a notice, statement, report, or other record required or permitted by the *Business Corporations Act* or these Articles to be sent by or to a person may be sent by any one of the following methods:

- 1) mail addressed to the person at the applicable address for that person as follows:
 - i) for a record mailed to a shareholder, the shareholder's registered address;
 - ii) for a record mailed to a director or officer, the prescribed address for mailing shown for the director or officer in the records kept by the Company or the mailing address provided by the recipient for the sending of that record or records of that class; and
 - iii) in any other case, the mailing address of the intended recipient;
- 2) delivery at the applicable address for that person as follows, addressed to the person:
 - i) for a record delivered to a shareholder, the shareholder's registered address;
 - ii) for a record delivered to a director or officer, the prescribed address for delivery shown for the director or officer in the records kept by the Company or the delivery address provided by the recipient for the sending of that record or records of that class; and
 - iii) in any other case, the delivery address of the intended recipient;

- 3) unless the intended recipient is the auditor of the Company, sending the record by fax to the fax number provided by the intended recipient for the sending of that record or records of that class;
- 4) unless the intended recipient is the auditor of the Company, sending the record by email to the email address provided by the intended recipient for the sending of that record or records of that class; or
- 5) physical delivery to the intended recipient.

23.2. Deemed Receipt

A notice, statement, report, or other record that is:

- 1) mailed to a person by ordinary mail to the applicable address for that person referred to in Article 23.1 is deemed to be received by the person to whom it was mailed on the day (Saturdays, Sundays, and holidays excepted) following the date of mailing;
- 2) faxed to a person to the fax number provided by that person referred to in Article 23.1 is deemed to be received by the person to whom it was faxed on the day it was faxed; and
- 3) emailed to a person to the email address provided by that person referred to in Article 23.1 is deemed to be received by the person to whom it was emailed on the day it was emailed.

23.3. Certificate of Sending

A certificate signed by the secretary, if any, or other officer of the Company or of any other corporation acting in that capacity on behalf of the Company stating that a notice, statement, report, or other record was sent in accordance with Article 23.1 is conclusive evidence of that fact.

23.4. Notice to Legal Personal Representatives and Trustees

A notice, statement, report, or other record may be provided by the Company to the persons entitled to a share or shares in consequence of the death, bankruptcy, or incapacity of a shareholder by:

- 1) mailing the record, addressed to them:
 - i) by name, by the title of the legal personal representative of the deceased or incapacitated shareholder, by the title of trustee of the bankrupt shareholder, or by any similar description; and
 - ii) at the address, if any, supplied to the Company for that purpose by the persons claiming to be so entitled; or
- 2) if an address referred to in paragraph (1)(b) has not been supplied to the Company, by giving the notice in a manner in which it might have been given if the death, bankruptcy or incapacity had not occurred.

23.5. Undelivered Notices

If on two consecutive occasions, a notice, statement, report, or other record is sent to a shareholder pursuant to Article 23.1 and on each of those occasions any such record is returned because the shareholder cannot be located, the Company will not be required to send any further records to the shareholder until the shareholder informs the Company in writing of their new address.

24. Execution of Documents Generally

The chair or vice-chair of the board is responsible for executing any instrument, document, or agreement in the name of and on behalf of the Company. If the chair and vice-chair are for any reason unable or unwilling to perform such execution, the directors may appoint any one or more persons, officers, or directors for the purpose of executing any instrument, document, or agreement in the name of and on behalf of the Company and if no such person, officer, or director is appointed, then any one officer or director of the Company may execute such instrument, document, or agreement.

25. Prohibitions

25.1. Definitions

In this part:

- 1) “security” has the meaning assigned in the *Securities Act* (British Columbia);
- 2) “transfer restricted security” means:
 - i) a share of the Company;
 - ii) a security of the Company convertible into shares of the Company; or
 - iii) any other security of the Company which must be subject to restrictions on transfer in order for the Company to satisfy the requirement for restrictions on transfer under the “private issuer” exemption of Canadian securities legislation or under any other exemption from prospectus or registration requirements of Canadian securities legislation similar in scope and purpose to the “private issuer” exemption.

25.2. Application

Article 25.3 does not apply to the Company if and for so long as it is a public company or a pre-existing reporting company which has the Statutory Reporting Company Provisions as part of these Articles or to which the Statutory Reporting Company Provisions apply.

26. Miscellaneous

26.1. Access to Company Information

Whether or not the *Freedom of Information and Protection of Privacy Act* applies to the Company, for so long as a local government is a shareholder of the Company, the Company will make Company

documents available to the public where that Act would require that they be disclosed if it did apply to the Company.

26.2. Directors Powers Limited

Despite any other provisions of these Articles, pursuant to section 137 of the *Business Corporations Act*, the following powers of the directors of the Company to manage or supervise the management of the business and affairs of the Company, whether such powers arise from the *Business Corporations Act*, the notice of articles of the Company, these Articles or otherwise, are transferred to the shareholders of the Company:

- 1) the incurrence, whether absolutely or contingently, of indebtedness for borrowed money whether directly or by capital or financing lease or other indirect financing arrangements;
- 2) the authorization, creation, issuance or transfer of shares in the Company;
- 3) any change to the business or mandate of the Company;
- 4) the composition and authority of, and method of appointment to, the Agency's Board of Directors; and
- 5) the funding model of the Company, including changes to cost-sharing arrangements between shareholders.

26.3. Non-voting Director

A director elected or appointed as a non-voting director may not cast a vote in a vote of the directors.

26.4. Snuneymuxw First Nation

The Snuneymuxw First Nation (the “Snuneymuxw”) is a shareholder of the Company and its agreement to be bound by terms of the Articles of Incorporation and the participation of its nominees participation on board shall not be interpreted in a manner that extinguishes, abrogates or diminishes the rights of Snuneymuxw, including Aboriginal or treaty rights or title which are protected under section 35 of the Constitution Act, 1982 and the Snuneymuxw Treaty 1854. For greater certainty nothing in these Articles and Snuneymuxw’s interest in the Company constitutes consultation with or consent of Snuneymuxw for the purpose of discharging the Crown’s honour and fiduciary in relation to developments that impact upon Snuneymuxw’s indigenous interests.

ATTACHMENT C
SHAREHOLDERS AGREEMENT

THIS AGREEMENT dated for reference the ___ day of _____, 2021 is

BETWEEN:

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

AND:

SNUNEYMUXW FIRST NATION
668 Centre Street
Nanaimo, BC V9R 4Z4

AND:

VANCOUVER ISLAND UNIVERSITY
900 Fifth Street
Nanaimo, BC V9R 5S5

AND:

NANAIMO PORT AUTHORITY
Box 131
Nanaimo, BC V9R 5K4

DRAFT

AND:

NANAIMO AIRPORT COMMISSION
3238 Mustang Road
Cassidy, BC V0R 1H0

AND:

NANAIMO CHAMBER OF COMMERCE
2133 Bowen Road
Nanaimo, BC V9S 1H8

WHEREAS:

- A. The Company was incorporated under the Act , 2021;
- B. The City of Nanaimo owns one Class A Equity Share;
- C. Nanaimo Chamber of Commerce, Nanaimo Airport Commission, Nanaimo Port Authority and Snuneymuxw First Nation each own one Class B Equity Share;
- D. Vancouver Island University owns one Class C Equity Share;
- E. The Shareholders wish for the Company to conduct the Business of the Company;
- F. The Shareholders are the registered and beneficial owners of all of the issued and outstanding shares in the capital of the Company, as set out below:
- G. The Shareholders wish to enter into this Agreement to provide for the management of the Company and to regulate dealings with their investments in it;

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1 - INTERPRETATION

- 1.1 Definitions.** In this Agreement, the following terms have the meaning set out below unless the context requires otherwise:
- (a) **“Act”** means the *Business Corporations Act* (British Columbia) as it may be amended or replaced from time to time;
 - (b) **“Agreement”** means this agreement, including the schedule to this agreement;
 - (c) **“Annual General Meeting Intervals”** means the time period between the date the Company holds an annual general meeting until the date the Company holds its next annual general meeting.
 - (d) **“Articles”** means the articles of the Company, as amended from time to time in accordance with the provisions of this Agreement and the Act;
 - (e) **“Auditor”** means the auditor of the Company, as appointed from time to time;
 - (f) **“Bank”** means the chartered bank or trust company where the Company maintains its accounts, as determined from time to time in accordance with the provisions of this Agreement;

- (g) **“Board”** means the board of Directors of the Company, as may be appointed from time to time in accordance with the provisions of this Agreement;
- (h) **“Business Day”** means a day other than a Saturday, Sunday or statutory holiday in B.C.
- (i) **“Business of the Company”** means the business of:
- (i) implementing, maintaining, and updating, as required, the Economic Development Strategy;
 - (ii) developing and directly undertaking initiatives aimed at attracting businesses, employers, talent, and investment to the community of Nanaimo;
 - (iii) coordinating the sector-specific and other economic development activities undertaken by a range of stakeholder organizations; and
 - (iv) developing and undertaking initiatives aimed at retaining and expanding existing businesses in the City of Nanaimo.
- (j) **“Class A Shareholder”** means an owner of a Class A Equity Share.
- (k) **“Class B Shareholder”** means an owner of a Class B Equity Share.
- (l) **“Class C Shareholder”** means an owner of a Class C Equity Share.
- (m) **“Default”** has the meaning given in section 7.1;
- (n) **“Defaulting Shareholder”** has the meaning given in section 7.1;
- (o) **“Director”** means a person occupying the position of Director of the Company, and **“Directors”** means every Director;
- (p) **“Economic Development Strategy”** means the current economic development strategy published by the Nanaimo Economic Development section and published on the City of Nanaimo’s website;
- (q) **“Equity Shares”** means the common shares in the capital of the Company, and any other shares in the capital of the Company;
- (r) **“Financial Statements and Report”** has the meaning given in section 4.3(b);
- (s) **“Interest”** of a particular Shareholder means, collectively, all of the right, title and interest of the Shareholder in and to any Equity Shares;

- (t) **“GAAP”** means those accounting principles which are recognized as being generally accepted in Canada from time to time as set out in the *Handbook* published by the Canadian Institute of Chartered Accountants, consistently applied;
- (u) **“Memorandum”** means the memorandum of the Company as amended from time to time in accordance with the provisions of this Agreement and the Act;
- (v) **“Non-Defaulting Shareholder”** has the meaning given in section 7.1;
- (w) **“Obligations”** of a Shareholder means all of its covenants, agreements, obligations, representations and warranties under or imposed by or provided in this Agreement and in any other agreement related hereto or to the Company in its capacity as Shareholder (but not in its capacity as employee);
- (x) **“Party”** means a party to this Agreement and its successors and permitted assigns, and **“Parties”** means every Party;
- (y) **“Person”** includes an individual, a corporation, a partnership, a trust, an unincorporated organization, the government of a country or any political subdivision thereof, or any agency or department of any such government, and the executors, administrators and other legal representatives of an individual in such capacity;
- (z) **“Shareholder”** means each owner of an Equity Share;

1.2 Interpretation.

- (a) The division of this Agreement into articles and sections, the insertion of headings, and the provision of any table of contents are for the convenience of reference only and shall not affect the construction or interpretation of this Agreement.
- (b) Unless the context requires otherwise, words importing the singular include the plural and vice versa and words importing gender include all genders.
- (c) Reference in this Agreement to any statute or any section thereof shall, unless otherwise expressly stated, be deemed to be a reference to such statute or section as amended, restated, or re-enacted from time to time.
- (d) Unless the context requires otherwise, reference in this Agreement to articles, sections or schedules are to articles, sections or schedules of this Agreement.
- (e) Unless the context requires otherwise, reference in this Agreement to a day, month or year is a reference to a calendar year, month or year.

- 1.3 Business Days** – If any payment is required to be made or other action is required to be taken pursuant to this Agreement on a day which is not a Business Day, then such payment or action shall be made or taken on the next Business Day.
- 1.4 Currency and Payment Obligations** – Except as otherwise expressly provided in this Agreement, all dollar amounts referred to in this Agreement are stated in Canadian dollars and any payment contemplated by this Agreement shall be made by cash, certified cheque or any other method that provides immediately available funds.
- 1.5 Calculation of Interest** – In calculating interest payable under this Agreement for any period of time, the first day of such period shall be included and the last day of such period shall be excluded.

ARTICLE 2 - SCOPE AND NATURE OF SHAREHOLDERS' RELATIONSHIP

- 2.1 Scope of Agreement** – This Agreement governs and defines the respective rights, interests, powers and obligations of the Shareholders to each other and the Company as beneficial owners of Equity Shares.
- 2.2 Relationship** –
- (a) The Shareholders expressly disclaim any intention to create a partnership or joint venture and nothing in this Agreement shall constitute any Shareholder as the agent of any other Shareholder.
- (b) No Shareholder shall have or represent that it has the authority or power to act for or to undertake or create any obligation or responsibility, express or implied, on behalf of or in the name of any other Shareholder or shall be, or represent that it is, the agent or legal representative of any other Shareholder.
- (c) The Shareholders shall not, by virtue of the provisions of this Agreement or their ownership of Equity Shares, be deemed or construed to be carrying on business together.
- 2.3 Separate Activities** – Except as otherwise specifically provided in this Agreement or any other agreement executed by the Shareholders, each of the Shareholders shall have the absolute right to continue, expand, diminish or cease to carry on its existing undertaking and to engage in undertakings separate and apart from the Company. The provisions of this Agreement shall not in any way impose upon any Shareholder a fiduciary duty by reason of its carrying on its separate undertaking and a Shareholder shall not, by reason of this Agreement, have any interest in any other property owned by any other Shareholder or in any other undertaking of any other Shareholder.
- 2.4 Representations and Covenants** – Each Shareholder represents to the others that it now holds and shall continue to hold its Interest beneficially and free and clear of all

restrictions, liens, encumbrances, security agreements and agreements of any kind except as specifically permitted in this Agreement.

- 2.5 Operation and Management** – None of the Shareholders shall do anything or omit to do anything it is obliged to do which might interrupt or interfere in any way, directly or indirectly, with the operation and management of the Company or which could adversely affect or prejudice the interests of the other Shareholders in the Company or the relationship of the Shareholders hereunder. For clarity, a Shareholder’s exercise of their rights to provide or withhold consent for decisions related to a certain matter as outlined in Schedule A does not constitute an interruption or interference with the operation and management of the Company.
- 2.6 Compliance with Agreement** – Each Shareholder shall at all times keep, observe and perform all of its Obligations and do all acts and things and vote its Equity Shares and otherwise exercise its rights as a shareholder to cause such meetings to be held, resolutions to be passed, documents to be executed and, to the extent permitted by applicable law, to cause its nominees on the Board to act (or to remove such nominees for failing to act), so that at all times the provisions, conditions, restrictions and prohibitions in this Agreement are complied with.

ARTICLE 3 - CORPORATE AFFAIRS

- 3.1 Directors** –
- (a) The number, eligibility requirements, and method of appointment and election of Directors are outlined in Schedule B hereto.
 - (b) Aside from the first Directors, whose term is outlined in Schedule B, every Director will serve for two Annual General Meeting Intervals and will cease to hold office immediately prior to the annual general meeting marking the end of their term.
 - (c) At the end of their term, Directors may be reappointed or re-elected for up to two additional terms. For clarity, Directors may serve a maximum of three terms.
 - (d) At every annual general meeting of the company, the Shareholders must appoint or elect Directors in accordance with these Articles to fill vacancies created by preceding Directors whose terms have expired such that the board of Directors consists of the number of Directors as set under these articles.
 - (e) In the event of any vacancy on the Board, such vacancy shall be filled by a Person designated by the Shareholder who appointed or elected the former Director whose loss of office created the vacancy, or by 3/5 resolution of the Shareholders if the former Director whose loss of office created the vacancy was appointed by a 3/5 resolution of the Shareholders.

- (f) The quorum required for the transaction of business at a Board meeting shall be five Directors, and all resolutions of the Board require the favourable votes of a majority of the Directors.
- (g) In the event that a Director fails to vote and act as a Director to carry out the provisions of this Agreement, then the Shareholders agree to exercise their rights as Shareholders of the Company and in accordance with the Act to remove such Director from the Board and to appoint in his or her place an individual who will use his or her best efforts to carry out the provisions of this Agreement, and the vacancy created by the removal of such Director will be filled in accordance with subsection 3.1(e).
- (h) Without limiting section 3.1(g), a Director shall be deemed to have failed to act as a Director by not attending three consecutive meetings of the Board without cause.

3.2 Restriction on Certain Decisions – No action shall be taken by the Company in respect of or within the scope of the matters outlined in Schedule A except in accordance with the procedures outlined in Schedule A.

ARTICLE 4 - CORPORATE RECORDS AND REPORTING

- 4.1 Books and Records** – The Company shall at all times maintain proper books of account, which shall contain accurate and complete records of all transactions, receipts, expenses, assets and liabilities of the Company. The Company shall maintain a system of accounting and reporting established and administered in accordance with GAAP.
- 4.2 Financial Year** – The financial year of the Company shall end on December 31 in each year.
- 4.3 Budgets and Reporting** – The Company shall prepare and deliver to the Shareholders:
 - (a) at least 60 days before the commencement of each financial year of the Company, a budget in respect of the ensuing financial year, including the financial and cash flow forecast of the projected business activities and operations of the Company, including estimates of proposed and committed expenditures, the subject matter of each expenditure, all sources of revenue, cash and financing of the Company for the ensuing year and a statement of objectives and plans; and
 - (b) annually, within 90 days after the end of its last financial year, comparative financial statements relating separately to the last financial year and the financial year preceding the last financial year, including a balance sheet as at the date to which it is made up, an income statement, a statement of changes in financial position and a statement of changes in retained earnings, together with the report of the Auditor thereon prepared in accordance with generally accepted auditing standards (the “**Financial Statements and Report**”);

- (c) annually, at the Company's Annual General Meeting, a report, for the latest financial year of the Company, on the operation and performance of the Company that, without limitation:
- (i) details the Company's initiatives and efforts,
 - (ii) details the most recent Financial Statements and Report;
 - (iii) assesses the Company's past year performance using measures, tracking and reporting that are informed by the Economic Development Strategy, and
 - (iv) outlines important initiatives and events the Directors have planned for the upcoming year in accordance with the Economic Development Strategy.
- (d) such other information, accounts, data and projections reasonably practicably obtainable by the Company as any Shareholder may reasonably request from time to time.

All financial statement and other reporting made pursuant to this section shall be prepared in accordance with GAAP applied consistently with prior periods.

4.4 Semi-Annual Briefings – The Directors will provide semi-annual briefings to each of the Shareholders on the operation and performance of the Company.

4.5 Shareholders' Right of Inspection and Inquiry – The Company shall permit Persons designated by any Shareholder, including accountants or management consultants or others appointed by the Shareholder, to visit and inspect, at the Shareholder's expense, any properties of the Company, to examine the books and financial records of the Company and to discuss its affairs, finances and accounts with the financial officers of the Company, all at such reasonable times and as often as may reasonably be requested by the Shareholder. The Company agrees to answer any inquiries which such Persons may make fully and fairly and to the best of its ability, and agrees that such Persons may discuss the business and affairs of the Company with the officers, Directors and employees of the Company and with the auditors or accountants of the Company and others reasonably expected to have knowledge of the relevant matters.

4.6 Records Confidential – Each Shareholder acknowledges that all records, material and information pertaining to the Company and any copies thereof obtained by any Shareholder are and shall remain the exclusive property of the Company. For so long as the Company carries on business, each of the Shareholders and the Company shall keep in the strictest confidence, shall not disclose and shall not use, without the consent of the Company or such Shareholder to which the information relates, all non-public information pertaining to or concerning the Company and the Shareholders, including all budgets, forecasts, analyses, financial results, things described in section 4.3, costs, margins, wages and salaries, bids and other business activities, all supplier and customer

lists, all non-public intellectual property including trade secrets, unfiled patents, trademarks and technical expertise documentation (including standard terms and agreements).

4.7 Auditor – The Shareholders shall appoint [REDACTED] as Auditor. In any financial year, the Company shall direct the Auditor to audit the financial statements of the Company. The Company and the Shareholders shall afford the Auditor access to all books of account, records, vouchers, cheques, papers and documents of or which may relate to the Company, including those of the Shareholders to the extent that the books, records, vouchers, cheques, papers and documents relate to the Company. The Shareholders may from time to time, by unanimous written consent, appoint a new or further Auditor.

4.8 Public Meeting Reporting –

- (a) Annually, immediately following the Company’s annual general meeting, the Company will hold a public information meeting to inform the public about the activities and achievements of the Company and to provide the public with an opportunity to meet and ask questions of Directors and senior officers of the Company regarding the Company.
- (b) At each public information meeting of the Company, the Directors will provide and present a report, for the latest financial year of the Company, on the operation and performance of the Company that, without limitation:
 - (i) details the Company's initiatives and efforts,
 - (ii) assesses the Company's past year performance using progress measures that are informed by the Economic Development Strategy, and
 - (iii) outlines important initiatives and events the Directors have planned for the upcoming year in accordance with the Economic Development Strategy.

ARTICLE 5 - TRANSFER AND DISPOSITION OF INTEREST

5.1 General Prohibition – No Interest or any part thereof shall be sold, exchanged, transferred, disposed of, encumbered, given, devised, or bequeathed, whether directly or indirectly, and no agreement or commitment shall be made to do any of those things except to transfer such Interest to the Company in accordance with requirements of this Article 5. The Company shall not register or permit the registration of any transfer of any Interest or part thereof made otherwise than in compliance with the provisions of this Agreement.

5.2 Commitment –

- (a) A Shareholder is prohibited from withdrawing from this Agreement and transferring, surrendering, giving, devising or bequeathing, whether directly or indirectly, its Interest, until December 31, 2024 (the “**Initial Commitment Date**”).
- (b) Any time prior to the Initial Commitment Date, a Shareholder may provide the Company with written notice indicating that the Shareholder intends to withdraw from this Agreement and transfer its Interest on the day that immediately precedes the date of the Company’s sixth anniversary of incorporation.
- (c) Each Shareholder acknowledges and agrees that:
 - (i) if it provides notice in accordance with subsection 5.2(b), its withdrawal from this Agreement and transfer of Interest will become effective on the day that immediately precedes the date of the Company’s sixth anniversary of incorporation; and
 - (ii) it will continue to honour any financial commitment made by the Shareholder to a project or initiative of the Company that continues past its withdrawal from this Agreement and transfer of its Interest.
- (d) After the deadline to withdraw from this Agreement and transfer their Interest specified in section 5.2(b) has passed, the Shareholders that have not given notice under section 5.2(b) are prohibited from withdrawing from this Agreement and transferring, surrendering, giving, devising or bequeathing, whether directly or indirectly, their Interest, from the Initial Commitment date until the sixth anniversary of incorporation.
- (e) After the date of the Company’s 6th anniversary of incorporation, the Shareholder’s may withdraw from this Agreement and transfer their shares in accordance with section 5.3 and 5.4 of this Agreement.

Section 5.2 (c)(ii) will survive the termination of this Agreement or any Shareholder’s withdrawal therefrom.

5.3 Withdrawal and Transfer of Interest – Each Shareholder agrees that it may only withdraw from this Agreement by:

- (a) giving notice of withdrawal in writing to the other Shareholders, and
- (b) transferring any Interest it holds to the Company.

A Shareholder’s withdrawal will become effective when it has completed (a) and (b) above.

5.4 Rights of Shareholder on Withdrawal and Transfer – When a Shareholder withdraws from this Agreement and transfers its Interest:

- (a) the Shareholder will not be entitled to any compensation in exchange for transferring its Interest to the Company, and
- (b) the Company shall retain all rights to land, buildings, assets and other personal or real property owned or held by the Company or held in trust for the Company, and a withdrawing shareholder will absolutely transfer to the other remaining shareholder's (or the Company), without any compensation whatsoever, all its right, title and interest in and to its Interest and shall execute such documents as may be necessary to give effect to this transfer.

ARTICLE 6 - FUNDING MODEL AND REVIEW

6.1 Base Funding – Annually, the Shareholder's will base funding to the Company that is intended to cover the expenses outlined in Schedule C to this Agreement.

6.2 Amount and Payment of Base Funding

- (a) The total amount of base funding required by the Company each year will be determined by the Directors and presented to the Shareholder's by the Directors as part of the Company's annual budget.
- (b) The share of base funding payable by each Shareholder is outlined in Schedule C to this Agreement.
- (c) The Shareholder's will pay their share of annual base funding to the Company after receiving the annual budget for the upcoming financial year of the Company and at least 30 days before the commencement of the financial year of the Company.

6.3 Three Year Review –

- (a) After the Initial Commitment Date, the City of Nanaimo will undertake a review of the Company that will include:
 - (i) an examination of the Company's mandate, structure, funding, and performance, along with other factors that the Shareholders may identify;
 - (ii) assesses the level of community and Shareholder support for the Company;
 - (iii) examines the potential to expand the Company's service area to include the broader mid-Vancouver Island economic region; and

- (iv) identifies possible changes to the Company's corporate model for consideration by the Shareholders.
- (b) After completing its review under subsection 6.4 (a), the City of Nanaimo will provide its findings to the Company and the Shareholder's prior to the Company's fourth anniversary of incorporation.

ARTICLE 7 - DEFAULT

7.1 **Event of Default** – It is an event of default ("**Default**") if a Shareholder ("**Defaulting Shareholder**"):

- (a) fails to observe, perform or carry out any of its obligations hereunder and such failure continues for 30 days after any of the Shareholders not in default (individually "**Non-Defaulting Shareholder**" and collectively "**Non-Defaulting Shareholders**") has in writing demanding that such failure be cured;
- (b) fails to take reasonable actions to prevent or defend assiduously any action or proceeding in relation to any of its Interest for seizure, execution, or attachment or which claims:
 - (i) possession of its Interest;
 - (ii) sale of its Interest;
 - (iii) foreclosure in respect of its Interest;
 - (iv) the appointment of a receiver or a receiver-manager of the Defaulting Shareholder's assets; or
 - (v) forfeiture or termination, of or against, any of the Interest of the Defaulting Shareholder,

and such failure continues for 30 days after a Non-Defaulting Shareholder has in writing demanded that the same be taken or the Defaulting Shareholder fails to defend successfully any such action or proceeding; or

- (c) becomes bankrupt or commits an act of bankruptcy or if a receiver or receiver-manager of its assets is appointed or makes an assignment for the benefit of creditors or otherwise.

7.2 **Consequences of Default** – In the event of a Default under section 7.1, the Non-Defaulting Shareholders may do one or more of the following:

- (a) pursue any remedy available to them in law or equity, it being acknowledged by each of the Shareholders that specific performance, injunctive relief or other equitable relief may be the only adequate remedy for a Default;

- (b) take all actions in their own names or in the names of the Defaulting Shareholder, the Shareholders or the Company, as may be reasonably required to cure the Default, in which event all payments, costs and expenses incurred therefore shall be paid by the Defaulting Shareholder to the Non-Defaulting Shareholders on demand with interest at the rate of 5% per year; and
- (c) waive the Default, provided however that any waiver of a particular Default shall not operate as a waiver of any subsequent or continuing Default.

ARTICLE 8 - DISPUTE RESOLUTION

- 8.1** The parties hereto agree to attempt to resolve all disputes arising out of or in connection with this Agreement through discussion between the Shareholders.
- 8.2** If a dispute cannot be settled within a period of thirty (30) days after the mediator is appointed, or such longer period agreed to by the parties, all disputes arising out of, or in connection with, this Agreement shall be referred to and finally resolved by a single arbitrator (the "Arbitrator") pursuant to the *Commercial Arbitration Act*, R.S.B.C. 1996, c. 55, as amended.

ARTICLE 9 - General

- 9.1 Issue of Additional Equity Shares.** The Company shall not allot or issue Equity Shares to any Person not a signatory to this Agreement except in accordance with the procedure outlined in Schedule "D".
- 9.2 Advisory Committees –**
 - (a) The Directors may appoint advisory committees to engage the broader community in the economic development of the City of Nanaimo; assist in implementing the Economic Development Strategy; provide advice on new and ongoing Company initiatives; and to attend to the business of the Directors. In determining the type of advisory committees that it wishes to appoint, the directors will consider the Economic Development Strategy, requests from the community in Nanaimo, and its own needs.
 - (b) In connection with section 9.2(a), the first Directors will, within a reasonable time after their election, appoint and maintain the following advisory committees:
 - (i) a governance committee that creates and implements policies and procedures governing the procedure of the board, including in relation to meeting frequency and procedure; and

- (ii) a finance committee that creates and implements policies and procedures governing financial activities of the board, including expenditure approval and expense reimbursement.

- 9.3 Conflict of Memorandum or Articles.** In the event of inconsistency between this Agreement and either or both of the Memorandum or Articles, this Agreement shall apply and prevail, and the Parties shall immediately make all changes to the Memorandum and Articles as are necessary and lawful to render them consistent with this Agreement.
- 9.4 Termination of Agreement.** This Agreement shall come into force and be effective as of and from the date of this Agreement and will continue in full force until this Agreement is terminated by the written agreement of the Shareholders or the Company is dissolved pursuant to the Act. Notwithstanding the foregoing, the obligation to pay all instalments for Equity Shares purchased pursuant to this Agreement shall survive any termination of this Agreement.
- 9.5 Remedies.** The Parties acknowledge and agree that all restrictions contained in this Agreement are reasonable and valid and that all defences to the strict enforcement thereof are hereby waived, and that the rights, privileges, restrictions and conditions set forth in this Agreement are special and unique such that a breach thereof cannot be adequately compensated through an award of damages. Accordingly, any Party shall be entitled to temporary and permanent injunctive relief or for an order for specific performance, as the case may be, against every other Party who is in breach of this Agreement without the necessity of having to prove damages. Any remedy set forth in or contemplated by this Agreement shall be in addition to and not in substitution for or dependent upon any other remedy.
- 9.6 Entire Agreement.** This Agreement, together with any schedules attached to this Agreement and any agreements and documents to be delivered pursuant to the terms of this Agreement, constitutes the entire agreement between the Parties pertaining to the subject matter of this Agreement and supersede all prior agreements, understandings, negotiations and discussions, whether oral or written. There are no conditions, warranties, representations or other agreements between the Parties in connection with the subject matter of this Agreement, whether oral or written, express or implied, statutory or otherwise, except as specifically set out in this Agreement.
- 9.7 Amendment.** No amendment to this Agreement will be effective unless made in writing and signed by the Parties.

9.8 Waiver. A waiver of any default, breach or non-compliance under this Agreement is not effective unless in writing and signed by the Party to be bound by the waiver. No waiver shall be inferred from or implied by any failure to act or delay in acting by a Party in respect of any default, breach, non-observance or by anything done or omitted to be done by the other Party. The waiver of a Party of any default, breach or non-compliance under this Agreement shall not operate as a waiver of that Party's rights under this Agreement in respect of any continuing or subsequent default, breach or non-compliance (whether of the same or any other nature).

9.9 Governing Law. This Agreement shall be construed in accordance with the laws of the Province of British Columbia and the laws of Canada applicable in the Province of British Columbia and shall be treated in all respects as a British Columbia contract. Each of the parties irrevocably attorns to the jurisdiction of the courts of the Province of British Columbia.

9.10 Severability. Any provision of this Agreement which is prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of such prohibition or unenforceability and shall be severed from the balance of this Agreement, all without affecting the remaining provisions of this Agreement or affecting the validity or enforceability of such provision in any other jurisdiction.

9.11 Time of Essence. Time is of the essence of this Agreement.

9.12 Further Assurances. Each Party shall promptly do, execute, deliver or cause to be done, executed and delivered all further acts, documents and things in connection with this Agreement that the other Party may reasonably require for the purposes of giving effect to this Agreement.

9.13 Notices.

(a) Any notice or other communication required or permitted to be given by this Agreement shall be in writing and shall be effectively given and made if delivered personally, sent by prepaid courier service, sent by registered mail, or sent by prepaid telecopier, telex or other similar means of electronic communication, in each case to the applicable address set out below:

(i) if to the City of Nanaimo

455 Wallace Street
Nanaimo, BC V9R 5J6

Attention:

Email:

Phone:

[Redacted contact information]

- (ii) if to Snuneymuxw First Nation

668 Centre Street
Nanaimo, BC V9R 4Z4

Attention:
Email:
Phone:

- (iii) if to Vancouver Island University

900 Fifth Street
Nanaimo, BC V9R 5S5

Attention:
Email:
Phone:

- (iv) if to the Nanaimo Port Authority

Box 131
Nanaimo, BC V9R 5K4

Attention:
Email:
Phone:

- (v) if to the Nanaimo Airport Commission

3238 Mustang Road
Cassidy, BC V0R 1H0

Attention:
Email:
Phone:

- (vi) if to the Nanaimo Chamber of Commerce

2133 Bowen Road
Nanaimo, BC V9S 1H8

Attention:
Email:
Phone:

Any notice or other communication so given shall be deemed to have been given and received on the day of delivery if delivered, or on the day of faxing or sending by other means of recorded electronic communication, provided that such day is a Business Day

and such notice or other communication is so delivered, faxed or sent prior to 4:30 p.m. on such day. Otherwise, such notice or communication shall be deemed to have been given and received on the next following Business Day. Any notice or other communication sent by registered mail shall be deemed to have been given and received on the fifth Business Day following the mailing thereof; provided however that no such notice or other communication shall be mailed during any actual or apprehended disruption of postal services. Any such notice or other communication given in any other manner shall be deemed to have been given and received only upon actual receipt.

- (b) Any Party may from time to time change its address under this section 9.13 by notice to the other Party given in the manner provided by this Section.

9.14 Tender. Any tender of documents pursuant to this Agreement may be made upon the Parties or their respective solicitors.

9.15 Successors and Assigns. This Agreement shall enure to the benefit of, and be binding on, the Parties and their respective heirs, executors, administrators, successor and permitted assigns. No Shareholder may assign or transfer, whether absolutely, by way of security or otherwise, all or any part of its rights or obligations under this Agreement, without the prior consent of the other Shareholders.

9.16 Counterparts. This Agreement may be executed in counterparts, which together shall be deemed to constitute one agreement.

9.17 Snuneymuxw First Nation. One of the Class B Shareholders is the Snuneymuxw First Nation, and this Agreement and any communications or negotiations between the Parties with respect to this Agreement, and Snuneymuxw's interest in the Company and participation in its mind and management shall not be interpreted in a manner that extinguishes, abrogates or diminishes the rights of Snuneymuxw, including Aboriginal or treaty rights or title which are protected under section 35 of the Constitution Act, 1982 and the Snuneymuxw Treaty 1854. For greater certainty nothing in this Agreement and Snuneymuxw's interest in the Company and participation in its management constitutes consultation or consent of Snuneymuxw for the purpose of discharging the Crown's honour and fiduciary duty in relation to developments that impact upon Snuneymuxw's indigenous interests.

IN WITNESS WHEREOF this Agreement has been duly executed on the dates set out below, and is effective from and after the last date signed.

CITY OF NANAIMO by its authorized signatories:)
)

C/S

Name:)

Name:)

Date: _____)

SNUNEMUXW FIRST NATION by its authorized signatories:)
)

C/S

Name:)

Name:)

Date: _____)

DRAFT

VANCOUVER ISLAND UNIVERSITY by its authorized signatories:)
)

C/S

Name:)

Name:)

Date: _____)

NANAIMO PORT AUTHORITY by its
authorized signatories:)
)

C/S

Name:)

Name:)

Date: _____)

NANAIMO AIRPORT COMMISSION by its
authorized signatories:)
)

C/S

Name:)

Name:)

Date: _____)

DRAFT

NANAIMO CHAMBER OF COMMERCE by
its authorized signatories:)
)

C/S

Name:)

Name:)

Date: _____)

SCHEDULE "A"**SPECIAL MATTERS REQUIRING SHAREHOLDERS' APPROVAL AND METHOD OF APPROVAL**

1. No action shall be taken by the Company in respect of or within the scope of the following matters unless such action receives unanimous consent of the Class A Shareholders of the Company:
 - a. the incurrence, whether absolutely or contingently, of indebtedness for borrowed money whether directly or by capital or financing lease or other indirect financing arrangements; and
 - b. the authorization, creation, issuance or transfer of any Class A Shares.
2. No action shall be taken by the Company in respect of or within the scope of the following matters unless such action receives consent of the 2/3 of the Shareholders of the Company:
 - a. the authorization, creation, issuance or transfer of any Class B or C Shares;
 - b. any material change to or within the Business of the Company;
 - c. the composition and authority of, and method of appointment to, the Agency's Board of Directors
3. No action shall be taken by the Company in respect of or within the scope of the following matters unless such action receives consent by a three-fifths resolution of the Board and has been first authorized by a unanimous resolution of the Shareholders:
 - a. The Budgets of the Company required by section 4.3. The approval of any Budget which includes and specifically identifies transactions of the types described in this Schedule (whether or not this Schedule is referred to) shall be considered approval of such transactions as required by this section;
 - b. Any direct or indirect participation by the Company in any business other than the Business of the Company;
 - c. The acquisition of assets not normally used in the conduct of the Business of the Company;
 - d. Any material contract, agreement, obligation, liability or other transaction which is not in the ordinary course of the Business of the Company, or with a value in excess of \$100,000.00;
 - e. Any material discontinuance of the Business of the Company;

- f. The lending of money by the Company or the incurrence of any guarantee or indemnity obligations;
- g. Any contract, agreement or other transaction which directly or indirectly provides or could provide to any Shareholder or any Person not at arm's length with a Shareholder any direct or collateral benefit or advantage whether or not greater than fair market value;
- h. The appointment or dismissal of officers and other senior employees of the Company, or their compensation, prerequisites and severance payments;
- i. Any declaration or payment of dividends or commitment to make or the making of a distribution of surplus or earnings or return of capital or Equity Share;
- j. Any acquisition or agreement to acquire any business or capital asset, any capital or financing lease (or agreement to enter into such a lease) of real or personal property or any acquisition or agreement to acquire property by way of conditional sale agreement or purchase money security interest having a value in excess of \$100,000.00 in respect of any one transaction or series of transactions in respect of any one fiscal year, provided that the foregoing limit shall not apply to those acquisitions or agreements to acquire contemplated by an approved and current annual budget for the Company;
- k. Any sale, lease, exchange, mortgage or other disposition of substantially all of the property or assets of the Company or of a part of the property or assets of the Company;
- l. Any amalgamation or merger of the Company with any other body corporate, or any corporate reorganization of the Company of any kind including a continuance, re-incorporation or arrangement, or a dissolution, liquidation or winding-up of the Company;
- m. Any fundamental change of the types referred to in the Act; and
- n. Any change of the Auditors, other than a change for overall cost reduction purposes to a reputable national firm of auditors.

SCHEDULE B

NUMBER AND METHOD OF ELECTION AND APPOINTMENT OF DIRECTORS

1. The Board shall be comprised of nine Voting Directors and one Non-Voting Director.
2. The Board shall be appointed and elected as follows:
 - (a) the City of Nanaimo shall appoint:
 - (i) one City of Nanaimo senior staff member to serve as a voting Director, and
 - (ii) one elected official of the City of Nanaimo as a non-voting Director;
 - (b) the Snuneymuxw First Nation shall appoint one Director to serve as a voting Director;
 - (c) Vancouver Island University shall appoint one Director to serve as a voting Director;
 - (d) the Nanaimo Port Authority shall appoint one Director to serve as a voting Director;
 - (e) the Nanaimo Airport Commission shall appoint one Director to serve as a voting Director; and
 - (f) the Nanaimo Chamber of Commerce shall appoint one Director to serve as a voting Director;
 - (g) the Shareholders will mutually elect, via a 3/5 resolution, three Directors, including at least one Director employed by a not-for-profit or charity organization that has mandate related to poverty alleviation and providing educational services and other resources for children, who apply to be Directors through a public call by the Company for applicants.
3. The initial term of appointment of the first Directors of the Company will be as follows:
 - (a) the first Directors appointed by the City of Nanaimo (as to the voting Director and not the non-voting Director), Snuneymuxw First Nation, Vancouver Island University, Nanaimo Port Authority, Nanaimo Airport Commission and Nanaimo Chamber of Commerce, and will serve until the Company's third annual general meeting, immediately before which they will cease to hold office; and
 - (b) the remaining first Directors, including the non-voting Director appointed by the City of Nanaimo, will serve until the Company's second annual general meeting, immediately before which they will cease to hold office.

Schedule C

Determination and Responsibility for Base Funding

1. Expenses Covered by Base Funding

The following expenses will be covered by base funding:

- (a) staffing costs;
- (b) Board operating costs;
- (c) office expenses, including for renting or leasing space;
- (d) marketing, business development, talent development, and other initiatives aimed at attracting business and investment to Nanaimo;
- (e) community outreach and reporting; and
- (f) other costs identified by the Board and approved as "base funding" by a 3/5 resolution of the Shareholders.

2. Share of Base Funding –

The Shareholders will contribute the base funding to the Company as follows:

- (a) in 2021:
 - (i) Class B Shareholder's will contribute \$5,000.00;
 - (ii) Class A Shareholder's will contribute the balance between the Class B Shareholder contributions and the total base funding required by the Company as determined by the Directors in accordance with section 6.2; and
 - (iii) Class C Shareholder's will contribute the balance between the Class B Shareholder contributions and the total base funding required by the Company as determined by the Directors in accordance with section 6.2. The Class C Shareholder shall have the option, at its discretion, to make such contribution in cash or as an "in kind" contribution equivalent to the cash contribution. Such "in kind" contribution can be made by any means such as research by students, marketing promotion or such other activities or things as the Class C Shareholder determines in its discretion.
- (b) in each financial year after 2022:
 - (i) Class B Shareholder's will contribute \$10,000.00;

- (ii) Class A Shareholder's will contribute the balance between the Class B Shareholder contributions and the total base funding required by the Company as determined by the Directors in accordance with section 6.2; and
- (iii) Class C Shareholder's will contribute the balance between the Class B Shareholder contributions and the total base funding required by the Company as determined by the Directors in accordance with section 6.2. The Class C Shareholder shall have the option, at its discretion, to make such contribution in cash or as an "in kind" contribution equivalent to the cash contribution. Such "in kind" contribution can be made by any means such as research by students, marketing promotion or such other activities or things as the Class C Shareholder determines in its discretion.

DRAFT

Schedule D**Restrictions on Share Issuance**

1. Class A shares may only be issued or transferred to or held by a municipality incorporated under the *Community Charter or Local Government Act* or a regional district incorporated under the *Local Government Act*.
2. Class B shares may only be issued or transferred to or held by: a club, society, association or corporation that is organized and operated exclusively for social welfare, civic improvement, or for any other purpose except profit; a charity as defined under section 149.1(1)(l) of the *Income Tax Act* or an equivalent section outlining what constitutes a “charity” under that Act; or a first nation.
3. Class C shares may only be issued or transferred to or held by: a public university that is incorporated and operated under the *University Act*.

DRAFT

DATE OF MEETING July 26, 2021

AUTHORED BY LISA BRINKMAN, PLANNER, CURRENT PLANNING

**SUBJECT OFFICIAL COMMUNITY PLAN AMENDMENT OCP100 –
456 MILTON STREET AND OCP101 – 120 NEEDHAM STREET,
514 AND 540 HALIBURTON STREET, AND 535 AND 575 NICOL
STREET**

OVERVIEW

Purpose of Report

The purpose of this report is to request direction from Council to proceed with two Official Community Plan amendment applications for proposed developments at 456 Milton Street (OCP100) and for the five properties located at 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101).

Recommendation

That:

1. Council direct Staff to proceed with processing Official Community Plan amendment application OCP100 for 456 Milton Street; and
2. Council direct Staff to proceed with processing Official Community Plan amendment application OCP101 (120 Needham, 514 and 540 Haliburton Street, 535 and 575 Nicol Street).

BACKGROUND

At the meeting held on 2021-MAR-29, Council directed that the annual May and November intake for Official Community Plan (OCP) amendment applications be postponed during the REIMAGINE review of the OCP. However, in June 2021, two OCP amendment applications were received (OCP100 and OCP101) and Staff are seeking direction from Council to proceed with the applications. As indicated in the 2021-MAR-29 report, despite Council direction to postpone the intake of OCP amendment applications, property owners retain the right to submit applications and the City must determine if they will proceed with the applications.

DISCUSSION

Below is a summary of the two OCP amendment applications received in June 2021 – OCP100 (456 Milton Street) and OCP101 (120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street).

OCP100 – 456 Milton Street

An OCP amendment application was received from Paradox Company Inc., proposing seven residential units at 456 Milton Street. A single family dwelling is currently located on the property and would be removed if the development was to proceed. The OCP designation for the property at 456 Milton Street is ‘Neighbourhood’, which supports ground-oriented development with a target density of 10-50 residential units per hectare, and 69 units per hectare is proposed.

The *Old City Neighbourhood Concept Plan* (Schedule B of the OCP) designates the property as ‘Multi-Family Low Density’, which supports a maximum density of four residential units, thus an amendment to the OCP is required for the proposed development to proceed. The applicant is proposing a building massing that will complement the scale of the Old City Neighbourhood, and further design review would occur through a separate development permit application, should the OCP amendment and a rezoning application be approved. The applicant has provided correspondence in support of the OCP amendment from the Nanaimo Old City Association (Attachment E) and several members of the neighbourhood. If Council directs Staff to proceed with the OCP amendment application, a rezoning application (RA472) would also be presented to Council, proposing to change the zoning of the property at 456 Milton Street from R14 (Old City Low Density) to R15 (Old City Medium Density).

Summary of the OCP amendment application for 456 Milton Street:

456 Milton	Current OCP Policy	Proposed Development
<i>OCP Land Use</i>	Neighbourhood 10-50 units per ha	Neighbourhood 69 units per ha
<i>Old City Neighbourhood Concept Plan</i>	Section 4.1.2 Land Use Designations Sub-Area 3 Multi-Family Low Density Single Family to Fourplex	Section 4.1.2 Land Use Designations Sub-Area 3 Multi-Family Low Density Site-specific maximum of seven residential units

OCP101 - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street

An OCP amendment application has been received for the group of five properties at the corner of Needham Street, Haliburton Street, and Nicol Street. Four of the parcels are currently vacant, and a liquor store is located at 514 Haliburton Street. The applicant, Urban Solutions Architecture Ltd., is proposing to consolidate the five parcels to allow for a four- to six-storey building with underground parking, commercial retail and live-work units at grade, and rental residential units on the upper storeys. It is proposed that the existing liquor store building be removed, and that the liquor store business be moved into the new building.

The OCP and *South End Neighbourhood Plan* designate the properties fronting onto Nicol Street as ‘Corridor’, and the properties fronting onto Haliburton Street as ‘Commercial Centre - Neighbourhood’. Both designations support four- to six-storey mixed-use developments with a maximum density of 150 units per hectare. The *South End Neighbourhood Plan* envisions a new mixed-use commercial centre in this area with residential, commercial, and office uses, as well as public realm amenities. The applicant is proposing a four- to six-storey mixed-use

development, with public realm amenities, and a density of approximately 478 units per hectare (177 residential rental units). While the proposed development achieves many of the objectives in the OCP and *South End Neighbourhood Plan*, an amendment to the OCP is required to allow the proposed density of approximately 478 units per hectare. If Council directs Staff to proceed with the OCP amendment application, it will be proposed to designate the five properties as 'Commercial Centre - City'. The 'Commercial Centre - City' designation supports residential densities greater than 150 units per hectare, in six-storey building forms. A rezoning application would also be required to change the zoning of the properties to CC2 (Neighbourhood Centre) with a site-specific clause for building height and floor area ratio.

Summary of the OCP amendment application for 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street:

120 Needham Street and 535 and 575 Nicol Street	Current OCP Policy	Proposed OCP Policy
<i>OCP Land Use</i>	Corridor 50-150 units per hectare two to six storey maximum	Commercial Centre - City 150+ units per hectare six storey maximum
<i>South End Neighbourhood Plan</i>	Section 5.1 Corridor – Mixed-use 50-150 units per hectare two to four storey maximum	Commercial Centre Site-specific maximum of 177 residential units six storey maximum

514 and 540 Haliburton Street	Current OCP Policy	Proposed OCP Policy
<i>OCP Land Use</i>	Neighbourhood Commercial Centre 50-150 units per hectare two to six storey maximum	Commercial Centre - City 150+ units per hectare six storey maximum
<i>South End Neighbourhood Plan</i>	Section 5.1 Commercial Centre – Neighbourhood 50-150 units per hectare two to four storey maximum	Commercial Centre Site-specific maximum of 177 residential units six storey maximum

If Council directs Staff to proceed with the two OCP amendment applications, the goal would be to ensure the application process is complete prior to introduction of the REIMAGINE Nanaimo OCP being presented to Council. The next steps in the process would involve internal and external referrals and neighbourhood consultation in August 2021.

SUMMARY POINTS

- In March 2021, Council directed that the annual intake for OCP amendment applications be postponed due to the REIMAGINE OCP review, thus Staff are seeking direction as to how to proceed with two new OCP amendment applications received in June 2021.
- The OCP amendment application OCP100 is proposing seven residential units at 456 Milton Street.
- The OCP amendment application OCP101 is proposing a four- to six-storey mixed-use development on the five parcels located at 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street.
- If Council directs Staff to proceed with the OCP amendment applications, the next steps would involve internal and external referrals and neighbourhood consultation.

ATTACHMENTS

- ATTACHMENT A: Context Map - 456 Milton Street (OCP100)
ATTACHMENT B: Future Land Use Plan - 456 Milton Street (OCP100)
ATTACHMENT C: Conceptual Site Plan - 456 Milton Street (OCP100)
ATTACHMENT D: Conceptual Building Renderings - 456 Milton Street (OCP100)
ATTACHMENT E: Nanaimo Old City Association Correspondence - 456 Milton Street (OCP100)
ATTACHMENT F: Context Map - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101)
ATTACHMENT G: Future Land Use Plan - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101)
ATTACHMENT H: Conceptual Site Plan - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101)
ATTACHMENT I: Conceptual Building Massing - 120 Needham Street, 514 and 540 Haliburton Street, and 535 and 575 Nicol Street (OCP101)

Submitted by:

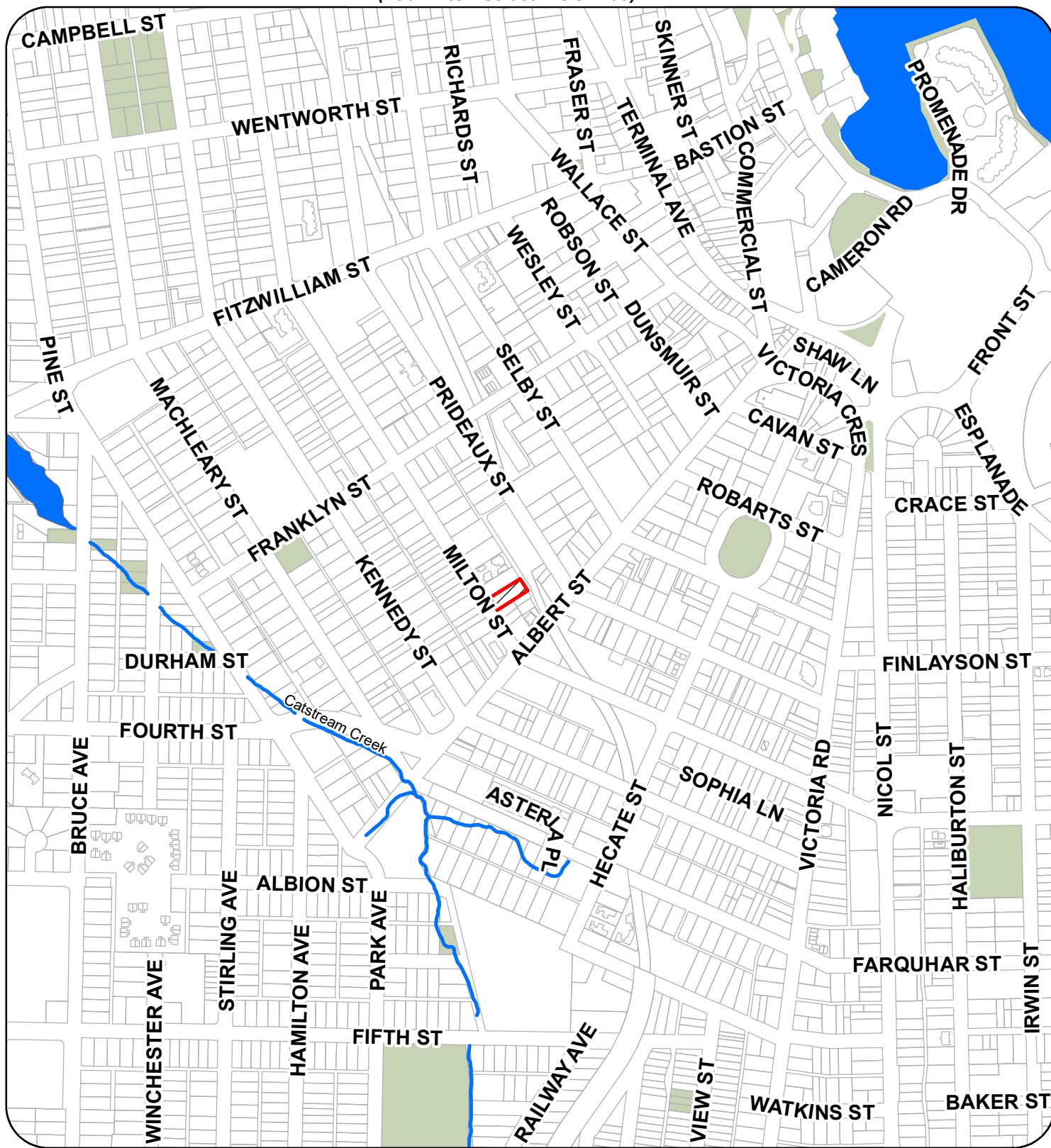
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

**ATTACHMENT A
CONTEXT MAP**
(456 Milton Street - OCP100)



OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP00100



456 MILTON STREET

**ATTACHMENT B
FUTURE LAND USE PLAN**
(456 Milton Street - OCP100)



N

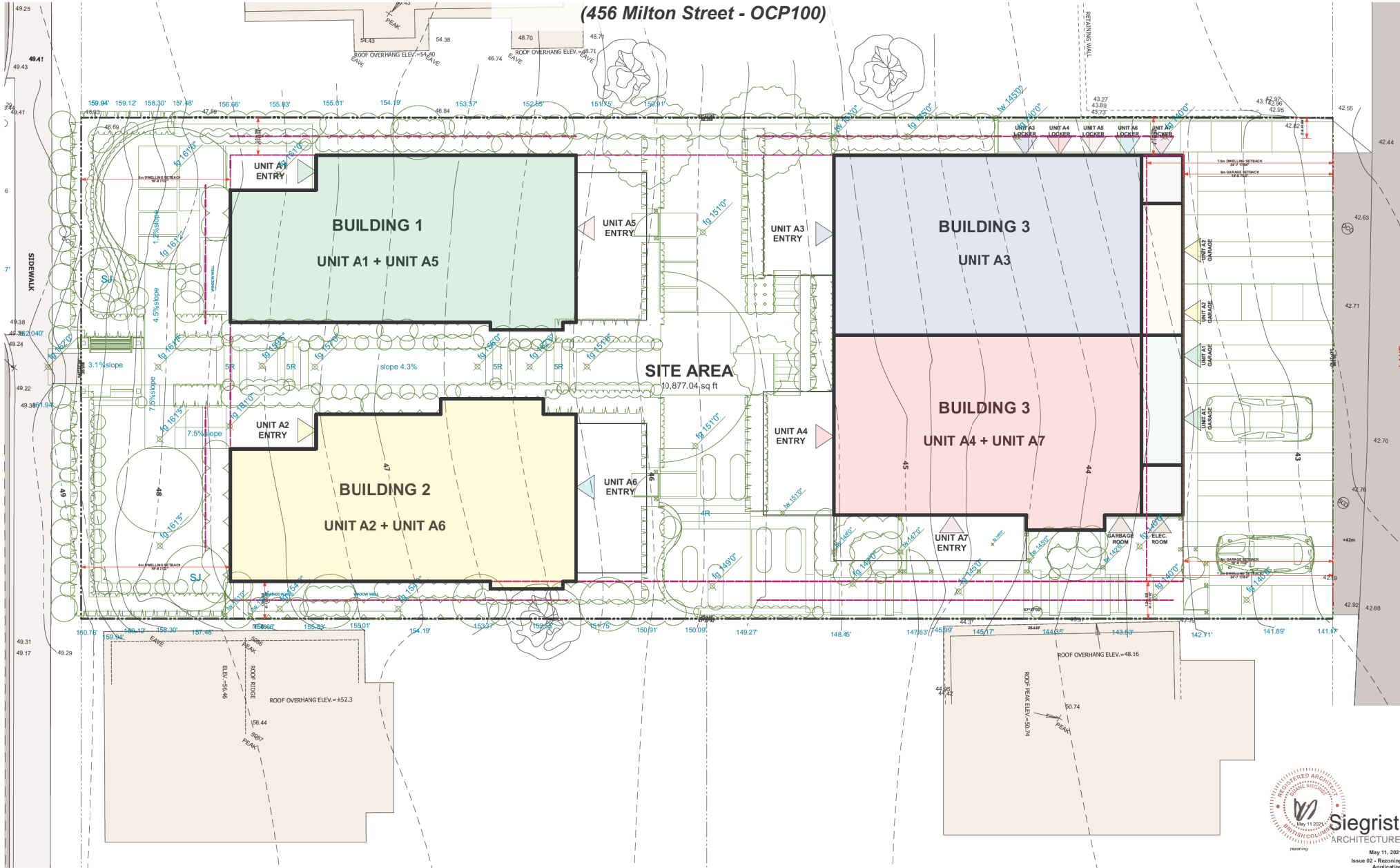


Subject
Property

OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP00100

CIVIC: 456 MILTON STREET
LEGAL: SOUTHERLY 1/2 OF LOT 5, BLOCK 24, SECTION 1, NANAIMO DISTRICT
PLAN 584 HAVING A FRONTAGE OF 66 FEET ON MILTON STREET

ATTACHMENT C CONCEPTUAL SITE PLAN (456 Milton Street - OCP100)



RECEIVED
OCP100
2021-JUN-02
Current Planning

Siegrist
ARCHITECTURE
May 11, 2021
Issue 02 - Reasoning
Application
3" x 4" = 1" = 0"
Site Plan

A-1.300

ATTACHMENT D
CONCEPTUAL BUILDING RENDERINGS
(456 Milton Street - OCP100)

Senior Rental CoHousing

Issue 02 - Rezoning Application
May 11, 2021



View from Lane



View from Milton Street



ATTACHMENT E

NANAIMO OLD CITY ASSOCIATION CORRESPONDENCE

(456 Milton Street - OCP100)

Subject: Fwd: Support from NOCA Board for 456 Milton Street

From: Carol Evans [REDACTED]

Date: 4/22/2021, 2:54 PM

To: Rick Evans [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: April 22, 2021 at 12:59:32 PM PDT
To: [REDACTED]
Subject: Support from NOCA Board for 456 Milton Street

Hello Carol,

Here are the names of the NOCA Board members in attendance at our Board meeting held on Monday, April 19, 2021: Joy Adams Bauer, Diane Caldwell-Demon, Chelsea Challis, Mayta Ryn, Anna Mosolov, Erin Chaba. *7 pm Zoom meeting*

All members of the Board spoke in support of the proposed development. The Board likes the idea of a pocket neighbourhood, and the development of an intentional community, with a variety of tenants. The Board supported the re-zoning application to increase the density from 4 to 7 units. Board members like the idea of rental properties given the need for additional rental housing in Nanaimo. They also like the idea of Carol and Rick Evans living in one of the units and managing the property. The Board is pleased the development will be designed with mobility issues in mind and will support aging in place. The Board will be interested to see how the overall look of the development progresses, and feel it is important the look fits into the unique nature of the old city.

I hope this is what Lisa Brinkman requires.

~ Joy

Joy Adams Bauer, President
Nanaimo Old City Association

[REDACTED]

=====

[REDACTED]

[REDACTED]

ATTACHMENT F CONTEXT MAP

(120 Needham Street, 514 and 540 Haliburton Street, 535 and 575 Nicol Street - OCP101)



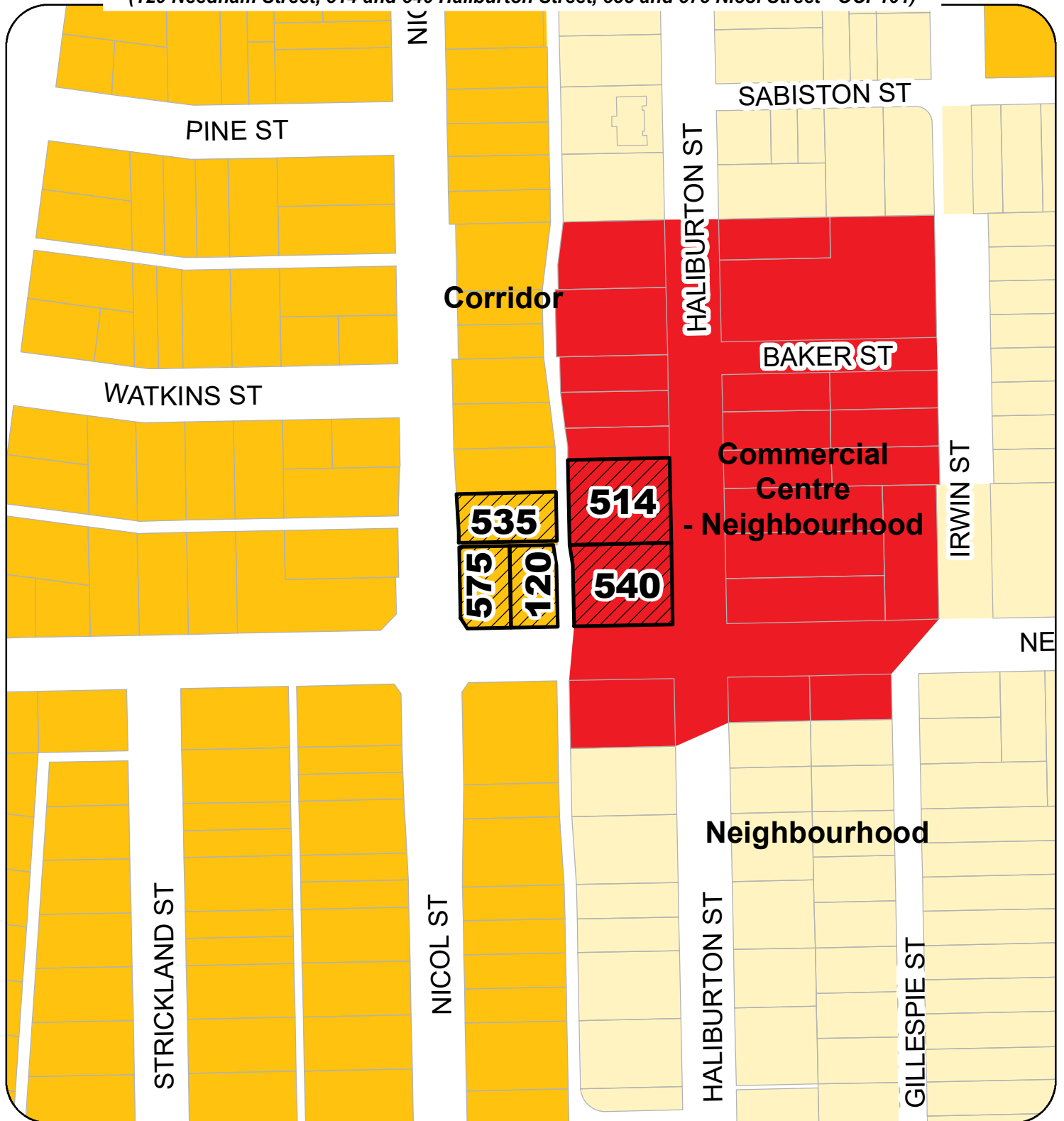
OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP00101



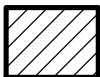
SUBJECT PROPERTIES

ATTACHMENT G FUTURE LAND USE PLAN

(120 Needham Street, 514 and 540 Haliburton Street, 535 and 575 Nicol Street - OCP101)



OFFICIAL COMMUNITY PLAN AMENDMENT NO. OCP00101



Subject Properties

CIVIC: 120 NEEDHAM STREET, 514 & 540 HALIBURTON STREET, 535 & 575 NICOL STREET
 LEGALS: THE EASTERLY 1/2 OF LOT 23, SECTION 1, NANAIMO DISTRICT, PLAN 4377 EXCEPT THAT PART IN PLAN VIP53189 AND VIP64418
 LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 45086 EXCEPT THAT PART IN PLAN VIP53175 FOR ROAD PURPOSES
 LOT 22, SECTION 1, NANAIMO DISTRICT, PLAN 4377 EXCEPT THAT PART IN PLAN VIP53189 ROAD PURPOSES
 PARCEL A (DD A58748) OF LOT 21, SECTION 1, NANAIMO DISTRICT, PLAN 4377 EXCEPT THAT PART IN PLAN VIP52586
 THE WESTERLY 1/2 OF LOT 23, SECTION 1, NANAIMO DISTRICT, PLAN 4377, EXCEPT PART IN PLAN VIP59819

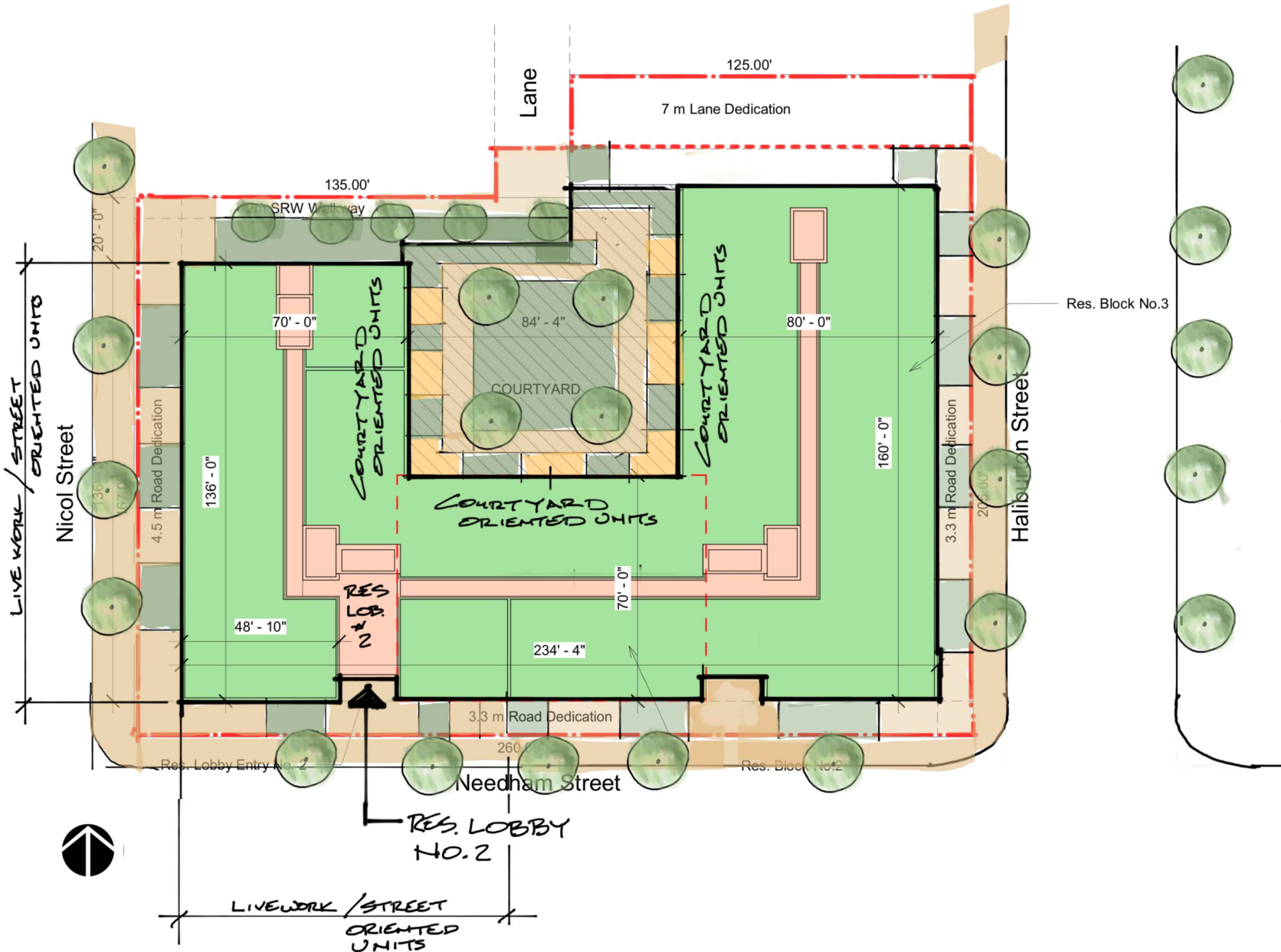
ATTACHMENT H CONCEPTUAL SITE PLAN

(120 Needham Street, 514 and 540 Haliburton Street, 535 and 575 Nicol Street - OCP101)

U R B A N S
S O L U T I O N S
ARCHITECTURE
LIMITED

www.urbansolutionsarch.ca
604.261.6106
6189 Elm Street, Vancouver, BC
V6N 1B2

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FOR DISCUSSION PURPOSES ONLY

PROJECT
Haliburton

SHEET TITLE
Site Studies
Site Sketch

DATE
2021.06.02
SCALE

ASK-2
RECEIVED
OCP101
2021-JUN-08
Current Planning

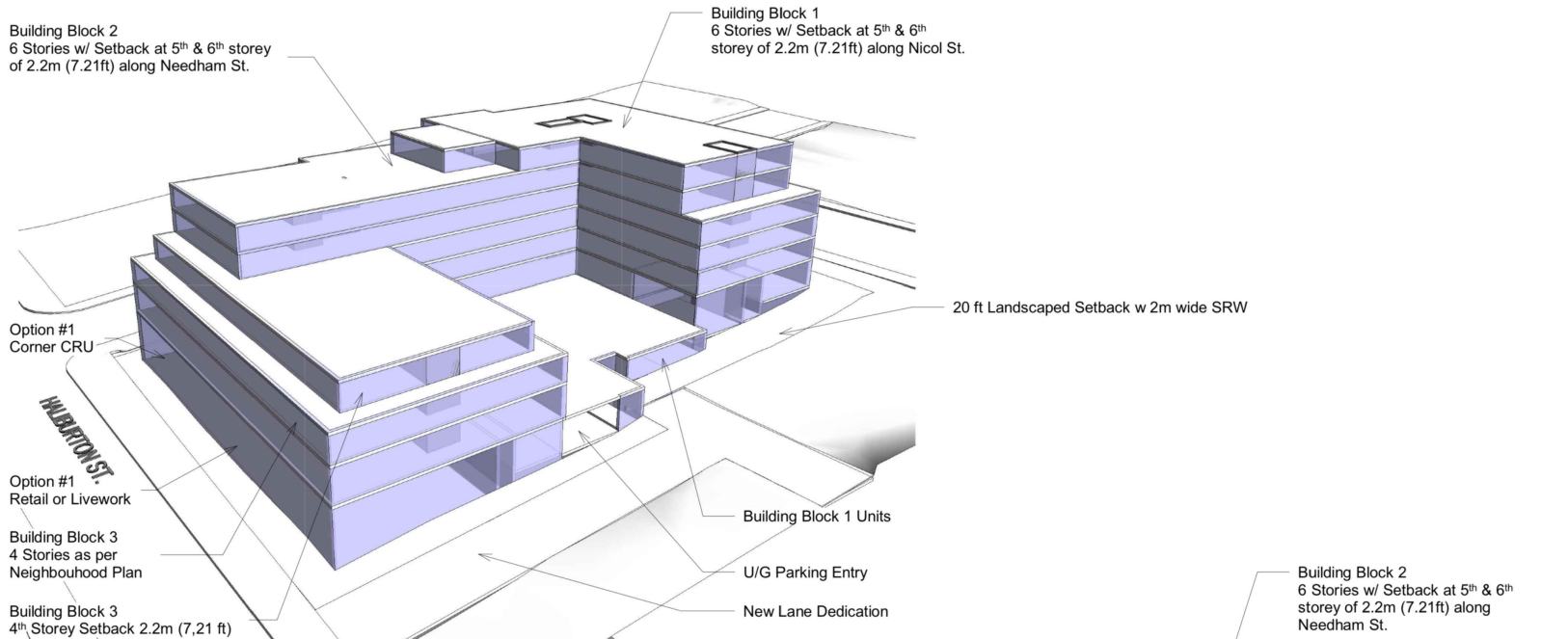
ATTACHMENT I CONCEPTUAL BUILDING MASSING

(120 Needham Street, 514 and 540 Haliburton Street, 535 and 575 Nicol Street - OCP101)

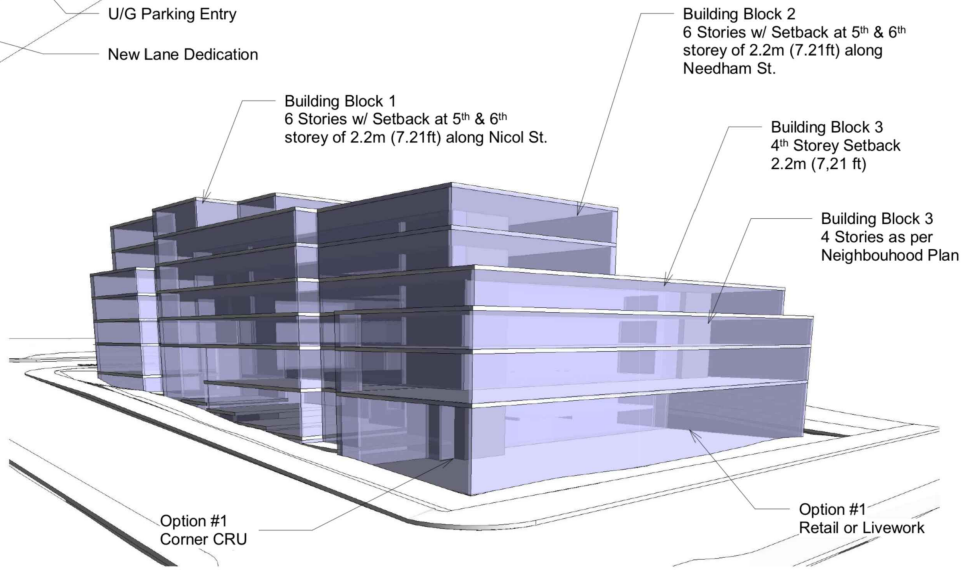


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1 View from Haliburton St
(Looking SW)



2 From Haliburton St
(Looking NW)

FOR DISCUSSION PURPOSES ONLY

PROJECT
Haliburton

SHEET TITLE
Site Studies
3D Views

DATE
2021.06.02
SCALE

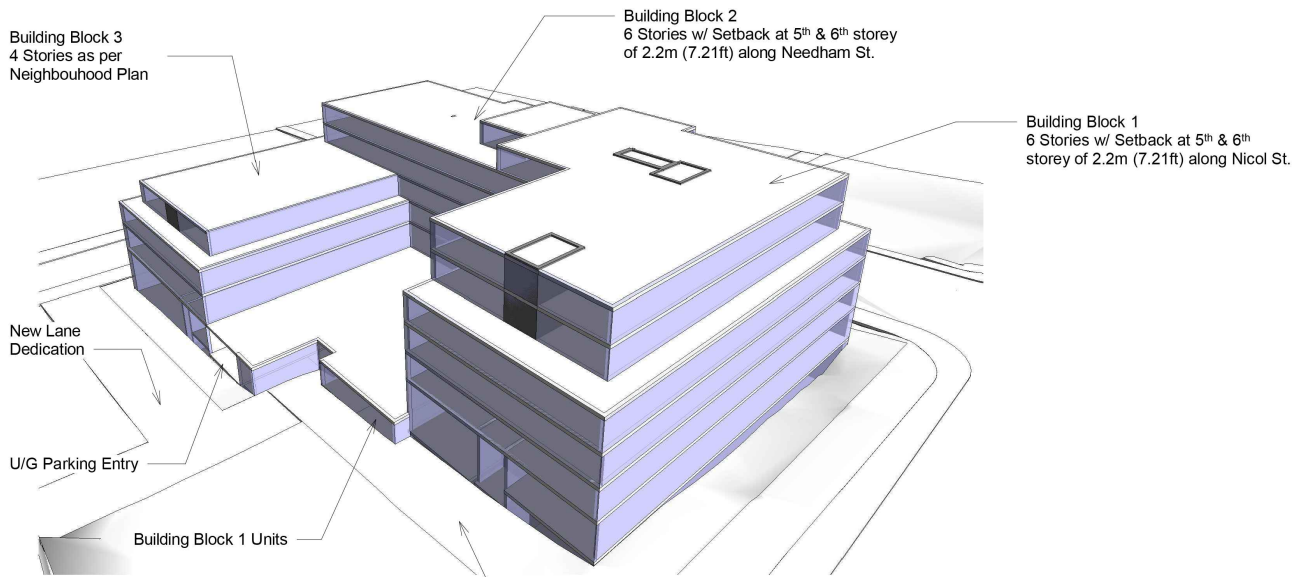
ASK-3

RECEIVED
OCP101
2021-JUN-08
Current Planning



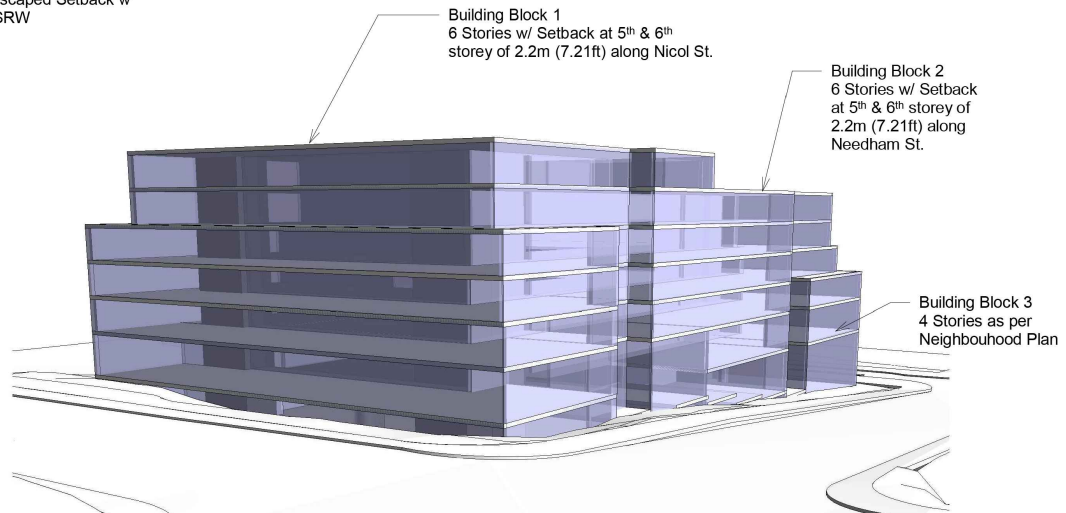
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1 View from Nicol St
 (Looking SE)

20 ft Landscaped Setback w
 2m wide SRW



2 From Nicol St
 (Looking NE)

FOR DISCUSSION PURPOSES ONLY

PROJECT
 Haliburton
 SHEET TITLE
 Site Studies
 3D Views

DATE
 2021.06.02
 SCALE

ASK-4

RECEIVED

OCP101

2021-JUN-08

Current Planning

Delegation Request

Delegation's Information:

Myron Calof, I4 Property Group, and Don Yen, Urban Architectural Solutions have requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is July 26, 2021.

