



MERGED AGENDA REGULAR COUNCIL MEETING

Monday, October 24, 2022

5:00 p.m. To Proceed In Camera, Reconvene Regular Council Meeting 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:

- (c) labour relations or other employee relations;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter Section 90(2):

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

3. INTRODUCTION OF LATE ITEMS:

4. APPROVAL OF THE AGENDA:

5. ADOPTION OF THE MINUTES:

a. Minutes

10 - 18

Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver

Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-SEP-21, at 9:00 a.m.

- b. Minutes 19 - 29

Minutes of the Special Council (Public Hearing) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-SEP-29, at 7:00 p.m.

- c. Minutes 30 - 35

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-OCT-03, at 5:00 p.m.

6. MAYOR'S REPORT:

7. RISE AND REPORT

8. PRESENTATIONS:

9. COMMITTEE MINUTES:

- a. Minutes 36 - 40

Minutes of the Advisory Committee on Accessibility and Inclusiveness Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2022-JUN-22 at 4:00 p.m.

- b. Minutes 41 - 46

Minutes of the Advisory Committee on Accessibility and Inclusiveness Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2022-SEP-07 at 4:04 p.m.

- c. Minutes 47 - 51

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-SEP-26, at 1:00 p.m.

- d. Minutes 52 - 55

Minutes of the Environment Committee held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2022-SEP-28, at 5:02 p.m.

10. CONSENT ITEMS:

[Note: A link to the 2022-SEP-26 Governance and Priorities Committee Meeting agenda is attached for information]

That Council endorse the Staff recommended projects for 2023 to support and increase affordable housing in the City of Nanaimo as presented in the report dated 2022-JUN-27 by Christy Wood, Social Planner and Lisa Brinkman, Manager of Community Planning, with a prioritization of items A and C in the 2022-SEP-26 report Table 1 - Proposed Projects to Promote Affordable Housing in Nanaimo.

11. DELEGATIONS:

- a. Dave Hammond re: To Thank Council for Their Service

57

12. REPORTS:

- a. Remedial Action Requirement - Request for Reconsideration for 5 Durham Street

58 - 66

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

Purpose: To consider Gabriela Reinhold's (authorized agent for Yan Bernier) request for Council to reconsider the remedial action requirement (under Section 72, 73, and 74 of the Community Charter) for 5 Durham Street as imposed by Council at its October 3, 2022 meeting and grant an extension of 60 or 90 days to obtain a building permit.

The order of proceedings for this reconsideration prior to Council making its final determination on the resolution will include:

- Opportunity for Ms. Reinhold to address Council;
- Staff will then be given the opportunity to respond;
- Opportunity for adjacent or affected landowners to provide comments

Recommended Options:

Option 1:

That Council confirm the following resolution that was passed at the October 3, 2022 Regular meeting:

That Council:

- Issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73, and 74 of the *Community Charter*;
- Direct Staff or its authorized agents to take action in accordance with Section 187 of the *Community Charter* without further notice and at the owner's expense if the said remedial

action is not undertaken within 30 days of Council's resolution;
and

- Direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.

OR

Option 2:

That Council vary the the Remedial Action Order to extend the time period to obtain a building permit (as requested by the applicant) as follows:

That Council:

- issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73, and 74 of the *Community Charter*;
- Direct Staff or its authorized agents to take action in accordance with Section 187 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within (**insert 60 or 90 days here**) of Council's resolution; and
- Direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.

1. *Remove Agenda Item 12(a) Remedial Action Requirement - Request for Reconsideration for 5 Durham Street.*

[Note: Item has been rescheduled to the 2022-NOV-21 Regular Council Meeting.]

b. Illegal Construction - 2005 Boxwood Road

67 - 71

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

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

It is requested that Council hear anyone wishing to speak with respect to Illegal Construction - 2005 Boxwood Road.

Recommendation: That Council:

1. issue a Remedial Action Order at 2005 Boxwood Road pursuant to

Sections 72 and 73 of the *Community Charter*,

2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
3. direct that the remedial action consist of removing the structures constructed on each side of the main building without a permit.

c. Appeals Procedure Housekeeping Amendment Bylaws

72 - 89

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

Purpose: To bring forward housekeeping amendments to the regulatory bylaws where the reconsideration process is governed under the newly adopted Appeals Procedure Bylaw.

Recommendation:

1. Sewer Regulation and Charge Amendment Bylaw

That "Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That "Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given second reading.

That "Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given third reading.

2. Flood Prevention Amendment Bylaw

That "Flood Prevention Amendment Bylaw 2022 No. 5105.01 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That "Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given second reading.

That "Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given third reading.

3. Waterworks Rate and Regulation Amendment Bylaw

That "Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19" (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That "Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19" be given second reading.

That “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” be given third reading.

4. Management and Protection of Trees Amendment Bylaw

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given second reading.

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given third reading.

5. Property Maintenance and Standards Amendment Bylaw

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given second reading.

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given third reading.

6. Business Licence Amendment Bylaw

That “Business Licence Amendment Bylaw 2022 No. 7318.01” (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading.

That “Business Licence Amendment Bylaw 2022 No. 7318.01” be given second reading.

That “Business Licence Amendment Bylaw 2022 No. 7318.01” be given third reading.

7. Chauffeurs Regulation Amendment Bylaw

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319 (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading.

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given second reading.

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given third reading.

d. Bylaw Notice Enforcement Amendment Bylaw - Housekeeping Amendments

90 - 95

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

Purpose: To introduce an amendment to the Bylaw Notice Enforcement Bylaw to correct references to bylaw provisions and address fine inconsistencies in the Waterworks Rate and Regulation Bylaw.

Recommendation:

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 (a bylaw to correct references to bylaw provisions and address fine inconsistencies) be given first reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given second reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given third reading.

e. Downtown Vandalism Relief Grant

96 - 111

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

Purpose: To seek Council's approval to implement a grant program to assist downtown businesses with the cost of work required to repair damage to, and remove graffiti from, their premises arising from incidents of break-in or vandalism in accordance with the recommendations of the Downtown Nanaimo Community Safety Action Plan.

Recommendation: That Council authorize Staff to enter into a service agreement with the Greater Nanaimo Chamber of Commerce to formalize the Vandalism Relief Grant program to assist downtown businesses with the cost of work required to repair damage to, and remove graffiti from, their premises arising from incidents of break-in or vandalism.

f. Development Permit Application No. DP1272 and Development Variance Permit Application No. DVP419 – 6083 Garside Road

112 - 128

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

Purpose: To present for Council's consideration a concurrent development permit application and development variance permit application to reduce the required watercourse setback, side and rear yard setbacks, and to increase the allowable fence height and lot coverage to allow the siting of an existing non-conforming dwelling and the reconstruction of an existing deck with a pool at 6083 Garside Road.

It is requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP419 - 6083 Garside Road.

Recommendation: That Council issue:

1. Development Permit No. DP1272 at 6083 Garside Road with a variance to the watercourse setback from the wetland adjacent to Brannen Lake

from 15m to 1.1m to allow an existing non-conforming dwelling and proposed site improvements; and,

2. Development Variance Permit No. DVP419 at 6083 Garside Road with with variances to the side and rear yard setbacks; fence height; and lot coverage as outlined in the "Proposed Variances" section of the Staff Report dated 2022-OCT-24.
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- g. Development Permit Application No. DP1253 - 2103 Bowen Road 129 - 152

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

Purpose: To present for Council's consideration a development permit application for a multi-family rental residential development at 2103 Bowen Road.

Recommendation: That Council issue Development Permit No. DP1253 for a multi-family residential development at 2103 Bowen Road with variances to building height setbacks; fence height; refuse receptacle enclosure setbacks; landscaping requirements; and parking requirements as outlined in the "Proposed Variances" section of the Staff Report dated 2022-OCT-24.

 - h. 235 Wallace Street - Acceptance of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261" 153 - 186

To be introduced by Bill Corsan, Director, Corporate and Business Development.

Purpose: To obtain Council approval for a multi-family development at 235 Wallace Street to be included in the Downtown Revitalization Tax Exemption program.

Recommendation: That Council approve the Revitalization Tax Exemption Agreement for a proposed 195-unit multi-family development at 235 Wallace Street.

 - i. 340 Campbell Street - Amendment of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261" 187 - 213

To be introduced by Bill Corsan, Director, Corporate and Business Development.

Purpose: To obtain Council approval to amend the Tax Exemption Agreement for a multi-family development building at 340 Campbell Street.

Recommendation: That Council approve the amended Revitalization Tax Exemption Agreement for a proposed 163-unit multi-family development at 340 Campbell Street.
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13. **BYLAWS:**
- a. "Zoning Amendment Bylaw 2020 No. 4500.169" 214 - 215

That "Zoning Amendment Bylaw 2020 No. 4500.169" (To rezone portions of 3500 Rock City Road from Low Density Residential [R6] to Medium Density Residential [R8] with site-specific Floor Area Ratio) be adopted.

- b. "Zoning Amendment Bylaw 2022 No. 4500.198" 216 - 217

That "Zoning Amendment Bylaw 2022 No. 4500.198" (To rezone 5707 Lost Lake Road from Single Dwelling Residential [R1] to Low Density Residential [R6] to allow a multi-family residential development) be adopted.

- c. "Zoning Amendment Bylaw 2022 No. 4500.200" 218 - 219

That "Zoning Amendment Bylaw 2022 No. 4500.200" (to rezone 2086 and 2090 East Wellington Road from Rural Resource [AR1] to High Tech Industrial [I3] with an additional site-specific use to allow a proposed data centre) pass third reading.

- d. "Zoning Amendment Bylaw 2022 No. 4500.204" 220 - 227

That "Zoning Amendment Bylaw 2022 No. 4500.204" (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) pass third reading.

- e. "Land Use Contract Discharge Bylaw 2022 No. 7355" 228 - 229

That "Land Use Contract Discharge Bylaw 2022 No. 7355" (to discharge an existing Land Use Contract from the property title of 500 Comox Road) pass third reading.

- f. "City of Nanaimo Housing Agreement Bylaw 2022 No. 7357" 230 - 237

That "Housing Agreement Bylaw 2022 No. 7357" (to secure the terms and conditions of occupancy for a residential shelter at 3059 Glen Eagle Crescent) be adopted.

- g. "Property Tax Exemption Bylaw, 2022 No. 7358" 238 - 276

That the "Property Tax Exemption Bylaw, 2022 No. 7358" (a bylaw to exempt certain land and buildings from taxation) be adopted.

14. NOTICE OF MOTION:

15. OTHER BUSINESS:

16. QUESTION PERIOD:

17. ADJOURNMENT:

MINUTES
SPECIAL COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-SEP-21, AT 9:00 A.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong (joined electronically)
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (entered the Shaw Auditorium at 9:32 a.m.)

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
T. Doyle, Fire Chief
L. Bhopalsingh, Director, Community Development
B. Corsan, Director, Corporate and Business Development (joined electronically)
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance
P. Rosen, Director, Engineering
D. Bailey, Manager, Accounting Services
D. LaBerge, Manager Bylaw Services
T. Pan, Manager, Sustainability
J. Rose, Manager, Transportation
J. Rushton, Manager, Purchasing and Stores
J. Slater, Manager, Revenue Services
T. Webb, Manager, Communications
S. Gurrie, Director, Legislative Services (joined electronically)
K. Robertson, Deputy City Clerk
A. Chanakos, Steno, Legislative Services
N. Sponaugle, Legislative Communications Clerk
K. Lundgren, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 9:00 a.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 Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-AUG-29 at 5:30 p.m. be adopted as circulated. The motion carried unanimously.

4. MAYOR'S REPORT:

The Mayor spoke regarding the following:

- The “Play On” ball hockey event was held throughout the City last weekend. He expressed thanks to those who participated as well as to the Parks, Recreation & Culture Department
- The National Day for Truth and Reconciliation will be on September 30th. City of Nanaimo and Nanaimo-Ladysmith Public Schools are honouring our ancestors, survivors and families by honouring a Snuneymuxw way of being. There will be a number of events taking place in the community
- The passing of the Queen Elizabeth II was acknowledged and thanks was extended to those who volunteered and organized a ceremony that was held on at the Branch 265 Legion in Nanaimo

5. RISE AND REPORT:

The Mayor advised that at the In Camera portion of the August 29, 2022 meeting, Council appointed Nelson Allen to the Board of Variance for a three-year term ending 2025-AUG-29.

6. CONSENT ITEMS:

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

(a) Advisory Committee on Accessibility and Inclusiveness Meeting 2022-SEP-07

1. Transit Stop Accessibility

That Council direct Staff to:

- Update the City of Nanaimo's existing best practices for Complete Streets to consider the findings of the Transit Stop Accessibility Working Group;
- Develop an internal process to retrofit existing transit stops while consulting appropriate stakeholders; and,
- Work with the Advisory Committee on Accessibility and Inclusiveness members to determine and implement appropriate accessibility upgrades at existing transit stops.

The motion carried unanimously.

7. REPORTS:

(a) Vancouver Island Conference Centre - Exterior Sign Replacement Project

Bill Corsan, Director, Corporate and Business Development, informed Council that the replacement project for the exterior LED sign at the Vancouver Island Conference Centre has been cancelled.

(b) Nuisance Property Abatement - 52 Athletic Street

Introduced by Dave LaBerge, Manager Bylaw Services.

Delegation:

1. Randolph and Susan Rauch, spoke regarding their intention to sell the property and that they are preparing to clean up the property. They apologized and expressed frustration with the current situation and difficulties with the tenants.

It was moved and seconded that Council declare 52 Athletic Street a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, and to authorize Staff to record and charge for municipal services including police required to abate nuisance activity. The motion carried unanimously.

(c) Continuation of Home Energy Assessment Rebates

Introduced by Lisa Bhopalsingh, Director, Community Development.

It was moved and seconded that Council allocate \$4,000 from the Climate Action Reserve Fund to support the continuation of City of Nanaimo’s home energy assessments rebates. The motion carried unanimously.

(d) Consideration of Other Grant Application (CatNap Society)

Introduced by Laura Mercer, Director, Finance, and Jamie Slater, Manager, Revenue Services.

It was moved and seconded that Council award an ‘Other Grant’ in the amount of \$15,000 for the 2022 calendar year to the CatNap Society, with funding of \$2,000 from the existing Other Grants budget, and \$13,000 from the Strategic Infrastructure Reserve Fund; and that the 2022-2026 Financial Plan be amended accordingly. The motion carried unanimously.

It was moved and seconded that Council add a decision point for Council consideration to the 2023-2027 Financial Plan deliberations to increase the annual funding amount for the ‘Other Grant’ stream. The motion carried unanimously.

(e) Consideration of New Permissive Tax Exemption

Introduced by Jamie Slater, Manager, Revenue Services.

It was moved and seconded that Council award a Permissive Tax Exemption commencing with the 2023 taxation year to the Nanaimo Hungarian Cultural Society for the property that it owns at 4840 Hammond Bay Road. The motion carried unanimously.

(f) Quarterly Purchasing Report (Single and Sole Source Purchases in Excess of \$250,000 and Instances of Non-Compliance Purchases)

Laura Mercer, Director, Finance, provided Council with a summary of the Quarterly Purchasing report for the period 2022-APR-01 to 2022-JUN-30.

Councillor Turley entered the Shaw Auditorium at 9:32 a.m.

(g) Financial Results for the Six Months 2022-JUN-30

Laura Mercer, Director, Finance, provided Council with a summary of the financial results for the six months ending 2022-JUN-30.

(h) Council Expenses for the Six Months Ending 2022-JUN-30

Laura Mercer, Director, Finance, provided Council with a summary of year-to-date Council expenses for the six months ending 2022-JUN-30.

(i) Sustainable Procurement Update

Laura Mercer, Director, Finance, and Jane Rushton, Manager, Purchasing and Stores, provided Council with an update on Sustainable Procurement for the period 2021-JUN-01 to 2022-JUN-30.

(j) UBCM Asset Management Planning Grant Application - Ecological Accounting Process Partnership

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

It was moved and seconded that Council:

1. Direct Staff to submit an application with the Regional District of Nanaimo, Municipality of North Cowichan, the Partnership for Water Sustainability and the Mount Arrowsmith Biosphere Region Research Institute to the Union of British Columbia's Asset Management Planning Grant program for a project to embed ecological accounting expertise within Vancouver Island University;
2. Direct Staff to provide overall grant management; and
3. Add a project to the 2022 – 2026 Financial Plan for \$30,000 in 2023, 2024 and 2025, funded from the Strategic Infrastructure Reserve.

The motion carried unanimously.

(k) BC Active Transportation Infrastructure Grant

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

It was moved and seconded that Council direct Staff to submit two applications under the Active Transportation Infrastructure Grant Program as follows:

1. Submit an application for the cycling and sidewalk portion of the Albert and Fourth Complete Street Phase 2 project, and confirm the local share of \$847,793 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.
2. Submit an application for the multi-use path portion of the Midtown Gateway project, and confirm the local share of \$580,000 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.

(l) Buttertubs Sanitary Sewer Upgrade Alignment Study

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

It was moved and seconded that Council direct Staff to undertake the Buttertubs Sanitary Sewer Alignment Study and add a project to 2022 for \$150,000, funded from the Sanitary Sewer Reserve, to complete the work. The motion carried unanimously.

(m) Budget Transfer Disclosure - Kenwill, Ninth, and Laguna

Bill Sims, General Manager, Engineering and Public Works, advised Council of the three projects which require budget transfers in excess of \$100,000.

(n) Officer Designation and Delegation of Authority Bylaw and Appeals Procedure Bylaw

Karen Robertson, Deputy City Clerk, Legislative Services, provided an overview of the revised "Officer Designation and Delegation of Authority Bylaw No. 2022 No. 7353" which will streamline municipal decision making on more routine responsibilities of Council.

It was moved and seconded that "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" (a bylaw to provide for the appointment of Officers and the Delegation of Authority) pass first reading. The motion carried unanimously.

It was moved and seconded that "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" pass second reading. The motion carried unanimously.

It was moved and seconded that "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" pass third reading. The motion carried unanimously.

Council recessed the meeting at 10:35 a.m.
Council reconvened the meeting at 10:46 a.m.

Karen Robertson, Deputy City Clerk, Legislative Services, provided an overview of the “Appeals Procedure Bylaw 2022 No. 7354” that will provide a consistent process when matters that have been delegated to Staff are reconsidered by Council.

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” (a bylaw to establish the procedure for hearing appeals) pass first reading. The motion carried unanimously.

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” pass second reading. The motion carried unanimously.

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” pass third reading. The motion carried unanimously.

8. BYLAWS:

(a) “Subdivision Control Amendment Bylaw 2022 No. 3260.07”

It was moved and seconded that “Subdivision Control Amendment Bylaw 2022 No.3260.07” (To remove Schedules G and H) be adopted. The motion carried unanimously.

(b) “Zoning Amendment Bylaw 2021 No. 4500.192”

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.192” (To rezone 6004 Nelson Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) be adopted. The motion carried unanimously.

(c) “Building Bylaw Amendment Bylaw 2022 No. 7224.04”

It was moved and seconded that “Building Bylaw Amendment Bylaw 2022 No. 7224.04” (To update the reference to the Fees and Charges Bylaw) be adopted. The motion carried unanimously.

(d) “Fees and Charges Bylaw 2022 No. 7336.03”

It was moved and seconded that “Fees and Charges Bylaw 2022 No. 7336.03” (To include Development Services fees within the Fees and Charges Bylaw) be adopted. The motion carried unanimously.

(e) “Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356”

It was moved and seconded that “Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356” (To update the reference to the Fees and Charges Bylaw) be adopted. The motion carried unanimously.

9. OTHER BUSINESS:

(a) Councillor Armstrong re: Boxwood Road Walkway

Bill Sim, General Manager, Engineering and Public Works, and Poul Rosen, Director, Engineering, provided an overview and background of the Boxwood Road project.

It was moved and seconded that Council:

1. Direct Staff to:

- a. work in consultation with affected businesses on Boxwood Road to remove barricades erected for the two-way bike lanes/walkway that are impeding the ability for trucks' safe access;
- b. proceed with Council's direction to create a buffered walkway as previously adopted; and,
- c. consult with the cyclist community, truck drivers, WorkSafe, ICBC, RCMP Traffic Services and the City's liability insurer MIABC to ensure the viability of a buffered walkway.

2. Direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road instead of the buffered walkway.

It was moved and seconded that Councillor Armstrong's motion be deferred to a future Council meeting for a more detailed Staff report that incorporates any community feedback. The motion was defeated.

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

The Mayor requested that the motion be considered seriatim.

1. It was moved and seconded that Council direct Staff to:

- a. work in consultation with affected businesses on Boxwood Road to remove barricades erected for the two-way bike lanes/walkway that are impeding the ability for trucks' safe access;
- b. proceed with Council's direction to create a buffered walkway as previously adopted; and,
- c. consult with the cyclist community, truck drivers, WorkSafe, ICBC, RCMP Traffic Services and the City's liability insurer MIABC to ensure the viability of a buffered walkway.

The motion was defeated.

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

2. It was moved and seconded that Council direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road instead of the buffered walkway.

It was moved and seconded that the motion be amended to remove the words “an alternative” and “instead of the buffered walkway”.

Councillor Thorpe called a Point of Order as the proposed amendment to remove the words “instead of the buffered walkway” would change the intent of the motion.

The vote was taken on the amendment to remove the words “instead of the buffered walkway”.

Opposed: *The Mayor and Councillors Bonner, Brown, Geselbracht, Maartman and Hemmens.*

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

That Council direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road.

The motion was defeated.

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

10. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

11. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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

Section 90(1) A part of 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:

- (c) labour relations or other employee relations;
- (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;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Community Charter Section 90(2):

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

The motion carried unanimously.

Council moved In Camera at 11:46 p.m.

Council moved out of In Camera at 1:37 p.m.

12. ADJOURNMENT:

It was moved and seconded at 1:37 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

DEPUTY CITY CLERK

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2022-SEP-29, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong (joined electronically, disconnected at 9:28 p.m.)
Councillor D. Bonner (joined electronically)
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
D. Lindsay, General Manager, Development Services/Deputy Chief
Administrative Officer
J. Holm, Director, Development Approvals
L. Rowett, Manager, Current Planning
T. Webb, Manager, Communications (joined electronically)
C. Horn, Planner
P. Carter, Planning Assistant
S. Gurrie, Director, Legislative Services
K. Lundgren, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

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

2. ADOPTION OF AGENDA:

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

3. PUBLIC HEARING REQUIREMENTS:

Mayor Krog advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and outlined the purpose and protocols for the Public Hearing.

Mayor Krog then outlined the process to accommodate members of the public who were attending in person and for those who wanted to participate by phone.

Lainya Rowett, Manager, Current Planning, explained the requirements for conducting a Public Hearing.

4. PUBLIC HEARING FOR REZONING APPLICATION NO. RA479 - 2086 & 2090 EAST WELLINGTON ROAD, ZONING AMENDMENT BYLAW 4500.200

(a) Rezoning Application No. RA479 - 2086 & 2090 East Wellington Road

Mayor Krog called the Public Hearing to order at 7:04 p.m.

Introduced by Caleb Horn, Planner, Current Planning. He noted that six (6) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

1. Scott Mack, Townsite Planning, Lantzville, spoke regarding the application. Highlights included:
 - Site is located on a larger block of lands designated as light industrial and these lands are an important hub for economic development
 - The site will facilitate a proposed data centre
 - It is anticipated that there will be no more than 20 employees onsite at any given time due to remote work opportunities
 - Development maintains 20% of the existing tree canopy
 - Two potential future road connection options have been identified
 - The operation of computers within the proposed data centre will generate heat and therefore the building will require fans that generate some noise
 - To address noise concerns, additional steps will be taken at the development permit stage to ensure noise is mitigated
 - The community amenity contribution will go towards the City's Housing Legacy Fund and City park improvements
 - The development will exceed the BC Energy Step Code Rezoning Policy by one step

Mayor Krog called for submissions from the Public:

1. Meg Rintoul, Nanaimo, spoke in opposition, stating that there was a lack of information provided at the community consultation meeting. She spoke regarding the neighbourhood being a rare pocket of greenspace and an active transportation route. She expressed concern for increase in pavement, noise and traffic.
2. Kathryn Barnwell, Nanaimo, spoke in opposition, stating concerns regarding the constant hum and heat generated by data centers, the use of power and underutilized data centres competing for customers. She requested careful planning for a streetscape compatible with the present neighbourhood, and she expressed concern regarding having another access road to East Wellington Road.
3. Ken Kaktins, Nanaimo, spoke in opposition, and expressed concerns regarding the building being set too close to the road, the level of noise and energy that comes out of these plants, lack of information provided at the

community consultation meeting, high traffic in the area, the height of the building, and requested an increased setback.

4. Jennifer Kaktins, Nanaimo, spoke in opposition and stated that there's been a lack of information. She expressed concerns for radiation, the removal the trees, the height of the building, and increase in traffic and requested that the building be set back on the property.
5. Sharon Kofoed, Nanaimo, spoke in opposition, and expressed concerns regarding a data centre not being contemplated in the Official Community Plan (OCP), the large size of the warehouse, the site not being in a desirable location for employees due to its location being far from bus routes and amenities, additional traffic and emissions, and requested the lands east of the parkway be used first.
6. Peter Helm, General Manager, East Wellington Developments, Nanaimo, spoke in opposition to the application in its current form. He stated concerns regarding the new road connector, as well as expressed geotechnical and environmental concerns. He requested that Council apply a Section 219 covenant to this application until a road network assessment is done.
7. Matt McMaster, Nanaimo, spoke via telephone, in support, stating that this is an area of the City that was always meant to be industrial land, and that there is a lack of industrial land in the City.
8. Eric (last name was not stated), Nanaimo, spoke in opposition, stating concern for the noise pollution and constant hum that would be generated from the building.
9. Wayne Bianchin, Nanaimo, spoke in opposition, stating challenges with the bridge, blind corner, and hill on East Wellington Road and concerns with increased traffic in the area.
10. Kathryn Barnwell, Nanaimo, spoke for a second time in opposition, and requested that consultation be done for alternative proposals to be put forward that could work for everyone.
11. Jennifer Kaktins, Nanaimo, spoke for a second time, in opposition, and requested that Council consider the future impact of their decision. She spoke regarding the current peaceful environment and encouraged consideration for safe lane ways for active transportation.
12. Shelley Serabryn, Nanaimo, spoke via telephone, in opposition, and acknowledged the Climate Emergency declared by the City in 2019 and expressed concerns that the rezoning will go against climate action and data centres not being green development. She spoke regarding the importance of protecting agricultural lands, especially when there are identified wetlands.

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

13. Ken Kaktins, Nanaimo, spoke for a second time, in opposition, and spoke regarding how there is very little additional noise to the neighbourhood at night and expressed concerns regarding adding 24/7 noise to the neighbourhood. He requested that the proposed building be moved further back.
14. Scott Mack, Townsite Planning, Lantzville, spoke for a second time, in favour, and explained the reasons for the future road connector, that set back options have been considered; however, the development is unable to be set back further in order to meet tree canopy requirement. He advised that they have been working extensively with Staff to ensure the neighbourhood's concerns are addressed.

Council requested clarification from the applicant regarding the anticipated level of noise, the location of the site, and the depth of top soil on the site.

15. Peter Helm, East Wellington Developments, Nanaimo, spoke regarding the proposed temporary and permanent site access of the plans and ensuring that the development does not create future problems.
16. Meg Rintoul, Nanaimo, spoke for a second time, in opposition, and stated concerns regarding the hum that will be generated by the building and its effect on wildlife in the area.
17. Eric (last name was not stated), Nanaimo, spoke regarding regenerative agriculture.
18. Jennifer Kaktins, Nanaimo, spoke for a third time, in opposition, and stated concerns for wildlife in the area.

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

No one wished to speak regarding Rezoning Application No. RA479 - 2086 & 2090 East Wellington Road.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA479 – 2086 & 2090 East Wellington Road. However, Meg Rintoul, Kathryn Barnwell, and Sharon Kofoed, provided the Corporate Officer with written copies of their presentations for the minutes.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Council recessed the Special Council (Public Hearing) at 8:10 p.m.
Council reconvened the Special Council (Public Hearing) at 8:18 p.m.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA479 - 2086 & 2090 East Wellington Road be closed at 8:19 p.m.

It was moved and seconded that Council defer consideration of “Zoning Amendment Bylaw 2022 No. 4500.200” (to rezone 2086 and 2090 East Wellington Road from Rural Resource [AR1] to High Tech Industrial [I3] with an additional site-specific use to allow a proposed data centre) until the next available Council meeting. The motion carried.

Opposed: Councillor Brown

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA455 - 5378 RUTHERFORD ROAD, ZONING AMENDMENT BYLAW 4500.203

(a) Rezoning Application No. RA455 - 5378 Rutherford Road

Mayor Krog called the Public Hearing to order at 8:20 p.m.

Councillor Brown vacated the Shaw Auditorium at 8:21 p.m. declaring a conflict on interest as he shares a lot line with the parcel located at 5378 Rutherford Road.

Introduced by Caleb Horn, Planner, Current Planning. He noted that five (5) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

1. Steve Johnson, Nanaimo, spoke regarding the application. Highlights included:
 - The proposed rezoning is from Single Dwelling Residential (R1) to Low Density Residential (R6) which aligns with the future land use of the OCP
 - After community consultation, R6 zoning was chosen for its minimal impact on the neighbourhood
 - Concerns expressed by the neighbourhood included tree retention and protection, parking, traffic, density, view corridors and elevations
 - A community amenity contribution is proposed to go towards the City's Housing Legacy Reserve Fund
 - Applicants are dedicated to addressing concerns from the community

Mayor Krog called for submissions from the Public:

1. Roberta Hatch, Nanaimo, expressed concern regarding the development blocking the ocean view which would devalue her property.

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

No one wished to speak regarding Rezoning Application No. RA455 - 5378 Rutherford Road.

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

No one wished to speak regarding Rezoning Application No. RA455 - 5378 Rutherford Road.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA455 - 5378 Rutherford Road.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA455 - 5378 Rutherford Road be closed at 8:28 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.203” (To rezone 5378 Rutherford Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass third reading. The motion carried unanimously.

Councillor Brown re-entered the Shaw auditorium at 8:29 p.m.

6. PUBLIC HEARING FOR REZONING APPLICATION NO. RA475 - 444, 450, 500 COMOX ROAD, 55 MILL STREET, and 1 TERMINAL AVENUE, LAND USE CONTRACT DISCHARGE BYLAW 7355 AND ZONING AMENDMENT BYLAW 4500.204

(a) Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

Mayor Krog called the Public Hearing to order at 8:29 p.m.

Introduced by Caleb Horn, Planner, Current Planning. He noted that eleven (11) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

1. Frank D'Ambrosio, Victoria, spoke regarding the application. Highlights included:
 - The proposed development is on a prominent site deserving of a landmark plan, and is consistent with the City's land use plan and objectives
 - Worked with City Staff on the dedication of waterfront parkland space, shore line creation and restoration, public pathway and accessibility
 - Significant community amenity contribution is proposed
 - The hotel is included in one of the first phases of the development and will generate economic activity downtown
 - Detailed plans will be developed for each phase of the project and each will have its own design and consultation process

2. Deane Strongitharm, Victoria, spoke via Zoom. Highlights included:

- Conducted archaeological impact assessment of the site, which included obtaining permits from the Province and notification to Snuneymuxw First Nation (SFN)
- Archaeologist's report outlined all of the required steps and procedures to follow to ensure compliance with regulations
- Notification had been sent to SFN and no response had been received
- River restoration has been addressed with the City, consulting biologists and landscape architects
- Met with SFN representatives and SFN did not convey opposition to the development
- Believe that the proposed development would be a significant asset to the community

Mayor Krog called for submissions from the Public:

1. Chris Dubinsky, Nanaimo, spoke in opposition, stating concerns for those being displaced by the development. He spoke regarding the unaffordability of the high cost of rent, and he would like reassurance that there will be something available for those residents.
2. Greg Klein, Nanaimo, spoke in opposition, and expressed concerns regarding increased density, increase in rent and purchase prices beyond what people can afford, Nanaimo's low vacancy rate, and apartment style condos being marketed as investments to out-of-town buyers.
3. Wendy Payne, Nanaimo, spoke in opposition, stating concerns regarding significant increase in rent prices in the area.
4. Eric (last name was not stated), Nanaimo, spoke in opposition, stating concerns regarding the effect of big buildings on mental health, lack of parking at Maffeo Sutton Park, lack of areas to accommodate dogs, high density and requested that Council defer consideration of the bylaw to allow for more public consultation.
5. Greg Klein, Nanaimo, spoke for a second time, in opposition, stating concerns regarding the environmental impact, and that there has not been enough attention towards the impact this application will have on traffic and City services.
6. Bill Manners, Nanaimo, spoke via telephone, in favour, stating there is a need for a hotel in downtown Nanaimo and that downtown Nanaimo should be a focal point of the city.
7. Amish Kia, Nanaimo, spoke in favour, and spoke regarding the increase in housing prices and stated concerns for students having a place to live while attending university. He expressed that Nanaimo is underdeveloped and there is a need for downtown to grow in density.

8. Matt McMaster, Nanaimo, spoke via telephone, in favour, and expressed support for development in this area as it is focal point for downtown Nanaimo. He spoke regarding the allowances for park land and road dedication, and that it is a great addition for active transportation connections.

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

No one wished to speak regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

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

No one wished to speak regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue,

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue be closed at 9:05 p.m.

It was moved and seconded that Council defer consideration of “Land Use Contract Discharge Bylaw 2022 No. 7355” (to discharge an existing Land Use Contract from the property title of 500 Comox Road) until the next available Council Meeting. The motion carried.

Opposed: Councillors Brown and Turley

It was moved and seconded that Council defer consideration of “Zoning Amendment Bylaw 2022 No. 4500.204” (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) until the next available Council Meeting. The motion carried.

Opposed: Councillors Brown and Turley

Council recessed the Special Council (Public Hearing) at 9:13 p.m.
Council reconvened the Special Council (Public Hearing) at 9:25 p.m.

7. PUBLIC HEARING FOR REZONING APPLICATION NO. RA476 AND RA480 - 560, 604 FOURTH STREET, AND 361 HOWARD AVENUE - ZONING AMENDMENT BYLAW 4500.202

- (a) Rezoning Application No. RA476 and RA480 - 560, 604 Fourth Street, and 361 Howard Avenue

Mayor Krog called the Public Hearing to order at 9:26 p.m.

Introduced by Caleb Horn, Planner, Current Planning. He noted that twenty-six (26) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

Councillor Armstrong disconnected from the meeting at 9:28 p.m.

1. Marc MacCaull, spoke regarding the application. Highlights included:

- Strand Development is a family-owned developer, based in Vancouver with more than 40 years of experience
- The proposal is a result of many discussions with Council, City Staff and community members
- Development plans for this site include family oriented townhomes
- This project is ideally situated to serve both future residents and current neighbours
- Proposed development includes 168 family sized homes, all with a two-car garage, balcony and yard
- An amenity building, and park with children's play area will also be provided
- Improvements such as additional parking, bike lanes, sidewalks will be provided with the new road connection

Mayor Krog called for submissions from the Public:

1. Adrienne Iverson, Nanaimo, spoke in favour, stating that the Harewood neighbourhood has grown increasingly unaffordable, and this project will bring in homes at an attainable price point. Development is geared to young families and is in a desired location in close proximity to the University, schools, University Village Mall and Downtown Nanaimo. She added that the nearby amenities are in walking distance, and the park will be a great addition.
2. Gavin (did not state last name), Nanaimo, spoke via telephone, in favour, and stated that it is difficult for young families to afford a home. The development is in a great location close to the University and schools and believes the sizable park in the plan would be highly used.

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

3. Marinus De Jong, Nanaimo, spoke via telephone, in opposition, and expressed concerns regarding the multifamily dwelling creating strain on the infrastructure in the area. He spoke regarding the difficulty with traffic specifically during school start and end times.

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

4. Travis Briggs, Nanaimo, spoke in favour, and spoke regarding the housing crisis and how this development provides a good middle ground between a townhome and a single family home. He added that this is needed and that the development would be good for the area.
5. Amish Kia, Nanaimo, spoke in opposition, and stated concerns for lack of guest and street parking, and the need for student housing specifically for that area. He proposed considering an apartment building with underground parking.
6. Christine Fernando, Nanaimo, spoke via telephone, in favour, stating that the development is a great addition to the Harewood neighbourhood. She spoke in support of the location, and increasing housing supply in the area.
7. Sean McIntock, Nanaimo, spoke in favour, stating that there is a need for diverse housing inventory in our community. He spoke regarding the development being a fantastic addition to the neighbourhood, and expressed support for the dedicated park, amenities, and location, which allows walkability to surrounding amenities.
8. Jesse Miller, Nanaimo, spoke in favour, and stated that due to housing affordability, this development is a good option moving forward.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA476 and RA480 - 560, 604 Fourth Street, and 361 Howard Avenue.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA476 and RA480 - 560, 604 Fourth Street, and 361 Howard Avenue be closed at 9:52 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.202” (to rezone 560, 604 Fourth Street and 361 Howard Avenue from Single Dwelling Residential [R1] and Community Service One [CS1] to Comprehensive Development District Zone Eleven [CD11] to facilitate a multi-family residential development) pass third reading. The motion carried unanimously.

8. ADJOURNMENT:

It was moved and seconded at 9:58 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-OCT-03, AT 5:00 P.M.

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

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
J. Van Horne, Director, Human Resources
T. Doyle, Fire Chief
L. Bhopalsingh, Director, Community Development
J. Holm, Director, Development Approvals
L. Mercer, Director, Finance (joined electronically)
C. Scholberg, Community Heritage Planner
T. Webb, Communications Consultant
S. Gurrie, Director, Legislative Services
N. Sponaule, Legislative Communications Clerk
A. Chanakos, Steno, Legislative Services
K. Lundgren, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

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

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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

Section 90(1) A part of 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:

- (c) labour relations or other employee relations;
- (d) the security of property of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

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

Community Charter Section 90(2):

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

The motion carried unanimously.

Council moved In Camera at 5:00 p.m.

Council moved out of In Camera at 6:19 p.m.

Council recessed the Open Meeting 6:19 p.m.

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

4. APPROVAL OF THE AGENDA:

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

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2022-SEP-08 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

The Mayor spoke regarding the 2022 Election on October 15, 2022. Highlights included:

- Voting will be open between 8:00 a.m. and 8:00 p.m. at the following locations:
 - Beban Park Social Centre
 - Chase River Elementary School
 - City of Nanaimo Service and Resource Centre
 - Dover Bay Secondary School
 - Nanaimo District Secondary School
 - Randerson Ridge Elementary School
 - Salvation Army Church
 - Uplands Park Elementary School
 - Wellington Secondary School
 - Woodlands Secondary School
- Protection Island Fire Hall voting location will be open from 10:00 a.m. to 6:00 p.m.
- You can also vote in advance polls on Wednesday October 5, 2022 and Wednesday October 12, 2022

- If you are not registered to vote, you may register at the time of voting at any of the voting locations
- He encouraged the community to take advantage of the opportunity to vote

8. DELEGATIONS:

(a) Vancouver Island Vocational and Rehabilitation Service (VIVRS)

Hannah Houle, VIVRS, spoke regarding Disability Employment Month and raising awareness on hiring people with diverse abilities. She provided an overview of the various services that VIVRS offers and encouraged anyone experiencing employment barriers to reach out.

(b) Island Roots Farmers' Market re: Support for Nanaimo's Year Round Farmers' Market

Ben Glassen, Vice President, Island Roots Farmers' Market, spoke regarding the market and partnering with the City of Nanaimo (the City) to help support local agriculture and meet the City's Official Community Plan (OCP) food security goals. He requested City support for the following:

- Permanent signage promoting the market on all main routes into Nanaimo
- Commitment to keeping market hours (Wednesdays from 3pm to 6pm)
- Painting of the centennial building
- Contingency plans be in place in case of extreme weather
- Reduced rent for the Centennial building

Bill Yarborough, Treasurer, Island Roots Farmers' Market, spoke regarding the market's expenses.

9. REPORTS:

(a) Property Tax Exemption Bylaw for 2023 Property Taxes

Introduced by Laura Mercer, Director, Finance.

Councillor Armstrong vacated the Shaw Auditorium at 7:28 p.m. declaring a conflict of interest as she sits on the Nexus Patient and Community Care Society Board.

Councillor Bonner vacated the Shaw Auditorium at 7:28 p.m. declaring a conflict of interest as he sits on the Makerspace Nanaimo Association Board.

It was moved and seconded that "Property Tax Exemption Bylaw, 2022 No. 7358" (a bylaw to exempt certain land and buildings from taxation) pass first reading. The motion carried unanimously.

It was moved and seconded that "Property Tax Exemption Bylaw, 2022 No. 7358" pass second reading. The motion carried unanimously.

It was moved and seconded that "Property Tax Exemption Bylaw, 2022 No. 7358" pass third reading. The motion carried unanimously.

Councillors Armstrong and Bonner re-entered the Shaw Auditorium at 7:31 p.m.

(b) Proposed Telecommunications Tower - 2365 Northfield Road

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

It was moved and seconded that Council direct Staff to provide a letter of concurrence to Innovation, Science and Economic Development Canada in response to a proposed 48m telecommunications facility at 2365 Northfield Road. The motion carried unanimously.

(c) Illegal Construction - 5 Durham Street

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

It was moved and seconded that That Council:

1. issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
3. direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.

The motion carried unanimously.

(d) Community Heritage Register Update

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

Chris Scholberg, Community Heritage Planner, provided Council with an overview of the Community Heritage Register document.

It was moved and seconded that Council adopt the amended Community Heritage Register, which includes the following building additions:

- Nanaimo Maternity Home (512 Albert Street)
- Priestley Residence (824 Fitzwilliam Street)
- Smith/Tait Residence (16 Irwin Street)
- Rogers/Violette Residence (368 Milton Street)
- Rosehill Street Residence (508 Rosehill Street)
- 105th Street Residence (2896 105th Street)

the following deletions:

- Franklyn Street Gymnasium (421 Franklyn Street)

and a number of minor text and photo edits.

The motion carried unanimously.

(e) Nanaimo Community Advisory Board on Homelessness

Dale Lindsay, General Manager, Development Services/Deputy CAO, suggested that Council defer the report until after the municipal election.

It was moved and seconded that Council defer the appointment of a Council representative as a non-voting member to the Nanaimo Reaching Home Community Advisory Board until after the 2022 Municipal Election. The motion carried unanimously.

(f) Housing Agreement Application No. HA9 - 3059 Glen Eagle Crescent

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO, and Jeremy Holm, Director, Development Approvals.

It was moved and seconded that "Housing Agreement Bylaw 2022 No. 7357" (To secure the terms and conditions of occupancy for a residential shelter at 3059 Glen Eagle Crescent) pass first reading. The motion carried unanimously.

It was moved and seconded that "Housing Agreement Bylaw 2022 No. 7357" pass second reading. The motion carried unanimously.

It was moved and seconded that "Housing Agreement Bylaw 2022 No. 7357" pass third reading and that "Council direct Staff to register a covenant to reinforce the terms of the Housing Agreement. The motion carried unanimously.

(g) Appointment of Bylaw Enforcement Officers

Introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

It was moved and seconded that Council appoint Kendra Franklin and Tomer Gerts as Bylaw Enforcement Officers to enforce the provisions of the City of Nanaimo "Animal Responsibility Bylaw 2021 No. 7316". The motion carried unanimously.

10. BYLAWS:

(a) "Zoning Amendment Bylaw 2021 No. 4500.193"

It was moved and seconded that "Zoning Amendment Bylaw 2021 No. 4500.193" (To rezone 456 Milton Street from R14 - Old City Low Density Fourplex Residential to R15 - Old City Medium Density Residential) be adopted. The motion carried unanimously.

(b) "Zoning Amendment Bylaw 2021 No. 4500.194"

It was moved and seconded that ""Zoning Amendment Bylaw 2021 No. 4500.194" (To permit a site-specific rezoning at 440 Kennedy Street in order to reduce the minimum lot size requirement in the R13 zone from 750m2 to 500m2 to facilitate a proposed boundary adjustment subdivision) be adopted. The motion carried unanimously.

(c) “Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353”

It was moved and seconded that “Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353” (To provide for the appointment of Officers and the Delegation of Authority) be adopted. The motion carried unanimously.

(c) “Appeals Procedure Bylaw, 2022 No. 7354”

It was moved and seconded that “Appeals Procedure Bylaw, 2022 No. 7354” (To establish the procedure for hearing appeals) be adopted. The motion carried unanimously.

11. OTHER BUSINESS:

Council received a petition from the residents of the Pacifica at 38 Front Street regarding the raised crosswalk on Front Street.

It was moved and seconded that Council direct Staff to prepare a report to the Finance and Audit Committee outlining ways the City can increase support for the Island Roots Farmers' Market. The motion carried.

Opposed: *Councillor Turley*

12. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

13. ADJOURNMENT:

It was moved and seconded at 7:56 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES

ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2022-JUN-22 AT 4:00 P.M.

Present: Councillor Z. Maartman, Chair (joined electronically)
A. Breen, At Large Member (joined electronically)
S. Cameron, At Large Member (joined electronically)
S. Hamel, At Large Member (joined electronically 5:06 p.m.)
D. Hollins, At Large Member (joined electronically)
J. Maffin, At Large Member (joined electronically)
R. Pike, At Large Member (joined electronically)
E. Williamson, At Large Member (joined electronically)

Absent: R. Harlow, At Large Member

Staff: L. Bhopalsingh, Director, Community Development
J. Van Horne, Director, Human Resources
L. Wark, Director, Recreation and Culture
L. Clarkson, Manager, Recreation Services
J. Rose, Manager, Transportation
D. Beck, Parks and Open Space Planner
K. Robertson, Deputy City Clerk
K. Gerard, Recording Secretary

1. CALL THE ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS MEETING TO ORDER:

The Advisory Committee on Accessibility and Inclusiveness Meeting was called to order at 4:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 8(a) - Lynn Wark, Director, Recreation and Culture, re: Mobi-Mat.

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 Advisory Committee on Accessibility and Inclusiveness Meeting held electronically on Wednesday, 2022-APR-27, at 4:01 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Wendy Hall, Chair, Central Island Community Council with Community Living British Columbia
-

Wendy Hall, Chair, Central Island Community Council with Community Living British Columbia (CLBC) and Rita Hall, Community Living BC, provided the Advisory Committee on Accessibility and Inclusiveness (the Committee) with a verbal presentation regarding the CLBC and the services they provide to the community. Highlights included:

- CLBC is funded through the Province of BC and support adults, 19 years and older, diagnosed with a development disability, Fetal Alcohol Spectrum Disorder or Autism Spectrum Disorder
- Staff meet once per month
- She invited any member of the Committee to join the meeting in September
- Ideas for the ACAI Committee to consider:
 - Washrooms with braille
 - Installation of more crosswalk signals that can be initiated by waving
 - Increase accessibility for parking and trails
 - Implementing a five year renewal for the Leisure Economic Access Pass (LEAP) program instead of annually
 - Ensuring sidewalks are wide enough for wheelchairs with no barriers (such as telephone polls and overhanging plants and shrubs)
 - Incentive or policies to ensure more new developments include accessible, inclusive and/or housing for low income families and individuals

Committee and Staff discussion took place regarding:

- Current work being completed for inclusive washrooms, the LEAP program, and accessible parking
- The Social Planning and Research Council of BC (SPARC) currently advocates for more accessible parking
- Reporting issues and concerns directly through the City of Nanaimo website using the online submission form
- Advocating for tiny homes and increasing the requirement for accessible and low income units in new developments
- Human Rights Tribunal and their influence over issues of accessibility and inclusiveness

Lisa Bhopalsingh, Director, Community Development, advised the Committee that Staff are currently conducting a family friendly, accessible and adaptable housing study with the goal of bringing forward a policy to Council to ensure developers include a certain amount of units in each new development as family friendly, accessible and/or adaptable. Staff are also looking at ways to incent private developers to increase the amount of units required that are family friendly, accessible and adaptable.

(b) "Off-Street Parking Regulations Bylaw 2018 No. 7266"

Jamie Rose, Manager, Transportation, provided a PowerPoint presentation regarding the "Off-Street Parking Regulations Bylaw 2018 No. 7266" (the Bylaw) for information. He advised the Committee that:

- There are provisions in the bylaw that require a certain width and depth of parking spaces and the number of stalls required for disability parking based on each individual building
- The language in the bylaw does leave room for interpretation
- Staff requested that Committee members review the Bylaw for a fulsome discussion at the next meeting of the Committee scheduled for 2022-SEP-07

(c) Transit Stop Accessibility Working Group Update

Jamie Rose, Manager, Transportation, provided a PowerPoint presentation regarding the Transit Stop Accessibility Working Group. He noted the following:

- Staff found that requirements for form and character between BC Transit, the Regional District of Nanaimo (RDN), and the City are similar in regards to space allocation, loading areas and sidewalk transitions for transit stops
- Staff and members of the Committee toured four bus stops in Nanaimo to ascertain accessibility and ease of movement for bus users
- Takeaways from the tour included old infrastructure, cluttered waiting areas, little room to load and unload for wheelchair users and safety concerns
- Transit stop locations that require improvements were included in the Allocation of Pedestrian Unallocated Funding brought forward to Council on 2022-JUN-20
- Staff are working with the RDN to prioritize bus stops that require improvements and remove barriers

Committee discussion took place. Highlights included:

- Communication to the public at bus stops should include transit contact information so riders can report issues and concerns
- Discussion on ways the City can influence or implement policies for parking requirements and standards for parking lots that are City owned and/or privately owned

Jamie Rose, Manager, Transportation, advised the Committee that Staff are able to ensure that parking meets the requirements stated in the Bylaw but have no mechanism in place to follow up to identify if the parking area has been changed and no longer meet the requirements. Mr. Rose suggested that members of the Committee and Staff conduct a detailed review of the Bylaw to see if minor amendments or changes need to be made.

6. DELEGATIONS:

- (a) Hannah Dudney, Master in Arts Student in Sustainable Leisure Management Program, Vancouver Island University

Hannah Dudney, provided a PowerPoint presentation regarding park crowding from the perspective of people with mobility related disabilities. She noted the following:

- The purpose of the study is to ensure accessible recreation for all community members by focusing on the perspective of park crowding from people who use a mobility device
- People with mobility disabilities are missing in tourism conversations and policies, outdoor recreation research and park crowding research
- The effects on someone with mobility issues can include ease of mobility, social experiences and accessibility ratings for parks and trails
- Seeking volunteers who uses mobility devices or have previously experienced park crowding, and willing to meet in June, July or August, to participate in her study

7. REPORTS:

(a) John Van Horne, Director, Human Resources, re: Gender Diversity and Inclusion Recommendations

John Van Horne, Director, Human Resources, provided a verbal update regarding the Gender Diversity and Inclusion Recommendations brought forward to Council at the 2022-JUN-20 Regular Council Meeting. Highlights included:

- The following motion was brought to the 2022-JUN-20 Regular Council Meeting and was approved by Council:

It was moved and seconded:

1. *That gender and diversity and inclusivity training be offered to Council and staff.*
 2. *That staff be directed to integrate gender inclusive and gender neutral language (where possible) in key communications and printed and electronic materials.*
 3. *That staff be encouraged to use personal pronouns, where staff are comfortable making the individual choice to do so.*
- The City is offering Equity, Diversity and Inclusion (EDI) training to all employees and other organizations that wish to participate
 - Messaging will be going out to City Staff regarding the motion, training and expectations
 - The goal is to create an environment where each Staff member is comfortable making decisions based on education and information

(b) Leisure Economic Access Pass (LEAP) Program - Proposed Changes Fall 2022

Introduced by Lynn Wark, Director, Recreation and Culture,

Laara Clarkson, Manager, Recreation Services, provided a review of the proposed changes to the LEAP program. Highlights included:

- Changes that have been implemented already include immediate approval for applicants who have already been approved through another level of government. These applicants will no longer have to show their Notice of Assessment and passes will be valid for two years instead of one
- If approved by Council at the 2022-JUL-04 Regular Council Meeting more changes will be implemented based on the recommendation included in the Staff report

Committee discussion took place regarding communication to the public, including non-profits in the marketing plan, and inclusion of people on the Canada Pension Plan Disability (CPPD) benefit.

S. Hamel joined the meeting electronically at 5:06 p.m.

It was moved and seconded that the Advisory Committee on Accessibility and Inclusiveness (ACAI) recommend that Council approve the additional LEAP program changes to allow applicants to demonstrate financial need through alternate methods of proof as described in the 2022-JUN-22 Staff report and allocate them a valid pass for two years, and endorse the revised policy as attached to the 2022-JUN-22 report by the Manager of Recreation Services. The motion carried unanimously.

8. OTHER BUSINESS:

(a) Lynn Wark, Director, Recreation Services, re: Mobi-Mat

Lynn Wark, Director, Recreation Services, advised the Committee that a Mobi-Mat was recently installed at Departure Bay Beach and is requesting that any member of the Committee who is in a wheelchair could meet with Staff to test the durability and accessibility of the mat.

9. QUESTION PERIOD:

No members of the public were in attendance to ask questions.

10. ADJOURNMENT:

It was moved and seconded at 5:12 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

DEPUTY CITY CLERK

MINUTES

ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2022-SEP-07 AT 4:04 P.M.

- Present: Councillor S. Armstrong, Chair
A. Breen, At Large Member (joined electronically)
S. Cameron, At Large Member (joined electronically)
S. Hamel, At Large Member (joined electronically 4:05 pm)
J. Maffin, At Large Member (joined electronically)
R. Pike, At Large Member (joined electronically)
E. Williamson, At Large Member (joined electronically)
- Absent: Councillor Z. Maartman
R. Harlow, At Large Member
D. Hollins, At Large Member
T. Davenock, At Large Member
- Staff: B. Sims, General Manager, Engineering and Public Works
L. Wark, Director, Recreation and Culture
L. Brinkman, Manager, Community planning
L. Clarkson, Manager, Recreation Services
B. Thomas, Assistant Manager, Transportation
K. Robertson, Deputy City Clerk
A. Mac Coll, Recording Secretary

1. CALL THE ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS MEETING TO ORDER:

The Advisory Committee on Accessibility and Inclusiveness Meeting was called to order at 4:04 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 Advisory Committee on Accessibility and Inclusiveness Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2022-JUN-22 at 4:00 p.m. be adopted as circulated. The motion carried unanimously.

S. Hamel joined the meeting electronically at 4:05 p.m.

4. PRESENTATIONS:

(a) Housing Needs Assessment 2022

Introduced by Lisa Brinkman, Manager, Community Planning noted that the presenter plans to gather input from the Advisory Committee on Accessibility and Inclusiveness (the Committee) after the presentation and that data and information collected from the Committee will inform future projects for family friendly housing to encourage the appropriate types of housing needed in Nanaimo.

Presentation:

1. Hollie McKeil, Senior Community Planner, RPP, MCIP, City Spaces Consultant.
Highlights included:

- The Housing Needs Report project (the project) now follows legislation that requires municipalities to write a report every 5 years to help understand the following:
 - current housing needs;
 - future housing needs;
 - identify current issues and gaps in housing and what is working well;
 - understanding who is disproportionately affected by the housing gaps; and,
 - how the housing is meeting peoples needs who are disproportionately affected
- Phase 1 of the project involved collecting data, research and engagement planning
- The Committee is the first group the project has come to for community engagement for the start of Phase 2
- There are plans to meet with local groups, service providers, non-profit housing providers, property managers, developers, indigenous organizations, land-based first nations, and people with lived experience with homelessness and low housing security
- Census data, released at the end of September 2022, will be used in the housing needs assessment and the project
- The housing benchmark price has doubled across most housing forms in Nanaimo
- The housing cost increase in Nanaimo has risen faster than current incomes in Nanaimo
- There has been a 38% increase in rent over the last ten years in purpose built rentals, which does not include secondary market rentals (secondary suites and rented condominiums)
- Rent control in BC coupled with long-term tenancy does not accurately show what the actual rental prices currently are and the 38% increase in rent would actually be higher
- Currently on third party rental trackers online (ex: Zumper) a 1 bedroom in Nanaimo would cost an average of \$1,600 a month
- Low vacancy rates result in higher rental prices
- A healthy vacancy rate is 3%, and Nanaimo has not been at a healthy vacancy rate since 2014

- In 2016, 14% of all households in Nanaimo were experiencing a core housing need such as unaffordable, unsuitable or inadequate housing situations
- Over half of renters are unable to find affordable housing
- 32% of all renters in Nanaimo are in some form of a core housing need and the following are those at higher risk:
 - lone parent families
 - single persons
 - young adults (15-24)
 - seniors
 - indigenous households
 - recent immigrants
 - those who are differently abled
- In 2021, there was a minimum of 433 people experiencing homelessness in Nanaimo which does not include periodic, episodic, or transitional homelessness

Committee and Staff discussion took place. Highlights included:

- Housing prices have dropped recently and updated data is important to be done throughout the project as things change in the housing and rental market
- Numbers in the presentation are from the yearly Real Estate Board Report
- Persons with Disabilities (PWD) assistance families who rent have an extremely low income, and additionally have needs for accessible housing leaving this group with a lack of safety in the few available units
- The ability to find rentals if medical equipment is needed by the a renter is very sparse
- Those who are under housed living in vehicles, couch surfing, and RV's struggle in the winter and are not counted when assessing the homeless population in Nanaimo
- Shelter on PWD is \$375 per month and many are unable to pay to rent a bedroom
- Those needing 24 hour care, or care support in general, cannot find rentals that are affordable that meet their needs
- Suites and rental homes that are accessible to handy darts and transportation are needed
- Market housing, which is generally \$1200 a month, is too high even when using the safer ceiling subsidy of \$298 a month
- Anyone on PWD assistance is not eligible for other rental subsidies
- City Council is going to UBCM and is putting forward a motion regarding affordable housing as well as issues regarding housing in general
- Intersectionality and lack of privileges from different communities, including marginalization, has impacted those who are a part of the LGBT2QS+ community
- Covert transphobia (anti trans bias), discrimination to queers, and discrimination of queer youth, hinders these members of our community from receiving employment and housing opportunities
- Seniors are not leaving their large single family homes as the seniors' housing being built is not level entry and apartments are not appealing to them
- Renters and landlord rights need to be balanced to ensure landlords are putting their empty homes or suites on the market

- In 1990, there were only 3 places listed to rent in Nanaimo, with prices being 60% of peoples' income
- Noise is a consideration with families and children with autism when finding a suitable rental space, including street noise, animals, etc.
- Children with autism can be loud when transitioned from their home environment or having a hard day and can cause conflict when others live below them or in apartment buildings
- Sound quality in construction needs to be elevated to match apartment buildings in European countries, that seem to have higher standards of sound quality
- There is a large need for 3 bedroom apartments for families

5. REPORTS:

(a) Transit Stop Accessibility

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

Barbara Thomas, Assistant Manager, Transportation spoke regarding transit stop accessibility. Highlights included:

- The Transit Stop Accessibility working group (the Working Group) has met four times in 2022
- The Working Group provided recommendations to the Committee and is seeking support for these recommendations to go to Council
- Site visits to bus stops around the City of Nanaimo (the City) were done when researching best practices for Nanaimo transit stops
- Research was conducted on the routes currently used at the transit stops in Nanaimo, around the Province, and the Federal Transportation Association of Canada's guidelines regarding best practices
- The transit stops accessibility improvements fell into the following three categories:
 - visibility of transit stops
 - information available at transit stops
 - consistency of engineering design standards
- Visibility of transit stops requires adequate street lighting and lighting of shelters, way finding with visual cues and signage, and tactile and visual media near shelter
- Information available at transit stops requires online information regarding which bus stops are fully accessible, signage at bus stops to indicate the stop is an accessible location, and tactile information panels with phone numbers and scheduling information in braille
- Consistency of engineering design standards for shelter locations, sidewalk width, crosswalks, bike yield to pedestrian signage, bollards, and tactile warning surface indicators
- Using best practices and implementing improvements at the transit stops will be easier at new stops and will be harder to implement retrofits at current transit stops
- Education is needed for bus operators to ensure they understand how the accessible transit stops work

It was moved and seconded that the Advisory Committee on Accessibility and Inclusiveness support the findings of the Transit Stop Accessibility Working Group and recommend that Council direct staff to:

- Update the City of Nanaimo's existing best practices for Complete Streets to consider the findings of the Transit Stop Accessibility Working Group;
- Develop an internal process to retrofit existing transit stops while consulting appropriate stakeholders; and,
- Work with the Advisory Committee on Accessibility and Inclusiveness members to determine and implement appropriate accessibility upgrades at existing transit stops.