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:

Introduction of Developer, Architect and availability to answer questions.

DATE OF MEETING July 26, 2021

AUTHORED BY SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP420 – 4176 WELLESLEY AVENUE

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to reduce the minimum required front yard setback to allow a proposed dwelling on proposed Lot C.

Recommendation

That Council issue Development Variance Permit No. DVP420 for proposed Lot C (Lot 1, Block 7, Section 5, Wellington District, Plan 318 and Lot 5, Section 5, Wellington District, Plan EPP82222, to be consolidated) with the following variance:

- To reduce the minimum required front yard setback from 4.5m to 2m for a proposed dwelling.

BACKGROUND

A development variance permit application, DVP420, was received from Michael McKillican to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to reduce the minimum required front yard setback from 4.5m to 2m to construct a single residential dwelling on proposed Lot C. The property owner owns 4176 Wellesley, which consists of two legal parcels, with an existing dwelling on the easterly lot, and the westerly lot (Lot 1) largely vacant. The subject site (proposed Lot C) is made up of Lot 1 and Lot 5, a portion of 4176A Wellesley Avenue that was a part of the former Loudon Walkway currently in the disposition process for Council’s consideration on the same agenda this evening. The applicant is purchasing Lot 5 to consolidate with existing Lot 1 to create a buildable site on proposed Lot C.

There are some existing structures within 4176 Wellesley Avenue that encroach onto the subject site and will be removed to ensure compliance with the required side yard setbacks. The applicant also proposes to remove the existing driveway for 4176 Wellesley Avenue from the proposed Lot C, to be relocated outside of the watercourse setback. The subject site is located adjacent to Long Lake in an area characterized by single family homes.

Subject Property and Site Context

<i>Zoning</i>	R1 – Single Residential Dwelling
<i>Location</i>	The subject site is located between Wellesley Avenue and the Loudon Walkway, adjacent to Long Lake.
<i>Total Area</i>	323.3m ² (proposed)
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

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

DISCUSSION

Proposed Development

The applicant proposes to construct a single storey, 81.9m² (882ft²) single family dwelling with a green roof on proposed Lot C with parking located on the west side of the proposed dwelling.

Proposed Variance

Minimum Required Front Yard Setback

The minimum required front yard setback for a single residential dwelling in the R1 zone is 4.5m. The applicant proposes to construct a single residential dwelling with a front yard setback of 2m. This represents a variance of 2.5m.

Lot 1 is an existing undersized parcel, at approximately 163m². Despite consolidation with Lot 5, proposed Lot C remains relatively small (323.3m²) when compared to neighbouring properties. However, the consolidation of Lots 1 and 5 will make the subject site more conforming to the minimum lot size requirements of the Zoning Bylaw. There is no opportunity to push the building further back from the street without reducing the area of the dwelling, as there is a required watercourse setback (riparian leave strip) from Long Lake that occupies the rear third of the property; the remaining lot area outside of the riparian leave strip is 214.3m². A statutory right-of-way (SRW) to protect sewer infrastructure further restricts the building envelope on the western portion of the property. The subject site is constrained and a variance is required to provide a more functional building envelope.

The applicant has demonstrated a sufficient building envelope and adequate parking outside of the required SRW and riparian leave strip for the proposed modestly-sized 81.9m² (882ft²) rancher.

The proposed building site is approximately 2.5m below grade of Wellesley Avenue, and the low-pitch roof should allow for views over the roofline. Furthermore, the boulevard between Wellesley Avenue and the subject site provides adequate separation from the street, and the proposed dwelling will meet all other zoning requirements.

The applicant has provided four letters of support from neighbours at 4104, 4134, and 4177 Wellesley Avenue and 4200 Victoria Avenue/2851 101st Street.

Staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit No. DVP420 proposes a variance to reduce the minimum required front yard setback from 4.5m to 2m to provide a more functional building envelope for a proposed single residential dwelling.
- The applicant has made efforts to mitigate potential impacts to neighbours.
- Letters have been provided in support of the application.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Survey
ATTACHMENT E: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

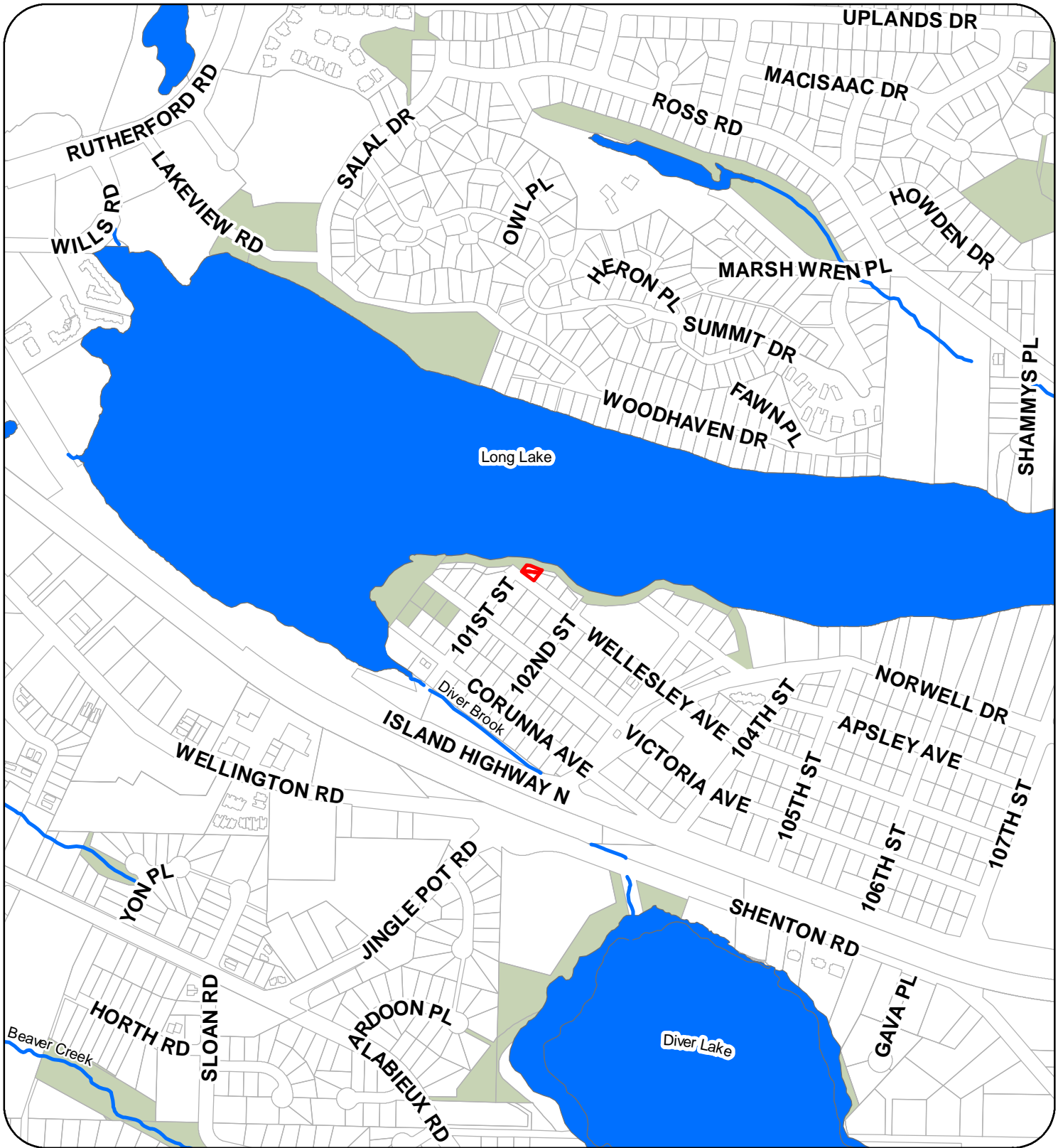
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – To reduce the minimum required front yard setback from 4.5m to 2m for a proposed single residential dwelling.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by Tyler Hansen of Williamson & Associates Professional Surveyors, dated 2021-JUN-24, as shown on Attachment D.

ATTACHMENT B CONTEXT MAP

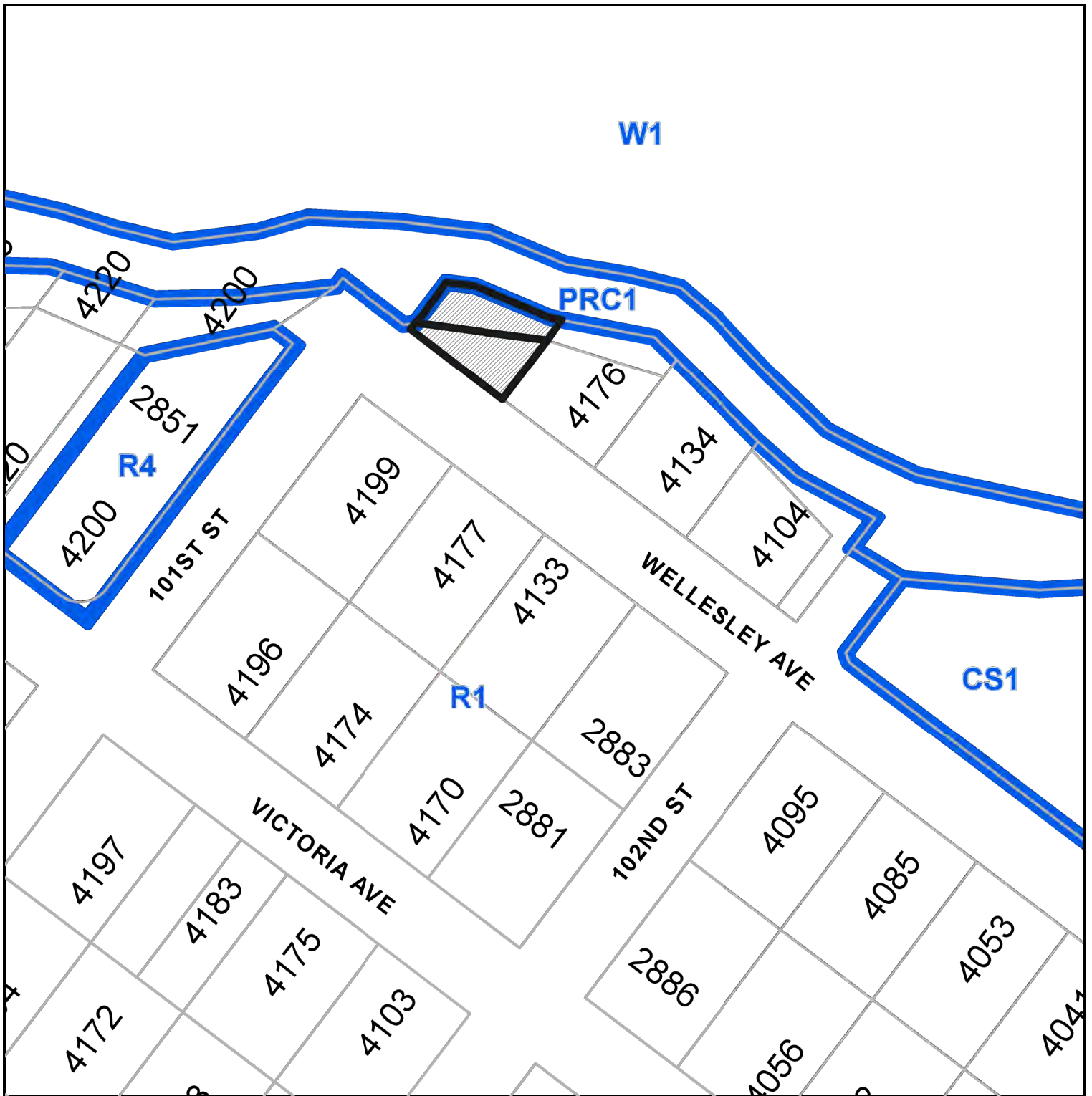


N



THE WESTERLY LOTS OF 4176 and 4178A WELLESLEY AVENUE

**ATTACHMENT C
LOCATION PLAN**



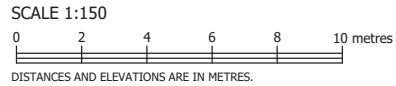
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00420

 **Subject Property**

CIVIC: THE WESTERLY LOTS OF 4176 and 4176A WELLESLEY AVENUE
LEGAL: LOT 1, BLOCK 7, SECTION 5, WELLINGTON DISTRICT, PLAN 318 & LOT 5, SECTION 5, WELLINGTON DISTRICT, PLAN EPP82222

ATTACHMENT D SITE SURVEY

B.C. LAND SURVEYOR'S SITE PLAN OF CONCEPTUAL BUILDING LOCATION FOR DEVELOPMENT VARIANCE PERMIT ON:
**PROPOSED LOT C (BEING A CONSOLIDATION OF
 LOT 5, SECTION 5, WELLINGTON DISTRICT, PLAN EPP82222 AND
 LOT 1, BLOCK 7, SECTION 5, WELLINGTON DISTRICT, PLAN 318).**



NOTES:

CURRENT ZONING: R1

CONTOURS ARE DERIVED FROM 2009 CITY OF NANAIMO LIDAR SURVEY.

LOT ALIGNMENT IS DERIVED FROM REGISTERED PLANS.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:

- EASEMENT CA7181605;
- STATUTORY RIGHT OF WAYS CA7181609 AND CA7181610;
- COVENANT CA7181615;

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCEL(S).

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

ZONING SETBACKS SHOWN ARE BASED ON INTERPRETATION OF CITY ZONING BYLAW AND SHOULD BE CONFIRMED.

PROPOSED LOT C AREA: 323.3m²
 PROPOSED LOT C AREA EXCLUDING WATERCOURSE LEAVESTRIP: 214.3m²
 CONCEPTUAL DWELLING LOT COVERAGE: ±82m² (±25%)
 PROPOSED VARIANCE (FRONT SETBACK): 2.00m

THIS SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL & IS CERTIFIED CORRECT
 THIS DATE OF: JUNE 24, 2021

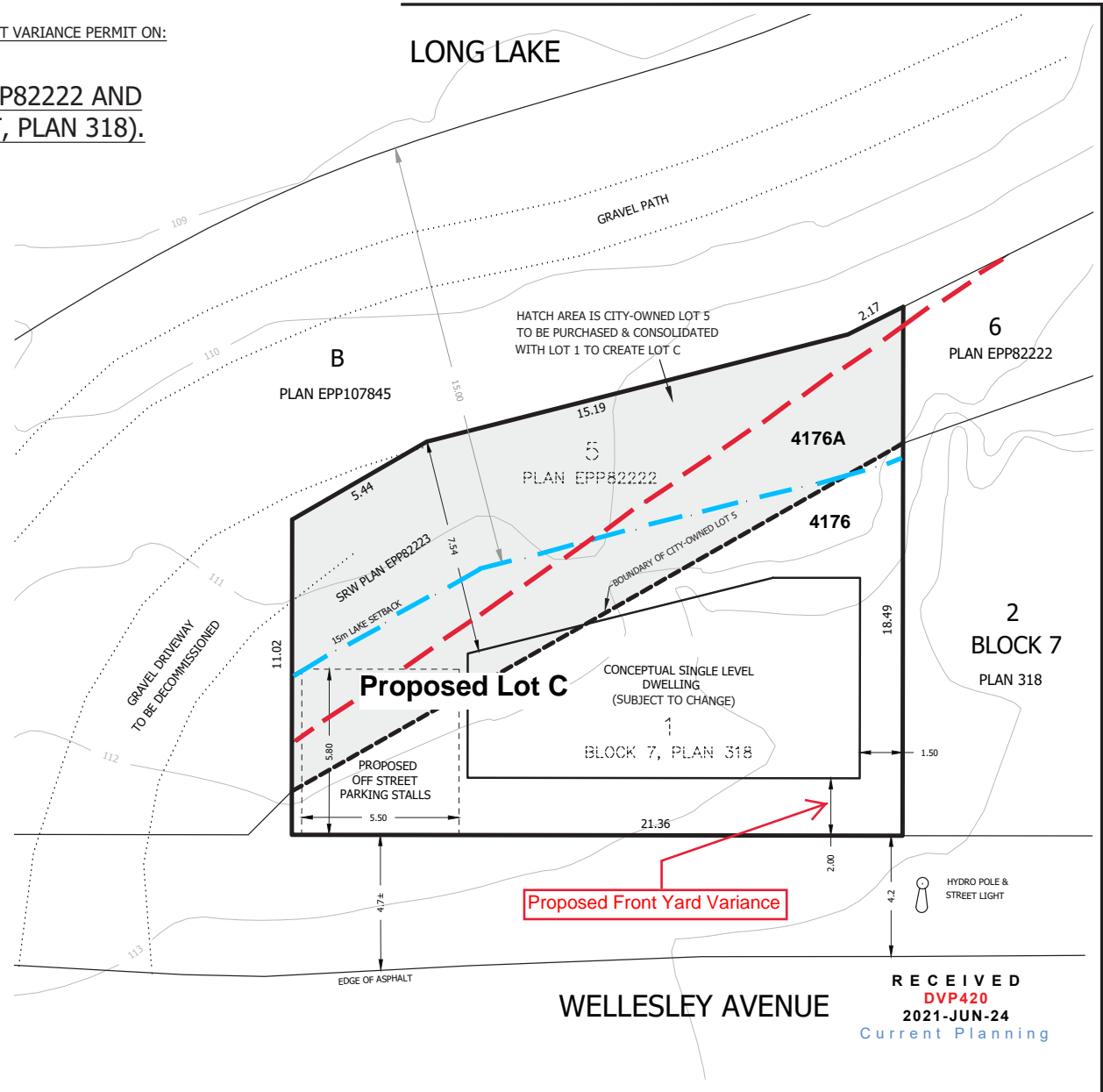
Tyler Hansen
VFRTQ3

Digitally signed by Tyler Hansen VFRTQ3
 DN: c=CA, cn=Tyler Hansen VFRTQ3,
 o=BC Land Surveyor, ou=Verify ID at
 www.juricert.com/LKUP.cfm?id=VFRTQ3
 Date: 2021.06.24 08:46:12 -07'00'

Tyler J. Hansen B.C.L.S.
 THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED.

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2021

3088 BARONS ROAD NANAIMO B.C. V9T 4B5
 PHONE: 250-756-7723 FAX: 250-756-7724
 EMAIL: WAPS@VIBCLS.CA
 FILE: 21011-1 SITE REV 2 (BASE PLAN 17078)



Proposed Front Yard Variance

RECEIVED
DVP420
2021-JUN-24
 Current Planning

- 15m Riparian Leave Strip
- Statutory Right of Way

**ATTACHMENT E
AERIAL PHOTO**



DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00420



THE WESTERLY LOTS OF 4176 and 4176A WELLESLEY AVENUE

DATE OF MEETING July 26, 2021

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT PROPERTY DISPOSITION – 4176A WELLESLEY AVENUE

OVERVIEW

Purpose of Report

To obtain Council approval for the disposition of City-owned land at 4176A Wellesley Avenue to the owners of 4176 Wellesley Avenue.

Recommendation

That Council:

1. approve the property disposition of 4176A Wellesley Avenue for \$100,000 to Michael McKillican and Michelle Peakman; and
2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.

BACKGROUND

For years, many private property improvements have encroached upon the Lake Road right-of-way (the Loudon Walkway). The encroachment issues arose prior to the City's amalgamation in 1975, when the Wellington Improvement District did not undertake building inspections. As a result, parts of houses, decks, sheds, and private landscaping fronting Long Lake ended up encroaching on Lake Road. A private concrete driveway and retaining wall were also constructed on a portion of 102nd Street.

Staff have worked for over two decades to rectify the encroachment issues and have met numerous times with the private property owners along the Loudon Walkway between Victoria Avenue and Wellesley Avenue, and the majority of those property owners are willing to purchase the encroachment areas.

These efforts continued in May 2017 when Council provided approval in principle to close a portion of Lake Road (Loudon Walkway) through the road closure bylaw process and to dispose of the road area to the adjacent property owners on Wellesley Avenue and Victoria Avenue. Staff proceeded to have a survey plan prepared, as it was required for the road closure bylaw, and on 2017-DEC-04, Council adopted "Highway Closure and Dedication Removal (Lake Road and a portion of 102nd Street) Bylaw 2017 No. 7246". As a result of the road closure, eight fee-simple titles were raised and are under the ownership of the City.

A ten-meter section, from the boundary of Long Lake and the property lines, was retained as a buffer area to the lake and is dedicated park for the Loudon Walkway, 2 Lake Road, Attachment A. This buffer contains the Loudon Walkway soft-surface trail and is consistent with the Loudon Park Plan.

At the 2018-JAN-15 “In Camera” Council meeting, Council confirmed direction to dispose of these newly-created lots subject to individual appraisals and negotiations with each property owner. To date, one owner at 4134 Wellesley Avenue has purchased the lot fronting their property, and seven City-owned lots remain to be sold.

DISCUSSION

Staff have received an offer to purchase from Michael McKillican and Michelle Peakman (the “Owners”) of 4176 Wellesley Avenue to purchase two of the City-owned parcels addressed as 4176A Wellesley Avenue (Lots 5 and 6, the “Property”, Attachment B).

Part of the Owners’ house, deck, garage, retaining wall, landscaping, and driveway encroaches 283sq.m. (3,060 sq. ft.) onto the City-owned lots. The Owners wish to rectify the encroachments by purchasing the Property subject to receiving an approved Development Variance Permit for their property fronting the City’s Lot 5.

An update to the appraisal has been prepared by an independent appraiser and the market value for the Property was determined to be \$100,000. The Owners have submitted an offer to purchase for this amount.

Lot 5 – Development Variance Permit

The Owners wish to purchase Lot 5 to rectify the encroachments and also consolidate it with their vacant lot that fronts Lot 5. After consolidation, the Owners are proposing to build a single-family residential dwelling. The Owners are proposing a front yard setback of 2.0m in order to construct the dwelling. This represents a variance of 2.5m, and the Owners have applied for a Development Variance Permit as a condition to the purchase of Lot 5. The Development Variance Permit is being presented to Council tonight under a separate report for Council’s consideration.

If Council’s approval is received, the Owner’s have requested that Lot 5 be transferred on 2021-SEP-15.

Lot 6 – Encroachment Removals

In order for the Owner to accomplish the proposed construction of the single-family residence on Lot 5, the Owners will need to remove the existing driveway to the carport and garage for the house located on 4176 Wellesley Avenue. Through a new driveway access permit, they will relocate the driveway to the front of the house. They will also remove part of the existing garage and shed in order to satisfy the new side yard setback. Once part of the garage and current driveway access is removed, Lot 6 will be consolidated with their lot that the house is located on, and the remaining house and deck encroachment will be rectified (Attachment C). If Council’s approval is received, the Owner’s have requested that Lot 6 be transferred on 2021-NOV-24.

There will be no changes to the public’s enjoyment of the Loudon Walkway as a result of the Property disposition.

At the 2021-JUN-21 “In Camera” Council provided approval in principle to dispose of City-owned land at 4176A Wellesley Avenue for \$100,000 to the Owners of 4176 Wellesley Avenue. A Notice of Disposition has now been published and Council approval is being sought to authorize the Purchase and Sale Agreement.

FINANCIAL CONSIDERATIONS

The Property has an appraised market value of \$100,000. The Owners have submitted an offer of \$100,000. The Owners will also be responsible for all legal and surveying costs, and costs to publish the required notices and taxes. Costs are estimated at \$4,400. The funds from the disposition of the Property will go back into the Property Sales Fund and can be used to support other Council property acquisitions.

Should Council deny the disposition, the City will not receive \$100,000 from the sale of the Property and the City will continue to collect \$25.00 from the annual encroachment fees paid by the Owners.

OPTIONS

1. That Council:
 1. approve the property disposition of 4176A Wellesley Avenue for \$100,000 to Michael McKillican and Michelle Peakman; and
 2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.
 - Advantages: Providing approval would be consistent with the previous Council’s decision and it will rectify the encroachment issues.
 - Disadvantages: The City would no longer maintain ownership of the Property should Council decide to direct Staff to use the Property for a different use in the future.
 - Financial Implications: The City will receive \$100,000 from the property disposition.
2. That Council deny the disposition of 4176A Wellesley Avenue to Michael McKillican and Michelle Peakman.
 - Advantages: The City would maintain ownership of the Property and Council could decide to direct Staff to use the Property for a different use in the future. The Owners have an annual encroachment agreement where they have insurance for the encroachments and use of the Property and denying approval would not change this agreement. Staff time will not be required.
 - Disadvantages: The City has a willing purchaser to rectify the encroachments and the opportunity may not present itself again. The encroachments will remain. Denying approval to the property disposition would be inconsistent with the previous Council’s decision.
 - Financial Implications: The City will continue to collect the \$25.00 annual encroachment fee.

SUMMARY POINTS

- For years, many private property improvements have encroached upon the Lake Road right-of-way (the Loudon Walkway). The encroachment issues arose prior to the City’s amalgamation in 1975, when the Wellington Improvement District did not undertake building inspections. As a result, parts of houses, decks, sheds, and private landscaping fronting Long Lake ended up encroaching on Lake Road.
- Staff have worked for over two decades to rectify the encroachment issues and have met numerous times with the private property owners along the Loudon Walkway between Victoria Avenue and Wellesley Avenue, and the majority of those property owners are willing to purchase the encroachment areas.
- Staff have received an offer to purchase from Michael McKillican and Michelle Peakman (the “Owners”) of 4176 Wellesley Avenue to purchase two of the City-owned parcels 4176A Wellesley Avenue for the appraised market value of \$100,000.
- Part of the Owners’ house, deck, garage, retaining wall, landscaping and driveway encroaches 283 sq. m. (3,060 sq. ft.) onto the City-owned lots. The Owners wish to rectify the encroachments by purchasing the Property subject to receiving an approved Development Variance Permit for their property fronting Lot 5 and the City’s Lot 5.
- The Development Variance Permit is being presented to Council tonight under a separate report for Council’s consideration.
- A Notice of Disposition has now been published and Council approval is being sought to authorize the purchase and sale agreement for 4176A Wellesley Avenue.
- There will be no changes to the public’s enjoyment of the Loudon Walkway as a result of the Property disposition.

ATTACHMENTS:

ATTACHMENT A: Loudon Walkway

ATTACHMENT B: Location Plan

ATTACHMENT C: Existing garage and new driveway location

Submitted by:

Bill Corsan
Director, Community Development

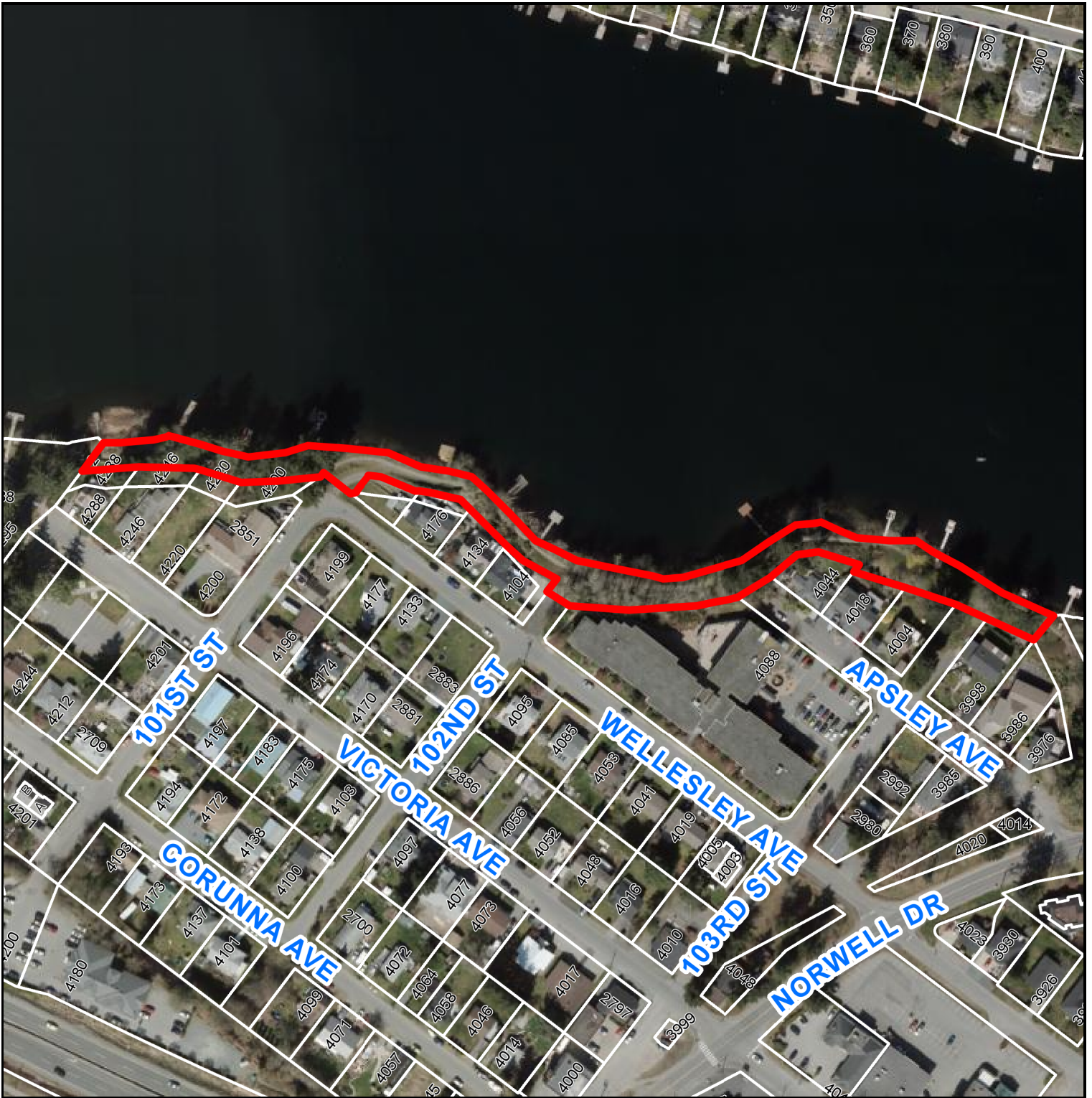
Concurrence by:

Laura Mercer
Director, Finance

Richard Harding
General Manager, Parks, Recreation and
Culture

Dale Lindsay
General Manager, Development Services

ATTACHMENT A



**LOUDON WALKWAY
2 LAKE ROAD**

 **Subject Property**

ATTACHMENT B



LOCATION PLAN



SUBJECT PROPERTY

PROPERTY DISPOSITION

CIVIC ADDRESS: 4176A WELLESLEY AVENUE

ATTACHMENT C

Untitled Map

Write a description for your map.

Legend

📍 4176

WELLESLEY AVENUE

BLUE LINE REPRESENTS USED DRIVEWAY SINCE 1952

GREEN LINE REPRESENTS THE PROPERTY LINE

new driveway

📍 4176 Wellesley Ave

← Existing garage

Owners will remove more than 6 feet from the home next door. Red line represents the cut line in order to satisfy the side yard set backs

DATE OF MEETING July 26, 2021

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT PROPERTY DISPOSITION – 4220A AND 4200A VICTORIA AVENUE

OVERVIEW

Purpose of Report

To seek Council approval for the property disposition of City-owned land at 4220A and 4200A Victoria Avenue to the owner of 4220 and 4200 Victoria Avenue.

Recommendation

That Council

1. approve the property disposition of 4220A and 4200A Victoria Avenue for \$134,000 to Karin Parakin; and
2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.

BACKGROUND

For years, many private property improvements have encroached upon the Lake Road right-of-way (the Loudon Walkway). The encroachment issues arose prior to the City's amalgamation in 1975, when the Wellington Improvement District did not undertake building inspections. As a result, parts of houses, decks, sheds, and private landscaping fronting Long Lake ended up encroaching on Lake Road. A private concrete driveway and retaining wall were also constructed on a portion of 102nd Street.

Staff have worked for over two decades to rectify the encroachment issues and have met numerous times with the private property owners along the Loudon Walkway between Victoria Avenue and Wellesley Avenue, and the majority of those property owners are willing to purchase the encroachment areas.

These efforts continued in May 2017 when Council provided approval in principle to close a portion of Lake Road (Loudon Walkway) through the road closure bylaw process and to dispose of the road area to the adjacent property owners on Wellesley Avenue and Victoria Avenue. Staff proceeded to have a survey plan prepared, as required for the road closure bylaw, and on 2017-DEC-04, Council adopted "Highway Closure and Dedication Removal (Lake Road and a Portion of 102nd Street) Bylaw 2017 No. 7246". As a result of the road closure, eight fee-simple titles were raised and are under the ownership of the City.

A ten-meter section, from the boundary of Long Lake and the property lines, was retained as a buffer area to the lake and is dedicated park for the Loudon Walkway, Attachment A. This buffer contains the Loudon Walkway soft-surface trail and is consistent with the Loudon Park Plan.

At the 2018-JAN-15 “In Camera” Council meeting, Council confirmed direction to dispose of these newly-created lots subject to individual appraisals and negotiations with each property owner. To date, one owner at 4134 Wellesley Avenue has purchased the lot fronting their property and seven City-owned lots remain to be sold.

DISCUSSION

Staff have received an offer to purchase from Karin Parakin (the “Owner”) of 4220 and 4200 Victoria Avenue to purchase two of the City-owned parcels addressed as 4220A and 4200A Victoria Avenue (Lots 3 and 4, the “Property”, Attachment B). The Owner has landscaped the area and is encroaching a total of 409sq.m. (4,402 sq. ft.) onto the Property.

An update to the appraisal has been prepared by an independent appraiser and the market value for the Property was determined to be \$134,000. The Owner wishes to rectify the encroachments and has submitted an offer to purchase for this amount with no conditions to the purchase. If approval is received, the Owner has requested that the Property be transferred by 2021-SEP-30.

There will be no changes to the public’s enjoyment of the Loudon Walkway as a result of the Property disposition.

At the 2021-JUN-21 “In Camera” Council provided approval in principle to dispose of City-owned land at 4220A and 4200A Victoria Avenue for \$134,000 to the Owner of 4220 and 4200 Victoria Avenue.

A Notice of Disposition has now been published and Council approval is being sought to authorize the Purchase and Sale Agreement.

FINANCIAL CONSIDERATIONS

The Property has an appraised market value of \$134,000. The Owner has submitted an offer of \$134,000. The Owner will also be responsible for all legal and surveying costs, and costs to publish the required notices and taxes. Costs are estimated at \$4,400. The funds from the disposition of the Property will go back into the Property Sales Fund and can be used to support other Council property acquisitions.

Should Council deny the disposition, the City will not receive \$134,000 from the sale of the Property and the City will continue to collect \$25.00 from the annual encroachment fees paid by the Owner.

OPTIONS

1. That Council
 1. approve the property disposition of 4220A and 4200A Victoria Avenue for \$134,000 to Karin Parakin; and
 2. authorize the Mayor and Corporate Officer to execute the Purchase and Sale Agreement.
 - Advantages: Providing approval would be consistent with the previous Council's decision and it will rectify the encroachment issues.
 - Disadvantages: The City would no longer maintain ownership of the Property should Council could decide to direct Staff to use the Property for a different use in the future.
 - Financial Implications: The City will receive \$134,000 from the property disposition.
2. That Council deny the disposition of 4220A and 4200A Victoria Avenue to Karin Parakin.
 - Advantages: The City would maintain ownership of the Property and Council could decide to direct Staff to use the Property for a different use in the future. The Owner has an annual encroachment agreement where they have insurance for the encroachments and use of the Property and denying approval would not change this agreement. Staff time will not be required.
 - Disadvantages: The City has a willing purchaser to rectify the encroachments and the opportunity may not present itself again. The encroachments will remain. Denying approval to the property disposition would be inconsistent with the previous Council's decision.
 - Financial Implications: The City will continue to collect the \$25.00 annual encroachment fee.

SUMMARY POINTS

- For years, many private property improvements have encroached upon the Lake Road right-of-way (the Loudon Walkway). The encroachment issues arose prior to the City's amalgamation in 1975, when the Wellington Improvement District did not undertake building inspections. As a result, parts of houses, decks, sheds, and private landscaping fronting Long Lake ended up encroaching on Lake Road.
- Staff have worked for over two decades to rectify the encroachment issues and have met numerous times with the private property owners along the Loudon Walkway between Victoria Avenue and Wellesley Avenue, and the majority of those property owners are willing to purchase the encroachment areas.
- Staff have received an offer to purchase from Karin Parakin the owner of 4220 and 4200 Victoria Avenue to purchase two of the City-owned parcels addressed as 4220A and 4200A Victoria Avenue for the appraised market value of \$134,000.
- A Notice of Disposition has now been published and Council approval is being sought to authorize the Purchase and Sale Agreement for 4220A and 4200A Victoria Avenue.
- There will be no changes to the public's enjoyment of the Loudon Walkway as a result of the Property disposition.

ATTACHMENTS:

ATTACHMENT A: Loudon Walkway

ATTACHMENT B: Location Plan

Submitted by:

Bill Corsan
Director, Community |

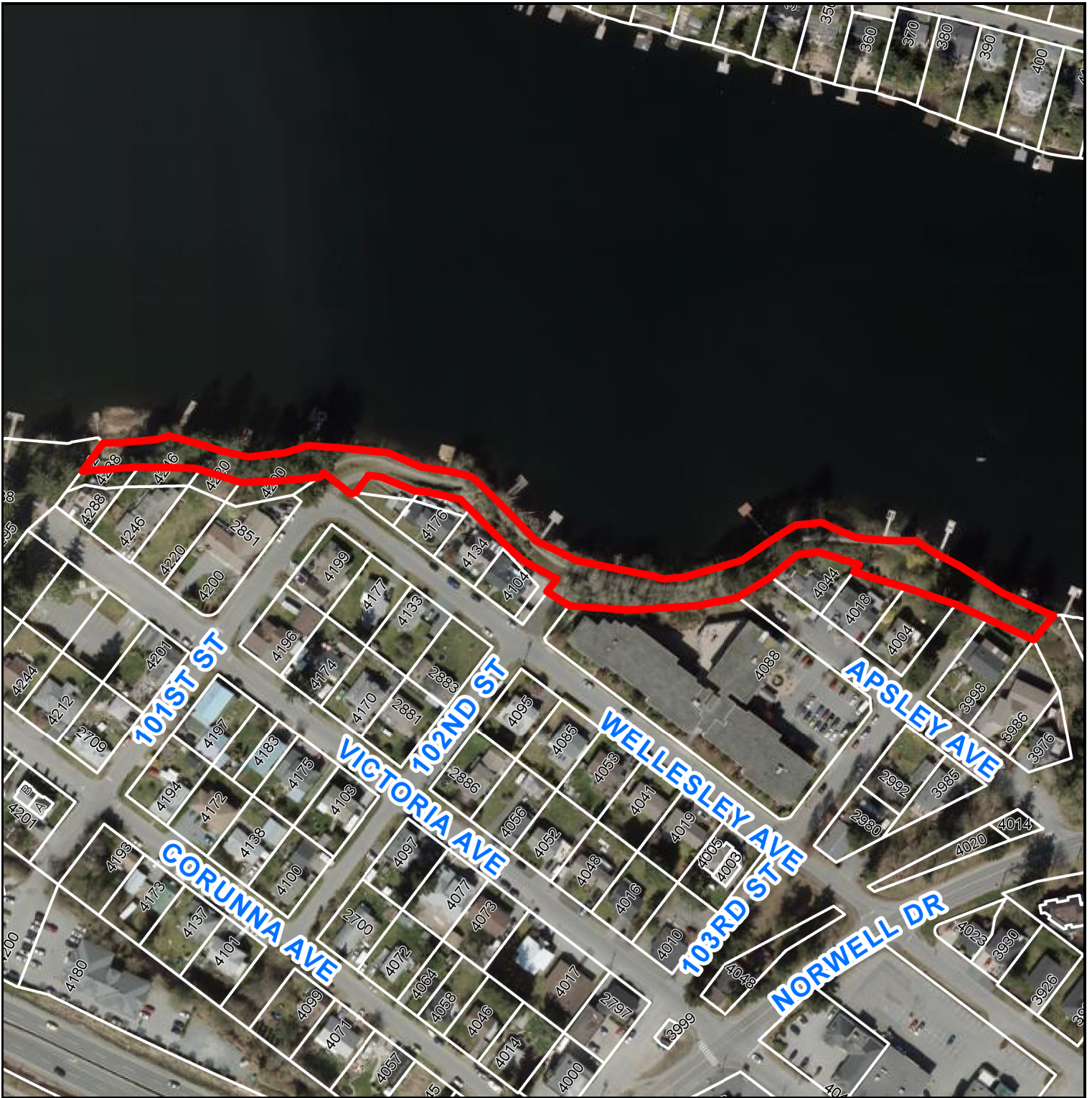
Concurrence by:

Laura Mercer
Director, Finance

Richard Harding
General Manager, Parks, Recreation and
Culture

Dale Lindsay
General Manager, Development Services |

ATTACHMENT A



**LOUDON WALKWAY
2 LAKE ROAD**

 **Subject Property**

ATTACHMENT B



LOCATION PLAN

 SUBJECT PROPERTY

PROPERTY DISPOSITION

**CIVIC ADDRESS:
4220A AND 4200A VICTORIA AVENUE**

DATE OF MEETING [July 26, 2021]

AUTHORED BY [LAINY STEVENSON, PLANNER, CURRENT PLANNING]

**SUBJECT [DEVELOPMENT PERMIT APPLICATION NO. DP1221
– 3945 BIGGS ROAD]**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development permit application for the redevelopment of the Nanaimo Correctional Centre at 3945 Biggs Road. |

Recommendation

That Council issue Development Permit No. DP1221 at 3945 Biggs Road with the following variances to:

- increase the maximum allowable building height from 14.0m to 18.73m; and
- reduce the minimum required watercourse setback from Brannen Lake from 15.0m to 0m and the Millstone River from 30.0m to 0m for proposed upgrades to the existing road, security fence, and utility infrastructure.

BACKGROUND

A Development Permit application, DP1221, was received from Stuart Olsen Construction Ltd., on behalf of the Province of British Columbia for the phased replacement of the existing Nanaimo Correctional Centre at 3945 Biggs Road.

Subject Property and Site Context

<i>Zoning</i>	CS2 – Community Service Two AR1 – Rural Resource
<i>Location</i>	The subject property is bounded by Dunster Road to the north, Nanaimo Parkway to the east, Biggs Road and agricultural-zoned land to the south, and Brannen Lake and the city boundary to the west.
<i>Total Area</i>	Approximately 47 hectares
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Parks and Open Space Map 3 – Development Permit Area (DPA) No. 1 – Watercourses; DPA No. 2 – Environmentally Sensitive Areas; and, DPA No. 9 – Commercial, Industrial, Institutional, Multiple Family, and Mixed Commercial / Residential Development
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines

The subject property contains the existing Nanaimo Correctional Centre (NCC) and is situated between Brannen Lake and the Nanaimo Parkway. The lake drains into the Millstone River, which runs along the southwest portion of the property. The existing correctional centre is

located in the southwest quadrant of the site. The remainder of the site is comprised of two large forested areas and an open field.

Existing rural residential lots are located to the north of the site, across the Nanaimo Parkway to the east are forested park and industrial areas, and to the south is a mobile home park and agricultural lands. The development site slopes from Biggs Road to Brannen Lake, with approximately 30m in elevation change.

DISCUSSION

Proposed Development

The proposed development includes the phased replacement of the existing corrections centre with 12 new buildings and accessory structures contained by a perimeter security fence. The proposal includes a new administration building, a program services building, a horticultural centre, and inmate residences throughout the site.

None of the development will take place within the portions of the property designated within the Agricultural Land Reserve. The proposed development is organized into four distinct quadrants around a central recreational area. The building composition for the quadrants is as follows:

Quadrant	Building(s)	Use	Size
1	AE	Administration	10,651.38m ²
2	F1 - F3	Medium Security	2,276.03m ²
3	GS	Guthrie Support	1,313.62m ²
3	H1 - H4	Guthrie Residences	660.61m ²
4	HT	Horticulture Centre	141.1m ²
4	LE	Landscape Equipment Shed	111.1m ²
Central	D1	Program Services	1,758.24m ²

The combined gross floor area (GFA) of all buildings is 16,912.09m². The Floor Area Ratio (FAR) will equal 0.15, well below the maximum permitted 1.25 FAR within the CS2 zone.

As part of the development permit, the applicant is also proposing improvements to the existing road, replacement of the existing security fence, and upgrades to the storm water and sanitary lines within the watercourse leave strip for Brannen Lake (15m) and the Millstone River (30m). The improvements include raising a 375m section of the perimeter maintenance road above the flood construction level, the installation of a concrete sanitary connection chamber, and a new storm water drainage outfall and headwall. The security fence is proposed to be replaced in the existing location.

Site Design

The site design emulates a campus with pods of buildings surrounding a central recreational area. Access to the site will be maintained from Biggs Road, where the visitor parking area is proposed to be located, and will include accessible parking and electrical vehicle charging stations. Bicycle racks are placed near the visitor and staff parking areas.

A pedestrian pathway connects the visitor parking area to the main administration building. Proposed landscaping, signage, monitored security, and passive wayfinding elements enforce the separation between restricted and publicly accessible areas. The site design also incorporates cultural elements by way of artwork and architectural features.

A total of 159 parking spaces are proposed within the development site, including 26 visitor spaces located parallel to Biggs Road, and staff parking east of the administration building. Staff bicycle lockers, a carpool area, and loading bays are located east of the administration building adjacent to the staff parking area.

Building Design

The proposed buildings vary in massing and design and will be constructed to achieve LEED Gold with emphasis on energy efficiency, indoor environmental quality, water efficiency, sustainable site design, and waste management.

The administration building (AE) is viewed as a two-storey building from Biggs Road; however, due to the substantial grade change across the length of the building and a central control and security system, the building height extends up to 18.73m at its highest point and appears as three storeys along the north elevation. The over-height central control area is set back from the south façade and is partially obscured from Biggs Road. The public entry on the administration building displays a large feature wall of natural wood cladding, fibre cement boards, and patterned siding. Exterior materials consist of a combination of fibre cement siding, composite aluminum panel, and custom metal cladding. The building has a mix of glazing and articulation, and due to its size and configuration, presents as three separate buildings.

The medium security and Guthrie residences (F1-F3, H1-H4) are grouped in two distinct neighbourhoods of small, two-storey buildings. The Guthrie support building (GS) is similar in scale to the residences. The façade is clad with fibre cement panels and horizontal lap siding. The building mass is articulated with patterned elements and potential artwork inspired by traditional Coast Salish architecture, with vertical trim elements extending the height of each building.

The program services building (D1), in the middle of the development site, is similar in scale and design to a community centre with the gym placed in the centre of the building. Due to the grade change of the site, only one storey is visible from the south elevation, while the full massing is visible from the elevation facing the lake. The exterior materials include custom pattern metal cladding, fibre cement board cladding, and generous curtain wall glazing.

Collectively, the building design achieves a cohesive aesthetic and meets City design guidelines.

Landscape Design

The site has extensive open recreation space, including public plazas, space for agriculture, and common green spaces. Indigenous elements and wellness programming are supported throughout the site with the inclusion of a healing garden, a sweat lodge and council circle, and a Shkode-Kaan (spiritual gathering place). The buildings and recreation areas are interconnected by an extensive network of universally-accessible asphalt and gravel pedestrian pathways.

A proposed 'commons plaza' is centrally located between the administration building (AE) and the program services building (D1). This area can accommodate dining, seating and gathering spaces, as well as an outdoor workshop plaza space. Areas around the residences are planted with trees to simulate a street edge with a rhythm of plantings, buildings, and walkways leading to the entrances of each building.

A flex-use plaza and 'common green' with a gravel running loop are located south of the program services building and offer space for large group gatherings and sports as an extension of the athletic functions held within the program services building. The southwest corner of the development site will provide opportunities for food production and orchard planting.

The staff parking area includes large deciduous trees that will provide shade and break up the paved areas. Trees and a 3m-wide landscape buffer are provided between the visitor parking lot and Biggs Road to reduce visibility of the parking area from the road. Lighting is provided throughout the site to provide safe, secure, and well-lit conditions. To address the grades within the site, there are multiple retaining walls that vary in height up to 9.3m in height. The retaining walls will be finished with artwork where possible, and will be integrated into the site and landscaping where possible.

The plant palette throughout the site includes mainly native, drought-tolerant and low-maintenance plant species. Wetland and meadow planting areas within the secured perimeter mimic the lakefront and riparian plant typologies. The retention of existing mature trees and the addition of deciduous and coniferous tree clusters connects the on-site landscape to the surrounding woodland and forest-edge typologies.

Design Advisory Panel

The Design Advisory Panel, at its meeting held on 2021-FEB-25, accepted DP001221 as presented with support for the proposed variance and provided the following recommendations:

- Consider additional landscape screening in the parking area; and
- Consider providing weather protection over all exterior doors.

The applicant addressed the Panel's comments by adding canopies over prominent exterior doors and amending the Landscape Plan to include a landscape buffer between the parking lot and Biggs Road to screen the visitor parking area from view.

Proposed Variances

Maximum Building Height

The maximum allowable building height in the CS2 zone is 14.0m. The proposed building height of the administration building (AE) is 18.73m; a proposed variance of 4.73m. The over-height area is approximately 120m², which is a relatively small portion of the building and facilitates the central control and security system for the entire prison campus. Staff support this variance, as the proposed height and location of the control room is necessary to provide site lines to the entire campus and it is partially obscured from view of Biggs Road.

Minimum Watercourse Setback

The required watercourse setback from Brannen Lake and the Millstone River is 15m and 30m, respectively. The applicant is proposing a variance to 0m for portions of both watercourse setbacks in order to place fill within the leave strip to facilitate improvements to sections of an existing maintenance road, replace the security fence in the existing location, as well as upgrade sanitary and storm water infrastructure. The improvements will elevate the road above flood levels, and the applicant has advised that maintaining the existing road alignment is necessary to preserve the intended programming on the rest of the site.

The applicant submitted an Environmental Impact Assessment, which recommends mitigation measures, including riparian area planting, and concludes that the proposed improvements within the leave strip area will not negatively impact the Millstone River or Brannen Lake. The proposed variance is supported by Staff, as plantings will enhance and restore the leave strip area and there will be no negative impacts to the watercourses. Provincial approval under the *Water Sustainability Act* will be required for any improvements below the identified high-water mark.

SUMMARY POINTS

- Development Permit No. DP1221 is for the phased replacement of the existing Nanaimo Correctional Centre at 3945 Biggs Road.
- Variances are requested for building height, and watercourse setbacks.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Plan and Details
ATTACHMENT E: Building Elevations
ATTACHMENT F: Building Renderings
ATTACHMENT G: Retaining Wall Plan and Details
ATTACHMENT H: Landscape Plan and Details
ATTACHMENT I: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

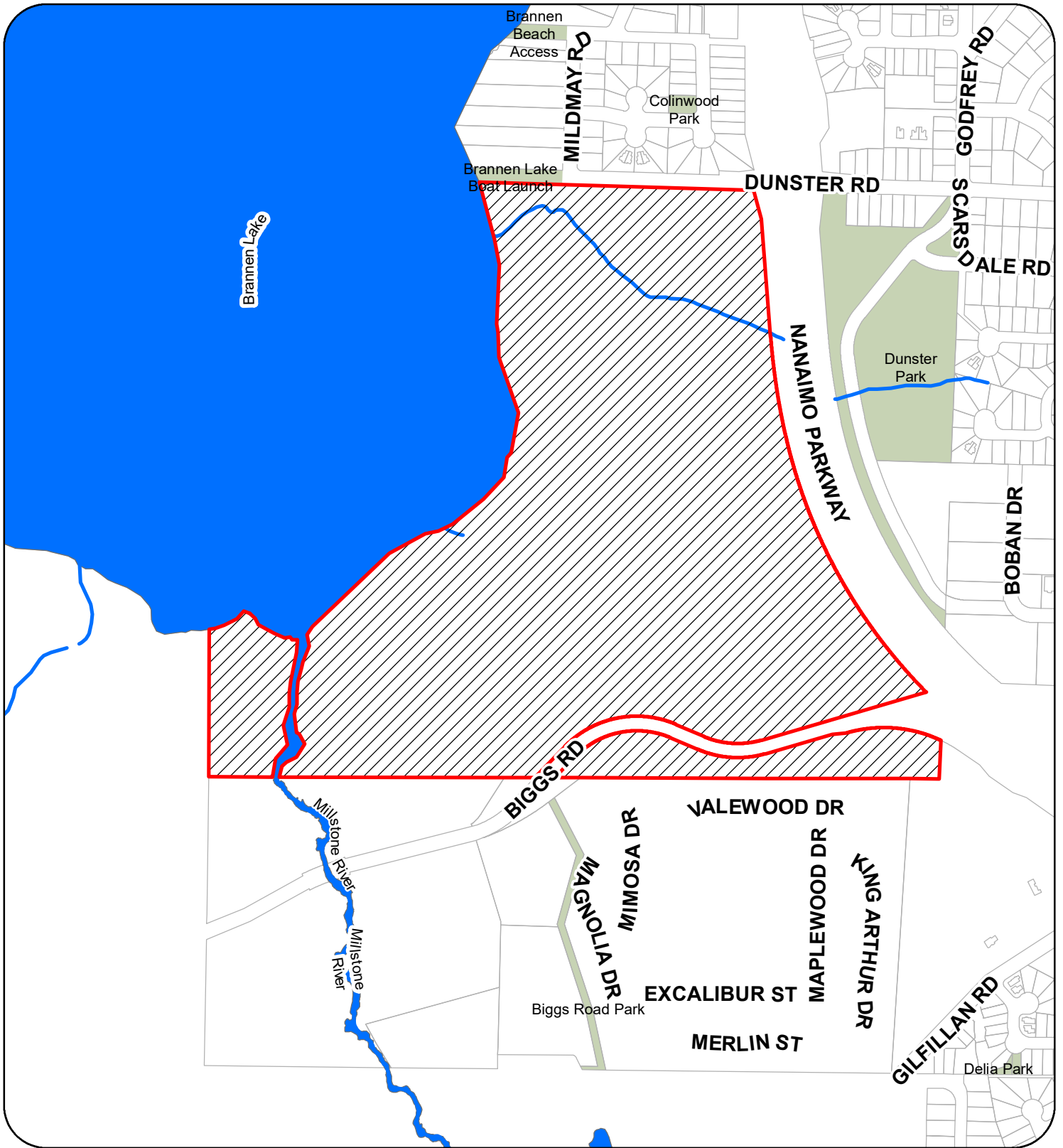
“City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 14.6.1 Size of Buildings* – to increase the maximum allowable building height from 14.0m to 18.73m for Building AE.
2. *Section 6.3.2 Location and Siting of Buildings and Structures to Watercourses* – to reduce the minimum watercourse setback for the Millstone River from 30m to 0m and for Brannen Lake from 15m to 0m for proposed upgrades to the existing road, security fence, and utility infrastructure.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Site Plan and Details prepared by IBI Group Architects (Canada) Inc., dated 2021-JUL-09, and Alpin Martin, dated 2021-FEB-08, as shown on Attachment D.
2. The development is in substantial compliance with the Building Elevations and Details prepared by IBI Group Architects (Canada) Inc., dated 2021-FEB-03 and 2021-JUL-14, as shown on Attachment E.
3. The development is in substantial compliance with the Retaining Wall Plan and Details prepared by IBI Group Architects (Canada) Inc., dated 2021-JUL-09, as shown on Attachment F.
4. The subject property is developed in substantial compliance with the Landscape Plan and Details prepared by P+A Landscape Architecture Site Planning, dated 2021-FEB-03 and 2021-JUL-07, as shown on Attachment H.
5. The subject property is developed in accordance with the recommendations contained within the Environmental Impact Assessment prepared by Aquaparian Environmental Consulting Ltd., dated 2021-MAR-10.
6. A Vegetation Restoration Plan with a three-year maintenance period and bonding for the riparian area must be submitted prior to Design Stage Approval.

ATTACHMENT B CONTEXT MAP

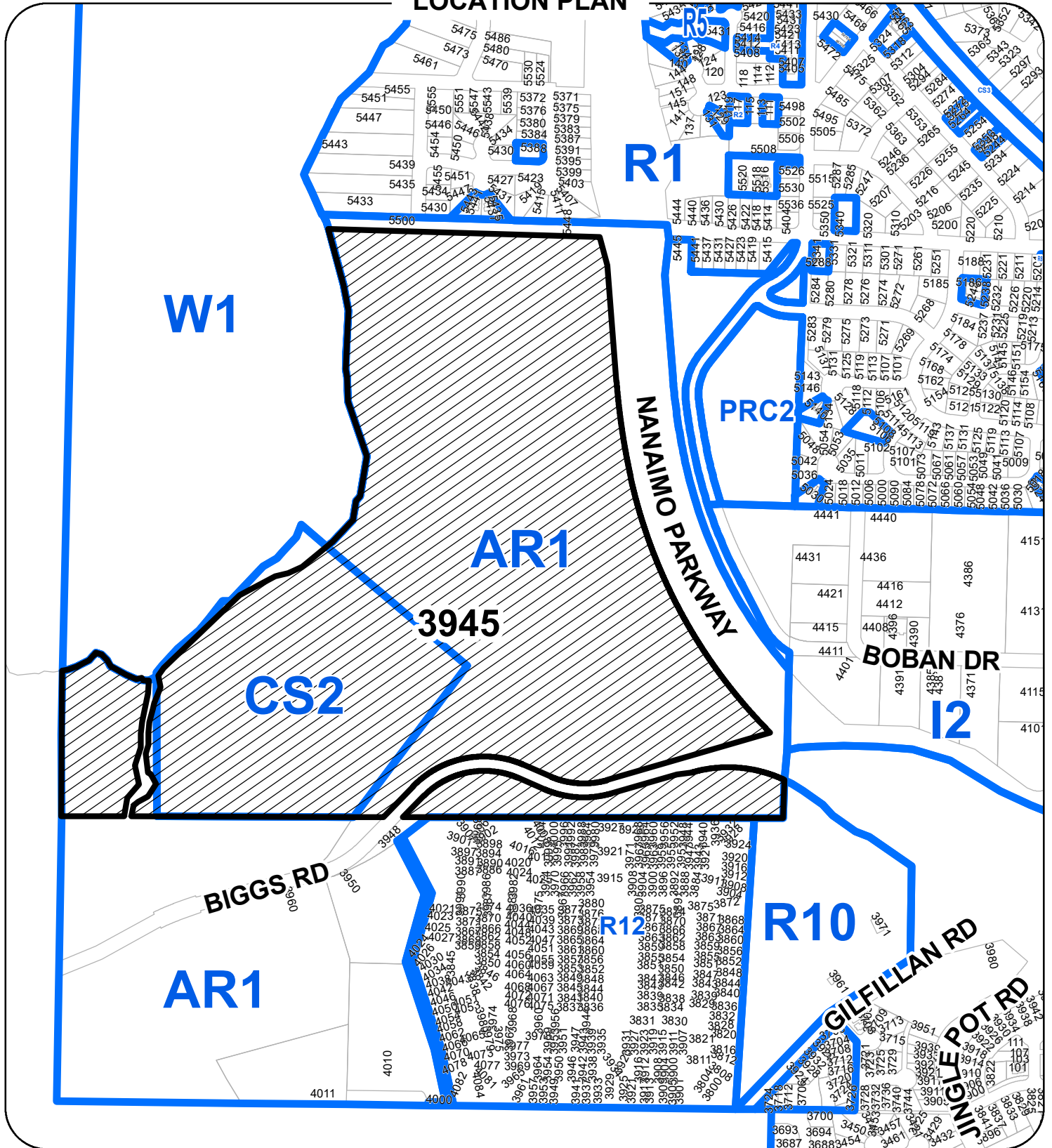


DEVELOPMENT PERMIT APPLICATION NO. DP001221



 3945 BIGGS ROAD

ATTACHMENT C LOCATION PLAN



REZONING APPLICATION NO. DP001221

LOCATION PLAN

Civic: 3945 BIGGS ROAD

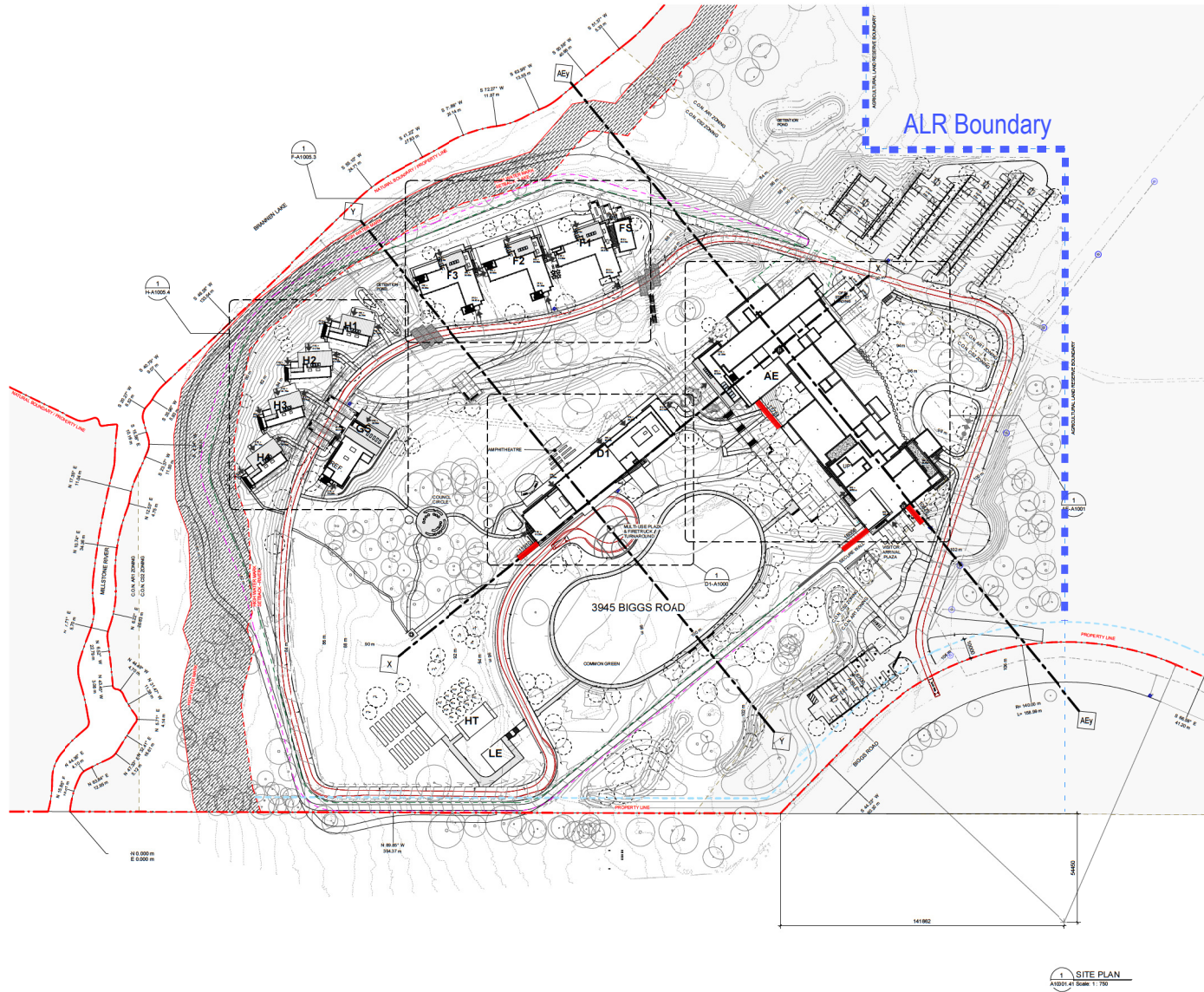
Legal: LT 1, DL 22G, LD 58 PLN VIP73819



SUBJECT PROPERTY

ATTACHMENT D SITE PLAN AND DETAILS

1 of 2



1 SITE PLAN
A1001.41 Scale: 1:750

KEY PLAN

CLIENT

stuartolson
people enabling progress

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ISSUE NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-02-03
2	REVISED FOR DEMOLITION PERMIT	2021-02-19
3	AS-BUILT FOUNDATION BP	2021-05-14
4	AS-BUILT SURVEY/TITLE/UTILE BP	2021-06-18
5	DP RESPONSE	2021-06-25
6	DP RESPONSE	2021-07-09

CONSULTANTS

LEGEND

- PROPERTY BOUNDARY
- SETBACK
- HIGH WATER MARK
- HIGH WATER MARK SETBACK
- SECURE PERIMETER FENCE
- THREAT PERIMETER FENCE
- LEAVE STRIP
- OVERHEAD POWER LINE - EXISTING
- OVERHEAD POWER LINE - PROPOSED
- SANITARY MAIN - EXISTING
- SANITARY MAIN - PROPOSED
- SITE LIGHTING POWER CONDUIT
- STORM MAIN - EXISTING
- STORM MAIN - PROPOSED
- UG POWER CONDUIT - EXISTING
- UG POWER CONDUIT - PROPOSED
- UNDERGROUND TELECOMM
- FIRE ALARM UNDERGROUND DUCT
- WATER MAIN - EXISTING
- WATER MAIN - PROPOSED
- GAS LINE
- EXISTING SITE TOPOGRAPHY
- PROPOSED REGRADING
- TREE - EXISTING
- TREE - PROPOSED
- FIRE HYDRANT
- FIRE TRUCK TURNING MOVEMENTS
- FIRE DEPT CONNECTION
- AREA DRAIN
- LAWN BASIN
- CATCH BASIN
- TRENCH DRAIN
- LAMP STAND
- POWER POLE - EXISTING
- POWER POLE - PROPOSED

PRIME CONSULTANT

PROJECT
NANAIMO CORRECTIONAL CENTRE
3945 BIGGS ROAD
NANAIMO, BC
V9P 5K3, CANADA

PROJECT NO.
122747

DRAWN BY:
NM

CHECKED BY:
GS

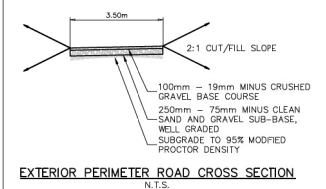
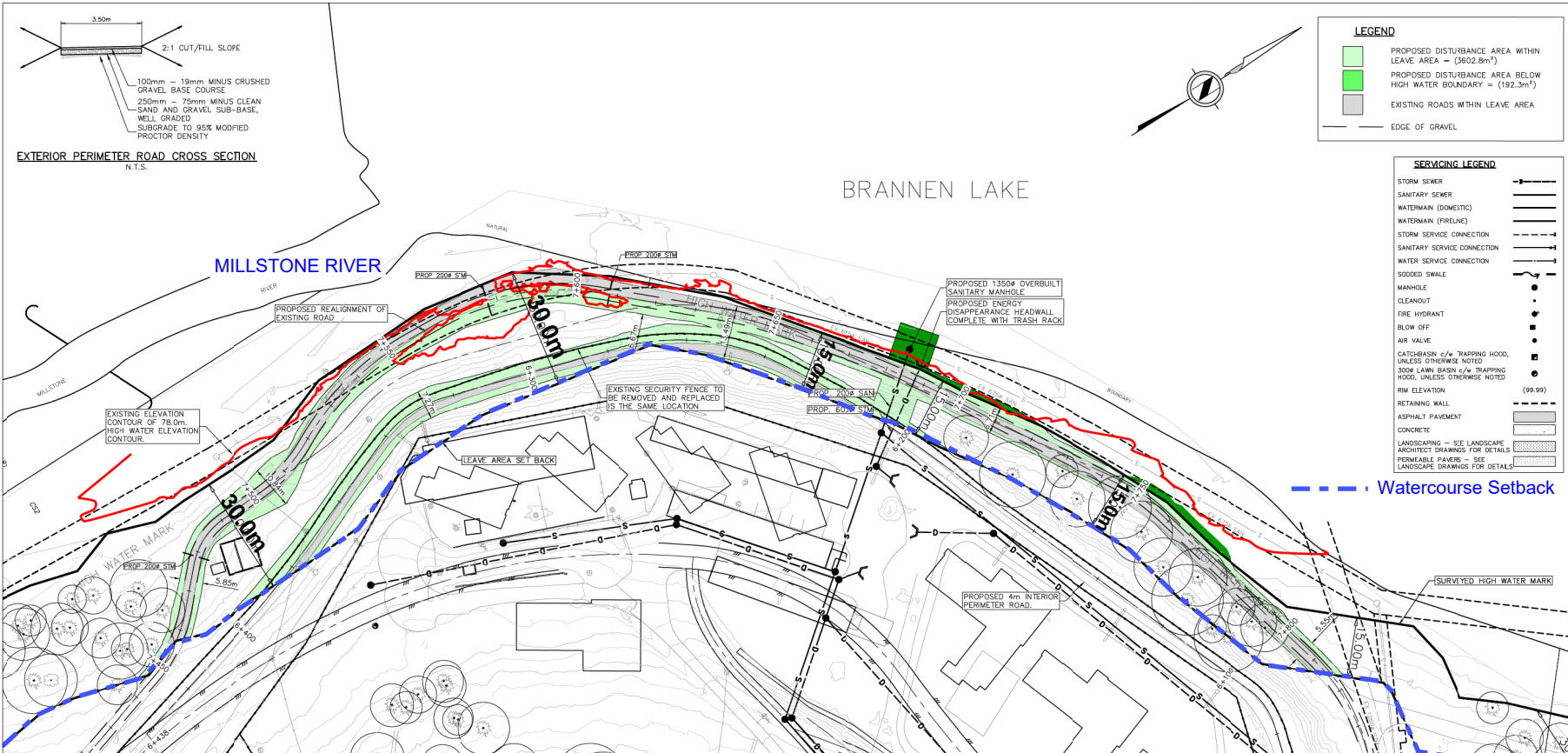
PROJECT MGR:
TED

APPROVED BY:
TED

SHEET TITLE
SITE PLAN - PHASE 4 - PROPOSED

SHEET NUMBER
A10001.41

ISSUE
6



LEGEND

- PROPOSED DISTURBANCE AREA WITHIN LEAVE AREA = (3602.8m²)
- PROPOSED DISTURBANCE AREA BELOW HIGH WATER BOUNDARY = (192.5m²)
- EXISTING ROADS WITHIN LEAVE AREA
- EDGE OF GRAVEL

SERVICING LEGEND

- STORM SEWER
- SANITARY SEWER
- WATERMAIN (DOMESTIC)
- WATERMAIN (FIRELINE)
- STORM SERVICE CONNECTION
- SANITARY SERVICE CONNECTION
- WATER SERVICE CONNECTION
- SODDED SWALE
- MANHOLE
- CLEANOUT
- FIRE HYDRANT
- BLOW OFF
- AIR VALVE
- CATCH BASIN c/w TRAPPING HOOD, UNLESS OTHERWISE NOTED
- 3000 LRAIN BASIN c/w TRAPPING HOOD, UNLESS OTHERWISE NOTED
- RIM ELEVATION (99.99)
- RETAINING WALL
- ASPHALT PAVEMENT
- CONCRETE
- LANDSCAPING - SEE LANDSCAPE ARCHITECT DRAWINGS FOR DETAILS
- PERMEABLE PAVERS - SEE LANDSCAPE ARCHITECT DRAWINGS FOR DETAILS

CLIENT

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REVISION HISTORY

No.	DESCRIPTION	DATE
00	ISSUED FOR DISCUSSION	2021 FEB 01
01	ISSUED FOR DISCUSSION	2021 FEB 18

CONSULTANTS

APLIN MARTIN
LANDSCAPE ARCHITECTURE PLANNING SURVEYING

IBI GROUP
ARCHITECTS (CANADA) INC.
707 1055 West 10th Street
Vancouver, BC V6E 4B1, Canada
418 684 6822 / 604 683 0462
ibi@group.com

PROJECT
NANAIMO CORRECTIONAL CENTRE
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N3, CANADA

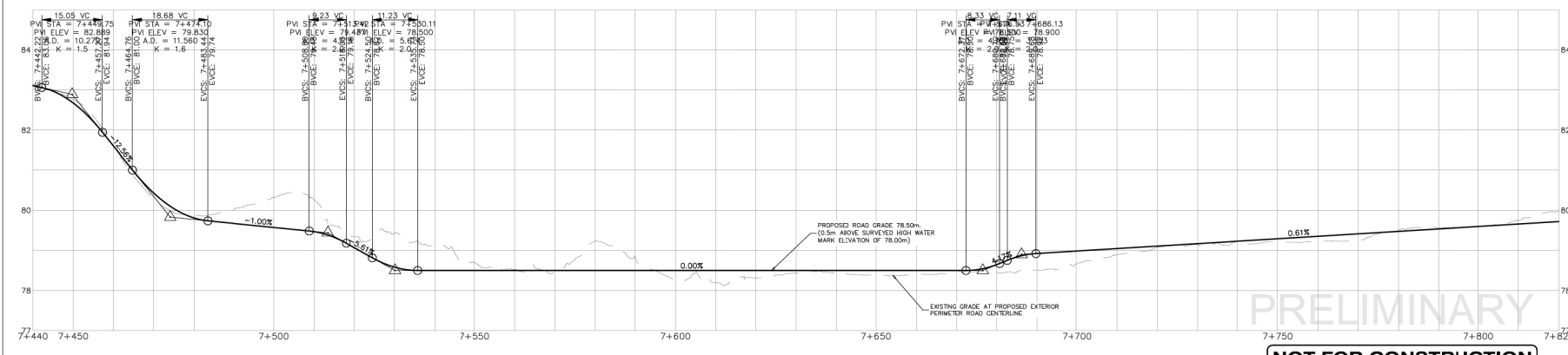
PROJECT NO: 20-8001

DRAWN BY: P.J.N. **CHECKED BY:** S.A.L.

SCALE: H: 1:500 V: 1:50 **APPROVED BY:** S.A.L.

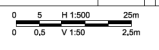
SHEET TITLE
LEAVE AREA DISTURBANCE SKETCH

SHEET NUMBER 20-8001-EV-01 **ISSUE** 01

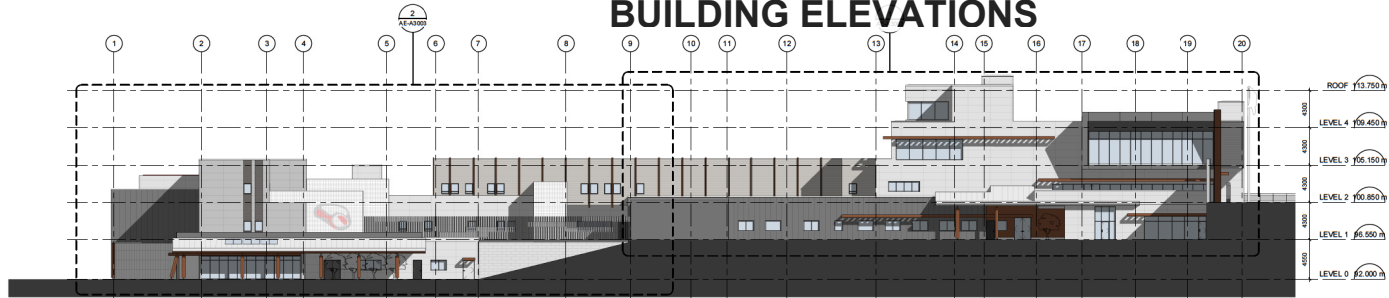


PRELIMINARY

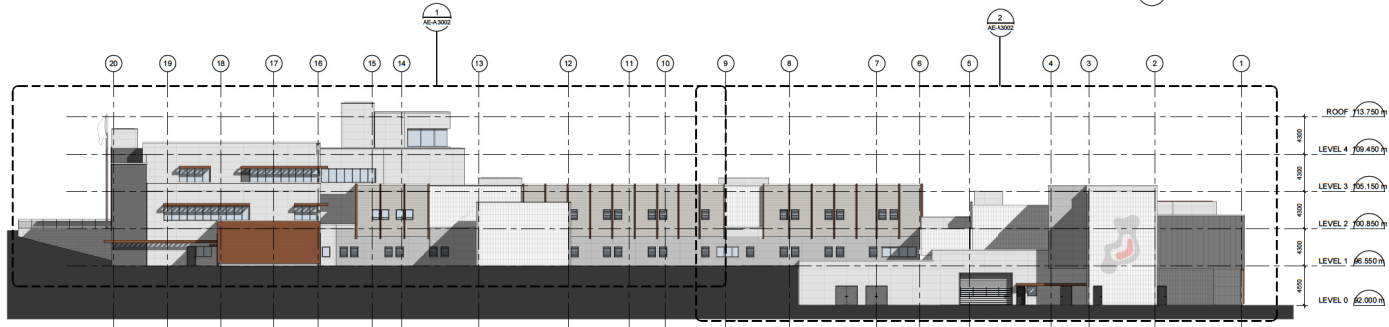
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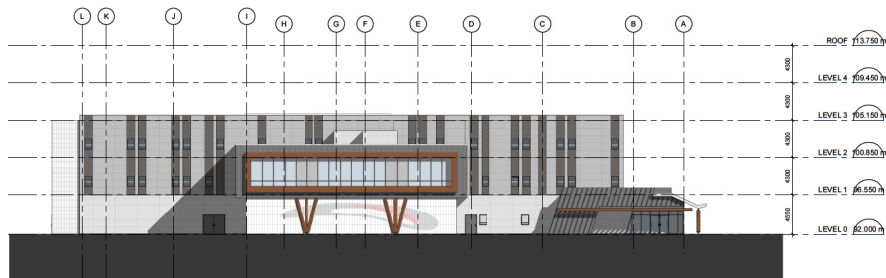
ATTACHMENT E BUILDING ELEVATIONS



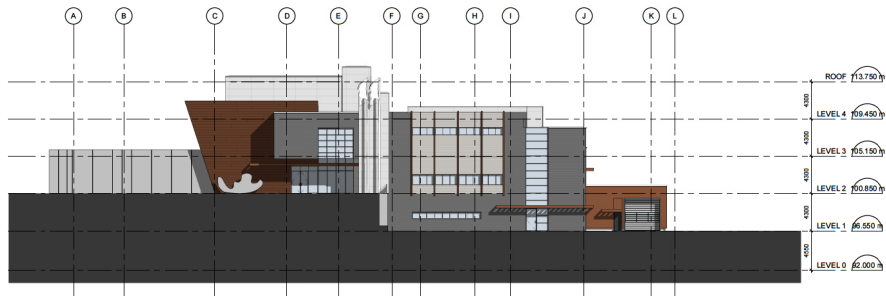
2 BLOCK AE SOUTH ELEVATION
AE-A300 Scale: 1:200



1 BLOCK AE NORTH ELEVATION
AE-A300 Scale: 1:200



1 BLOCK AE WEST ELEVATION
AE-A229 Scale: 1:200



2 BLOCK AE EAST ELEVATION
Scale: 1:200

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COP/WRIGHT
The proposed project shall be in accordance with the applicable provisions of the British Columbia Building Code, the applicable provisions of the applicable municipal bylaws, and the applicable provisions of the applicable provincial and federal laws, regulations, and standards. The project shall be designed and constructed in accordance with the applicable provisions of the applicable provincial and federal laws, regulations, and standards. The project shall be designed and constructed in accordance with the applicable provisions of the applicable provincial and federal laws, regulations, and standards.

ISSUES

NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-05-28
2	ADDT FOUNDATION BP	2021-06-18
3	ADDT SUPERSTRUCTURE BP AMENDMENT	2021-06-18
4	ISSUE FOR	2021-06-18
5	DP RESPONSE	2021-07-07
6	DP RESPONSE	2021-07-14

CONSULTANTS

PRIME CONSULTANT
IB GROUP
100-1000 West Street
Nanaimo, BC V9S 4E1 Canada
Tel: 250-252-1000 Fax: 250-252-1001
www.ibgroup.com

PROJECT
NANAIMO CORRECTIONAL CENTRE
3848 BOSS ROAD
NANAIMO, BC
V9P 2N3, CANADA

PROJECT NO.
122747

DRAWN BY:
M/N/NSP

CHECKED BY:
SM

PROJECT MGR:
L/S

APPROVED BY:

SHEET TITLE
BLOCKAE - BUILDING ELEVATION KEY

SHEET NUMBER
AE-A300

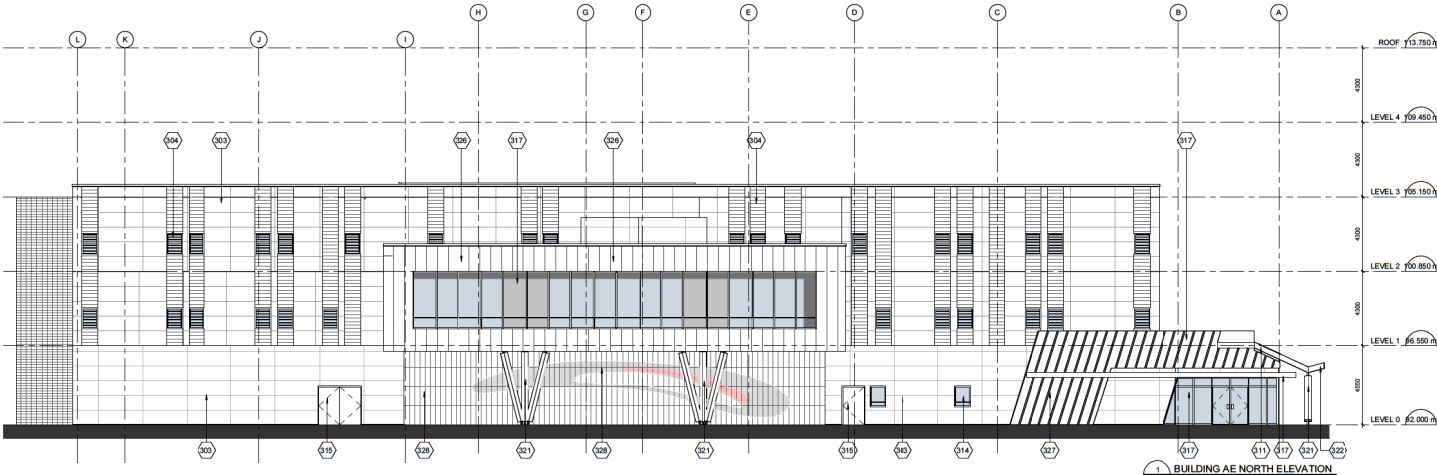
ISSUE
5

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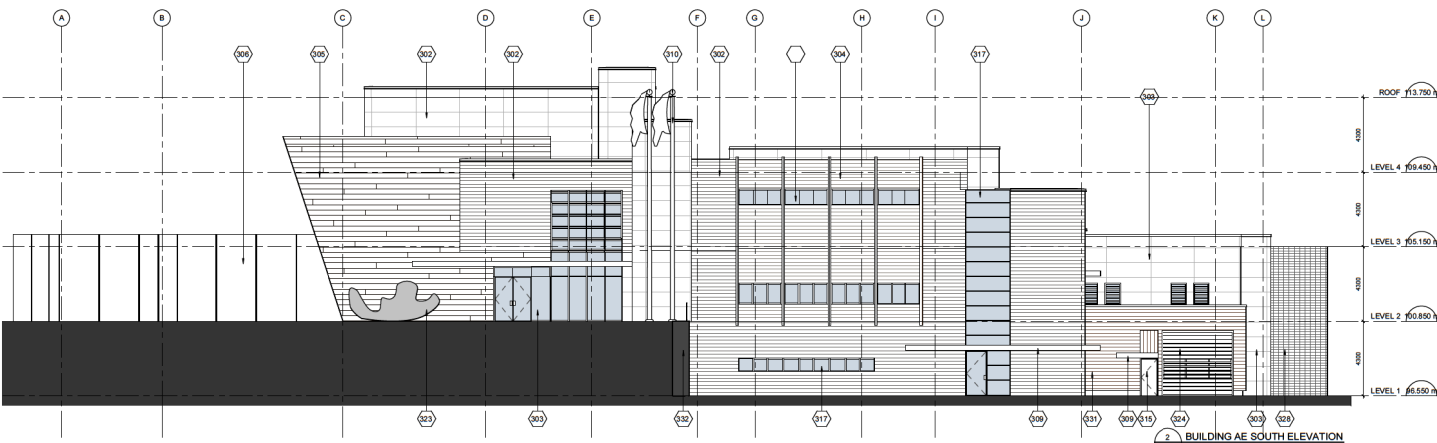
ISSUES

NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-05-03
2	ADDITIONAL FOUNDATION BP	2021-05-14
3	ADDITIONAL SUPERSTRUCTURE BP AMENDMENT	2021-06-08
4	DP FORNAL	2021-06-18
5	DP RESPONSE	2021-07-07
6	DP RESPONSE	2021-07-04



1 BUILDING AE NORTH ELEVATION
 Scale: 1:100

EXTERIOR FINISHES LEGEND	
Key Value	Keynote Text
302	FIBRE CEMENT SIDING - WOOD GRAIN FINISH
303	FIBRE CEMENT SIDING - PANEL
304	FIBRE CEMENT SIDING - HORIZONTAL LAP
305	HORIZONTAL WOOD LAP SIDING
306	ARCHITECTURAL CONCRETE
309	PREFINISHED METAL CLADDING
310	METAL FLAG POLE
311	STANDING SEAM METAL ROOF
314	GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
315	METAL DOOR AND FRAME
317	GLAZED ALUMINUM CURTAIN WALL
321	ROUND WOOD COLUMN
322	WOOD SOFFIT
323	FUTURE ARTWORK BY OTHERS
324	OVERHEAD COILING DOOR
326	COMPOSITE ALUMINUM PANEL
327	PREFORMED SHEET METAL CLADDING
328	SLC SECURITY MESH
331	T&G SIMULATED WOOD SIDING
332	SEGMENTAL RETAINING WALL SYSTEM 300



2 BUILDING AE SOUTH ELEVATION
 Scale: 1:100

CONSULTANTS

REAL

PRIME CONSULTANT

 100 Water Street
 Vancouver, BC V6B 5E1 Canada
 Tel: 604 681 2222 Fax: 604 681 2223
 www.ibigroup.com

PROJECT
NANAIMO CORRECTIONAL CENTRE
 3848 BOSS ROAD
 NANAIMO, BC
 V9F 3N3, CANADA


PROJECT NO:
 122747
 DRAWN BY:
 M/N/MS/P
 PROJECT MGR:
 MS

CHECKED BY:
 SM
 APPROVED BY:
 MS

SHEET TITLE
BLOCKAE - BUILDING ELEVATIONS WEST & EAST

SHEET NUMBER
AE-A3001 ISSUE
5

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ISSUES

NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-02-03
2	ADDITIONAL FOUNDATION BP	2021-05-14
3	ADDITIONAL SUPERSTRUCTURE BP AMENDMENT	2021-06-08
4	REVISION	2021-06-18
5	DP RESPONSE	2021-07-07
6	DP RE-SUBMIT	2021-07-04

EXTERIOR FINISHES LEGEND

Key Value	Keynote Text
302	FIBRE CEMENT SIDING - WOOD GRAIN FINISH
303	FIBRE CEMENT SIDING - PANEL
304	FIBRE CEMENT SIDING - HORIZONTAL LAP
309	PREFINISHED METAL CLADDING
310	METAL FLAG POLE
313	GLAZED ALUMINUM SECURITY WINDOW
315	METAL DOOR AND FRAME
317	GLAZED ALUMINUM CURTAIN WALL
324	OVERHEAD COILING DOOR
326	COMPOSITE ALUMINUM PANEL
328	SLC SECURITY MESH
331	T&G SIMULATED WOOD SIDING
332	SEGMENTAL RETAINING WALL SYSTEM 300

CONSULTANTS

REAL

PRIME CONSULTANT

 B1 GROUP
 100-10000 100th Street
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 B1group.com

PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3848 BOSS ROAD
 NANAIMO, BC
 V9F 2N3, CANADA

PROJECT NO.
 122747

DRAWN BY:
 MS/MS/SP

CHECKED BY:
 SM

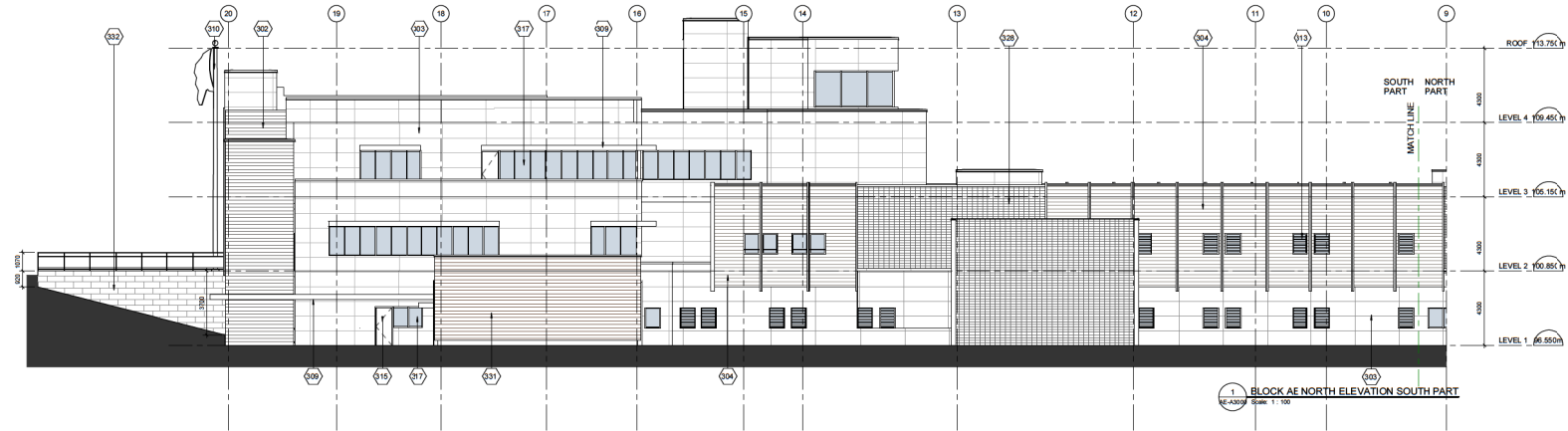
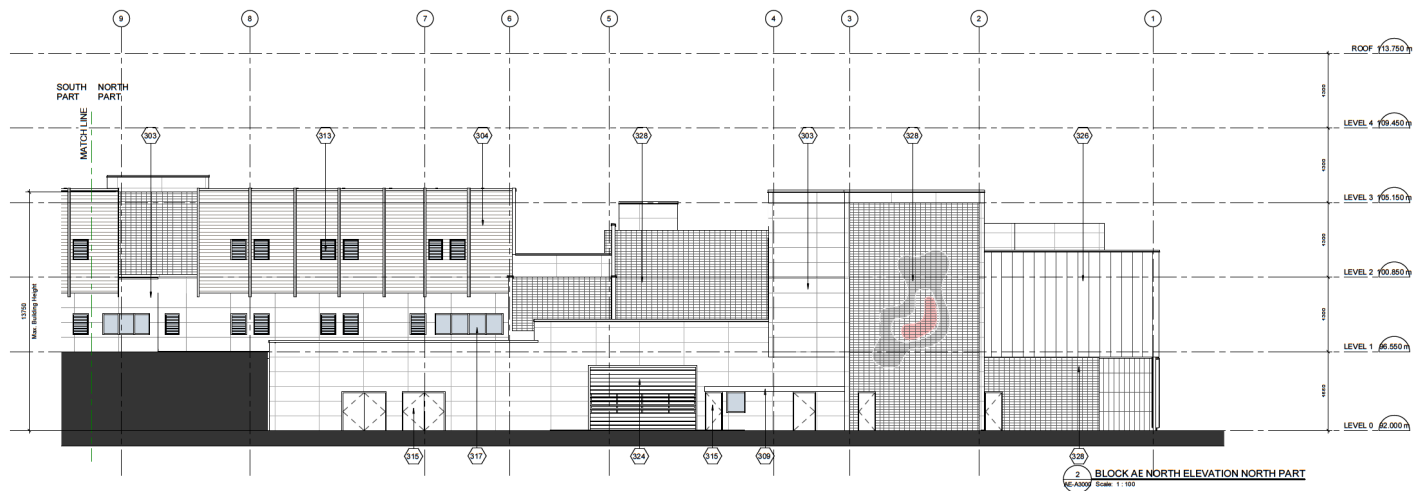
PROJECT MGR:
 MS

APPROVED BY:
 MS

SHEET TITLE
 BLOCKAE - BUILDING ELEVATIONS NORTH (NORTH & SOUTH)

SHEET NUMBER
 AE-A3002

ISSUE
 5



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ISSUES

NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-05-03
2	ADDT FOUNDATION BP	2021-05-14
3	ADDT SUPERSTRUCTURE BP AMENDMENT	2021-06-18
4	DP FINAL	2021-06-18
5	DP RESPONSE	2021-07-07
6	DP RESPONSE	2021-07-04

EXTERIOR FINISHES LEGEND

Key Value	Keynote Text
302	FIBRE CEMENT SIDING - WOOD GRAIN FINISH
303	FIBRE CEMENT SIDING - PANEL
304	FIBRE CEMENT SIDING - HORIZONTAL LAP
305	HORIZONTAL WOOD LAP SIDING
306	ARCHITECTURAL CONCRETE
309	PREFINISHED METAL CLADDING
310	METAL FLAG POLE
311	STANDING SEAM METAL ROOF
313	GLAZED ALUMINUM SECURITY WINDOW
314	GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
315	METAL DOOR AND FRAME
317	GLAZED ALUMINUM CURTAIN WALL
318	COMMERCIAL SKYLIGHT
321	ROUND WOOD COLUMN
322	WOOD SOFFIT
325	STEEL MESH - ART WORK ATTACHED BY OTHER
326	COMPOSITE ALUMINUM PANEL
327	PREFORMED SHEET METAL CLADDING
328	SLC SECURITY MESH
329	ARCHITECTURAL FENCING
331	T&G SIMULATED WOOD SIDING
332	SEGMENTAL RETAINING WALL SYSTEM 300

CONSULTANTS

PRIME CONSULTANT

SO GROUP
 100-1000 West 10th Street
 Vancouver, BC V6E 4E1 Canada
 Tel: 604 681 5200 Fax: 604 681 5205
 www.stuartolson.com

PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3848 BOSS ROAD
 NANAIMO, BC
 V9E 2N3, CANADA

PROJECT NO.
 122747

DRAWN BY:
 M/N/W/S/P

CHECKED BY:
 SM

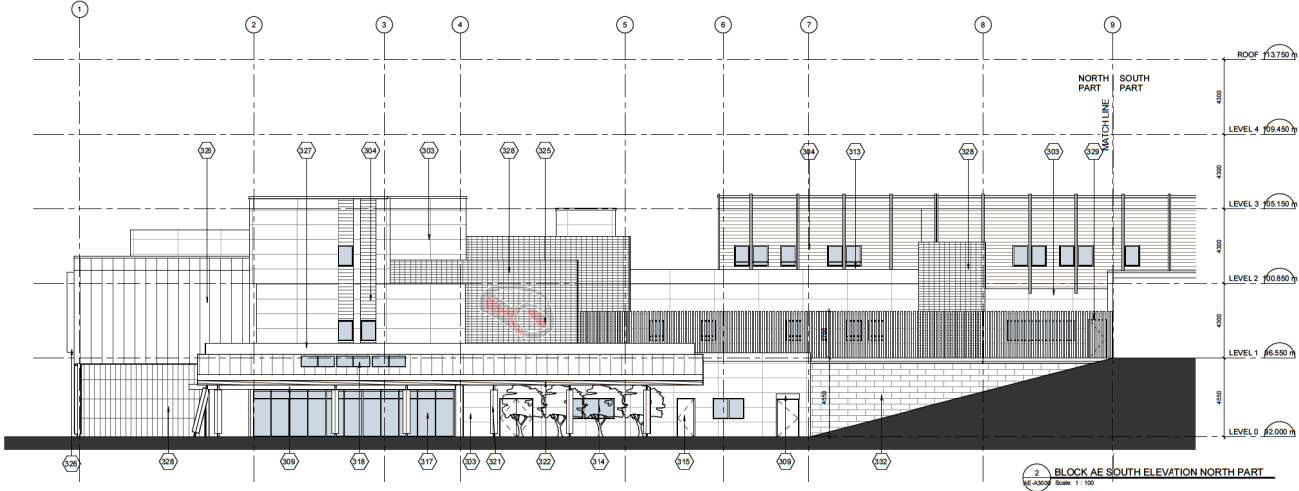
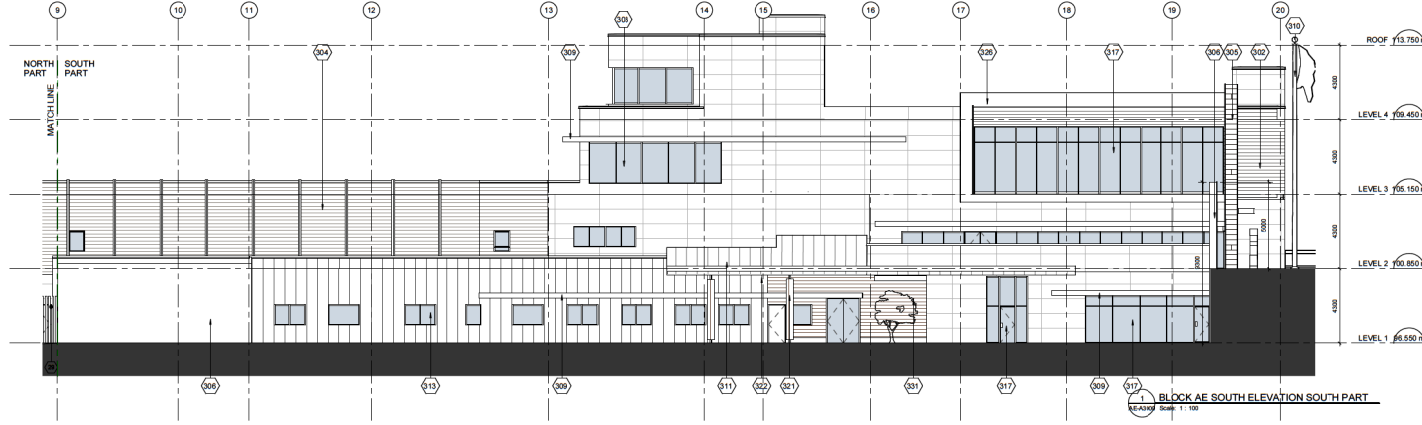
PROJECT MGR:
 J/S

APPROVED BY:
 [Signature]

SHEET TITLE
 BLOCKAE - BUILDING ELEVATIONS SOUTH (NORTH & SOUTH)

SHEET NUMBER
 AE-A3003

ISSUE
 5



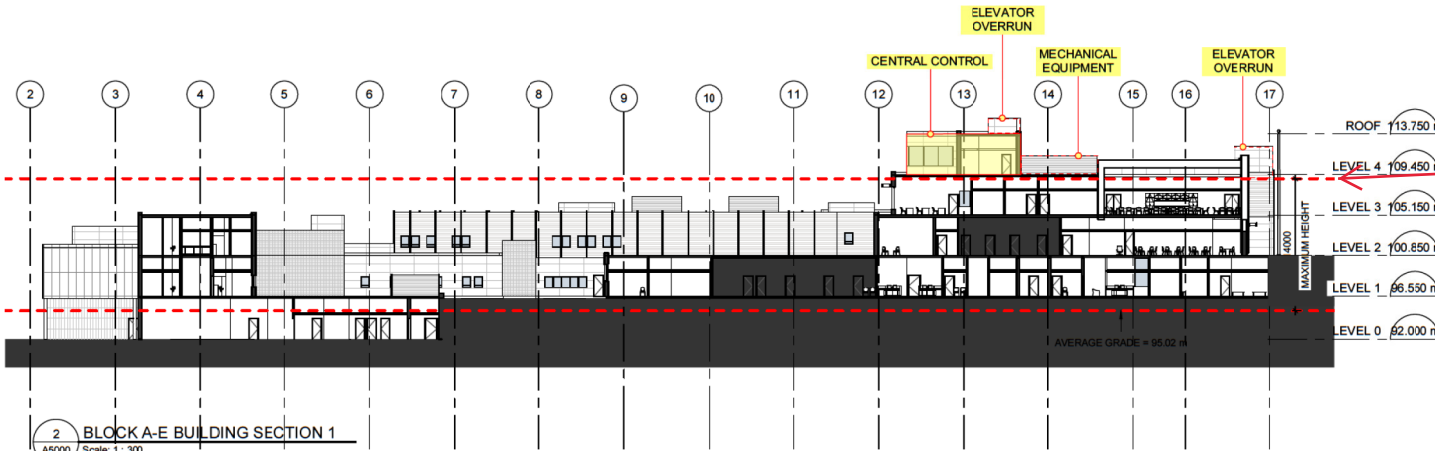
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3 BLOCK AE LO L1 PLAN
A5000 Scale: 1: 300

AVERAGE GRADE CALCULATION

segment	formula	elev A	elev B1	elev B2	elev C1	elev C2	elev D2	elev D2	avr grade	length	grade by segment
A B1	$(\text{elev A} + \text{elev B1}) / 2 \times (\text{A B1 length})$	92	96.55	96.55	100.85	92	92	92	94.275	108000	10181700
B1 B2	$(\text{elev B1} + \text{elev B2}) / 2 \times (\text{B1 B2 length})$								96.55	11850	1144117.5
B2 C1	$(\text{elev B2} + \text{elev C1}) / 2 \times (\text{B2 C1 length})$								98.7	45375	4478512.5
C1 C2	$(\text{elev C1} + \text{elev C2}) / 2 \times (\text{C1 C2 length})$								96.425	107970	10411007.25
C2 D1	$(\text{elev C2} + \text{elev D1}) / 2 \times (\text{C2 D1 length})$								92	12030	1106760
D1 D2	$(\text{elev D1} + \text{elev D2}) / 2 \times (\text{D1 D2 length})$								92	33350	3068200
D A	$(\text{elev D2} + \text{elev A}) / 2 \times (\text{D A length})$								92	39690	3651480

totals: 3582656 34041777.25
average grade: 95.02



Maximum Allowable Building Height

2 BLOCK A-E BUILDING SECTION 1
A5000 Scale: 1: 300

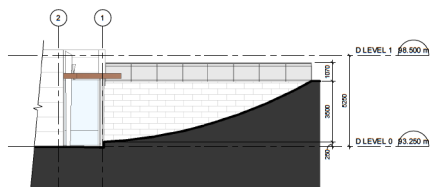
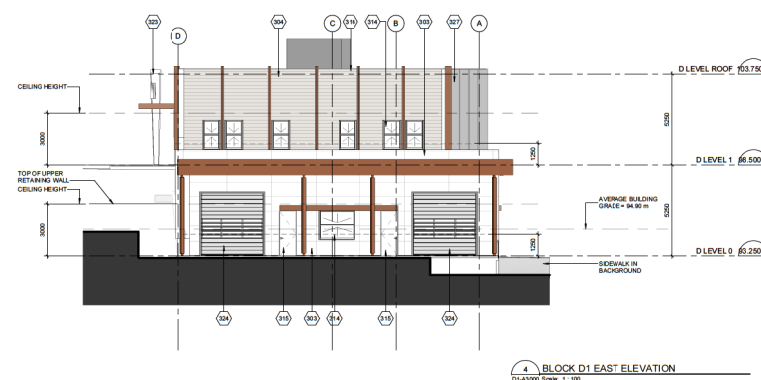
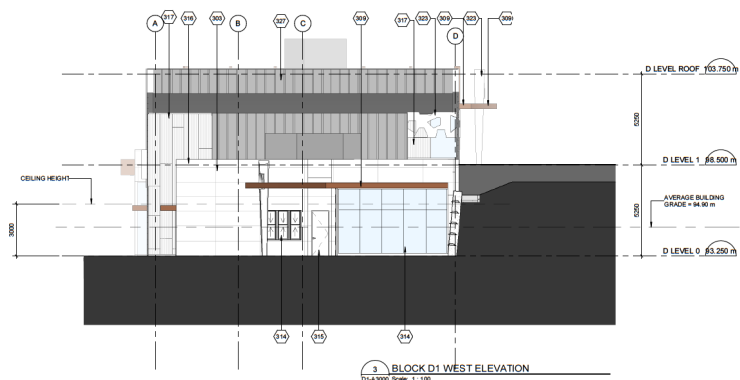
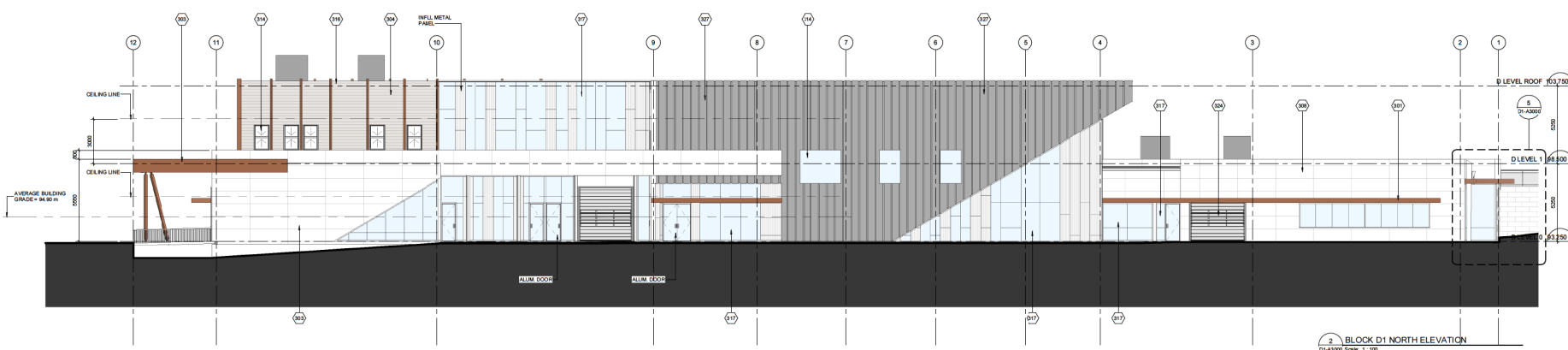
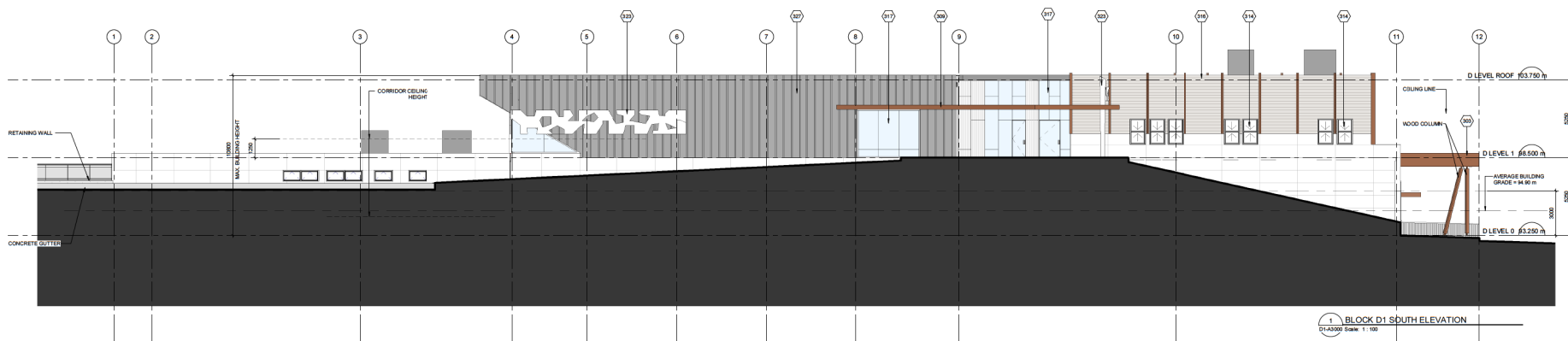
SEAL	
PRIME CONSULTANT IBI GROUP ARCHITECTS (CANADA) INC. 100-125 West Pender Street, Vancouver, BC V6E 4B1, Canada tel 604 683 8797 fax 604 683 0492 ibigroup.com	
PROJECT NANAIMO CORRECTIONAL CENTRE 3945 BIGGS ROAD NANAIMO, BC V9R 5N3, CANADA	
PROJECT NO: 122747	
DRAWN BY: Author	CHECKED BY: Checker
PROJECT MGR: Designer	APPROVED BY: Approver
SHEET TITLE BUILDING AE HEIGHT CALCULATION	
SHEET NUMBER A5000	ISSUE

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2021-FEB-03
Current Planning

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ISSUE NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-05-09
2	ADIT FOUNDATION BP	2021-06-14
3	ADIT SUPPLEMENTAL BP	2021-06-18
4	DP RESPONSE	2021-07-07
6	DP RESPONSE	2021-07-14



EXTERIOR FINISHES LEGEND

301	CONCRETE UNIT MASONRY
303	FIBRE CEMENT SIDING - PANEL
304	FIBRE CEMENT SIDING - HORIZONTAL LAP
308	CONCRETE FACED INSULATION
309	PREFINISHED METAL CLADDING
314	GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
315	METAL DOOR AND FRAME
316	SHEET METAL FLASHING AND TRIM
317	GLAZED ALUMINUM CURTAIN WALL
323	FUTURE ARTWORK BY OTHERS
324	OVERHEAD COILING DOOR
327	PERFORMED SHEET METAL CLADDING

SEAL

PRIME CONSULTANT


PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3944 BOSS ROAD
 NANAIMO, BC
 V9P 6N3, CANADA

PROJECT NO.
 122747

DRAWN BY:
 CC

CHECKED BY:
 TED

PROJECT MGR:
 CC

APPROVED BY:
 [Signature]

SHEET TITLE
 BLOCK D1 - BUILDING ELEVATIONS

SHEET NUMBER
 D1-A3000

ISSUE
 4

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ISSUES

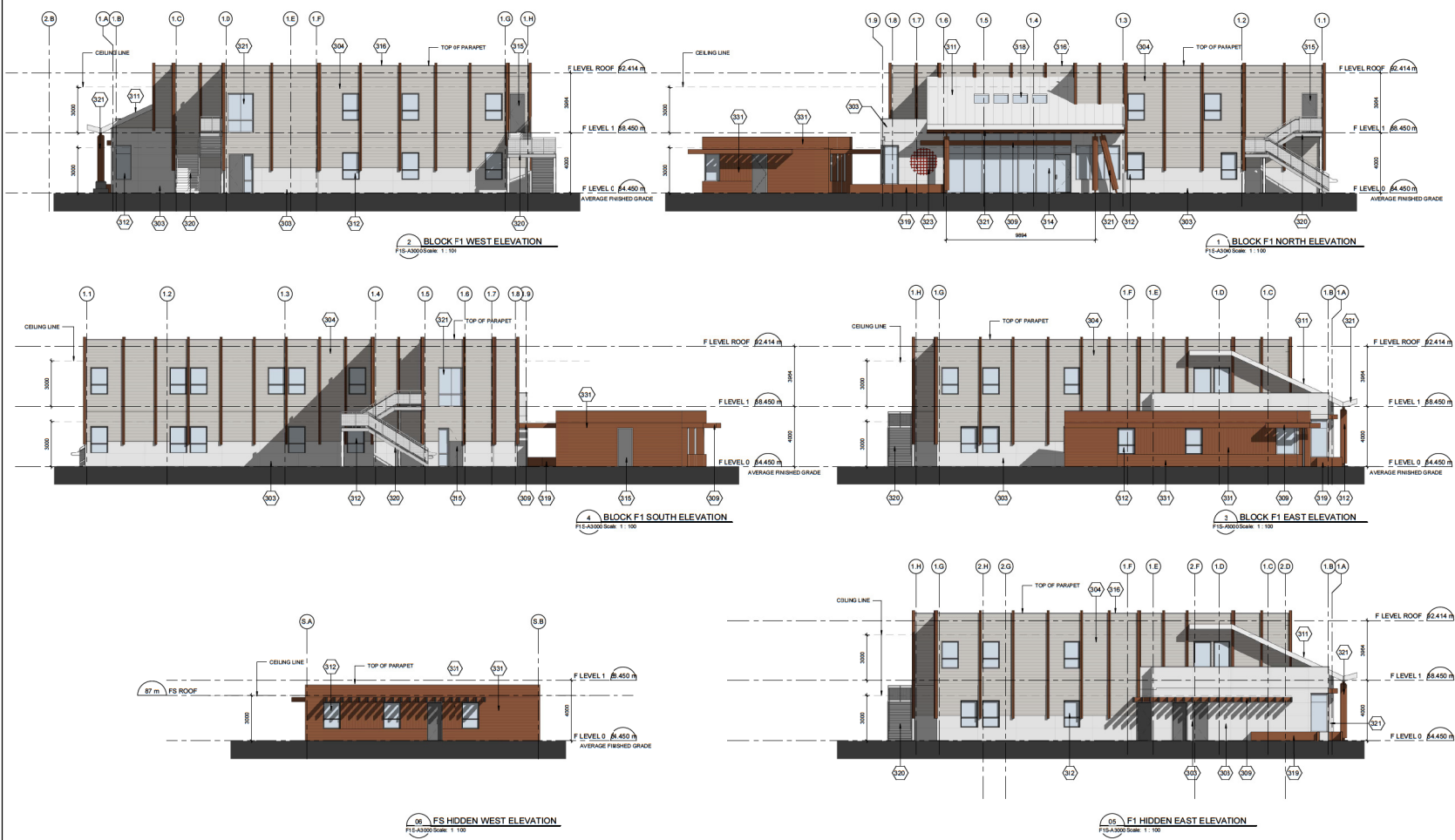
NO.	DESCRIPTION	DATE
1	IFP SUBMISSION	2021-02-03
2	DESIGN FOR PLAN	2021-02-19
3	IFP RESPONSE	2021-02-27
4	IFP RESPONSE	2021-07-14

REVISIONS

NO.	DESCRIPTION	DATE
1	IFP SUBMISSION	2021-02-03
2	DESIGN FOR PLAN	2021-02-19
3	IFP RESPONSE	2021-02-27
4	IFP RESPONSE	2021-07-14

CONSULTANTS

NO.	DESCRIPTION	DATE
1	IFP SUBMISSION	2021-02-03
2	DESIGN FOR PLAN	2021-02-19
3	IFP RESPONSE	2021-02-27
4	IFP RESPONSE	2021-07-14



- LEGEND:**
- 303 FIBRE CEMENT SIDING - PANEL
 - 304 FIBRE CEMENT SIDING - HORIZONTAL LAP
 - 309 PREFINISHED METAL CLADDING
 - 311 STANDING SEAM METAL ROOF
 - 312 VINYL WINDOW
 - 314 GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
 - 315 METAL DOOR AND FRAME
 - 316 SHEET METAL FLASHING AND TRIM
 - 318 COMMERCIAL SKYLIGHT
 - 319 PLANTER BOX (REFER TO LANDSCAPE)
 - 320 METAL STAIR C/W METAL RAILING
 - 321 ROUND WOOD COLUMN
 - 323 FUTURE ARTWORK BY OTHERS
 - 331 T&G SIMULATED WOOD SIDING

SEAL

PRIME CONSULTANT

IBI
 1000 West Beaver Creek
 Richmond Hill, Ontario
 M4B 1W7

PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3948 BOSS ROAD
 NANAIMO, BC
 V9R 5X3, CANADA

PROJECT NO.
122747

DRAWN BY: MSH/MS/SP
CHECKED BY: GS

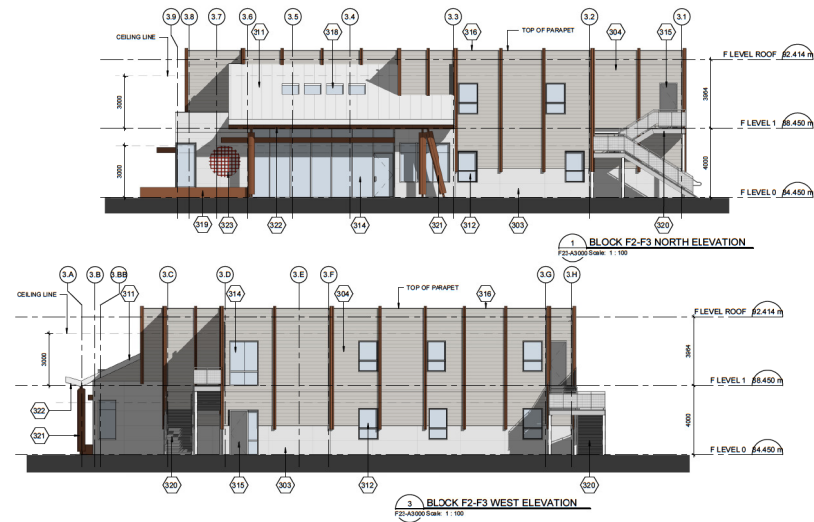
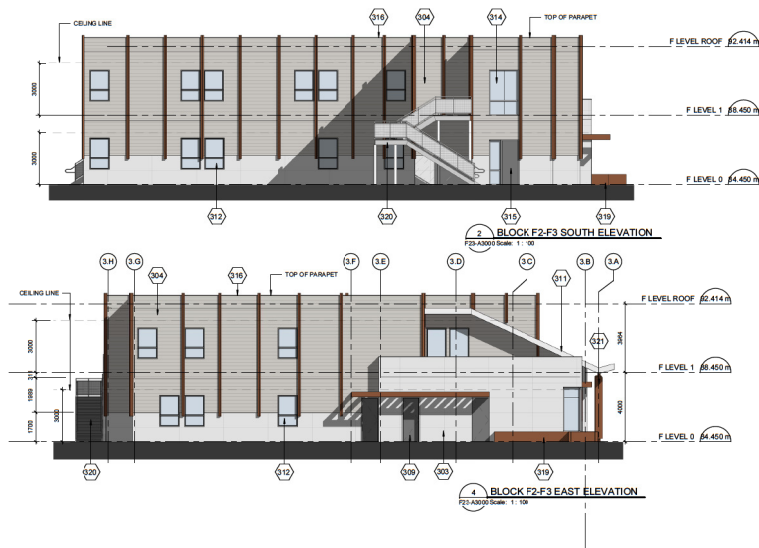
PROJECT MGR: MSH
APPROVED BY: MSH

SHEET TITLE
BLOCK F1S - BUILDING ELEVATIONS

SHEET NUMBER F1S-A3000 **ISSUE** 3

IBI GROUP

IBI GROUP



LEGEND :

- 303 FIBRE CEMENT SIDING - PANEL
- 304 FIBRE CEMENT SIDING - HORIZONTAL LAP
- 309 PREFINISHED METAL CLADDING
- 311 STANDING SEAM METAL ROOF
- 312 VINYL WINDOW
- 314 GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
- 315 METAL DOOR AND FRAME
- 316 SHEET METAL FLASHING AND TRIM
- 318 COMMERCIAL SKYLIGHT
- 319 PLANTER BOX (REFER TO LANDSCAPE)
- 320 METAL STAIR C/W METAL RAILING
- 321 ROUND WOOD COLUMN
- 322 WOOD SOFFIT
- 323 FUTURE ARTWORK BY OTHERS

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ISSUES
 NO. DESCRIPTION DATE

1	DP SUBMISSION	2021-05-20
2	DESIGN FOR PLAN	2021-05-19
3	DP RESPONSE	2021-07-07
4	DP RESPONSE	2021-07-14

CONSULTANTS

PRIME CONSULTANT
 B1
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 B1@b1group.com

PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3848 BROSS ROAD
 NANAIMO, BC
 V9R 5X3, CANADA

PROJECT NO.
 122747

DRAWN BY:
 M/NW/SP

CHECKED BY:
 GS

PROJECT MGR:
 M/S

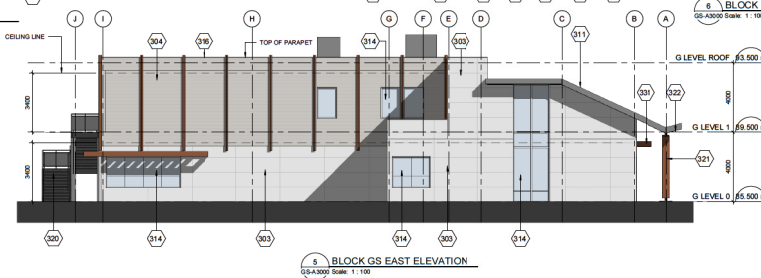
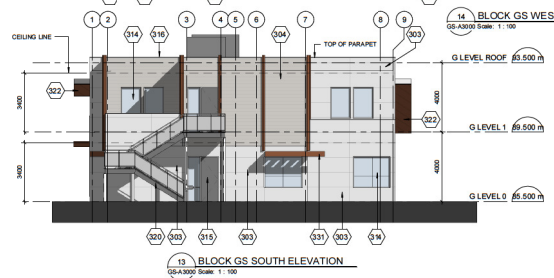
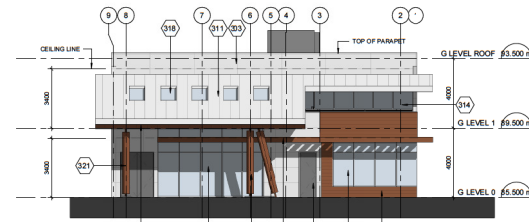
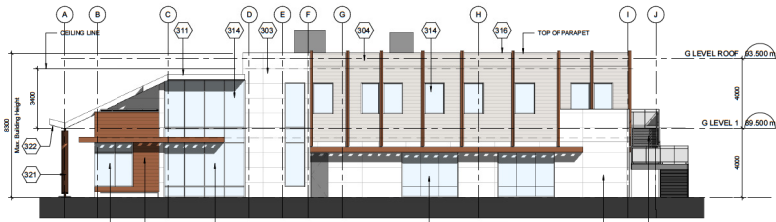
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SHEET TITLE
 BLOCK F23 - BUILDING ELEVATIONS & SECTIONS

SHEET NUMBER
 F23-A3000

ISSUE
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KEY PLANS (BUILDING SECTIONS)

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ISSUES

NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-02-19
2	DESIGN FOR PLAN	2021-02-19
3	DP RESPONSE	2021-02-27
4	DP RESPONSE	2021-07-14

LEGEND

- 303 FIBRE CEMENT SIDING - PANEL
- 304 FIBRE CEMENT SIDING - HORIZONTAL LAP
- 311 STANDING SEAM METAL ROOF
- 314 GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
- 315 METAL DOOR AND FRAME
- 316 SHEET METAL FLASHING AND TRIM
- 318 COMMERCIAL SKYLIGHT
- 320 METAL STAIR C/W METAL RAILING
- 321 ROUND WOOD COLUMN
- 322 WOOD SOFFIT
- 331 T&G SIMULATED WOOD SIDING

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PROJECT
 NANAIMO CORRECTIONAL
 CENTRE
 3944 BROSS ROAD
 NANAIMO, BC
 V9E 5N3, CANADA

PROJECT NO.
 122747

DRAWN BY:
 NS/NNSP

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 GS

PROJECT MGR:
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SHEET TITLE
 BLOCK GS - BUILDING
 ELEVATIONS & SECTIONS

SHEET NUMBER
 GS-A3000

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ISSUE NO.	DESCRIPTION	DATE
1	ISSUE FOR PLAN	2021-02-19
2	DP RESPONSE	2021-07-07
3	TOP RESPONSE	2021-07-04

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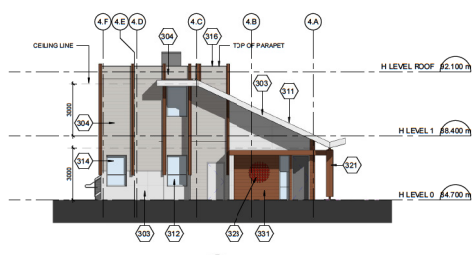
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PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3948 BROSS ROAD
 NANAIMO, BC
 V9R 2N3, CANADA

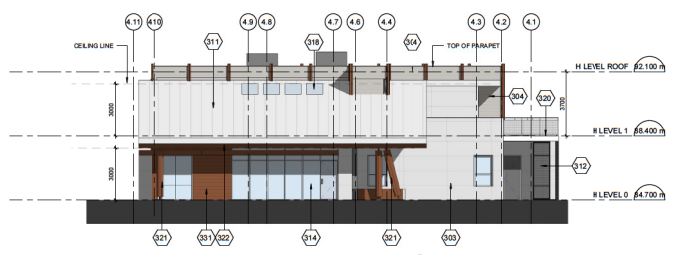
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PROJECT MGR: MS	

SHEET TITLE
 BLOCK H - BUILDING ELEVATIONS & SECTIONS

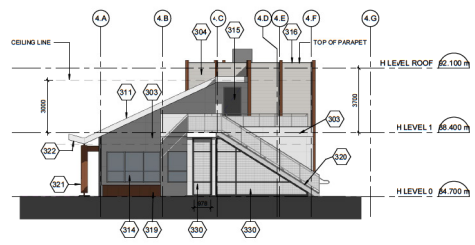
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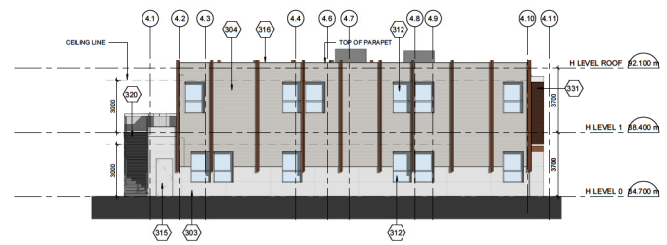
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2 BLOCK H NORTH ELEVATION
 H-A3000 Scale: 1:100



3 BLOCK H WEST ELEVATION
 H-A3000 Scale: 1:100



1 BLOCK H WEST ELEVATION
 H-A3000 Scale: 1:100

LEGEND :

- 303 FIBRE CEMENT SIDING - PANEL
- 304 FIBRE CEMENT SIDING - HORIZONTAL LAP
- 311 STANDING SEAM METAL ROOF
- 312 VINYL WINDOW
- 314 GLAZED ALUMINUM STOREFRONT WINDOW - HEAVY DUTY
- 315 METAL DOOR AND FRAME
- 316 SHEET METAL FLASHING AND TRIM
- 318 COMMERCIAL SKYLIGHT
- 319 PLANTER BOX (REFER TO LANDSCAPE)
- 320 METAL STAIR C/W METAL RAILING
- 321 ROUND WOOD COLUMN
- 322 WOOD SOFFIT
- 323 FUTURE ARTWORK BY OTHERS
- 330 METAL MESH SECURITY ENCLOSURE
- 331 T&G SIMULATED WOOD SIDING

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ISSUES

NO.	DESCRIPTION	DATE
1	ISSUED FOR TECHNICAL SUBMISSION	2020-06-03
2	ISSUED FOR REVIEW	2020-07-23
3	ARCHITECTURAL REWORKS	2020-09-08
4	ARCHITECTURAL REWORKS	2020-09-10
6	FINANCIAL SUBMISSION 2	2020-10-15
9	APP. ISSUED FOR REVIEW	2021-02-02
7	SCHEMATIC DESIGN SUBMITTAL	2021-01-15
8	DP SUBMISSION	2021-02-03
9	DP RESPONSE	2021-06-24

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PROJECT
 NANAIMO CORRECTIONAL CENTRE
 3948 BROSS ROAD
 NANAIMO, BC
 V9F 5N3, CANADA

PROJECT NO.
 122747

DRAWN BY:
 Author

CHECKED BY:
 Checker

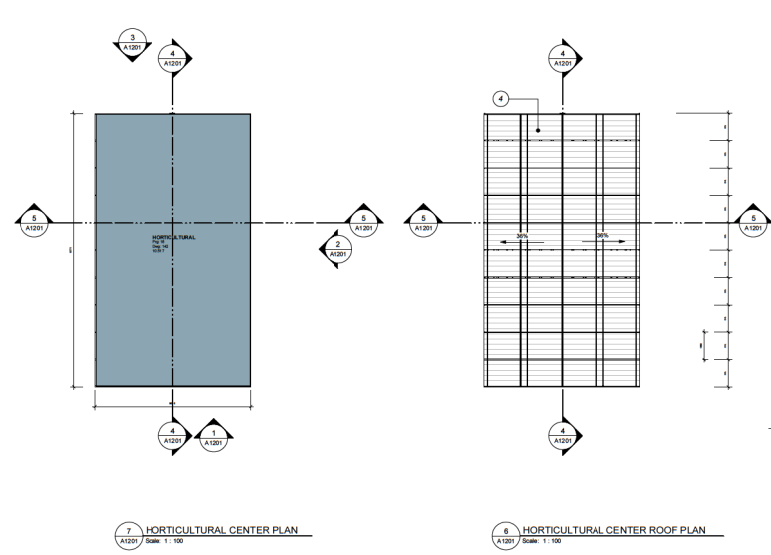
PROJECT MGR:
 Designer

APPROVED BY:
 Approver

SHEET TITLE
 HORTICULTURAL CENTRE
 PLAN, ELEVATIONS &
 SECTIONS

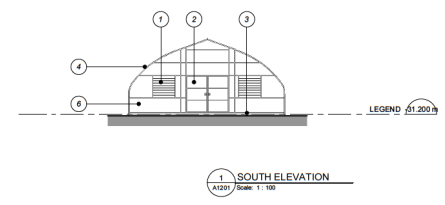
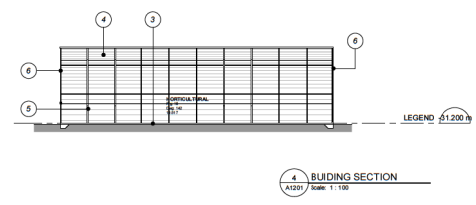
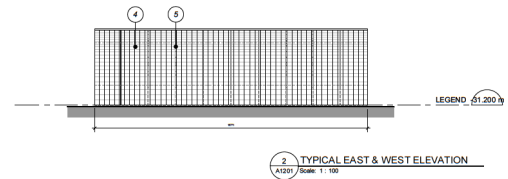
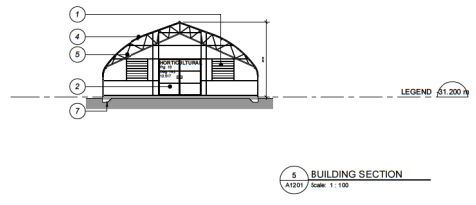
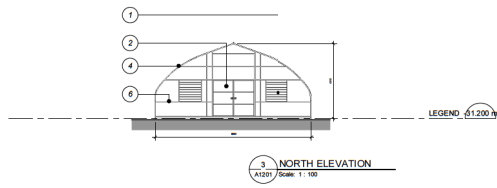
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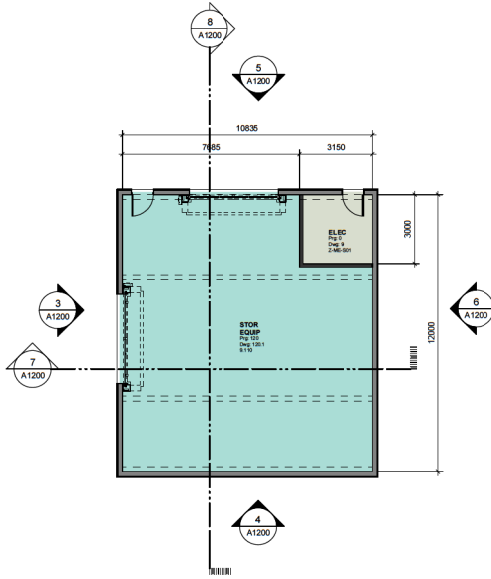
ISSUE
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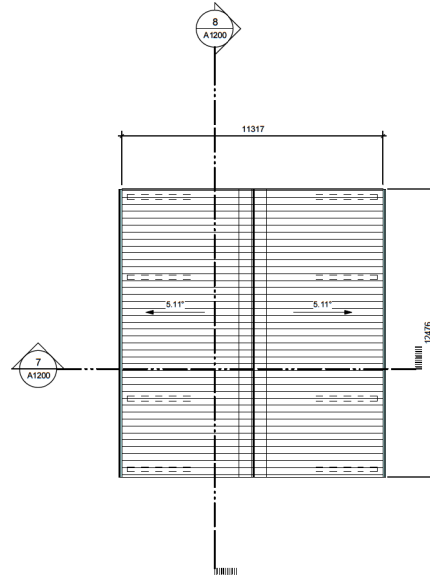
EXTERIOR FINISHES LEGEND

①	MOTORIZED LOUVER
②	DOUBLE DOOR
③	SLAB ON GRADE
④	POLYETHYLENE SHEET SKIN ENCLOSURE
⑤	GALV. STEEL TRUSS FRAME
⑥	GALV. STEEL END FRAME
⑦	SLAB THICKENING





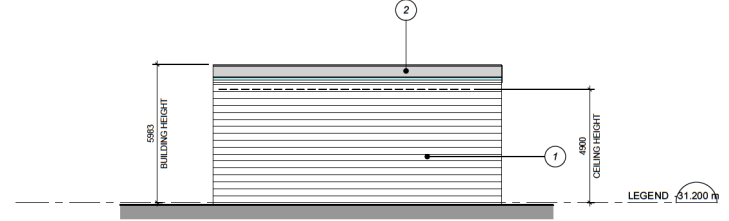
2 MAINTENANCE BUILDING PLAN
A1200 Scale: 1:100



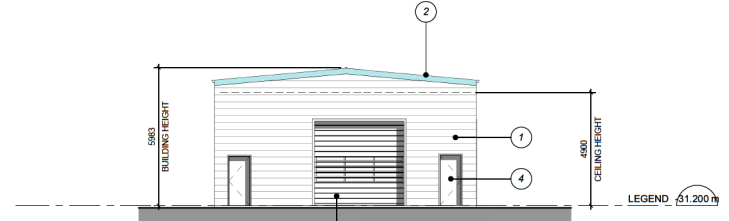
1 MAINTENANCE BUILDING ROOF PLAN
A1200 Scale: 1:100

EXTERIOR FINISHES LEGEND

①	EXTERIOR WALL METAL CLADDING FINISH
②	ROOF METAL CLADDING FINISH
③	ROLL UP STEEL DOOR
④	STEEL DOOR
⑤	CONCRETE KNEE WALL
⑥	GLASS SIDEWALLS
⑦	CURVE GLAZING WALL



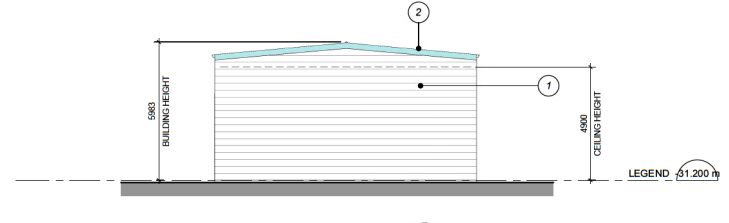
6 EAST ELEVATION
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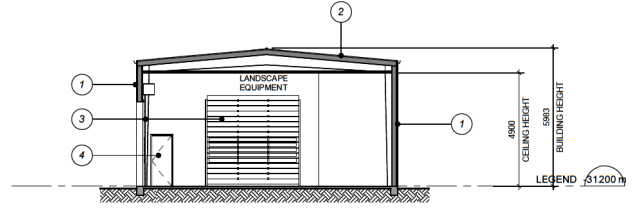
5 NORTH ELEVATION
A1200 Scale: 1:100