The motion carried unanimously.

(b) Committee Acknowledgement and Thanks

Lynn Wark, Director, Recreation & Culture spoke regarding the accomplishments of the Committee.

Committee and Staff discussion took place. Highlights included:

- Ongoing participation from the Committee for the REIMAGINE Nanaimo process resulted in the City Plan
- The LEAP program review was successfully completed and the changes are currently being implemented as recommended by the Committee
- The Maffeo Sutton Inclusive Playground site visit and feedback from the Committee on Phase 1 of the project has been taken into account for Phase 2 of the project
- The Gender Diversity and Inclusion recommendations were completed and passed by Council
- The Nanaimo Aquatic Centre (NAC) water feature plan was reviewed by some Committee members which will replace the current boat at NAC
- The Beban Pool accessibility audit was done with help from Committee members
- The Outdoor Learning Centre design proposed for the Beban Social Centre was reviewed by Committee members for inclusion and accessibility
- The completion of the Departure Bay accessible matt
- Staff acknowledged the work completed by the Committee and co-chairs, and thanked them for their service

6. QUESTION PERIOD:

The Committee received no questions from the public regarding agenda items

7. ADJOURNMENT:

It was moved and seconded at 4:56 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

DEPUTY CITY CLERK

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2022-SEP-26, AT 1:00 P.M.

Present: Acting Mayor, Chair Bonner
Mayor L. Krog
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht not here
Councillor E. Hemmens (joined electronically)
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (arrived 1:02 p.m.)

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer
R. Harding, General Manager, Parks Recreation and Culture
B. Sims, General Manager, Engineering and Public Works
B. Corsan, Director, Corporate and Business Development
J. Elliot, Director, Public Works
J. Holm, Director, Development Approvals
P. Rosen, Director, Engineering
L. Rowett, Manager, Current Planning
T. Lee, Real Estate Technician, Corporate and Business Development
K. Mayes, Planner, Current Planning
C. Wood, Social Planner, Community Planning
S. Gurrie, Director, Legislative Services
A. Chanakos, Steno, Legislative Services
A. Mac Coll, 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 Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2022-JUN-27 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

J. Turley entered the Shaw Auditorium at 1:02 p.m.

4. REPORTS:

(a) COMMUNITY WELLNESS/LIVABILITY:

1. Street Entertainment Regulations

Introduced by Dale Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer.

Presentation:

1. Kristine Mayes, Planner, Current Planning and Teresa Lee, Real Estate Technician, Corporate & Business Development, provided a PowerPoint presentation. Highlights included:

- 2021-FEB-08 Street Entertainers Regulations were put forward by the Governance and Priorities Committee (The Committee) with an invitation to downtown local businesses to present and discuss concerns with the regulations for improvements regarding outdoor live music and entertainment
- Staff found that regulating outdoor entertainment is beyond the scope of the Street Entertainers Bylaw and it is regulated by the City's Zoning and Noise Control Bylaws
- The City's plan supports a thriving and creative downtown

Staff and Committee discussion took place. Highlights included:

- The allowable noise regarding WorksafeBC for employees working in the vicinity of the entertainment and noise
- Calculation of decibels and consideration of the distance from where decibels could be measured
- Unsophisticated sound equipment is used by municipalities, and it cannot distinguish where the differing sounds come from
- Expert opinions would be needed on what type of equipment would be capable of testing decibels and the ability to distinguish the sounds
- The City has good neighbour agreements as part of the liquor primary licence with local establishments which generally mention noise control and oversee the actions of their patrons

Delegations:

1. Kim Smythe, Chair, Downtown Business Association, & CEO, Greater Nanaimo Chamber of Commerce, spoke regarding the Business Improvement Area (BIA) downtown now entering their second year of operations, and soon they will be taking over the management of Diana Krall plaza to actively promote this area as a center for all organizations who would like to provide live entertainment and

activities. The Street Entertainment Regulations' recommendations should remain the way they are today as it is viewed to be the most positive way forward for the businesses downtown. Cultural and entertainment activities would remain downtown while supporting the evolution of live entertainment if the regulations remain the same.

Committee discussion took place regarding testing of the sound decibels of events downtown by the Downtown Business Association and the Greater Nanaimo Chamber of Commerce

2. Nathan Randall, Owner of Sound Heritage at 33 Victoria Crescent spoke regarding being an associate of the Victoria Crescent Association and how the City Plan was strongly supported by Sound Heritage, who is actively contributing to a thriving creative downtown through the live music events that they facilitate. The backyard of Sound Heritage is a prime property to facilitate events like "Backyard Fest" which is a two day community music festival that they organize. Sound Heritage is actively investing and pursuing grant opportunities to improve the backyard to be a family friendly safe space for music, arts and culture in the downtown area as it is a great space to facilitate events. The previous owner of Sound heritage had noise complaints when putting on events on the property, and the business would like to work collaboratively with City Bylaw Services and neighbours to host events and comply with the noise bylaw standards. Sound Heritage is open to conversations and solutions to allow for vibrant outdoor music events that enrich, not disturb the quality of life downtown.

Committee discussion took place. Highlights included:

- Positive relationships with neighbouring businesses and residents of Victoria Crescent with no current Good Neighbourhood Agreement in place at this time
- Noise complaints will always be received by the City no matter the actual decibel of the sound
- Recommendations for citizens or organizations running events for the amplified acoustic music regarding settings of decibels
- Majority of large events are approved through special event licensing and coordinated by Staff
- Complaints during Covid-19 from Pacifica initially generated the discussion
- Design guidelines and considerations for new apartments buildings downtown to improve sound quality
- As design guidelines improve for energy efficiency, the sound quality will also improve
- A Qualified Sound Technician could be added to the regulation or bylaw to help control the noise level and quality of sound

2. Affordable Housing Projects 2023

Introduced by Dale Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer.

- In June, 2022 Staff presented to the Governance and Priorities Committee regarding the affordable housing strategy and the current work being done
- The nine items brought forward to the Committee in June were to form the work plan regarding the affordable housing strategy for 2023, and it was ratified and brought forward to Council for consideration
- In July 2022, the motion brought forward from the Committee to Council was included in the consent items on the agenda and a subsequent motion was made and referred back to the Committee for discussion
- The nine items listed in the report are not in priority ranking

Committee and Staff discussion took place. Highlights included:

- Table 1 (c) in the Affordable Housing Projects 2023 report should have community consultation done sooner in the process and is an integral part of Staff's process for all nine items listed in the report with further discussion being required
- The intent of Item C was to pre-zone lands for supportive and affordable housing
- Density and affordable housing had additional consultation with the community through the REIMAGINE Nanaimo City Plan process

It was moved and seconded that the Governance and Priorities Committee recommend that Council endorse the Staff recommended projects for 2023 to support and increase affordable housing in the City of Nanaimo as presented in the report dated 2022-JUN-27 by Christy Wood, Social Planner and Lisa Brinkman, Manager of Community Planning, with a prioritization of items A and C in the 2022-SEP-26 report Table 1 - Proposed Projects to Promote Affordable Housing in Nanaimo. The motion carried unanimously.

Committee discussion took place. Highlights included:

- Prioritization of Items A and C in the 2022-SEP-26 report Table 1 - Proposed Projects to Promote Affordable Housing in Nanaimo has been mentioned by the development community and housing advocates to be important
- Item E regarding tenant relocation is related to the tenancy branch and should be funded by the Province and not local municipalities
- Item E in the work plan is to allow Staff opportunity to research what possibilities there are in regards to the Province and their requirements and what other municipalities are doing in B.C. for relocation of tenants
- Explore options to implement Phase 2 housing with BC Housing to help move individuals that no longer need 24/7 supports on to a new location to open up spots for those who do need 24/7 support

- Offering vacant city owned land for developers to build affordable housing for the City in exchange for additional height or floors to their current proposed development

5. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

6. ADJOURNMENT:

It was moved and seconded at 1:56 p.m. that the meeting be adjourned. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES
ENVIRONMENT COMMITTEE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET
WEDNESDAY, 2022-SEP-28, AT 5:02 P.M.

Present: Councillor B. Geselbracht, Chair
Councillor D. Bonner (joined electronically)
L. Frey, At Large Member (joined electronically)
J. Lesemann, At Large Member (joined electronically)
L. McCunn, At Large Member (joined electronically)

Absent: D. Chen, At Large Member
E. Boulanger, At Large Member
H. DesRoches, At Large Member
W. Wells, At Large Member

Staff: L. Bhopalsingh, Director, Community Development
J. Holm, Director, Development Approvals
T. Pan, Manager, Sustainability
D. Stewart, Environmental Planner (joined electronically)
S. Gurrie, Director, Legislative Services
K. Lundgren, Recording Secretary

1. CALL THE ENVIRONMENT COMMITTEE MEETING TO ORDER:

The Environment Committee Meeting was called to order at 5:02 p.m.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Environment Committee meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, Wednesday, 2022-JUL-27 at 5:00 p.m. be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) Review of the Environment Committee's Work and Accomplishments

Introduced by Lisa Bhopalsingh, Director, Community Development.

Presentation:

1. David Stewart, Environmental Planner, provided a PowerPoint presentation outlining the accomplishments of the Environment Committee (Committee) over the last term. Highlights included:
 - The first Committee meeting was held on October 16, 2019
 - The Committee provided support for over 15 environmental projects
 - A significant project that the Committee provided input on was the City Plan: Nanaimo Reimagined; 18 Committee motions guided the City Plan policies
 - The Doughnut Economic Framework Model was presented to the Committee at the 2020-NOV-04 meeting and adopted by Council on 2022-DEC-14
 - The Committee provided input on Development Permit Area 1 (DPA1) and Environmentally Sensitive Areas (ESA)
 - There have been community engagement and outreach programs such as the Nanaimo Night Market and Cool It! Program
 - Agents of Change Project, tentatively titled “Acting for Climate Together (ACT)”, is set to launch in October
 - Provided an overview of some upcoming and past environmental events including Rivers Day, Bike Film Festival, Fall GoByBike Weeks, Earth Day, and Sustainability event
 - The City of Nanaimo and the Regional District of Nanaimo (RDN) are participating in the Agents of Change program, and Staff are seeking input from the Committee on the name for the program

Committee discussion took place regarding the naming of the Agents of Change program and support was expressed for the names “Acting for Climate Together (ACT)” and “Communities for Climate (C4C)”.

David Stewart, Environmental Planner, continued the presentation and spoke regarding the Community Watershed Restoration Grant Program. Highlights included:

- The Committee reviewed and supported the grant guidelines and criteria
- The grant application closes on 2022-OCT-17 and will be awarded in early 2023

Committee and Staff discussion took place. Highlights included:

- An update on the status of the Nanaimo Waterfront Walkway Project
 - Council has given Staff direction to move forward with the project; however, there are complexities such as cost
 - Some of the next steps include navigating archeological and environmental concerns
- Cool It! Program received approval from School Board to conduct the survey

5. REPORTS:

(a) Feedback re: Future Committee Operations

Councillor Geselbracht requested feedback regarding the Committee structure over the term.

Committee discussion took place. Highlights included:

- Addressing how the action items coming out of the Official Community Plan (OCP) will be implemented
- Increasing the number of members on the Committee to better represent the broader community
- Having a strategic approach to addressing the OCP action items
- Would like to see the next committee go through the list of action items and establish a priority list; otherwise, there is a risk that the more difficult actions do not get addressed, and often the more difficult actions potentially have the greatest impact
- At times, some of the topics discussed at the Committee meetings were slightly too technical for all the members to contribute
- The number of committee members diminishing throughout the term, and discussions become more difficult with a smaller, less well-rounded group
- Some projects may require less technical expertise and more expertise related to community engagement
- This Committee has served a strong function in initiating different actions and policy movements
- Assumption at the start of the term that the Committee would be dealing with actions/measurements; however, the focus has been on broader frameworks; addressing actions is now just starting to come to fruition
- Since the City Plan is meant to be integrated, the Committee meetings should be integrated as well, for example having collaboration between the different committees as opposed to keeping them separate
- Committee structures need to reflect integration and coherence, and that discussion will need to be had by the upcoming Council
- The Chairs expressed thanks to both the Committee members and Staff who have been involved

6. QUESTION PERIOD:

The Committee received no questions from the public regarding agenda items.

7. ADJOURNMENT:

It was moved and seconded at 5:54 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

Please click on the link below to access the agenda for the 2022-SEP-26 Governance and Priorities Committee Meeting.

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=4622ddb0-eb1a-4634-ac7d-06f1c5685c2c&Agenda=Agenda&lang=English>

Delegation Request

Delegation's Information:

Dave Hammond has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2022-OCT-24

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:

To thank Council for their service.

From: [Yan Bernier](#)
To: [Legislative Service Office](#)
Cc: [Dave LaBerge](#); [Cheryl Kuczerski](#); [Gabriela Reinhold](#); [Sheila Gurrie](#)
Subject: 5 Durham Street, file #469764
Date: Sunday, October 16, 2022 1:01:20 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Sheila Gurrie,

I received your letter dated October 5, 2022 and hand delivered on Thursday October 6, 2022. This letter was unsealed, did not contain a certified copy of the Council Resolutions, nor was a carbon copy delivered to my appointed agent, Gabriela Reinhold, as was stated as having been done in said letter.

I wish to request a reconsideration from the Council in regards to the resolutions passed in the October 3rd meeting as:

1. Even though both myself and Gabriela Reinhold were summoned and spoke with several people about attending the Council meeting on October 3, 2022, nobody ever advised either of us orally or in writing that she had to pre-register to speak at this meeting. She in fact was present and ready to speak requesting, among other things, an extension of the date of the remedial action deadline.
2. We have a letter from an engineer stating that all additions are safe albeit not to code, which we submitted to Lindsay Fitzgerald sometime in 2020, a few months before our original building permit application.
3. We have been working on obtaining a building permit but the requirements keep getting changed as soon as we meet the previous requirements.

We have reapplied for a building permit and have the word of both the designer and the surveyor that they can get the additions that were requested to us in about 2 weeks. I do not know how much time that it will take internally, on the City's behalf, to issue the building permit assuming that all requirements are met this time.

We hence ask for an extension of 60 to 90 days please to give us time to get a building permit in place.

If you have any questions or need more information, feel free to contact my appointed agent, Gabriela Reinhold at [REDACTED]

Thank you in advance for your consideration.

Best regards,
Yan Bernier.



Sender notified by
[Mailtrack](#)

DELIVERED TO BROTHAN
LEX BERNIER
2022/10/06 8:10 AM



TERRY KNOWLES

*47100

October 5, 2022

File No: 469764

HAND DELIVERED

Mr. Yan Reinhold Bernier
5 Durham Street Nanaimo, BC V9R 1V4

Re: Illegal Construction – 5 Durham Street

We are writing to you as the sole registered owner of the property located at 5 Durham Street and legally described as:

PID: 007-348-177, [Lot 12, Block 2, Section 1, Nanaimo District, Plan 1476] (the "Property")

The purpose of this letter is to advise you that City of Nanaimo Council adopted a resolution imposing a remedial action requirement on you in relation to the Property at its October 3, 2022 Special Council meeting. A certified copy of that resolution is enclosed.

The effect of the resolution is that the Property at the above noted address has been declared to be in violation of Section 6.1 of the City's Building Bylaw, pursuant to Sections 72, 73 and 74 of the *Community Charter*.

The remedial action requirement that Council has imposed requires you to remove the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection within 30 days of receiving notice of this requirement under Section 77 of *Community Charter* (the "Remedial Action Requirement") at your expense.

Pursuant to s. 78 of the *Community Charter* you are entitled to request that Council reconsider the remedial action requirement. If you wish to request reconsideration, you must do so by giving written notice to Council by submitting a letter to City Hall at 455 Wallace Street, Nanaimo, BC V9R 5J6, or via email at legislative.servicesoffice@nanaimo.ca within fourteen days after this notice has been delivered to you.

If you do not request reconsideration from Council and you fail to fulfill the remedial action requirement within the time limit set, s. 17 of the *Community Charter* authorizes the City to enter the Property and undertake any or all of the actions required by the remedial action requirement at your expense. Methods of recovery may include adding the cost of carrying out the Remedial Action Requirement to the taxes for the subject property.

A request for reconsideration to Council can be addressed to:

Sheila Gurrie, Director of Legislative Services
City of Nanaimo
455 Wallace Street,
Nanaimo, BC V9R 5J6

Sincerely,



Karen Robertson,
Deputy City Clerk

cc: Dave LaBerge, Manager, Bylaw Services (via email)
Sheila Gurrie, Director of Legislative Services (via email)
Cheryl Kuczerski, Supervisor/Sr. Bylaw Enforcement Officer (via email)
Gabriela Reinhold – appointed agent (hand delivered)

Encls:

Certified Council Resolution dated October 4, 2022



October 5, 2022

File No. 469764

CERTIFIED RESOLUTION

That Council:

- 1. Issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73, and 74 of the *Community Charter*.**
- 2. Direct staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and**
- 3. Direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.**

I hereby certify this to be a true and correct copy of a resolution passed by Municipal Council at its October 3, 2022 Regular Meeting.

Karen Robertson
Deputy City Clerk

DATED at Nanaimo, this 4th day of October, 2022

DATE OF MEETING OCTOBER 3, 2022

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL CONSTRUCTION – 5 DURHAM STREET

OVERVIEW

Purpose of Report

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

Recommendation

That Council:

1. issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
3. direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.

BACKGROUND

A building inspector attended to the property at 5 Durham Street on 2020-AUG-13 in response to a complaint that construction was taking place without a building permit.

The inspector observed a newly constructed front entry deck with an open frame timber structure and stairs which were built without compliant foundation and framing materials. A carport cover which also served as a second floor deck was under construction which was found not to be installed on proper foundations. The homeowner was not present, so a Stop Work Order was posted on the property.

A second inspection was conducted on 2020-AUG-20, at which time the homeowner provided access to the second floor addition. Access to the second floor room was found to be through a non-code compliant stairway to an under-height attic area. A new room addition and two piece washroom had been installed.

All of the described work had been completed without a building permit or required inspections. The building inspector found numerous, significant building code and safety contraventions.

On 2021-MAR-18, Council passed a resolution to register a Bylaw Contravention Notice on the property title pursuant to Section 57 of the *Community Charter*, and the matter was referred to

the Bylaw Department for enforcement action. In the interim, the Building Department communicated extensively with the property owner providing details of information required to submit a building permit. The owners submitted a permit application that was substantially incomplete, so no permit was ever issued.

A bylaw officer attempted to contact the owners repeatedly by phone, letter and through attendance at the property, but no contact was ever made, and all correspondences were unanswered until notice was sent advising that the matter would be referred to Council to consider a remedial action order.

DISCUSSION

The construction was completed without a permit, is uninspected, and does not conform to building code requirements.

The Building Department has communicated repeatedly with the property owner over several years, providing information on the requirements of a building permit application. The application which was conditionally received on 2021-AUG-15 was incomplete and could not be processed. The building department subsequently provided the property owner with a detailed letter outlining the requirements to bring the construction into compliance. No response was received and the permit application was closed.

The property owner submitted another building permit application on 2022-SEP-21. The Building Department has reviewed the application and found it to once again be incomplete. Another letter has been sent to the property owner detailing what documents and information will be required to process the application and to issue a building permit.

More than two years have elapsed since the Stop Work Order was posted for construction that was completed without a permit.

Timeline Summary

- 13 AUG 2020 – Stop Work Order issued
- 18 SEP 2020 – owner notified of requirements to bring construction into compliance
- 18 MAR 2021 – notice placed on property title of building contraventions
- 15 AUG 2021 – owner submitted incomplete application for a building permit. Building Department provided written direction of requirements. File closed when no further submission received.
- 13 JUN 2022 – Matter forwarded to Bylaw Department for enforcement action
- 27 JUL 2022 – letter sent to owner advising matter would go to Council for consideration of remedial action after communications went unanswered
- 21 SEP 2022 – owner submitted incomplete application for a building permit. Building Department has provided further direction in writing.

The property owner has the options of obtaining a building permit and undertaking work to bring the construction into compliance or to remove the structures. The construction deficiencies were identified in August 2020 and have not been rectified. The remaining alternative is a Remedial Action Order to remove front entry deck, rear carport and second floor additions.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 5 Durham Street pursuant to Sections 72, 73 and 74 of the *Community Charter*;
 2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
 3. direct that the remedial action consist of removing the front entry deck, rear carport and second floor rooms and washrooms which have been constructed without a permit or inspection.
2. That Council provide alternative direction. |

SUMMARY POINTS

- A front entry structure, carport and second floor addition was constructed at 5 Durham Street without a permit or inspection.
- Inspections determined that the construction was in contravention of building codes.
- The property owner was directed to obtain a building permit and complete necessary work to bring the property into compliance, or to remove the illegal construction.
- The property owner had not obtained a building permit in the two years after being informed of the contraventions. A new application was submitted by the property owner on 2022-SEP-21.
- Consideration of a Remedial Action Order to remove the illegal construction is recommended.

ATTACHMENTS:

- ATTACHMENT A – Photographs of construction at 5 Durham Street |

Submitted by:

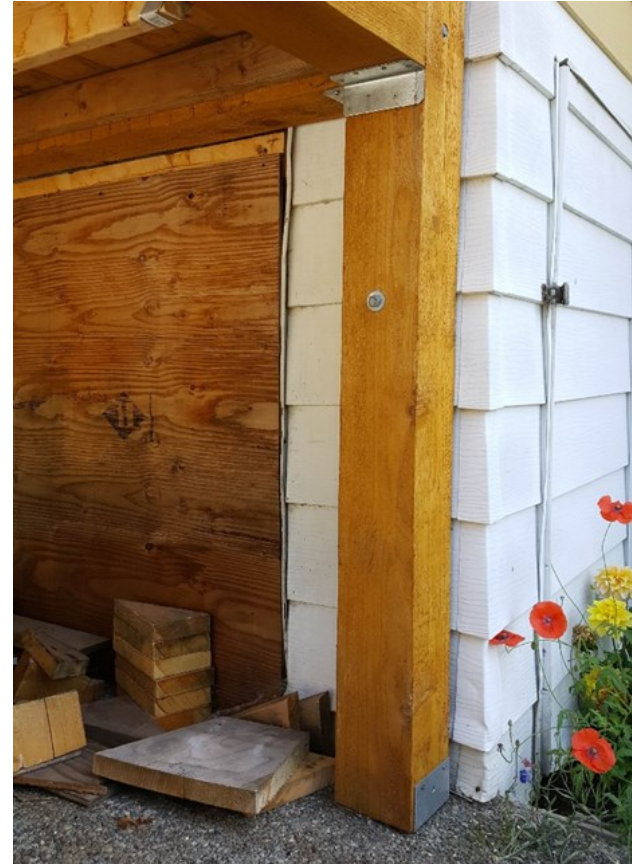
Dave LaBerge
Manager, Bylaw Services |

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO |

ATTACHMENT A

SITE PHOTOS—5 DURHAM STREET



ATTACHMENT A

SITE PHOTOS—5 DURHAM STREET



DATE OF MEETING OCTOBER 24, 2022

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL CONSTRUCTION – 2005 BOXWOOD ROAD

OVERVIEW

Purpose of Report

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

Recommendation

That Council:

1. issue a Remedial Action Order at 2005 Boxwood Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
3. direct that the remedial action consist of removing the structures constructed on each side of the main building without a permit.

BACKGROUND

2005 Boxwood Road is an I3 – high tech industrial zoned property utilized for a construction business.

On 2019-OCT-28, a building inspector attended to the property in response to information received, and observed illegal construction on both sides of the main building. To one side, an existing 469 m² attached steel canopy had been enclosed with posts and sheeting attached to the existing parking surface. On the opposite side, a covered area had been constructed over another parking surface. No permits had been issued, and the date of construction was unknown. A Stop Work Order was posted on site.

The property owner was notified in a letter dated 2019-NOV-05 that a building inspector had observed two unpermitted structures and had issued a Stop Work Order at the job site. The owner was directed to submit a building permit application by 2019-NOV-19 or the matter would be referred to Council recommending a Bylaw Contravention Notice be registered on the property title pursuant to Section 57 of the *Community Charter*.

The property owner was given additional time to apply for a building permit through the period of the COVID-19 Pandemic, and no further regulatory action was undertaken until more than a year

later. The owner was informed in letter dated 2020-NOV-03 that Council would consider a report prepared by the Building Inspections Section recommending a notice be registered on the property title pursuant to Section 57 of the *Community Charter*. On 2020-NOV-19, Council passed a resolution respecting a contravention of the Building Bylaw.

The Building Department continued to give the owner additional time to apply for a building permit and did not immediately register the Bylaw Contravention Notice on the property title to provide opportunity to bring the property into compliance.

An application for a building permit was submitted on 2020-DEC-07 and found to be incomplete. The applicant was notified in writing of information required to process the application to issue a permit. The file was closed and deemed incomplete on 2021-FEB-23 when no further information was received.

A bylaw contravention notice has now been filed.

The matter was referred to the Bylaw Department on 2022-AUG-25 requesting enforcement action.

DISCUSSION

The property is the site of a large construction company and the additions which have been added to the main building are substantial structures which enclose equipment, building materials and intended work areas. These structures have been constructed without permit or inspection. Engineering reports, structural drawings, fire suppression installations and building details are required. The property owners would be fully aware of requirements to obtain building permits before commencing construction on these significant construction projects. They were directed to Stop Work and obtain a building permit three years ago.

Staff recommend that Council issue a Remedial Action Order pursuant to Sections 72 and 73 of the *Community Charter* requiring removal of the two structures which were constructed without building permits, and further to direct Staff to take action in accordance with Section 17 if the Remedial Action is not undertaken within 30 days of the Council resolution.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 2005 Boxwood Road pursuant to Sections 72 and 73 of the *Community Charter*;
 2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
 3. direct that the remedial action consist of removing the structures constructed on each side of the main building without a permit.

- The advantages of this option: A building or structure erected without permit or inspection is a potentially hazardous condition. A Remedial Action Order will compel the owner to bring the illegal construction into compliance or to remove it.
- The disadvantages of this option: If the property owner fails to undertake the remedial action requirement, the City may be required to undertake the work.
- Financial Implications: The costs of work to enforce the remedial action requirement may be imposed on the property owner.

2. That Council provide alternative direction. |

SUMMARY POINTS

- Two additions have been constructed onto the main building on the property at 2005 Boxwood Road without building permits or inspection. A Stop Work Order has been issued.
- The property owner has been directed to apply for a building permit to bring the construction into compliance, or to remove it.
- Notice of Bylaw Contravention has been filed on the property title.
- Three years has elapsed since the property owner was informed of bylaw contraventions, and no building permit has been issued.
- A Remedial Action Order pursuant to Sections 27 and 73 of the *Community Charter* is recommended.

ATTACHMENTS:

ATTACHMENT A: Photographs of illegal construction at 2005 Boxwood Road |

Submitted by:

David LaBerge
Manager, Bylaw Services |

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO |

Attachment A

2005 Boxwood Road



Attachment A

2005 Boxwood Road



DATE OF MEETING OCTOBER 24, 2022

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT APPEALS PROCEDURE HOUSEKEEPING AMENDMENT BYLAWS

OVERVIEW

Purpose of Report

To bring forward housekeeping amendments to the regulatory bylaws where the reconsideration process is governed under the newly adopted Appeals Procedure Bylaw.

Recommendations

1. **Sewer Regulation and Charge Amendment Bylaw**

That "Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That "Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given second reading.

That "Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given third reading.

2. **Flood Prevention Amendment Bylaw**

That "Flood Prevention Amendment Bylaw 2022 No. 5105.01 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That "Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given second reading.

That "Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given third reading.

3. **Waterworks Rate and Regulation Amendment Bylaw**

That "Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19" (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That "Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19" be given second reading.

That "Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19" be given third reading.

4. Management and Protection of Trees Amendment Bylaw

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given second reading.

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given third reading.

5. Property Maintenance and Standards Amendment Bylaw

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given second reading.

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given third reading.

6. Business Licence Amendment Bylaw

That “Business Licence Amendment Bylaw 2022 No. 7318.01” (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading.

That “Business Licence Amendment Bylaw 2022 No. 7318.01” be given second reading.

That “Business Licence Amendment Bylaw 2022 No. 7318.01” be given third reading.

7. Chauffeurs Regulation Amendment Bylaw

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319 (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading.

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given second reading.

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given third reading.

BACKGROUND

When staff brought forward the revised Officer Designation and Delegation of Authority Bylaw to the September 19, 2022 Council meeting, staff noted that there were several other bylaws where Council has delegated its authority for decision making, by bylaw, to its Officers and employees. In some cases, where that delegated authority has the potential to impact an individual's rights in a significant way, then an opportunity for reconsideration by Council is included in that specific bylaw to ensure fairness and political accountability.

To ensure the right for reconsideration is conducted in a consistent manner, staff also brought forward a single comprehensive Appeals Procedure Bylaw that outlined the procedure for how all reconsideration matters would be addressed in the future. That bylaw was adopted on October 3, 2022 (see Attachment 8).

The next step in the process is to do housekeeping amendments to the affected bylaws by including a provision that points to the Appeals Procedure Bylaw. There are seven such bylaws that require this provision and given that Council must consider these amendments by bylaw, staff also took the opportunity to address other housekeeping amendments such as updating the violation and offence language and updating staff titles where necessary. Details of the proposed amendments are highlighted in the discussion section of the report.

DISCUSSION

As noted above, the following seven bylaws needed to have a new provision added that will point to the Appeal Procedure Bylaw. Other housekeeping amendments are also being proposed as follows:

Sewer Regulation and Charge Amendment Bylaw No. 2496.03 (Attachment 1)

- The definition “Managing Director of Public Works” is being replaced with a new definition “General Manager”.
- The outdated penalty language in section 35 and 36 is being replaced with the penalty language found in other City regulatory bylaws.
- Schedule D (Fine Schedule) is being deleted as all fines are contained within “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

Flood Prevention Amendment Bylaw No. 5101.01 (Attachment 2)

- The definition “Director” is being replaced with a new definition “General Manager”.
- The definition of “Drainage Works” is being replaced so that it will be consistent with the definition of “Drainage Works” in the proposed new Storm Sewer Regulation Bylaw that will be coming to Council for consideration in December, 2022.

Waterworks Rate and Regulation Amendment Bylaw 7004.19 (Attachment 3)

- The definition “General Manager Engineering and Public Works” is being replaced with a new definition “General Manager”.
- The outdated penalty language in section 48 is being replaced with penalty language found in other City regulatory bylaws.
- Schedule F (Fine Schedule) is being deleted as all fines are contained within “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

Management and Protection of Trees Amendment Bylaw 7126.02 (Attachment 4)

- The definition “Bylaw Enforcement Officer” is being replaced to reflect that Bylaw Enforcement Officers are employed by the City of Nanaimo and no longer appointed under the *Police Act*.
- The definition “Director” is being updated to reflect the new position of Director of Development Approvals and that the appointment of this position is not done by Council.

Property Maintenance and Standards Amendment Bylaw 7242.02 (Attachment 5)

- Deleting all references to Manager of Bylaw, Regulation and Security and replacing them with Manager, Bylaw Services.
- The definition “Bylaw Enforcement Officer” is being replaced to reflect that Bylaw Enforcement Officers are employed by the City of Nanaimo and no longer appointed under the *Police Act*.

Business Licence Amendment Bylaw 7318.01 (Attachment 6)

- The only change proposed for this bylaw is to include the provision pointing to the Appeals Procedure Bylaw. However, under Section 59(2) of the *Community Charter*, any proposed amendments to a Business Licence Bylaw must be advertised prior to adoption.

Chauffeurs Regulation Bylaw No. 7319 (Attachment 7)

- The only change proposed for this bylaw is to include the provision pointing to the Appeals Procedure Bylaw.

OPTIONS

As the proposed amendments are a requirement with the adoption of the Appeals Procedure Bylaw and to update outdated violation and penalty language and staff titles, no alternate recommendations are being put forward unless additional direction is sought by Council.

SUMMARY POINTS

- On October 3, 2022 Council adopted the Appeals Procedure Bylaw.
- An amendment to the seven affected bylaws is required to include a provision within the regulatory bylaw that points to the Appeals Procedure Bylaw.
- Other housekeeping amendments were also included to update violation and offence language and staff titles, where necessary.

ATTACHMENTS:

Attachment 1 – 2496.36 - Sewer Regulation and Charge Amendment Bylaw

Attachment 2 – 5105.01 - Flood Prevention Amendment Bylaw

Attachment 3 – 7004.19 - Waterworks Rate and Regulation Bylaw

Attachment 4 – 7126.02 - Management and Protection of Trees Amendment Bylaw

Attachment 5 – 7242.02 - Property Maintenance and Standards Amendment Bylaw

Attachment 6 – 7318.01 - Business Licence Amendment Bylaw

Attachment 7 – 7319 - Chauffeurs Regulation Amendment Bylaw

Submitted by:

Karen Robertson,
Deputy City Clerk

Concurrence by:

Sheila Gurrie, Director of Legislative Services
Bill Sims, GM, Engineering & Public Works
Dale Lindsay, GM, Development Services/Deputy CAO

CITY OF NANAIMO

BYLAW NO. 2496.36

A BYLAW TO AMEND THE SEWER REGULATION AND CHARGE BYLAW

WHEREAS the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36”.

2. Amendment

“Sewer Regulation and Charge Bylaw 1982 No. 2496” is hereby amended as follows:

- 2.1 By deleting the definition of “Managing Director of Public Works ” and replacing it with the following:

“General Manager”	means the General Manger, Engineering and Public Works and any duly authorized designate of the General Manager.
-------------------	--

- 2.2 By deleting all references to “Managing Director of Public Works” and replacing them with “General Manager”.

- 2.3 By deleting Section 13 and replacing it with the following:

“13. Disconnecting Illegal Connection:

- 13.1 Any sanitary or storm building sewer connected to a sewer connection in contravention of this Bylaw and any sewer connection connected to the public sewer system and discharging there into any sewage, substance or matter prohibited by this Bylaw may be disconnected, stopped up and closed at the direction of the General Manager, and at the owner’s cost.
- 13.2 Any person who is subject to having their sanitary or storm building sewer connection stopped up and closed as outlined in Section 13.1 above, may arrange for Council to reconsider the decision of the General Manager by giving written notice of appeal to the Corporate Officer as outlined in the “Appeals Procedure Bylaw, 2022 No. 7354” as amended from time to time.”

2.4 By deleting 35 and 36 and replacing those sections with the following:

- “35 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.
- 35.1 This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.
36. Each day that an offence continues or exists shall constitute a separate offence.”

2.5 By deleting Schedule “D” in its entirety.

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

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 5105.01

A BYLAW TO AMEND "FLOOD PREVENTION BYLAW 1996 NO. 5105"

The Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "Flood Prevention Amendment Bylaw 2022 No. 5105.01".

2. Amendments

"Flood Prevention Bylaw 1996 No. 5105" is hereby amended as follows:

2.1 By deleting the definition of "Director" and replacing it with the following:

"General Manager"	means the General Manger, Engineering and Public Works and any duly authorized designate of the General Manager.
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2.2 By deleting the definition of "Drainage Works" and replacing it with the following:

"Drainage Works"	Means all drainage, ditches, channels, overland flowpaths, pipes or apparatuses, covered wholly or in part, for the purpose of conveying and discharging storm water.
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2.3 By deleting all references to "Director" and replacing them with "General Manager".

2.4 By deleting Section 13(2) and replacing it with the following:

"13 (2) A decision of the General Manager may be appealed to Council by giving written notice of appeal to the Corporate Officer within 14 days from the date of the decision as outlined in the "Appeals Procedure Bylaw, 2022 No. 7354" as amended from time to time."

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7004.19

A BYLAW TO AMEND THE WATERWORKS RATE AND REGULATION BYLAW

WHEREAS the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19”.

2. Amendment

“Waterworks Rate and Regulation Bylaw 2006 No. 7004” is hereby amended as follows:

- 2.1 By deleting the definition of “General Manager Engineering and Public Works” and replacing it with the following:

“General Manager”	means the General Manger, Engineering and Public Works and any duly authorized designate of the General Manager.
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- 2.2 By adding the following Section 21 (c)

“21 (c) Any person who may have their water supply shut off to any service connection for violating the provisions of the Bylaw under Section 21(b), may arrange for Council to reconsider the decision by giving written notice of appeal to the Corporate Officer as outlined in the “Appeals Procedure Bylaw, 2022 No. 7354” as amended from time to time.”

- 2.3 By deleting Section 48 in its entirety and replacing it with the following:

“48 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.

48.1 This Bylaw may be enforced by bylaw notice pursuant to the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”, as amended or replaced.

48.2 Each day that an offence continues or exists shall constitute a separate offence.”

2.4 By deleting Schedule "F" in its entirety.

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

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7126.02

A BYLAW TO AMEND "MANAGEMENT AND PROTECTION OF TREES BYLAW 2013 NO. 7126"

The Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02".

2. Amendments

"Management and Protection of Trees Bylaw 2013 No. 7126" is hereby amended as follows:

2.1 By deleting Section 17 and replacing it with the following:

"17 (1) If a decision is made by the Director with regards to the issuance or refusal of a permit, the owner has a right to have Council reconsider the matter by giving written notice of appeal to the Corporate Officer within 14 days of receiving notice of the decision, as outlined in the "Appeals Procedure Bylaw, 2022 No. 7354" as amended from time to time."

2.3 By deleting the definition of Bylaw Enforcement Officer and replacing it with the following:

Bylaw Enforcement Officer	means any person employed by the City of Nanaimo as a Bylaw Enforcement Officer.
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2.2 By deleting the definition of "Director" and replacing it with the following:

Director	means the Director of Development Approvals and any duly authorized designate of the Director.
----------	--

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7242.02

A BYLAW TO AMEND "PROPERTY MAINTENANCE AND STANDARDS BYLAW 2017 NO. 7242"

The Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "Property Maintenance and Standards Bylaw 2022 No. 7242.02".

2. Amendments

"Property Maintenance and Standards Bylaw 2017 No. 7242" is hereby amended as follows:

2.1 By deleting Section 8.3 and replacing it with the following:

"8.3 To appeal the direction of the Manager, Bylaw Services, a property owner must, prior to the expiration of 14 days from the date of the letter directing that the contravention be rectified, give written notice of appeal to the Corporate Officer as outlined in the "Appeals Procedure Bylaw, 2022 No. 7354" as amended from time to time."

2.2 By deleting all references to Manager of Bylaw, Regulation and Security, and replacing them with Manager, Bylaw Services.

2.3 By deleting the definition of Bylaw Enforcement Officer and replace it with the following:

Bylaw Enforcement Officer means:	Any person employed by the City of Nanaimo as a Bylaw Enforcement Officer.
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PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7318.01

A BYLAW TO AMEND "BUSINESS LICENCE BYLAW 2021 NO. 7318"

The Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "Business Licence Amendment Bylaw 2022 No. 7318.01".

2. Amendments

"Business Licence Bylaw 2021 No. 7318" is hereby amended as follows:

2.1 By deleting Section 12 and replacing it with the following:

"12 Appeal of Decision of Licence Inspector

12.1 Any person who has been refused a licence, or whose licence has been suspended or cancelled may arrange for Council to reconsider the decision by giving written notice of appeal to the Corporate Officer as outlined in the "Appeals Procedure Bylaw, 2022 No. 7354" as amended from time to time.

12.2 The person subject to Council's decision must comply with any terms, restrictions and requirements imposed by Council."

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

Notice of intention to proceed with this Bylaw was published on this ____ day of _____, 2022, in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo and posted to the City of Nanaimo website pursuant to Section 59 (2) of the *Community Charter*".

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7319

A BYLAW TO AMEND "CHAUFFEURS REGULATION BYLAW 1972 No. 1508"

The Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "Chauffeurs Regulation Amendment Bylaw 2022 No. 7319".

2. Amendments

"Chauffeurs Regulation Bylaw 1972 No. 1508" is hereby amended as follows:

2.1 By adding the following Section 5:

"5 Appeal of Decision of Chief of Police

5.1 Any chauffeur who has been refused a chauffeur's permit, or whose permit has been suspended or cancelled by the Chief of Police under Section 36(6) of the *Motor Vehicle Act*, may arrange for Council to reconsider the decision by giving written notice of appeal to the Corporate Officer as outlined in the "Appeals Procedure Bylaw, 2022 No. 7354" as amended from time to time.

5.2 After hearing the appeal, the decision of Council is final."

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7354

A BYLAW TO ESTABLISH THE PROCEDURE FOR HEARING APPEALS

WHEREAS the Council of the City of Nanaimo has a number of bylaws that provide an opportunity to appeal a delegated decision to Council;

AND WHEREAS Council wishes to delegate to enact its process for the conduct of such appeals;

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

1. Title:

This Bylaw may be cited as “APPEALS PROCEDURE BYLAW, 2022 NO. 7354”.

2. Interpretation:

2.1 Except as otherwise defined in this Bylaw, words or phrases herein will be construed in accordance with their meanings under the [Community Charter, SBC 2003, c.26](#), [Local Government Act, RSBC 2015, c.1](#), and [Interpretation Act, RSBC 1996, c.238](#), as context and circumstances may require.

2.2 A reference to a statute refers to a statute of the Province of British Columbia, and a reference to any statute, regulation or bylaw refers to that enactment, as amended or replaced from time to time.

2.3 Headings in this Bylaw are for convenience only and must not be construed as defining, or in any way limiting the scope or intent of this Bylaw.

2.4 If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

3. Definitions:

“Appeal”	Means reconsideration by Council of a decision by an Employee.
“Appellant”	Means the person seeking an appeal, or an appointed representative.
“City”	Means the City of Nanaimo.
“Council”	Means the Council of the City of Nanaimo.
“Director of Legislative Services”	Also known as the “Corporate Officer” under the Section 148 of the <i>Community Charter</i> .
“Employee”	Means the Employee of the City who has been delegated to make a decision affecting the Appellant under a City bylaw or pursuant to a Provincial enactment.

"Hearing"	Means the hearing of the Notice of Appeal.
"Notice of Appeal"	Means a written request for an Appeal as established in Section 6.1.

4. Decisions which may be appealed

This Bylaw applies to decisions made by an Employee under bylaws identified in Schedule "A", and under other enactments whereby decision making has been delegated to a person other than Council and that provide for a right to reconsideration by Council.

5. Application:

In the event of a conflict between this Bylaw and another City bylaw or policy governing reconsideration by Council, this Bylaw governs.

6. Appeal Procedure:

- 6.1 A person who is affected by a decision of an Employee and wishes to Appeal must file a Notice of Appeal, to the Director of Legislative Services, within 30 days of the date the Employee's decision was delivered, and include the following information:
- (a) The name, address, email address (if applicable), and telephone number of the Appellant;
 - (b) A copy of the decision or direction of the Employee, and any supporting information or material provided to the Appellant by the Employee;
 - (c) The reasons explaining why the Appellant believes it should be amended or set aside, and any supporting information;
 - (d) The request being made of Council, including how the decision or direction should be varied, or what alternative decision or direction should be substituted for that of the Employee, and any supporting information;
 - (e) Any steps that the Appellant has taken to discuss the matter directly with the Employee, where applicable;
 - (f) A summary of any relevant current and proposed legislation and policy that the Appellant intends to rely on; and
 - (g) Any further information, evidence or other materials that the Appellant wishes to be considered by Council.
- 6.2 Notwithstanding Section 6.1, Applicants wishing to Appeal decisions on the following bylaws must file a Notice of Appeal within 14 days of the date the Employee's decision was delivered:
- (a) Flood Prevention Bylaw 1996 No. 5105;
 - (b) Property Maintenance and Standards Bylaw 2017 No. 7242; and
 - (c) Management and Protection of Trees Bylaw 2013 No. 7126.
- 6.3 Pre-Hearing Procedure:
- (a) The Director of Legislative Services is responsible for reviewing the Notice of Appeal, determining whether the requirements under this Bylaw have been

met, and communicating with the Appellant and others on matters related to the Appeal.

- (b) Upon receiving the Notice of Appeal, the Director of Legislative Services will:
 - (i) confirm whether the Employee decision on a matter may be appealed, in accordance with section 4;
 - (ii) confirm whether requirements for the submission, as set out in section 6.1 are met; and
 - (iii) notify the Employee whose decision is being appealed of the Notice of Appeal.
- (c) Where, in the opinion of the Director of Legislative Services, the Notice of Appeal does not comply with the requirements for an Appeal established under section 6.1, the Director of Legislative Services will notify the Appellant accordingly. If the Appellant does not deliver a fully compliant Notice of Appeal within ten (10) days following the date of the notice sent by the Director of Legislative Services, the Appeal will not proceed to Hearing and the decision of the Employee will be deemed final.
- (d) Upon receipt of a Notice of Appeal, the Director of Legislative Services will arrange for a Hearing.
- (e) The Director of Legislative Services will provide the Appellant and the Employee written notice of the date, time and location of the Hearing.
- (f) Prior to the date established for the Hearing, the Director of Legislative Services will provide a package to Council regarding the Appeal, including all materials to be considered by Council, as provided by the Appellant and the Employee. A copy of the package will be available to the Appellant and the Employee at the Office of the Director of Legislative Services.

6.4 Hearing:

- (a) Hearings will be held in an open meeting, except as otherwise required by the *Community Charter* or another Act, or at the discretion of Council as may be permitted by law.
- (b) In addition to materials provided by the Director of Legislative Services under 6.2(f), Council may also request and consider further information from the Appellant, the Employee, other City staff or any person whom Council believes has relevant knowledge, expertise or sufficient interest in the matter.
- (c) Council may adjourn the Hearing at any time to obtain additional information where it considers such information would assist Council in determining the Appeal.
- (d) During the Hearing, the Appellant may be accompanied by an advocate legal counsel or another support person and an interpreter/translator.
- (e) During the Hearing, the City may have its legal counsel present.
- (f) During the Hearing, Council will first hear from staff in relation to the subject matter of the decision and in relation to the decision itself.
- (g) The Appellant will be provided an opportunity to explain their position.
- (h) Council may then hear from staff in relation to any new information raised by the Appellant and ask questions of the Appellant, the Employee, a witness, or any other person appearing at the Hearing.

6.5 Decision:

- (a) After considering the Notice of Appeal and any further submissions, information and materials it considers relevant to the Appeal Council will make any decision it considers appropriate in respect of the matter, and in doing so

may confirm the decision, amend the decision, or cancel the decision or direction of the Employee.

- (b) The Director of Legislative Services will promptly notify the Appellant and the Employee of the decision of Council; and will provide any written reasons of Council within seven (7) days following the date of the Hearing.

6.6 Exceptions

Where authorities exist under a provincial or federal enactment, the appeal procedure of that enactment applies.

PASSED FIRST READING: 2022-SEP-21
PASSED SECOND READING: 2022-SEP-21
PASSED THIRD READING: 2022-SEP-21
ADOPTED: 2022-OCT-03



MAYOR



CORPORATE OFFICER

SCHEDULE "A"

City Bylaws Providing the Opportunity to Appeal a Decision of an Employee

- [Business Licence Bylaw No. 7318](#)
- [Chauffeurs Regulation Bylaw No. 1508](#)
- [Flood Prevention Bylaw No. 5105](#) [Notice of Appeal must be filed within 14 days]
- [Inter-Community Business Licence Bylaw No. 7176](#)
- [Management and Protection of Trees Bylaw No. 7126](#) [Notice of Appeal must be filed within 14 days]
- Officer Designation and Delegation of Authority Bylaw No. 7353
- [Property Maintenance and Standards Bylaw No. 7242](#) [Notice of Appeal must be filed within 14 days]
- [Sewer Regulation and Charge Bylaw No. 2496](#)
- [Traffic and Highways Regulation Bylaw No. 5000](#)
- [Waterworks Rate and Regulation Bylaw No. 7004](#)

DATE OF MEETING OCTOBER 24, 2022

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW –
HOUSEKEEPING AMENDMENTS**

OVERVIEW

Purpose of Report

To introduce an amendment to the Bylaw Notice Enforcement Bylaw to correct references to bylaw provisions and address fine inconsistencies in the Waterworks Rate and Regulation Bylaw.

Recommendation

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 (a bylaw to correct references to bylaw provisions and address fine inconsistencies) be given first reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given second reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given third reading.

BACKGROUND

When drafting amendments to the bylaws that utilize the reconsideration process through the Appeals Procedure Bylaw, staff noticed that some of the section numbers in the Bylaw Notice Enforcement Bylaw did not match up with the corresponding regulatory bylaw. As such, staff are bringing forward a bylaw amendment to correct the reference to those sections.

As the corrections must be done by bylaw, staff are taking the opportunity to propose some updated fines for the Waterworks Rate and Regulation Bylaw so that they are consistent with other like fines within the bylaw. Details of the proposed changes are outlined in the discussion section of the report.

DISCUSSION

The following changes are proposed to Schedule “A” of the Bylaw Notice Enforcement Bylaw to ensure the bylaw numbers are accurately reflected, to correct typos, and align the fines with other like bylaws.

Animal Responsibility Bylaw 2020 No. 7316

To change section 80(a)(b)(c)(d)(e)(f) to section 81(a)(b)(c)(d)(e)(f). This is to correct a typo.

Waterworks Rate and Regulation Bylaw 2006 No. 7004

To replace the fine schedule for the Waterworks Rate and Regulation Bylaw in Schedule A and replace it with the following. The proposed changes are noted in strikethrough and red:

Section	Description	Penalty	Early Payment Penalty	Late Payment Penalty
22	Water used by person other than occupant	50.00	37.50	62.50
23	Use water contrary to restrictions	100.00	75.00	125.00
24	Waste water	100.00	75.00	125.00
27	Unauthorized connection	100.00	75.00	125.00
28.1	Connected to other water supply	100.00	75.00	125.00
29	Tamper with water system	200.00 plus cost to repair or reinstate	\$150.00	250.00
30	Unauthorized use of fire hydrant, valve or stock cock	200.00	150.00	250.00
31.1	Fail to maintain access to water meter	100.00 plus cost to access or repair	75.00	125.00
32	Hinder inspection	500.00	375.00	625.00
42.1(a)	Sell water without permit	100.00	75.00	125.00
42.1(b)	Give water without permit	100.00	75.00	125.00
43(a)	Water at time not permitted	100.00	75.00	125.00
43(b)	Wash vehicle or house except by hand held container or hose.	100.00	75.00	125.00
44(a)	Water on day or time not permitted or exceed permitted watering time	100.00	75.00	125.00
44(b)	Wash vehicle or house except by hand held container or hose.	100.00	75.00	125.00
45(a) or 45(b)	Water of day not permitted	100.00	75.00	125.00
43(c)	Water between 10:00 am and 4:00 pm	100.00	75.00	125.00
44(c)	Water between 10:00 am and 4:00 pm	100.00	75.00	125.00
45(c)	Water between 10:00 am and 4:00 pm	100.00	75.00	125.00
46(a)	Water lawns or boulevards during Stage 4 Watering Ban	100.00	75.00	125.00
46(b)	Water flowers, shrubs, or ornamental trees between 10:00 am and 7:00 pm, and 10:00 pm to 7:00 am.	100.00	75.00	125.00
46(c)	Wash vehicles or house when prohibited	100.00	75.00	125.00
46(d)	Wash sidewalk or driveway	100.00	75.00	125.00
46(e)	Fill fountain, pool or hot tub when prohibited	100.00	75.00	125.00
43(f)	Use water hose without a hand	50.00	37.50	62.50

Rationale for Changes:

- A fine for Section 23 should be added.
- Fines for Section 29 and 30 were previously set at \$100.00. These are more serious offences and similar fines through the Fire Regulation Bylaw are set at \$200.00.

- Fine for section 31.1 was previously set at \$35.00. Suggest increasing this amount to \$100.00 to be consistent with other fines.
- Previously no fine was associated with hindering an employee to conduct an inspection under Section 32. Other City bylaws have this provision and the fines in those bylaws are set at \$500.00.
- Fines for Section 46 were previously set at \$50.00. Suggest they be increased to \$100.00 to mimic the fines in Section 42 and 43.

OPTIONS

Option 1:

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 (a bylaw to correct references to bylaw provisions and address fine inconsistencies) be given first reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given second reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given third reading.

- By selecting option 1, the bylaw sections will correspond with the regulatory bylaw and fines would correspond with similar fines in other City bylaws.

Option 2:

That Council select alternate fine amounts for the Waterworks Rate and Regulation Bylaw to those proposed in the staff report and then consider the following recommendation:

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 (a bylaw to correct references to bylaw provisions and address fine inconsistencies) be given first reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given second reading.

That Bylaw Notice Enforcement Bylaw 2022 No. 7159.17 be given third reading.

- Should Council wish to select alternate fines, staff would seek direction from Council on the amount. Once selected, staff recommend that the bylaw then be given its first three readings.

SUMMARY POINTS

- A bylaw amendment is required to correct the section numbers in the Bylaw Notice Enforcement Bylaw so that they correspond with the sections in the Waterworks Rate and Regulation Bylaw.
- Updated fines are also being proposed so that the fines are consistent with other like fines within the bylaw.

ATTACHMENTS:

Attachment 1 – 7159.17 – Bylaw Notice Enforcement Bylaw Amendment

Submitted by:

Karen Robertson,

Concurrence by:

Sheila Gurrie, Director of Legislative Services

Dave LaBerge, Manager, Bylaw Services

Dale Lindsay, GM, Development Services, Deputy CAO

CITY OF NANAIMO

BYLAW NO. 7159.17

A BYLAW TO AMEND THE CITY OF NANAIMO "BYLAW NOTICE ENFORCEMENT
BYLAW 2012 NO. 7159"

That Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS
FOLLOWS:

1. Title

This Bylaw may be cited as "Bylaw Notice Enforcement Amendment Bylaw 2022
No. 7159.17".

2. Amendments

"Bylaw Notice Enforcement Bylaw 2012 No. 7159" is hereby amended as follows:

- 2.2 By deleting reference to Section 80(a)(b)(c)(d)(e)(f) within the Fine Schedule for
the "Animal Responsibility Bylaw 2020 No. 7316" in Schedule A and replacing it
with the following:

Section	Description	Penalty	Early Payment Penalty	Late Payment Penalty
81(a)(b)(c)(d)(e)(f)	Fail to comply with aggressive dog regulations	\$500.00	\$375.00	\$500.00

- 2.3 By deleting the Fine Schedule for "Waterworks Rate and Regulation Bylaw 2006
No. 7004" in Schedule "A" and replacing it with the following:

Waterworks Rate and Regulation Bylaw 2006 No. 7004

Section	Description	Penalty	Early Payment Penalty	Late Payment Penalty
22	Water used by other than occupant	50.00	37.50	62.50
23	Use water contrary to restrictions	100.00	75.00	125.00
24	Waste water	100.00	75.00	125.00
27	Unauthorized connection	100.00	75.00	125.00
28.1	Connected to other water supply	100.00	75.00	125.00
29	Tamper with water system	200.00 plus cost to repair or reinstate	150.00	250.00
30	Unauthorized use of fire hydrant, valve or stop cock	200.00	150.00	250.00
31.1	Fail to maintain access to water meter	100.00 plus cost to access or repair	75.00	125.00
94				

32	Hinder inspection	500.00	375.00	625.00
42.1(a)	Sell water without permit	100.00	75.00	125.00
42.1(b)	Give water without permit	100.00	75.00	125.00
43(a)	Water at time not permitted	100.00	75.00	125.00
43(b)	Wash vehicle or house except by hand held container or hose.	100.00	75.00	125.00
44(a)	Water on day or time not permitted or exceed permitted watering time.	100.00	75.00	125.00
44(b)	Wash vehicle or house except by hand held container or hose.	100.00	75.00	125.00
46(a)	Water lawns or boulevards during Stage 4 Watering Ban	100.00	75.00	125.00
46(b)	Water flowers, shrubs, or ornamental trees between 10:00 am and 7:00 pm and 10:00 pm to 7:00 am	100.00	75.00	125.00
46(c)	Wash vehicles or house when prohibited	50.00	37.50	62.50
46(d)	Wash sidewalk or driveway	50.00	37.50	62.50
46(e)	Fill fountain, pool or hot tub when prohibited	50.00	37.50	62.50

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

MAYOR

CORPORATE OFFICER

Staff Report for Decision

DATE OF MEETING OCTOBER 24, 2022

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT DOWNTOWN VANDALISM RELIEF GRANT

OVERVIEW

Purpose of Report

To seek Council's approval to implement a grant program to assist downtown businesses with the cost of work required to repair damage to, and remove graffiti from their premises arising from incidents of break-in or vandalism in accordance with the recommendations of the Downtown Nanaimo Community Safety Action Plan. |

Recommendation

That Council authorize Staff to enter into a service agreement with the Greater Nanaimo Chamber of Commerce to formalize the Vandalism Relief Grant program to assist downtown businesses with the cost of work required to repair damage to, and remove graffiti from their premises arising from incidents of break-in or vandalism.

BACKGROUND

The Downtown Nanaimo Community Safety Action Plan was presented to the Finance and Audit Committee on 2022-APR-20 and was approved by Council on 2022-APR-25. The Plan recommendations include hiring Community Safety Officers, adding two more Community Clean Teams, adding Park Attendants and Downtown Ambassadors, increasing cleaning initiatives, and creation of a Vandalism Relief Grant.

The Vandalism Relief Grant is intended to provide quick relief to downtown storefront businesses or commercial property owners to assist with the cost of work required to repair damages or remove graffiti arising from incidents of break-in or vandalism.

The report recommends that the City of Nanaimo develop and implement a grant program in collaboration with downtown business associations. The \$50,000 funding was approved for 2022, and \$30,000 annually in successive years. |

DISCUSSION

It is Staff's recommendation that the Vandalism Relief Grant program be managed by the Greater Nanaimo Chamber of Commerce. The Chamber is a not-for-profit organization that works collectively with businesses, residents and community groups to ensure a healthy business base and positive socio-economic structure, and can represent the interests of all downtown business improvement and community associations.

Program guidance to be provided to the Chamber would include the following;

1. Purpose

The Vandalism Relief Grant will assist property owners in Downtown Nanaimo with the cost of work required to repair damage to, and remove graffiti from their premises arising from incidents of break-in or vandalism.

2. Objectives

- Support storefront businesses & property owners that experience vandalism.
- Expedite repairs to businesses' windows, doors and locks following incidents of vandalism or break-in.
- Assist in removal of graffiti.

3. Eligibility

- Must be storefront businesses or commercial properties located in the Program Area (Service Agreement Schedule 'A').
- Must be in good standing with the City of Nanaimo (business licence, etc.).
- Have been damaged in a break-in or act of vandalism on or after the date of the commencement of the grant program.
- Not for any expenses covered through insurance.
- Acceptable proof of damage required, confirmed by;
 - Receipts for repairs of damage;
 - Photographs of damage;
 - Police file number (except graffiti).
- In case of multiple incidents, a maximum of two claims per property will be accepted within a calendar year.

4. Decisions Making

- Funding will be available on a first-come, first-served basis based on availability of funds.
- A maximum of \$1,000 in financial relief will be provided to restore and repair damages from vandalism per incident.
- A completed application must be submitted and include;
 - Name of business and business licence number
 - Physical address
 - ⊕ Property representative and contact information
 - Date and time of incident
 - Acceptable proof of damage and expenses
 - Confirmation of any expense to be recovered through insurance
- Applications will be reviewed by Chamber staff and approval will be based on eligibility requirements.

5. Services and Reports

- The City will provide the Chamber with annual funding to administer this program on the City's behalf. An administrative fee of 15% will be provided, based on the amount of Grant Funding that is used to award the Grants for the costs associated with GNCC's administration of the Vandalism Relief Grant Program, and will be disbursed from the annual grant funding.
- The Chamber will provide a report to the City with an overview of the program and usage by December 31 each year.
- The program and all related documentation will be subject to the requirements of FOIPPA.
- The City will provide an initial payment of 50% of the grant amount to the Chamber, and the remaining amount will be transferred upon their request.
- Grant funding will be available for the calendar year, and unused amounts must be returned to the City.

OPTIONS

1. That Council authorize Staff to enter into a service agreement with the Greater Nanaimo Chamber of Commerce to formalize the Vandalism Relief Grant program to assist Downtown businesses with the cost of work required to repair damage to, and remove graffiti from their premises arising from incidents of break in or vandalism.
 - The advantages of this option: The proposed plan fulfills the recommendations in the Downtown Nanaimo Community Safety Action Plan to create a Vandalism Relief Grant program.
 - The disadvantages of this option: None
 - Financial Implications: Funding has been authorized to operate the grant program until 2024 and will be considered as part of the upcoming 2023-2027 Financial Plan.
2. That Council provide alternative direction.