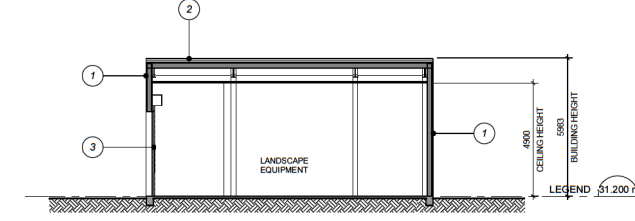
3 WEST ELEVATION
A1200 Scale: 1:100



4 SOUTH ELEVATION
A1200 Scale: 1:100



7 BUILDING SECTION
A1200 Scale: 1:100



8 BUILDING SECTION
A1200 Scale: 1:100

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ISSUES

No.	DESCRIPTION	DATE
1	ISSUED FOR TECHNICAL SUBMISSION	2021-01-05
2	ISSUED FOR REVIEW	2021-01-20
3	ARCHITECTURAL REVISIONS	2021-02-04
4	ARCHITECTURAL REVISIONS	2021-02-16
5	ISSUED FOR CLIENT REVIEW	2021-04-17
6	DRAFTED ISSUED FOR P&I	2021-10-08
7	FINAL SUBMISSION 1	2021-11-18
8	ISSUED FOR P&I SUBMITTAL	2021-11-18
9	OF SUBMISSION	2021-01-05

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ibi@group.com

PROJECT
NANAIMO CORRECTIONAL CENTRE
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N3, CANADA

PROJECT NO.
122747

DRAWN BY: Author
CHECKED BY: Checker

PROJECT MGR: Designer
APPROVED BY: Approver

SHEET TITLE
MAINTENANCE BUILDING PLAN, ELEVATIONS & SECTIONS

SHEET NUMBER
A1200

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1	ISSUED FOR TECHNICAL SUBMISSION	2020-05-05
2	ISSUED FOR REVIEW	2020-05-20
3	ARCHITECTURAL BACKGROUND	2020-05-20
4	ARCHITECTURAL BACKGROUND	2020-05-20
5	ISSUED FOR CLIENT REVIEW	2020-05-27
6	DRAFTED ISSUED FOR RFI	2020-10-08
7	FINANCIAL SUBMISSION 2	2020-10-15
8	SCHEMATIC DESIGN SUBMITTAL	2021-01-18
9	DP SUBMISSION	2021-03-05

EXTERIOR FINISHES LEGEND					
①	CMU CLADDING	⑨	PREFINISHED METAL EYEBROW	⑰	ALUMINUM CURTAINWALL - COMMERCIAL WINDOW
②	MINERAL FIBRE CEMENT SIDING - WOODGRAIN FINISH	⑩	2 PLY MODIFIED BITUMEN MEMBRANE ROOFING	⑱	RESIDENTIAL SKYLIGHT
③	MINERAL FIBRE CEMENT SIDING - PANEL	⑪	STANDING SEAM METAL ROOF	⑲	PLANTER BOX
④	MINERAL FIBRE CEMENT SIDING - HORIZONTAL LAP	⑫	VINYL WINDOWS	⑳	STEEL FRAMED STAIR, GUARD
⑤	WOOD HORIZONTAL LAP SIDING	⑬	DETENTION / SECURE WINDOW	㉑	CIRCULAR WOOD POST
⑥	ARCHITECTURAL CONCRETE, PATTERN FINISH	⑭	COMMERCIAL WINDOW - HEAVY DUTY	㉒	WOOD SOFFIT
⑦	CAST IN PLACE CONCRETE	⑮	STEEL DOOR	㉓	FUTURE ARTWORK
⑧	CONCRETE FACED INSULATION	⑯	PREFINISHED METAL FLASHING / FASCIA	㉔	ROLL UP DOOR

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 ibigroup.com

PROJECT
NANAIMO CORRECTIONAL CENTRE
 3945 BIGGS ROAD
 NANAIMO, BC
 V9R 5N3, CANADA

PROJECT NO:
 122747
 DRAWN BY: Author
 PROJECT MGR: Designer
 CHECKED BY: Checker
 APPROVED BY: Approver

SHEET TITLE
EXTERIOR FINISH MATERIALS PALETTE

SHEET NUMBER
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ATTACHMENT F BUILDING RENDERINGS



BUILDING AE / MAIN ENTRANCE

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ISSUES

No.	DESCRIPTION	DATE
1	ISSUED FOR TECHNICAL SUBMISSION	2021-04-05
2	ISSUED FOR REVIEW	2021-07-25
3	ARCHITECTURAL BACKGROUND	2021-03-04
4	PROFESSIONAL BACKGROUNDS	2021-04-15
5	ISSUED FOR CLIENT REVIEW	2021-04-17
6	DRAFTED ISSUED FOR P&I	2021-10-08
7	FINAL SUBMISSION 1	2021-11-18
8	SCHEMATIC DESIGN SUBMITTAL	2021-01-14
9	OF SUBMISSION	2021-03-05

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PROJECT
NANAIMO CORRECTIONAL CENTRE
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N3, CANADA

PROJECT NO:
122747

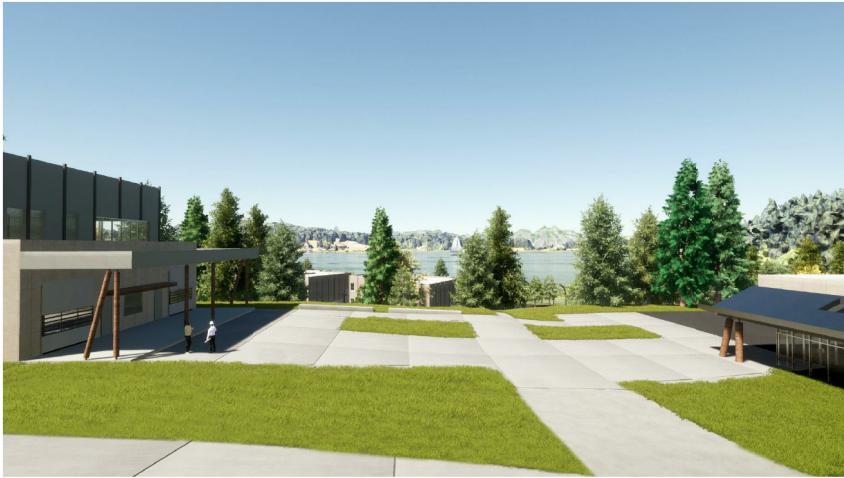
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PROJECT MGR: Designer	APPROVED BY: Approver

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RENDERS

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BUILDING D1 / BUILDING AE



BLOCK GS / BLOCK H



BLOCK F



BLOCK GS

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No.	DESCRIPTION	DATE
1	ISSUED FOR TECHNICAL SUBMISSION	2020-04-03
2	ISSUED FOR REVIEW	2020-07-20
3	ARCHITECTURAL REVISIONS	2020-08-04
4	PROFESSIONAL KNOWLEDGE	2020-08-10
5	ISSUED FOR CLIENT REVIEW	2020-08-17
6	DRAFTED ISSUED FOR PLO	2020-10-08
7	FINANCIAL SUBMISSION 1	2020-11-10
8	SCHEMATIC DESIGN SUBMITTAL	2021-01-18
9	OF SUBMISSION	2021-03-05

CONSULTANTS

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PROJECT
NANAIMO CORRECTIONAL CENTRE
 3945 BIGGS ROAD
 NANAIMO, BC
 V9R 5N3, CANADA

PROJECT NO.
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PROJECT MGR: Designer	APPROVED BY: Approver

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RENDERS

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SOUTHWEST VIEW

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No.	DESCRIPTION	DATE
1	ISSUED FOR TECHNICAL SUBMISSION	2021-01-05
2	ISSUED FOR REVIEW	2021-01-20
3	ARCHITECTURAL REVISIONS	2021-02-04
4	MECHANICAL REVISIONS	2021-02-15
5	ISSUED FOR CLIENT REVIEW	2021-04-17
6	DRAFTED ISSUED FOR PLO	2021-10-08
7	FINAL SUBMISSION 1	2021-11-19
8	SCHEMATIC DESIGN SUBMITTAL	2021-01-18
9	OF SUBMISSION	2021-01-05

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PROJECT
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 3945 BIGGS ROAD
 NANAIMO, BC
 V9R 5N3, CANADA

PROJECT NO.
 122747

DRAWN BY: Author	CHECKED BY: Checker
PROJECT MGR: Designer	APPROVED BY: Approver

SHEET TITLE
RENDERS

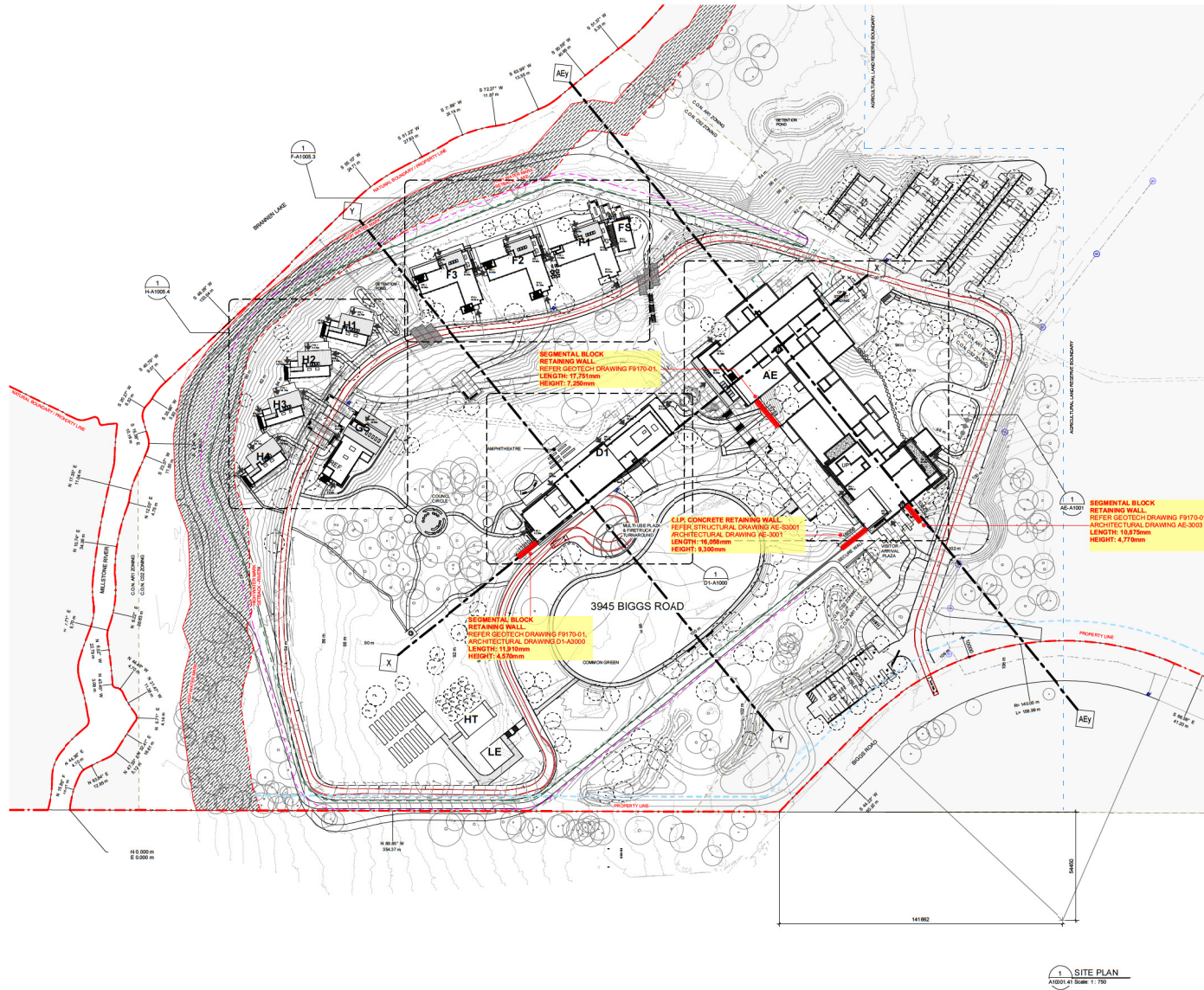
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ATTACHMENT G RETAINING WALL PLAN AND DETAILS

1 of 3



KEY PLAN

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ISSUE NO.	DESCRIPTION	DATE
1	DP SUBMISSION	2021-02-03
2	REBID FOR DEMOLITION PERMIT	2021-02-19
3	AS-BUILT FOUNDATION BP	2021-05-14
4	AS-BUILT SURVEY/STRUCTURE BP	2021-06-18
5	DP RESPONSE	2021-06-25
6	DP RESPONSE	2021-07-09

CONSULTANTS

LEGEND

- PROPERTY BOUNDARY
- SETBACK
- HIGH WATER MARK
- HIGH WATER MARK SETBACK
- SECURE PERIMETER FENCE
- THREAT PERIMETER FENCE
- LEAVE STRIP
- OVERHEAD POWER LINE - EXISTING
- OVERHEAD POWER LINE - PROPOSED
- SANITARY MAN - EXISTING
- SANITARY MAN - PROPOSED
- SITE LIGHTING POWER CONDUIT
- STORM MAN - EXISTING
- STORM MAN - PROPOSED
- UG POWER CONDUIT - EXISTING
- UG POWER CONDUIT - PROPOSED
- UNDERGROUND TELECOMM
- FIRE ALARM UNDERGROUND DUCT
- WATER MAN - EXISTING
- WATER MAN - PROPOSED
- GAS LINE
- EXISTING SITE TOPOGRAPHY
- PROPOSED GRADING
- TREE - EXISTING
- TREE - PROPOSED
- FIRE HYDRANT
- FIRE TRUCK TURNING MOVEMENTS
- FIRE DEPT CONNECTION
- AREA DRAIN
- LAWN BASIN
- CATCH BASIN
- TRENCH DRAIN
- LAMP STAND
- POWER POLE - EXISTING
- POWER POLE - PROPOSED

PRIME CONSULTANT

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PROJECT
NANAIMO CORRECTIONAL CENTRE
3945 BIGGS ROAD
NANAIMO, BC
V9P 5K3, CANADA

PROJECT NO.
122747

DRAWN BY:
NM

CHECKED BY:
GS

PROJECT MGR:
TED

APPROVED BY:
[Signature]

SHEET TITLE
SITE PLAN - PHASE 4 - PROPOSED

SHEET NUMBER
A10001.41

ISSUE
6



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ISSUE NO.	DESCRIPTION	DATE
1	SELECT FOR TENDER	2021-06-09
2	AS-BUILT SUPERSTRUCTURE BY AMENDMENT	2021-06-11
3	ISSUE FOR BIDDING	2021-06-18

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--	--

PROJECT
NANAIMO CORRECTIONAL CENTRE
3545 BIRCH ROAD
NANAIMO, BC
V9B 5N3, CANADA

PROJECT NO.
7729

DRAWN BY:
JR

CHECKED BY:
MBA

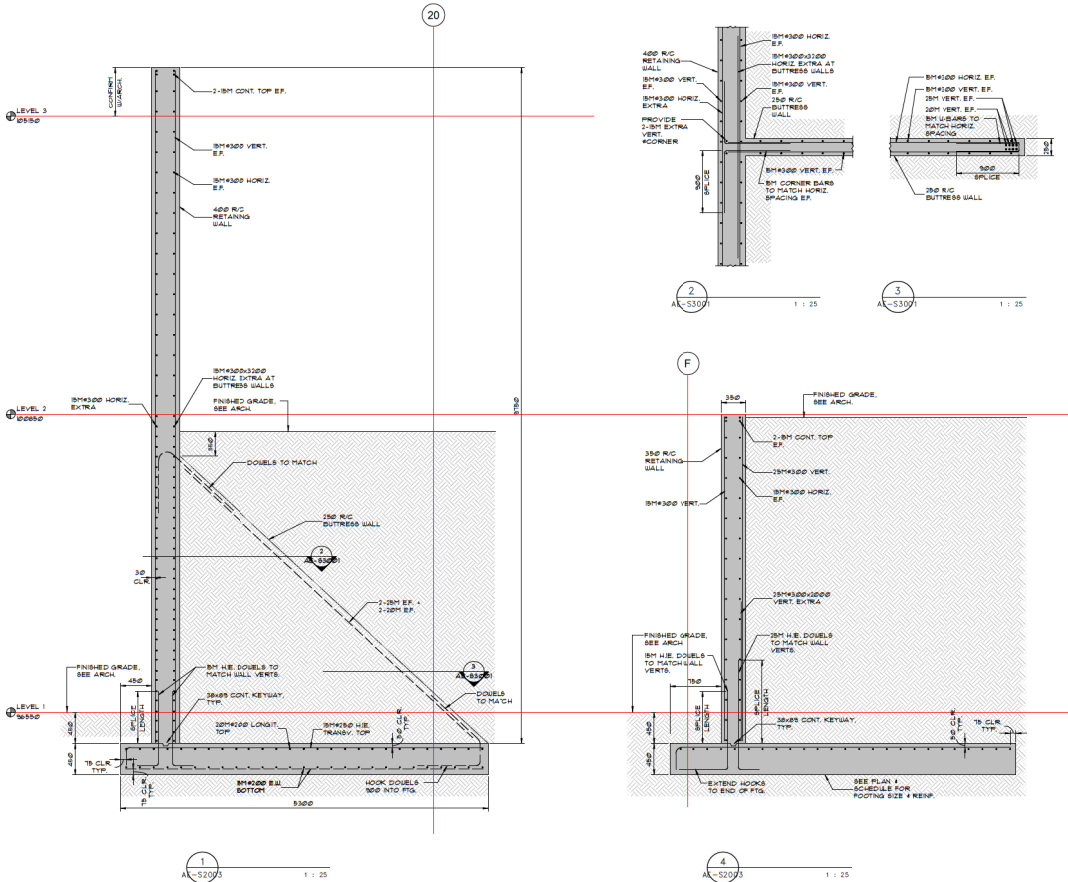
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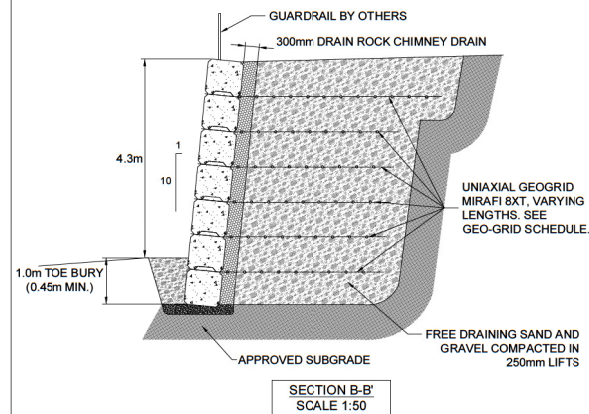
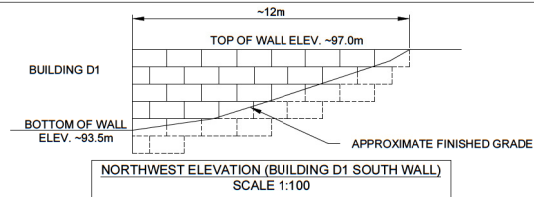
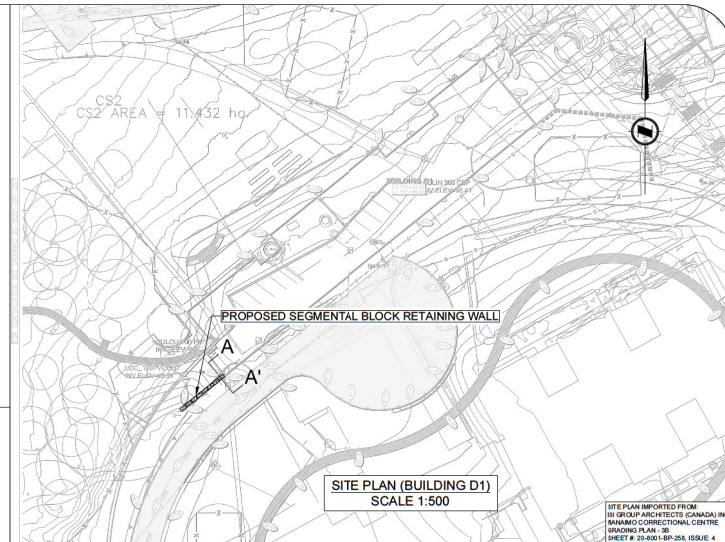
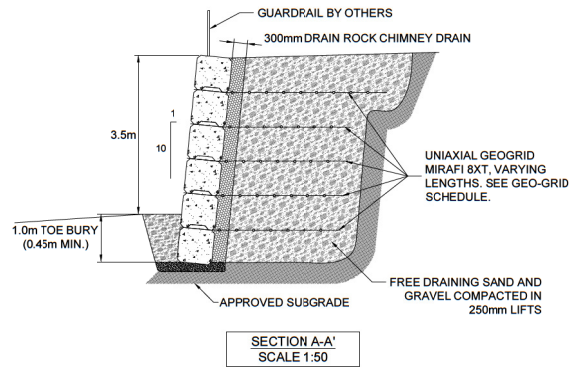
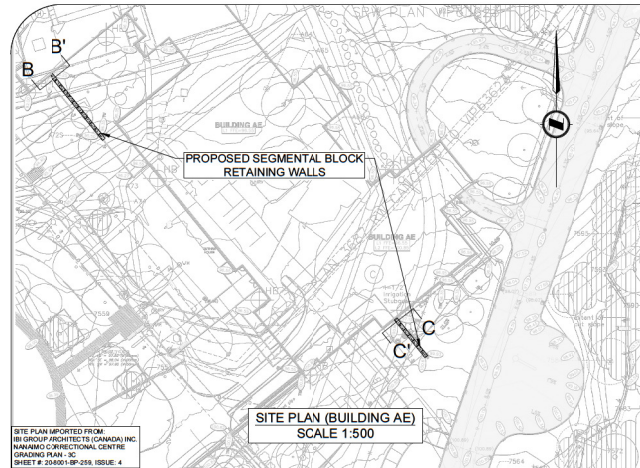
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BLOCK AE - SECTIONS & DETAILS (CONCRETE) SHEET 2

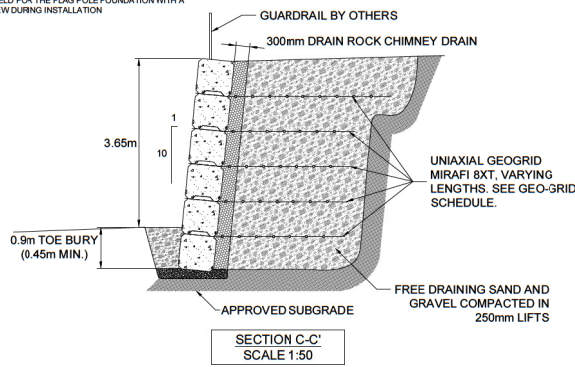
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ISSUE
3



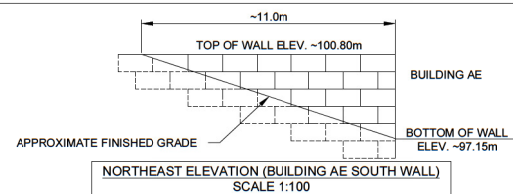
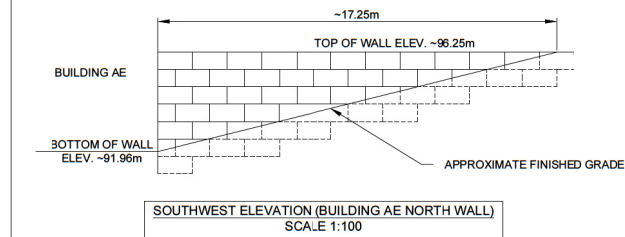


NOTE: FOR BUILDING AE SOUTH WALL GEO-GRID WILL REQUIRE ALTERATION IN FIELD FOR THE FLAG POLE FOUNDATION WITH A ENGINEERS REVIEW DURING INSTALLATION



GEO-GRID SCHEDULE

Wall Height (# of Blocks)	Geo-grid Length Top Layer (m)	Geo-grid Length Lower Layers (m)
6	5.15	4.30
5	4.30	3.60
4	3.55	3.00
3	2.85	2.45
2 OR LESS	N/A	N/A



GENERAL NOTES:

- GEO-TECHNICAL INSPECTIONS:
 - BEARING (SUBGRADE)
 - BACKFILL COMPACTION
- SEGMENTAL BLOCKS, 0.75m X 0.75m X 1.5m MONO POUR ONLY
- BLOCKS ASSEMBLED IN A RUNNING BOND PATTERN
- RETAINING WALLS SHOULD NOT BE ALTERED ONCE INSTALLED
- DRAINAGE THROUGH FACE OF WALL
- LINE AND LAYOUT TO BE CONFIRMED BY OTHERS
- SERVICE LINES TO BE REVIEWED AND ANY CONFLICTS WITH REINFORCED SOILS ENVELOPE RESOLVED PRIOR TO INSTALLATION

DESIGN NOTES:

- SEGMENTAL BLOCKS 0.75m X 0.75m X 1.5m, NO. 1 (MONO POUR) CONCRETE WITH INTERLOCKING NODULES.
- RETAINED SOIL, $\phi = 30^\circ$, $\gamma = 21 \text{ kN/m}^3$
- BEARING SOIL, $\phi = 30^\circ$, $\gamma = 21 \text{ kN/m}^3$
- SURCHARGE = 12 kN/m^2
- MSE WALL DESIGN GENERALLY FOLLOWS FHWA, CFEM AND EGBC GUIDELINES.

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2021-JUN-29
CALVERT PRINTING

REV No	DATE	BY	P.Eng	REVISION DESCRIPTION	LEGEND	DRAWING TITLE	ENGINEER'S SEA.	PLOT DATE	DRAWN BY
						SEGMENTAL BLOCK WALLS		2021-06-25	NV
						PROJECT NAME NANAIMO CORRECTIONAL CENTRE, 3945 BIGGS ROAD, NANAIMO, BC		REVIEWED BY CH	SCALE AS NOTED
						LEGAL DESCRIPTION		PROJECT No. F9170	DRAWING No. F9170-01



ATTACHMENT H LANDSCAPE PLAN AND DETAILS



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1	Issued for Development Plans	20210203
2	Issued for DP Response	20210707

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PROJECT
NANAIMO CORRECTIONAL CENTRE REPLACEMENT
 3945 BIGGS ROAD
 NANAIMO, BC
 V9R 5N3, CANADA

PROJECT NO: 19-080	SCALE: 1:750
DRAWN BY: JB	CHECKED BY: MP
PROJECT MGR: JP	APPROVED BY: MP

SHEET TITLE
 Landscape Site Plan

SHEET NUMBER L0.0	ISSUE 2021-07-08
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LEGEND

- Pedestrian Circulation
- Vehicular Circulation

BRANNAN LAKE



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PROJECT

NANAIMO CORRECTIONAL CENTRE REPLACEMENT
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N3, CANADA

PROJECT NO: 18-080	SCALE: 1:750
DRAWN BY: JB	CHECKED BY: MP
PROJECT MGR: JP	APPROVED BY: MP

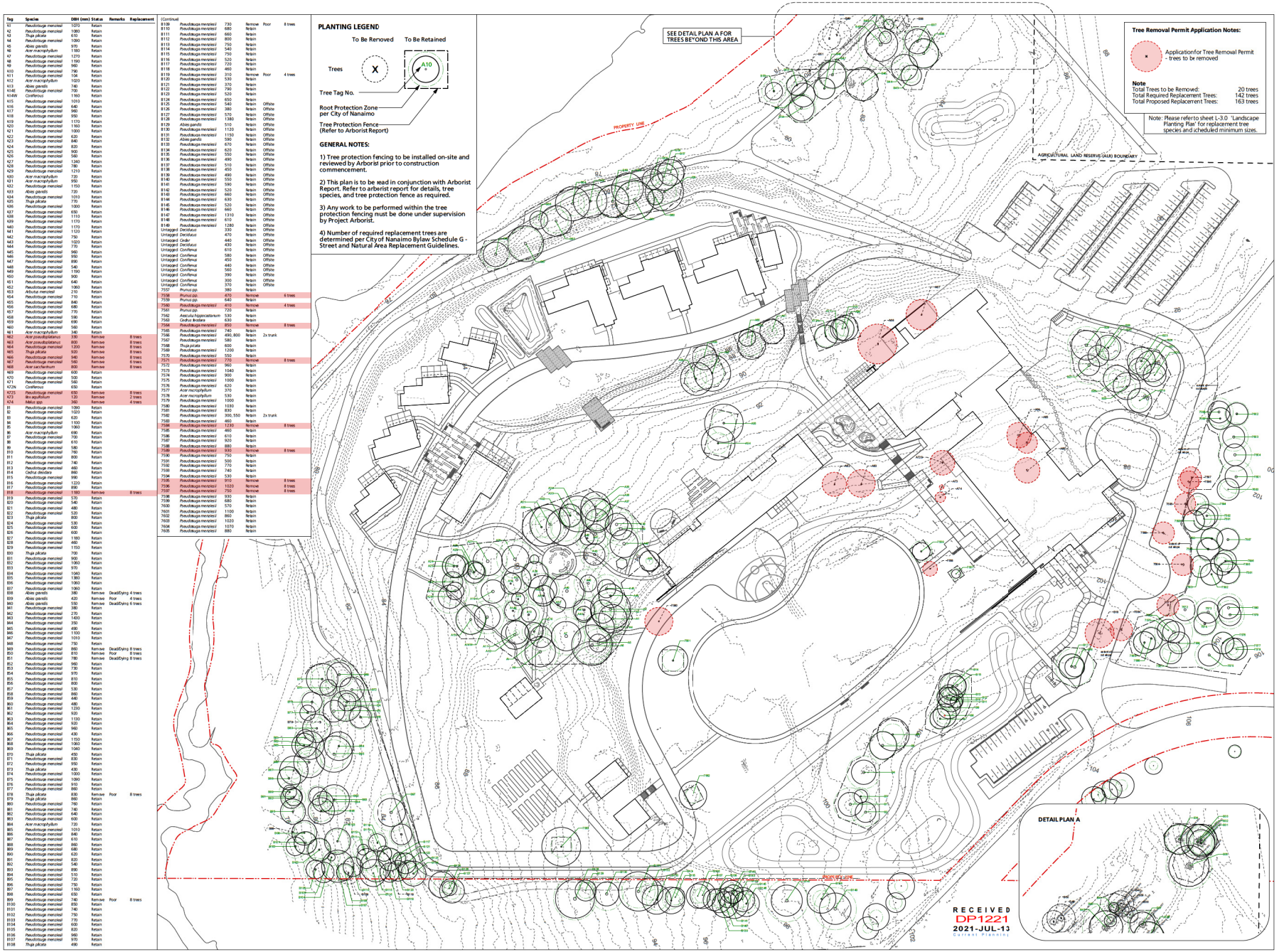
SHEET TITLE

Landscape Site Circulation Diagram

SHEET NUMBER	ISSUE
L0.1	

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Site Circulation Diagram
Scale: 1:750



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PROJECT
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 3945 BIGGS ROAD
 NANAIMO, BC
 V9R 5N5, CANADA










PROJECT NO: 19-080 **SCALE:** 1:750
DRAWN BY: JB **CHECKED BY:** MP
PROJECT MGR: JP **APPROVED BY:** MP

SHEET TITLE
Tree Management Plan

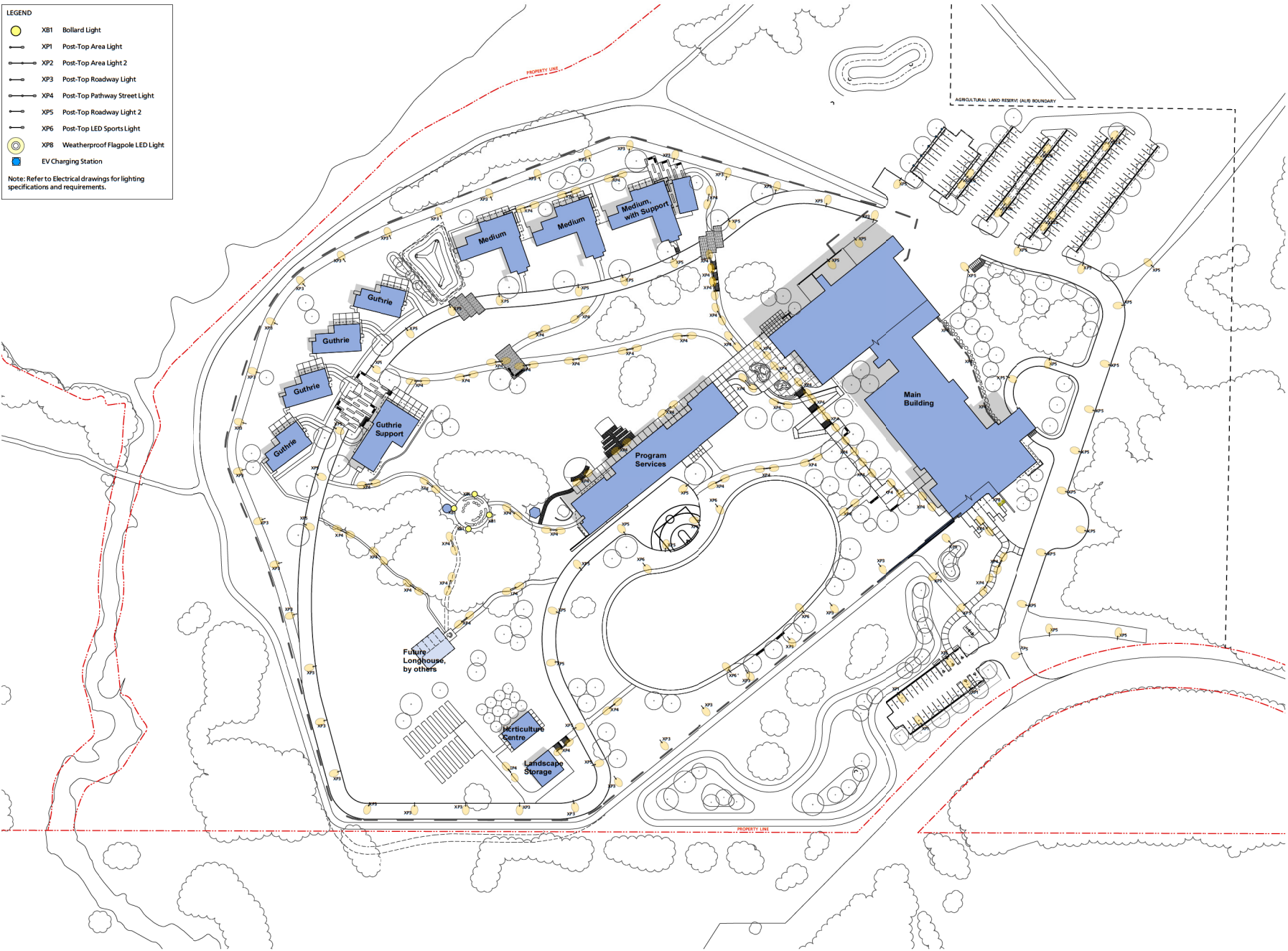
SHEET NUMBER L0.2 **ISSUE**

2021-07-08


LEGEND

-  XB1 Bollard Light
-  XP1 Post-Top Area Light
-  XP2 Post-Top Area Light 2
-  XP3 Post-Top Roadway Light
-  XP4 Post-Top Pathway Street Light
-  XP5 Post-Top Roadway Light 2
-  XP6 Post-Top LED Sports Light
-  XP8 Weatherproof Flagpole LED Light
-  EV Charging Station

Note: Refer to Electrical drawings for lighting specifications and requirements.



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PROJECT
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3945 BIGGS ROAD
NANAIMO, BC
V9R 5N3, CANADA

PROJECT NO: 19-080	SCALE: 1:750
DRAWN BY: JS	CHECKED BY: MP
PROJECT MGR: JP	APPROVED BY: MP

SHEET TITLE
Landscape
Site Lighting Plan

SHEET NUMBER L2.0	ISSUE 2021-07-08
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PLANTING LEGEND

A	Entry Plaza
B	Commons
C	Commons Plaza
D	Guthrie Neighbourhood
E	Wetland
F	Berm
G	Healing Garden
H	Guthrie/Medium Building Planters
I	Hydroseed
J	Habitat Planting
K	Parking Lot Planting

PLANTING PALETTE

A. ENTRY PLAZA

Botanical Name	Common Name	Size and Spacing
<i>Berberis thunbergii</i> 'Rose Glow'	Japanese Barberry	#1 Pot at 1m
<i>Calamagrostis x acutiflora</i>	Karl Foerster Grass	#1 Pot at 4m
<i>Carex oshimensis</i> 'Tigerpalm'	Japanese Sedge	#1 Pot at 45m
<i>Carex stolonifera</i> or <i>sericea</i>	Red-Osier Dogwood	#1 Pot at 45m
<i>Lonitiera nitida</i>	Box Honeyuckle	#1 Pot at 5m
<i>Mahonia aquifolium</i>	Creeeping Oregon Grape	#1 Pot at 5m
<i>Mahonia repens</i>	Mountain Pine	#1 Pot at 45m
<i>Pennisetum alopecuroides</i>	Fountain Grass	#1 Pot at 5m
<i>Polystichum murinum</i>	Sword Fern	#1 Pot at 75m
<i>Ribes sanguineum</i>	Red-Flowering Currant	#1 Pot at 1m
<i>Sarcococca rusifolia</i>	Fragrant Sweet Box	#1 Pot at 5m

B. COMMONS

Botanical Name	Common Name	Size and Spacing
<i>Berberis thunbergii</i> 'Rose Glow'	Japanese Barberry	#1 Pot at 1m
<i>Calamagrostis x acutiflora</i>	Karl Foerster Grass	#1 Pot at 4m
<i>Carex oshimensis</i> 'Tigerpalm'	Japanese Sedge	#1 Pot at 45m
<i>Lonitiera nitida</i>	Box Honeyuckle	#1 Pot at 5m
<i>Pennisetum alopecuroides</i>	Fountain Grass	#1 Pot at 5m
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil	#1 Pot at 75m

C. COMMONS PLAZA

Botanical Name	Common Name	Size and Spacing
<i>Berberis thunbergii</i> 'Rose Glow'	Japanese Barberry	#1 Pot at 1m
<i>Calamagrostis x acutiflora</i>	Karl Foerster Grass	#1 Pot at 4m
<i>Carex oshimensis</i> 'Tigerpalm'	Japanese Sedge	#1 Pot at 45m
<i>Ceanothus thyrsiflorus</i> 'Victoria'	Box Honeyuckle	#1 Pot at 5m
<i>Lonitiera nitida</i>	Box Honeyuckle	#1 Pot at 5m
<i>Pennisetum alopecuroides</i>	Fountain Grass	#1 Pot at 5m
<i>Physocarpus opulifolius</i>	Ninebark	#1 Pot at 1m
<i>Pinus mugo</i>	Mountain Pine	#1 Pot at 5m
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil	#1 Pot at 75m
<i>Prunus laurocerasus</i> 'Otto Luyken'	English Laurel	#1 Pot at 1m
<i>Ribes sanguineum</i>	Red-Flowering Currant	#1 Pot at 1m
<i>Spiraea japonica</i> 'Gold Mound'	Snowberry	#1 Pot at 1m
<i>Symphoricarpos albus</i>	Evergreen Huckleberry	#1 Pot at 1m
<i>Vericumium Ovatum</i>		

D. GUTHRIE NEIGHBOURHOOD

Botanical Name	Common Name	Size and Spacing
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	#1 Pot at 45m
<i>Berberis thunbergii</i> 'Rose Glow'	Japanese Barberry	#1 Pot at 1m
<i>Lonitiera nitida</i>	Box Honeyuckle	#1 Pot at 5m
<i>Philadelphus lewisii</i>	Mock Orange	#1 Pot at 1.5m
<i>Polystichum murinum</i>	Sword Fern	#1 Pot at 75m
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil	#1 Pot at 75m
<i>Prunus laurocerasus</i> 'Otto Luyken'	English Laurel	#1 Pot at 1m
<i>Spiraea japonica</i> 'Gold Mound'	Japanese Spirea	#1 Pot at 75m

E. WETLAND

Botanical Name	Common Name	Size
<i>Carex olivacea</i>	Slough Sedge	Plug
<i>Cornus stolonifera</i> or <i>sericea</i>	Red-Osier Dogwood	3m live-stakes
<i>Juncus effusus</i>	Common Rush	3m live-stakes
<i>Malus fusca</i>	Japanese Crabapple	#5 Pot
<i>Myrica gale</i>	Sweetgale	#5 Pot
<i>Rhamnus purshiana</i>	Cattail	#1 Pot
<i>Rubus parviflorus</i>	Sitski Willow	3m live-stakes
<i>Salix cinerea</i>	Hardstem Bulrush	Plug
<i>Scirpus acutus</i> or <i>lacustris</i>	Hardstem Bulrush	Plug
<i>Suaeda frutescens</i>	Cattail	Plug
<i>Typha latifolia</i>	Cattail	Plug

F. BERM

Botanical Name	Common Name	Size and Spacing
<i>Ammannia ananifolia</i>	Saltation, Serviceberry	#3 Pot
<i>Arbutus menziesii</i>	Pacific Madrone	#3 Pot
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	#1 Pot at 45m
<i>Blechnum spicant</i>	Deer Fern	#1 Pot at 45m
<i>Cornus stolonifera</i> or <i>sericea</i>	Red-Osier Dogwood	#1 Pot at 1m
<i>Corylus cornuta</i>	Beaked Hazelnut	#5 Pot
<i>Crataegus douglasii</i>	Black Hawthorn	#3 Pot
<i>Pseudotsuga menziesii</i>	Douglas Fir	#5 Pot
<i>Hedera helix</i>	Queen Fern	#1 Pot at 1m
<i>Philadelphus lewisii</i>	Mock Orange	#1 Pot at 1m
<i>Physocarpus opulifolius</i>	Ninebark	#1 Pot at 1m
<i>Pinus species</i>	To be confirmed	#5 Pot at 1m
<i>Ribes sanguineum</i>	Red-Flowering Currant	#1 Pot at 1m
<i>Rosa nutkana</i>	Nootka Rose	#1 Pot at 1m
<i>Sambucus cerulea</i>	Blue Elderberry	#1 Pot at 1m
<i>Symphoricarpos albus</i>	Snowberry	#1 Pot at 1m

G. HEALING GARDEN
To be planted by others, as part of the Indigenous and/or spiritual programming.

H. GUTHRIE / MEDIUM BUILDING PLANTERS
Planter areas to be planted by residents. Topsoil to be provided by the Contract.

I. HYDROSEED
Low maintenance mix (15% Quatro Sheep Fescue, 15% Eureka II Hard Fescue, 10% Chanidly Creeping Red Fescue, 20% Creeeping Red Fescue, 20% Windward Creeping Fescue, 20% L52300 Perennial Ryegrass).

Seeding rate to be 1-4 lb per 1,000ft².

J. HABITAT PLANTING
Planting per Environmental Consultant.

K. PARKING LOT PLANTING

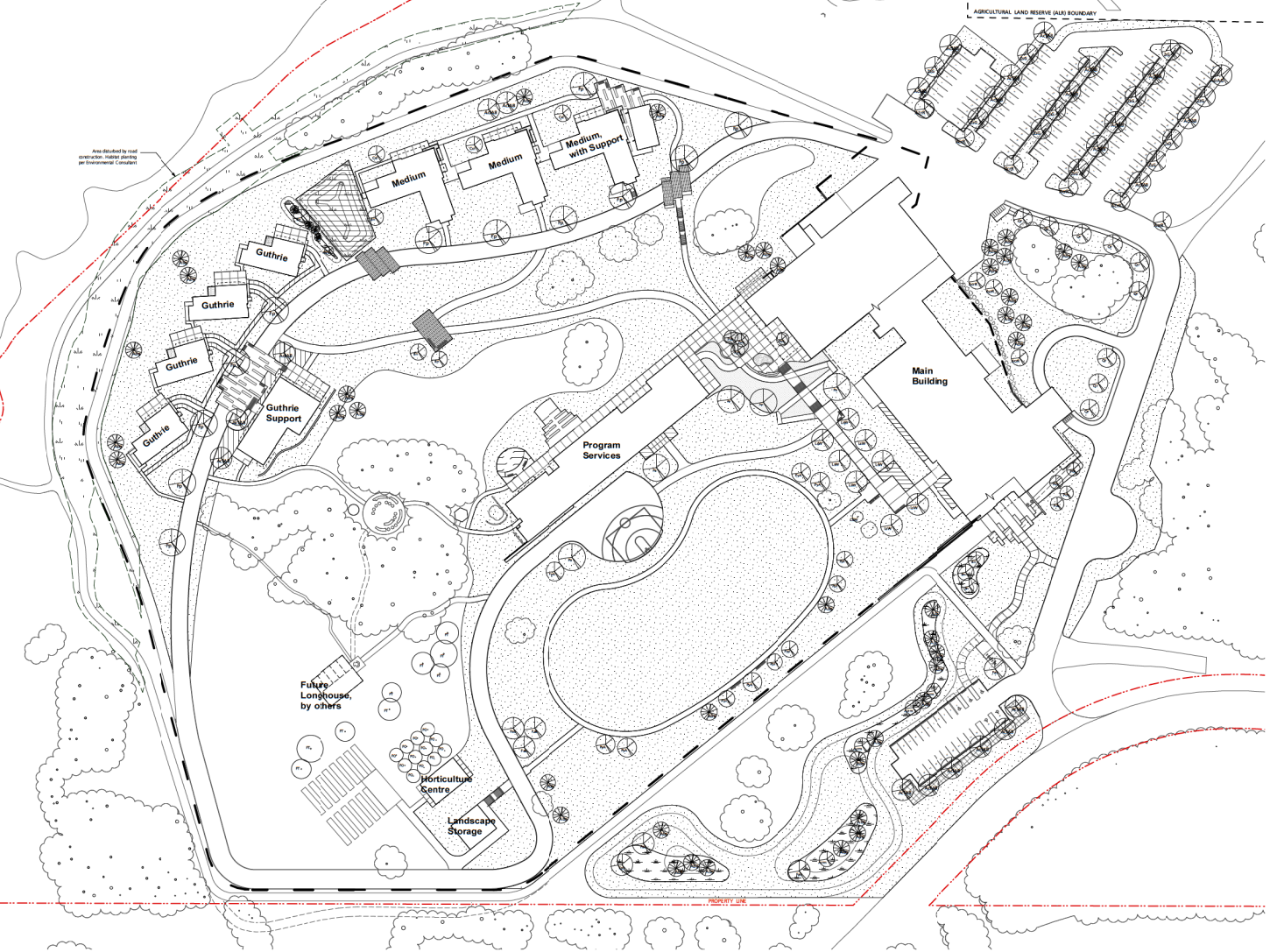
Botanical Name	Common Name	Size and Spacing
<i>Berberis thunbergii</i> 'Rose Glow'	Japanese Barberry	#1 Pot at 1m
<i>Lonitiera nitida</i>	Box Honeyuckle	#1 Pot at 5m
<i>Pennisetum alopecuroides</i>	Fountain Grass	#1 Pot at 5m
<i>Rosa nutkana</i>	Nootka Rose	#1 Pot at 1m

Tree Planting List

Symbol	Qty.	Botanical Name	Common Name	Scheduled Size	Remarks
Trees	41	<i>Abies grandis</i>	Grand Fir	20 ft	
Tree	4	<i>Acer macrophyllum</i>	Sitka Maple	6m cal. @ 0/0	
Tree	1	<i>Acer macrophyllum</i>	Sitka Maple	8m cal. @ 0/0	
Tree	1	<i>Acer rubrum</i> 'Autumn Glory'	Swamp Maple	6m cal. @ 0/0	
Tree	1	<i>Acer rubrum</i> 'Red Sunset'	Red Sunset Maple	6m cal. @ 0/0	
Tree	1	<i>Acer rubrum</i> 'Autumn Blaze'	Autumn Blaze Maple	6m cal. @ 0/0	
Tree	1	<i>Amelanchier alabamica</i>	Saskatoon	2.5m ht. @ 0/0	WB, 1.8m Standard CWV 1x gallon bag per tree. To be selected by LA.
Tree	1	<i>Betula nigra</i>	Brown Birch	6m cal. @ 0/0	
Tree	1	<i>Cornus</i> 'Maiden White Wonder'	Maiden White Wonder Dogwood	6m cal. @ 0/0	
Tree	1	<i>Cornus x hybrid</i>	Levick Dogwood	6m cal. @ 0/0	
Tree	1	<i>Fagus sylvatica</i>	European Beech	6m cal. @ 0/0	
Tree	1	<i>Fraxino americana</i> 'Palmetto'	Green Ash	6m cal. @ 0/0	
Tree	1	<i>Liquidambar styraciflua</i> 'Winged'	Wingedlocust Sweet Gum	6m cal. @ 0/0	Single Trunk
Tree	1	<i>Metaxia spicata</i> 'Spice Walk Way'	Parrot's Wings	6m cal. @ 0/0	Tree Form
Tree	1	<i>Populus tremuloides</i>	Yamhill Poplar	6m cal. @ 0/0	
Tree	1	<i>Prunus x pendula</i> 'Akabane'	Japanese Cherry	6m cal. @ 0/0	'Native Habitat'
Tree	1	<i>Quercus muhlenbergii</i>	Chinquapin	2.5m ht. @ 0/0	'Native Habitat'
Tree	1	<i>Quercus</i>	Red Oak	6m cal. @ 0/0	
Tree	1	<i>Salix integra</i> 'Green Wave'	Green Wave Japanese Weeping Willow	6m cal. @ 0/0	WB, 1.8m Standard CWV 1x gallon bag per tree. To be selected by LA.
Tree	1	<i>Thuja occidentalis</i>	Blue Cedar	6m cal. @ 0/0	
Tree	1	<i>Yucca filamentosa</i>	Spine Palm	2.5m ht. @ 0/0	

Note: Future tree plantings associated with future longhouse to be planted in conjunction with future longhouse construction.

Note: Root Barrier to be Deeproot Geomembrane, 376mm thick x 490mm deep, 2.5 m per tree



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ISSUES

No.	DESCRIPTION	DATE
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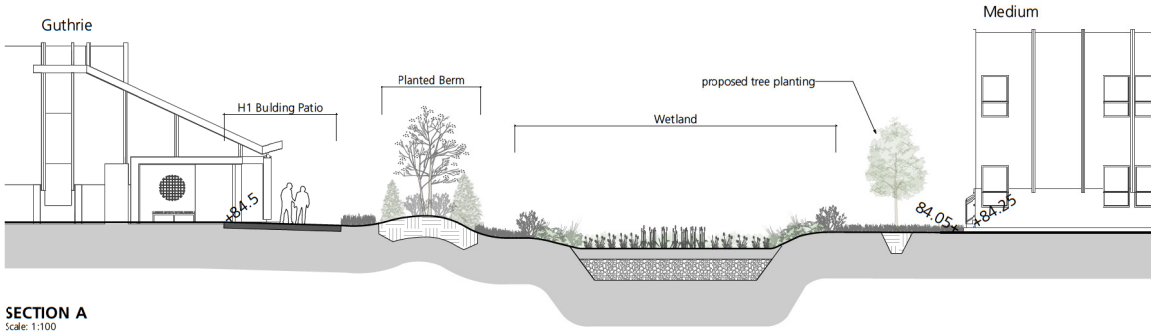
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NANAIMO CORRECTIONAL CENTRE REPLACEMENT
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N5, CANADA

PROJECT NO: 19-080	SCALE: 1:750
DRAWN BY: JB	CHECKED BY: MP
PROJECT MGR: JP	APPROVED BY: MP

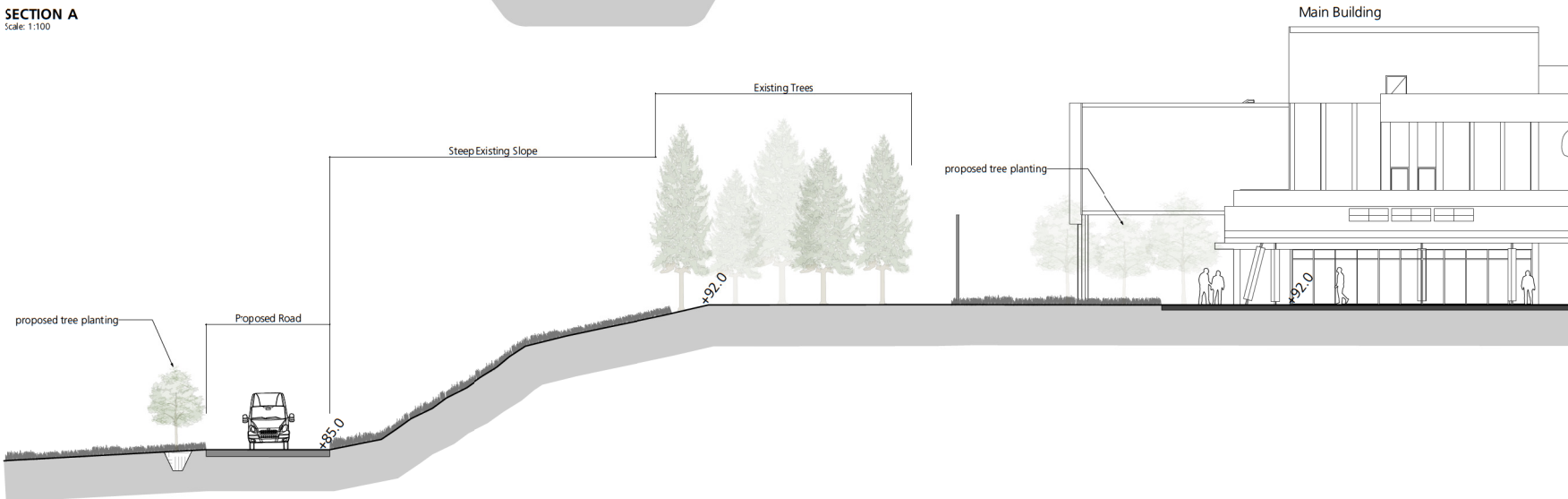
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Landscape
Planting Plan

SHEET NUMBER
L3.0

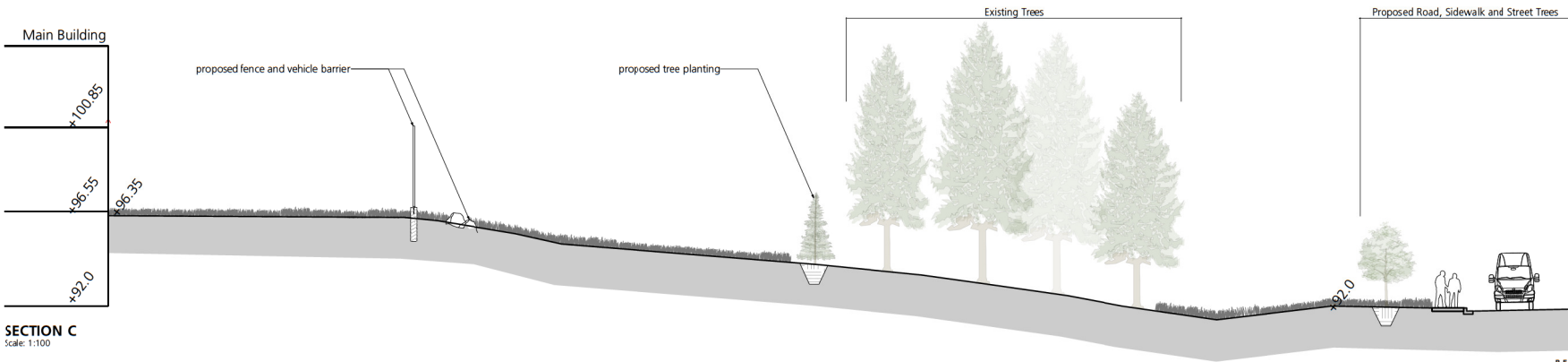
ISSUE
2021-07-08



SECTION A
Scale: 1:100



SECTION B
Scale: 1:100



SECTION C
Scale: 1:100

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2	Financial Submission 2	2020/10/15
3	Issued for Development Permit	2021/02/03

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ibigroup.com

PROJECT

NANAIMO CORRECTIONAL CENTRE REPLACEMENT
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N3, CANADA

PROJECT NO: 19-080	SCALE: As Shown
DRAWN BY: JP	CHECKED BY: MP
PROJECT MGR: JP	APPROVED BY: MP

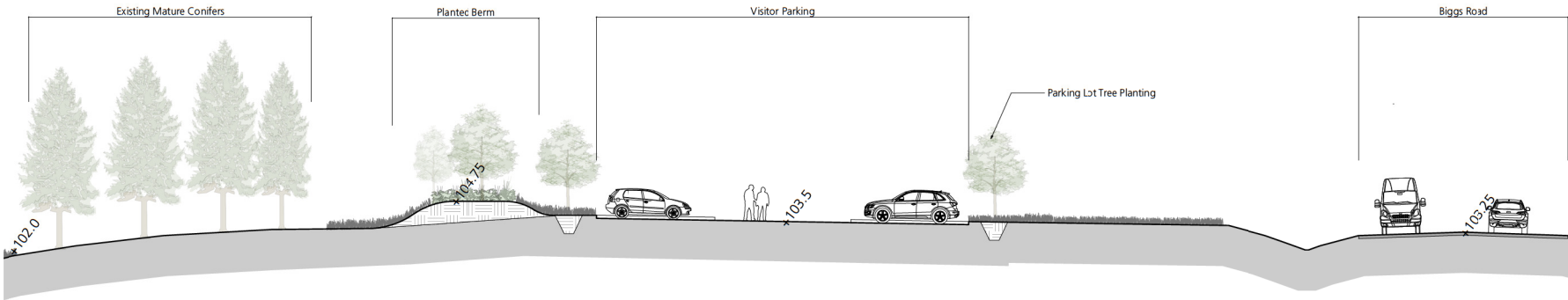
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Illustrative
Landscape Sections

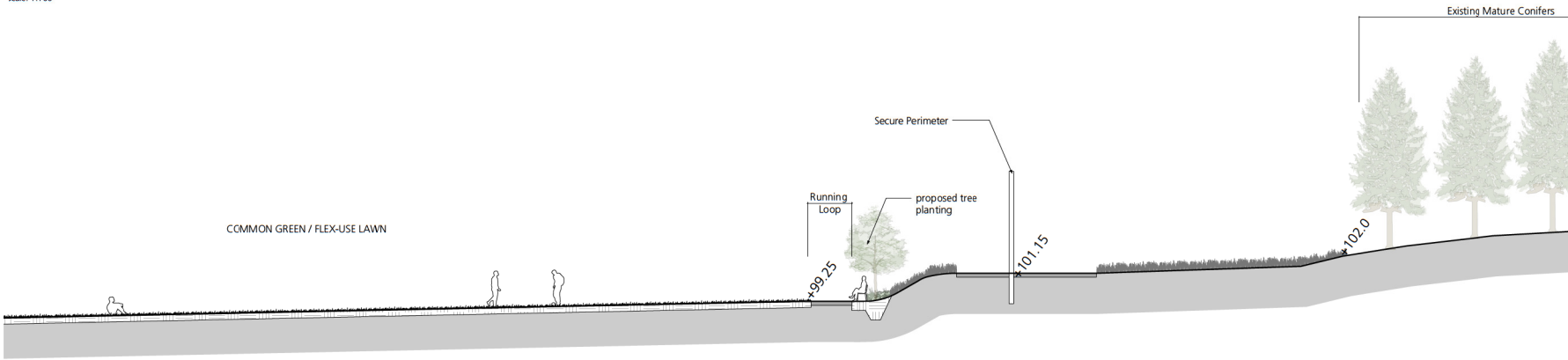
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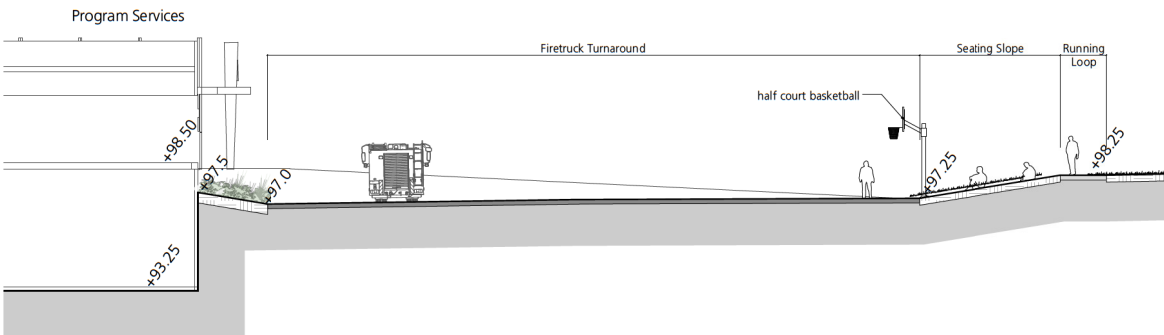
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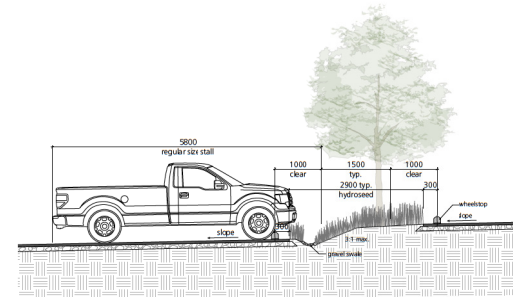
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SECTION D (cont.)
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SECTION E
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SECTION F
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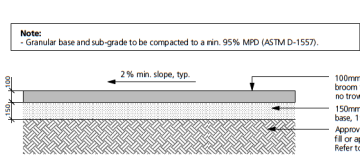
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3945 BIGGS ROAD
NANAIMO, BC
V9R 5N5, CANADA

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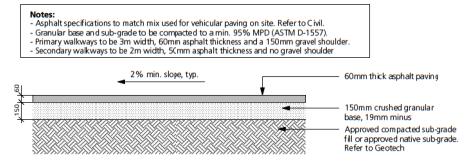
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Illustrative Landscape Sections

SHEET NUMBER L4.1	ISSUE
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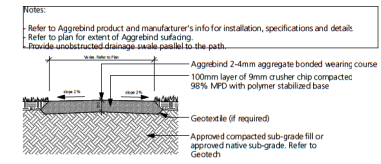
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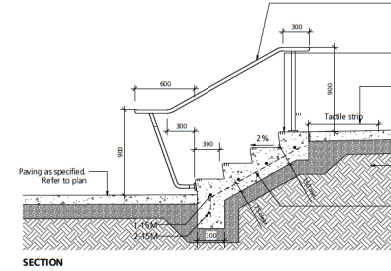
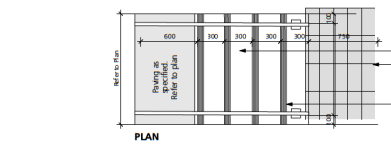
1 Pedestrian Concrete Paving
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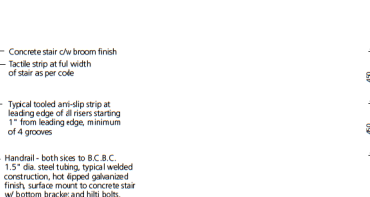
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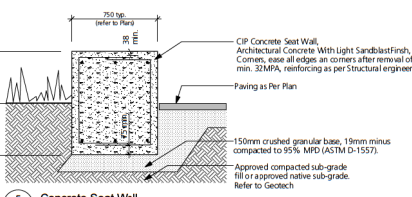
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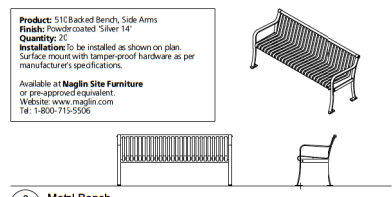
4 Cast Concrete Stairs
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5 Concrete Seat Wall
L5.0 1.20



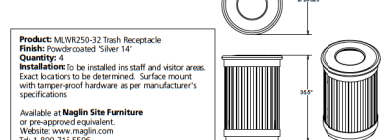
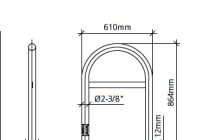
6 Metal Bench
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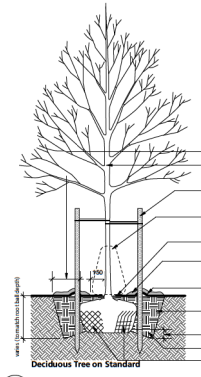
7 Bike Rack
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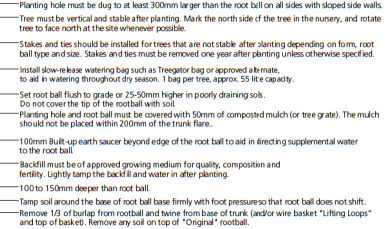
8 Garbage Receptacle
L5.0 nts



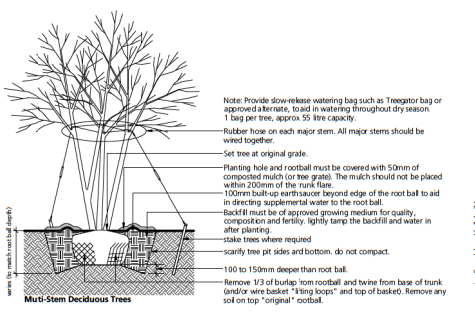
- Tree Planting Notes:**
- Do not cut leader.
 - Stake trees only upon the approval of the landscape architect. wrap tree trunks only upon the approval of the landscape architect.
 - Protect tree from danger during planting. ensure rootball is protected from sun, frost or desiccation.
 - Tree selection, handling, planting and maintenance must meet local/bcna standards, be in good health and condition without wounds, have normal form, and be free of disease and pests.
 - Site preparation must include provision for soil placement, replacement or enhancement to meet project specifications.
 - Planting holes must be free draining to the extent that rainwater and/or supplemental water does not accumulate and drown the roots. if necessary, the subgrade must be graded with positive slope and/or drainage services such as but not limited to percolation holes, french drains or drain pipes must be installed to suit.
 - Watering of the root ball must be undertaken immediately after planting and then for the first growing season so that the root ball is thoroughly wetted once per week (min/num).
 - The mulched root zone should be refreshed annually to replace the mulch. this area must be weeded by hand to avoid trunk and root damage from string trimmers or mowers.
 - The tree should be pruned to ansi a3000 standards after establishment and from time to time to train it for structure to conform to the form of the species and to respond to growing site constraints. all pruning must be undertaken by or performed under the direction of a qualified arborist certified by the international society of arboriculture and who demonstrates proficiency in pruning.



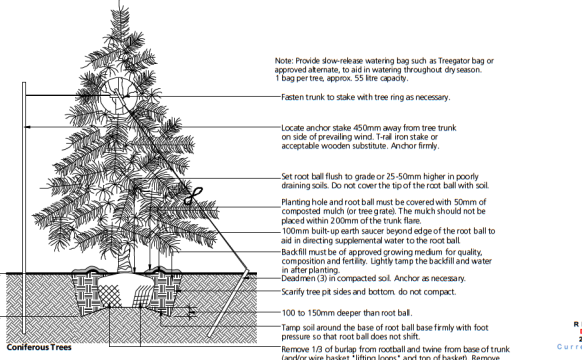
9 Deciduous Tree on Standard
L5.0 1.25



10 Multi-Stem Deciduous Trees
L5.0 1.25



11 Coniferous Trees
L5.0 1.25



12 Coniferous Trees
L5.0 1.25

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PROJECT

NANAIMO CORRECTIONAL CENTRE REPLACEMENT
3945 BIGGS ROAD
NANAIMO, BC
V9R 5N5, CANADA

PROJECT NO.	SCALE:
19-080	As Shown

DRAWN BY:	CHECKED BY:
JP	MP

PROJECT MGR:	APPROVED BY:
JP	MP

SHEET TITLE

Landscape Details

SHEET NUMBER

L5.0

ISSUE

2021-02-03



Visitor Arrival Plaza with Planting, Seating Elements, Bollards and Flag Poles



The Commons Plaza with Organic Edges



Outdoor Patios Adjacent Support Buildings



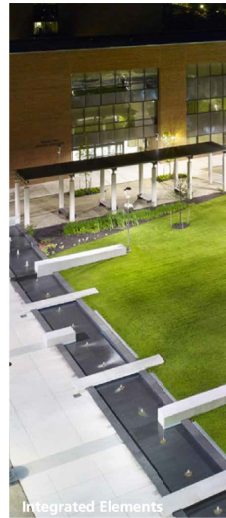
The Commons



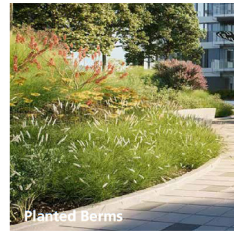
Support Building Entrance



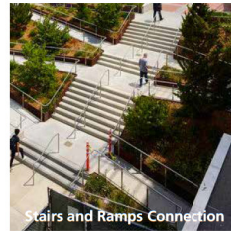
Visitor Arrival Plaza with Planting, Seating Elements and Flag Poles



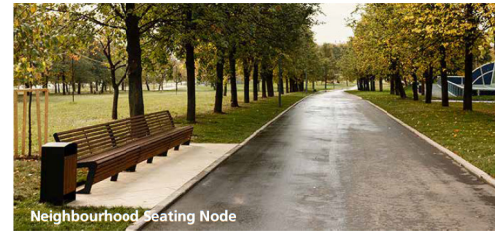
Integrated Elements



Planted Berms



Stairs and Ramps Connection



Neighbourhood Seating Node



Flex Use Plaza with Basketball Court



Council Circle



Cast Concrete Elements



Common Green and Running Loop



Amphitheatre

ARRIVAL PLAZA

COMMONS AREAS

NEIGHBOURHOOD AND GATHERING SPACES

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PROJECT NO: 19-080	SCALE: 1:750	
DRAWN BY: JB	CHECKED BY: MP	
PROJECT MGR: JP	APPROVED BY: MP	
SHEET TITLE Landscape Precedents		
SHEET NUMBER L6.0	ISSUE	2021-02-03

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Tree Planting between Staff Parking Lots



Granular Pathways



Cedar Log and Stump Seating



Planted Berms and Hedgerows providing Visual Screening



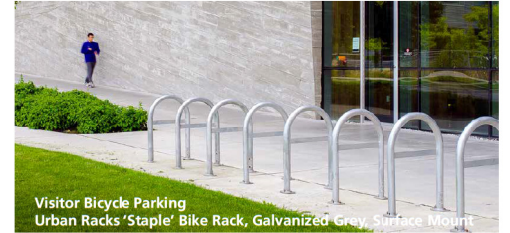
Integrated Stormwater Solutions



Asphalt Pathways and Paving Areas



Flex-Use Common Green Area



Visitor Bicycle Parking
Urban Racks 'Staple' Bike Rack, Galvanized Grey, Surface Mount



Cast Concrete Paving c/w Broom Finish



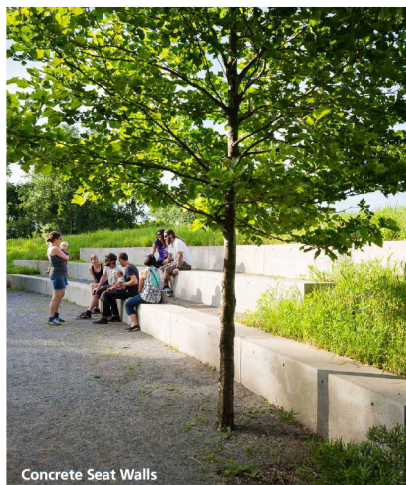
Cast Concrete Stairs



Maglin 510 Backed Bench, Powdercoat Silver 14, Surface Mount



Painted Asphalt Patterns at Neighbourhood Plazas



Concrete Seat Walls



Basketball Hoop

Maglin 250 Trash Container
Powdercoat Silver 14, Surface Mount



Precast Concrete Wheel Stops



Stamped Asphalt Pattern at Nodes



Dero 'Single Locker', Powdercoat Grey - Secure Staff Bicycle Parking

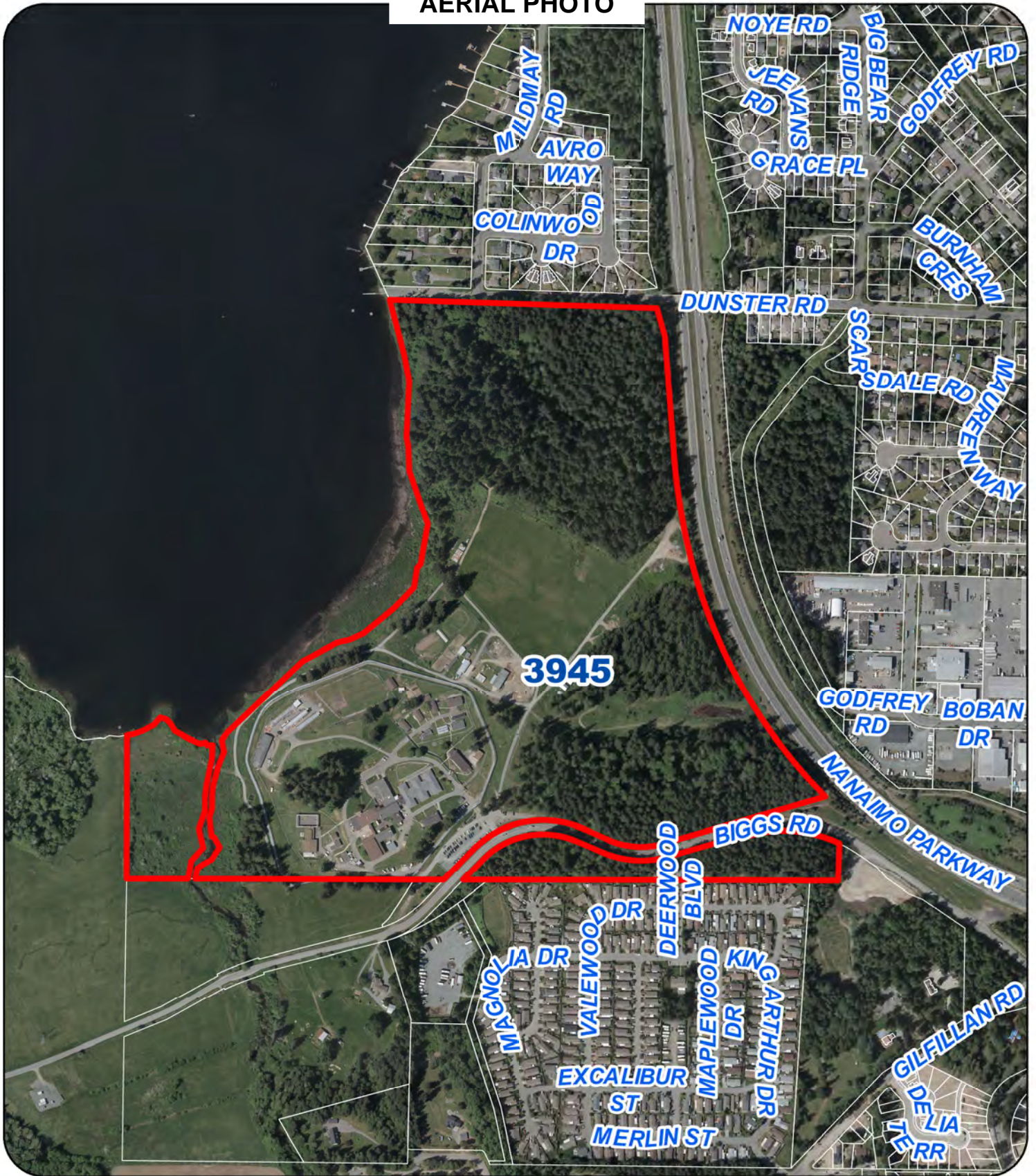
PARKING LOTS

MATERIALS AND SITE ELEMENTS

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<p>CONSULTANTS</p> <p>P+A Landscape Architecture Site Planning</p> <p>8, 8th Perry & Associates Inc. 112 East Broadway Vancouver, BC V5T 1V9 T 604 738 4118 F 604 738 4116 www.perryandassociates.ca</p>								
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PROJECT NO: 19-080	SCALE: 1:750							
DRAWN BY: JB	CHECKED BY: MP							
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SHEET TITLE Landscape Precedents								
SHEET NUMBER L6.1	ISSUE	2021-02-03						

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ATTACHMENT I
AERIAL PHOTO



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LEGEND

 SUBJECT PROPERTY

REZONING APPLICATION NO. DP001221

Edit

DATE OF MEETING [July 26, 2021]

AUTHORED BY [LISA BRINKMAN, PLANNER, CURRENT PLANNING]

**SUBJECT [DEVELOPMENT PERMIT APPLICATION NO. DP1198
– 361 ALBERT STREET]**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development permit application for a five-storey building with 22 residential units and a live/work studio at 361 Albert Street. |

Recommendation

That Council issue Development Permit No. 1198 at 361 Albert Street with one variance to increase the maximum allowable building height from 11.2m to 14.0m. |

BACKGROUND

A development permit application, DP1198, was received from Douglas R. Johnson Architect Ltd. on behalf of Gagan Sharma for a five-storey building with 22 residential units and a live/work studio to be located at 361 Albert Street.