SUMMARY POINTS

- The Downtown Nanaimo Community Safety Action Plan recommends the creation of a Vandalism Relief Grant to assist businesses in repairs arising from incidents of vandalism.
- A proposed Grant Program would be administered by the Greater Nanaimo Chamber of Commerce and funded by the City through a service agreement.
- The program to be developed will be based on criteria outlined in this report.
- An annual report will be forwarded to the City from the Chamber with an overview of the program and usage.

ATTACHMENTS:

ATTACHMENT A: Draft Service Agreement for Vandalism Relief Grant Program

ATTACHMENT B: Draft Vandalism Relief Grant Application Form

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO

ATTACHMENT A

AGREEMENT FOR VANDALISM RELIEF GRANT PROGRAM

THIS AGREEMENT dated for reference the ____ day of ____, 2022,

BETWEEN:

CITY OF NANAIMO

455 Wallace Street, Nanaimo, BC V9R 5J6

(the "City")

AND:

**GREATER NANAIMO CHAMBER OF COMMERCE,
Corp. No. 000423-5**

2133 Bowen Road, Nanaimo, BC V9S 1H8

(the "GNCC")

WHEREAS:

- A. On 2022-APR-25, City Council adopted the Downtown Nanaimo Community Safety Action Plan for the purpose of addressing the safety and security needs of businesses, neighborhoods, and visitors of the City (the "Safety Action Plan");
- B. The Safety Action Plan recommends facilitating an initiative to provide assistance and relief to storefront businesses in the City with the cost of work required to repair damage resulting from incidents of vandalism, break-in, or graffiti ("Vandalism Incident" or "Vandalism Incidents");
- C. Pursuant to the recommendation of the Safety Plan, the City wishes to engage with the GNCC by funding a grant program that assists eligible downtown storefront businesses or commercial properties, located in the area defined in Schedule "A" to this Agreement (the "Program Area"), with the costs required to repair damages to windows, doors, and locks arising from Vandalism Incidents (the "Vandalism Relief Grant Program");
- D. The GNCC wishes to be responsible for the administration of the Vandalism Relief Grant Program; and
- E. The City wishes to provide the GNCC with funding to administer the Vandalism Relief Grant Program throughout the Term, defined below, on the terms and conditions of this Agreement.

NOW THEREFORE in consideration of the covenants herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the GNCC and the City covenant and agree as follows:

1.0 Vandalism Relief Grant Program

- 1.1 The GNCC shall administer the Vandalism Relief Grant Program on behalf of the City by doing the following:
- (a) Receiving and reviewing grant applications from businesses in the Program Area, to ensure that applications contain all the information set out in Schedule “B” to this Agreement;
 - (b) Evaluating grant applications based on the eligibility criteria set out in Schedule “C” to this Agreement;
 - (c) Awarding each eligible grant applicant with one (1) grant of a maximum of \$1,000 in financial relief to repair damage per Vandalism Incident (the “Grant” or “Grants”), on a first come-first serve basis, based on availability of funds; and,
- 1.2 Subject to the terms and conditions of this Agreement, the City shall provide funding to the GNCC for administering the Vandalism Relief Grant Program, which fundings shall include the Grants, as set out in Section 3.0 of this Agreement (the “Program Funding”).
- 1.3 The GNCC covenants and agrees that the GNCC shall use the Program Funding solely for the purpose of and in connection with administering the Vandalism Relief Grant Program, and for no other purpose.

2.0 Term

- 2.1 This Agreement shall be for a term of five (5) years (the “Term”), commencing on the signing of the agreement (the “Commencement Date”) and terminating on 31 day of December, 2026 (the “Term”), or shall terminate on such earlier date as set out in this Agreement.

3.0 Program Funding

- 3.1 The City shall provide to the GNCC funding in the all-inclusive amount of one hundred and seventy thousand dollars (\$170,000) over the Term of this Agreement (the “Grant Funding”), to be disbursed as set out in this section, for the Grants.
- 3.2 The Grant Funding shall be paid by the City to the GNCC in annual installments as follows:
- (a) \$25,000 to be paid by the City to the GNCC on October 25, 2022, with an additional amount of up to \$25,000 available upon the request of the GNCC for the remainder of 2022;
 - (b) \$15,000 to be paid by the City to GNCC on January 1, 2023, with an additional amount of up to \$15,000 available upon the request of the GNCC for the remainder of 2023;

- (c) \$15,000 to be paid by the City to GNCC on January 1, 2024, with an additional amount of up to \$15,000 available upon the request of the GNCC for the remainder of 2024;
- (d) \$15,000 to be paid by the City to GNCC on January 1, 2025, with an additional amount of up to \$15,000 available upon the request of the GNCC for the remainder of 2025;
- (e) \$15,000 to be paid by the City to GNCC on January 1, 2026, with an additional amount of up to \$15,000 available upon the request of the GNCC for the remainder of 2026;

3.3 The GNCC shall return to the City any unused amount of each annual installment of the Grant Funding by December 31 of each year.

3.4 The GNCC will retain an administration fee of fifteen (15) percent of the total value of grant funding administered annually.

4.0 Program Reporting

4.1 The GNCC shall maintain complete, up to date and records and accounts with respect to its use of the Grant Funding, including copies of invoices, vouchers and payment receipts, and shall make such records and accounts available for inspection and copying by the City upon request. The GNCC's obligations under this section shall survive for a period of 2 years following the end of the Term or any earlier termination of this Agreement.

4.2 The GNCC shall provide an annual report to the City, in a form specified by the City in its sole discretion, with an overview of the Vandalism Relief Grant Program, including its usage of the Program Funding by awarding of the Grants, by December 31 of each year.

5.0 Renewal

5.1 This Agreement may be renewed at the sole discretion of the City.

5.2 The City shall review the Program Funding at the end of the Term and may revise the amount of the Program Funding if the Agreement is renewed.

6.0 Amendment

6.1 This Agreement may be subject to amendment from time to time by agreement of both parties in writing.

7.0 City's Powers

- 7.1 Nothing in this Agreement is construed as limiting the City's ability to exercise its rights, powers, duties or obligations in the exercise of its functions pursuant to the *Community Charter* or the *Local Government Act*, as amended or replaced, or as limiting or fettering the City's ability to exercise its discretion pursuant to any bylaw, agreement, or legislation.

8.0 Indemnity and Release

- 8.1 The GNCC shall indemnify and save harmless the City and its officers, directors, employees, agents, successors and assigns (the "Indemnified Parties"), from and against all claims, actions, losses, expenses, fines and damages of every nature and kind that the Indemnified Parties may suffer or incur arising from or in connection with any breach of any of the GNCC's obligations under this Agreement, and from any willful or negligent act or omission on the part of the GNCC or any of its officers, directors, employees, contractors or agents, in connection with this Agreement or the Vandalism Relief Grant Program.
- 8.2 The GNCC shall release the City from any and all liability and claims for injury (including death), loss, damage, expense or fees of any kind that the GNCC or any other person may suffer as a result of or in connection with the Vandalism Relief Program.

9.0 Termination

- 9.1 If the GNCC defaults in performing or observing any other of its covenants or obligations under this Agreement and such default continues for a period of ten (10) days or other period specified by the City that is reasonably required to remedy such default after written notice is provided to the GNCC, then the City may immediately or at any time thereafter terminate this Agreement.
- 9.2 Notwithstanding the previous section 9.1 of this Agreement, the City may terminate this Agreement for any reason, upon 30 days' notice, in writing, to the GNCC.
- 9.3 Should this Agreement be terminated by the City or the GNCC for any reason, the GNCC shall refund to the City that portion of the Grant Funding which corresponds to the residual portion of the year.

10.0 Compliance with Laws

- 10.1 The GNCC shall carry out the Vandalism Relief Program in compliance with all applicable federal, provincial and municipal laws, by-laws, policies, guidelines, rules and regulations.

11.0 Notice

- 11.1 Any notice, document or communication required to advance this Agreement will be in writing and delivered by email, mail or by facsimile to the other party as follows:

To the GNCC:

Kim Smythe
2133 Bowen Road
Nanaimo, BC, V9S 1H8
ceo@nanaimochamber.bc.ca

To the City:

Dave LaBerge
455 Wallace Street
Nanaimo, BC, V9R 5J6
Fax No. (250) 755-4436
dave.laberge@nanaimo.ca

- 11.2 Any notice, request, direction or other communication given by one party shall be deemed to have been received by the other party:

- (a) if personally delivered, on the day it was delivered;
- (b) if sent by registered mail, on the third day after it was mailed;
- (c) if sent by fax, if sent before the end of the business day, on the day that receipt of such fax was delivered.

12.0 Severance

- 12.1 If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

13.0 Freedom of Information

- 13.1 The parties to this Agreement acknowledge that the City is subject to the *Freedom of Information and Protection of Privacy Act* (FOIPPA), and the City may be legally obligated to disclose to a person parts, or all, of this Agreement and documents legally connected to this Agreement, and the authority of the City to refuse to disclose a record containing third party confidential information is limited as set out in the FOIPPA.

14.0 No Transfer or Assignment

- 14.1 The GNCC shall not be entitled to transfer or assign this Agreement, in whole or in part, without the written consent of the City.

15.0 Interpretation

15.1 In this Agreement:

- (a) reference to the singular includes a reference to the plural and vice versa, unless the context requires otherwise;
- (b) a particular numbered section or lettered Schedule is a reference to the correspondingly numbered section or lettered Schedule of this Agreement;
- (c) section headings are inserted for ease of reference and are not to be used in interpreting this Agreement;
- (d) time is of the essence; and
- (e) a party is a reference to a party to this Agreement and is deemed to include the heirs, executors, administrators, successors, assigns, servants, employees, agents, contractors, elected and appointed officials, officers, directors, licensees and invitees of such party where the context so requires and allows.

16.0 Executed in Counterparts

- 16.1 This Agreement may be executed in any number of counterparts with the same effect as if all parties had signed the same document. All counterparts shall be construed together, and shall constitute one and the same Agreement.

17.0 Waiver

- 17.1 Failure by either party to exercise any of its rights, powers or remedies shall not constitute a waiver of those rights, powers or remedies.

18.0 Governing Law

- 18.1 This Agreement will be construed according to the laws of the Province of British Columbia.

19.0 Entire Agreement

- 19.1 The provisions in this Agreement constitute the entire Agreement between the parties and supersede all previous communications, representations, warranties, covenants and agreements, whether verbal or written, between the parties with respect to the subject matter of this Agreement.

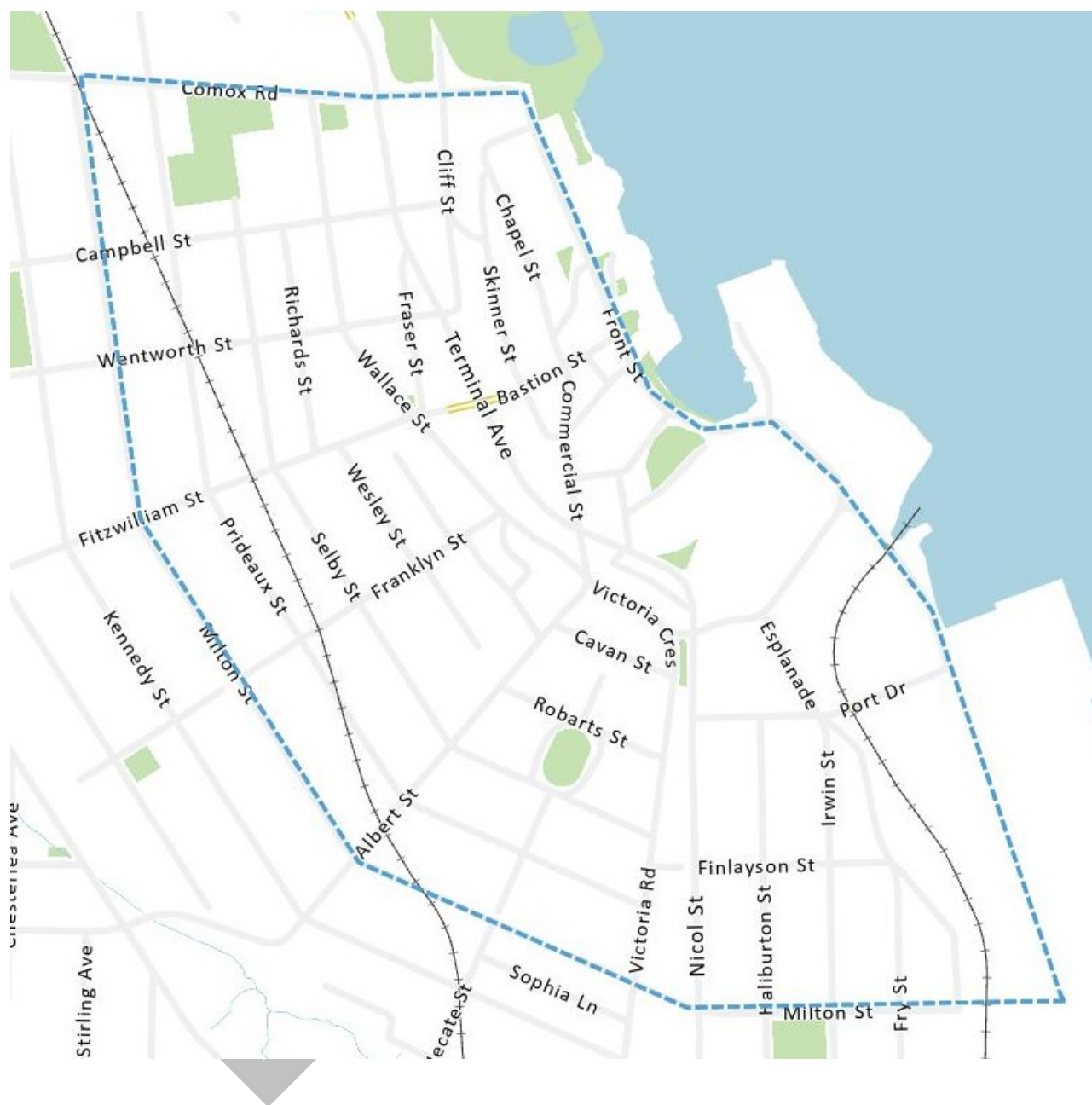
Executed on behalf of **CITY OF NANAIMO** by its authorized signatory:

Executed on behalf of **GREATER
NANAIMO CHAMBER OF COMMERCE**
by its authorized signatory(ies):

Name: _____

Name: _____

Schedule “A” – Program Area



Schedule “B” – Eligibility Criteria

Program Eligibility

1. The GNCC shall consider the following eligibility criteria when administering the Vandalism Relief Grant:
 - (a) Applicant businesses (the “Applicants”) must be storefront businesses or commercial properties located in the Program Area;
 - (b) Applicants must have a current business license and be in good standing with the City; and,
 - (c) Applicants must have sustained property damage as a result of a Vandalism Incident that occurred on or after the commencement of this Agreement;
2. The Vandalism Relief Grant Program shall not cover expenses that are covered by the Applicant’s insurance.
3. In cases of multiple Vandalism Incidents, the GNCC shall accept a maximum of two claims from each Applicant, occurring on different dates, within a calendar year.

Schedule “C” – Application Requirements

1. The GNCC shall require all Applicants to submit an application for the Grant to the GNCC in writing, which application must include the following information:

- a. Name of business;
- b. Business license number;
- c. Physical address;
- d. Contact information of business representative;
- e. Date and time of Vandalism Incident;
- f. Acceptable proof of damage and expenses, in one or more of the following forms:
 - i) Receipts for repairs of damage;
 - ii) Photographs of damage; or
 - iii) Police file number, where applicable.
- g. Confirmation of any expense to be recovered through the Applicant's insurance.

ATTACHMENT B

Vandalism Relief Grant Application Form:

****All applicant businesses shall be situated in the downtown area bounded by Comox Road, Milton Street and Front Street in the catchment areas of the Downtown Business Association, Old City Quarter Business Association, or Victoria Crescent Community Association, as identified on the attached map.*

Business Name: _____

Primary Name: _____

Business Address: _____

Business Phone Number: _____

Business Email: _____

Business License Number: _____

Are you in Good Standing with the City? (In order to proceed, you must be in good standing with the city): Y/N

Have you submitted a claim within this calendar year? Y/N

If so, what date? _____

Date and Time of Vandalism Incident: _____

Full Description of Property Damage: _____

Vandalism Relief Grant Amount Requested: _____

Acceptable proof of damage and expenses, in one or more of the following forms:

- i) Receipts for repairs of damage
- ii) Photographs of damage; or
- iii) Police file number, where applicable

Confirmation of any expenses to be recovered through the Applicant's Insurance: _____

I hereby acknowledge that the information provided on this application is true and that the Grant amount requested is not covered by my Insurance.

Printed Name: _____

Signed Name: _____

Date: _____

Grant Approved: _____

Cheque Number: _____

DATE OF MEETING [October 24, 2022]

AUTHORED BY [SADIE ROBINSON, PLANNER, CURRENT PLANNING]

SUBJECT [DEVELOPMENT PERMIT APPLICATION NO. DP1272 AND
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP419
– 6083 GARSIDE ROAD]

OVERVIEW

Purpose of Report

To present for Council's consideration a concurrent development permit application and development variance permit application to reduce the required watercourse setback, side and rear yard setbacks, and to increase the allowable fence height and lot coverage to allow the siting of an existing non-conforming dwelling and the reconstruction of an existing deck with a pool at 6083 Garside Road.

Recommendation

That Council issue:

1. Development Permit No. DP1272 at 6083 Garside Road with a variance to the watercourse setback from the wetland adjacent to Brannen Lake from 15m to 1.1m to allow an existing non-conforming dwelling and proposed site improvements; and,
2. Development Variance Permit No. DVP419 at 6083 Garside Road with with variances to the side and rear yard setbacks; fence height; and lot coverage as outlined in the "Proposed Variances" section of the Staff Report dated 2022-OCT-24. |

BACKGROUND

A development permit application, DP1272, along with a concurrent development variance permit application, DVP419, were received from Douglas and Leah Pope to vary the watercourse setback from Brannen Lake, fence height, lot coverage, and side and rear yard setbacks to allow an existing non-conforming dwelling and proposed site improvements including the reconstruction of an existing deck with a proposed pool within the watercourse leave strip.

Subject Property and Site Context

<i>Zoning</i>	R2 – Single Dwelling Residential – Small Lot
<i>Location</i>	The subject property is located between Garside Road and Brannen Lake, north of Mildmay Road and immediately south of the intersection of Garside Road and Turnstone Place.
<i>Total Area</i>	419.7m ²
<i>City Plan</i>	Schedule 2 – Future Land Use – Suburban Neighbourhood Schedule 6 – Development Permit Area 1: Environmentally Sensitive Areas

The subject property is a residential bare-land strata lot within Lakeside Estates Strata with single residential dwellings to the north and east across Garside Road. The subject parcel is positioned adjacent to a wetland of Brannen Lake and in close proximity of a water channel within the adjacent common property to the south.

The lot was previously disturbed (100% cleared) for residential development in the late 1990s. The majority (80%) of the property is contained within the required leave strip, including the house, driveway, deck, concrete on-grade patio, and fencing. No riparian vegetation has existed within the property since it was cleared for development. The subdivision (1992) and building permit (1998) applications were made based on survey plans which identified the high water mark of Brannen Lake. The wetland boundary was not identified at the time of subdivision. At the time of construction, the subject property and site improvements were outside of the Environmentally Sensitive Areas Development Permit Area, and compliant with zoning requirements at the time.

Work to remove a rotting wooden deck within the rear yard started in 2020 with the intention of re-building a portion of the deck and installing an above-ground swimming pool within the footprint of the deck. A “Stop Work Order” was issued by the City of Nanaimo as the work is located within the leave strip adjacent to the wetland of Brannen Lake. It was subsequently identified that the existing deck and proposed improvements would not comply with the current “City of Nanaimo Zoning Bylaw No. 4500” (the “Zoning Bylaw”) requirements for fence height, lot coverage, and side and rear yard setbacks, and the house and proposed improvements are located within the Environmentally Sensitive Areas Development Permit Area (DPA1).

A development permit must be obtained before further work is completed to re-build a deck and install a pool within the DPA. The proposed fence height, lot coverage and side and rear yard setback variances are not directly related to the purpose of Development Permit Area No. 1 – Watercourses, as such these variances are being considered through a concurrent development variance permit. If the requested variances are approved, the applicant will be required to apply for a Building Permit to proceed with the proposed site improvements. |

DISCUSSION

Proposed Development

The applicant proposes to retain the existing over-height fence along the rear and side property lines, of which a section will be replaced with new railings. Within the fenced area, the applicant proposes to reconstruct the majority of the deck supported on the existing concrete post footings on the south and west sides of the yard, and install an above-ground swimming pool within the deck area. The pool footprint is approximately 39m² in area and the proposed deck is approximately 55m², both of which fall entirely within the watercourse setback. The existing on-grade concrete patio that surrounds the east and north sides of the pool is to remain.

A Qualified Environmental Professional (QEP) was retained to review the existing site conditions, the proposed development, and potential for restoration in order to address the DPA guidelines. The QEP provided an Environmental Impact Assessment which establishes environmental protection measures and a riparian restoration plan.

The QEP determined that Provincial Riparian Areas Protection Regulation (RAPR) does not apply to the proposed site improvements as the existing site was previously disturbed and the proposed improvements do not increase the “*area of human disturbance*” on the lot, as defined by RAPR.

The proposed replacement of the old deck with a smaller deck and pool will have no additional impact to the lake or wetland riparian margin over the previous conditions. No habitat will be impacted, however, the QEP has identified an opportunity for some habitat improvement including riparian restoration offsite within strata common property immediately to the south of the subject property (Attachment G). The Vegetation Remediation Plan includes removal of invasive Himalayan blackberry, and a planting area of 43m² of native vegetation to be interspersed within the existing riparian vegetation. The remediation plan results in a net gain of riparian habitat and addresses the DPA guidelines. A three-year maintenance period and associated bonding will be required to ensure invasive species are monitored and the enhancement area becomes well established.

Proposed Variances

Minimum Watercourse Setback

The minimum required watercourse setback is 15m as measured from the boundary of a wetland adjacent to Brannen Lake. The applicant proposes to reduce the setback from 15m to 1.1m to allow the siting of the existing non-conforming dwelling, the siting of the existing fence, and proposed site improvements. Varying the watercourse setback will allow the siting of the existing house and enable the property owner to complete the site improvements within a previously disturbed area.

Maximum Fence Height

The maximum permitted fence height within the side and rear yard setbacks on an R2-zoned lot is 2.4m. The applicant proposes to increase the maximum allowable fence height from 2.4m to 3.15m in the southwest and northwest corners of the property to allow retention of a portion of the existing fence and replacement of a portion of the fence with a proposed railing. The existing fence on top of the deck is approximately 1.07m high, while the skirting to close in the bottom of the deck is up to 2.08m at its highest point. As such, the combined fence height is 3.15m at its highest point, decreasing in height where the grade is higher. The existing fence and proposed railing height will not change, and aligns with the neighbouring fence height.

Minimum Required Setbacks (South Side and Rear Yard)

The required yard setbacks on an R2-zoned lot are a minimum of 1.5m on the side, and 6m at the rear. An open deck is allowed to project 2.0m further into the rear yard for a minimum distance of 4.0m to the rear property line.

The applicant proposes to reduce the south side yard setback from 1.5m to 0.07m and the rear yard setback from 6.0m (or effectively 4.0m with the allowable projection) to 0.02m in order to allow the existing fence and proposed open deck as per the Proposed Site Plan by Turner & Associates Land Surveying, dated 2022-APR-04.

The requested setbacks are consistent with the existing deck siting. The setback variances will allow the property owners to reconstruct their existing deck, and allow the deck to wrap around the pool to provide access within their small residential lot.

Maximum Lot Coverage

The maximum permitted lot coverage on an R2-zoned lot is 40% of the lot area. The applicant proposes to increase the maximum allowable lot coverage to 50% to allow reconstruction of a portion of the existing deck to maintain access around the pool.

Prior to the existing deck being partially removed, it contributed to an overall lot coverage of 57% when included with the house. The deck is proposed to be reduced in size by 28.2m², reducing the overall lot coverage by 7%, bringing the lot coverage into closer alignment with current bylaw requirement.

Without the above variances, the dwelling siting would remain non-conforming and the owner would not be able to reconstruct their existing deck as proposed, thereby reducing the functional living space of their backyard.

The three most impacted neighbours have provided written letters advising of no objection to the proposed variances, and the applicant has advised that the Strata is also supportive of the proposed improvements and restoration.

The proposed variances will allow improvements to an existing property that is located predominantly within the watercourse setback, and within a previously disturbed area, while providing restoration that results in a net gain of riparian habitat. Given no negative impacts to the wetland have been identified, Staff support the proposed variances and restoration.

SUMMARY POINTS

- The applicant proposes variances to allow an existing non-conforming dwelling and proposed site improvements within the watercourse setback.
- The QEP determined that Provincial Riparian Areas Protection Regulation (RAPR) does not apply to the proposed site improvements as the existing site was previously disturbed.
- The proposed restoration includes removal of invasive Himalayan blackberry, and a planting area of 43m² of native vegetation resulting in a net gain of riparian habitat.
- Staff support the proposed variances and restoration.

ATTACHMENTS

- ATTACHMENT A: Permit Terms and Conditions
- ATTACHMENT B: Context Map
- ATTACHMENT C: Location Plan
- ATTACHMENT D: Existing Site Plan
- ATTACHMENT E: Proposed Site Plan
- ATTACHMENT F: Conceptual Renderings
- ATTACHMENT G: Vegetation Remediation Plan
- ATTACHMENT H: Site Plan detailing Restoration Areas
- ATTACHMENT I: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF DEVELOPMENT PERMIT DP1272

The “City of Nanaimo Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.3.1.1 Location and Siting of Buildings and Structures to Watercourses* to reduce the minimum required watercourse setback from Brannen Lake from 15m to 1.1m to allow an existing non-conforming dwelling and proposed site improvements.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Proposed Site Plan prepared by Turner & Associates Land Surveying, dated 2022-APR-04.
2. The subject property shall be developed in accordance with Environmental Impact Assessment & Remediation Plan prepared by Aquaparian Environmental Consulting Ltd., dated 2021-FEB-11, including section 6.0 Environmental Protection Recommendations.
3. A landscape bond is required for 100% of the Landscape Cost Estimate prepared by Aquaparian Environmental Consulting Ltd., dated 2021-FEB-11, to be held for 3 year maintenance period. A certified letter of completion is required from the Qualified Environmental Professional at the end of the 3 year maintenance period.

TERMS OF DEVELOPMENT VARIANCE PERMIT DVP419

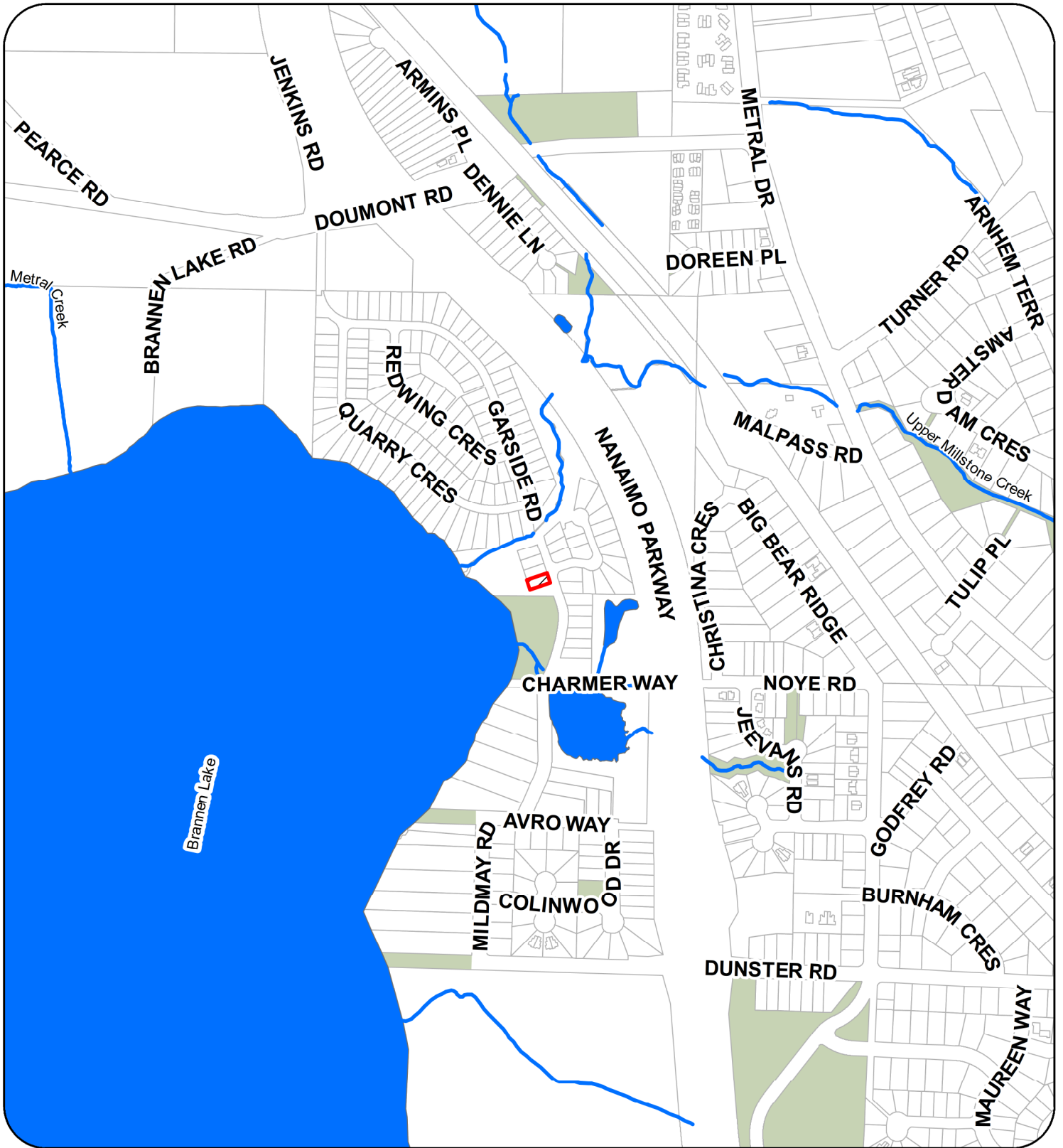
The “City of Nanaimo Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.10.2 Fence Height* – to increase the maximum allowable fence height within the rear and side yard setbacks from 2.4m to 3.15m.
2. *Section 7.5.1 Siting of Buildings* - to reduce the minimum required rear yard setback from 6.0m to 0.02m; and the minimum required south side yard setback from 1.5m to 0.07m.
3. *Section 7.6.1 Lot Coverage* – to increase the maximum permitted lot coverage within the R2 zone from 40% to 50%.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Proposed Site Plan prepared by Turner & Associates Land Surveying, dated 2022-APR-04.

ATTACHMENT B CONTEXT MAP

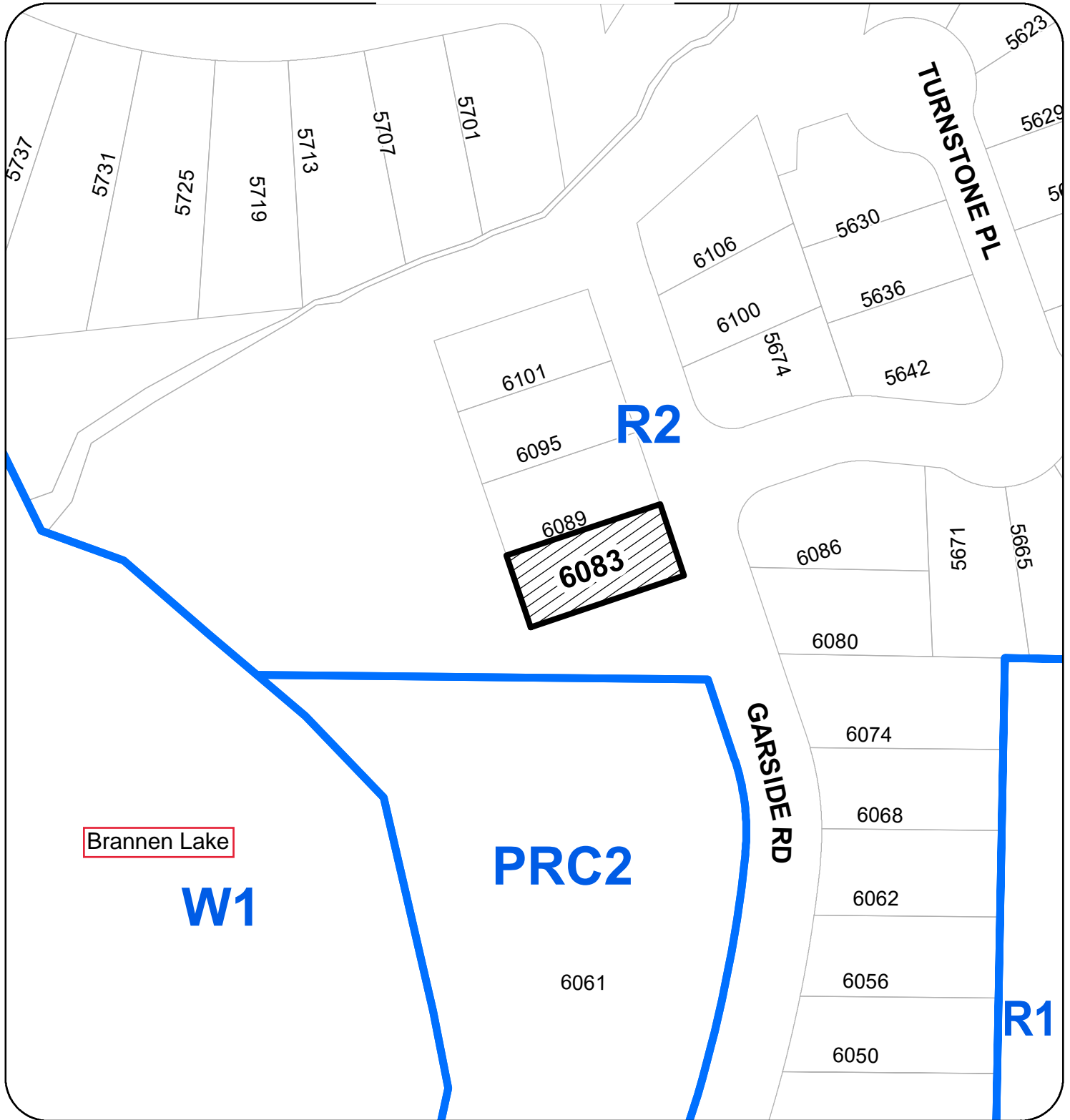


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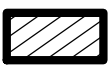


6083 GARSIDE ROAD

ATTACHMENT C LOCATION PLAN



N



SUBJECT
PROPERTY

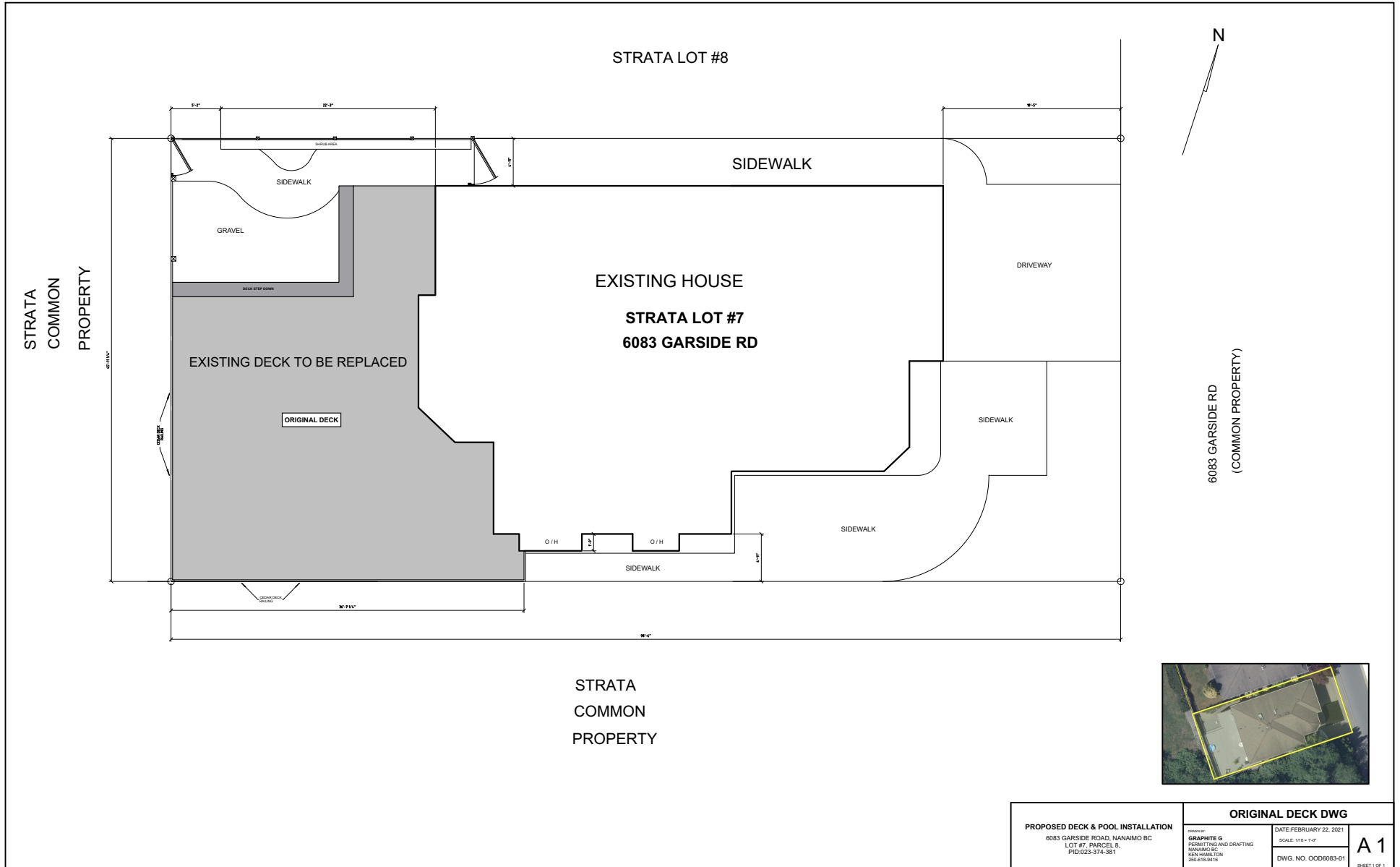
LOCATION PLAN

CIVIC: 6083 GARSIDE ROAD

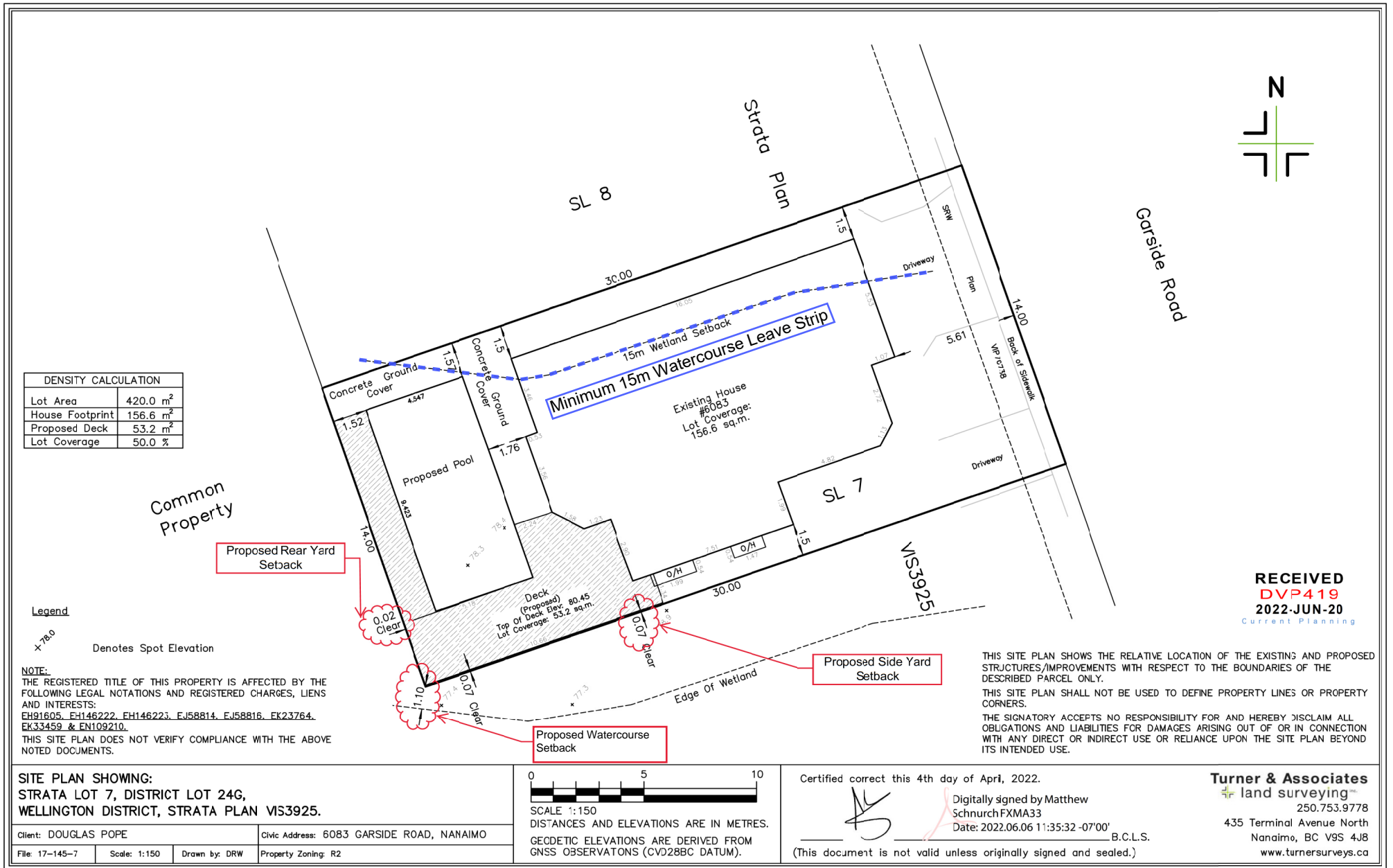
LEGAL: STRATA LOT 7, DISTRICT LOT 24G

(FORMERLY DISTRICT LOT 24), WELLINGTON DISTRICT, STRATA PLAN
VIS3925 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN
PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN
ON FORM 1 (USER RATE BILLING FOLIO 07870.100)

ATTACHMENT D EXISTING SITE PLAN

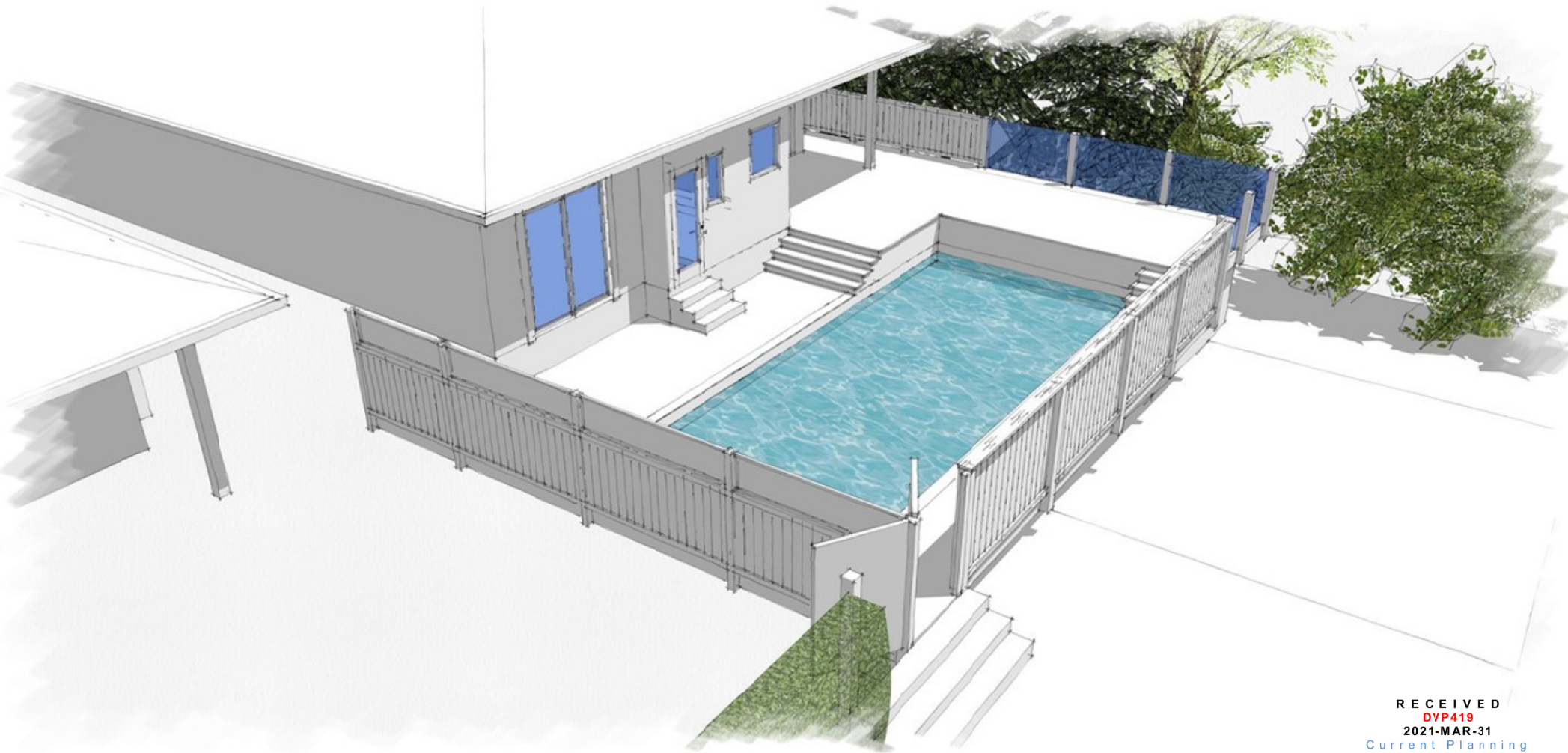


ATTACHMENT E PROPOSED SITE PLAN

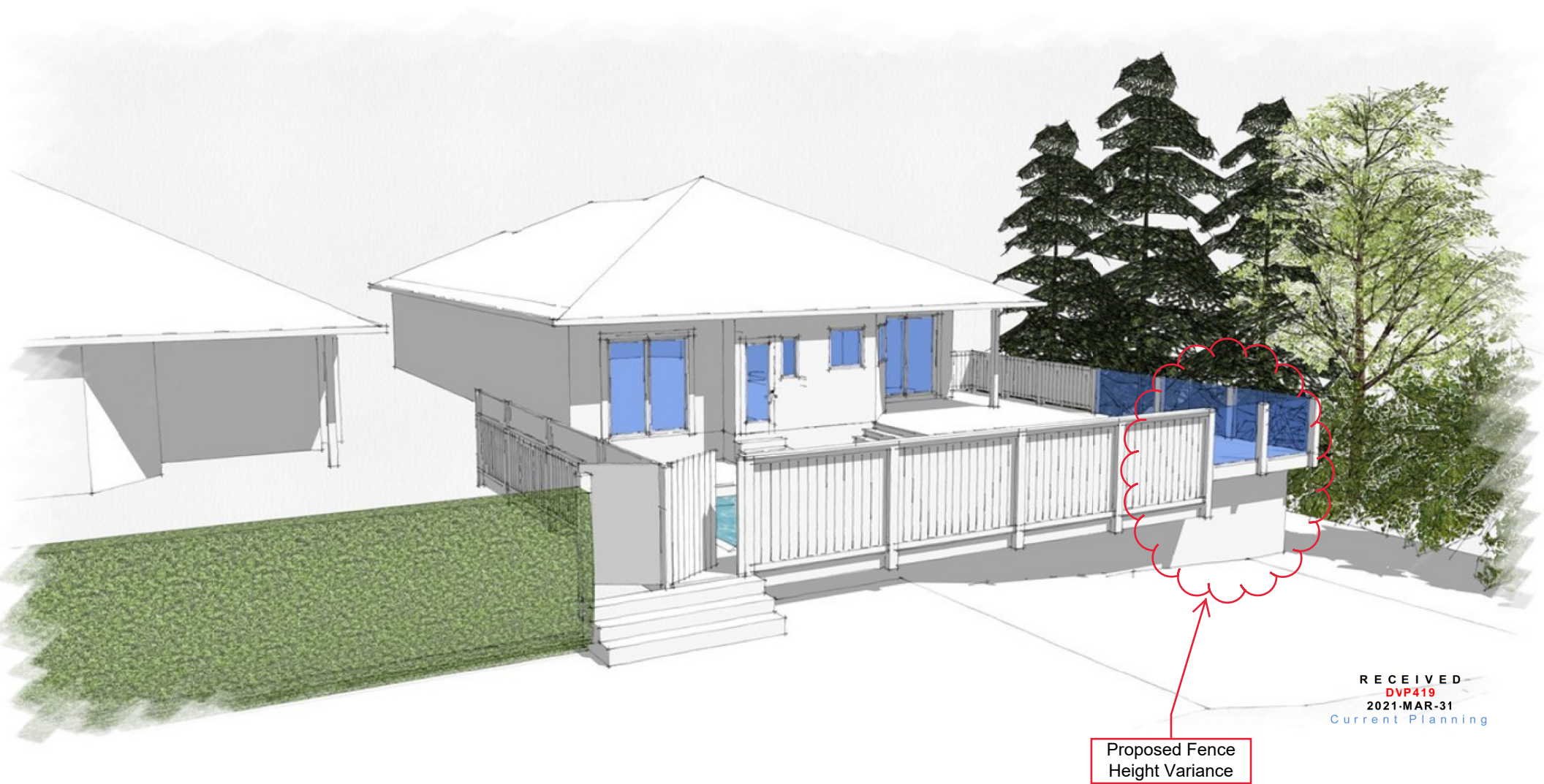


**ATTACHMENT F
CONCEPTUAL RENDERINGS**

1 of 2



RECEIVED
DYP419
2021-MAR-31
Current Planning



RECEIVED
DVP419
2021-MAR-31
Current Planning

ATTACHMENT G

VEGETATION REMEDIATION PLAN

5.0 VEGETATION REMEDIATION PLAN

The following remediation plan is intended to remove invasive Himalayan blackberry and to introduce native vegetation to improve the highly impacted 15m DPA.

5.1 Planting Plan:

Planting of a strip of native vegetation alongside the existing red-osier dogwood thicket is intended to extend the riparian habitat of the DPA to the lot boundary. The proposed planting area alongside the house and deck is mostly bare rocky soils (fill). Some plants can be installed along this strip and some of the proposed plantings can be interspersed with the existing riparian vegetation to fill in voids. In addition, a small area of Himalayan blackberry can be removed (including the roots) from the area of the culvert and native shrubs can be planted in this area. The recommended planting area is 43m².

Table 1. Planting Plan

COMMON NAME	SPECIES	SPACING	SIZE	NO.	COST PER	TOTAL
Red-osier dogwood	<i>Cornus servicea</i>	2m ²	1 Gal	18	\$6.00	\$108
Salmonberry	<i>Rubus spectabilis</i>	1m ²	1 Gal	8	\$6.00	\$48
TOTAL				26		\$156

*Note: cost estimates are based on the Streamside Native Plants Wholesale Price Guide and may vary based on the source.

Bond Estimate:

Plants: \$156

Labour estimate (includes invasive species removal and planting): 16hr x \$30/hr: \$480

Bond Estimate: **\$636**

5.2 Plant Sources

Streamside Native Plants

7455 Island Highway West, Bowser, British Columbia V0R 1G0

Phone/Fax: 250-757-9999 / Toll Free: 877-570-3138

www.streamsidenativeplants.com

E-mail: Richard@streamsidenativeplants.com

The nursery is located at 7455 Island Highway West (Highway 19A) Bowser B.C.

Green Thumb Nurseries

6261 Hammond Bay Road

Nanaimo BC V9T 5M4

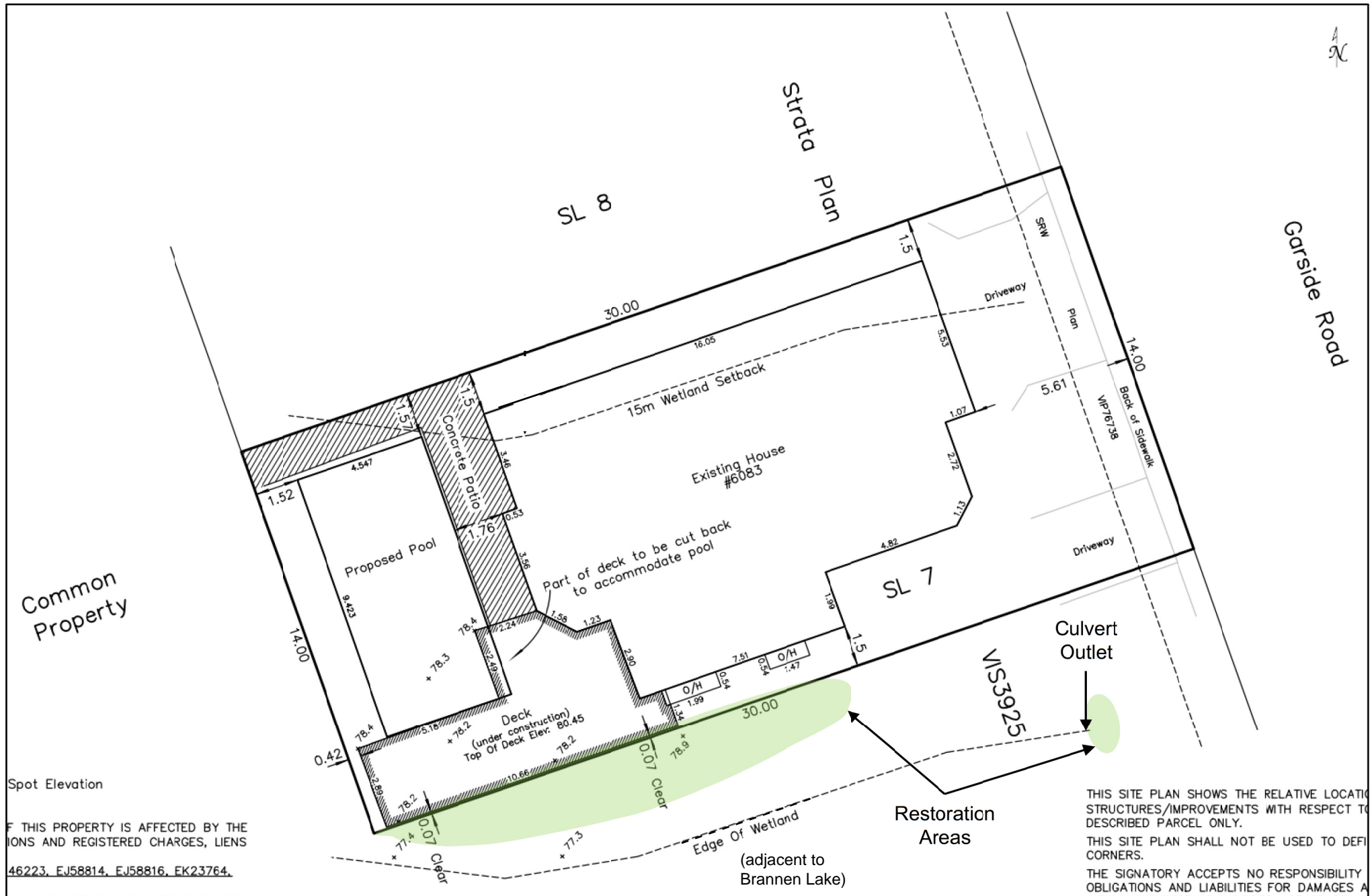
250-758-0808

E-mail: grnthumb@shaw.ca

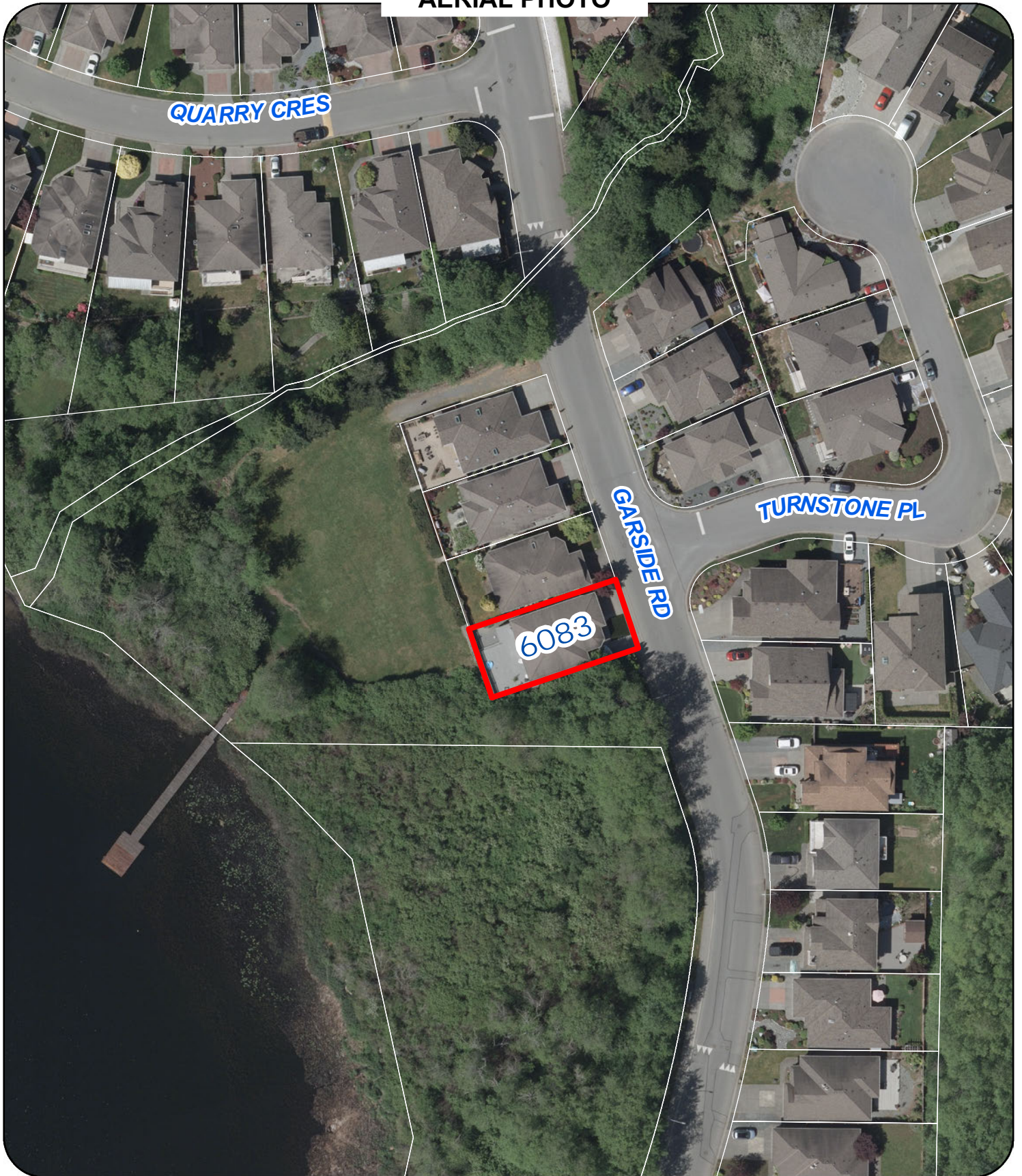
5.3 Installation & Maintenance Recommendations

- Remove invasive Himalayan blackberry from the riparian area including the roots.
- Planting is best completed either in the fall or early spring and should be maintained and irrigated as necessary through the first two summer seasons to optimize survival; however, the saturated soil conditions may be sufficient to maintain the plants without irrigation. Visually inspect the plantings through the first two summers or until established.
- For shrub plantings, add a handful of bone meal (reduces transplant shock) mixed with topsoil to the planting hole. Topsoil will need to be added to the planting hole along the side of the house where the fill soils are rocky. Topsoil is not required for plantings that are interspersed with the existing vegetation since soils in these areas appear to be suitable for planting. Water plantings immediately and as necessary until established. Planting in cool wet weather will reduce transplant shock and allow the plants to establish root systems without drought stress.
- Every year the site will need to be inspected for invasive species growth and dead plants. Invasives are to be removed as often as necessary and dead plants are to be replaced over a recommended three-year maintenance period.