Subject Property and Site Context

<i>Zoning</i>	DT9 Old City Central
<i>Location</i>	The subject property is located in the downtown area on the east end of Albert Street between Cavan Street and Roberts Street.
<i>Total Area</i>	0.1ha
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan - Neighbourhood Map 3 – Development Permit Area No. 9 - Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential development; and Development Permit Area No. 8 – Old City Neighbourhood
<i>Old City Neighbourhood Concept Plan</i>	Sub Area 5 - Central Commercial
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines Nanaimo’s Old City Multiple Family Residential Design Guidelines

The subject property is a vacant, sloping site located in the Old City Neighbourhood. The site has a 14m grade change from the northwest corner of the site to the southeast corner. The property is surrounded by a mix of commercial and office uses located on Albert Street, as well as multi-family uses located on Hecate Street. |

DISCUSSION

Proposed Development

The applicant is proposing a five-storey building with 22 residential units, a live/work studio, and partial underground parking. The subject property is zoned DT9, which permits a Floor Area Ratio (FAR) of 1.1 when parking spaces are provided fully or partially underground. A FAR of 1.1 is proposed for the development.

<i>Unit Type</i>	<i>Number of Units</i>	<i>Units Sizes</i>
Live/Work studio	1	36m ²
One bedroom	21	37m ² – 50m ²
Two bedroom	1	69m ²
<i>Total</i>	23 units	

Site Design

The building will front onto Albert Street with a partially underground parking level built into the slope of the land. Street-level pedestrian access is provided to the primary entrance lobby and to the live/work studio on the main level. The driveway access to the parking garage is at the centre of the building. A common outdoor amenity area for residents is proposed on the top of the parking structure at the rear of the property, and is accessed from the second level of the building. Four stepped retaining walls with landscaping are proposed at the rear of the property to provide a gradual transition to the grade changes.

Building Design

The proposed five-storey building will face Albert Street, with four storeys visible from the rear of the parcel. The building is a contemporary design with generous glazing, a flat roof, and balconies for each unit. The exterior façade materials consist of cement panel and horizontal siding. The primary building entrance is accented by a glass canopy with steel supports. The door to the parking garage will be steel frame with frosted glass panels. The parking garage will contain one electric vehicle charger (with rough-in for two additional charging stations), indoor bike storage room with an electrical bike charger, garbage and recycling room, and parking spaces. The upper four storeys consist of residential units with covered outdoor balconies. The proposed design meets the City's design guidelines.

Landscape Design

There is a level pedestrian access from the sidewalk to the primary building entrance, and the front yard area contains a bench, bike rack, and landscaping. The live/work studio can also be accessed from the sidewalk, and generous landscaping screens the outdoor patio space from the public realm. The outdoor amenity area for residents at the rear of the property will contain vegetable garden plots, an outdoor kitchen, play area for children, and plantings. The set of cement retaining walls at the rear will be landscaped with Douglas fir, magnolia trees, various maple trees, and a variety of shrubs and grasses. Concrete steps are located along the south side property line to provide access to the retaining wall landscape areas. At the rear of the property, a railing will be located on the retaining wall along the side and rear property lines. Exterior lighting will be provided at building entrances and within the amenity area.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2020-SEP-10, accepted DP001198 as presented with support for the proposed variance. The following recommendations were provided:

- Consider the incorporation of Staff comments, particularly with respect to the side elevations.
- Consider the roof material and colour selection to respect the significant overlook by neighbouring properties.
- Consider reducing the parkade length and number of parking stalls to allow for a stepped retaining wall at the rear of the property.

The applicant responded to the DAP recommendations by improving the visual interest on the side elevations of the building with the addition of a pattern of coloured panels in complementary colours. A pattern of artificial grass is proposed on the roof to provide visual interest with a low-maintenance product. The rear yard area was also improved with the addition of stepped retaining walls to create an attractive environment in the rear yard, and to accommodate the change in elevation.

Proposed Variance

Building Height

The maximum allowable building height is 11.2m in the DT9 zone, and the proposed building height is 14.0m; a proposed variance of 2.8m.

The subject property has a significant grade change of approximately 14m from Albert Street to the rear of the property. The surrounding residential properties are at higher elevations, and the grade of the residential properties to the rear are approximately level with the upper storey of the proposed building. The rear façade of the proposed building is a four-storey presentation, and the front façade is a five-storey presentation.

In addition, the proposed building has a reduced footprint and is sited closer to the front lot line in the lowest portion of the property, with an amenity area and landscaped area proposed for the rear half of the property. Also, the wall face of the upper storey of the building is recessed to allow for larger balconies, reducing the size of the upper storey. A six-storey office building is located directly across the street at 495 Dunsmuir Street.

Thus, the topography of the neighbourhood, the siting of the building, the reduced building footprint, the recessed upper storey, and the amenity and landscaped area at the rear half of the property all contribute to preserving the public view corridors for the area.

Staff support the proposed variance.

SUMMARY POINTS

- Development Permit Application No. DP1198 is for a development with 22 residential units and a live/work studio.
- A variance is requested for the building height from 11.2m to 14.0m.
- The proposed development addresses the City's design guidelines, and Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site and Parking Plans
ATTACHMENT E: Building Elevations and Details
ATTACHMENT F: Building Renderings
ATTACHMENT G: Landscape Plan and Details
ATTACHMENT H: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.6.1 – Size of Buildings* – to increase the maximum allowable principal building height from 11.2m to 14.0m.

CONDITIONS OF PERMIT

1. The subject property shall be developed generally in accordance with the proposed Site and Parking Plans prepared by Douglas R. Johnson Architect Ltd., dated 2021-JUN-01, as shown on Attachment D.
2. The development is in substantial compliance with the proposed Building Elevations and Details prepared by Douglas R. Johnson Architect Ltd., dated 2021-JUN-01, as shown on Attachment E.
3. The subject property is developed in substantial compliance with the proposed Landscape Plan and Details prepared by PMG Landscape Architects., dated 2021-MAY-18, as shown on Attachment G.

ATTACHMENT B CONTEXT MAP

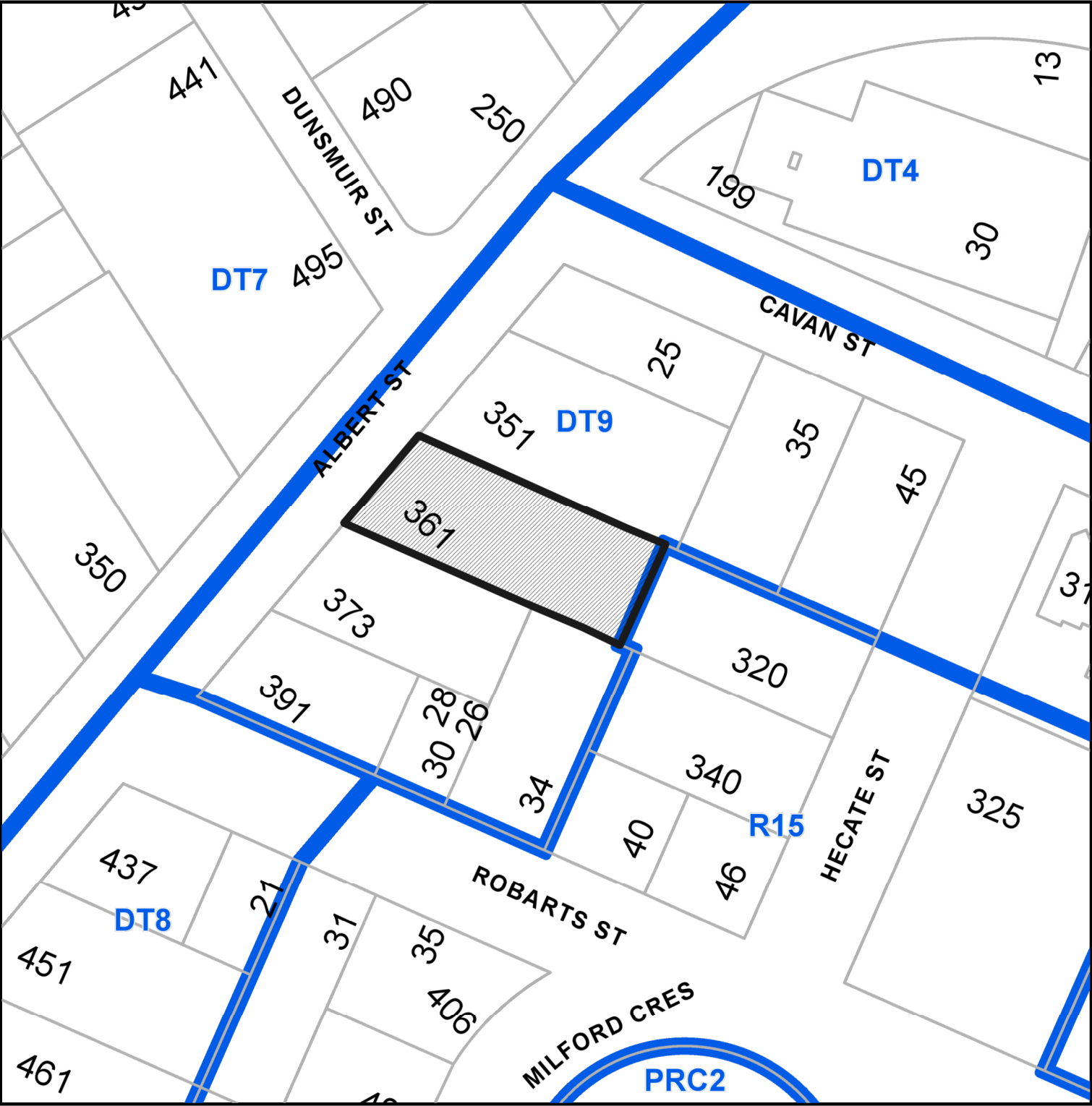


DEVELOPMENT PERMIT APPLICATION NO. DP001198



361 ALBERT STREET

**ATTACHMENT C
LOCATION PLAN**



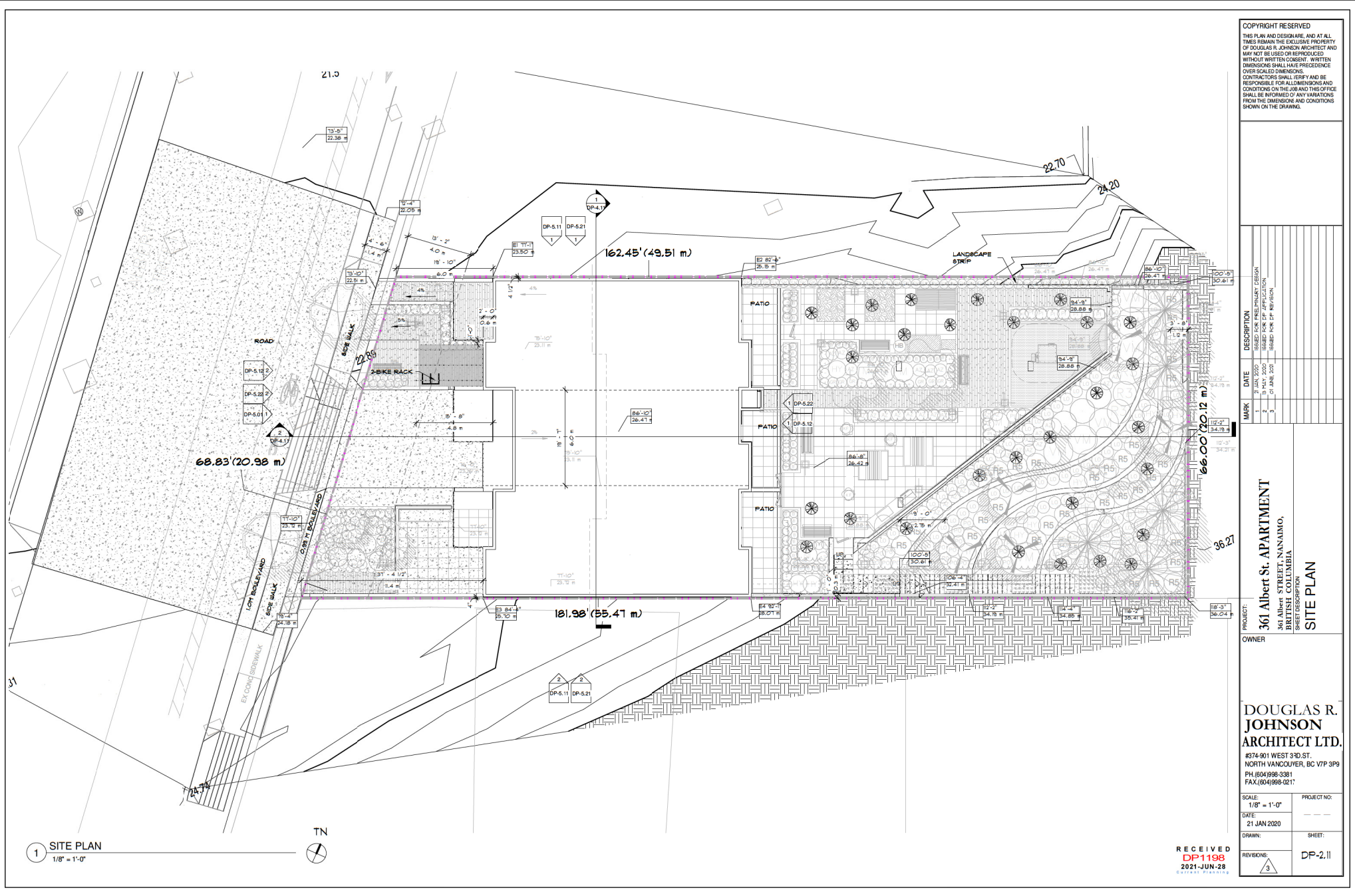
DEVELOPMENT PERMIT APPLICATION NO. DP001198



 **Subject Property**

CIVIC: 361 ALBERT STREET
LEGAL: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP93852

ATTACHMENT D SITE AND PARKING PLANS



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

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 JUN 2021	ISSUED FOR PERMITS
3	01 JUN 2021	ISSUED FOR CONSTRUCTION

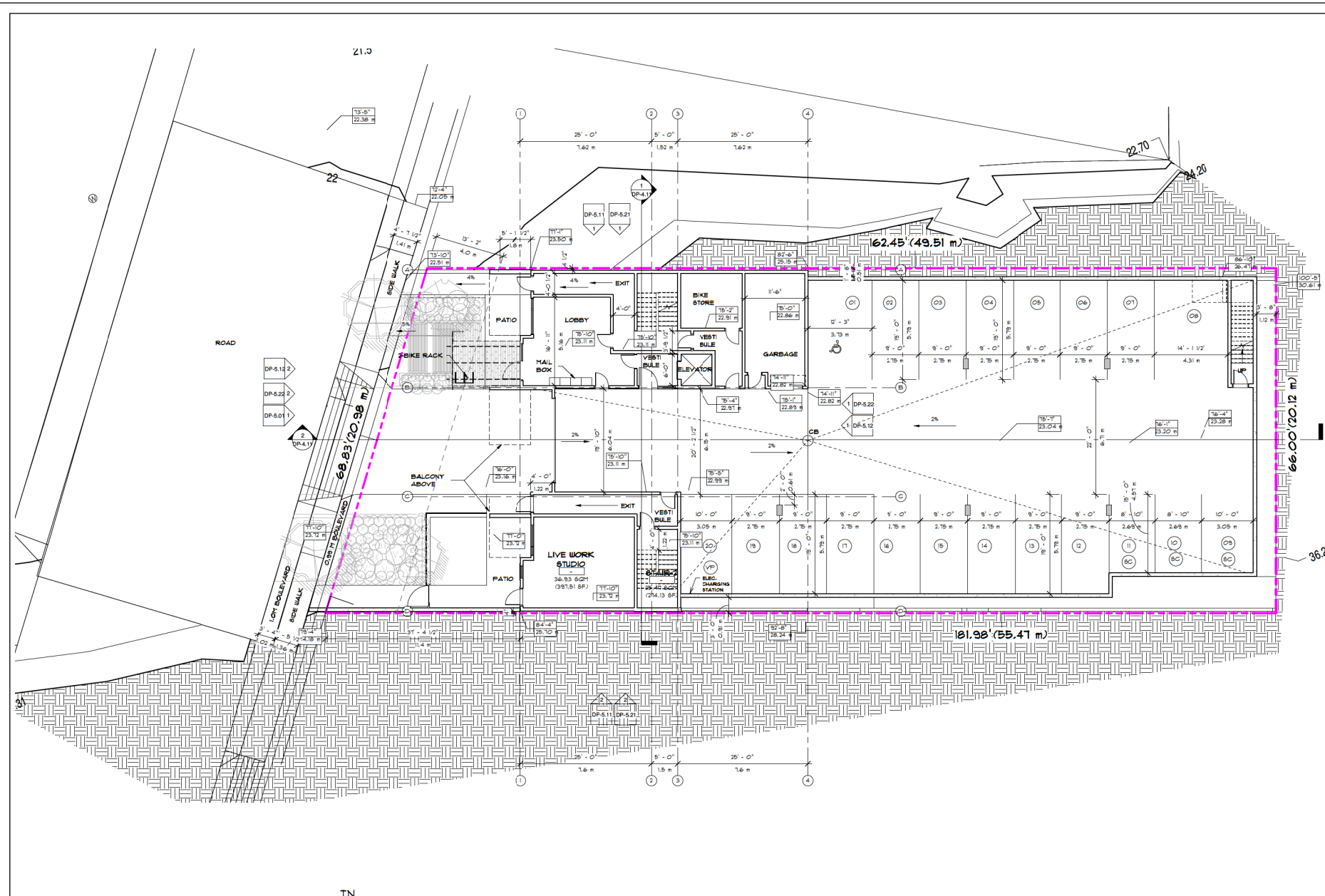
PROJECT: **361 Albert St. APARTMENT**
361 ALBERT STREET, NANAIMO, BRITISH COLUMBIA
SHEET DESCRIPTION: **SITE PLAN**
OWNER:

DOUGLAS R. JOHNSON ARCHITECT LTD.
4374-901 WEST 33RD ST.
NORTH VANCOUVER, BC V7P 3P9
PH: (604) 998-3381
FAX: (604) 998-0217

SCALE: 1/8" = 1'-0"	PROJECT NO: _____
DATE: 21 JAN 2020	SHEET: _____
DRAWN: _____	REVISIONS: DP-2.11

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1 MAIN FLOOR PLAN
1/8" = 1'-0"

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CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE INFORMED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWING.

MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 FEB 2020	ISSUED FOR PERMIT REVIEW
3	01 FEB 2020	ISSUED FOR CIP REVIEW

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO,
BRITISH COLUMBIA
SHEET DESCRIPTION
MAIN FLOOR PLAN

OWNER

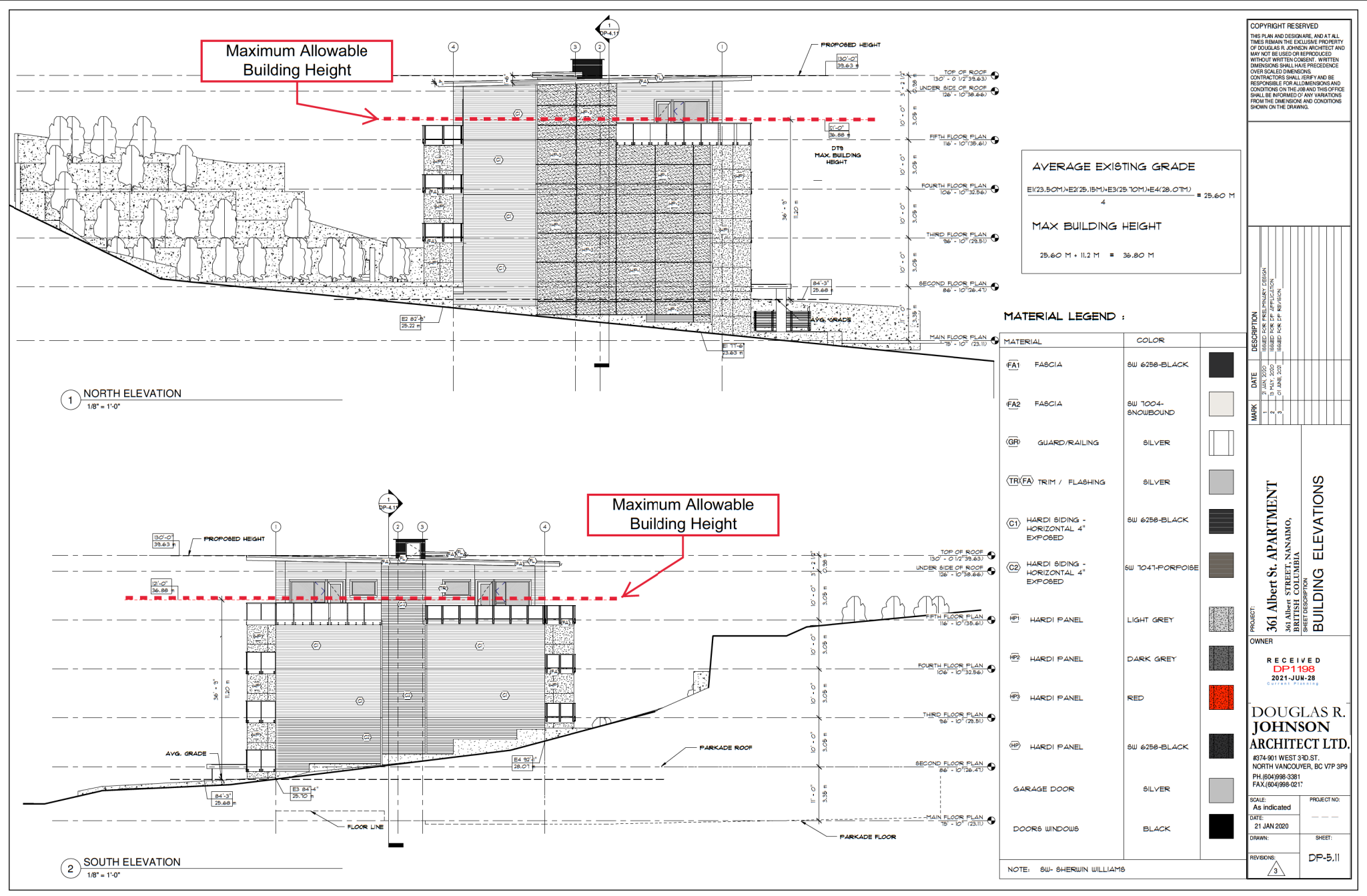
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FAX: (604) 998-0217

SCALE: 1/8" = 1'-0"	PROJECT NO: ---
DATE: 21 JAN 2020	SHEET: ---
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ATTACHMENT E BUILDING ELEVATIONS AND DETAILS



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REVISIONS:

MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	21 JAN 2020	ISSUED FOR PERMIT SUBMISSION
3	21 JAN 2020	ISSUED FOR I.P. REVIEW

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO, BRITISH COLUMBIA
SHEET DESCRIPTION: BUILDING ELEVATIONS

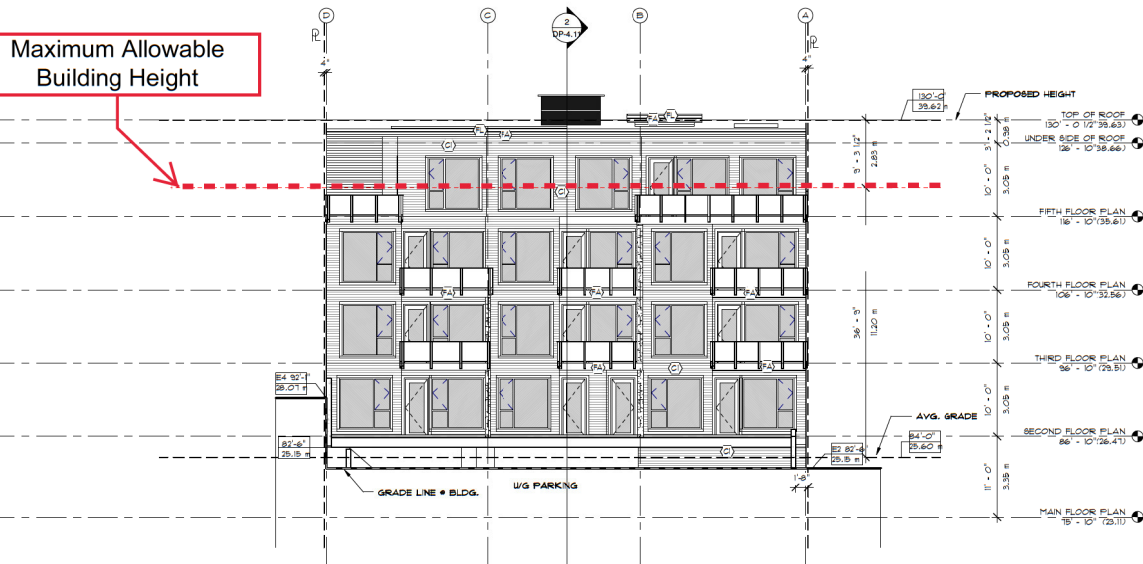
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SCALE: As indicated
DATE: 21 JAN 2020
DRAWN: PROJECT NO: SHEET: REVISIONS: DP-5.11

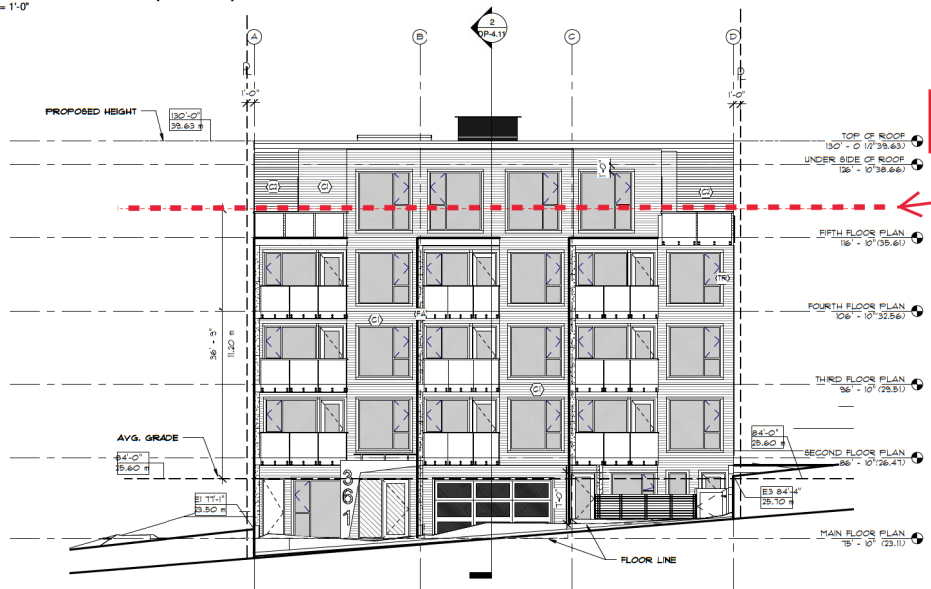
NOTE: SW- SHERWIN WILLIAMS

Maximum Allowable Building Height



1 EAST ELEVATION (Rear)
1/8" = 1'-0"

Maximum Allowable Building Height



2 WEST ELEVATION (Albert Street)
1/8" = 1'-0"

MATERIAL LEGEND :

MATERIAL	COLOR
FA1 FASCIA	SW 6258-BLACK
FA2 FASCIA	SW 1004-SNOWBOUND
GR GUARD/RAILING	SILVER
TRFA TRIM / FLASHING	SILVER
C1 HARDI SIDING - HORIZONTAL 4" EXPOSED	SW 6258-BLACK
C2 HARDI SIDING - HORIZONTAL 4" EXPOSED	SW 1041-PORPOISE
HP1 HARDI PANEL	LIGHT GREY
HP2 HARDI PANEL	DARK GREY
HP3 HARDI PANEL	RED
HP4 HARDI PANEL	SW 6258-BLACK
GARAGE DOOR	SILVER
DOORS WINDOWS	BLACK

NOTE: SW- SHERWIN WILLIAMS

AVERAGE EXISTING GRADE
 $E1(23.50M)+E2(25.15M)+E3(25.10M)+E4(28.07M) = 25.60 M$
 4
 MAX BUILDING HEIGHT
 $25.60 M + 11.2 M = 36.80 M$

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 CONTRACTORS SHALL REFER AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE INFORMED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWING.

MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 FEB 2020	ISSUED FOR PERMIT APPLICATION
3	01 FEB 2020	ISSUED FOR C.P.F. REVIEW

PROJECT: 361 Albert St. APARTMENT
 361 ALBERT STREET, NANAIMO, BRITISH COLUMBIA
 SHEET DESCRIPTION: BUILDING ELEVATIONS

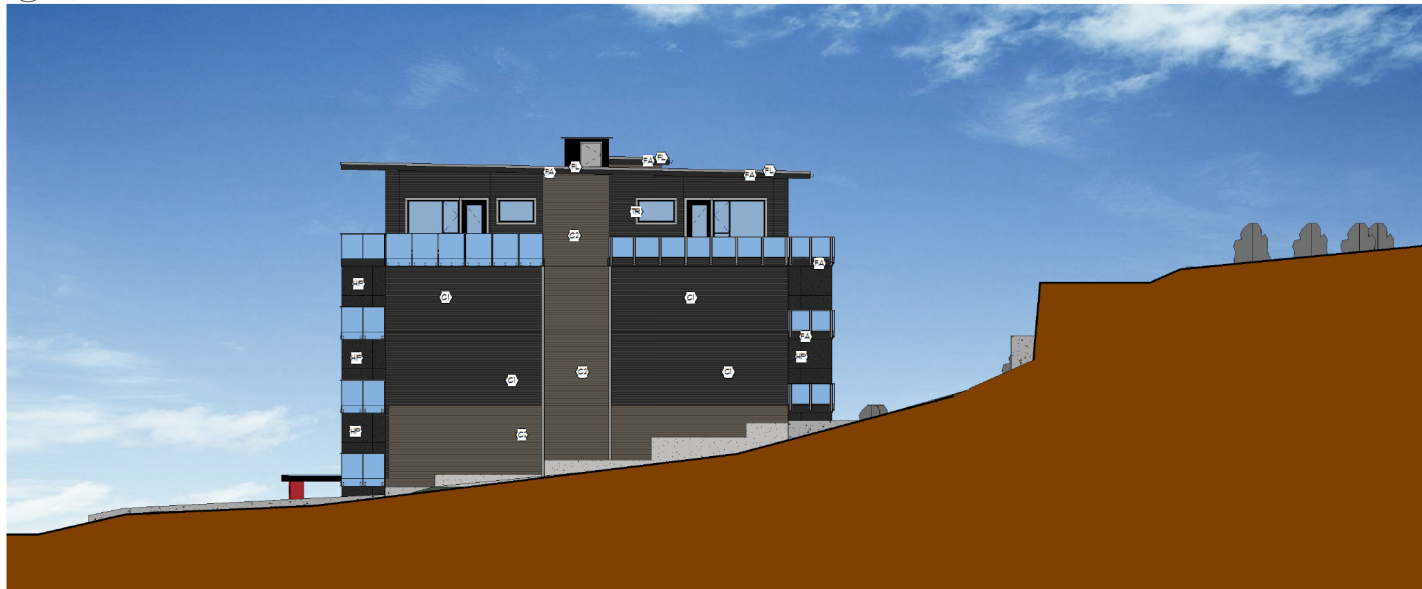
DOUGLAS R. JOHNSON ARCHITECT LTD.
 #374-901 WEST 330 ST.
 NORTH VANCOUVER, BC V7P 3P9
 PH: (604) 998-3381
 FAX: (604) 998-0217

SCALE:	PROJECT NO.:
As indicated	
DATE: 21 JAN 2020	
DRAWN:	SHEET:
REVISIONS: 3	DP-5, 12

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1 COLORED NORTH ELEVATION
N.T.S



2 COLORED SOUTH ELEVATION
N.T.S

MATERIAL LEGEND :

MATERIAL	COLOR	
FA1 FASCIA	SW 6258-BLACK	
FA2 FASCIA	SW 1004-SNOUEBOUND	
GR GUARD/RAILING	SILVER	
TR(FA) TRIM / FLASHING	SILVER	
C1 HARDI SIDING - HORIZONTAL 4" EXPOSED	SW 6258-BLACK	
C2 HARDI SIDING - HORIZONTAL 4" EXPOSED	SW 1041-PORPOISE	
HP1 HARDI PANEL	LIGHT GREY	
HP2 HARDI PANEL	DARK GREY	
HP3 HARDI PANEL	RED	
HP4 HARDI PANEL	SW 6258-BLACK	
GARAGE DOOR	SILVER	
DOORS WINDOWS	BLACK	

NOTE: SW- SHERWIN WILLIAMS

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MARK	DATE	DESCRIPTION
1	20 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	20 JAN 2020	ISSUED FOR PERMITTING
3	20 JAN 2020	ISSUED FOR PERMITTING

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO,
BRITISH COLUMBIA
SHEET DESCRIPTION
COLORED ELEVATIONS

OWNER

DOUGLAS R. JOHNSON ARCHITECT LTD.
4374-901 WEST 330 ST.
NORTH VANCOUVER, BC V7P 3P9
PH: (604) 998-3381
FAX: (604) 998-0217

SCALE: As indicated	PROJECT NO:
DATE: 21 JAN 2020	
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CLIPPER PLANNING



1 COLORED EAST ELEVATION
N.T.S.



2 COLORED WEST ELEVATION (Albert Street)
N.T.S.

MATERIAL LEGEND :

MATERIAL	COLOR	
FA1 FASCIA	SW 6258-BLACK	
FA2 FASCIA	SW 7004-SNOWBOUND	
GR GUARD/RAILING	SILVER	
TR(FA) TRIM / FLASHING	SILVER	
C1 HARDI SIDING - HORIZONTAL 4" EXPOSED	SW 6258-BLACK	
C2 HARDI SIDING - HORIZONTAL 4" EXPOSED	SW 7041-PORPOISE	
HP1 HARDI PANEL	LIGHT GREY	
HP2 HARDI PANEL	DARK GREY	
HP3 HARDI PANEL	RED	
HP4 HARDI PANEL	SW 6258-BLACK	
GARAGE DOOR	SILVER	
DOORS WINDOWS	BLACK	

NOTE: SW- SHERWIN WILLIAMS

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	21 JAN 2020	ISSUED FOR PERMIT APPLICATION
3	01 JUNE 2021	ISSUED FOR R.F. REVISION

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO,
BRITISH COLUMBIA
SHEET DESCRIPTION
COLORED ELEVATIONS

OWNER
DOUGLAS R. JOHNSON ARCHITECT LTD.
4374-901 WEST 3RD ST.
NORTH VANCOUVER, BC V7P 3P9
PH.(604)998-3381
FAX.(604)998-0217

SCALE: As indicated	PROJECT NO: -----
DATE: 21 JAN 2020	
DRAWN: -----	SHEET: -----
REVISIONS: 3	DP-5-22

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Maximum Allowable Building Height



NOTE: ADJACENT PROPERTY DIMENSIONS ARE APPROXIMATE.

1 STREET SCAPE VIEW
1/8" = 1'-0"

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 FEB 2020	ISSUED FOR PERMIT APPLICATION
3	01 JUNE 2020	ISSUED FOR CIP REVIEW

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO, BRITISH COLUMBIA
SHEET DESCRIPTION:
STREET SCAPE VIEW

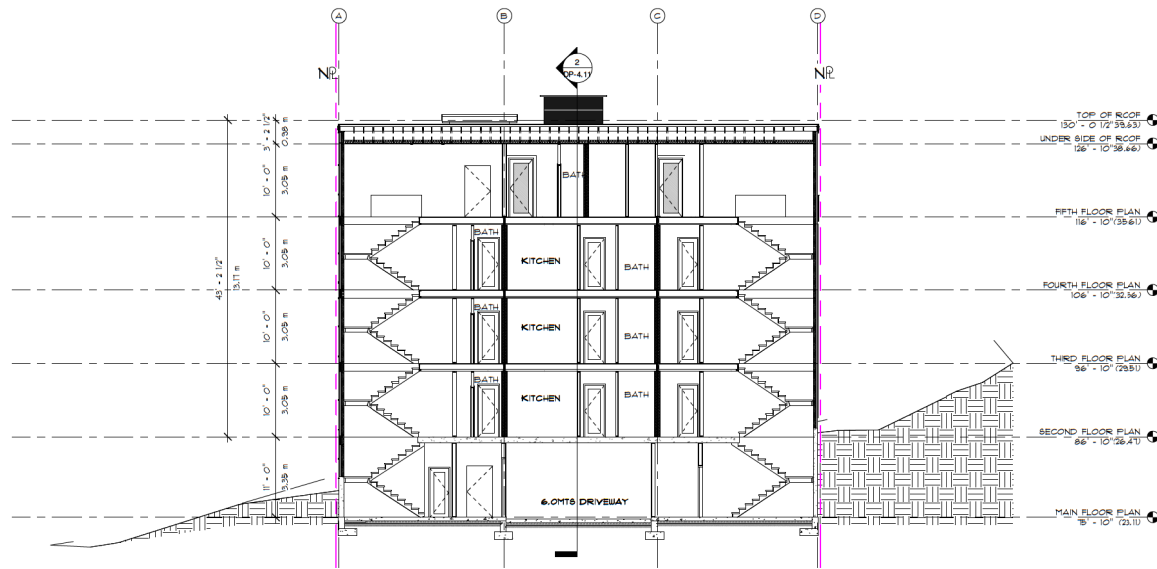
OWNER:

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4374-901 WEST 330 ST.
NORTH VANCOUVER, BC V7P 3P9
PH: (604) 998-3381
FAX: (604) 998-0217

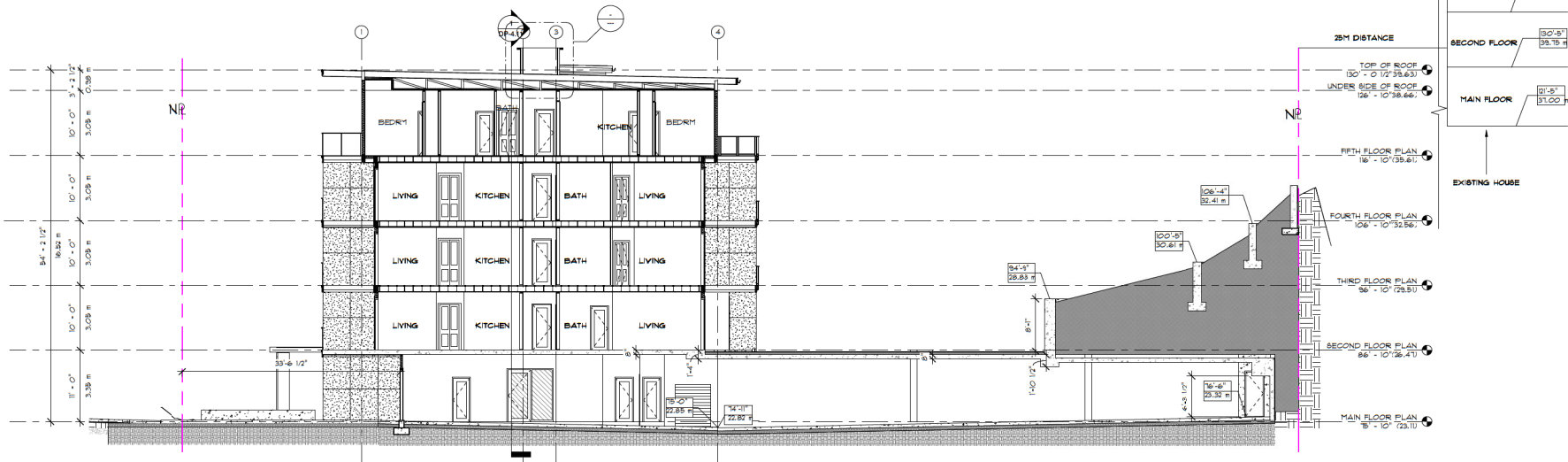
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DATE: 21 JAN 2020	SHEET: ---
DRAWN: ---	REVISIONS: 3
REVISIONS: 3	DP-5.01

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1 Section 1
1/8" = 1'-0"



2 Section 2
1/8" = 1'-0"

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 FEB 2020	ISSUED FOR PERMIT REVIEW
3	01 MAR 2020	ISSUED FOR CIP REVIEW

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO,
BRITISH COLUMBIA
SHEET DESCRIPTION
BUILDING SECTION

OWNER

DOUGLAS R. JOHNSON ARCHITECT LTD.
4374-901 WEST 330 ST.
NORTH VANCOUVER, BC V7P 3P9
PH: (604) 998-3381
FAX: (604) 998-0217

SCALE: 1/8" = 1'-0"	PROJECT NO: ---
DATE: 21 JAN 2020	SHEET: ---
DRAWN: ---	REVISIONS: DP-4, 11

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CITY OF NANAIMO

ATTACHMENT F BUILDING RENDERINGS



1 3D RENDER VIEW
N.T.S

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 FEB 2020	ISSUED FOR PERMIT APPLICATION
3	01 JAN 2021	ISSUED FOR RFP REVISION

PROJECT:
361 Albert St. APARTMENT
361 ALBERT STREET, NANAIMO,
BRITISH COLUMBIA
SHEET DESCRIPTION
3D RENDER VIEW

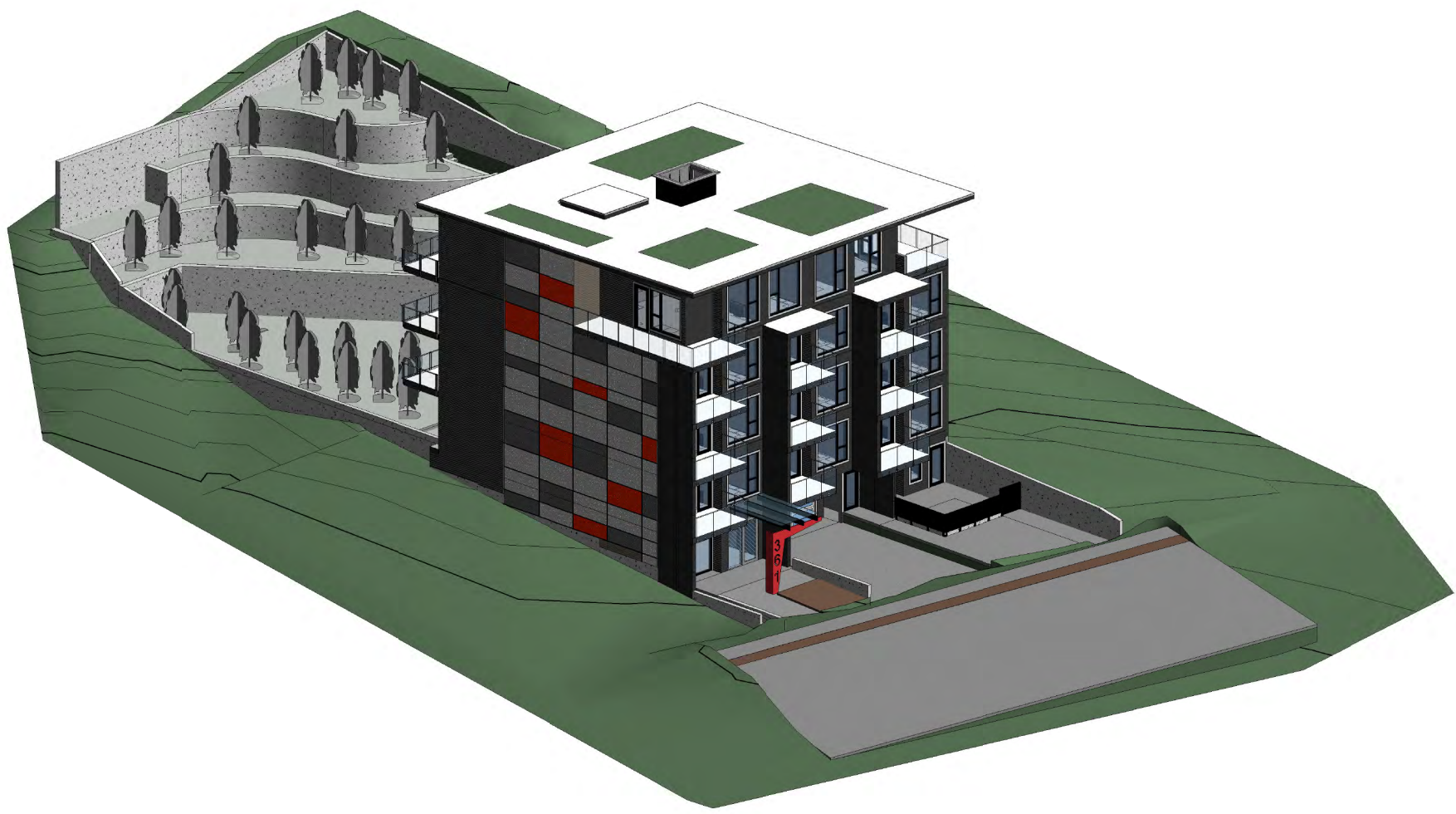
OWNER

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FAX: (604) 998-0217

SCALE: 3/32" = 1'-0"	PROJECT NO:
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1 3D VIEW-1

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	01 FEB 2020	ISSUED FOR PERMIT APPLICATION
3	01 JUNE 2021	ISSUED FOR RFP REVISION

PROJECT:
361 Albert St. APARTMENT
 361 ALBERT STREET, NANAAMO,
 BRITISH COLUMBIA
 SHEET DESCRIPTION:
3D VIEW-1

OWNER:

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 NORTH VANCOUVER, BC V7P 3P9
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 FAX: (604) 998-0217

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REVISIONS: 3	DP-0.03

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1 3D VIEW-2

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MARK	DATE	DESCRIPTION
1	21 JAN 2020	ISSUED FOR PRELIMINARY DESIGN
2	21 JAN 2020	FOR PERMIT APPLICATION
3	01 JUNE 2021	ISSUED FOR RFP REVISION

PROJECT:
361 Albert St. APARTMENT
 361 ALBERT STREET, NANAIMO,
 BRITISH COLUMBIA
 SHEET DESCRIPTION:
3D VIEW-2

OWNER:

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SCALE:	PROJECT NO:
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DRAWN:	SHEET:
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ATTACHMENT G LANDSCAPE PLAN AND DETAILS



MAGLIN - 2 Space Bike Rack



MAGLIN BENCH



MAGLIN PICNIC TABLE



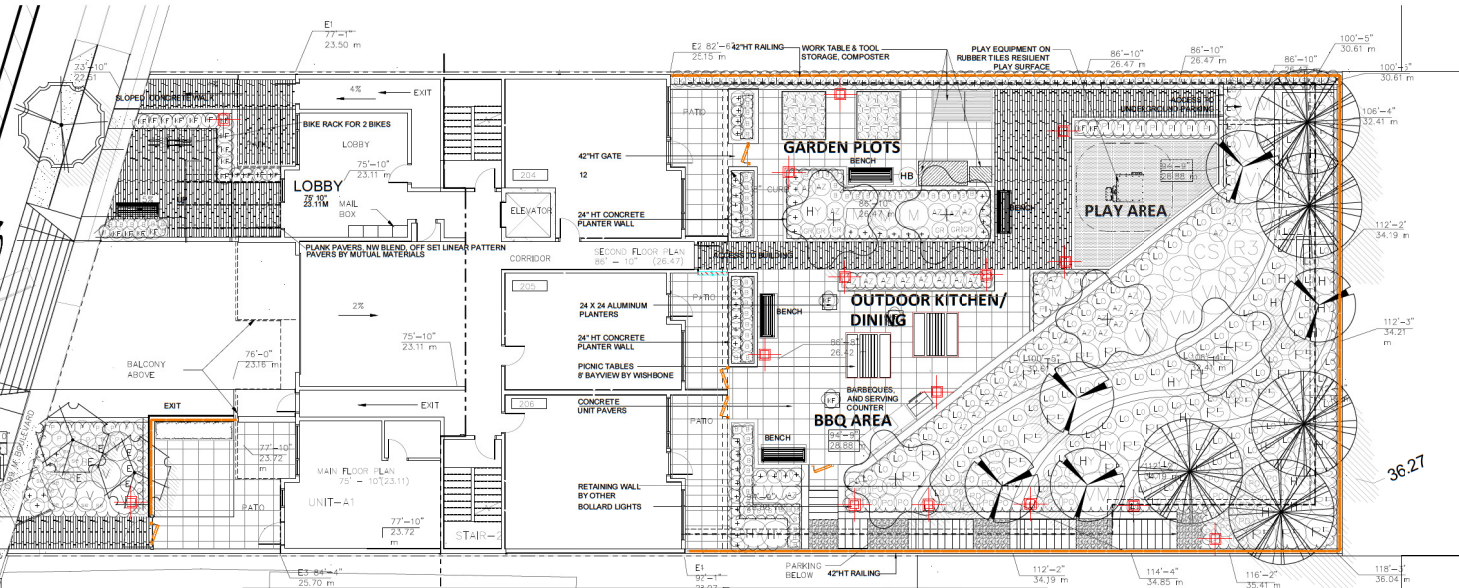
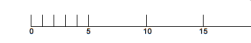
PLAY EQUIPMENT BY JAMBETTE



TOOL STORAGE



COMPOSTER



KEY		QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS
TREE					
(T)	5	ACER PALMATUM 'OSAKAZUKI'	GREEN JAPANESE MAPLE	5CM CAL. 1.5M STD. B&B. TREE FORM	
(T)	2	ACER RUBRUM 'KARPICK'	COLUMNAR KARPICK MAPLE	6CM CAL. 2M STD. B&B	
(T)	2	AMELANCHIER x GRANDIFLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	5CM CAL. 1M STD.	
(T)	5	MAGNOLIA KOBUS STELLATA 'PINK STAR'	PINK STAR MAGNOLIA (LIGHT PINK)	2M HT. B&B	
(T)	5	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	3M HT. B&B	
SHRUB					
(S)	35	AZALEA JAPONICA 'MARTHA HITCHCOCK'	AZALEA; SPREADING WHITE	#2 POT; 25CM	
(S)	3	BERBERIS THUNBERGII 'ROSE GLOW'	ROSE PURPLE FOLIAGE BARBERRY	#3 POT; 40CM	
(S)	68	BUXUS SEMPERVIRENS 'SUFFRUTICOSA'	DWARF BOXWOOD	#2 POT; 25CM	
(S)	3	CORNUS SERICEA	RED OSIER DOGWOOD	#3 POT; 50CM	
(S)	19	HYDRANGEA PANICULATA 'LIME LIGHT'	LIME LIGHT HYDRANGEA; LIMEGREEN-PINK	#3 POT; 80CM	
(S)	9	PIERIS JAPONICA 'VALLEY FIRE'	PIERIS	#3 POT; 50CM	
(S)	3	RHOODENDRON 'NACMI'	NACMI RHOODENDRON	#3 POT; 50CM	
(S)	30	RHOODENDRON 'SNOW LADY'	RHOODENDRON; WHITE	#3 POT; 50CM	
(S)	48	SKIMMIA REEVESIANA	DWARF SKIMMIA	#2 POT	
(S)	7	VIBURNUM P.T. 'MARIES'	MARIE'S DOUBLE FILE VIBURNUM	1.0M HT. B&B	
(S)	5	VIBURNUM P.T. 'SUMMER SNOWFLAKE'	SUMMER SNOWFLAKE VIBURNUM	#3 POT; 60CM	
GRASS					
(G)	24	CALAMAGROSTIS X A. 'YARL FOERSTER'	KARL FOERSTER FEATHERED GRASS	#2 POT, HEAVY	
(G)	12	HAKONECHLOA MACRA 'AUREOLA'	VARIEGATED JAPANESE FOREST GRASS	#1 POT	
(G)	5	MISCANTHUS SINENSIS 'YAKU JIMA'	YAKU JIMA JAP. SILVER GRASS	#3 POT	
(G)	12	PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	#1 POT	
PERENNIAL					
(P)	47	ARTEMESIA X 'POWIS CASTLE'	POWIS CASTLE ARTEMESIA	15CM POT	
(P)	3	EUPHORBIA CYPARISSIAS 'FENS FUBY'	FENS RUBY SPURGE	15CM POT	
(P)	14	SEDUM TELEPHUM 'HERBSTFREUDE'	AUTUMN JOY STONECROP	9CM POT	
GC					
(GC)	117	LOINCERA PILEATA	PRIVET HONEYSUCKLE	#1 POT; 25CM	
(GC)	46	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	#1 POT; 25CM	

PMG PROJECT NUMBER: 20-052

NOTES: * PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD, LATEST EDITION. CONTAINER SIZES SPECIFIED AS PER CNLA STANDARD. BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. * REFER TO SPECIFICATIONS FOR DEFINED CONTAINER MEASUREMENTS AND OTHER PLANT MATERIAL REQUIREMENTS. * SEARCH AND REVIEW MAKE PLANT MATERIAL AVAILABLE FOR OPTIONAL REVIEW BY LANDSCAPE ARCHITECT AT SOURCE OF SUPPLY. AREA OF SEARCH TO INCLUDE LOWER MAINLAND AND FRASER VALLEY. * SUBSTITUTIONS: OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO MAKING ANY SUBSTITUTIONS TO THE SPECIFIED MATERIAL. UNAPPROVED SUBSTITUTIONS WILL BE REJECTED. ALLOW A MINIMUM OF FIVE DAYS PRIOR TO DELIVERY FOR REQUEST TO SUBSTITUTE. SUBSTITUTIONS ARE SUBJECT TO BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD. * DEFINITION OF CONDITIONS OF AVAILABILITY: * ALL LANDSCAPE MATERIAL AND WORKMANSHIP MUST MEET OR EXCEED BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION. * ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED DISEASE FREE NURSERY. * BIO-SOLIDS NOT PERMITTED IN GROWING MEDIUM UNLESS AUTHORIZED BY LANDSCAPE ARCHITECT.

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SEAL:

NO.	DATE	REVISION DESCRIPTION	DR.
2	21MAY18	NEW SITE PLANS CITY COMMENTS	GD
1	25JUL07	REVIS PER CITY COMMENT	DR

CLIENT:

PROJECT:
4-STORY APARTMENT BUILDING
361 ALBERT STREET
NANAIMO

DRAWING TITLE:
LANDSCAPE PLAN

DATE: 20APR27 DRAWING NUMBER:
SCALE: 1/8"=1'-0"
DRAWN: JR
DESIGN:
CHKD: PC OF 2



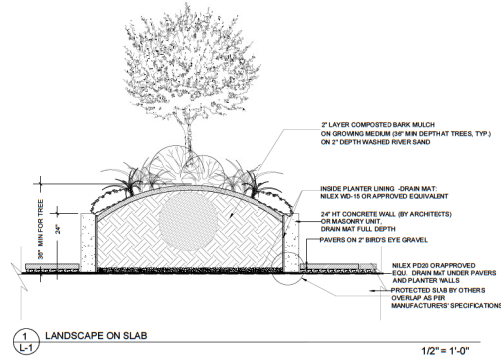
20052-2-ZP PMG PROJECT NUMBER: 20-052

PLANT SCHEDULE				PMG PROJECT NUMBER: 20-052
KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS
TREE				
	5	ACER PALMATUM 'OSAKAZUKI'	GREEN JAPANESE MAPLE	5CM CAL; 1.5M STD; B&B; TREE FORM
	2	ACER RUBRUM 'KARPICK'	COLUMNAR KARPICK MAPLE	6CM CAL; 2M STD; B&B
	2	AMELANCHIER x GRANDIFLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	5CM CAL; 1M STD.
	5	MAGNOLIA KOBUS STELLATA 'PINK STAR'	PINK STAR MAGNOLIA (LIGHT PINK)	2M HT; B&B
	5	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	3M HT; B&B
SHRUB				
	35	AZALEA JAPONICA 'MARTHA HITCHCOCK'	AZALEA; SPREADING WHITE	#2 POT; 25CM
	3	BERBERIS THUNBERGII 'ROSE GLOW'	ROSE PURPLE FOLIAGE BARBERRY	#3 POT; 40CM
	68	BUXUS SEMPERVIRENS 'SUFFRUTICOSA'	DWARF BOXWOOD	#2 POT; 25CM
	3	CORNUS SERICEA	RED OSIER DOGWOOD	#3 POT; 50CM
	19	HYDRANGEA PANICULATA 'LIME LIGHT'	LIME LIGHT HYDRANGEA; LIMEGREEN-PINK	#3 POT; 80CM
	9	PIERIS JAPONICA 'VALLEY FIRE'	PIERIS	#3 POT; 50CM
	3	RHODODENDRON 'NAOMI'	NAOMI RHODODENDRON	#3 POT; 50CM
	30	RHODODENDRON 'SNOW LADY'	RHODODENDRON; WHITE	#3 POT; 50CM
	48	SKIMMIA REEVESIANA	DWARF SKIMMIA	#2 POT
	7	VIBURNUM P.T. 'MARIESII'	MARIE'S DOUBLE FILE VIBURNUM	1.0M HT, B&B
5	VIBURNUM P.T. 'SUMMER SNOWFLAKE'	SUMMER SNOWFLAKE VIBURNUM	#3 POT; 60CM	
GRASS				
	24	CALAMAGROSTIS X A. 'KARL FOERSTER'	KARL FOERSTER FEATHERREED GRASS	#2 POT, HEAVY
	12	HAKONECHLOA MACRA 'AUREOLA'	VARIEGATED JAPANESE FOREST GRASS	#1 POT
	5	MISCANTHUS SINENSIS 'YAKU JIMA'	YAKU JIMA JAP. SILVER GRASS	#3 POT
	12	PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	#1 POT
PERENNIAL				
	47	ARTEMESIA X 'POWIS CASTLE'	POWIS CASTLE ARTEMISIA	15CM POT
	3	EUPHORBIA CYPARISSIAS 'FEN'S RUBY'	FENS RUBY SPURGE	15CM POT
	14	SEDUM TELEPHIUM 'HERBSTFREUDE'	AUTUMN JOY STONECROP	9CM POT
GC				
	117	LONICERA PILEATA	PRIVET HONEYSUCKLE	#1 POT; 25CM
	46	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	#1 POT; 25CM

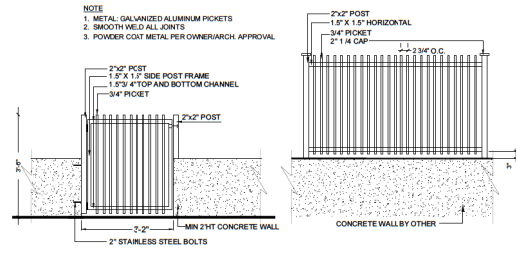
NOTES: * PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD, LATEST EDITION. CONTAINER SIZES SPECIFIED AS PER CNLA STANDARD. BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. * REFER TO SPECIFICATIONS FOR DEFINED CONTAINER MEASUREMENTS AND OTHER PLANT MATERIAL REQUIREMENTS. * SEARCH AND REVIEW: MAKE PLANT MATERIAL AVAILABLE FOR OPTIONAL REVIEW BY LANDSCAPE ARCHITECT AT SOURCE OF SUPPLY. AREA OF SEARCH TO INCLUDE LOWER MAINLAND AND FRASER VALLEY. * SUBSTITUTIONS: OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO MAKING ANY SUBSTITUTIONS TO THE SPECIFIED MATERIAL. UNAPPROVED SUBSTITUTIONS WILL BE REJECTED. ALLOW A MINIMUM OF FIVE DAYS PRIOR TO DELIVERY FOR REQUEST TO SUBSTITUTE. SUBSTITUTIONS ARE SUBJECT TO BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD - DEFINITION OF CONDITIONS OF AVAILABILITY. * ALL LANDSCAPE MATERIAL AND WORKMANSHIP MUST MEET OR EXCEED BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION. * ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED DISEASE FREE NURSERY. * BIO-SOLIDS NOT PERMITTED IN GROWING MEDIUM UNLESS AUTHORIZED BY LANDSCAPE ARCHITECT.

(Excerpt from Landscape Plan, Page 1 of 3)

SEAL:



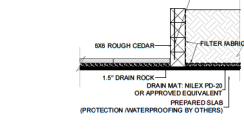
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1/2" = 1'-0"



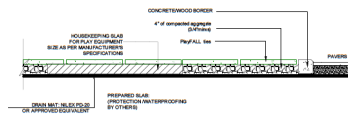
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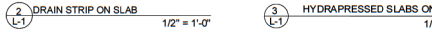
2 DRAIN STRIP ON SLAB
1/2" = 1'-0"



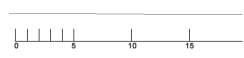
5 3x8\"/>



6 PLAY SURFACE ON SLAB
1/2" = 1'-0"



3 HYDRAPRESSED SLABS ON SLAB
1/2" = 1'-0"



NO.	DATE	REVISION DESCRIPTION	DR.

NO.	DATE	REVISION DESCRIPTION	DR.
2	21.MAY.18	NEW SITE PLANS CITY COMMENTS	JD
-	21.06.07	REVISE PER CITY COMMENT	JR

CLIENT:

PROJECT:
4-STOREY APARTMENT
BUILDING
361 ALBERT STREET
NANAIMO

DRAWING TITLE:
LANDSCAPE
DETAILS

DATE: 20.APR.27 DRAWING NUMBER:
SCALE: L2
DRAWN: JR
DESIGN: PC
CHKD: PC

RECEIVED
DP1188
2021-JUN-02
Current Planning

2005-2-2P PMG PROJECT NUMBER: 20-052

ATTACHMENT H
AERIAL PHOTO



DEVELOPMENT PERMIT APPLICATION NO. DP001198

 361 ALBERT STREET

DATE OF MEETING [July 26, 2021]

AUTHORED BY [CALEB HORN, PLANNER, CURRENT PLANNING]

SUBJECT [DEVELOPMENT PERMIT APPLICATION NO. DP1210
– 6030 LINLEY VALLEY DRIVE]

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development permit application for a multi-family residential development at 6030 Linley Valley Drive.

Recommendation

That Council issue Development Permit No. DP1210 at 6030 Linley Valley Drive with variances to increase the maximum permitted building height of Building B from 14.0m to 16.2m and Building C from 14.0m to 16.0m.

BACKGROUND

A development permit application, DP1210, was received from WA Architects Ltd. on behalf of Rutherford House Nominee Ltd. to permit a multi-family residential development at 6030 Linley Valley Drive.

Subject Property and Site Context

<i>Zoning</i>	Community Corridor (COR3)
<i>Location</i>	The subject property is located on the north side of Linley Valley Drive, to the northeast of its intersection with Turner Road.
<i>Total Area</i>	1.03ha
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Corridor Map 3 – Development Permit Area DPA No. 9 – Commercial, Industrial, Institutional, Multiple Family, and Mixed Commercial / Residential Development
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines

The subject property is located in the Longwood Neighbourhood in North Nanaimo in close proximity to local commercial services, transit, and recreational amenities. The lot is currently vacant and is partially cleared of vegetation. Statutory rights-of-way cross the property to protect existing underground services. Molecey Creek, a protected watercourse, runs behind the subject property through a linear park that was dedicated through subdivision. There is a 7.5m riparian setback from Molecey Creek that was established through aquatic Development Permit No. DP927, approved in 2018 in support of the subdivision that created the subject property. Protective riparian fencing has been installed along the north property line and no

further encroachment into the riparian area is proposed. The property slopes gradually downhill from Linley Valley Drive to Molecey Creek.

Surrounding land uses are a mix of residential and commercial uses. Adjacent properties include a 72-unit multi-family residential building and a 251-unit multi-family residential development across Linley Valley Road to the southeast, undeveloped lands to the south, a furniture retail centre to the southwest, a development parcel across Turner Road to the west where there is an active application for a 49-unit mixed-use building (DP1231), and undeveloped lands across Molecey Creek to the north. There is an active rezoning application for a multi-family development at 6033 and 6053 Nelson Road to the northeast.

DISCUSSION

Proposed Development

The applicant is proposing to construct a multi-family rental residential development consisting of two 5-storey buildings and one 4-storey building with a combined total of 152 dwelling units.

The lowest level of each building will contain under-the-building parking and will be exposed above grade on the north side. On the south elevations, the buildings will present 4- and 3-storey facades. Building A will face the roundabout at the intersection of Linley Valley Drive and Turner Road and will be sited on the west portion of the lot, Building B will be sited centrally on the lot, and Building C will be sited to the east.

The proposed unit composition is as follows:

	3-Bedroom	2-Bedroom	1-Bedroom	Studio	Total
Building A	3	21	18	15	57
Building B	2	22	24	12	60
Building C	-	16	3	16	35
Total	5	59	45	43	152

The 3-bedroom units will range in size from 104m² to 113m², the 2-bedroom units will range from 81m² to 96m², the 1-bedroom units will range from 49m² to 62m², and the studio units will range from 48m² to 51m².

Building A will have a gross floor area (GFA) of 4,691m², Building B will have a GFA of 5,205m², and Building C will have a GFA of 2,917m². The development will have a combined total GFA of 12,813m² and the total Floor Area Ratio (FAR) will equal 1.24. The maximum base FAR in the COR3 zone is 0.75 and an additional 0.50 is permitted where a development meets Tier 2 in the “City of Nanaimo Zoning Bylaw 2011 No. 4500” Schedule D - Amenity Requirements for Additional Density. The applicant is proposing to meet Tier 2 by providing amenities including the following:

- exceeding the minimum BC Energy Step Code requirement by two steps;
- a minimum of 10% of dwelling units to meet building code accessibility requirements;
- a housing agreement to keep the dwelling units within the rental market for at least 10 years;
- electric bicycle and scooter parking;

- wood as the primary building material;
- public art;
- a children's play area;
- dedicated garden space; and
- educational signage regarding sustainable building materials, energy management, and water management practices.

Site Design

The siting of buildings on the property is dictated by the location of existing statutory rights-of-way that split the property into three feasible areas for building footprints. A drive aisle is proposed to the rear of the buildings, with accesses from Turner Road at the northwest corner of the lot and from Linley Valley Road between Buildings B and C. The drive aisle will connect to the under-the-building parking levels and surface parking.

Each building will have two entries, one facing the street and one facing the drive aisle to the rear. The front entrance of Building A will face Turner Road near the roundabout, and the front entrances of Buildings B and C will connect directly to the sidewalk along Linley Valley Drive.

An outdoor plaza with seating is proposed for residents between Buildings A and B, connecting Linley Valley Drive to the drive-aisle. A public walkway between Buildings B and C, adjacent to the vehicle access, will connect with a pedestrian bridge across Molecey Creek and continue beyond the linear park to the north through future development. Pedestrian-oriented bollard lighting will be provided along walkways.

The proposed development will provide all of the required parking (181 spaces) on site. Of the proposed parking spaces, 37 will be located under Building A, 31 will be located under Building B, 16 will be located under Building C, and 94 will be at grade. A total of 107 long-term bicycle parking spaces are proposed, in excess of the minimum amount required, to be split among the bicycle storage rooms in the parking level of each building. Additionally, 17 short-term bicycle spaces are proposed. Garbage rooms for waste collection and pickup are provided on the parking level of each building.