ATTACHMENT H SITE PLAN DETAILING RESTORATION AREAS



ATTACHMENT I
AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP001272
DEVELOPMENT VARIANCE PERMIT NO. DVP00419



 SUBJECT PROPERTY

DATE OF MEETING October 24, 2022

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1253 – 2103 BOWEN ROAD

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application for a multi-family rental residential development at 2103 Bowen Road.

Recommendation

That Council issue Development Permit No. DP1253 for a multi-family residential development at 2103 Bowen Road with variances to building height setbacks; fence height; refuse receptacle enclosure setbacks; landscaping requirements; and parking requirements as outlined in the "Proposed Variances" section of the Staff Report dated 2022-OCT-24.

BACKGROUND

A development permit application, DP1253, was received from Camargue Properties Inc. to permit a 3-storey multi-family rental residential building at 2103 Bowen Road with 41 dwelling units.

Subject Property and Site Context

<i>Zoning</i>	Residential Corridor (COR1)
<i>Location</i>	The subject property is located on the northwest corner of the intersection of Bowen Road and Meredith Road. A public lane abuts the property to the west.
<i>Total Area</i>	1,901m ²
<i>City Plan</i>	Schedule 2 – Future Land Use Designations – Residential Corridor Schedule 13 – Development Permit Area No. 8 – Form and Character
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines

The subject property is located along the Bowen Road corridor, just north of the Hospital Area. The property was created in 2012 by consolidating a former single residential dwelling lot and a closed portion of road right-of-way. The lot is presently vacant and slopes approximately 4m downhill from north to south.

Surrounding properties abutting Bowen Road are designated Residential Corridor in the City Plan which supports apartment and townhouse forms of three to six storeys. Adjacent land uses include single dwelling residential to the west and north, a 20-unit affordable housing development across Bowen Road to the east, a mixed-use commercial and residential building across Meredith

Road to the south, and a 78-unit multi-family residential development across Meredith Road to the southwest. Nearby amenities include a place of worship 60m to the west, an elementary school 120m to the north, and a commercial shopping centre approximately 300m to the south. Transit service and parks are also located within walking distance.

DISCUSSION

Proposed Development

The applicant is proposing to construct a three-storey multi-family rental residential building with 41 dwelling units. The proposed building will be primarily small studio units and the unit composition will consist of 36 studio units (between 43m² and 51m² in area) and five 2-bedroom units (between 88m² and 89m² in area).

The proposed gross floor area is 2,589m² and the total Floor Area Ratio (FAR) is 1.36. The base maximum FAR in the COR1 zone is 1.00 and the applicant is proposing to achieve an additional 0.25 FAR through the provision of amenities as outlined in 'Schedule D – Amenity Requirements for Additional Density' of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") and an additional 0.11 FAR for the portion of required parking that is fully underground (44%) for a total maximum permitted FAR of 1.36.

The applicant is proposing to meet Tier 1 in 'Schedule D' by providing amenities including the following:

- no net loss of trees;
- maintaining pervious surfaces;
- the use of sustainable wood building materials;
- exceeding the BC Energy Step Code requirement by one step;
- the installation of educational signage regarding natural features, sustainable building materials, and sustainable energy management practices.

Site Design

The proposed building will be situated close to Bowen Road, with vehicle access at the rear from the adjacent lane. Of the 39 parking stalls proposed, 27 will be under-the-building and the remaining 12 stalls and loading space will be at-grade in the rear. The principal building entry will face an expanded plaza at the corner of Bowen Road and Meredith Road connected by staircase and accessible ramp. Secondary exits from the building will be connected by walkways to both streets, and ground-level units will have individual connections to Bowen Road. All required bicycle parking is proposed, with long-term bicycle storage on the first storey above the under-the building parking level. An outdoor solid waste receptacle enclosure is proposed on the west side of the site facing the adjacent lane.

Building Design

The proposed building design and massing meets the intent of General Development Permit Area Design Guidelines. The building is contemporary in design and will feature a prominent visual element at the corner facing the Bowen Road and Meredith Road intersection, highlighting the internal staircase and elevator shaft. The building will present a three-storey elevation facing

Bowen Road to the east, and a four-storey elevation to the west where the under-the-building parking is exposed above grade. All units will include a private outdoor patio or balcony reflecting the building's residential character. A rooftop outdoor amenity space is proposed, with access from the staircase and elevator.

The exterior building materials will include a rhythm of different shades and colours of cementitious panel siding, highlighting individual units and providing visual interest along the Bowen Road corridor. Corrugated metal sheet siding at ground level will highlight the main lobby entry.

Landscape Design

Landscaping is proposed along both street frontages, and along the adjacent property to the north. Both coniferous and deciduous trees are proposed along the street frontages, and a bioswale will separate the building from Meredith Road. A landscape buffer and 1.8m-high wood panel fence will screen the development from the property to the north. Ground-level patios will include 1.2m-high metal fences for privacy. Site lighting is proposed along walkways and patios with ground-facing bollard lighting and gate lights.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2022-JAN-27, accepted DP1253 as presented with support for the proposed variances and provided the following recommendation:

- Consider expanding the roof deck and the addition of the green roof components.

The applicant subsequently revised the development plans in response to the DAP recommendation by expanding the size of the proposed rooftop amenity space.

Proposed Variances

Maximum Building Height

The maximum permitted building height in the COR1 zone is 14.00m. A building height of 14.95m is proposed, a requested variance of 0.95m. The variance is requested for only a portion of the building to accommodate the rooftop access staircase. Where at least 75% of the required parking is located below or beneath a building, an additional 4m of height would be permitted; however, only 69% of the required parking is proposed below the building.

Minimum Required Setbacks

The minimum required front yard setback facing Bowen Road for the subject property is 6.0m. This consists of the minimum front yard setback of 3.5m in the COR1 zone with an additional 2.5m setback required as the property abuts a major road where road dedication has not yet occurred. A front yard setback of 3.0m is proposed for a portion of the building facing Bowen Road, a requested variance of 3.0m.

The minimum required flanking side yard setback in the COR1 zone is 4.5m. A flanking side yard setback of 4.0m is proposed for one corner of the building facing Meredith Road, a requested variance of 0.5m.

The setback variances are requested in order to accommodate the building siting on an irregularly-shaped lot while providing appropriate street presence with street-facing balconies. The proposed setback along Bowen Road would not preclude the additional width required for cross-sectional elements if requested by the City, and a statutory right-of-way will be secured as a condition of this development permit to accommodate frontage works to be determined at detailed design stage.

Maximum Fence Height

The maximum permitted combined height of a fence and retaining wall in the side yard in the COR1 zone is 1.80m. A portion of the proposed retaining wall with fence along the north side lot line will have a height of up to 2.45m, a requested variance of 0.65m.

The proposed concrete retaining wall will separate the subject property from the adjacent property at 2105 Bowen Road and will face internally towards the surface parking lot which is lower than elevation than the adjacent property. A 1.8m-high fence is proposed on top of the retaining wall. No visual impacts of the retaining wall on the adjacent property are anticipated as the wall will not be visible from the north.

Minimum Refuse Receptacle Enclosure Setbacks

The minimum required setback for a refuse receptacle enclosure from an adjacent lot for residential use is 3.0m. The proposed refuse receptacle enclosure is 1.5m from the north property line, a requested variance of 1.5m.

The minimum required landscape buffer width for a refuse receptacle enclosure in the COR1 zone is 1.8m. No landscape buffer is proposed along two sides of the refuse receptacle enclosure facing the parking area, a requested variance of 1.8m. A landscape buffer width of 1.5m is proposed along the third side of the enclosure, abutting the adjacent property to the north.

The refuse receptacle enclosure variances are requested in order to site the enclosure close to the lane in the rear where waste collection will be most efficient. The enclosure will be made of decorative wood screening and will be buffered from the adjacent property to the north by the 1.5m landscape buffer. The enclosure will be approximately 20m away from the nearest existing residence.

Minimum Required Parking

The minimum required parking for the proposed development is 40 parking stalls. A total of 39 parking stalls are proposed, a requested variance of 1 parking stall.

The maximum permitted percentage of small car parking is 40% (16 stalls). A total of 48% (19 stalls) of the parking is proposed for small car parking, a requested variance of 8% (three parking stalls).

The applicant has provided rationale as per Council's Policy for Consideration of a Parking Variance. The parking variance for one parking space is requested in order to accommodate parking on the irregular site layout. The subject site is immediately adjacent to a Frequent Transit Route (Bowen Road) as identified in the City Plan, and is in close proximity to Active Transportation Corridors identified in the City Plan (Boxwood Road, Meredith Road, and Bowen

Road). The small car parking variance is appropriate given the higher proportion of smaller studio units geared towards single-occupant renters.

Staff support the proposed variances.

SUMMARY POINTS

- Development Permit Application No. DP1253 is for a three-storey multi-family rental residential building with 41 dwelling units at 2103 Bowen Road.
- Variances are requested to the building height, setbacks, fence height, refuse receptacle enclosure setbacks and landscaping requirements, and parking requirements.
- Staff support the proposed 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 Details
ATTACHMENT F: Building Perspective Views and Street Views
ATTACHMENT G: Site Sections
ATTACHMENT H: Landscape Plan and Details
ATTACHMENT I: Schedule D – Amenity Requirements for Additional Density
ATTACHMENT J: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.10.2 Fence Height* – to increase the maximum permitted fence height within a side yard from 1.80m to 2.45m.
2. *Sections 9.5.1 and 9.5.3 Siting of Buildings* – to reduce the minimum required front yard setback from 6.0m to 3.0m.
3. *Section 9.5.1 Siting of Buildings* – to reduce the minimum required flanking side yard setback from 4.5m to 4.0m.
4. *Section 9.7.1 Size of Buildings* – to increase the maximum allowable building height from 14.00m to 14.95m.
5. *Section 17.3.4 Refuse Receptacles* – to reduce the minimum required setback for a refuse receptacle from a 3.0m to 1.5m.
6. *Sections 17.11 and 17.12 Minimum Landscape Treatment Levels* – to reduce the width of the minimum landscape treatment level for a refuse receptacle enclosure from 1.8m to 1.5m.

The City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” is varied as follows:

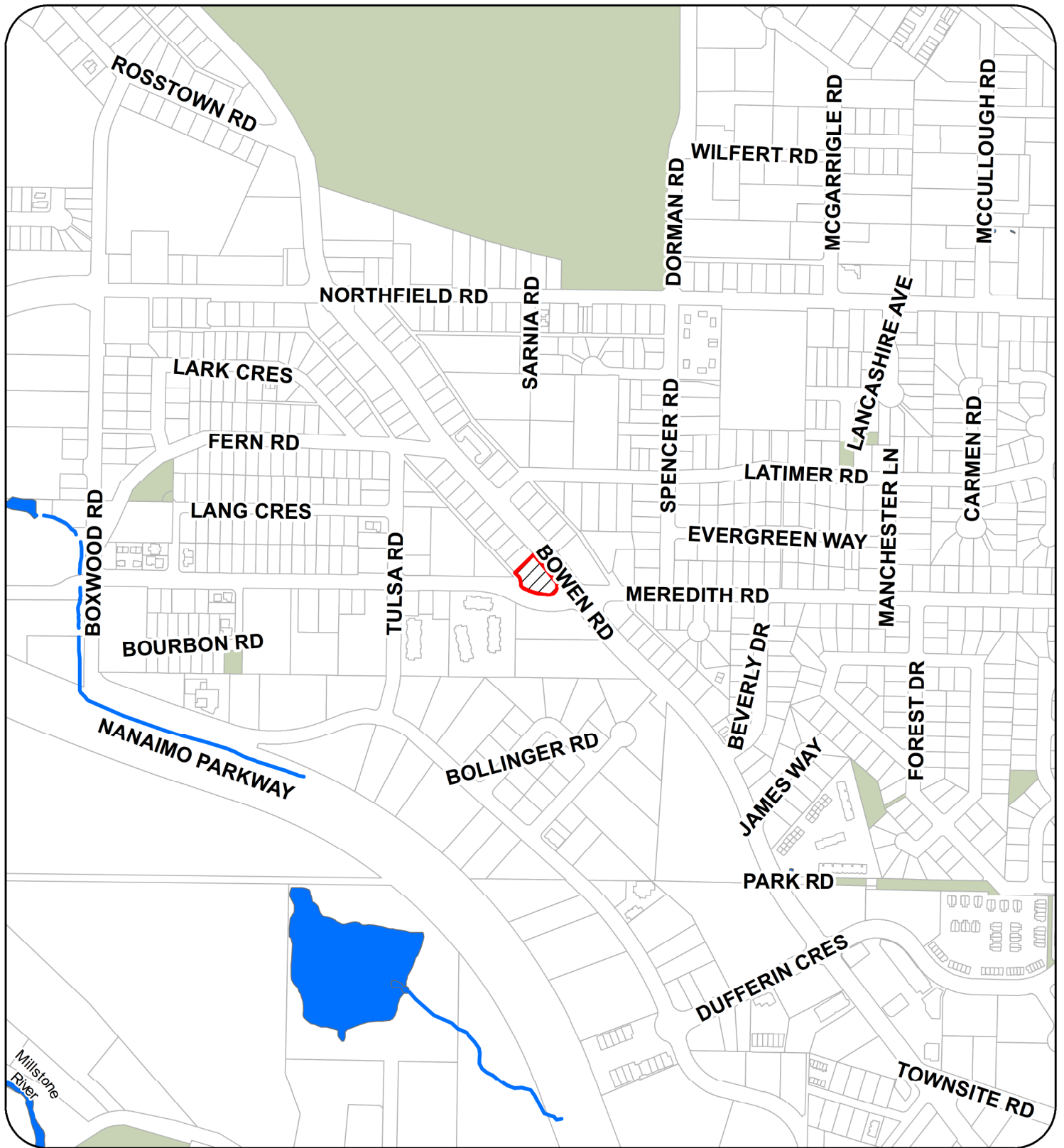
1. *Section 4.3 Small Car Spaces* – to increase the maximum permitted number of off-street parking spaces that may be reduced in size to accommodate small cars from 40% to 48%.
2. *Section 7.1 Multiple-Family Dwelling Parking Table* – to reduce the minimum required number of off-street parking spaces from 40 spaces to 39 spaces.

CONDITIONS OF PERMIT

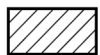
1. The subject property is developed generally in accordance with the Site and Parking Plans prepared by Joyce Reid Troost Architecture, dated 2022-AUG-08, as shown on Attachment D.
2. The development is in substantial compliance with the Building Elevations and Details prepared by Joyce Reid Troost Architecture, dated 2022-SEP-28 as shown on Attachment E.
3. The development is in substantial compliance with the Landscape Plan and Details prepared by Victoria Drakeford Landscape Architect, dated 2022-AUG-04, as shown on Attachment H.
4. Registration of a Statutory Right-of-Way (SRW) along Bowen Road to accommodate future frontage improvements prior to building permit issuance, with a width of up to 1.5m and exact dimensions to be determined at detailed design stage.

5. The subject property is developed in accordance with the 'Schedule D – Amenity Requirements for Additional Density' prepared by Joyce Reid Troost Architecture, dated 2022-AUG-08, as shown in Attachment I, and 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.

ATTACHMENT B CONTEXT MAP

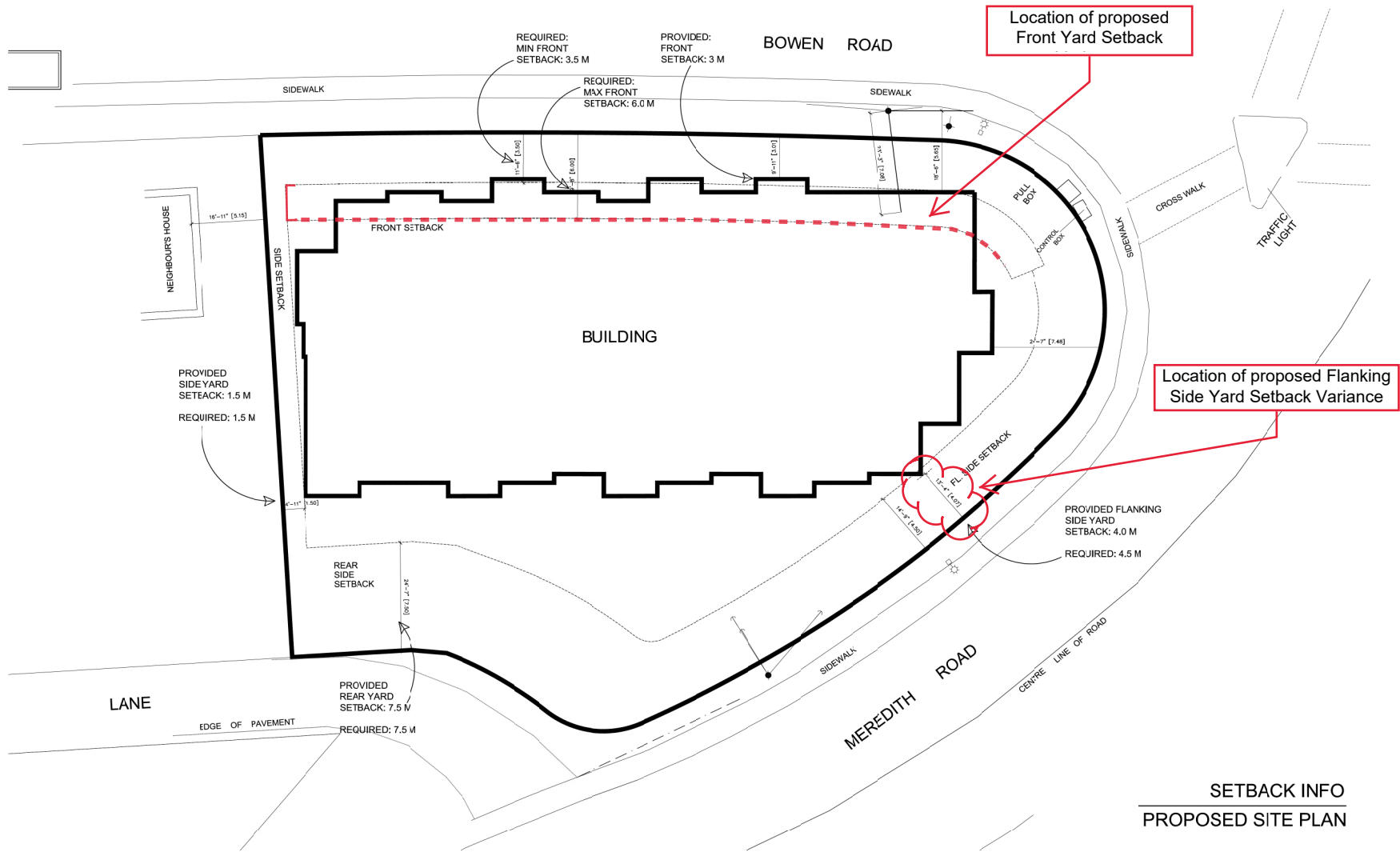


2103 BOWEN ROAD



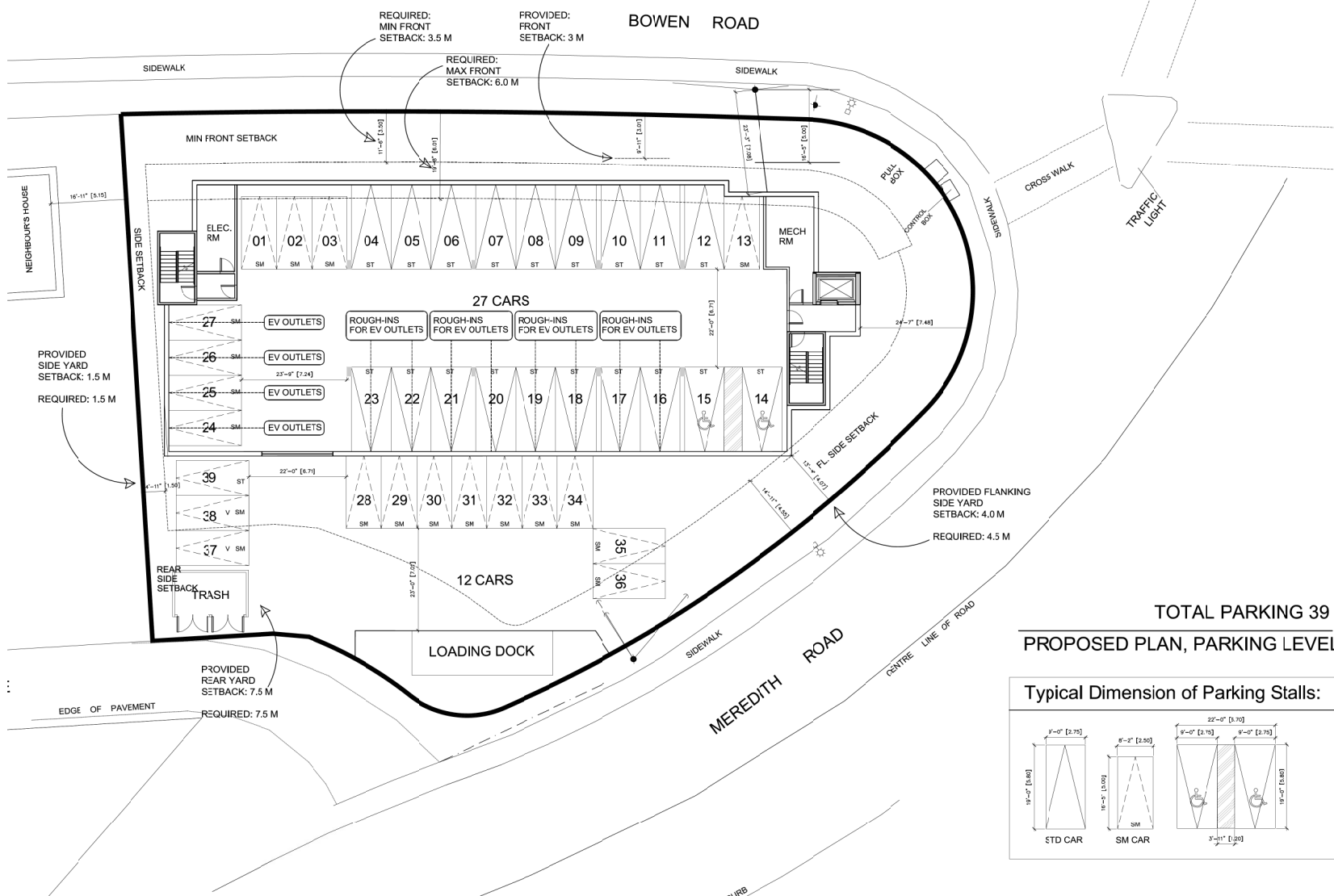
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ATTACHMENT D SITE AND PARKING PLANS

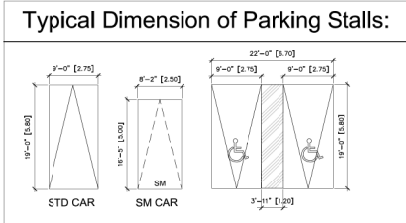




SETBACK INFO
PROPOSED SITE PLAN

	JOYCE REID TROOST ARCHITECTURE 2515 GLENAYR DRIVE NANAIMO, BC V9S 3R9 joyce@jrtarchitecture.com 250.714.8749 jrtarchitecture.com	<div>THE DRAWINGS, SPECIFICATIONS AND INFORMATION CONTAINED HEREIN ARE THE SOLE PROPERTY OF JOYCE REID TROOST ARCHITECTURE. NO PART OF THESE DRAWINGS OR INFORMATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM JOYCE REID TROOST ARCHITECTURE. IN THE EVENT OF ANY UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL NOT HOLD JOYCE REID TROOST ARCHITECTURE RESPONSIBLE.</div> <div><p>ARCH. STAMP</p></div>	<div>BOWEN APTS. 2103 BOWEN ROAD NANAIMO, BC</div> <div>RECEIVED DP 1253 2022-AUG-12 CITY OF NANAIMO</div>	<div>CLIENT CAMARGUE PROPERTIES INC.</div> <table><tr><th>REV.</th><th>DATE</th><th>NUMBER</th><th>DESCRIPTION</th></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	REV.	DATE	NUMBER	DESCRIPTION																																					<div>DATE NOV 12, 2021</div> <div>SCALE</div> <div>DRAWN BY JRT</div>	<div>SETBACKS INFO</div> <div>A101</div>
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TOTAL PARKING 39
PROPOSED PLAN, PARKING LEVEL



	JOYCE REID TROOST ARCHITECTURE 2515 GLENAYR DRIVE NANAIMO, BC V9S 3R9 joyce@jrtarchitecture.com 250.714.8749 jrtarchitecture.com	THE DRAWINGS, DESIGN AND REMARKS OF CONTRACTOR CONTROLLED HEREIN ARE THE SOLE PROPERTY OF JOYCE REID TROOST ARCHITECT. ALL CONTRACTORS AND PROPERTY OWNERS ARE ADVISED THAT THESE DRAWINGS AND REMARKS ARE NOT TO BE REPRODUCED OR USED FOR ANY PURPOSES FOR WHICH THEY ARE NOT DESIGNED FOR. ANY REPRODUCTION OR USE OF THESE DRAWINGS BY A THIRD PARTY WITHOUT THE WRITTEN PERMISSION OF JOYCE REID TROOST ARCHITECT IS PROHIBITED.	ARCH. STAMP 	BOWEN APTS. 2103 BOWEN ROAD NANAIMO, BC	CLIENT CAMARQUE PROPERTIES INC.	<table border="1"><thead><tr><th>REV. DATE</th><th>NUMBER</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>AUG 5, 2022</td><td>01</td><td>REV D1</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	REV. DATE	NUMBER	DESCRIPTION	AUG 5, 2022	01	REV D1																			DATE NOV 12, 2021 SCALE DRAWN BY JRT	PARKING LEVEL A100
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RECEIVED
DP1253
2022-AUG-12
CITY OF NANAIMO

ATTACHMENT E

BUILDING ELEVATIONS AND DETAILS

MATERIAL LEGEND

- 01 HARDIE panel, Arctic White
- 02 HARDIE lap siding, Pearl Grey
- 03 HARDIE panel, Iron Grey
- 04 HARDIE panel Dulux, Prussian Blue
- 05 Galvanised Corrugated Metal Sheet / Textured Fibre Cement Board



FRONT ELEVATION FROM BOWEN ROAD (WEST)



BACK ELEVATION FROM MEREDITH ROAD (EAST)

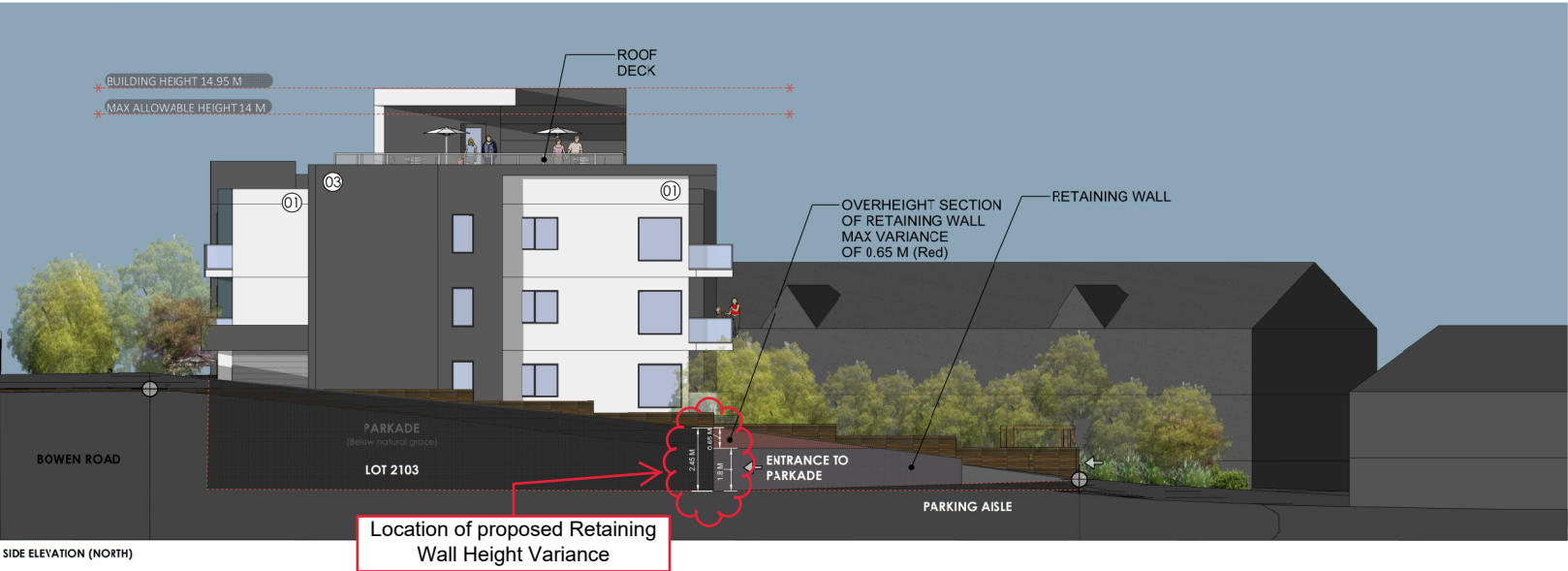


PROPOSED PARKADE GATE

	JOYCE REID TROOST ARCHITECTURE 2515 GLENAYR DRIVE NANAIMO, BC V9S 3R9 joyce@jrtarchitecture.com 250.714.8749 jrtarchitecture.com	THE DRAWINGS, DESIGN IDEAS AND FEATURES OF CONSTRUCTION DEPICTED HEREIN ARE THE EXCLUSIVE PROPERTY OF JOYCE REID TROOST ARCHITECT. ALL COMMON COPY AND PROPERTY RIGHTS ARE EXPRESSLY RESERVED. THEY ARE NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR USED FOR ANY PURPOSES NOW OR ARE THEY TO BE ASSIGNED TO A THIRD PARTY. IN THE EVENT OF ANY UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL NOT HOLD JOYCE REID TROOST ARCHITECT RESPONSIBLE.	ARCH. STAMP 	BCOWEN APTS. 2103 BOWEN ROAD, NANAIMO, BC	RECEIVED DP1253 2022-SEP-28 Current Planning	CLIENT CAMARGUE PROPERTIES INC.	<table><tr><th>REV. DATE</th><th>NUMBER</th><th>DESCRIPTION</th></tr><tr><td>AUG 5, 2022</td><td>01</td><td>REV 01</td></tr><tr><td>SEP 27, 2022</td><td>01</td><td>REV 02</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	REV. DATE	NUMBER	DESCRIPTION	AUG 5, 2022	01	REV 01	SEP 27, 2022	01	REV 02																DATE NOV 12, 2021 SCALE SEE DRAWING	ELEVATIONS 1
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SEP 27, 2022	01	REV 02																															
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MATERIAL LEGEND

- 01 HARDIE panel, Arctic White
- 02 HARDIE lap siding, Pearl Grey
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- 05 Galvanised Corrugated Metal Sheet / Textured Fibre Cement Board



JOYCE REID TROOST ARCHITECTURE
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2103 BOWEN ROAD, NANAIMO, BC

CLIENT
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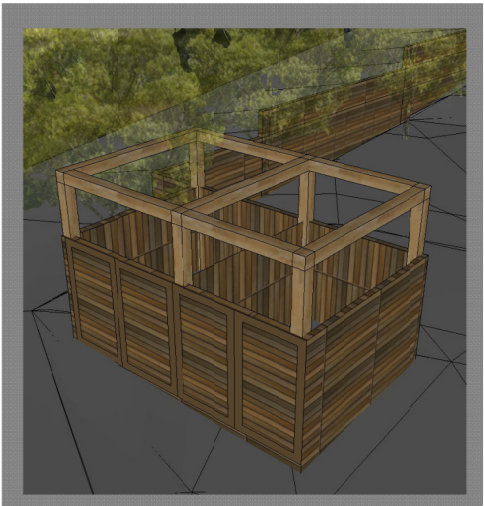
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ELEVATIONS 2

A201



TRASH AREA



TRASH AREA

ATTACHMENT F

BUILDING PERSPECTIVE AND STREET VIEWS



PERSPECTIVE FROM BOWEN- MEREDITH INTERSECTION




PERSPECTIVE FROM THE LANE



PERSPECTIVE FROM BOWEN ROAD



PERSPECTIVE FROM MEREDITH ROAD




JOYCE REID TROOST ARCHITECTURE

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THIRD PARTY, THE THIRD PARTY SHALL
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CLIENT

CAMARGUE PROPERTIES INC.