Building Design

The buildings are contemporary in design and each building will have a unique layout. Building A presents a 3-storey elevation and will have an L-shaped layout with its two wings aligned with street frontages. Building B presents a 4-storey elevation and will have a slight curve in its massing as it follows the bend of Linley Valley Road. Building C is a smaller building with a rectangular footprint and presents a 4-storey elevation.

A consistent rhythm will be carried between buildings, alternating between framed balconies and window walls with articulated rooflines. Front doors to each building will be framed by a prominent entryway. The primary cladding on street-facing elevations will consist of white cement panels. Building accent materials will include woodgrain panel cladding, corrugated metal, and coloured panels to differentiate the buildings. Most units will include a private balcony or deck. Building B will have a fitness room on its ground level and both indoor and an outdoor common amenity spaces on its fifth level.

The proposed form and character meets the intent of the General Development Permit Area Design Guidelines.

Landscape Design

A landscape buffer is proposed along both street frontages with a mix of small shrubs, small deciduous trees, and larger conifer trees. Significant areas of additional planting will be provided around the entryway of Building A and in the plaza area between Buildings A and B. The plaza will feature shade-tolerant plants. To the rear of the property, adjacent to the riparian area, a mix of medium and small columnar deciduous trees, including maples and dogwoods, will be provided. A community garden is proposed to the east of Building C, and a small playground is proposed behind the drive-aisle across from Building A. An existing tree will be retained adjacent to the playground.

Two green walls are proposed, one at the front entry of Building A and one on the north side of Building C.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2021-JAN-28, accepted DP1210 as presented with support for the proposed variances and provided the following recommendations:

- Reduce excess surface parking and consider increased landscape treatments at the creek edge buffer and adjacent to the rear building entries;
- Consider paving material treatment to define pedestrian access and wayfinding through the parking area to connect the buildings and amenities;
- Consider making improvements to accessibility, generally, to all buildings; and
- Consider expanding the use of accent colours in the building designs.

The applicant subsequently submitted revised plans to address the DAP recommendations. Key site design revisions include the elimination of excess parking spaces, an improved pedestrian network on-site, the inclusion of accessible access routes, and minor changes to the buildings' materials.

Proposed Variances

Maximum Building Height

The maximum permitted building height in the COR3 zone is 14.0m. The proposed height of Building B is 16.2m and the proposed height of Building C is 16.0m; requested variances of 2.2m and 2.0m respectively. No building height variance is requested for Building A.

Where at least 75% of the required parking is provided below a building, the maximum permitted building height would be 18m. The current proposal includes only 48% of the parking below a building. The applicant is requesting the height variances due to the grade change on site, the Flood Construction Level above Molecey Creek, and the constraint of existing statutory rights-of-way on site. No negative impacts are anticipated, and proposed Buildings B and C will present 4-storey façades of approximately 13m height on the street-facing elevations. Staff support the proposed building height variances. |

SUMMARY POINTS

- Development Permit Application No. DP1210 is for a multi-family rental residential development consisting of two 5-storey buildings and one 4-storey building with a combined total of 152 dwelling units.
- The applicant is requesting to vary the maximum building height from 14.0m to 16.2m for Building B, and from 14.0m to 16.0m for Building C.
- Staff support the proposed building height variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site and Parking Plans
ATTACHMENT E: Building Elevations and Materials
ATTACHMENT F: Perspective Views
ATTACHMENT G: Landscape Plan and Details
ATTACHMENT H: Schedule D – Amenity Requirements for Additional Density
ATTACHMENT I: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

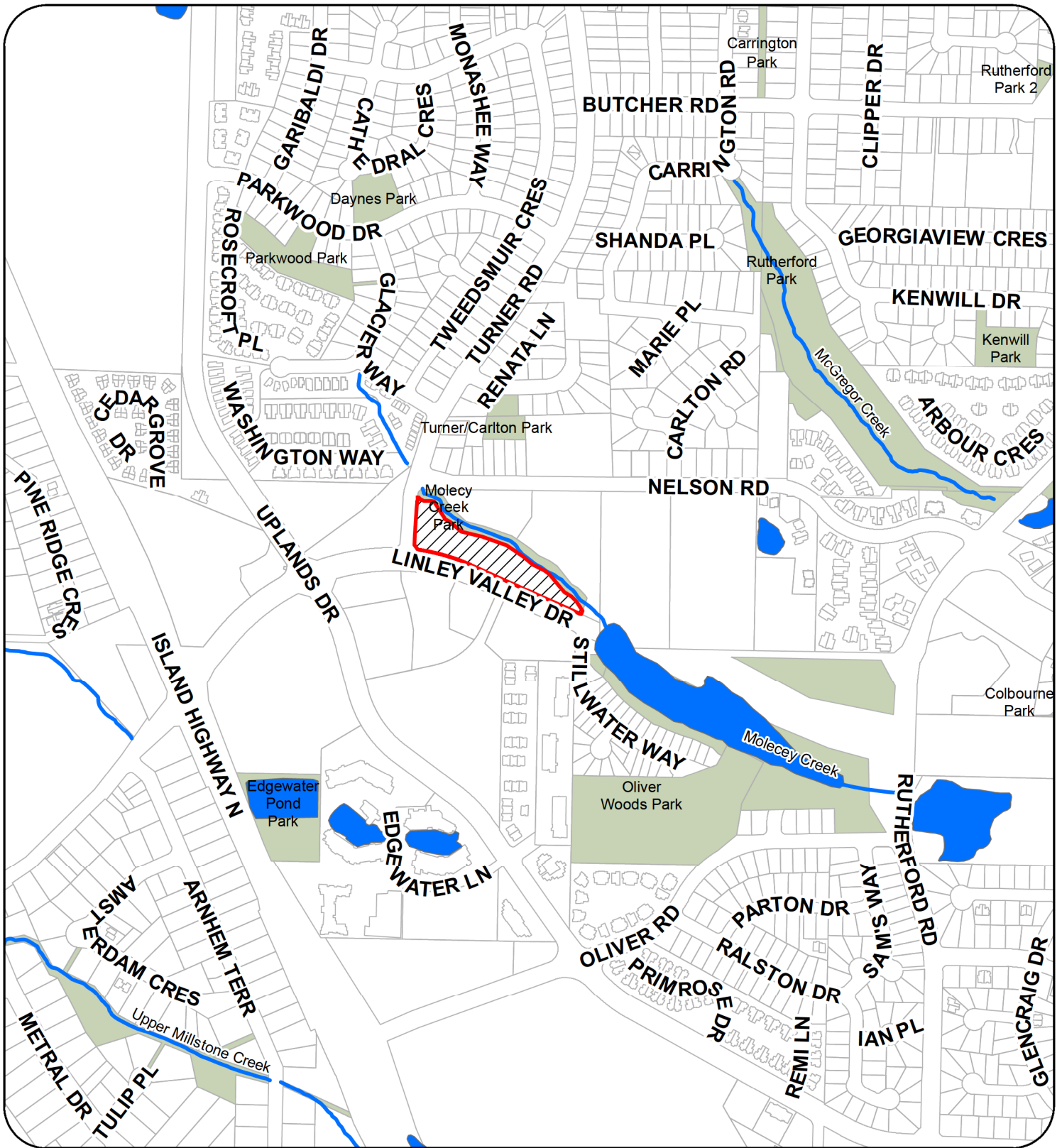
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 9.7.1 – Size of Buildings* – to increase the maximum allowable building height for:
 - Building B from 14.0m to 16.2m; and
 - Building C from 14.0m to 16.0m.

CONDITIONS OF PERMIT

1. The subject property shall be developed generally in accordance with the proposed Site and Parking Plans prepared by WA Architects., dated 2021-JUN-16, as shown on Attachment D.
2. The development is in substantial compliance with the proposed Building Elevations and Details prepared by WA Architects., dated 2021-JUL-07, as shown on Attachment E.
3. The subject property is developed in substantial compliance with the proposed Landscape Plan and Details prepared by Lombard North Group., dated 2021-JUL-06, as shown on Attachment G.
4. The subject property is developed in accordance with the ‘Schedule D – Amenity Requirements for Additional Density’ prepared by WA Architects Ltd., dated 2021-JUL-07, as shown in Attachment H, and is to include the following items:
 - A letter from the coordinating professional submitted prior to Building Permit issuance outlining how the required items for additional density will be achieved; and
 - A letter from the coordinating professional with accompanying evidence submitted prior to building occupancy demonstrating that the required items have been provided.
5. A statutory right-of-way is secured for public art to be located near the intersection of Linley Valley Drive and Turner Road, generally in the location shown on Attachment D, to be registered prior to building occupancy.

ATTACHMENT B CONTEXT MAP



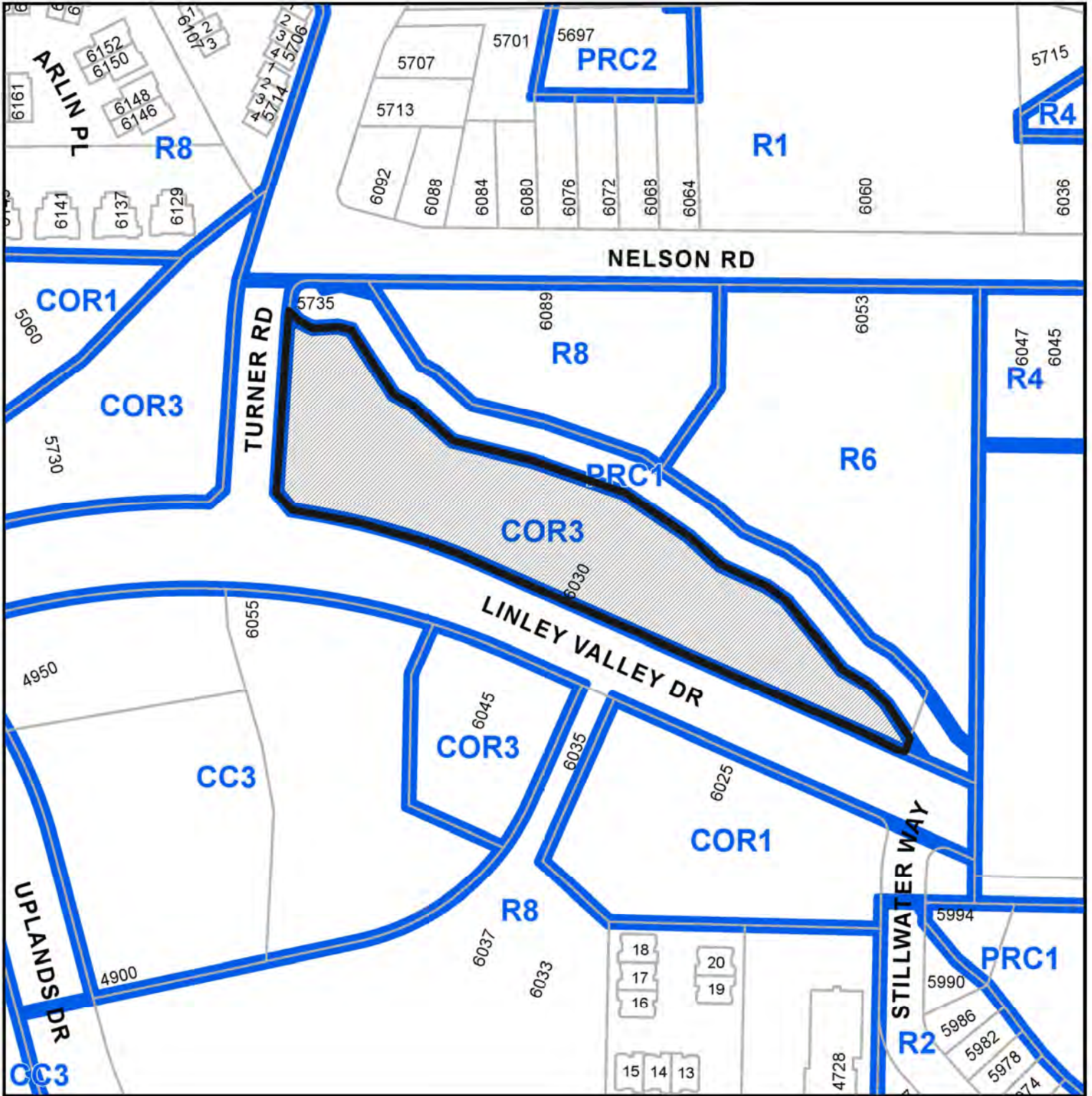
DEVELOPMENT PERMIT APPLICATION NO. DP001210



6030 LINLEY VALLEY DRIVE

255

**ATTACHMENT C
LOCATION PLAN**



DEVELOPMENT PERMIT NO. DP001210

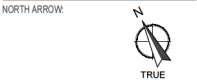


Subject Property

CIVIC: 6030 LINLEY VALLEY DRIVE
LEGAL: LOT 3, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP99504

ATTACHMENT D SITE AND PARKING PLANS

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OWNER/CLIENT:

GENERAL NOTES:

01	ISSUE	1/11/20
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/20
03	ISSUED FOR DEVELOPMENT PERMIT	20/09/20
04	ISSUED FOR DP COMMENT RESPONSE	21/03/21
05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/06/21
06	ISSUED FOR DP COMMENT RESPONSE	21/03/21
07	ISSUED FOR PRE-APPLICATION MEETING	20/09/20
08	DP REVIEW SET	20/09/20
09	ISSUE	1/11/20



CONSULTANT: 2021-06-16



VAN 301 - 1444 Alberni Street Vancouver V6B 2Z6
V10 104 - 3212 Jaxton Road Victoria V8B 2S9
604 688 3520 | office@iwa-arch.ca | iwa-arch.com

PROJECT NAME:
RUTHERFORD HOUSING

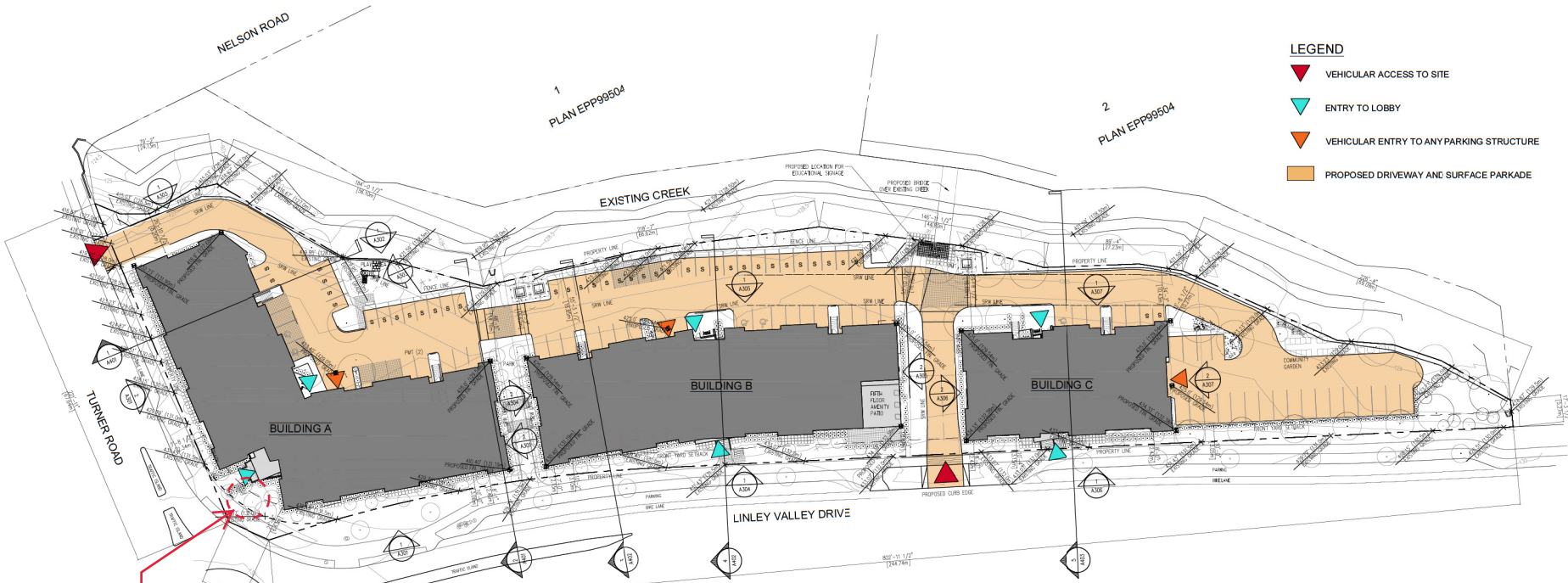
RECEIVED
DP1210
2021-JUN-16

PROJECT ADDRESS:
**6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.**

DRAWING TITLE:
SITE PLAN

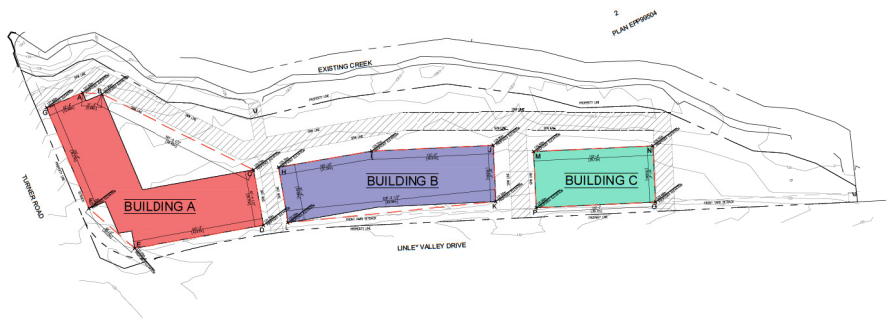
PROJECT NO: 20033 DRAWN BY: AAM
SCALE: AS NOTED REVIEW BY: DEM
DWG NO: **A1.01**

- LEGEND**
- VEHICULAR ACCESS TO SITE
 - ENTRY TO LOBBY
 - VEHICULAR ENTRY TO ANY PARKING STRUCTURE
 - PROPOSED DRIVEWAY AND SURFACE PARKADE



Location of Public Art

1 SITE PLAN
1/32"=1'-0"



2 AVERAGE GRADE CALCULATIONS
1/8"=1'-0"

BUILDING A					
AB	127.62	+ 127.79	/ 2	x 6.48	= 827.9
BC	127.9	+ 129.35	/ 2	x 56.4	= 7248.8
CD	129.15	+ 131.2	/ 2	x 38.71	= 2435.6
DE	131.2	+ 132	/ 2	x 43.67	= 5747.0
EF	132	+ 131.3	/ 2	x 20.12	= 2650.8
FG	131.5	+ 127.9	/ 2	x 36.27	= 4704.2
GA	127.9	+ 127.62	/ 2	x 12.9	= 1648.1
TOTAL				138.16	17907.3
AVERAGE FINISHED GRADE					129.6

BUILDING B					
HI	129.3	+ 129.51	/ 2	x 31.35	= 4057.5
IJ	129.55	+ 129.1	/ 2	x 40.67	= 5273.9
JK	129.8	+ 131.5	/ 2	x 18.69	= 2445.6
KL	131.9	+ 131.2	/ 2	x 69.56	= 9150.6
LH	131.2	+ 129.5	/ 2	x 18.69	= 2434.4
TOTAL				178.96	23361.9
AVERAGE FINISHED GRADE					130.5

BUILDING C					
MN	130.4	+ 129.55	/ 2	x 39.75	= 5166.5
NO	129.55	+ 129.4	/ 2	x 18.69	= 2419.9
OP	129.4	+ 131.9	/ 2	x 39.75	= 5193.3
PM	131.9	+ 130.1	/ 2	x 18.69	= 2451.2
TOTAL				116.88	15230.9
AVERAGE FINISHED GRADE					130.3

NOTE:
Off-site frontage layout to be determined through detailed design review at Building Permit stage.

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NORTH ARROW:



OWNER/CLIENT:

GENERAL NOTES:

01	ISSUE	1/18/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
03	ISSUED FOR DEVELOPMENT PERMIT	20/09/21
04	ISSUED FOR DAP COMMENT RESPONSE	21/02/24
05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/09/24
06	ISSUED FOR DP COMMENT RESPONSE	21/02/24

SEAL:

CONSULTANT:



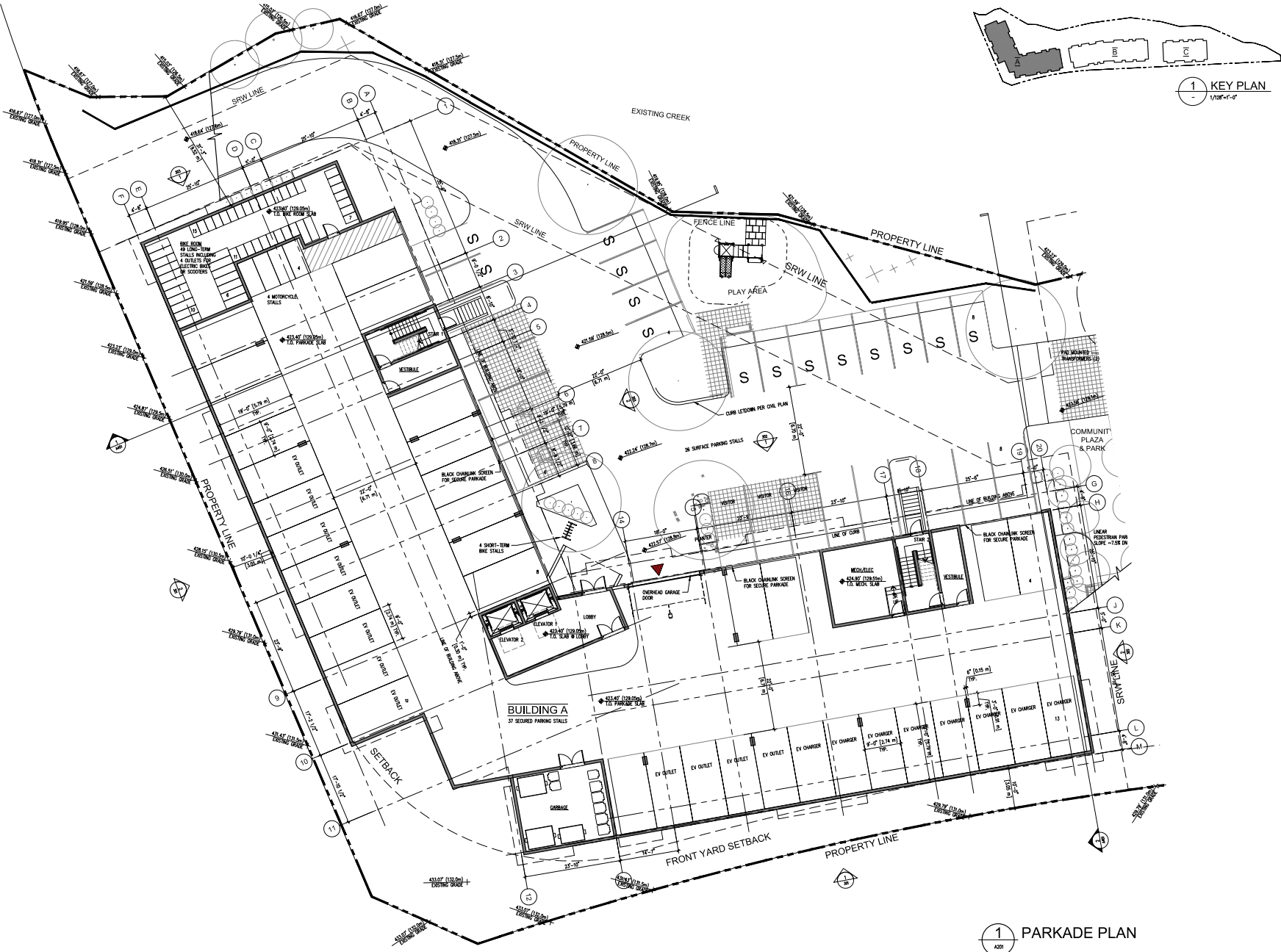
1/181 301 - 1444 Alberta Street Vancouver, V6G 2Z4
1/82 124 - 3212 Jasper Road Victoria, V8B 2J6
604.693.3523 | office@iwa-arch.co | www.iwa-arch.co

PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.

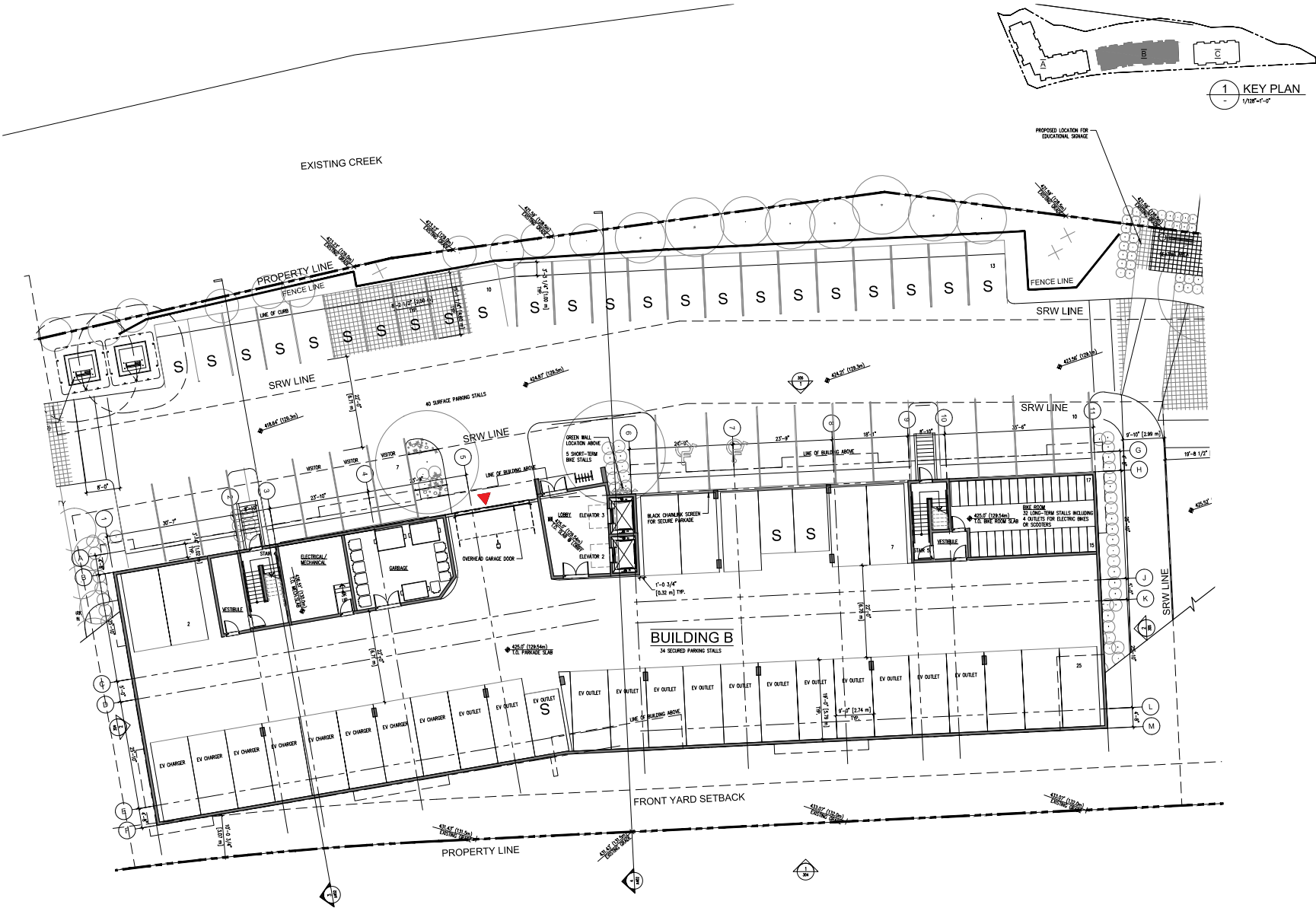
DRAWING TITLE:
**BUILDING A
PARKADE LEVEL**

PROJECT NO: 20033 DRAWN BY: AAM
SCALE: 3/32"=1'-0" REVIEW BY: DEM
DWG NO: **A2.01**



1 PARKADE PLAN
3/32"=1'-0"





1 PARKADE PLAN
3/32"=1'-0"

1 KEY PLAN
1/16"=1'-0"

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OWNER/CLIENT:

GENERAL NOTES:

01	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
03	ISSUED FOR DEVELOPMENT PERMIT	20/10/24
04	ISSUED FOR DP COMMENT RESPONSE	21/03/24
05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/05/24
06	DP REVIEW SET	20/09/26
NO.	ISSUE	DATE

CONSULTANT:



1 WA 301 - 1444 Abbott Street Vancouver, V6G 2Z4
1 BC 124 - 3212 Jervis St. Vancouver, V6B 0G6
804.883.3323 | office@iwa-arch.ca | iwa-arch.ca

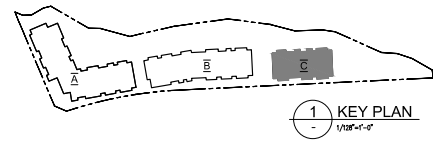
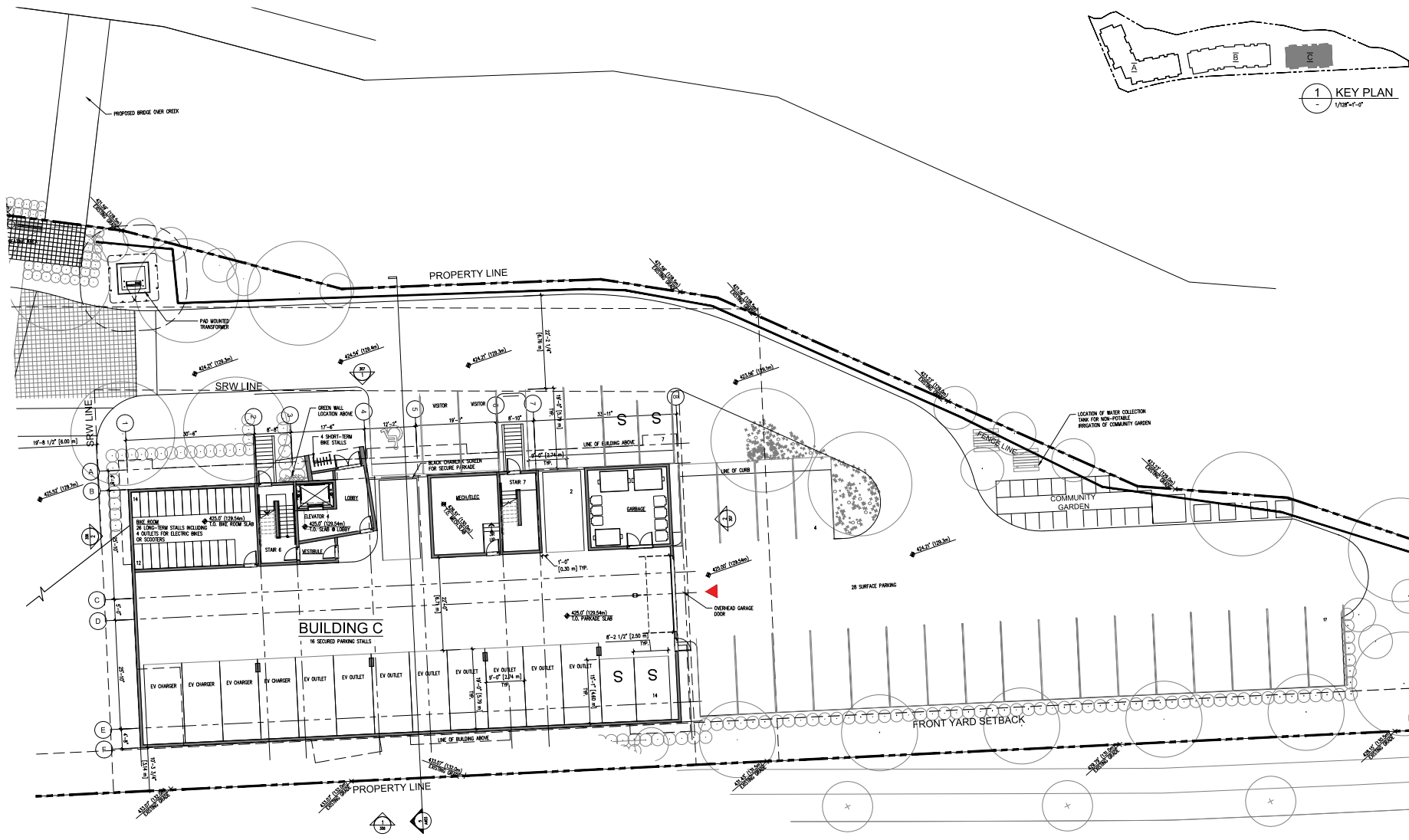
PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.

DRAWING TITLE:
**BUILDING B
PARKADE LEVEL**

PROJECT NO.: 20033 DRAWN BY: AAM
SCALE: 3/32"=1'-0" REVIEW BY: DEM
DWG NO.: **A2.05**

RECEIVED
DP1210
2021-JUL-09
Current Planning



1 PARKADE PLAN
4/20
3/32" = 1'-0"

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OWNER/CLIENT:

GENERAL NOTES:

NO.	ISSUE	DATE
05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/09/24
04	ISSUED FOR DP COMMENT RESPONSE	21/03/24
03	ISSUED FOR DP APPLICATION PERMIT	20/10/23
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20
NO.	ISSUE	DATE

SEAL:

CONSULTANT:



1141 301 - 1444 Abbott Street Vancouver, V6G 2Z4
110 124 - 3212 Jervis Street Victoria, V8B 0J6
604.983.3525 | office@iwa-arch.ca | iwa-arch.com

PROJECT NAME:
RUTHERFORD HOUSING

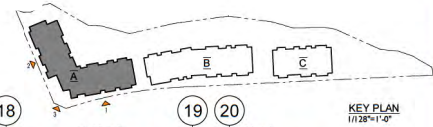
PROJECT ADDRESS:
6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.

DRAWING TITLE:
**BUILDING C
PARKADE LEVEL**

PROJECT NO: 20033 DRAWN BY: AAM
SCALE: 3/32" = 1'-0" REVIEW BY: DEM
DWG NO: **A2.10**

RECEIVED
DP1210
2021-JUL-09
Current Planning

ATTACHMENT E BUILDING ELEVATIONS AND MATERIALS



1 SOUTH ELEVATION
(facing Linley Valley Drive)



2 WEST ELEVATION
(facing Turner Road)

- MATERIAL LEGEND**
- 1 WHITE CERAMIC PANEL
 - 2 DARK GRAY/BLACK CORRUGATED METAL PANEL
 - 3 CHARCOAL/BLACK CORRUGATED METAL PANEL
 - 4 WOOD-SHIM LIME PANEL CLADDING
 - 5 GREEN PANEL CLADDING
 - 6 BLUE PANEL CLADDING
 - 7 RED PANEL CLADDING
 - 8 METAL CHARCOAL PAINTED CHARCOAL
 - 9 LEAD CLADDING
 - 10 WHITE WOOD FINISH - OBERHAY OREY
 - 11 SECURITY FENCING - GREY
 - 12 THE STEP-BAND FINISHING
 - 13 CAP FINISHING - COLOUR TO WATER
 - 14 BUILDING SIGNAGE

3 SOUTH-WEST CORNER VIEW



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NORTH ARROW:

OWNER/CLIENT:

GENERAL NOTES:

NO.	ISSUE	DATE
01	ISSUE	20/09/20
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
03	ISSUED FOR DEVELOPMENT PERMIT	20/10/21
04	ISSUED FOR OAP COMMENT RESPONSE	21/02/24
05	ISSUED FOR OAP COMPREHENSIVE LT RESPONSE	21/02/27

SEAL:
REGISTERED ARCHITECT
DAVID SCHALZ-MENDEL
BRITISH COLUMBIA

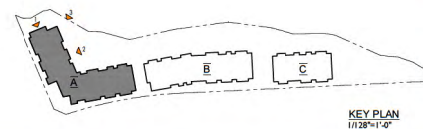
CONSULTANT:
IWA ARCHITECTS
2021-07-07

PROJECT NAME:
RUTHERFORD HOUSING
RECEIVED
DF1210
2021-JUL-08

PROJECT ADDRESS:
**6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.**

DRAWINGS TITLE:
**ELEVATIONS
BUILDING A**

PROJECT NO.: 20033 DRAWN BY: AAM
SCALE: AS NOTED REVIEW BY: DEM
DWG NO.: **A3.01**



1 NORTH ELEVATION (2)
A303 3/32"=1'-0"



3 NORTH-EAST CORNER VIEW
A303 NTS



2 EAST ELEVATION (2)
A303 3/32"=1'-0"

- MATERIAL LEGEND**
- 1 WHITE CERAMIC PANEL
 - 2 DARK CHARCOAL CORRUGATED METAL PANEL
 - 3 GALVANIZED ALUMINUM CORRUGATED METAL PANEL
 - 4 WOOD-GRAY UPE PANEL CLADDING
 - 5 GREEN PANEL CLADDING
 - 6 BLUE PANEL CLADDING
 - 7 RED PANEL CLADDING
 - 8 METAL CHARCOAL PAINTED CHARCOAL
 - 9 CLEAR CLADDING
 - 10 WHITE ANODIZED FRAMING - PREPARED USE
 - 11 SECURITY FENCING - GREY
 - 12 FINE-TEXTURE FLAKING
 - 13 CAP FLAKING - COLOUR TO MATCH
 - 14 BUILDING SIGNAGE

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NORTH ARROW:

OWNER/CLIENT:

GENERAL NOTES:

05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/03/21
03	ISSUED FOR DEVELOPMENT POINT	20/10/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20
NO.	ISSUE	Y/M/D



CONSULTANT:
2021-07-07



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604 685-3529 | office@iwa-arch.ca | iwa-arch.ca

PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
**6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.**

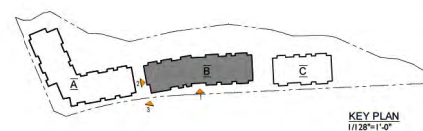
DRAWINGS TITLE:
**ELEVATIONS
BUILDING A**

PROJECT NO.: 20033 DRAWN BY: AAM
SCALE: AS NOTED REVIEW BY: DEM
DWG NO.: **A3.03**

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2021-JUL-08
CITY OF NANAIMO

MATERIAL LEGEND

- | | | |
|---|--|---------------------------------|
| ① WHITE CERAMIC PANEL | ⑦ RED PANEL CLADDING | ⑬ CAP FLASHING - COLOR TO MATCH |
| ② SHINY CHARCOAL CORRUGATED METAL PANEL | ⑧ METAL CHARCOAL PAINTED CHARCOAL | ⑭ BUILDING SIGNAGE |
| ③ POLYMERIZED ALUMINUM CORRUGATED METAL PANEL | ⑨ CLEAR GLAZING | |
| ④ WOOD-SHAK SHIMU PANEL CLADDING | ⑩ VINYL WINDOW FINISHING - PRIMERISED GREY | |
| ⑤ GREEN PANEL CLADDING | ⑪ SECURITY FINISHING - GREY | |
| ⑥ BLUE PANEL CLADDING | ⑫ FINE STRIP BRNU FLASHING | |



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NORTH ARROW

OWNER/CLIENT:

GENERAL NOTES:

05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/03/21
03	ISSUED FOR DEVELOPMENT PERMIT	20/10/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20
NO.	ISSUE	DATE
		1/1/2021

SEAL:

CONSULTANT: 2021-07-07

IWA ARCHITECTS

VAN 301 - 1444 Alberni Street Vancouver V6G 2Z4
 604 688-3529 | office@iwa-arch.ca | iwa-arch.ca

PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
 6030 LINLEY VALLEY DRIVE
 NANAIMO, B.C.

DRAWINGS TITLE:
**ELEVATIONS
 BUILDING B**

PROJECT NO: 20033 DRAWN BY: AAM
 SCALE: AS NOTED REVIEW BY: DEM
 DWG NO: **A3.05**



① SOUTH ELEVATION
 (facing Linley Valley Drive)



② WEST ELEVATION

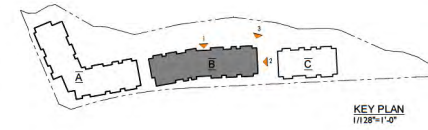


③ SOUTH-WEST CORNER VIEW

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 2021-JUL-08

MATERIAL LEGEND

- | | | |
|--|--|----------------------------------|
| ① WHITE CERAMIC PANEL | ⑦ RED PANEL CLADDING | ⑬ CAP FLASHING - COLOUR TO MATCH |
| ② SHINY CHARCOAL CORROSION RESISTANT METAL PANEL | ⑧ METAL CHARCOAL PAINTED CHARCOAL | ⑭ BUILDING SIGNAGE |
| ③ POLYMERIZED ALUMINUM CORROSION RESISTANT METAL PANEL | ⑨ CLEAR GLAZING | |
| ④ WOOD-GRAIN LINE PANEL CLADDING | ⑩ VINYL WINDOW FINISHING - PRIMERISED GREY | |
| ⑤ GREEN PANEL CLADDING | ⑪ SECURITY FINISHING - GREY | |
| ⑥ BLUE PANEL CLADDING | ⑫ FINE STRIP BRASS FLASHING | |



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OWNER/CLIENT:

GENERAL NOTES:

05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/03/21
03	ISSUED FOR DEVELOPMENT POINTS	20/10/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20
00	ISSUE	V.M.D.



CONSULTANT: IWA ARCHITECTS 2021-07-07



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PROJECT NAME: RUTHERFORD HOUSING

PROJECT ADDRESS: 6030 LINLEY VALLEY DRIVE NANAIMO, B.C.

DRAWINGS TITLE: ELEVATIONS BUILDING B

PROJECT NO: 20033 DRAWN BY: AAM
 SCALE: AS NOTED REVIEW BY: DEM
 DWG NO: A3.06



1 NORTH ELEVATION
 A306 1/128' = 1'-0"

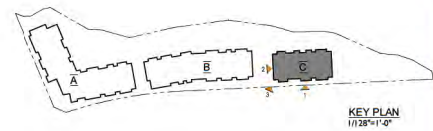


2 EAST ELEVATION
 A306 3/128' = 4'-0"



3 NORTH-EAST CORNER VIEW
 A306 NED

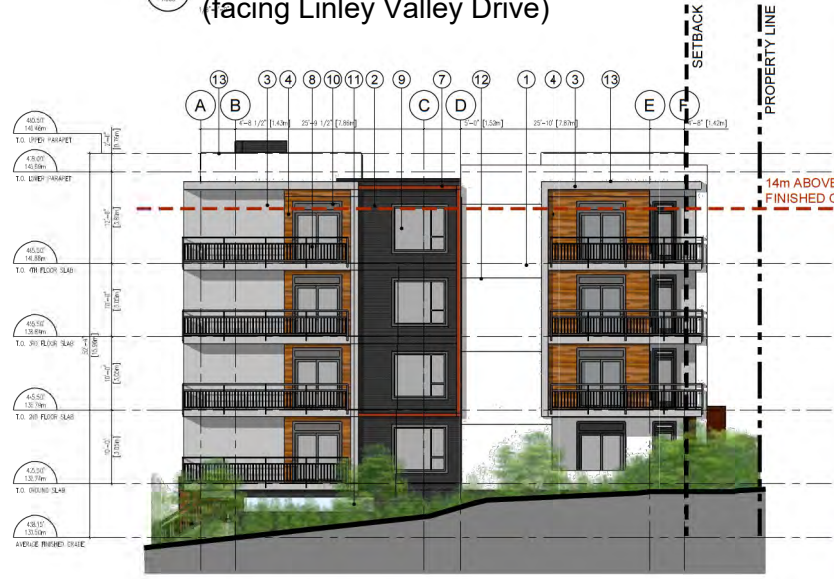
RECEIVED
 DP1210
 2021-JUL-08
 IWA ARCHITECTS



- MATERIAL LEGEND**
- 1 WHITE CERAMIC PANEL
 - 2 DARK CERAMIC COGNACATED METAL PANEL
 - 3 SILVERMETAL ALUMINUM COGNACATED METAL PANEL
 - 4 WOOD-GRAIN LINE PANEL CLADDING
 - 5 GREEN PANEL CLADDING
 - 6 BLUE PANEL CLADDING
 - 7 RED PANEL CLADDING
 - 8 METAL CLASHRAL PANELS (CERAMIC)
 - 9 GREY CLADDING
 - 10 WHITE WINDOW FRAMING - (PREFRAME) GREY
 - 11 SECURITY FENCING - GREY
 - 12 PRE-CAST CONCRETE CLADDING
 - 13 CAP FLASHING - (COLLAR) TO WATER
 - 14 BUILDING SERVICE



1 SOUTH ELEVATION
(facing Linley Valley Drive)



2 WEST ELEVATION



3 SOUTH-WEST CORNER VIEW

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NORTH ARROW:

OWNER/CLIENT:

GENERAL NOTES:

05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/03/21
03	ISSUED FOR DEVELOPMENT POINTS	20/10/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20

NO. ISSUE
SEAL: REGISTERED ARCHITECT
DAVID SCHALZ-MERKEL
BRITISH COLUMBIA
CONSULTANT: 2021-07-07



PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
**6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.**

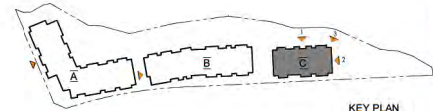
DRAWING TITLE:
**ELEVATIONS
BUILDING C**

PROJECT NO.: 20033 DRAWN BY: AAM
SCALE: AS NOTED REVIEW BY: DEM
DWG NO.: **A3.08**

RECEIVED
DP1210
2021-JUL-08



1 NORTH ELEVATION
A300 1/8"=1'-0"



KEY PLAN
1/128"=1'-0"

- MATERIAL LEGEND**
- 1 WHITE GIDENT PANEL
 - 2 DARK CHROMIUM POLYMERIZED METAL PANEL
 - 3 SILVERMETAL ALUMINUM POLYMERIZED METAL PANEL
 - 4 WOOD-GRAIN LINE PANEL CLADDING
 - 5 GREEN PANEL CLADDING
 - 6 BLUE PANEL CLADDING
 - 7 RED PANEL CLADDING
 - 8 METAL CLASHAL PANTES CHROMIUM
 - 9 GREY CLADDING
 - 10 WHITE ANCHOR FINISHING - INTERMEDIATE GREY
 - 11 SECURITY FINISHING - GREY
 - 12 FINE-TEXTURE DARK FINISHING
 - 13 CAP FINISHING - COLOUR TO MATCH
 - 14 BUILDING SERVICE

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NORTH ARROW

OWNER/CLIENT:

GENERAL NOTES:

NO.	ISSUE	DATE
01	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
03	ISSUED FOR DEVELOPMENT POINT	20/10/21
04	ISSUED FOR CAP COMMENT RESPONSE	21/02/24
05	ISSUED FOR CP COMPREHENSIVE LT RESPONSE	21/07/21
06	ISSUED FOR REVIEW SET	20/09/20



2 EAST ELEVATION
A300 1/8"=1'-0"



3 NORTH-EAST CORNER VIEW
A300 NTS

REGISTERED ARCHITECT
DAVID SCHALZ-MERKEL
BRITISH COLUMBIA
CONSULTANT: 2021-07-07



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604 688 3529 | office@iwa-arch.ca | iwa-arch.ca

PROJECT NAME:
RUTHERFORD HOUSING

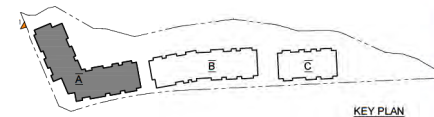
PROJECT ADDRESS:
6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.

DRAWING TITLE:
**ELEVATIONS
BUILDING C**

PROJECT NO: 20033 DRAWN BY: AAM
SCALE: AS NOTED REVIEW BY: DEM
DWG NO: **A3.09**

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2021-JUL-08

ATTACHMENT F PERSPECTIVE VIEWS



KEY PLAN
1/128"=1'-0"



1 NORTH-WEST CORNER VIEW
ASR

MATERIAL LEGEND

- ① WHITE CERAMIC PANEL
- ② DARK CHROMIUM POLYMERIZED METAL PANEL
- ③ SILVER METAL ALUMINUM POLYMERIZED METAL PANEL
- ④ WOOD-GRAIN LINE PANEL CLADDING
- ⑤ GREEN PANEL CLADDING
- ⑥ BLUE PANEL CLADDING
- ⑦ RED PANEL CLADDING
- ⑧ METAL CLADDING PAINTED CHROMIUM
- ⑨ CERAMIC CLADDING
- ⑩ WHITE WINDOW FRAMING - POLYMERIZED CERAMIC
- ⑪ SECURITY FENCING - GREY
- ⑫ FRETWORK PANEL CLADDING
- ⑬ GAP FILLING - COLOUR TO MATCH
- ⑭ BUILDING SERVICE

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NORTH ARROW:

OWNER/CLIENT:

GENERAL NOTES:

NO.	ISSUE	DATE
05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/07/21
03	ISSUED FOR DEVELOPMENT POINTS	20/06/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/06/21
01	DP REVIEW SET	20/06/21
00	ISSUE	17/06/21

SEAL:



CONSULTANT:

2021-07-07



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 VICT 104 - 2212 Jackson Road Victoria, V8B 0A9
 604.888.3529 | office@iwa-arch.ca | iwa-arch.ca

PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
**6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.**

DRAWING TITLE:
**PERSPECTIVE VIEW
BUILDING A**

PROJECT NO: 20033 DRAWN BY: AAM
 SCALE: AS NOTED REVIEW BY: DEM
 DWG NO: **A3.04**

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 DP1210
 2021-JUL-08



1 SOUTH-EAST CORNER VIEW

4307 NTS



- MATERIAL LEGEND**
- ① WHITE CERAMIC PANEL
 - ② DARK CERAMIC, CORRUGATED METAL PANEL
 - ③ GALVANNEAL ALUMINUM CORRUGATED METAL PANEL
 - ④ WOOD-GRAIN LINE PANEL CLADDING
 - ⑤ GREEN PANEL CLADDING
 - ⑥ BLUE PANEL CLADDING
 - ⑦ RED PANEL CLADDING
 - ⑧ METAL CLASH/URAL PAINTED CERAMIC
 - ⑨ GREY FLAZING
 - ⑩ WHITE WINDOW FRAMING - TYPHOGRAPHY GREY
 - ⑪ SECURITY FENCING - GREY
 - ⑫ FENCING - DARK FLAZING
 - ⑬ GAV PLAZING - COLOUR TO MATCH
 - ⑭ BUILDING SERVICE

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NORTH ARROW:

OWNER/CLIENT:

GENERAL NOTES:

05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/07/21
03	ISSUED FOR DEVELOPMENT POINTS	20/10/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20

NO. ISSUE DATE BY (NAME)



CONSULTANT: 2021-07-07



VAN 301 - 1444 Alberni Street Vancouver V6G 2Z4
 604 688.3529 | office@iwa-arch.ca | iwa-arch.ca

PROJECT NAME: RUTHERFORD HOUSING

PROJECT ADDRESS: 6030 LINLEY VALLEY DRIVE NANAIMO, B.C.

DRAWING TITLE: PERSPECTIVE VIEWS BUILDING B

PROJECT NO: 20033 DRAWN BY: AAM
 SCALE: AS NOTED REVIEW BY: DEM
 DWG NO: A3.07



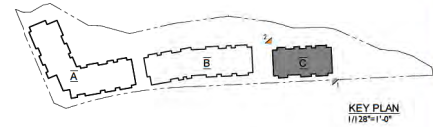
2 NORTH-WEST CORNER VIEW

4307 NTS





1 SOUTH-EAST CORNER VIEW
A310 XTE



- MATERIAL LEGEND
- 1 WHITE CERAMIC PANEL
 - 2 DARK CHARCOAL CORRUGATED METAL PANEL
 - 3 SILVERMETAL ALUMINUM CORRUGATED METAL PANEL
 - 4 WOOD-GRAIN LINE PANEL CLADDING
 - 5 GREEN PANEL CLADDING
 - 6 BLUE PANEL CLADDING
 - 7 RED PANEL CLADDING
 - 8 METAL CHARCOAL PANTED CHARCOAL
 - 9 CEDAR CLADDING
 - 10 WHITE WINDOW FRAMING - 120x240x80mm
 - 11 SECURITY FENCING - GREY
 - 12 FENCE TOP RAIL FLASHING
 - 13 GAP FLASHING - COLLECT TO WATER
 - 14 BUILDING SERVICE

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NORTH ARROW

OWNER/CLIENT:

GENERAL NOTES:

NO.	ISSUE	DATE
05	ISSUED FOR DP COMPREHENSIVE LT RESPONSE	21/07/21
04	ISSUED FOR DP COMMENT RESPONSE	21/07/21
03	ISSUED FOR DEVELOPMENT POINTS	20/10/21
02	ISSUED FOR PRE-APPLICATION MEETING	20/09/21
01	DP REVIEW SET	20/09/20

SEAL:



CONSULTANT:



2021-07-07

1400 301 - 1444 Alberni Street Vancouver, V6G 2Z4
1070 104 - 2212 Jubilee Road Victoria, V8B 0A9
604 888.3529 | office@iwa-arch.ca | iwa-arch.ca

PROJECT NAME:
RUTHERFORD HOUSING

PROJECT ADDRESS:
**6030 LINLEY VALLEY DRIVE
NANAIMO, B.C.**

DRAWING TITLE:
**PERSPECTIVE VIEW
BUILDING C**

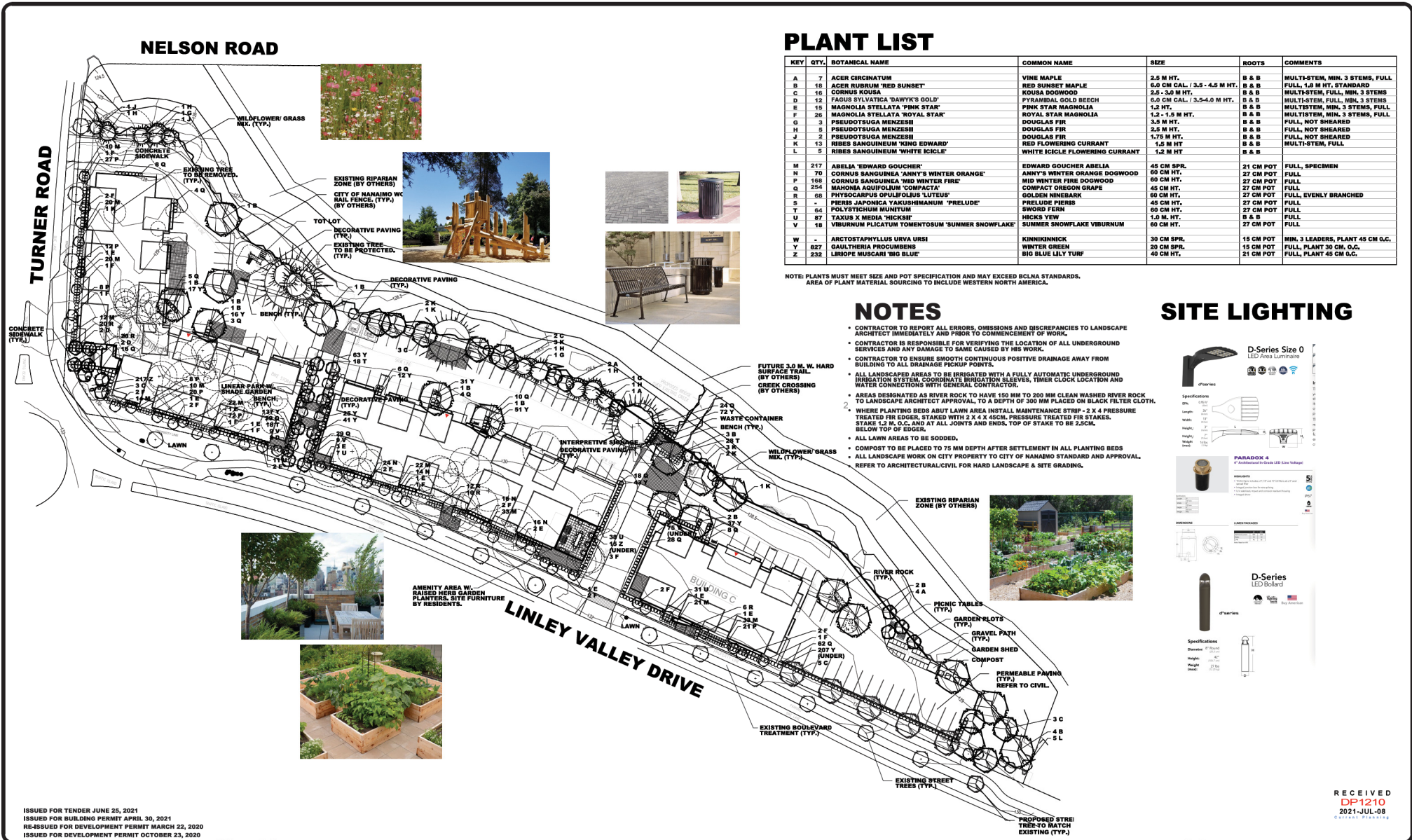
PROJECT NO: 20033 DRAWN BY: AAM
SCALE: AS NOTED REVIEW BY: DEM
DWG NO: **A3.10**



2 NORTH-WEST CORNER VIEW
A310 XTE

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DP1210
2021-JUL-08
CITY OF NANAIMO

ATTACHMENT G LANDSCAPE PLAN AND DETAILS



PLANT LIST

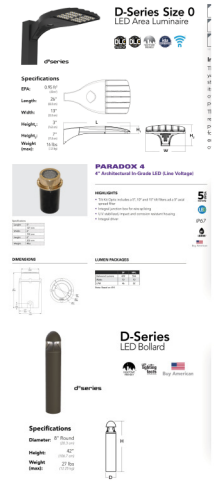
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOTS	COMMENTS
A	7	ACER CIRCINATUM	VINE MAPLE	2.5 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS, FULL.
B	10	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	6.0 CM CAL. / 3.0 - 4.5 M HT.	B & B	FULL, 1.5 M HT. STANDARD
C	16	CORNUS KOUSA	KOUSA DOGWOOD	2.5 - 3.0 M HT.	B & B	MULTI-STEM, FULL, MIN. 3 STEMS
D	12	FAGUS SYLVATICA 'DANYK'S GOLD'	PYRAMIDAL GOLD BEECH	6.0 CM CAL. / 3.5-4.0 M HT.	B & B	MULTI-STEM, FULL, MIN. 3 STEMS
E	10	MAGNOLIA STELLATA 'PINK STAR'	PINK STAR MAGNOLIA	1.2 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS, FULL
F	26	MAGNOLIA STELLATA 'ROYAL STAR'	ROYAL STAR MAGNOLIA	1.2 - 1.5 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS, FULL
G	3	PSEUDOTSUGA MENZESII	DOUGLAS FIR	3.5 M HT.	B & B	FULL, NOT SHEARED
H	9	PSEUDOTSUGA MENZESII	DOUGLAS FIR	2.5 M HT.	B & B	FULL, NOT SHEARED
J	2	PSEUDOTSUGA MENZESII	DOUGLAS FIR	1.75 M HT.	B & B	FULL, NOT SHEARED
K	13	RIBES SANGUINEUM 'KING EDWARD'	RED FLOWERING CURRANT	1.5 M HT.	B & B	MULTI-STEM, FULL
L	5	RIBES SANGUINEUM 'WHITE ICICLE'	WHITE ICICLE FLOWERING CURRANT	1.2 M HT.	B & B	
NE 217		ABELIA 'EDWARD GOUCHER'	EDWARD GOUCHER ABELIA	45 CM SPR.	21 CM POT	FULL, SPECIMEN
N 70		CORNUS SANGUINEA 'ANNY'S WINTER ORANGE'	ANNY'S WINTER ORANGE DOGWOOD	60 CM HT.	27 CM POT	FULL
P 168		CORNUS SANGUINEA 'MID WINTER FIRE'	MID WINTER FIRE DOGWOOD	60 CM HT.	27 CM POT	FULL
Q 254		MAGNOLIA AQUILIFORMIS 'CONTACTA'	CONTACT OREGON GRAPE	45 CM HT.	27 CM POT	FULL
R 68		PHYSCARPUS OPULIFOLIUS 'LUTEUS'	GOLDEN NINEBARK	60 CM HT.	27 CM POT	FULL, EVENLY BRANCHED
S -		PIERIS JAPONICA YAKUSHIMANUM 'PRELUDE'	PRELUDE PIERIS	45 CM HT.	27 CM POT	FULL
T 64		POLYSTICHUM MUNITUM	SWORD FERN	60 CM HT.	27 CM POT	FULL
U 87		TAXUS X MEDIA 'HICKSII'	HICKS YEW	1.0 M HT.	B & B	FULL
V 18		VIBURNUM PLICATUM TOMENTOSUM 'SUMMER SNOWFLAKE'	SUMMER SNOWFLAKE VIBURNUM	60 CM HT.	27 CM POT	FULL
W -		ARCTOSTAPHYLLUS URVA URSI	KINNICKINICK	30 CM SPR.	15 CM POT	MIN. 3 LEADERS, PLANT 45 CM O.C.
Y 827		GALTHERIA PROCUMBENS	WINTER GREEN	20 CM SPR.	15 CM POT	FULL, PLANT 30 CM O.C.
Z 232		LIRIODIUM MUSCARI 'BIG BLUE'	BIG BLUE LILY TURF	40 CM HT.	21 CM POT	FULL, PLANT 45 CM O.C.

NOTE: PLANTS MUST MEET SIZE AND POT SPECIFICATION AND MAY EXCEED BCNA STANDARDS. AREA OF PLANT MATERIAL SOURCING TO INCLUDE WESTERN NORTH AMERICA.

NOTES

- CONTRACTOR TO REPORT ALL ERRORS, OMISSIONS AND DISCREPANCIES TO LANDSCAPE ARCHITECT IMMEDIATELY AND PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND SERVICES AND ANY DAMAGE TO SAME CAUSED BY HIS WORK.
- CONTRACTOR TO ENSURE SMOOTH CONTINUOUS POSITIVE DRAINAGE AWAY FROM BUILDING TO ALL DRAINAGE PICKUP POINTS.
- ALL LANDSCAPED AREAS TO BE IRRIGATED WITH A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. COORDINATE IRRIGATION ELSEWHERES, TIMER CLOCK LOCATION AND WATER CONNECTIONS WITH GENERAL CONTRACTOR.
- AREAS DESIGNATED AS RIVER ROCK TO HAVE 150 MM TO 200 MM CLEAN WASHED RIVER ROCK TO LANDSCAPE ARCHITECT APPROVAL TO A DEPTH OF 300 MM PLACED ON BLACK FILTER CLOTH.
- WHERE PLANTING BEDS ABUT LAWN AREA INSTALL MAINTENANCE STRIP - 2 X 4 PRESSURE TREATED FIR EDGER, STAKED WITH 2 X 4 X 45CM. PRESSURE TREATED FIR STAKES. STAKES 1.2 M O.C. AND AT ALL JOINTS AND ENDS. TOP OF STAKE TO BE 2.5CM. BELOW TOP OF EDGER.
- ALL LAWN AREAS TO BE SOODED.
- COMPOST TO BE PLACED TO 75 MM DEPTH AFTER SETTLEMENT IN ALL PLANTING BEDS.
- ALL LANDSCAPE WORK ON CITY PROPERTY TO CITY OF NANAIMO STANDARDS AND APPROVAL. REFER TO ARCHITECTURAL/CIVIL FOR HARD LANDSCAPE & SITE GRADING.

SITE LIGHTING



ISSUED FOR TENDER JUNE 25, 2021
 ISSUED FOR BUILDING PERMIT APRIL 30, 2021
 RE-ISSUED FOR DEVELOPMENT PERMIT MARCH 22, 2020
 ISSUED FOR DEVELOPMENT PERMIT OCTOBER 23, 2020

DATE	BY	REVISION
01	JUNE 10, 2021	S.P. PLANNER'S COMMENTS
02	JULY 06, 21	J.P.P. REPLACEMENT TREES (104)
03	JULY 06, 21	J.P.P. SITE CHARACTER IMAGES
S.P.		
DATE	BY	REVISION
01	APRIL 21, 2021	
RHL-1R1R		
253 18 01		



RUTHERFORD HOUSING NANAIMO, B.C.



RECEIVED
 DP1210
 2021-JUL-08
 COTLAND PLANNING

PLANT LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOTS	COMMENTS
A	7	ACER CIRCINATUM	VINE MAPLE	2.5 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS, FULL
B	18	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	6.0 CM CAL. / 3.5 - 4.5 M HT.	B & B	FULL, 1.8 M HT. STANDARD
C	16	CORNUS KOUSA	KOUSA DOGWOOD	2.5 - 3.0 M HT.	B & B	MULTI-STEM, FULL, MIN. 3 STEMS
D	12	FAGUS SYLVATICA 'DAWKY'S GOLD'	PYRAMIDAL GOLD BEECH	6.0 CM CAL. / 3.5-4.0 M HT.	B & B	MULTI-STEM, FULL, MIN. 3 STEMS
E	15	MAGNOLIA STELLATA 'PINK STAR'	PINK STAR MAGNOLIA	1.2 HT.	B & B	MULTI-STEM, MIN. 3 STEMS, FULL
F	26	MAGNOLIA STELLATA 'ROYAL STAR'	ROYAL STAR MAGNOLIA	1.2 - 1.5 M HT.	B & B	MULTI-STEM, MIN. 3 STEMS, FULL
G	3	PSEUDOTSUGA MENZESII	DOUGLAS FIR	3.5 M HT.	B & B	FULL, NOT SHEARED
H	5	PSEUDOTSUGA MENZESII	DOUGLAS FIR	2.5 M HT.	B & B	FULL, NOT SHEARED
J	2	PSEUDOTSUGA MENZESII	DOUGLAS FIR	1.75 M HT.	B & B	FULL, NOT SHEARED
K	13	RIBES SANGUINEUM 'KING EDWARD'	RED FLOWERING CURRANT	1.5 M HT	B & B	MULTI-STEM, FULL
L	5	RIBES SANGUINEUM 'WHITE ICICLE'	WHITE ICICLE FLOWERING CURRANT	1.2 M HT	B & B	
M	217	ABELIA 'EDWARD GOUCHER'	EDWARD GOUCHER ABELIA	45 CM SPR.	21 CM POT	FULL, SPECIMEN
N	70	CORNUS SANGUINEA 'ANNY'S WINTER ORANGE'	ANNY'S WINTER ORANGE DOGWOOD	60 CM HT.	27 CM POT	FULL
P	168	CORNUS SANGUINEA 'MID WINTER FIRE'	MID WINTER FIRE DOGWOOD	60 CM HT.	27 CM POT	FULL
Q	254	MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE	45 CM HT.	27 CM POT	FULL
R	68	PHYSOCARPUS OPULIFOLIUS 'LUTEUS'	GOLDEN NINEBARK	60 CM HT.	27 CM POT	FULL, EVENLY BRANCHED
S	-	PIERIS JAPONICA YAKUSHIMANUM 'PRELUDE'	PRELUDE PIERIS	45 CM HT.	27 CM POT	FULL
T	64	POLYSTICHUM MUNITUM	SWORD FERN	60 CM HT.	27 CM POT	FULL
U	87	TAXUS X MEDIA 'HICKSII'	HICKS YEW	1.0 M. HT.	B & B	FULL
V	18	VIBURNUM Plicatum tomentosum 'SUMMER SNOWFLAKE'	SUMMER SNOWFLAKE VIBURNUM	60 CM HT.	27 CM POT	FULL
W	-	ARCTOSTAPHYLLUS URVA URSI	KINNIKINICK	30 CM SPR.	15 CM POT	MIN. 3 LEADERS, PLANT 45 CM O.C.
Y	827	GAULTHERIA PROCUMBENS	WINTER GREEN	20 CM SPR.	15 CM POT	FULL, PLANT 30 CM. O.C.
Z	232	LIRIOPE MUSCARI 'BIG BLUE'	BIG BLUE LILY TURF	40 CM HT.	21 CM POT	FULL, PLANT 45 CM O.C.

NOTE: PLANTS MUST MEET SIZE AND POT SPECIFICATION AND MAY EXCEED BCLNA STANDARDS.
AREA OF PLANT MATERIAL SOURCING TO INCLUDE WESTERN NORTH AMERICA.

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- REFER TO ARCHITECTURAL/CIVIL FOR HARD LANDSCAPE & SITE GRADING.

(Excerpts from Landscape Plan, P 1 of 2)

ATTACHMENT H

SCHEDULE D - AMENITY REQUIREMENTS FOR ADDITIONAL DENSITY

Rutherford Residential

1 of 6

Project # 20033

Jul 7th, 2021

Proposed Amenity Requirements for Additional Density - Tier 1 & 2

Category 1: Site Selection (10 points required)

AMENITY		Points Available	Points Attained
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	3
C	The proposed development is located within 200m of a park or trail network.	1	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> • retail store; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; and / or • a CS-1 (Community Service One) zoned property. 	1 point each	5
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"> • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art. 	1 point each	1
Total Points Attained		20	10

RECEIVED
DP1210
2021-JUL-08
Current Planning

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

AMENITY		Points Available	Points Attained
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	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1	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	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	1
Total Points Attained		16	5

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

AMENITY		Points Available	Points Attained
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	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"> a) multiple family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and b) non-residential uses: 1 motorized scooter or motorcycle space per 600m² of Gross Floor Area for the first 5000m² plus one space per 1500m² of additional Gross Floor Area.; and c) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle. 	2	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	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1	1
Total Points Attained		20	8

Category 4: Building Materials (8 points required)

AMENITY		Points Available	Points Attained
A	Wood is the primary building material.	1	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) Canada. <i>This wording has been amended by city to read: Be advised that in order to meet "Category 4 – C", 'Schedule D' has been amended to now accept construction certified to the Canadian Standards Association –Sustainable Forest Management (CSA-SFM) standard, or recognized equivalent</i>	3	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	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	1
Total Points Attained		16	7

Category 5: Energy Management (11 points required)

AMENITY		Points Available	Points Attained
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
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	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	1
Total Points Attained		56	16

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

Category 6: Water Management (8 points required)

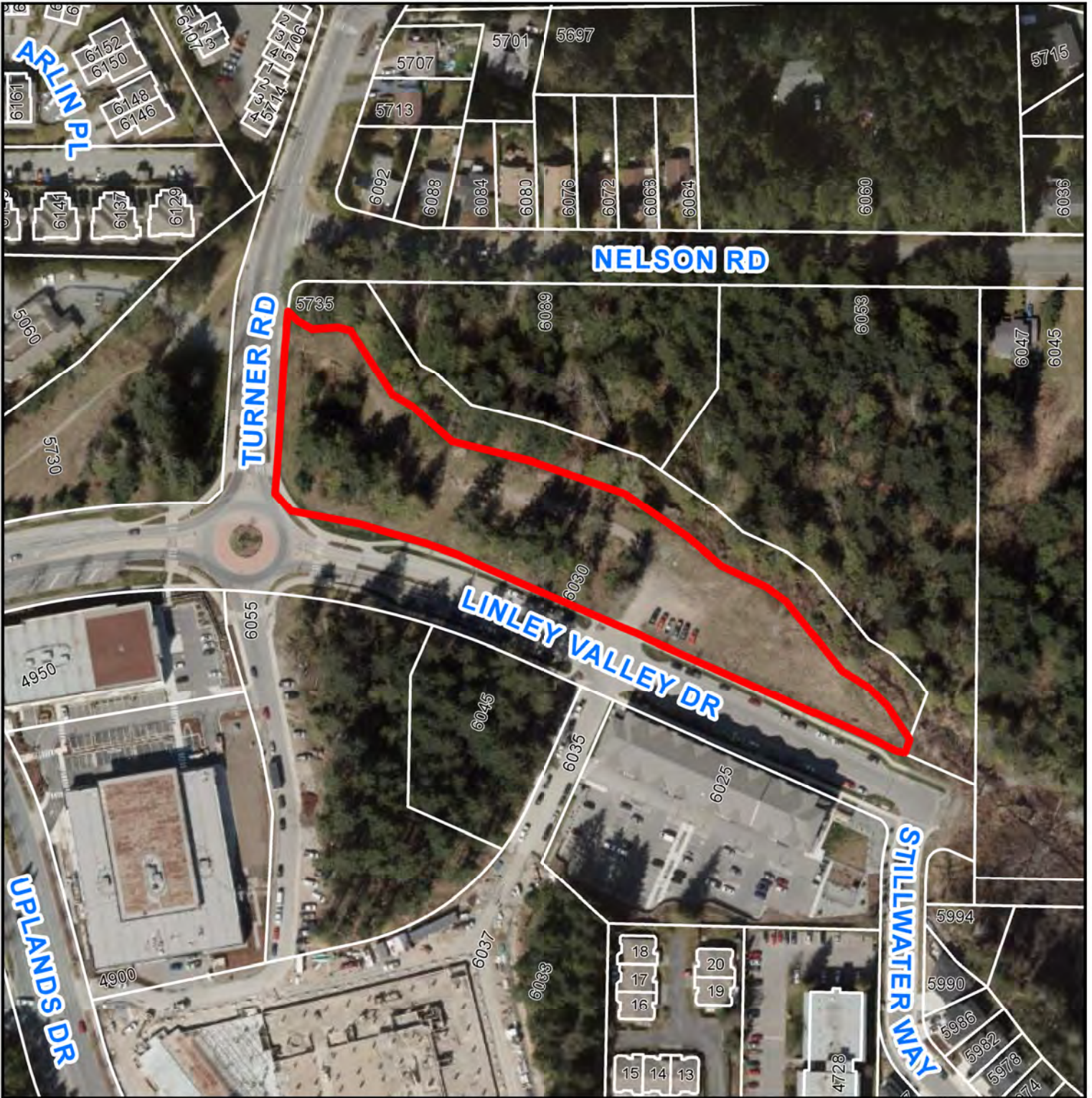
AMENITY		Points Available	Points Attained
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2	-
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2	2
C	A green roof 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	3
F	A water efficient irrigation system (such as drip) is installed.	1	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1	1
Total Points Attained		16	9

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


AMENITY		Points Available	Points Attained
A	At least 10% of the residential dwelling units within a building are no greater than 29m ² 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	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.	4	4
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 ² 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	2
G	A children's play area is provided.	1	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	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 Points Attained		21	11

***OVERALL TOTAL PROPOSED – 66**
TOTAL REQUIRED FOR TIER 2 – 65

**ATTACHMENT I
AERIAL PHOTO**



DEVELOPMENT PERMIT NO. DP001210

 6030 LINLEY VALLEY DRIVE

DATE OF MEETING July 26, 2021

AUTHORED BY DAVID STEWART, SOCIAL PLANNER

SUBJECT HOUSING AGREEMENT – 1125 SEAFIELD CRESCENT

OVERVIEW

Purpose of Report

To obtain Council approval for a housing agreement for a 124-unit affordable seniors' housing development at 1125 Seafield Crescent in order to permit a 50% reduction in the development cost charges.

Recommendation

That:

1. "Housing Agreement Bylaw 2021 No. 7329" (To secure unit affordability) pass first reading;
2. "Housing Agreement Bylaw 2021 No. 7329" pass second reading;
3. "Housing Agreement Bylaw 2021 No. 7329" pass third reading; and
4. Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement.

BACKGROUND

The Woodgrove Senior Citizens Housing Society (WSCHS) is a not-for-profit society providing affordable rental housing to a range of Nanaimo residents. WSCHS has agreed to enter into a housing agreement with the City of Nanaimo to secure the property for affordable housing and secure a 50% reduction in development cost charges (DCCs). WSCHS proposes to construct two five-storey residential buildings in two phases. Each building will contain 62 affordable rental units for seniors. This housing agreement is for both phases. An existing 25-unit affordable seniors' building will remain on site, but is not subject to the Housing Agreement. A development permit for both phases (DP1169) was approved by Council on 2021-JUL-06, and a building permit has been submitted for phase one.

The "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252" (Bylaw No. 7252) sets out the conditions under which a development is eligible for a 50% reduction in DCCs, including entering into a housing agreement with the City of Nanaimo.

DISCUSSION

WSCSHS is an "eligible owner", as per Bylaw No. 7252, and the proposed development is an "eligible development" as defined in the bylaw. The Housing Agreement will ensure that at least 30% of the development will be occupied by individuals whose collective annual before-tax income does not exceed the Housing Income Limit for the city (as determined by BC Housing), and where 12 months of rent for the dwelling unit does not exceed 30% of the occupants' collective before-tax annual income. The agreement will be secured on title with a Section 219 covenant,

which would run with the land in perpetuity; therefore, the conditions set out Bylaw No. 7252 for reduction of DCCs will be met.

FINANCIAL CONSIDERATIONS

Although the report recommendations (if approved by Council) will result in a loss of DCC revenue to offset infrastructure costs to the City of the proposed affordable housing project, the purpose of implementing the DCC reduction bylaw is to incentivize and recognize the long-term financial and social value of securing and maintaining affordable housing units in the city.

SUMMARY POINTS

- WCSHS has agreed to enter into a housing agreement with the City of Nanaimo to secure the property for affordable housing.
- WCSHS is a not-for-profit society providing affordable rental housing for Nanaimo seniors.
- WCSHS is seeking a 50% reduction in Development Cost Charges for a proposed 124 unit affordable housing development at 1125 Seafield Crescent.

ATTACHMENTS:

“Housing Agreement Bylaw 2021 No. 7329” |

Submitted by:

Lisa Bhopalsingh
Manager, Community Planning

Lainya Rowett,
Manager, Current Planning |

Concurrence by:

Bill Corsan
Director, Community Development

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services |

CITY OF NANAIMO

BYLAW NO. 7329

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

WHEREAS Section 483 of the *Local Government Act* provides that Council may enter into a Housing Agreement, which may include terms and conditions agreed to regarding the occupancy of the housing units identified in the Agreement;

AND WHEREAS, Council wishes to enter into such an Agreement with respect to certain housing units located in the City of Nanaimo;

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

1. This Bylaw may be cited for all purposes as the City of Nanaimo "Housing Agreement Bylaw 2021 No. 7329".
2. The Council of the City of Nanaimo hereby authorizes the Mayor and Corporate Officer to enter into an Agreement, on behalf of the City of Nanaimo, in substantially the form attached hereto as Schedule 'A', which sets out the terms and conditions of the occupancy of the housing units identified in the Agreement. The land identified in the Agreement is legally described as LOT A, DISTRICT LOT 97G, DISTRICT LOT 1, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN EPP86500, (the "**Land**");
3. Upon execution of the Agreement by the Mayor and Corporate Officer and application of the seal of the City of Nanaimo, this Agreement shall be validly entered into as authorized by this Bylaw.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A
SECTION 219 COVENANT AND AFFORDABLE HOUSING
AGREEMENT

THIS AGREEMENT made this ____ day of _____ 2021

BETWEEN:

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

(the “**City**”)

OF THE FIRST PART

AND:

WOODGROVE SENIOR CITIZENS HOUSING SOCIETY
INC.NO. 16316
1125 SEAFIELD CRESCENT
NANAIMO, BC
V9S 4S1

(the “**Grantor**”)

OF THE SECOND PART

WHEREAS:

- A. The City may, by agreement under Section 483 of the *Local Government Act*, enter into a housing agreement with an Owner regarding the use and occupancy of the dwelling units identified in the agreement, including but not limited to terms and conditions referred to in Section 483(2) of the *Local Government Act*;
- B. The Grantor is the registered owner in fee-simple of the lands described as:

LOT A, DISTRICT LOT 97G, DISTRICT LOT 1, NEWCASTLE RESERVE,
SECTION 1, NANAIMO DISTRICT, PLAN EPP86500, (the “**Land**”);
- C. The Grantor wishes to develop 124 units (dwelling units, sleeping units or combination) (the “**Development**”) and has applied for a Building Permit (BP126967);

- D. Section 483 of the Local Government Act (British Columbia) authorizes the City, by bylaw, to enter into a Housing Agreement;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the subdivision of land, use of land or construction on the Land;
- F. The City and the Grantor wish to enter into this agreement (“**Agreement**”) to restrict the use of, and construction on, the Land on the terms and conditions of this Agreement, to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 483 of the *Local Government Act* and Section 219 of the Land Title Act and in consideration of the premises and covenants contained in this Agreement, the parties hereto covenant and agree with the other as follows:

1.0 INTERPRETATION

- 1.1 The City and the Grantor agree that the definitions in the City of Nanaimo’s Zoning Bylaw 2011 No. 4500, as amended or replaced from time to time, (“**Zoning Bylaw**”) apply to the interpretation of the terms in this Agreement.
- 1.2 In addition to the definitions of the Zoning Bylaw, the following words and terms have the following meanings:
 - a) "Affordable Units" means all of the Dwelling Units which will only be occupied by one or more Eligible Tenants;
 - b) “Development” refers to the totality of all Dwelling Units and ancillary spaces constructed on that part of the Land;
 - c) "Dwelling Unit" means a habitable room consisting of a self-contained unit with a separate entrance for the residential accommodation of only one family and which contains a cooking facility but excludes all accommodation for the travelling public; and
 - d) “Eligible Tenant” means a tenant or tenants of an Affordable Unit whose collective annual before-tax income does not exceed the most current Housing Income Levels, as amended from time to time, published by British Columbia Housing Management Commission or its successors in function that is in effect at the time the Eligible Tenant take occupancy of the Affordable Unit;

- e) “Final Occupancy Date” means the date upon which the entirety of the Development has been approved for occupancy by the building inspector for the City of Nanaimo;
- f) “Grantor” means the current owner of the Land or any person who acquires an interest in the Land;
- g) “Permitted Rent” means the monthly rent that the Grantor may charge an Eligible Tenant for an Affordable Unit, which monthly rent shall not exceed 1/12 of 30% of the Eligible Tenant(s) collective before-tax annual income;
- h) “Rent Charge” means the rent charge referred to in Section 7.6;
- i) “Sleeping Unit” shall have the meaning set out in the Zoning Bylaw;
- j) “Term” means in perpetuity from the Final Occupancy Date.

2.0 OCCUPANCY and USE OF AFFORDABLE UNITS

- 2.1 The Grantor covenants and agrees with the City that from and after the Final Occupancy Date and for the Term, all Affordable Units within the Development are and shall remain Affordable Units for the Term and shall only be occupied by an Eligible Tenant.
- 2.2 The Grantor covenants and agrees with the City that the Land, other than the commercial component described in Recital C, above shall not be subdivided by any means whatsoever.

3.0 DEVELOPMENT COST CHARGES

- 3.1 If the number of Affordable Units in the Development is at least 30% of the total number of Dwelling Units, the City agrees to reduce development cost charges for the Development, in accordance with Section 6 of CITY OF NANAIMO DEVELOPMENT COST CHARGE BYLAW 2017 NO. 7252.

4.0 ANNUAL REPORT

- 4.1 The Grantor further covenants and agrees that during the term of this Agreement, it will, commencing on the first anniversary of the Final Occupancy Date is issued for the Development on the Land, and on that anniversary date annually thereafter, provide to the City’s General Manager of Development Services a report in writing and in a form acceptable to the City’s General Manager of Development Services confirming that the Affordable Units continue to be used and occupied as required under this Agreement.

5.0 **BINDING EFFECT**

5.1 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, administrators and permitted assignees.

6.0 **ENFORCEMENT AND WAIVER**

6.1 Nothing contained or implied herein shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Grantor. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

6.2 The parties agree that the City is not obligated to inspect the Land or to otherwise ensure compliance with this Agreement, nor is the City obligated to remedy any default of this Agreement. A failure by the City to enforce this Agreement shall not constitute a waiver of any of the City's rights hereunder.

6.3 No remedy under this Agreement is deemed to be exclusive but will, where possible, be cumulative with all other remedies available at law or in equity.

6.4 The Grantor covenants and agrees that, in addition to any remedies that are available under this Agreement or at law, the City is entitled to all equitable remedies, including specific performance, injunction and declarative relief to enforce its rights under this Agreement. The Grantor acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Grantor under this Agreement.

6.5 The Grantor acknowledges that the City requires the Affordable Units for the benefit of the community. The Grantor therefore agrees that for each day the Land is occupied in breach of this Agreement, the Grantor must pay the City \$100.00 (the "**Daily Amount**") as liquidated damages and not as a penalty, due and payable at the offices of the City on the last day of the calendar month in which the breach occurred. The Daily Amount is increased on January 1 of each year by the amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase between that previous January 1 and the immediately preceding December 31 in the Consumer Price Index. The Grantor agrees that payment may be enforced by the City in a court of competent jurisdiction as a contract debt.

6.6 By this section, the Grantor grants to the City a rent charge under section 219 of the *Land Title Act*, and at common law, securing payment by the Grantor to the City of the Daily Amount as described in section 7.5. The City agrees that enforcement of the rent charge granted by this section is suspended until the date that is thirty (30) days after the date on which any amount due under section 7.5 is due and payable to the City in accordance with section 7.5. The City may enforce the rent charge granted by this section by an action for an order for sale or by proceedings for the appointment of a receiver.

7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

7.1 Notice of this Agreement shall be registered in the *Land Title Office* by the City at the cost of the Grantor in accordance with Section 483 of the *Local Government Act*, and as a covenant in accordance with Section 219 of the *Land Title Act*.

8. TERMINOLOGY

8.1 Wherever the singular, masculine or neuter are used throughout this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic as the context requires.

9. BC LAWS GOVERN

9.1 This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

CITY OF NANAIMO by its authorized signatories

_____)
_____)
_____))
Mayor,)
_____))
_____))
Corporate Officer

NAME of Grantor on title by its authorized signatories:

_____)
_____)
_____)
_____)

DATE OF MEETING JULY 26, 2021

AUTHORED BY MEGAN WAGGONER, RECORDS/INFORMATION & PRIVACY
COORDINATOR

SUBJECT VIDEO SURVEILLANCE OF CIVIC PROPERTY POLICY

OVERVIEW

Purpose of Report

To introduce a new “Video Surveillance of Civic Property Policy” for Council’s consideration.

Recommendation

That Council repeal Council Policy COU-178 - “Video Surveillance of Civic Property Policy”, dated 2008-MAY-26, and replace it with COU-223 - “Video Surveillance of Civic Property Policy” as attached to the 2021-JUL-26 report by the Records/Information & Privacy Coordinator.

BACKGROUND

The “Video Surveillance of Civic Property Policy” was established in 2008 to provide guidelines for the use of video surveillance to enhance security and safety in, on, or near facilities owned or occupied by the City and used by the public.

Staff have been conducting policy reviews to update and format all City policies for consistency and to ensure concurrence with relevant legislation. As part of this review, the “Video Surveillance of Civic Property Policy” has been considered and staff are recommending it be replaced with a new version to ensure the policy meets current privacy standards and responsibilities.

DISCUSSION

Some notable changes found in the new “Video Surveillance of Civic Property Policy” are:

- A privacy impact assessment (PIA) must be conducted prior to the expansion or installation of cameras in new locations
- Access and security measures have been updated to better align with the “City of Nanaimo Privacy Policy” and the *Freedom of Information and Protection of Privacy Act (FOIPPA)*
- Clarification has been provided regarding the use/access to video surveillance information
- Updated responsibilities regarding auditing, collection, compliance and retention requirements

The new policy now includes a requirement that before implementing a new surveillance system, or expanding an existing system, a PIA must be completed and the reason for introducing and/or expanding the video must be clearly articulated. Existing video surveillance systems may have components repaired and replaced providing their location, viewing angle and quality are not changing.

Responsibility for the video surveillance program in the new policy rests with the Chief Administrative Officer (CAO), Director of Information Technology, Freedom of Information Head and the Records/Information & Privacy Coordinator. This reduces the number of people with access to video surveillance information. Detailed logs of access and use of recording equipment must be maintained at all times by authorized staff.

In the event of an incident Information Technology and/or Bylaw staff will access equipment to assist with extraction of the necessary data. RCMP may access data necessary to investigate a law enforcement matter by submitting an RCMP Records Release Form. Video surveillance is not to be used to supervise staff performance, or verify staff attendance, and video surveillance data or videotapes may not be publicly viewed or distributed in any fashion.

The new policy considers requirements such as the location of cameras and reduces the retention timeframe for recorded data from four weeks to two weeks before it is automatically deleted. |

OPTIONS

1. That Council repeal Council Policy COU-178 - "Video Surveillance of Civic Property Policy", dated 2008-MAY-26, and replace it with COU-223 - "Video Surveillance of Civic Property Policy" as attached to the 2021-JUL-26 report by the Records/Information & Privacy Coordinator.
 - This option would realign the "Video Surveillance of Civic Property Policy" with the "City of Nanaimo Privacy Policy" and *FOIPPA* legislation while also providing clarity to Staff regarding who can access data and for what purposes.
 - No disadvantages or financial implications have been noted for this option.
2. That Council take no action and retain the existing "Video Surveillance of Civic Property Policy", dated 2008-MAY-26.
 - If Council chooses to take no action the current "Video Surveillance of Civic Property Policy" remains inconsistent with requirements of *FOIPPA* and the "City of Nanaimo Privacy Policy".
 - There are no financial implications noted for this option.
3. That Council provide alternate direction to staff.
 - Should Council wish to make further amendments to the policy, direction from Council would be sought and a future report to highlight any implications would be required. |

SUMMARY POINTS

- Staff are recommending that Council adopt a new “Video Surveillance of Civic Property Policy”.
- Updating the “Video Surveillance of Civic Property Policy” will ensure the policy aligns with the “City of Nanaimo Privacy Policy” and *FOIPPA*.
- The updated policy requires a PIA for any new or changing video surveillance cameras, reduces the number of people authorized to access data and updates auditing, collection, compliance and retention requirements.

ATTACHMENTS:

Attachment A – Draft Video Surveillance of Civic Property Policy |

Submitted by:

Sheila Gurrie
Director, Legislative Services

Concurrence by:

Brian Mackay
| Director, Information Technology|

ATTACHMENT A



RCRS Secondary:	GOV-02	Effective Date:	
Policy Number:	COU-223	Amendment Date/s:	
Title:	Video Surveillance of Civic Property	Repeal Date:	
Department:	Legislative Services	Approval Date:	

PURPOSE:

To establish guidelines for the use of video surveillance to enhance the security and safety of persons, properties, things, and activities that are in or on facilities owned or occupied by the City of Nanaimo and used for public civic purposes.

DEFINITIONS:

Personal Information	Means recorded information about an identifiable individual other than business contact information
Privacy Impact Assessment (PIA)	Means a process which assists organizations in identifying and managing the privacy risks arising from new projects, initiatives, systems, or processes. PIAs must be approved by the FOI Head.

SCOPE:

This Policy applies to any video surveillance system operated by or for the City of Nanaimo that collects personal information in any form. This Policy does not apply to video surveillance conducted by the Royal Canadian Mounted Police ("RCMP"), who are subject to the *Privacy Act* (Canada).

POLICY:

1.0 PRINCIPLES

- 1.1 As an owner of significant public assets that represent a large investment of public money, the City of Nanaimo wishes to make use of video surveillance systems to better protect the security of its people, assets and property.
- 1.2 The City acknowledges that the use of video surveillance may, in some circumstances, represent an intrusion into personal privacy and does not wish to impair personal privacy any more than is warranted to provide necessary and reasonable protection of its property against crimes such as vandalism, theft, damage and destruction. Video surveillance recordings can be used by the City for an investigation and as evidence in any civil proceedings.
- 1.3 Video surveillance systems will be installed only after other less intrusive security methods have been considered or attempted and have been found to be insufficient or unworkable.
- 1.4 Before implementing a new surveillance system or expanding/replacing an existing video surveillance system, a Privacy Impact Assessment (PIA) must be completed and the reason for introducing or expanding the video surveillance is to be clearly

articulated in writing. Approval for the introduction or expansion of video surveillance must be granted by the Chief Administrative Officer (CAO) or designate.

- 1.5 Existing video surveillance systems that were installed prior to the requirement of a PIA may have existing components repaired and replaced without the completion of a PIA provided the quality, location, and viewing angle of the cameras are not changed in any way. Prior to upgrading an existing video surveillance system a PIA must be approved by the Freedom of Information Head.

2.0 DESIGNATED RESPONSIBILITIES

- 2.1 The CAO is responsible for approval of the introduction of video surveillance programs.
- 2.2 The Freedom of Information Head is responsible for approval of Privacy Impact Assessments related to video surveillance programs.
- 2.3 The General Manager or Director of each department is responsible for ensuring procedures, as established by policy, for the use, access, and storage of video surveillance equipment, including the random audit of such procedures, are in accordance with this policy. This responsibility can be designated to a member of the Senior Leadership Team.
- 2.4 The Director of IT is responsible for overseeing the life cycle management of authorized video surveillance systems including, but not limited to, specifications, installation, maintenance, replacement, disposal, and related requirements. Equipment specifications and standards are to follow corporate policy.
- 2.5 The Manager of Bylaw Services is responsible for providing access to the data in accordance with this policy.
- 2.6 City employees and service providers shall review and comply with the policy in performing their duties and functions related to the operation of video surveillance systems. City employees may be subject to discipline if they knowingly or deliberately breach the policy.
- 2.7 Service providers having access to video surveillance information must be bonded and sign a privacy protection schedule limiting access to, copying and disclosure of personal information and requiring compliance with this Policy. Breach of the privacy protection schedule may lead to penalties up to and including contract termination.

3.0 VIDEO SURVEILLANCE REQUIREMENTS AND USE

- 3.1 Before introducing video surveillance in any City owned facility the need for video surveillance must clearly meet the criteria of this Policy and the installation must conform to this Policy and be approved by the CAO in consultation with the City's Freedom of Information Head. The CAO and FOI Head, when considering the proposal, will consider the following:
 - (a) Incident reports respecting vandalism, theft, property damage, liability and safety concerns.
 - (b) Safety or security measures in place currently or attempted before installing video surveillance.
 - (c) Safety or security problems that video surveillance is expected to resolve.
 - (d) Areas and/or times of operation.

- (e) Expected impact on personal privacy.
 - (f) How the video surveillance will benefit the City or is related to City business.
 - (g) How the benefits are expected to outweigh any privacy rights as a result of video surveillance.
 - (h) How it will protect the security and safety of persons.
- 3.2 Video surveillance must only be in public places and must be practically minimized. Surveillance will not take place in areas considered confidential or normally private, e.g. change rooms, washrooms.
- 3.3 Video surveillance is not to be used to supervise staff performance or to verify staff attendance in the workplace.

4.0 DAILY USE, ACCESS, AND SECURITY

- 4.1 Access to video surveillance information is limited to the following individuals:
- (a) Chief Administrative Officer (CAO)
 Director of Information Technology
 Freedom of Information Head
 Manager, Technical and Client Services
 Manager, Bylaw Services
 Records/Information & Privacy Coordinator
- A reference to a person in this section includes their deputy, where applicable.
- (b) RCMP to access data necessary to investigate a law enforcement matter by submitting an RCMP Records Release Form to applicable City employees. All disclosures will be tracked by the Legislative Services department.
- 4.2 Any requests for access to incident specific information must be referred to the City's FOI Head or Records/Information & Privacy Coordinator and will only be disclosed in accordance with *FOIPPA*.
- 4.3 Access and use of video surveillance information is to be for the purposes of investigation of an incident in any public place.
- 4.4 Senior Technical staff will access the equipment only for the purpose of designing, deploying, maintaining and assisting with the extraction of the portions of the data. Bylaw staff may be authorized to view, retrieve and access video surveillance for the purpose of providing authorized data in response to an RCMP request for records.
- 4.5 Physical and electronic security must be in place at all times to properly secure access to the recording equipment and video data. Detailed logs that record all instances of access to and use of the recording equipment and video material must be maintained at all times by authorized staff.
- 4.6 Records of video surveillance systems that collect personal information must be protected in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 4.7 The locations and times of all video material must be maintained in logs and kept current by authorized staff. The video surveillance equipment or screen must be located so that the public is not able to see any video reproduction. An exception to this

may occur when the video screen is mounted in a public place with the intention of communicating information to the general public by live video feed.

- 4.8 Video surveillance data or videotapes may not be publicly viewed or distributed in any fashion as provided by this policy and/the *Freedom of Information Protection of Privacy Act* (FOIPPA). Video data must not be altered in any manner, with the exception of saving investigation material related to an incident on public places or information required for law enforcement purposes. Other than release to the RCMP, or use for City of Nanaimo purposes in accordance with this Policy, video surveillance data will only be released on the authority of a production order to seize the recorded data for evidence or other court order.

5.0 RETENTION AND DESTRUCTION

- 5.1 The City will use a recording system that overwrites data on a continual basis.
- 5.2 Recorded video data will generally be retained for up to two weeks. Recorded material will automatically be deleted and purged at the expiry of the above retention period.
- 5.3 Recorded data that has been saved to another medium, for investigation purposes, will be retained for at least one year after being used, so that the affected individual has a reasonable opportunity to obtain access to that personal information. Such recorded data is to be destroyed after one year or after the affected individual has had access to the data, unless otherwise required for legal, administrative or other proceedings.
- 5.4 Old storage media must be securely destroyed.

6.0 SIGNAGE

- 6.1 It is a requirement of the *Freedom of Information and Protection of Privacy Act* that individuals be notified when the City collects their personal information. Accordingly, at each facility where video surveillance takes place, signs not less than 30 cm x 30 cm in size must be prominently displayed at entrances to and egresses from the facilities.
- 6.2 The sign must clearly state the purpose for the collection, the legal authority for the collection, and the title, business address and business telephone number of an employee who can answer the individual's questions about the collection. A pictogram of a video camera must also be shown on the sign.

7.0 TRAINING

When applicable and appropriate, the policy and guidelines will be incorporated into training and orientation programs of the City. Training programs addressing staff involvement with the use and monitoring of video surveillance equipment under the policy and under the *Freedom of Information and Protection of Privacy Act* shall be conducted as required.

8.0 SYSTEM AUDIT

All systems will be audited randomly on an annual basis for adherence to this policy. Audits will be conducted collaboratively by the Legislative Services and Information Technology department designates.

PROCESS:

To obtain instructions for processing RCMP Request for Records contact the Legislative Services Department.

To complete a Privacy Impact Assessment contact the Legislative Services Department.

Authorized staff will perform system audits as required.

RELATED DOCUMENTS:

Freedom of Information and Protection of Privacy Act

COU-207-Privacy Policy

ADM-001-RM Framework Policy

ADM-002-RM Accountability Policy

ADM-003-Records Management Policy

ADM-005-RM Privacy and Information Security Policy

ADM-009-RM Access to Information Policy

ADM-044-Code of Conduct Policy

ADM-089-Acceptable Use of Technology Policy

REPEAL/AMENDS:

COU-178-Video Surveillance of Civic Property

DATE OF MEETING JULY 26, 2021

AUTHORED BY SHEILA GURRIE, DIRECTOR, LEGISLATIVE SERVICES

SUBJECT Council Resolution Update

OVERVIEW

Purpose of Report:

To provide Council with an update on Council's completed and outstanding resolutions.

BACKGROUND

At Regular or Special meetings of Council, Council makes resolutions to forward the business of the City of Nanaimo. Staff then prepare these resolutions, or action items, in a list format in order to track and complete them as part of our work plan. These resolutions are updated and reviewed by staff on a regular basis to reflect whether they are in-progress; complete; cancelled; or, not started.

At the February 22, 2021 Governance and Priorities Committee Meeting, staff brought forward the list of resolutions from the start of your term on Council up to the end of 2020. Prior to that, at July 13, 2020 meeting staff brought forward resolutions from January 1, 2019 up to and including April 15, 2020.

DISCUSSION

Attached are two spreadsheets containing resolutions from the start of 2021 up to the July 5, 2021 regular meeting of Council. One spreadsheet reflects resolutions that are complete and the other spreadsheet reflects resolutions that are in-progress. The third spreadsheet attached is an update on the last report provided to you and reflects the resolutions that were in-progress but are now completed. Now completed resolutions are shaded grey and marked complete.

These spreadsheets are provided for information to ensure Council is aware of the status of their direction provided to staff.

CONCLUSION

Staff will endeavour to bring forward resolution updates on a quarterly basis.

SUMMARY POINTS

- Council resolutions are the motions made at meetings of Council to further the business of the City of Nanaimo.
- Staff prepares and monitors these resolutions in a list format as part of our work plans.
- Attached are the resolutions for the time period January 1, 2021 to July 5, 2021, as well as an update on the last report.

ATTACHMENTS

ATTACHMENT A: List of completed resolutions from January 1, 2021 to July 5, 2021.

ATTACHMENT B: List of in-progress resolutions from January 1, 2021 to July 5, 2021.

ATTACHMENT C: Updated list of in-progress resolutions brought to the February 22, 2021 Governance and Priorities Committee meeting.

Submitted by:

Sheila Gurrie
Director, Legislative Services

Concurrence by:

Jake Rudolph
Chief Administrative Officer

ATTACHMENT A: Completed Resolutions

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	6/21/2021	2020 Annual Municipal Report	It was moved and seconded that Council approve the 2020 Annual Municipal Report.	Sheila Gurrie;#28	Complete
Council	6/21/2021	Development Permit Application No. DP1205 - 478 Machleary Street	It was moved and seconded that Council issue Development Permit No. DP1205 at 478 Machleary Street with the following variances to: -increase the maximum allowable principal building height from 7.75m to 8.75m; and, -increase the maximum allowable fence height within the front yard setback from 1.2m to 2.2m for the proposed decorative arbours.	Dale Lindsay;#251	Complete
Council	6/21/2021	Development Variance Permit Application No. DVP421 - 5524 Cliffside Drive	It was moved and seconded that Council issue Development Variance Permit No. DVP421 at 5524 Cliffside Road with the following variances: -to increase the maximum allowable height for a proposed dwelling with a flat roof from 7m to 9m; and, -to increase the perimeter wall height from 7.32m to 9.30m on the east and west elevations, and increase the perimeter wall height from 9.14 to 9.50m on the south elevation.	Dale Lindsay;#251	Complete
Council	6/7/2021	Increase Unallocated Pedestrian Funding	It was moved and seconded that Council direct Staff to allocate \$700,000 from the Community Works Fund to year 2022 of the 2021-2025 Financial Plan for pedestrian unallocated projects.	Laura Mercer;#331	Complete
Council	6/7/2021	Connectivity Projects	It was moved and seconded that Council direct Staff to include the Buttertubs Bridge project in the Draft 2022 – 2026 Financial Plan for Council consideration.	Laura Mercer;#331	Complete
Council	6/7/2021	Stadium District Development	It was moved and seconded that Council direct Staff to include the stadium improvement projects in 2021 and 2022 of the 2021 – 2025 Financial Plan.	Laura Mercer;#331	Complete
Council	6/7/2021	Westwood Lake Park Amenities	It was moved and seconded that Council direct Staff to include the Westwood Lake Park Amenities project in the Draft 2022 – 2026 Financial Plan for Council consideration.	Laura Mercer;#331	Complete
Council	6/7/2021	Marie Davidson BMX Track Improvements	It was moved and seconded that Council direct Staff to include the Marie Davidson BMX Track Improvements in the Draft 2022 – 2026 Financial Plan for Council consideration.	Laura Mercer;#331	Complete
Council	6/7/2021	Maffeo Sutton Park Inclusive Playground	It was moved and seconded that Council direct Staff to accelerate the Maffeo Sutton Park inclusive Playground Phase 2 project to 2022 in the Draft 2022 – 2026 Financial Plan for Council consideration.	Laura Mercer;#331	Complete

Council	6/7/2021	Long Lake Paddling & Rowing Centre	It was moved and seconded that Council direct Staff to include the Long Lake Paddling & Rowing Centre including park improvements and playground upgrades to the Draft 2022 – 2026 Financial Plan for Council consideration.	Laura Mercer;#331	Complete
Council	6/7/2021	Nanaimo Search & Rescue Development of 195 Fourth Street – Phase 2	It was moved and seconded that Council approve moving the Phase 2 project budget of \$1,367,100 from 2022 to 2021 in the 2021-2025 Financial Plan.	Laura Mercer;#331	Complete
Council	6/7/2021	Allocation of Pedestrian Budget to Enhance Accessibility	That the Advisory Committee on Accessibility and Inclusiveness recommend the following allocations of Pedestrian Unallocated Funds for Council’s consideration: <ul style="list-style-type: none"> • \$200,000 for transit stop accessibility improvements • \$250,000 for traffic signal accessibility improvements • \$45,000 for miscellaneous accessibility improvements allocated to the Small Scale Road Improvement budget. 	Bill Sims;#413	Complete
Council	6/7/2021	Spinal Cord Injury BC Universal Design Workshop	That Staff return to the Committee with a report outlining the possibility and feasibility for members of the Advisory Committee on Accessibility and Inclusiveness and interested City of Nanaimo Staff to participate in the Spinal Cord Injury BC Universal Design Workshop.	Richard Harding;#252	Complete
Council	6/7/2021	2021 UBCM Community Excellence Awards	It was moved and seconded that that Council support the application for Nanaimo’s Complete Street Engineering Standards and Design Guidelines to be considered for a 2021 Community Excellence Award for Excellence in Sustainability.	Bill Sims;#413	Complete
Council	6/7/2021	Lease to Double H Holdings Ltd. - 2280 Bowen Road (Beban Park Pitch and Putt)	It was moved and seconded that Council: <ol style="list-style-type: none"> 1. approve a new ten-year lease agreement with Double H Holdings Ltd. for the Beban Park Pitch and Putt; and 2. authorize the Mayor and Corporate Officer to execute the lease agreement. 	Dale Lindsay;#251	Complete
Council	6/7/2021	Development Permit Application No. DP1151 - 3532 Stephenson Point Road	It was moved and seconded that Council approve Development Permit Application No. DP1151 at 3532 Stephenson Point Road with a variance to reduce the watercourse setback from 7.5 m to 0.8 m. with conditions of the permit included in Attachment A of the report titled “Development Permit Application No. DP1151 – 3532 Stephenson Point Road” dated 2021-JUN-07.	Dale Lindsay;#251	Complete

Council	6/7/2021	Development Permit Application No. DP1191 - 326 Wakesiah Avenue	It was moved and seconded that Council issue Development Permit No. DP1191 at 326 Wakesiah Avenue with a variance to reduce the required student housing parking rate from 0.4 spaces per bed to 0.3 spaces per bed (reducing the total required parking from 77 stalls to 62 stalls).	Dale Lindsay;#251	Complete
Council	6/7/2021	Development Variance Permit Application No. DVP422 -1875 And 1885 Boxwood Road	It was moved and seconded that Council issue Development Variance Permit No. DVP422 at 1875 and 1885 Boxwood Road with the following variance to: <ul style="list-style-type: none"> • allow 13 facia signs and 1 freestanding sign within the Parkway Buffer that face the Nanaimo Parkway; • increase the maximum permitted facia sign area from 5m2 to 6.48m2. 	Dale Lindsay;#251	Complete
Council	5/17/2021	2021 Advisory Committee on Accessibility and Inclusiveness Work Plan	It was moved and seconded that Council endorse the 2021 Advisory Committee on Accessibility and Inclusiveness Work Plan.	Richard Harding;#252	Complete
Council	5/17/2021	Development Variance Permit Application No. DVP416 – 701 & 702 Fern Ridge Place, 1031-1047 Harewood Mines Road, 1018-1046 Palomino Place, and 703 & 729 Trailside Road	It was moved and seconded that Council issue Development Variance Permit No. DVP416 with variances to: <ul style="list-style-type: none"> • increase the maximum permitted building height from 9.0m to 10.4m on Lots 1-6 and Lots 12-19; and • reduce the minimum rear yard setback from 7.5m to 3.0m on Lots 6, 11, 20, and 30 	Dale Lindsay;#251	Complete
Council	5/17/2021	Development Variance Permit Application No. DVP417 – 1925 Bowen Road	It was moved and seconded that Council issue Development Variance Permit No. DVP417 at 1925 Bowen Road with the following variance to: <ul style="list-style-type: none"> • increase the maximum permitted gross floor area for an individual retail use in the COR3 zone within existing Unit 17 from 750m2 to 940m2. 	Dale Lindsay;#251	Complete
Council	5/17/2021	Regional Growth Strategy Amendment - Nanaimo Airport	It was moved and seconded that Council: <ul style="list-style-type: none"> • support the proposed Regional Growth Strategy amendment; and, • direct Staff to forward Council’s decision to the Regional District of Nanaimo’s Board. 	Dale Lindsay;#251	Complete

Council	5/3/2021	Governance and Priorities Committee Agenda Planning	It was moved and seconded that Council add as a future Governance and Priorities Committee topic a staff update on issues related to Westwood Lake as a recreational facility specific to trail usages and parking issues.	Sheila Gurrie;#28	Complete
Council	5/3/2021	Zoning Bylaw 'Schedule D' - Affordable Housing Amendments	It was moved and seconded that Governance and Priorities Committee recommend that future amendments to Schedule D of the Zoning Bylaw be brought forward to a Governance and Priorities Committee meeting at a later date.	Dale Lindsay;#251	Complete
Council	5/3/2021	Councillor Maartman re: Recreational Vehicle Permanent Accommodation	It was moved and seconded that the Governance and Priorities Committee defer consideration of the topic "Councillor Maartman re: Recreational Vehicle Permanent Accommodation" to a future date and Staff will return with options for when to have this discussion.	Sheila Gurrie;#28	Complete
Council	5/3/2021	Opal Road Traffic Calming	It was and seconded that Council direct Staff to remove the existing turn control measures on Opal Road.	Bill Sims;#413	Complete
Council	5/3/2021	Departure Bay Road Seasonal Traffic Calming	It was moved and seconded that Council direct Staff to implement 2021 seasonal traffic calming measures using the same layout as used in 2020 and initiate stakeholder consultation for further traffic calming measures in 2022.	Bill Sims;#413	Complete
Council	5/3/2021	Development Permit Application No. DP1184 - 558 Medea Way	<p>It was moved and seconded that Council issue Development Permit No. DP1184 at 558 Medea Way with the following variances to:</p> <ul style="list-style-type: none"> -reduce the minimum front yard setback from 6.00m to 1.09m; -reduce the minimum front yard landscape buffer from 1.80m to 1.09m -increase the maximum lot coverage from 40.0% to 43.4%; -reduce the minimum required parking from 9 parking spaces to 8 parking spaces; and, -increase the maximum percentage of small car parking from 40% to 50%. 	Dale Lindsay;#251	Complete

Council	Development Permit Application No. 5/3/2021 DP1207 - 5594 Linley Valley Drive	It was moved and seconded that Council issue Development Permit No. DP1207 at 5594 Linley Valley Drive with the following variances: -increase the maximum permitted building height from 7m to 8.62m; -increase the maximum allowable perimeter wall height from 7.32m to 8.77m; and, -reduce the minimum required rear yard setback from 7.5m to 5.9m.	Dale Lindsay;#251	Complete
Council	Development Variance Permit No. 5/3/2021 DVP418 - 421 Franklyn Street and 420/430 Selby Street	It was moved and seconded that Council issue Development Variance Permit No. DVP418 at 421 Franklyn Street and 420/430 Selby Street with variances to: -increase the maximum permitted height of a fence within the front yard setback from 1.20m to 1.83m; and, -increase the maximum permitted height of a fence within the side and flanking side yard setback from 1.80m to 1.83m.	Dale Lindsay;#251	Complete
Council	Records and Information Specialist 4/19/2021 Position	It was moved and seconded that Council add a Records and Information Specialist position to the 2021-2025 Financial Plan effective July 1, 2021 funded from general revenue.	Shelley Legin;#521	Complete
Council	Development Service 4/19/2021 Recommendations - Staffing	It was moved and seconded that Council add a Building Supervisor position and a Building Official position to the 2021-2025 Financial Plan effective July 1, 2021 funded from general revenue.	Shelley Legin;#521	Complete
Council	Development Service 4/19/2021 Recommendations - Software	It was moved and seconded that Council add \$375,000 to 2021 of the 2021 – 2025 Financial Plan for online application system improvements funded from the Special Initiatives Reserve and \$150,000 for annual operating costs effective 2022 funded from the general revenues.	Shelley Legin;#521	Complete
Council	Development Service 4/19/2021 Recommendations – Implementation	It was moved and seconded that Council add \$25,000 to 2021 of the 2021 – 2025 Financial Plan to support implementation of the recommendations in the Building Permit Function Review funded from the Special Initiatives Reserve.	Shelley Legin;#521	Complete
Council	South End Recreation Centre 4/19/2021 Feasibility Study	It was moved and seconded that Council add \$200,000 to 2021 in the 2021 – 2025 Financial Plan for a South End Recreation Centre Feasibility Study funded from the Special Initiatives Reserve.	Shelley Legin;#521	Complete

Council	4/19/2021 Downtown Security	<p>It was moved and seconded that Council add \$400,000 to 2021 in the 2021-2025 Financial Plan for expanded downtown security to the downtown area funded from the Special Initiatives Reserve; and,</p> <p>That Council direct Staff to allocate \$50,000 from the Special Initiatives Reserve to complete a comprehensive Public Safety Action Plan.</p>	Shelley Legin;#521	Complete
Council	4/19/2021 Haliburton Street Sidewalk	It was moved and seconded that Council amend the funding source of the acceleration of the Haliburton Street Sidewalk project to 2021/2022 from the Special Initiatives Reserve to the Community Works Reserve Fund.	Shelley Legin;#521	Complete
Council	4/19/2021 Health and Housing Task Force	It was moved and seconded that Council not reserve \$400,000 in funding from the Special Initiatives Reserve for recommendations coming from the Health and Housing Task Force as a budget line item has been added to 2021 to 2025 of the 2021-2025 Financial Plan.	Shelley Legin;#521	Complete
Council	4/19/2021 2020 Annual Financial Statements	It was moved and seconded that Council accept the 2020 Annual Financial Statements for the City of Nanaimo.	Shelley Legin;#521	Complete
Council	4/19/2021 Property Tax Due Date	<p>It was moved and seconded Ttat Council:</p> <ul style="list-style-type: none"> • Keep the property tax due date at 2021-JUL-02; • Change the first property tax penalty due to 1% on 2021-JUL-02; and, • Extend the second property tax penalty due date to 2021-SEP-10 and change to 9% 	Shelley Legin;#521	Complete
Council	4/19/2021 Serauxmen Stadium Outfield Fencing Project Update	<p>It was moved and seconded that Council provide additional funding to the 2021 Serauxmen Stadium Outfield Fence Project as follows:</p> <ol style="list-style-type: none"> 1. \$175,000 for project contingency and possible soil removal and disposal, funded from the Asset Management Reserve; and, 2. \$153,000 for left and right foul line fencing, funded from the Asset Management Reserve. 	Shelley Legin;#521	Complete

Council	4/19/2021	Asset Management Planning Program	It was moved and seconded that Council direct Staff to submit an application to the 2021 Asset Management Planning Program for the Sanitary Lift Station Condition Assessment Project, and provide overall grant management.	Shelley Legin;#521	Complete
Council	4/19/2021	Local Government Development Approvals Program	It was moved and seconded that Council direct Staff to submit an application to the Local Government Development Approvals Program for the Development Approval Improvement project, and provide overall grant management.	Shelley Legin;#521	Complete
Council	4/19/2021	Canada Healthy Communities Initiative - Second Intake	It was moved and seconded that Council direct Staff to submit an application to the Canada Healthy Communities Initiative for the Maffeo Sutton Playground Phase 2.	Shelley Legin;#521	Complete
Council	4/19/2021	Vancouver Island Economic Alliance - 2021 Conference Sponsorship	It was moved and seconded that Council sponsor the 2021 Vancouver Island Economic Alliance Summit as a platinum sponsor with a \$10,000 financial contribution.	Shelley Legin;#521	Complete
Council	4/19/2021	Mayor's Leaders' Table – Terms of Reference	It was moved and seconded that Council approve the Mayor's Leaders' Table Terms of Reference.	Shelley Legin;#521	Complete
Council	4/19/2021	Municipal Security Issuing Resolution – Fire Station No. 1	It was moved and seconded that Council: 1. Approve borrowing eleven million one hundred and sixty thousand (\$11,160,000) from the Municipal Finance Authority of British Columbia, as part of the 2021 fall Borrowing Session and as authorized through "Fire Station #1 Borrowing Bylaw 2018 No. 7257"; and, 2. That the Regional District of Nanaimo be requested to consent to the City of Nanaimo borrowing the eleven million one hundred and sixty thousand (\$11,160,000) over a 20-year term and include the borrowing in a Security Issuing Bylaw.	Shelley Legin;#521	Complete
Council	4/19/2021	Circular Cities and Regions Initiative	It was moved and seconded that Council endorse a joint application with the Regional District of Nanaimo to join the Circular Cities and Regions Initiative's Peer to Peer Network.	Bill Sims;#413	Complete

Council	4/19/2021	Lease to RCMP – 575 Fitzwilliam Street	<p>It was moved and seconded that Council:</p> <ol style="list-style-type: none"> 1. Grant a new five-year lease at 575 Fitzwilliam Street to the federal members of the Royal Canadian Mounted Police; and, 2. Authorize the Mayor and Corporate Officer to execute the lease agreement. 	Dale Lindsay;#251	Complete
Council	4/19/2021	Development Variance Permit Application No. DVP412 – 5100 Hammond Bay Road	<p>It was moved and seconded that Council issue Development Variance Permit No. DVP412 at 5100 Hammond Bay Road with a variance to reduce the minimum lot frontage requirement as follows:</p> <ul style="list-style-type: none"> • from 15m to 13.5m for proposed Lot B; • from 15m to 12.06m for proposed Lot C; and • from 15m to 12.04m for proposed Lot D. 	Dale Lindsay;#251	Complete
Council	4/19/2021	Appointment of Bylaw Enforcement Officer	<p>It was moved and seconded that Council appoint Walter Ernst as a Bylaw Enforcement Officer for the City of Nanaimo for the purposes of enforcing City of Nanaimo bylaws in accordance with the Community Charter and the Local Government Bylaw Notice Enforcement Act.</p>	Dale Lindsay;#251	Complete
Council	4/19/2021	Appointment of Bylaw Enforcement Officer	<p>It was moved and seconded that Council appoint Michael Leiding as a Bylaw Enforcement Officer for the City of Nanaimo for the purposes of enforcing City of Nanaimo bylaws in accordance with the Community Charter and Local Government Bylaw Notice Enforcement Act.</p>	Dale Lindsay;#251	Complete
Council	4/19/2021	Councillor Armstrong Motion re: Support for Call for Public Inquiry: Stronger Sentencing for Prolific Offenders	<p>It was moved and seconded that Council support the Mayor of Williams Lake by sending a letter to the Solicitor General, Attorney General, and the Premier of British Columbia requesting a public inquiry into the justice system in BC, to determine why so many prolific offenders with serious charges are constantly released back into communities with ineffective deterrents to reoffend and to call for action to protect communities.</p>	Jake Rudolph;#442	Complete
Council	4/19/2021	Councillor Maartman re: Permanent Recreational Vehicle Accommodation	<p>It was moved and seconded that Council defer consideration of the following motion to the 2021-APR-26 Governance and Priorities Committee Meeting for further discussion:</p> <p>“That Council direct Staff to prepare a report on the options available to support permanent recreation vehicle accommodation.”</p>	Sheila Gurrie;#28	Complete

		<p>It was moved and seconded that Council approve the allocation of the 2020 operating surplus as follows:</p> <p>1. General Fund Special Initiatives Reserve \$7,482,599 Property Acquisition Reserve \$1,000,000 Total: \$8,482,599</p> <p>2. Sewer Fund Sewer Reserve \$589,873 Sewer Financial Stability Reserve \$28,751 Total: \$618,624</p>		
Council	3/29/2021	2020 Surplus Allocation	Shelley Legin;#521	Complete
Council	3/29/2021	Nanaimo Loaves and Fishes Food Bank	Shelley Legin;#521	Complete
		<p>It was moved and seconded that Council direct Staff to review the Nanaimo Loaves and Fishes Food Bank's ask for funding, identify options and provide a report to Council for information.</p>		
Council	3/29/2021	Mayor's Leaders' Table	Shelley Legin;#521	Complete
		<p>It was moved and seconded that Council establish the Mayor's Leaders' Table with representation of: Mayor and two Council members; key social, cultural, educational, healthcare, technology, labour, arts, tourism and business organizations; and, chaired by the Mayor and subject to applicable Legislative Support and oversight.</p>		
Council	3/29/2021	Strengthening Communities' Services Grant	Shelley Legin;#521	Complete
		<p>It was moved and seconded that Council:</p> <p>1. endorse the activities identified in Appendix A for funding in an application under the Strengthening Communities' Services Grant Program and commits to providing overall grant management; and</p> <p>2. commits to funding, if required, site servicing costs for the Temporary Housing Units from the Housing Legacy Reserve Fund if grant application is successful.</p>		
Council	3/29/2021	BC Energy Step Code Rezoning Policy	Dale Lindsay;#251	Complete
		<p>It was moved and seconded that Council:</p> <p>1. adopt the BC Energy Step Code Rezoning Policy; and</p> <p>2. direct Staff to implement the Step Code Rezoning Policy three months after adoption.</p>		

Council	3/29/2021	Official Community Plan Amendment Application Process	It was moved and seconded that Council postpone the 2021-MAY-01 and 2021-NOV-01 intake rounds for applications to amend the Official Community Plan until 2022-MAY-01.	Dale Lindsay;#251	Complete
Council	3/29/2021	Extension of Leases to CBI Health Group and Team Aquatic - 741 Third Street	<p>It was moved and seconded that Council:</p> <ol style="list-style-type: none"> 1. approve a 21-month extension on the current lease agreements with CBI Health Group Inc. and Team Aquatic Supplies Ltd.; and 2. authorize the Mayor and Corporate Officer to execute the lease agreements. 	Dale Lindsay;#251	Complete
Council	3/29/2021	Development Permit Application No. DP1190 - 1300 Junction Avenue	It was moved and seconded that Council issue Development Permit No. DP1190 at 1300 Junction Avenue with a variance to reduce the watercourse setback for Wexford Creek from 15.0m to 9.7m.	Dale Lindsay;#251	Complete
Council	3/29/2021	Interim Transition to Virtual Meetings	It was moved and seconded that Council direct Staff to schedule meetings during the Shaw Auditorium renovation period virtually, with all members of Council and Staff attending through Zoom.	Sheila Gurrie;#28	Complete

WHEREAS ancient high productivity (big tree) old growth ecosystems are globally one of the most valuable climate mitigation and resiliency assets in terms of carbon storage, sequestration, protection against wildfire, storage of water and bank of biodiversity;

AND WHEREAS, of the miniscule amount (2.7%) of the original high productivity (big tree) old-growth forests that are left (less than 1% of BC's total current forested area), 75% are still slated to be eliminated through logging; BE IT RESOLVED

THAT the City of Nanaimo call on the provincial government to immediately defer logging in all high productivity, rare, oldest, and most intact old-growth forests as recommended by the Old-Growth Strategic Review, until all 14 of the panel's recommendations have been implemented; including deferrals in such at-risk old-growth forests as, the head waters of Fairy Creek, the Upper Walbran Valley, Nahmint Valley, Eden Grove, Edinburgh Mountain, Upper Tsitika Valley, East Creek, Klaskish Valley, Nimpkish Lake and the Inland Old-Growth Temperate Rainforest.

AND THAT the City of Nanaimo formally oppose the logging of at-risk old-growth forests;

AND THAT the City of Nanaimo call on the Government of British Columbia to allocate funding to enact deferrals in an economically just manner, in the full spirit of reconciliation and to support the economic transition of affected First Nations and non-First Nation communities from unsustainable old-growth logging for the development of long-term sustainable local economies.

Council	Call for Immediate Protection of all at-risk Old-growth Forests in BC 3/29/2021	AND THAT the following resolution be sent to the Union of BC Municipalities and as a	Sheila Gurrie;#28	Complete
Council	3/15/2021 Live Closed Captioning Service	It was moved and seconded that Council direct Staff to implement a live captioning service for all future Advisory Committee on Accessibility and Inclusiveness meetings with the potential to expand to all meetings of Council and Council's committees.	Sheila Gurrie;#28	Complete

Council	3/15/2021	2020 Annual Report for Advisory Committee on Accessibility and Inclusiveness	It was moved and seconded that the Advisory Committee on Accessibility and Inclusiveness approve and provide to Council their 2020 Annual Report for information.	Richard Harding;#252	Complete
Council	3/15/2021	Mid-Island Region Child Care Action Plan	It was moved and seconded that Council: 1. receive the Mid-Island Region Child Care Action Plan; 2. endorse the child care space targets for the city of Nanaimo included in the report; and 3. include the Action Plan as formal stakeholder input into the REIMAGINE NANAIMO process.	Dale Lindsay;#251	Complete
Council	3/15/2021	Correspondence dated 2021-FEB-25, to the Honourable John Horgan, Premier of British Columbia from Wendy Clifford, Board Chair, Nanaimo Airport Commission re: Nanaimo Airport and COVID-19	It was moved and seconded that Council direct the Mayor to write a letter of support to Wendy Clifford, Board Chair, Nanaimo Airport Commission, in response to her letter regarding Nanaimo Airport and COVID-19 correspondence sent to the Honourable John Horgan, Premier of British Columbia.	Jake Rudolph;#442	Complete
Council	3/15/2021	Notice of Motion – Councillor Geselbracht re: Immediate Protection of All At-Risk Old Growth Forest in BC PART 1	Proposed Notice of Motion: Immediate Protection of All At Risk Old Growth Forests in BC	Sheila Gurrie;#28	Complete
Council	3/1/2021	Kim Smythe, President and CEO, Chamber of Commerce - City Budget and Upcoming Municipal Tax Rates	It was moved and seconded that Council request a report from Staff with an analysis of the impact of freezing tax increases on commercial ratepayers for one year to assist and support the business community in Nanaimo.	Shelley Legin;#521	Complete
Council	3/1/2021	Heritage Façade Grant - 315 Fitzwilliam Street	It was moved and seconded that Council approve a \$20,000 Heritage Façade Grant for the St. Andrew's United Church building located at 315 Fitzwilliam Street to replace the building's asphalt shingle roof.	Shelley Legin;#521	Complete
Council	3/1/2021	Other Grant - Alano Club of Nanaimo Society	It was moved and seconded that Council deny the allocation of \$7,000 from the Other Grant funding to the Alano Club of Nanaimo Society.	Shelley Legin;#521	Complete

Council	3/1/2021	Reallocation of \$60,000 of the ERP Replacement Project Budget from 2022 to 2021 in the 2021-2025 Financial Plan	It was moved and seconded that Council approve reallocating \$60,000 of the ERP Replacement project budget from 2022 to 2021, in the 2021-2025 Financial Plan.	Shelley Legin;#521	Complete
Council	3/1/2021	Downtown Nanaimo Business Association Business Improvement Area (Part 2)	It was moved and seconded that Council direct Staff to carry out the petition against process.	Shelley Legin;#521	Complete
Council	3/1/2021	2021 Appointments to the Parcel Tax Roll Review Panel	It was moved and seconded that Council appoint appoint Councillors Hemmens, Thorpe and Turley as members and Councillor Maartman as alternate to the Parcel Tax Roll Review Panel for a term ending 2021-DEC-31.	Sheila Gurrie;#28	Complete
Council	2/22/2021	Environment Committee Workplan	It was moved and seconded that Council endorse the 2021 Environment Committee Workplan as outlined in the report titled "2021 Environment Committee Workplan", dated 2021-JAN-27.	Dale Lindsay;#251	Complete
Council	2/22/2021	Right to Repair	<p>It was moved and seconded that Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:</p> <p>Right to Repair</p> <p>Whereas the longevity of items is decreasing because manufacturers are deliberately designing products to be disposable and;</p> <p>Whereas citizens and businesses are deterred from repairing their belongings by companies that claim ownership over the intellectual property in their products, fail to provide parts or other aspects that make it hard to repair items;</p> <p>Therefore be it resolved that UBCM ask the Province of BC to draft and enact Right to Repair legislation.</p>	Sheila Gurrie;#28	Complete

It was moved and seconded that Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:

BC Government’s commitment to a Province Wide Strategy to Manage Construction and Demolition waste

Whereas construction and demolition (“C&D”) waste comprises approximately 2.8 million metric tonnes of materials annually in British Columbia (“BC”), and about one-third of municipal solid waste disposed in the province; and,

Whereas the materials disposed could have been resold, reused or recycled, they represent sources of embodied carbon, and deconstruction provides six times more job opportunities; and,

Whereas recent research in just Metro Vancouver suggests the value of salvageable wood at \$343 million annually, and the addition of other materials and other regions would radically increase this number of value;

Therefore be it resolved that UBCM request the Ministry of Environment and Climate Change Strategy develop a plan, including changes to regulations, provincial procurement policy, and economic and industrial policy, to significantly reduce Construction and Demolition waste.

BC Government's Commitment to a Province Wide Strategy to Manage

Construction and Demolition Waste

Council

2/22/2021

Sheila Gurrie;#28

Complete

It was moved and seconded that Council submit the following resolution and backgrounder to the Association of Vancouver Island and Coastal Communities for consideration at the 2021 Annual General Meeting and Convention:

BC Circular Economy Strategy

Whereas the provisioning and management of goods and food consumed by BC communities produces excessive and unnecessary quantities of waste, pollution and carbon emissions that threatens environmental health; and,

Whereas the concept of a Circular Economy provides a vision and framework to design out waste and pollution, keep products and materials in use and regenerate natural systems to help BC communities move towards Zero Waste; and,

Whereas, the province has yet to develop a comprehensive strategy to transition BC's economy to a circular one;

Therefore, be it resolved that UBCM request that the province of BC develop a provincial Circular Economy strategy.

Council	2/22/2021 BC Circular Economy Strategy		Sheila Gurrie;#28	Complete
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The vote was taken on the main motion, as amended, to endorse the Public Hearing policy as attached to the February 22, 2021 report by the Deputy City Clerk with the amendment to change the time limit for speakers from three minutes to five minutes.

Council	2/22/2021 Public Hearing Policy		Sheila Gurrie;#28	Complete
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Council	2/22/2021	Development Permit Application No. DP1146 - 3201 Lauren Mary Place	<p>It was moved and seconded that Council issue Development Permit No. DP1146 at 3201 Lauren Mary Place with the following variances:</p> <ul style="list-style-type: none"> -increase the maximum allowable building height for Block 1 from 9m to 10.71m; -increase the maximum allowable building height for Block 2 from 9m to 11.32m; -increase the maximum allowable building height for Block 3 from 9m to 11.77m; and, -reduce the minimum required rear yard setback for Block 1 from 7.5m to 7.04m. 	Dale Lindsay;#251	Complete
Council	2/22/2021	Development Permit Application No. DP1196 - 1174 Island Highway South	<p>It was moved and seconded that Council issue Development Permit No. DP1196 at 1174 Island Highway South with a variance to reduce the minimum required watercourse setback from 30m to 15.5m for the proposed valve station building at the Chase River Pump Station.</p>	Dale Lindsay;#251	Complete
Council	2/22/2021	Development Permit Application No. DP1209 - 702 Nicol Street	<p>It was moved and seconded that Council issue Development Permit No. DP1209 at 702 Nicol Street, subject to the City receiving a Freeze Release from the Ministry of Environment, with the following variances:</p> <ul style="list-style-type: none"> -increase the maximum permitted building height from 14m to 15.6m; -increase the maximum permitted fence height from 1.8m to 3.3m in the rear yard; -reduce the minimum required landscape buffer width from 1.8m to 0m on portions of the side property lines; and -reduce the minimum required parking spaces from 12 spaces to 7 spaces. <p>And</p> <p>That Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement.</p>	Dale Lindsay;#251	Complete
Council	2/22/2021	Development Variance Permit Application No. DVP411 - 1768 Rajeena Way	<p>It was moved and seconded that Council issue Development Variance Permit No. DVP411 at 1768 Rajeena Way with the following variance:</p> <ul style="list-style-type: none"> -increase the maximum combined height for a retaining wall and fence permitted within the rear and side yard setbacks from 2.4m to 5.41m. 	Dale Lindsay;#251	Complete

Council	2/22/2021	Correspondence dated 2021-JAN-27, from the Regional District of Nanaimo, re: Letter to Minister Malcolmson Regarding Establishing Treatment Facilities and Complex Care Housing in the Regional District of Nanaimo	It was moved and seconded that the Mayor, on behalf of Council, , send a letter of support to the Honourable Sheila Malcolmson, Minister of Mental Health and Addictions for establishing treatment facilities and complex care housing in the Regional District of Nanaimo.	Jake Rudolph;#442	Complete
Council	2/22/2021	Correspondence received 2021-FEB-03 from Councillor Hamilton, City of Courtenay re: Help Cities Lead Campaign	<p>It was moved and seconded that City of Nanaimo write a letter to the:</p> <ul style="list-style-type: none"> • Minister of Environment and Climate Change Strategy • Minister of Energy, Mines and Low Carbon Innovation • Minister of Municipal Affairs • Attorney-General • Minister responsible for Housing • Minister of Finance <p>expressing its endorsement of the Help Cities Lead campaign; support for the directions set out in the November 2020 Ministerial mandate letters regarding GHG requirements for new buildings, PACE financing, and home energy labelling; and also requesting that the province empower local governments to opt to take action, if they so choose, on the two remaining items of the Help Cities Lead’s campaign, namely GHG requirements for existing buildings and building energy benchmarking.</p>	Jake Rudolph;#442	Complete
Council	2/22/2021	Correspondence dated 2021-JAN-18 from The PACE BC Steering Committee re: Adoption of the Property Assessed Clean Energy (PACE) Financing in British Columbia	<p>It was moved and seconded that the City of Nanaimo write a letter to the:</p> <ul style="list-style-type: none"> • Ministry of Environment • Minister of Energy, Mines and Low Carbon Innovation • Minister of Municipal Affairs • Minister of Housing • PACE BC <p>expressing support for B.C. Legislation enabling PACE by third party administration and confirming City of Nanaimo’s interest in having a PACE program when it becomes available.</p>	Jake Rudolph;#442	Complete

Council	2/1/2021	2021 Social Planning Grant Recommendations	<p>2021 Community Vitality Grants Organization Project Amount Nanaimo Community Kitchens Society Cooking Kits for Families \$7,000 Protection Island Lions Club Protection Island Neighbourhood Connections \$2,900 Newcastle Community Association Illuminight \$2,000 Nanaimo Region John Howard Society Clothing for Success \$11,600 Old Age Pensioners Nanaimo Social Inclusion Program \$1,500</p> <p>2021 Social Response Grants Organization Project Amount AVI Health Centre Trans Wellness Program \$35,000 Nanaimo Foodshare E.A.T. Everyone at the Table \$25,000 Literacy Central Vancouver Island Word on the Street \$30,000</p>	Dale Lindsay;#251	Complete
Council	2/1/2021	Community Program Development Grant - Nanaimo Science and Sustainability Society (NS3)	It was moved and seconded that Council approve the request from the Nanaimo Science and Sustainability Society (NS3) for a Community Program Development Grant in the amount of \$3,500 to assist in funding the Science in the Park program.	Richard Harding;#252	Complete
Council	2/1/2021	Proposed Bid for the 2026 BC Summer Games	It was moved and seconded that Council recommend that the City of Nanaimo provide a bid to host 2026 BC Summer Games and that an expenditure of \$55,000 cash and \$55,000 of in-kind be included in the 2026 budget if successful.	Richard Harding;#252	Complete
Council	2/1/2021	Darren Moss - Community Connect Pilot Project Update to Council	<p>It was moved and seconded that Council direct Staff to prepare a business case for consideration of the following financial request from the Community Connect Program, to be included in Council's budget deliberations:</p> <p>"Fund a grant of \$147,000 to Community Connect to continue enhanced neighbourhood safety program between January 1, 2021 and June 30, 2021."</p>	Shelley Legin;#521	Complete
Council	2/1/2021	Housing First Rent Supplements	It was moved and seconded that Council direct Staff to provide \$35,000 in funding from the Housing Legacy Reserve to the Nanaimo Region John Howard Society in order to continue to fund the Housing First Rent Supplement Program for 2021.	Dale Lindsay;#251	Complete

		<p>It was moved and seconded that Council revise the minimum and set a maximum balance for the three (3) financial stability reserves, to be reviewed every five (5) years, as follows:</p> <p>Minimum Balances:</p> <ol style="list-style-type: none"> 1. \$15,000,000 for the General Financial Stability Reserve 2. \$500,000 for the Sewer Financial Stability Reserve 3. \$1,700,000 for the Water Financial Stability Reserve <p>Maximum Balances:</p> <p>60 days of prior year's budgeted general operating expenditures for all three (3) financial stability reserves.</p>			
Council	2/1/2021	Reserve Policy Update		Shelley Legin;#521	Complete
Council	2/1/2021	Sustainable Procurement Policy and Procurement Policy Update	<p>It was moved and seconded that Council approve the revised Procurement Policy and the new Sustainable Procurement Policy.</p>	Shelley Legin;#521	Complete
Council	2/1/2021	Development Permit Application No. DP1195 - 3500 Departure Bay Road	<p>It was moved and seconded that Council issue Development Permit No. DP1195 at 3500 Departure Bay Road with the following variance:</p> <p>-reduce the watercourse setback measured from the top of bank of Joseph Creek from 15m to 5.99m for the proposed dwelling.</p>	Dale Lindsay;#251	Complete
Council	2/1/2021	Development Permit Application No. DP1173 - 1421 Princess Royal Avenue	<p>It was moved and seconded that Council issue Development Permit No. DP1173 at 1421 Princess Royal Avenue with the following variances:</p> <ul style="list-style-type: none"> -to reduce the minimum front yard setback from 6m to 1.5m; -to reduce the minimum north side yard setback from 3m to 0.45m; -to reduce the minimum rear yard setback from 10.5m to 7.35m; -to reduce the minimum front yard setback for an underground parking structure from 1.8m to 1.5m; -to increase the maximum allowable combined height of a fence and retaining wall in a side and rear yard from 2.4m to 3.3m; and, -to increase the maximum allowable percentage of small car parking from 40% to 50%. 	Dale Lindsay;#251	Complete

Council	2/1/2021	RDN Duke Point Sewer Amendment Bylaw	It was moved and seconded that Council consent, on behalf of the electors to the Regional District of Nanaimo's adoption of "Duke Point Sewer Service Amendment Bylaw No. 1004.08, 2020" and that the Regional District of Nanaimo be notified accordingly.	Bill Sims;#413	Complete
Council	2/1/2021	521 Hecate Street - Acceptance of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261"	It was moved and seconded that Council approve the Revitalization Tax Exemption Agreement for a proposed 10-unit multi-family development at 521 Hecate Street.	Dale Lindsay;#251	Complete
Council	2/1/2021	Councillor Bonner and Councillor Hemmens Motion re: Temporary Emergency Accommodation	<p>It was moved and seconded that a report be prepared as quickly as possible outlining options for implementing a temporary emergency accommodation program, similar to the Cowichan Housing model, in Nanaimo and the report include:</p> <ol style="list-style-type: none"> 1. The capital costs for 2-3 pilot locations and potential funding sources; 2. The estimated monthly operation costs, potential funding sources, and potential operators; and, 3. Any opportunities for community collaboration; and comment from appropriate city departments, the RCMP and community agencies. 	Dale Lindsay;#251	Complete
Council	1/18/2021	BC Ferries Electrification Project Letter of Support	It was moved and seconded hat Council endorse the Letter of Support being forward to BC Ferries for the BC Ferries Electrification Project.	Dale Lindsay;#251	Complete
Council	1/18/2021	Appointment of Bylaw Enforcement Officer	It was moved and seconded that Council appoint Garry McHady as a Bylaw Enforcement Officer to enforce the provisions of City of Nanaimo "Licencing and Control of Animals Bylaw 1995 No. 4923" and "Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073".	Dale Lindsay;#251	Complete
Council	1/18/2021	Development Permit Application No. DP1142 - 135, 139, 147, 151 Haliburton Street and 940 Milton Street	<p>it was moved and seconded that Council issue Development Permit No. DP1142 at 135, 139, 147, 151 Haliburton Street and 940 Milton Street with the following variances:</p> <ul style="list-style-type: none"> -to increase the maximum allowable building height from 14.0m to 15.8m; and -to reduce the minimum front yard setback for an underground parking structure from 1.80m to 0.75m. 	Dale Lindsay;#251	Complete

Council	1/18/2021	Correspondence dated 2020-DEC-21, from Myra Thomson re: Homeless Population Displaced from Wesley Street Encampment	It was moved and seconded that Council receive the Correspondence dated 2020 DEC-21, from Myra Thomson regarding Homeless Population Displaced from Wesley Street Encampment and direct the correspondence to the Health and Housing Task Force for information.	Sheila Gurrie;#28	Complete
Council	1/18/2021	Correspondence dated 2021-JAN-13, from Geoff Bowlby, Director General, Census Management Office, Statistics Canada, re: 2021 Census of Population	It was moved and seconded that the Council of the City of Nanaimo support the 2021 Census, and encourages all residents to complete their census questionnaire online at www.census.gc.ca . Accurate and complete census data support programs and services that benefit our community.	Jake Rudolph;#442	Complete

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	7/5/2021	Official Community Plan Amendment Application No. OCP00095 and Rezoning Application No. RA000457 - 3679 Shenton Road	It was moved and seconded that Council direct Staff to secure a community amenity contribution, road dedication, public access for a future lakeside trail, water modelling and off-site water system upgrades, widened sanitary sewer right-of-way, and geotechnical covenant, prior to adoption of the bylaw should Council support the rezoning bylaw at third reading.	Dale Lindsay;#251	In Progress
Council	7/5/2021	Development Variance Permit Application No. DVP423 - 5610 Arnhem Terrace	It was moved and seconded that Council issue Development Variance Permit No. DVP423 at 5610 Arnhem Terrace with the following variance: <ul style="list-style-type: none"> • increase the maximum permitted gross floor area for a detached garage from 42m2 to 49m2. 	Dale Lindsay;#251	In Progress
Council	7/5/2021	Development Permit Application No. DP1212 and Housing Agreement HA000006 - 285 Prideaux Street - Part 1	It was moved and seconded that Council issue Development Permit No. DP1212 at 285 Prideaux Street, with the following variances: <ul style="list-style-type: none"> • increase the maximum permitted building height from 12m to 16m; • reduce the minimum required landscape buffer width from 1.8m to 0m on the front (east) property line, and to 0.75m on the north property line; • reduce the minimum required setback for the garbage and recycling enclosure from 3.0m to 0.75m; • reduce the minimum required landscape buffer on three sides of the garbage and recycling enclosure from 1.8m to 0m; and • reduce the minimum number of required parking spaces from ten spaces to six spaces. 	Dale Lindsay;#251	In Progress
Council	7/5/2021	Development Permit Application No. DP1212 and Housing Agreement HA000006 - 285 Prideaux Street - Part 2	It was moved and seconded that Council direct Staff to enter into discussion with BC Housing to place public art on the property at 285 Prideaux Street in 2022.	Dale Lindsay;#251	In Progress
Council	7/5/2021	Development Permit Application No. DP1212 and Housing Agreement HA000006 - 285 Prideaux Street - Part 3	It was moved and seconded that Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement.	Dale Lindsay;#251	In Progress

Council	Rezoning Application No. RA469 - 2220, 2232, 2238, 7/5/2021 2246, 2254 Northfield Road and 2230 Boxwood Road	It was moved and seconded that Council direct Staff to secure road dedication and the community amenity contribution should Council support the bylaw at third reading.	Dale Lindsay;#251 In Progress
Council	6/21/2021 Nanaimo Foodshare Society	It was moved and seconded that the City of Nanaimo grant Nanaimo Foodshare \$10,000 as bridging funding while community stakeholders identify additional funding sources.	Laura Mercer;#331 In Progress
Council	6/21/2021 Heritage Home Grant Application - 167 Irwin Street	It was moved and seconded that Council approve a \$1,706.25 Heritage Home Grant to repaint the exterior of the Land "Fernville" Residence at 167 Irwin Street.	Laura Mercer;#331 In Progress
Council	6/21/2021 Reopening of Beban Pool	It was moved and seconded that Council direct Staff to reopen Beban Pool on 2021-OCT-04 providing Provincial Health Orders permit.	Richard Harding;#25 In Progress
Council	6/21/2021 Leisure Economic Access Pass (LEAP) Program Review Recommendations	It was moved and seconded that Council approve of the program review recommendations provided by the Advisory Committee on Accessibility and Inclusiveness and direct Staff to proceed with Phase 4 of the LEAP Program Review – Implementation.	Richard Harding;#25 In Progress
Council	6/21/2021 Nanaimo Aquatic Centre Mechanical Mezzanine Roof Parapet and Wall Repairs	It was moved and seconded that Council approve adding \$227,000 to the 2021-2025 Financial Plan to complete the necessary repairs at the Nanaimo Aquatic Centre to be funded by the Facility Development Reserve.	Richard Harding;#25 In Progress
Council	6/21/2021 Rotary Bowl Oval Renewal Project	It was moved and seconded that Council approve moving the Phase 2 rubberized track replacement project from 2024 to 2021 in the 2021-2025 Financial Plan funded from the Community Works Reserve Fund.	Richard Harding;#25 In Progress
Council	6/21/2021 Update to the Temporary Public Art Program and Development of the Urban Design Roster	It was moved and seconded that Council consider an increase of \$25,000 to the public art budget during the 2022-2026 financial plan deliberations to support the Urban Design Roster initiative.	Richard Harding;#25 In Progress

It was moved and seconded that Council:

(a) approve the 2021 Resilience Grant funding recommendations to allocate existing funds of \$28,559 as follows:

Project: Weaving Nature Ceremony and Ancestors

Applicant Name: Dave Bodaly

Recommend: \$4,500

Project: Musicians Forum

Applicant Name: Elise Boulanger

Recommend: \$4,379

Project: Riverbed Programs

Applicant Name: Heather Kai-Smith

Recommend: \$4,500

Project: Digital Issue of Sad Girl Review

Applicant Name: Amber R. Morrison

Recommend: \$3,730

Project: EMPATHY: Care for Collective

Applicant Name: Sara Robichaud

Recommend: \$4,400

Project: Apples: A Very Gustatory and Cultural Review

Applicant Name: Rachelle Stein-Wotton

Recommend: \$3,300

Project: Hul'q'umi'num Course

Applicant Name: Eliot White-Hill

Recommend: \$3,750

(b) approve the recommended reallocation of additional unclaimed funds from the 2021 Downtown Event Revitalization Fund and the 2021 Culture and Heritage Project grants to support the 2021 Resilience Grant recommendations of \$22,987 as follows:

Project: Digital Music Video Creation
Applicant Name: Nicole Arendt
Recommend: \$3,800
Project: The Sun and the Moon – Online Dance
Applicant Name: Holly Bright
Recommend: \$3,800
Project: Nanaimo Mastering Service
Applicant Name: Arlen Thompson
Recommend: \$3,800
Project: Visual Arts Workshops
Applicant Name: Yvonne Vander Kooi
Recommend: \$3,750
Project: Forum Theatre Workshops
Applicant Name: Pacific Coast Stage Company
Recommend: \$4,000
Project: Digital Theatre Initiative
Applicant Name: Western Edge Theatre
Recommend: \$3,837

Council 6/21/2021 2021 Resilience Grant Recommendations - Part 2 Richard Harding;#25 In Progress

(c) direct Staff to return to the Finance & Audit Committee to report on recommendations for additional 2021 Resilience Grants funding, should further money be returned to the City or unclaimed from the 2021 Downtown Event Revitalization Fund and/or 2021 Culture and Heritage Project grants.

Council 6/21/2021 2021 Resilience Grant Recommendations - Part 3 Richard Harding;#25 In Progress

Council	6/21/2021 Short-Term Rental Regulations (Part 2)	<p>2. Prepare an explanatory guide and operator declaration form for short-term rentals that outlines short-term rental operator requirements, including providing contact information to Staff and neighbouring residences where the owner can be reached within 24 hours.</p> <p>3. Consult further with stakeholders and the public regarding Council’s recommended option before returning to Council with bylaw amendments.</p>	Dale Lindsay;#251 In Progress
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Council	6/21/2021 Short-Term Rental Regulations (Part 1)	<p>It was moved and seconded that Council direct Staff to:</p> <p>1. Prepare amendments to the City of Nanaimo’s “Business Licence Bylaw 1998 No. 5351”, “City of Nanaimo Zoning Bylaw 2011 No. 4500”, and “Off-Street Parking Regulations Bylaw 2018 No. 7266” in order to:</p> <ul style="list-style-type: none"> -add a definition to “City of Nanaimo Zoning Bylaw 2011 No. 4500” for “Short-Term Rentals”; -add the definition of “Permanent Resident”; -permit short-term rentals in Residential, Commercial, Downtown, and Corridor zones where the operator is a permanent resident of the dwelling unit or suite; -apply existing limits on the number of guests and guestrooms permitted within a bed and breakfast to all short-term rentals; -continue to allow short-term rental guestrooms within a secondary suite provided the total number of long- and/or short-term rental rooms does not exceed two per dwelling unit (house and suite); -require a business licence for all short-term rentals and bed and breakfasts within the City of Nanaimo based on proof of residency (including two of the following: voter registration, income tax returns, British Columbia driver’s licence, British Columbia medical services card, Home Owner Grant application, and British Columbia identification card); and -require one additional parking space for each short-term rental. 	Dale Lindsay;#251 In Progress
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Council	Draft Amenity Improvement Concepts for Westwood Lake Park 6/7/2021	It was moved and seconded that Council receive the draft ideas and improvement options at Westwood Lake Park for public review and direct Staff to return with feedback and refined improvement concepts for Council's consideration.	Richard Harding;#25 In Progress
Council	Heritage Home Grant Application - 347 Milton Street 6/7/2021	It was moved and seconded that Council approve a \$2,500 Heritage Home Grant to repair and repaint the exterior of the Ledingham Residence at 347 Milton Street.	Laura Mercer;#331 In Progress
Council	Advisory Committee on Accessibility and Inclusiveness 6/7/2021 Meeting 2021 MAY 26	It was moved and seconded that the following recommendations be referred to staff for a report: That Council and municipal Staff adopt the use of pronouns in all written and electronic communications. That the City of Nanaimo use gender-inclusive and gender-neutral language, including communications, print and electronic materials. That the City of Nanaimo update and revise all print and electronic materials to include the use of gender-inclusive and gender-neutral language. That the City of Nanaimo arrange for the availability of diversity and inclusion training for Council members and City Staff. This would include both LGBTQIA2+ and gender competency training, either online or in-person workshops, or both.	Richard Harding;#25 In Progress
Council	UBCM Housing Needs Report Grant Application 6/7/2021	It was moved and seconded that Council support the proposed funding application to the Union of British Columbia Municipalities to update Nanaimo's Housing Needs Report.	Dale Lindsay;#251 In Progress

Council	5/17/2021	Long Lake Paddling and Rowing Centre Update	<p>It was moved and seconded that Council:</p> <ol style="list-style-type: none"> 1. receive the three concepts for public review and comment and direct Staff to return with a finalized design, plan and costing for Council consideration and deliberation during the 2022-2026 Financial Plan Review process; and, 2. to consider the addition of the overall park and playground redevelopment into the same project year to minimize park disruption 	Richard Harding;#25	In Progress
Council	5/17/2021	Land Exchange and Road Closure - 857 Old Victoria Road	<p>It was moved and seconded that Council authorize the road closure and disposition of a portion of Eighth Street adjacent to 857 Old Victoria Road, and direct Staff to enter into a Road Closure and Land Exchange Agreement.</p>	Dale Lindsay;#251	In Progress
Special Council	5/10/2021	Financing for Deep Energy Retrofits in the Nanaimo Region Feasibility Study	<p>It was moved and seconded that Council direct Staff to submit an application to the Green Municipal Fund Community Efficiency Financing program for the Financing for Deep Energy Retrofits in the Nanaimo Region Feasibility Study to explore and assess options for establishing a financing program for home energy upgrades. Should the funding application be successful, Council commits to funding \$21,850 as the City's portion of this project.</p>	Shelley Legin;#521	In Progress
Council	5/3/2021	Neighbourhood Association Organizational Capacity Review, Support and Engagement	<p>It was moved and seconded that Council refer the Neighbourhood Association Organizational Capacity Review, Support and Engagement topic to Staff to provide the minutes and a summary report to share with neighbourhood associations, asking them to provide further comment, and return to a GPC meeting at least two months following the April 26, 2021 meeting, potentially in September.</p>	Dale Lindsay;#251	In Progress
Council	5/3/2021	Neighbourhood Association Organizational Capacity Review, Support and Engagement	<p>It was moved and seconded that Council direct Staff to develop a detailed Partners in Community program and annual budget for consideration.</p>	Dale Lindsay;#251	In Progress

Council	5/3/2021 Automated Garbage Truck - Equipment Financing	It was moved and seconded that Council approve the borrowing of up to \$459,600, with a maximum five (5) year term, through the Municipal Finance Authority's (MFA) Equipment Financing Program to purchase one (1) additional automated garbage truck.	Shelley Legin;#521 In Progress
Council	4/19/2021 Transitional Emergency Housing – Cowichan Model	It was moved and seconded that a Request for Expression of Interest be developed for the management and operation of two temporary emergency shelter sites, provided by the City based on the Cowichan shelter Model, to shelter up to 24 people who are awaiting placement in BC Housing dwelling units, that a report be prepared for Council that identifies City properties available to accommodate the two emergency shelter sites on a temporary basis and that the initiative and associated costs be funded for one year from the Housing Legacy Reserve.	Dale Lindsay;#251 In Progress
Council	3/29/2021 Port Theater - Chiller Equipment Renewal and Low Carbon Electrification Options	<p>It was moved and seconded that Council direct Staff to:</p> <ol style="list-style-type: none"> 1. Proceed with installing the recommended Option A – Air Source Heat Recovery Heat Pump system to replace the existing chiller; and, 2. Increase the budget for the Port Theatre Chiller Replacement project by \$500,799 in 2021 funded by \$150,000 from the Emission Reduction Reserve and \$350,799 from the General Asset Management Reserve. 	Richard Harding;#25 In Progress
Council	3/29/2021 Serauxmen Stadium Maintenance for 2021	It was moved and seconded that Council approve adding \$59,113 to the 2021 Parks Operations Budget for Parks and Facility Operations to conduct additional facility and field maintenance of Serauxmen Stadium, to be funded from General Revenue.	Richard Harding;#25 In Progress
Council	3/29/2021 Beban Park Pool Improvements for 2021	It was moved and seconded that Council amend the 2021-2025 Financial Plan to include \$255,000 in 2021 for change room and washroom upgrades at Beban Park Pool, to be funded from the Facility Development Reserve.	Richard Harding;#25 In Progress

It was moved and seconded that Council approve:

1. The NDSS Community Field be designated as the medium-sized stadium site for the City of Nanaimo;
2. That a phased implementation plan with options and costing be developed for Council's review and consideration in making NDSS Community Field a medium-sized stadium;
3. That in development of the phased improvement plan, that shared amenities that would benefit Rotary Bowl and Serausmen Stadium be included; and,
4. That the current Joint Use Agreement with School District #68 be updated to address any changes required of this location being a medium-sized stadium.

Council Proposed Development of a Medium-Sized Stadium at
3/29/2021 NDSS Community Field

Richard Harding;#25 In Progress

Council	3/29/2021 Building Permit Function Review	<p>1. Refer the additional Staff positions recommended in the draft report to the Finance and Audit Committee for consideration in the 2021-2025 Financial Plan;</p> <p>2. direct Staff to proceed with implementation of the remaining six recommended changes outlined in the draft report:</p> <p>a. That the City work with industry to develop and implement a Fast Track Process to process applications for targeted, low-risk tenant improvement and residential projects.</p> <p>b. That the City work with industry to establish a time-limited Approved Professionals Pilot Project to test the ability to rely on the assurances of Registered Professionals in issuing building permits for targeted complex building projects.</p> <p>c. That the City engage industry in the establishment of a Joint Building Permit Advisory Working Group with a mandate to advise on the design and implementation of initiatives aimed at reducing permit processing times, promoting City-industry relations, and addressing other issues and needs identified by the parties.</p> <p>d. That the City support investments in technology to develop an online applications portal, facilitate online permit fee payments, and build a user-friendly application tracking dashboard tool for permit applicants.</p> <p>e. That the City develop an internal service agreement to set out expectations for the processing of referrals by affected work groups.</p> <p>f. That the City, to the extent possible, recover the costs associated with the recommendations in the Building Permit Function Review Draft Report through:</p> <ul style="list-style-type: none"> - savings in overtime costs that are incurred today by Building Officials; - grant monies available under the Ministry of Municipal Affairs' recently-announced Local Government Development Approvals Program; and - increases to the City's building permit fees to align the fees with those charged by other 100,000 population-plus, high-growth municipalities. <p>3. Direct Staff to submit a grant application to the Union of British Columbia Municipalities' Local</p>	Dale Lindsay;#251	In Progress
Council	3/29/2021 Building Permit Function Review	<p>It was moved and seconded that Council direct Staff to provide an information update every two months regarding development approval times compared to the benchmarks set by the City of Nanaimo.</p>	Dale Lindsay;#251	In Progress
Council	3/29/2021 Nanaimo Builds - 100,000 Voices Campaign Concept	<p>It was moved and seconded that Council direct staff to develop the 100,000 Voices Campaign Concept and report back to Council with the marketing and communications plan, including a budget.</p>	Sheila Gurrie;#28	In Progress

Council	Art in Public Spaces Working Group - Draft Guidelines 3/29/2021 and Process	It was moved and seconded that Council endorse the Art in Public Spaces Working Group Guidelines and Call for Applications and direct Staff to proceed.	Richard Harding;#25 In Progress
Council	Art in Public Spaces Public Art Collection De-accession 3/29/2021 2021	<p>It was moved and seconded that Council approve the de-accession of the following artworks from the City of Nanaimo Public Art collection:</p> <ol style="list-style-type: none"> 1. Dan Richey, Dungeness Crab (2013); 2. Yvonne Vander Kooi and students of Bayview Elementary, The Hummingbird Project (2013); and, 3. Yvonne Vander Kooi, At Play (2007). 	Richard Harding;#25 In Progress
Council	Participation in Provincial Motor Vehicle Act 3/29/2021 MicroMobility Pilot Project	It was moved and seconded that Council approve participation in the Province of British Columbia's Motor Vehicle Act (MVA) Pilot Projects Program to enable the use of micromobility devices within City streets.	Bill Sims;#413 In Progress

1. support the Community Amenity Contribution (CAC) Policy with the rates and defined increases as recommended in the Rollo report (July 2020), as follows:

Land Use CAC rate starting

Single Residential Dwelling CAC rate starting 2022-JAN-01 - \$3,000/unit

Single Residential Dwelling CAC rate starting 2023-JAN-01 - \$5,500 /unit

Single Residential Dwelling CAC Rate Starting 2024-JAN-01 - \$8,000/unit

Townhouse Residential Dwelling

A dwelling that shares one or more walls with another unit, with no unit above, and has a ground level entrance.

CAC rate starting 2022-JAN-01 - \$2,500/unit

CAC rate starting 2023-JAN-01 - \$5,000/unit

CAC Rate Starting 2024-JAN-01 - \$7,500/unit

Multi Family Dwelling

CAC rate starting 2022-JAN-01 - \$2,000/unit

CAC rate starting 2023-JAN-01 - \$3,500/unit

CAC Rate Starting 2024-JAN-01 - \$5,000/unit

Commercial and Industrial

CAC rate starting 2022-JAN-01 - \$34 per m2(GFA)

CAC rate starting 2023-JAN-01 - \$34 per m2(GFA)

CAC Rate Starting 2024-JAN-01 - \$34 per m2(GFA)

Cannabis and Liquor Retail Store

CAC rate starting 2022-JAN-01 - \$10,000 per store

CAC rate starting 2023-JAN-01 - \$10,000 per store

CAC Rate Starting 2024-JAN-01 - \$10,000 per store

Council 3/15/2021 Community Amenity Contribution Policy

Dale Lindsay;#251 In Progress

Council 3/15/2021 Allocation of Unallocated Pedestrian Funds - Part 1

It was moved and seconded that Council allocate \$505,000 of the Pedestrian Unallocated Funds to all projects listed under Intersection Upgrades and Sidewalk Item (1) Needham Street north

Bill Sims;#413 In Progress

Council	3/1/2021	Provision of Barrier-Free Menstrual Products in City Facilities	<p>It was moved and seconded that Council direct Staff to make menstrual products available, upon request, at:</p> <ul style="list-style-type: none"> • Beban Park, including Arenas, Pool, and Social Centre; • Bowen Park; • Nanaimo Aquatic Centre; • Nanaimo Ice Centre; • Oliver Woods Community Centre; • Caledonia Park for shower program access; • Northfield Tourism Visitor Centre, <p>and that communication be placed in those facilities identifying their availability.</p>	Richard Harding;#25	In Progress
Council	3/1/2021	Canada Healthy Communities Initiative - First Intake	<p>It was moved and seconded that Council direct Staff to submit an application to the Canada Healthy Communities Initiative for the E & N Trail Lighting Project.</p>	Shelley Legin;#521	In Progress
Council	3/1/2021	Downtown Nanaimo Business Association Business Improvement Area (Part 1)	<p>It was moved and seconded that Council direct Staff to proceed with notice of intention to conduct a local area service on a Council initiative, subject to a petition against process.</p>	Shelley Legin;#521	In Progress
Council	3/1/2021	Rezoning Application No. RA459 - 2345 and 2355 Kenworth Road	<p>It was moved and seconded that prior to adoption of “Zoning Amendment Bylaw 2021 No. 4500.183”, Council direct that:</p> <ol style="list-style-type: none"> a. Staff secure a covenant for use restrictions to replace Covenants CA6887004 and CA6318912; b. the applicant obtain subdivision approval for a lot line adjustment between 2355 and 2345 Kenworth Road; and, c. the applicant provide a signed statement from a Contaminated Sites Approved Professional that the Certificate of Compliance is valid for the proposed land uses for proposed Lots A and B. 	Dale Lindsay;#251	In Progress
Council	2/22/2021	City Portrait Environmental Indicators	<p>It was moved and seconded that Council direct Staff to schedule a charrette to help refine indicators for use in developing the City Portrait for Nanaimo as part of the REIMAGINE NANAIMO process.</p>	Dale Lindsay;#251	In Progress

Council	2/22/2021 Health and Housing Action Plan Implementation	<p>It was moved and seconded that Council endorse the draft Health and Housing Action Plan.</p> <p>It was moved and seconded that Council direct Staff to convene a transition group to establish the overall governance requirements as well as guide the implementation of the System Planner Organization and report back to Council.</p>	Dale Lindsay;#251	In Progress
Council	2/1/2021 Cardena Road Storm Sewer	<p>It was moved and seconded that Council direct Staff to proceed with watermain replacements along Meadow Lane and Kite Way, with a projected cost of \$550,000.</p>	Bill Sims;#413	In Progress
Council	2/1/2021 Downtown Business Improvement Area	<p>It was moved and seconded that Council:</p> <ol style="list-style-type: none"> 1. Direct Staff to work with the Downtown Nanaimo Business Association leading to the establishment the New Downtown Business Improvement Area for a term of 5 years starting in 2021; and, 2. Undertake the new Downtown Business Improvement Area as a Council initiative petition against. 	Shelley Legin;#521	In Progress
Council	2/1/2021 Economic Development Strategy and External Corporation Charter	<p>That Council:</p> <ol style="list-style-type: none"> 1. endorse the final Economic Development Strategy; 2. endorse the External Corporation Charter; and 3. direct Staff to work with the Class B shareholders to prepare Letters of Incorporation and return to an upcoming meeting for Council approval. 	Dale Lindsay;#251	In Progress
Council	2/1/2021 Councillor Armstrong Motion re: Reduction in Business Licence Fees for Liquor Primary Establishments	<p>It was moved and seconded that Council direct Staff to reduce the 2021 business licence fee for liquor primary establishments from \$1,100 to \$165.</p>	Shelley Legin;#521	In Progress

Council	2/1/2021	Councillor Hemmens Motion re: Memorandum of Understanding between Island Health and BC Housing and Timeline for the Implementation of a Situation Table	<p>It was moved and seconded that Council direct Staff to report back to Council with an update regarding the following:</p> <p>1. Memorandum of Understanding between Island Health and BC Housing related to the Navigation Centre; and, 2. Timeline of implementing a provincially funded Situation Table in the City of Nanaimo.</p>	Dale Lindsay;#251	In Progress
Council	6/21/2021	Allocation of Pedestrian Budget to Enhance Accessibility - Part 2	<p>It was moved and seconded that Council allocate the remaining Pedestrian Unallocated Budget as follows:</p> <p>-\$200,000 for transit stop accessibility improvements at the locations in Figure 1 of the report titled "Allocation of Pedestrian Budget to Enhance Accessibility - Part 2", dated 2021-JUN-21; -\$250,000 for traffic signal accessibility improvements at the locations in Figure 2 of the report titled "Allocation of Pedestrian Budget to Enhance Accessibility - Part 2", dated 2021-JUN-21; and -\$45,000 for miscellaneous accessibility improvements allocated to the Small Scale Road Improvement budget.</p>	Bill Sims;#413	Complete
Council	6/7/2021	Two Billion Tree Request for Information	<p>It was moved and seconded that Council direct Staff to submit the Growing Canada's Forests: Future Respondent form to Natural Resource Canada in response to the Two Billion Tree Request for Information for the Millstone / Nanaimo Riparian Restoration Project.</p>	Shelley Legin;#521	Complete
Council	6/7/2021	2020 Statement of Financial Information	<p>It was moved and seconded that Council approve the City of Nanaimo 2020 Statement of Financial Information for filing with the Ministry of Municipal Affairs and Housing.</p>	Shelley Legin;#521	Complete

Council	Councillor Maartman re: Permanent Recreational 6/7/2021 Vehicle Accommodation	It was moved and seconded that Council defer consideration of the following recommendation until after the Regional District of Nanaimo's report regarding Tiny Homes has been released: "That Council direct Staff to prepare a report on the options available to support permanent recreation vehicle accommodation."	Dale Lindsay;#251	In Progress
Council	5/17/2021 Lenhart Bridge Upgrade Options	It was moved and seconded that Council direct Staff to include \$237,000 for the Lenhart Bridge replacement project in 2022 of the Draft 2022 – 2026 Financial Plan for consideration during the budget review process.	Bill Sims;#413	In Progress
Council	5/3/2021 Extension Road Traffic Calming	It was moved and seconded that Council approve advancement of Extension Road traffic calming to the public consultation stage which will be used to inform the traffic calming design.	Bill Sims;#413	In Progress
Council	3/15/2021 Allocation of Unallocated Pedestrian Funds - Part 2	It was moved and seconded that Council direct Staff to allocate \$554,000 from the Special Initiatives Reserve to construct sidewalks on Haliburton Street to be completed in 2022.	Bill Sims;#413	In Progress
Council	Advisory Committee on Accessibility and Inclusiveness 3/15/2021 Meeting 2021-FEB-24	It was moved and seconded that Council direct Staff to prepare a report outlining options to ban conversion therapy within the City of Nanaimo.	Richard Harding;#25	In Progress

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	12/21/2020	BC Hydro Street Light Upgrades	<p>It was moved and seconded that Council direct Staff to:</p> <ol style="list-style-type: none"> 1. Work with BC Hydro to develop a Street Light Replacement Plan that replace the BC Hydro lease light fixtures with fixtures of equivalent wattage (brightness) and with a temperature (colour) that aligns with the City's selection criteria. 2. Finalize the City Wide Lighting Study and present a prioritization and implementation strategy to Council for future capital planning considerations. 	Bill Sims;#413	In Progress
Council	12/21/2020	Nanaimo Food Policy Council	<p>It was moved and seconded that Council support City of Nanaimo Staff participation in the Nanaimo Food Policy Council as non voting members and include one council member.</p> <p>It was moved and seconded that Council send a letter to the Regional District of Nanaimo Board of Directors requesting that a staff liaison be appointed to the Nanaimo Food Policy Council to represent regional interests.</p> <p>It was moved and seconded that Council provide a letter of support from the City to Nanaimo Foodshare requesting the Nanaimo Region Medical Health Officer provide Nanaimo Foodshare with an additional \$5,000 annually to the health authorities locally designated food hub, to contribute to the administrative costs of coordinating the Nanaimo Food Policy Council.</p>	Dale Lindsay;#251	In Progress
Council	12/21/2020	Covenant Amendment Application No. CA14 - 6010 Brickyard Road	<p>It was moved and seconded that Council direct Staff to proceed with public notification prior to Council's consideration of Covenant Amendment Application No. CA14 at an upcoming Public Hearing.</p>	Dale Lindsay;#251	Complete
Council	12/21/2020	Proposal for Welcome Pole at Maffeo Sutton Park	<p>It was moved and seconded that Council:</p> <ol style="list-style-type: none"> 1. allocate \$50,000 from Public Art budgeted in the year 2020 and 2021 for a permanent artwork at Maffeo Sutton Park to the realization of a Welcome Pole in the park by Snuneymuxw artist Noel Brown; 2. direct Staff to collaborate with the relevant parties, including Snuneymuxw First Nation and Nanaimo Aboriginal Centre, to see this project completed in a respectful way for the benefit of our communities; and 3. direct Staff to report back to Council with final design and location prior to installation of the artwork. 	Richard Harding;#252	In Progress

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	12/21/2020	Investing in Canada Infrastructure Program Adaptation, Resilience and Disaster Mitigation	It was moved and seconded that Council direct Staff to submit an application to the Investing in Canada Infrastructure Program – Adaptation, Resilience and Disaster Mitigation for the Seabold Drive and Ptarmigan Way Drainage Upgrade project and commit to funding any cost overruns of the project.	Shelley Legin;#521	Complete
Council	12/21/2020	Investing in Canada Infrastructure Program COVID Resilience Infrastructure Stream	It was moved and seconded that direct Staff to submit an application to the COVID-19 Resilience Infrastructure Stream of the Investing in Canada Infrastructure Program for the Generators for Beban Park Complex and the Water Treatment Plant.	Shelley Legin;#521	Complete
Special Council	12/14/2020	Curbside Collection Post Implementation Review - 2021 Recommendations	It was moved and seconded that Council direct Staff to: 1. Create a 0.5 Full Time Equivalent cart administrator position; 2. Incorporate an additional non-collection day in the annual calendar for training; and, 3. Purchase and install an additional on-board computer.	Bill Sims;#413	In Progress
Special Council	12/14/2020	Health and Housing Action Plan Update	It was moved and seconded that Council extend the mandate of the Health and Housing Task Force until 2021-FEB-28 to allow time for Task Force members to engage their respective organizations on their role in implementing the Health and Housing Action Plan before returning to Council. 2. direct Staff to return to Council with a final Health and Housing Action Plan for endorsement along with recommendations regarding any additional investment by the City towards implementing the Health and Housing Action Plan.	Dale Lindsay;#251	In Progress
Special Council	12/14/2020	Economic Development Strategy	It was moved and seconded that Council: 1. extend the mandate of the Economic Development Task Force until 2021-FEB-28 to allow time for the Task Force members to engage their respective organizations on their role in implementing the Economic Development Strategy before returning to Council; and 2. direct Staff to return to Council with a final Economic Development Strategy for endorsement along with recommendations regarding any additional investment by the City towards implementing the Economic Development Strategy.	Dale Lindsay;#251	Complete
Council	11/16/2020	Opal Road Intersection Operation	That Council direct Staff to monitor the existing situation and report findings in May 2021.	Bill Sims;#413	Complete
Council	11/16/2020	Bay Street Traffic Calming Update	That Council direct Staff to install two speed humps and one raised crosswalk on Bay Street between Glenayr Drive and Departure Bay Road.	Bill Sims;#413	In Progress

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	11/16/2020	Environmental Responsibility Framework	<p>It was moved and seconded that Council direct Staff to prepare a report regarding the following three items and bring forward to a future Governance and Priorities Committee meeting for further discussion between Council and the REIMAGINE Nanaimo team:</p> <p>1. That Council, as part of its Strategic Plan review process, consider replacing key Focus Area 1 under the Environmental Responsibility Key Focus Area with: "We will take responsibility to build a city and community that operates within the planetary boundaries necessary to maintain core life-sustaining ecological functions."</p>	Dale Lindsay;#251	In Progress
Council	11/16/2020	Environmental Responsibility Framework	<p>2. That the City of Nanaimo adopt the Doughnut Economic Model as a cohesive vision for all City initiatives and planning processes, focused on social and environmental sustainability as defined by the model, and be supported by a localized, objective-based, and evidence-based framework through the Re-Imagine Nanaimo process.</p> <p>3. That Council amend the Environment Committee Work Plan and re-focus it to address the environmental components of this social and environmental sustainability framework</p>	Dale Lindsay;#251	In Progress
Council	11/16/2020	Councillor Geselbracht - Notice of Motion re: Riparian Review	It was moved and seconded that the City's regulatory framework for watercourses be reviewed and revised as part of the REIMAGINE Nanaimo process in order to improve the protection of city watercourse riparian areas for the full range of the important environmental and community benefits they provide.	Dale Lindsay;#251	In Progress
Council	11/2/2020	Councillor Armstrong - Motion re: Residential Street Parking	It was moved and seconded that Council direct Staff to prepare a report outlining options for Council to consider in order to permit residents to park on residential streets for more than twenty-four hours without having to move their vehicles.	Bill Sims;#413	In Progress
Council	11/2/2020	Climate and Environmental Gap Analysis	It was moved and seconded that Council direct Staff to liaise with Environment Committee members to develop focus group stakeholder engagement around environmental objectives of the Official Community Plan.	Dale Lindsay;#251	In Progress

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	11/2/2020	Councillor Bonner - Motion re: Free Menstrual Products in City Facilities	It was moved and seconded that Council direct Staff to prepare a report outlining options to provide free menstrual products in city facilities in the Spring of 2021, including: - A list of City facilities and the cost and feasibility to provide barrier-free menstrual product distribution at each location; and - Outline how the lessons learned from the pilot projects undertaken by the cities of Coquitlam, Port Moody and Victoria (in their civic facilities) can benefit a similar program in Nanaimo and evaluate partnership opportunities such as with the United Way's "Period Promise" campaign and provide future recommendations to Council as part of on-going program sustainment.	Richard Harding;#252	Complete
Council	10/19/2020	Madeleine Koch, Active Transportation Project Specialist re: "Intro to the City's Transportation Group"	That Council direct Staff to prepare a report for improving transit stops within the City of Nanaimo including options to ensure all bus stops are uniform and highly visible so they are accessible for all citizens.	Bill Sims;#413	In Progress
Council	10/19/2020	Madeleine Koch, Active Transportation Project Specialist re: "Intro to the City's Transportation Group"	That Council direct Staff to prepare a bylaw which prevents garbage cans and recycling cans from being placed on sidewalks, in order to improve accessibility in the City of Nanaimo.	Bill Sims;#413	In Progress
Council	10/19/2020	Property Disposition - 2230 Boxwood Road, 2221 and 2241 Bowen Road Mid-Town Gateway Project	That Council: 1. authorize the disposition of a portion of City-owned lands located at 2241 Bowen Road to Christ Community Church in exchange for a portion of the Church's property at 2221 Bowen Road; 2. authorize the disposition of a portion of City-owned lands located at 2230 Boxwood Road and the portion of property the City will receive from the Church's property at 2221 Bowen Road to Island West Coast Developments; and 3. direct the Mayor and Corporate Officer to execute the necessary documents to affect the transactions.	Dale Lindsay;#251	In Progress
Council	10/19/2020	Program Review of Cultural Grants	That Council to endorse a review of the three grant funding programs administered by Culture & Events (Culture & Heritage Operating Grants, Culture & Heritage Project Grants, and Downtown Event Revitalization Grants), including research on best practices and dialogue with community stakeholders, and return with recommendations to improve and evolve processes to continue to meet the needs of the Nanaimo cultural community.	Richard Harding;#252	In Progress
Council	10/19/2020	Art in Public Spaces Working Group	That Council to endorse the creation of an Art in Public Spaces Working Group to be facilitated by Culture & Events Staff.	Richard Harding;#252	Complete

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	10/5/2020	Investing in Canada Infrastructure Program	It was moved and seconded that Council direct Staff to submit an application to the Investing in Canada Infrastructure Program – CleanBC Communities Fund Stream for the Beban Park Leisure Pool Air Handling Units and that Council commits to funding \$258,560 of the project.	Shelley Legin;#521	Complete
Council	10/5/2020	Community Economic Recovery Infrastructure Program	It was moved and seconded that Council direct Staff to submit an application to the Community Economic Recovery Infrastructure Program for the Loudon Boathouse project and that Council commits to funding \$0.87 million of the project.	Shelley Legin;#521	Complete
Council	10/5/2020	Community Economic Recovery Infrastructure Program	It was moved and seconded that Council direct Staff to submit an application to the Community Economic Recovery Infrastructure Program for the Rotary Bowl Track Replacement and that Council commits to funding \$188,150 of the project.	Shelley Legin;#521	Complete
Council	9/28/2020	Public Works Facility Upgrades	That Council allocate \$200,000 from the existing 2020 - 2024 Financial Plan to further develop an architectural concept and cost estimate for renewal of the Public Works facility.	Bill Sims;#413	In Progress
Council	9/28/2020	Councillor Bonner Motion re: Pilot Program to Reduce Residential Speed Limits	That Council direct Staff to report back to Council on options for Nanaimo to participate in a potential Ministry of Transportation and Infrastructure pilot project limiting residential speed limits.	Bill Sims;#413	In Progress
Council	9/28/2020	Federation of Canadian Municipalities Asset Management Program	That Council commits to conducting the Level of Service Study: Asphalt as detailed in the grant application to the Federation of Canadian Municipalities, Municipal Asset Management Program, and commits \$100,000 for 2021 in the 2021 – 2025 Financial Plan toward the costs of this initiative if the grant is successful.	Shelley Legin;#521	Complete
Council	9/14/2020	City's Role in Health and Housing	It was moved and seconded that Council defer consideration of the position statement on the “City’s Role in Health and Housing” until 2021-FEB-01.	Dale Lindsay;#251	In Progress
Council	8/31/2020	Delegation from MLA, Sheila Malcolmson re: BC's Situation Tables and Next Steps to Tackle Social Disorder	It was moved and seconded that the City of Nanaimo organize a meeting for Solicitor General Ministry staff to present the situation table model to the Nanaimo-based agencies and non-profits that might form Nanaimo’s situation table; and that a letter of general support be provided for the concept of establishing a Situation Table in Nanaimo and any associated grant opportunities.	Dale Lindsay	In Progress
Council	8/31/2020	Rezoning Application No. RA454 - 5485 and 5495 Godfrey Road	It was moved and seconded that Council direct Staff to secure the road dedication Section 219 covenant with condition of one driveway access and lot consolidation and a community contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading.	Dale Lindsay;#251	Complete

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	8/31/2020	Investing in Canada Infrastructure Program	It was moved and seconded that Council direct Staff to submit an application to the Investing in Canada Infrastructure Program – Community, Culture and Recreation Stream for the Artificial Turf Field Harewood Centennial Park project and that Council commits to funding \$1.19 million of the project.	Shelley Legin;#521	Complete
Special Council	7/27/2020	Proposal for Civic Precinct Real Estate Strategy	It was moved and seconded that Council direct Staff to address the space needs of the Royal Canadian Mounted Police by exploring options within the Civic Precinct and subsequently develop a strategy for Council's consideration. The motion carried.	Dale Lindsay;#251	In Progress
Special Council	7/27/2020	Outdoor Stadium Improvement Options	It was moved and seconded that Council: 1. receive the draft Stadium Development Report and make available for review and comment by the community, and; 2. direct Staff to work with Nanaimo Ladysmith School District No. 68 and local sport and stadium user groups on the concept of making Nanaimo District Secondary School (NDSS) Community Field the medium-sized Stadium for improvement and use and report back.	Richard Harding;#252	Complete
Special Council	7/27/2020	Recommendation re: Federation of Canadian Municipalities, Municipal Asset Management Program	That Council approve submission of an application to the Federation of Canadian Municipalities, Municipal Asset Management Program for \$50,000 for a Level of Service Study: Asphalt.	Shelley Legin;#521	Complete
Council	7/13/2020	Roadway Reallocation Options	It was moved and seconded that Council direct staff to proceed with all options funded by reallocating budgets within the current approved financial plan.	Bill Sims;#413	In Progress
Council	7/6/2020	Animal Control Service Contract Renewal	It was moved and seconded That Council: 1. Endorse in principle the recommendations of the Animal Control Services review and direct Staff to prepare an RFP for revised contracted services subject to adoption of the 2021-2026 Financial Plan. 2. Direct Staff to prepare an update to the "Licencing and Control of Animals Bylaw 1995 No. 4923" to incorporate the recommendations of the service review; and 3. Direct Staff to work with the Cat Nap society to identify measures to support their work.	Dale Lindsay;#251	In Progress
Council	5/25/2020	Rezoning Application No. RA444 - 30 Lorne Place	"Zoning Amendment Bylaw 2020 No. 4500.177" (To rezone 30 Lorne Place from Duplex Residential [R4] to Low Density Residential [R6]) passed two readings. Council directed Staff to secure the community amenity contribution, road dedication, and access easement should Council support the bylaw at third reading.	Dale Lindsay;#251	Complete
Council	4/6/2020	Downtown Sidewalks and Tree Repairs	It was moved and seconded that Council direct Staff to complete sidewalk / tree repairs at the prioritized locations in the Downtown in 2020.	Bill Sims;#413	Complete

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Special Council	3/18/2020	Leisure Economic Access Program (LEAP) Review	It was moved and seconded that Council: 1. approve a review and update of the LEAP program in 2020; and, 2. refer the review of the program to the Advisory Committee on Accessibility and Inclusiveness to develop recommendations for changes for Council's consideration.	Richard Harding;#252	Complete
Council	2/24/2020	Sponsorship Policy and Program Development	That Council take a two (2) phased approach to creating a sponsorship policy and strategic plan as follows: <ul style="list-style-type: none"> • Phase 1 – Issue a Request For Proposals to: <ul style="list-style-type: none"> - Conduct a feasibility study/inventory asset valuation - Develop or update sponsorship/advertising/naming policy - Develop sponsorship strategic plan • Phase 2 – Implement sponsorship program 	Shelley Legin;#521	Complete
Council	2/3/2020	Rezoning Application No. RA441 - 405 Rosehill Street	Bylaw 4500.171 passed 1st and 2nd reading. It was moved and seconded that 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.	Dale Lindsay;#251	Complete
Council	12/2/2019	Rise and Report – To Release “In Camera” Motions Approved at the 2019-NOV-04, Health and Housing Task Force “In Camera” Meeting	1. That Council direct Staff to hire a contractor until June 2020 with funds re-purposed from the Drop-In Centre to coordinate the activities of the Health and Housing Task Force. 2. Council request Service Canada to engage Turner Strategies to assist the Health and Housing Task Force with its work starting January 2020.	Jake Rudolph;#442	Complete
Council	12/2/2019	2023 - 2024 Draft Financial Plan Recap	That Council defer consideration of potential Vancouver Island Symphony funding sources for future years until policies are developed.	Laura Mercer;#331	Complete

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	12/2/2019	Councillor Hemmens and Councillor Brown re: Women's Participation on the City of Nanaimo Committees and Task Forces	<p>It was moved and seconded that Council defer consideration of the following motion to a future Governance and Priorities Committee meeting:</p> <p>"It was moved and seconded that a report be prepared for Council with a draft policy and framework for ensuring gender parity on all City committees and task forces.</p>	Sheila Gurrie;#28	In Progress
Council	12/2/2019	Councillor Hemmens and Councillor Brown re: Childminding Reimbursement for Members of Council and City Committee Members	<p>It was moved and seconded that Council defer consideration of the following item to a future Governance and Priorities Committee meeting:</p> <p>"That a report be prepared for Council with a draft policy and framework for reimbursing childminding expenses for members of Council and City Committee Members that are incurred as a result of participation in official City of Nanaimo meetings."</p>	Sheila Gurrie;#28	In Progress
Council	11/18/2019	Downtown Mobility Hub Project Update from Phase 1	<p>That the Governance and Priorities Committee recommend that Council approve siting an on-street Transit Exchange on Front Street adjacent 1 Port Drive, and direct Staff to proceed to Phase 2 of the project to:</p> <p>work with the Regional District of Nanaimo to prepare a design for an on-street Transit Exchange, complete designs for the Downtown and Albert Street bikeways, complete a review of the Downtown Road Network to seek opportunities to enhance connectivity, finalize the Parking Management Strategy, and develop plans to optimize streetscapes and place making.</p>	Bill Sims;#413	In Progress
Council	11/18/2019	Rezoning Application No. RA398 - 307 Hillcrest Avenue and 308/326 Wakesiah Avenue	<p>Bylaw 4500.164 passed first and second reading.</p> <p>It was moved and seconded that Council direct Staff to secure the community amenity contribution, public walkway, road dedication, lot consolidation, and a housing agreement, should Council support the bylaw at third reading.</p>	Dale Lindsay;#251	In Progress
Council	11/18/2019	Official Community Plan Amendment Application No. OCP90 and Rezoning Application No. RA423 - 4392 Jingle Pot Road	<p>Bylaws 6500.041 and 4500.153 passed first and second reading.</p> <p>Council direct Staff to secure road dedication, infrastructure upgrades, vehicle access across the adjacent property, and a community amenity contribution prior to adoption of the Bylaw should Council support the bylaw at third reading.</p>	Dale Lindsay;#251	In Progress

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	11/4/2019	Downtown Priority Projects	That Council allocate \$220,000 from the Strategic Infrastructure Reserve Fund to implement the Public Realm Improvements identified for the downtown core and that Council direct Staff to remove the \$10,000 request for funding for the “Animate decorative lighting/lasers to the back wall of the Port Theatre” from the Public Realm Improvements/Beautification initiatives.	Dale Lindsay;#251	In Progress
Council	11/4/2019	East Wellington Park Management and Action Plan Update	That Council direct Staff to: hold an open house at the park and post the draft East Wellington Park Management and Action Plan to the City of Nanaimo’s website to gather public input; submit a non-farm use application to the Agricultural Land Reserve for park development; and, report back to Council with the final draft plan.	Richard Harding;#252	In Progress
Council	10/21/2019	Rezoning Application No. RA419 – 150 Esplanade and 155 Fry Street	Bylaw 4500.159 Passed first and second reading. It was moved and seconded that Council direct Staff to secure the community amenity contribution should Council support the bylaw at third reading.	Dale Lindsay;#251	In Progress
Council	10/21/2019	Rezoning Application No. RA437 – 115 Chapel Street	Bylaw 4500.160 Passed first and second reading; and, It was moved and seconded Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading.	Dale Lindsay;#251	In Progress
Council	10/21/2019	Nanaimo Youth Advisory Council	It was moved and seconded that Council hold the Nanaimo Youth Advisory Council in abeyance; that staff prepare a report on an engagement session to inquire with youth on how they would like to be engaged with and included in local governance structures; and that correspondence be sent to School District 68 and the Regional District of Nanaimo inviting their involvement in organizing the initial engagement session.	Richard Harding;#252	In Progress
Council	10/21/2019	Loudon Boathouse Project	That Council: 1. consider funding of \$123,750 during the 2020 financial plan review for detailed design and costing of the Loudon Boathouse (with \$15,000 coming from private contributions); 2. 2. direct Staff to return with, final costing and funding options for Council’s review and consideration during the 2021 budget review if design phase is approved; and, 3. 3. direct Staff to work with the Long Lake Flatwater Training Centre Society and Rotary Club of Nanaimo North on fundraising and other sources of revenue for the project.	Richard Harding;#252	Complete

Meeting Type	Meeting Date	Item	Direction	Assigned To	Status
Council	7/22/2019	Rezoning Application No. RA431 - 50 Tenth Street	Bylaw 4500.155 passed first and second reading. That Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading.	Dale Lindsay;#251	In Progress
Special Council	6/10/2019	Rezoning Application No. RA422 – 111 Terminal Avenue	Bylaw 4500.146 passed first and second reading. It was moved and seconded that Council direct Staff to secure the community amenity contribution, should Council support third reading of the bylaw.	Dale Lindsay;#251	In Progress
Council	5/27/2019	Rezoning Application No. RA420 - 140 Terminal Avenue	Bylaw 4500.145 passed first and second reading. Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading.	Dale Lindsay;#251	In Progress
Council	5/27/2019	Rezoning Application No. RA422 - 111 Terminal Avenue	That Council defer consideration of “Rezoning Application No. RA422 – 111 Terminal Avenue”, to a future Council meeting.	Dale Lindsay;#251	In Progress
Council	5/27/2019	Arbot 2 Neighbourhood Park Improvement Request Under the Partners in Parks (PIP) Program	That Council: 1. allocate \$25,000 from the 2019 Partners In Parks Program fund for Arbot 2 Neighbourhood Park improvements; and, 2. approve the renaming of Arbot 2 Park to Royal Oak Park.	Richard Harding;#252	In Progress
Council	4/29/2019	Councillor Brown Motion re: Climate Emergency	It was moved and seconded that the framework, strategies and actions, and implementation of City of Nanaimo Community Sustainability Action Plan be updated to reflect the target goal, based on the information contained in the latest Intergovernmental Panel on Climate Change report, of limiting global warming to 1.5°C.	Dale Lindsay;#251	In Progress
Special Council	4/8/2019	Electric Vehicle Charging Station Grant Opportunity Follow Up	Council directed Staff to: 1. participate in the Mid-Island Electric Vehicle Network Project and associated CleanBC Communities Fund Application with the Regional District of Nanaimo (RDN) as the lead applicant; 2. allocate up to \$24,000 from within the 2019-2023 Financial Plan for the installation of four public electric vehicle charging stations at City-owned sites within the community; 3. amend the 2019-2023 Financial Plan to add the charging stations project to 2019 for \$80,000 including private (grant) contributions and City share, and, 4. collaborate with RDN Staff to select specific locations within the area that optimize coverage.	Bill Sims;#413	In Progress

CITY OF NANAIMO

BYLAW NO. 4500.146

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

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

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

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2019 No. 4500.146".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

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

PASSED FIRST READING: 2019-JUN-10

PASSED SECOND READING: 2019-JUN-10

PUBLIC HEARING HELD: 2019-JUL-04

PASSED THIRD READING: 2019-JUL-04

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2019-JUL-29

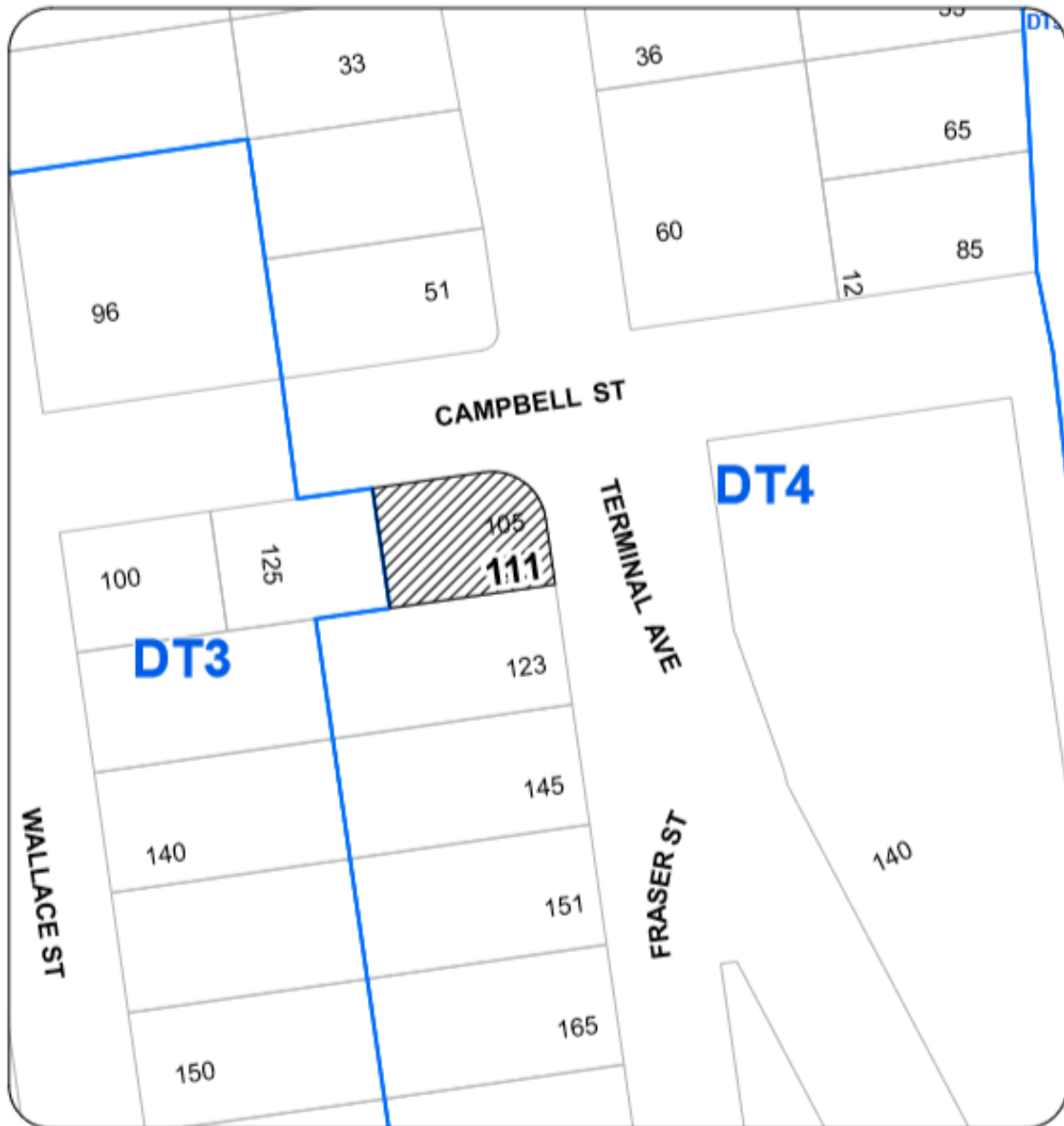
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000422
Address: 111 Terminal Avenue

SCHEDULE A LOCATION PLAN



REZONING APPLICATION NO. RA000422

LOCATION PLAN

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



 SUBJECT PROPERTY

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CITY OF NANAIMO

BYLAW NO. 4500.146

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

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

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

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2019 No. 4500.146".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

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

PASSED FIRST READING: 2019-JUN-10

PASSED SECOND READING: 2019-JUN-10

PUBLIC HEARING HELD: 2019-JUL-04

PASSED THIRD READING: 2019-JUL-04

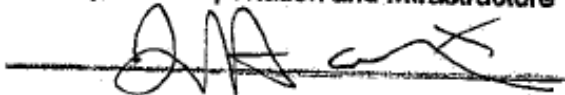
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

Approved pursuant to section 52(3)(a) of
the *Transportation Act*

this 29th day of July 2019

Ministry of Transportation and Infrastructure



JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labeux Road, Nanaimo BC V9T 6E9

MAYOR

CORPORATE OFFICER

File: RA000422
Address: 111 Terminal Avenue

CITY OF NANAIMO

BYLAW NO. 4500.183

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 2021 No. 4500.183".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as Lot 6, Section 20, Range 7, Mountain District, EPP92969, and a portion of Lot 5, District Lot 20, Range 7, Mountain District, Plan EPP92969 to allow Automobile Sales, Service and Rental as a site-specific use within the Community Corridor (COR3) Zone, as shown on Schedule A.

PASSED FIRST READING: 2021-MAR-01

PASSED SECOND READING: 2021-MAR-01

PUBLIC HEARING HELD: 2021-MAR-18

PASSED THIRD READING: 2021-MAR-18

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2021-APR-20

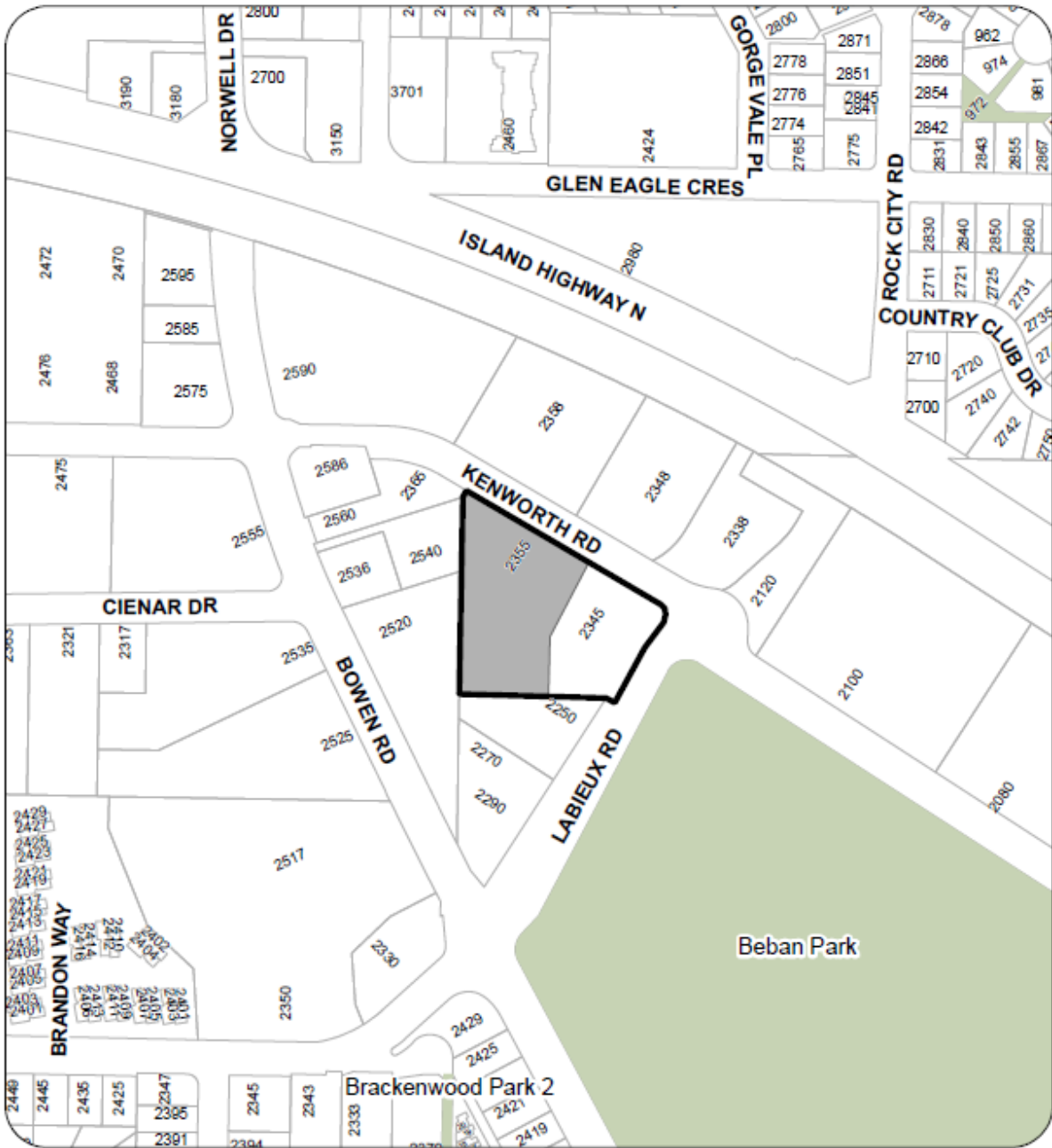
ADOPTED: _____




MAYOR

CORPORATE OFFICER

File: RA000459
Address: 2345 and 2355 Kenworth Road

Schedule A



-  CIVIC: 2345 and 2355 KENWORTH ROAD
LEGAL: LOTS 5 and 6, DISTRICT LOT 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP92969
-  SUBJECT PROPERTIES
-  AMEND COR3 ZONE TO ALLOW A SITE SPECIFIC USE

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CITY OF NANAIMO

BYLAW NO. 7286

A BYLAW TO PROVIDE FOR HIGHWAY CLOSURE AND DEDICATION REMOVAL

WHEREAS Council has deemed it expedient to stop up, close to traffic, and remove highway dedication of a portion of Eighth Street adjacent to 857 Old Victoria Road for the purpose of consolidating the adjacent land with the adjacent landowner's lands; and

WHEREAS all lands and premises immediately adjoining and in the vicinity of the portion of highway that is stopped up and closed are adequately serviced by well-established highways giving convenient access to all such premises; and

WHEREAS pursuant to Sections 40(3) and (4) and Section 94 of the *Community Charter*, the City of Nanaimo has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

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

1. This Bylaw may be cited for all purposes as "Highway Closure and Dedication Removal Bylaw 2021 No. 7286".
2. A portion of Eighth Street adjacent to 857 Old Victoria Road comprising 0.136ha, more or less, shown as "Road" on plan EPP92399 prepared by Douglas Holmes, B.C.L.S., a reduced copy of which is attached as Schedule A hereto, is hereby closed to all traffic.
3. The highway dedication of a portion of Eighth Street adjacent to 857 Old Victoria Road referred to in Section 2 is hereby removed.

4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

PASSED FIRST READING: 2021-MAY-17
PASSED SECOND READING: 2021-MAY-17

Notice of intention to proceed with this bylaw was published on the 26th day of May, 2021 and the 2nd day of June, 2021 in the Nanaimo News Bulletin newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

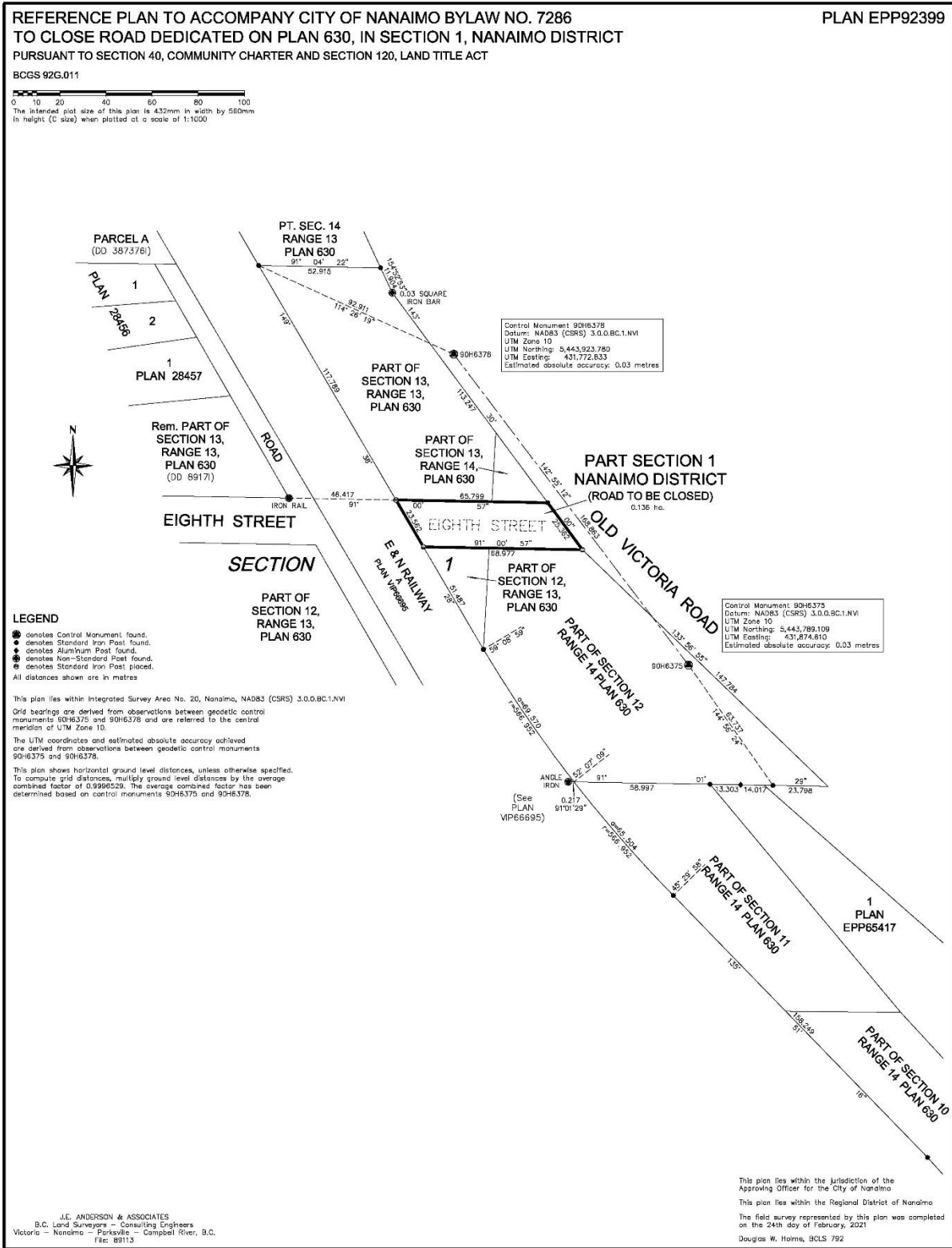
PASSED THIRD READING: 2021-JUN-07
APPROVED BY MINISTRY OF TRANSPORTATION: 2021-JUN-29
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: LD003575

Schedule A



CITY OF NANAIMO

BYLAW NO. 7327

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

WHEREAS Section 483 of the *Local Government Act* provides that Council may enter into a Housing Agreement, which may include terms and conditions agreed to regarding the occupancy of the housing units identified in the Agreement;

AND WHEREAS, Council wishes to enter into such an Agreement with respect to certain housing units located in the City of Nanaimo;

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

1. This Bylaw may be cited for all purposes as the City of Nanaimo "Housing Agreement Bylaw 2021 No. 7327".
2. The Council of the City of Nanaimo hereby authorizes the Mayor and Corporate Officer to enter into an Agreement, on behalf of the City of Nanaimo, in substantially the form attached hereto as Schedule 'A', which sets out the terms and conditions of the occupancy of the housing units identified in the Agreement. The land identified in the Agreement is legally described as PID 031-027-962, LOT B, SECTION 1, NANAIMO DISTRICT, PLAN EPP95349, CIVIC ADDRESS: 285 PRIDEAUX STREET, NANAIMO, BC.
3. Upon execution of the Agreement by the Mayor and Corporate Officer and application of the seal of the City of Nanaimo, this Agreement shall be validly entered into as authorized by this Bylaw.

PASSED FIRST READING: 2021-JUL-05
PASSED SECOND READING: 2021-JUL-05
PASSED THIRD READING: 2021-JUL-05
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A

**SECTION 219 COVENANT AND
AFFORDABLE HOUSING AGREEMENT**

THIS AGREEMENT made this ____th day of _____ 20XX

BETWEEN:

CITY OF NANAIMO

455 Wallace Street
Nanaimo, BC
V9R 5J6

(the “**City**”)

OF THE FIRST PART

AND:

PROVINCIAL RENTAL HOUSING CORPORATION

1701-4555 Kingsway
Burnaby, BC
V5H 4V8

(the “**Grantor**”)

OF THE SECOND PART

WHEREAS:

- A. The City may, by agreement under Section 483 of the *Local Government Act*, enter into a housing agreement with an Owner regarding the use and occupancy of the dwelling units identified in the agreement, including but not limited to terms and conditions referred to in Section 483(2) of the *Local Government Act*;
- B. The Grantor is the registered owner in fee-simple of the lands described as:
PID 031-027-962; Lot B, Section 1, Nanaimo District, Plan EPP95349 (the “**Land**”);
- C. The Grantor wishes to develop 51 units (dwelling units, sleeping units or combination) (the “**Development**”) and has applied for a Development Permit (DP1212).
- D. Section 483 of the *Local Government Act* (British Columbia) authorizes the City, by bylaw, to enter into a Housing Agreement;
- E. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the subdivision of land, use of land or construction on the Land;

- F. The City and the Grantor wish to enter into this agreement (“**Agreement**”) to restrict the use of, and construction on, the Land on the terms and conditions of this Agreement, to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 483 of the *Local Government Act* and Section 219 of the *Land Title Act* and in consideration of the premises and covenants contained in this Agreement, the parties hereto covenant and agree with the other as follows:

1.0 INTERPRETATION

- 1.1 The City and the Grantor agree that the definitions in the City of Nanaimo’s Zoning Bylaw 2011 No. 4500, as amended or replaced from time to time, (“**Zoning Bylaw**”) apply to the interpretation of the terms in this Agreement.
- 1.2 In addition to the definitions of the Zoning Bylaw, the following words and terms have the following meanings:
- (a) "Affordable Units" means 100% of the Sleeping Units or Dwelling Units located on the land described as PID 031-027-962; Lot B, Section 1, Nanaimo District, Plan EPP95349; and the Affordable Units will only be occupied by one or more Eligible Tenants ;
 - (b) “Development” refers to the totality of all Dwelling Units and Sleeping Units and ancillary spaces constructed on that part of the Land;
 - (c) "Dwelling Unit" means a habitable room consisting of a self-contained unit with a separate entrance for the residential accommodation of only one family and which contains a cooking facility but excludes all accommodation for the travelling public; and
 - (d) “Eligible Tenant” means a tenant or tenants of an Affordable Unit whose collective annual before-tax income does not exceed the most current Housing Income Limits, as amended from time to time, published by British Columbia Housing Management Commission or its successors in function that is in effect at the time the Eligible Tenant takes occupancy of the Affordable Unit;
 - (e) “Final Occupancy Date” means the date upon which the entirety of the Development has been approved for occupancy by the building inspector for the City of Nanaimo;
 - (f) “Grantor” means the current owner of the Land or any person who acquires an interest in the Land;
 - (g) “Permitted Rent” means the monthly rent that the Grantor may charge an Eligible Tenant for an Affordable Unit, which monthly rent shall not exceed 1/12 of 30% of the Eligible Tenant(s) collective before-tax annual income;
 - (h) “Rent Charge” means the rent charge referred to in Section 7.6;
 - (i) “Sleeping Unit” shall have the meaning set out in the Zoning Bylaw;

- (j) "Term" is perpetual.

2.0 OCCUPANCY and USE OF AFFORDABLE UNITS

- 2.1 The Grantor covenants and agrees with the City that from and after the Final Occupancy Date and for the Term, all Affordable Units within the Development are and shall remain Affordable Units for the Term and shall only be occupied by an Eligible Tenant.
- 2.2 The Grantor covenants and agrees with the City that the Land shall not be subdivided by any means whatsoever.

3.0 DEVELOPMENT COST CHARGES

- 3.1 If the number of Affordable Units in the Development is at least 30% of the total number of Dwelling Units, the City agrees to reduce development cost charges for the Development, in accordance with Section 6 of CITY OF NANAIMO DEVELOPMENT COST CHARGE BYLAW 2017 NO. 7252.

4.0 ANNUAL REPORT

- 4.1 The Grantor further covenants and agrees that during the term of this Agreement, it will, commencing on the first anniversary of the Final Occupancy Date is issued for the Development on the Land, and on that anniversary date annually thereafter, provide to the City's General Manager of Development Services a report in writing and in a form acceptable to the City's General Manager of Development Services confirming that the Affordable Units continue to be used and occupied as required under this Agreement.

5.0 ADMINISTRATION, MANAGEMENT AND NUISANCE

- 5.1 The Grantor shall ensure that the Development is managed according to the following rules:
 - (a) The Grantor, or a non-profit entity approved by the Grantor, will operate the Development as a good neighbour ensuring that the operation of the Development does not substantially and unreasonably interfere with the right of surrounding residents to peaceful enjoyment of their homes.
 - (b) The Grantor will give due consideration to complaints or feedback if received from the City or surrounding residents as to the operation and impact of the Development.
 - (c) The Grantor shall, upon request by the City, meet with City representatives and neighbourhood representatives to discuss any concerns about the operation of the Development.
 - (d) The Grantor will comply with all laws and regulations that apply to the operation of the Development.

6.0 BINDING EFFECT

- 6.1 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, administrators and permitted assignees.

7.0 ENFORCEMENT AND WAIVER

- 7.1 Nothing contained or implied herein shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Grantor. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.2 The parties agree that the City is not obligated to inspect the Land or to otherwise ensure compliance with this Agreement, nor is the City obligated to remedy any default of this Agreement. A failure by the City to enforce this Agreement shall not constitute a waiver of any of the City's rights hereunder.
- 7.3 No remedy under this Agreement is deemed to be exclusive but will, where possible, be cumulative with all other remedies available at law or in equity.
- 7.4 The Grantor covenants and agrees that, in addition to any remedies that are available under this Agreement or at law, the City is entitled to all equitable remedies, including specific performance, injunction and declarative relief to enforce its rights under this Agreement. The Grantor acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Grantor under this Agreement.
- 7.5 The Grantor acknowledges that the City requires the Affordable Units for the benefit of the community. The Grantor therefore agrees that for each day the Land is occupied in breach of this Agreement, the Grantor must pay the City \$100.00 (the "**Daily Amount**") as liquidated damages and not as a penalty, due and payable at the offices of the City on the last day of the calendar month in which the breach occurred. The Daily Amount is increased on January 1 of each year by the amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase between that previous January 1 and the immediately preceding December 31 in the Consumer Price Index. The Grantor agrees that payment may be enforced by the City in a court of competent jurisdiction as a contract debt.
- 7.6 By this section, the Grantor grants to the City a rent charge under section 219 of the *Land Title Act*, and at common law, securing payment by the Grantor to the City of the Daily Amount as described in section 7.5. The City agrees that enforcement of the rent charge granted by this section is suspended until the date that is thirty (30) days after the date on which any amount due under section 7.5 is due and payable to the City in accordance with section 7.5. The City may enforce the rent charge granted by this section by an action for an order for sale or by proceedings for the appointment of a receiver.

City of Nanaimo Fossil Fuel Divestment and Ethical investment Strategy and Policy Development

Submitted by: C. Geselbracht
July 26th 2020

Notice Motion:

“That staff prepare a report on an investment policy and strategy that can achieve the following considerations:

- 1) Divest from fossil fuel companies, by supporting fossil fuel free investment portfolios, such as the MFA Fossil Fuel Free Short-Term Bond Fund and build on the examples of fossil fuel free investment strategies from other municipalities such as Vancouver and Victoria;
- 2) Select investments that make positive contributions to Environmental, Social and Governance (ESG) factors; and
- 3) Align investment with the Sec.183 of the Community Charter, and best practices for investing public funds.
- 4) Provide strategic options with associated budgetary considerations that include options for the immediate divestment of all funds that include holdings involved in the production and distribution of fossil fuels and options that take a more graduated approach.”

Background Resources:

Article C40 Cities fossil fuel divestment:

<https://www.climateaction.org/news/12-major-cities-commit-to-divest-from-fossil-fuel-companies>

City of Vancouver Fossil Fuel Divestment

<https://vancouver.ca/files/cov/2020-02-25-motion-divestment-from-fossil-fuels.pdf>

City of Courtenay fossil fuel divestment

<https://www.courtenay.ca/assets/City~Hall/Council/Agendas/2021/2021-05-31%20CoW%20Agenda%20Complete%20AMENDED.pdf>

MFA Fossil fuel short-term bond fund

https://mfa.bc.ca/sites/default/files/Pooled%20Investments/mfa_mandate_profile_-_fossil_fuel_free_short-term_bond_fund_april_2021_results.pdf

MFA ESG pooled funds

https://mfa.bc.ca/sites/default/files/Investors/esg_and_mfa_pooled_funds.pdf

Attachments

A: City of Nanaimo Finance Policy 3.2-1 Investing

<https://www.nanaimo.ca/docs/your-government/city-council/policies/af4ba6391b316d6b9fc9ff00001037d2.pdf>