REV. DATE	NUMBER	DESCRIPTION
AUG 5, 2022	01	REV 01

DATE NOV 12, 2021

SCALE SEE DRAWING

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PERSPECTIVES 1

A300



TOP PERSPECTIVE OF BOWEN- MEREDITH INTERSECTION





ROOF DECK COMMON AMENITY SPACE



TOP PERSPECTIVE BACK OF BUILDING



AERIAL PERSPECTIVE OF SITE

	JOYCE REID TROOST ARCHITECTURE 2515 GLENAYR DRIVE NANAIMO, BC V9S 3R9 joyce@jrtarchitecture.com 250.714.8749 jrtarchitecture.com	THE DRAWINGS, DESIGN IDEAS AND FEATURES OF CONSTRUCTION DEPICTED HEREIN ARE THE EXCLUSIVE PROPERTY OF JOYCE REID TROOST ARCHITECT. ALL COMMON COPY AND PROPERTY RIGHTS ARE EXPRESSLY RESERVED. THEY ARE NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF JOYCE REID TROOST ARCHITECT. IN THE EVENT OF ANY UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL NOT HOLD JOYCE REID TROOST ARCHITECT RESPONSIBLE.	ARCH. STAMP 	BOWEN APTS. 2103 BOWEN ROAD, NANAIMO, BC	RECEIVED DP1253 2022-AUG-12 <small>CITY OF NANAIMO</small>	CLIENT CAMARGUE PROPERTIES INC.	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>NUMBER</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>AUG 5, 2022</td> <td>01</td> <td>REV 01</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV.	DATE	NUMBER	DESCRIPTION	1	AUG 5, 2022	01	REV 01																													DATE NOV 12, 2021 SCALE SEE DRAWING DRAWN BY JRT	PERSPECTIVES 2 A301
	REV.	DATE	NUMBER	DESCRIPTION																																									
1	AUG 5, 2022	01	REV 01																																										



AERIAL VIEW OF PROPOSED DEVELOPMENT



JOYCE REID TROOST ARCHITECTURE

2515 GLENAYR DRIVE
NANAIMO, BC V9S 3R9

joyce@jrtarchitecture.com
250.714.8749
jrtarchitecture.com

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ARCH. STAMP



BOWEN APTS.

2103 BOWEN ROAD, NANAIMO, BC

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DP1253
2022-AUG-12
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CAMARGUE PROPERTIES INC.



REV. DATE	NUMBER	DESCRIPTION
AUG 5, 2022	01	REV 01

DATE	NOV 12, 2021
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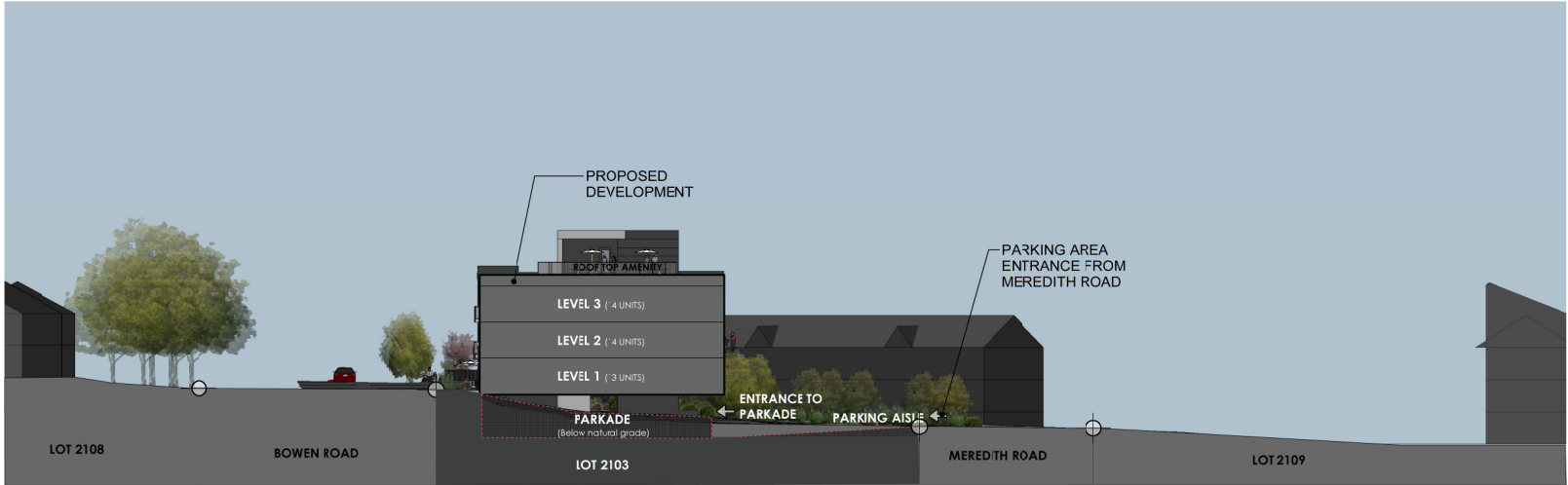
STREET VIEW

A001

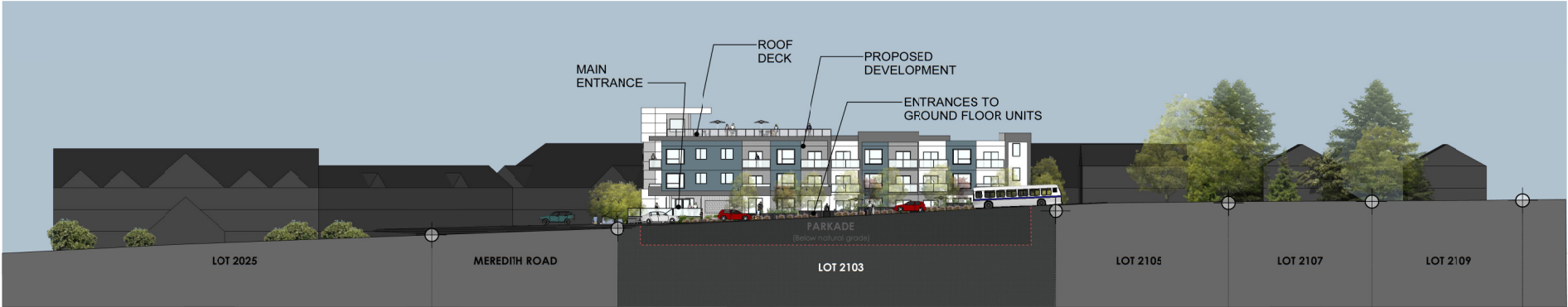


 <p>JOYCE REID TROOST ARCHITECTURE 2515 GLENAYR DRIVE NANAIMO, BC V9S 3R9</p> <p>joyce@jrtarchitecture.com 250.714.8749 jrtarchitecture.com</p>	<p>THE DRAWINGS, DESIGN IDEAS AND FEATURES OF CONSTRUCTION DEPICTED HEREIN ARE THE EXCLUSIVE PROPERTY OF JOYCE REID TROOST ARCHITECT. ALL COMMON COPY AND PROPERTY RIGHTS ARE EXPRESSLY RESERVED. THEY ARE NOT TO BE REUSED, COPIED, REPRODUCED, OR USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF JOYCE REID TROOST ARCHITECT. IN THE EVENT OF ANY UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL NOT HOLD JOYCE REID TROOST ARCHITECT RESPONSIBLE.</p>	<p>ARCH. STAMP</p> 	<p>BOWEN APTS. 2103 BOWEN ROAD, NANAIMO, BC</p> <p>RECEIVED DP1253 2022-AUG-12 CURRENT PLANNING</p>	<p>CLIENT</p> <p>CAMARGUE PROPERTIES INC.</p>	<table border="1"> <thead> <tr> <th>REV. DATE</th> <th>NUMBER</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>AUG 5, 2022</td> <td>01</td> <td>REV 01</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV. DATE	NUMBER	DESCRIPTION	AUG 5, 2022	01	REV 01																												<p>DATE NOV 12, 2021</p> <p>SCALE SEE DRAWING</p> <p>DRAWN BY JRT</p>	<p>STREET VIEW</p> <p>A002</p>
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AUG 5, 2022	01	REV 01																																						

ATTACHMENT G
SITE SECTIONS



EAST-WEST CROSS SECTION THROUGH LOT



STREET SCENE ALONG BOWEN ROAD

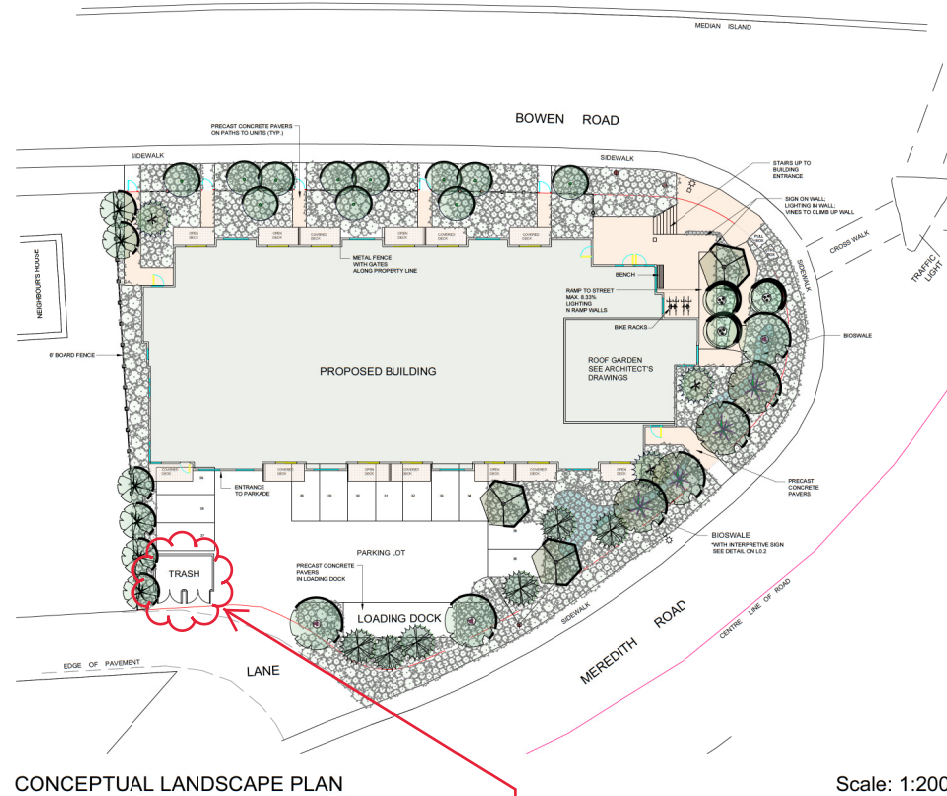
	JOYCE REID TROOST ARCHITECTURE 2515 GLENAYR DRIVE NANAIMO, BC V9S 3R9 joyce@jrtarchitecture.com 250.714.8749 jrtarchitecture.com	THE DRAWINGS, DESIGN IDEAS AND FEATURES OF CONSTRUCTION DEPICTED HEREIN ARE THE EXCLUSIVE PROPERTY OF JOYCE REID TROOST ARCHITECT. ALL COMMON COPY AND PROPERTY RIGHTS ARE EXPRESSLY RESERVED. THEY ARE NOT TO BE REUSED, COPIED, REPRODUCED, OR USED FOR ANY PURPOSES NOW OR ARE THEY TO BE ASSIGNED TO A THIRD PARTY. IN THE EVENT OF ANY UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL NOT HOLD JOYCE REID TROOST ARCHITECT RESPONSIBLE.	ARCH. STAMP 	BOWEN APTS. 2103 BOWEN ROAD, NANAIMO, BC RECEIVED DP 1253 2022-AUG-12 <i>Current Planning</i>	CLIENT CAMARGUE PROPERTIES INC.	<table><tr><th>REV. DATE</th><th>NUMBER</th><th>DESCRIPTION</th></tr><tr><td>AUG 5, 2022</td><td>01</td><td>REV 01</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	REV. DATE	NUMBER	DESCRIPTION	AUG 5, 2022	01	REV 01																			DATE NOV 12, 2021 SCALE SEE DRAWING	SECTIONS A202
	REV. DATE	NUMBER	DESCRIPTION																													
	AUG 5, 2022	01	REV 01																													

ATTACHMENT H LANDSCAPE PLAN AND DETAILS

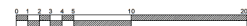
PLANT PALETTE

NOTE: The plants for this scheme will be chosen from the following list as appropriate. Not all plants will necessarily be used and others may be substituted depending on availability and suitability. The plant numbers are based on the conceptual plan and may change during the development of the Building Permit drawing.

Key	Qty	Botanical Name	Common Name	Pot Size	Spacing	Comments
Deciduous Trees (Total 16)						
Ck	3	<i>Cornus kousa</i>	Chinese Dogwood (multistem)	3m ht.		
Fad	6	<i>Fagus sylvatica</i> 'Dawgck Gold'	Dawgck Gold Beech	6 cm cal		
Pp	4	<i>Parrotia persica</i> 'Vanessa'	Persian Ironwood	6 cm cal	1.8m branching height	Street trees
Sjap	3	<i>Styrax japonica</i>	Snowbell Tree	6 cm cal	1.8m branching height	
Small Deciduous Trees (Total 14)						
AgA	3	<i>Amelanchier grandiflora</i> 'Autumn Brilliance'	Serviceberry	10 gall		
Ap	11	<i>Acer palmatum</i>	Japanese Maple	2.5m ht		
Coniferous Trees (Total 9)						
Ptv	6	<i>Pinus flexilis</i> 'Vanderwolf'	Serbian Spruce	2m ht		
PoB	3	<i>Picea omorika</i> 'Bruni'	Vanderwolf Pine	2m ht		
Shrubs/Grasses/Bioswale Plants						
Deciduous Shrubs						
Gs	21	<i>Cornus alba sibirica</i>	Red Twigged Dogwood	#1		
Hd	7	<i>Holodiscus discolor</i>	Ocean Spray	#1	1.2 m o.c.	
Rb	28	<i>Ribes sanguineum</i>	Red Flowering Currant	#1		
Evergreen Shrubs						
Auu	9	<i>Arctostaphylos uva-ursi</i>	Kinnikinnick			
Ct	9	<i>Choisya ternata</i>	Mexican Orange Blossom	#1		
Gs	260	<i>Gaultheria shallon</i>	Sailal	#1	.76m o.c.	
La	87	<i>Lavandula angustifolia</i>	English Lavender	#1	.76m o.c.	
Mn	246	<i>Malva nivalis</i>	Dull Oregon Grape	#1		
Ro	20	<i>Rosemarinus officinalis</i>	Rosemary	#1	.76m o.c.	
Sh	8	<i>Sarcococca hookeriana</i> var. humilis	Sweetbox	#1		
Vo	112	<i>Vaccinium ovatum</i>	Evergreen Huckleberry	#1	1.2 m o.c.	
Grasses						
Hk	129	<i>Hakonechloa macra</i>	Japanese Woodland Grass	#1		
Hs	227	<i>Helictotrichon sempervirens</i>	Blue Oat Grass	#1		
Mv	53	<i>Miscanthus sinensis yaku-jima</i>	Maiden Grass	#1	.76m o.c.	
Ferns						
Afr	75	<i>Adiantum filix-femina</i>	Lady Fern	#1		
Ble	65	<i>Blechnum spicant</i>	Oxeye Fern	#1		
De	75	<i>Dryopteris erythrosora</i>	Autumn Fern	#1		
Pmun	150	<i>Polystichum munum</i>	Sword Fern	#1	.76m o.c.	
Perennials / Berries						
Am	30	<i>Achillea millefolium</i>	Yarrow	#1		Varities TBD
B	30	<i>Berberis</i>				
Sc	25	<i>Solidago canadensis</i>	Goldenrod	#1		
Ss	25	<i>Symphoricarpos subspicata</i>	Douglas Aster	#1		
Vines						
Pt	5	<i>Parthenocissus tricuspidata</i>	Boston Ivy	1 gall		
Bioswale Plants						
Co	42	<i>Carex obovata</i>	Slough Sedge	plugs	.6m o.c.	
Ie	42	<i>Iris ensata</i>	Iris	#1	.6m o.c.	
Sm	42	<i>Scirpus microcarpus</i>	Small flowered Bulrush	plugs	.6m o.c.	



Location of proposed Refuse
Receptacle Variances



RECEIVED
DP 1253
2022-AUG-12
Current Planning

NOTES:
ALL GRADES APPROXIMATE:
TO BE CO-ORDINATED WITH
CIVIL.

NOT FOR
CONSTRUCTION

REVISIONS:

CAD DP Plan - 2022Jul05

Response to CL - 2022Aug04

CONSULTANT:



PROJECT:

BOWEN ROAD
APARTMENTS

SITE LEGAL DESCRIPTION:

2103 BOWEN ROAD,
NANAIMO, BC

SHEET TITLE:

CONCEPTUAL
LANDSCAPE
PLAN

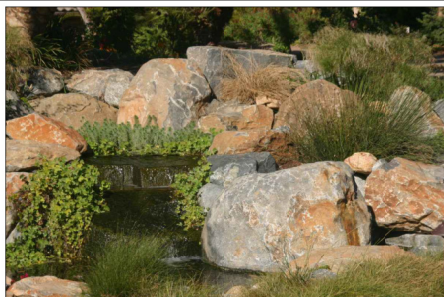
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DRAWN: DR CHECKED: VJD

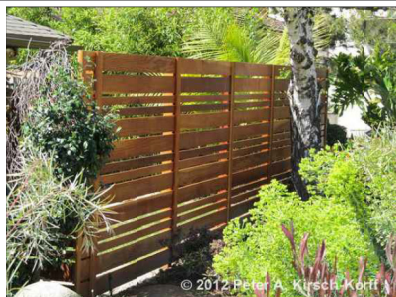
PROJECT NUMBER: 2103 BOWEN ROAD 2022

DRAWING NUMBER:
L0.1/ DP

REVISION:



Bioswale



6'-0" Board fence



Bike rack



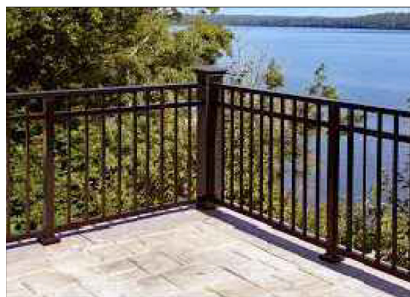
Lighting bollard

Signage content:

- bioswales and how they work
- biodiversity
- climate resilience of the landscape design



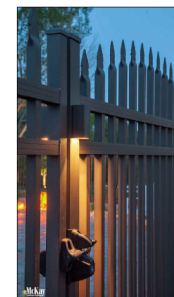
Interpretive Sign



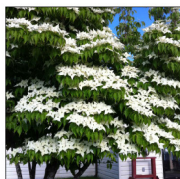
4'-0" Metal fence



Bench



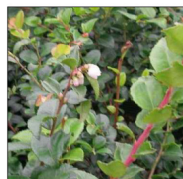
Lighting at gates



Chinese dogwood



Persian ironwood



Evergreen huckleberry



Red flowering currant



Salal



Campanula



Woodland strawberry



Snowbell tree



Serbian spruce



Abelia



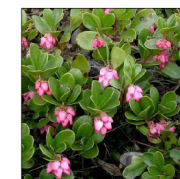
Blueberries



Maiden grass



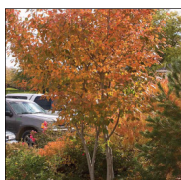
Goldenrod



Kinnickinnick



Japanese maple



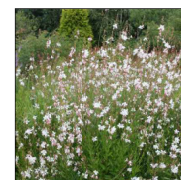
Serviceberry



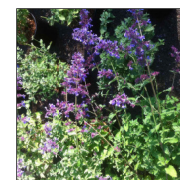
Oregon grape



Sword fern



Gaura



Catmint



Sedge

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DP1253
2022-AUG-12
Current Planning

NOTES:

REVISIONS:

CAD DP Plan - 2022Jul05

Response to CL - 2022Aug04

CONSULTANT:



PROJECT:

**BOWEN ROAD
APARTMENTS**

SITE LEGAL DESCRIPTION:

2103 BOWEN ROAD,
NANAIMO, BC

SHEET TITLE:

**DESIGN
ELEMENTS**

SCALE:

AS NOTED

DATE:

MAY 9, 2022

DRAWN:

DR

CHECKED:

VJD

PROJECT NUMBER:

2103 BOWEN ROAD 2022

DRAWING NUMBER:

L0.2/ DP

RUN, DWG#:

ATTACHMENT I

SCHEDULE D - AMENITY REQUIREMENTS FOR ADDITIONAL DENSITY

Schedule D

Amenity Requirements for Additional Density

For Additional Tier 1 Density

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



E	The proposed development includes street trees	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
	TOTAL	8

Category 4: Building Materials (8 points required)

A	Wood is the primary building material.	1
D	The proposed development uses materials with recycled content such that the sum of the post-consumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled	2
F	At least 75% of the materials used in construction are renewable resources	2
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project	1
	TOTAL	8

Category 5: Energy Management (11 points required)

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
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite	1
	TOTAL	11

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						DRAWN BY JRT		

ATTACHMENT I

SCHEDULE D - AMENITY REQUIREMENTS FOR ADDITIONAL DENSITY

Schedule D

Amenity Requirements for Additional Density

For Additional Tier 1 Density

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



E	The proposed development includes street trees	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
TOTAL		8

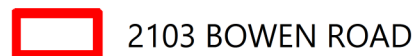
Category 4: Building Materials (8 points required)

A	Wood is the primary building material.	1
D	The proposed development uses materials with recycled content such that the sum of the post-consumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled	2
F	At least 75% of the materials used in construction are renewable resources	2
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project	1
TOTAL		8

Category 5: Energy Management (11 points required)

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
D	The development includes permanent education signage or display(s) regarding sustainable energy management practices used onsite	1
TOTAL		11

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						REV.	DATE	NUMBER	DESCRIPTION																																							



DATE OF MEETING October 24, 2022

AUTHORED BY TERESA LEE, REAL ESTATE TECHNICIAN

**SUBJECT 235 WALLACE STREET – ACCEPTANCE OF PROJECT UNDER
“REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261”**

OVERVIEW

Purpose of Report

To obtain Council approval for a multi-family development at 235 Wallace Street to be included in the Downtown Revitalization Tax Exemption program. |

Recommendation

That Council approve the Revitalization Tax Exemption Agreement for a proposed 195-unit multi-family development at 235 Wallace Street.

BACKGROUND

The owner of 235 Wallace Street, Telus Communications Inc., has applied for and received a development permit (DP1214) to construct a 195-unit multi-family residential development (the “Project”).

The Project will transform a vacant and underutilized corner of the downtown core and provide much needed housing in the area. The Project aligns with many goals of the City Plan, in particular the objective of downtown being the primary urban centre for the City.

The Owner is seeking a ten-year exemption for the Project. The Revitalization Tax Exemption (RTE) Agreement (Attachment A) requires Council approval under the “Revitalization Tax Exemption Bylaw 2018 No. 7261”. The main goal of the RTE program is to encourage new multi-family and commercial investment in the downtown core.

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

The property is currently assessed as a Class 6 (business) property with an assessed value of \$3,796,000 in 2022 resulting in \$46,798.46 of municipal taxes being paid to the City of Nanaimo. The residential building is proposed to have a Class 1 (residential) value of \$75,000,000. The exemption relates to municipal taxes only and the owner will still be responsible for property taxes charged by other agencies. Based on projected 2023 rates, the estimated exemption equates to approximately \$255,558.96 of municipal taxes per annum. |

DISCUSSION

Key Terms of the RTE Agreement

- The Owner will employ best efforts to ensure the Project will be built in accordance with the approved development permit (DP1214).
- The Owner must obtain a building permit from the City for the Project on or before 2023-MAR-31.
- The Project must be officially opened and available for use as a 195-unit multi-family residential development and for no other use, no later than 2026-MAR-31.
- Term of Tax Exemption – Provided the requirements of the RTE Agreement are met, the tax exemption shall be for ten years as of the date of the occupancy granted under the building permit, but no later than 2035-MAR-31. |

OPTIONS

1. That Council approve the Revitalization Tax Exemption Agreement for a proposed 195-unit multi-family development at 235 Wallace Street.
 - Advantages: The Downtown Revitalization Tax Exemption Program was established to encourage commercial and multi-family development in the downtown core. This project is consistent with the goals of the program. Economic Health, identified as a key pillar within the 2019-2022 Strategic Plan, encourages investment in the downtown core.
 - Disadvantages: None identified.
 - Financial Implications: There is no direct impact on the budget. The City will collect tax from one fewer property in those years.
2. That Council deny the Revitalization Tax Exemption Agreement for a proposed 195-unit multi-family residential development at 235 Wallace Street.
 - Advantages: None identified.
 - Disadvantages: Not approving this project is inconsistent with the RTE Bylaw. Not providing approval to the RTE Agreement would discourage further investors from applying to the program and may slow investor interest in the downtown core.
 - Financial Implications: No budget implication to the City. The Owner will pay the full property tax bill going forward.

SUMMARY POINTS

- The Owner of 235 Wallace Street, Telus Communications Inc., has applied for and received a development permit (DP1214) to construct a 195-unit multi-family residential development. The Project is a significant development that will help transform a vacant and underutilized corner of the downtown core and provide much needed housing in the area.

- Council’s approval for a ten-year tax exemption for the multi-family residential development under “Revitalization Tax Exemption Bylaw 2018 No. 7261” is being sought.
- Key Terms of Agreement: The Owner must obtain a building permit on or before 2023-MAR-31; the Project must be completed no later than 2026-MAR-31; and the tax exemption shall be for ten years as of the date of the occupancy permit, but no later than 2035-MAR-31.

ATTACHMENTS:

ATTACHMENT A: Revitalization Tax Exemption Agreement |

Submitted by:

Bill Corsan
Director, Corporate and Business
Development |

Concurrence by:

Laura Mercer
Director, Finance |

ATTACHMENT A

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the 27th day of September, 2022 is

BETWEEN:

Telus Communications Inc., Inc. No. BC1101218
7th Floor, 685 Centre Street SW
Calgary, AB T2G 1S5

(the "Owner")

AND:

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

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Nanaimo at *235 Wallace Street* legally described as *Lot 1, Section 1, Nanaimo District, Plan EPP114195* (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261";
- C. The Parcel is situated within the Revitalization Area, as defined in the Bylaw; and
- D. The Owner proposes to construct new improvements or alter or renovate existing improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

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

- 1. In this Agreement, the following words have the following meanings:
 - (a) "Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to this Agreement for the purposes of calculating property taxes;
 - (b) "Baseline Assessment" means the BC Assessment Authority's last published land and improvements assessed value immediately before the commencement of the Project;
 - (c) "Bylaw" means City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" as amended from time to time including any amendments thereto;

- (d) "Renovation" means capital improvements of an existing building;
 - (e) "Tax Exemption" means a revitalization tax exemption determined in accordance with the Bylaw; and
 - (f) "Tax Exemption Certificate" means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to the Bylaw and the *Community Charter*.
2. The Project – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Bylaw. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
- (a) be built in accordance with the submitted plans as approved by Development Permit (DP001214) for 400 Fitzwilliam Street (parent property) authorized by City Council of the City of Nanaimo on August 30, 2021.
3. Operation and Maintenance of the Project – throughout the term of this Agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
4. Revitalization Tax Exemption – subject to fulfillment of the conditions set out in this Agreement and the Bylaw, the City shall issue a Tax Exemption Certificate to the British Columbia Assessment Authority entitling the Owner to a Tax Exemption in respect of the property taxes due (not including local service taxes) in relation to the Parcel and the improvements thereon for the calendar year(s) set out in this Agreement. The Tax Exemption Certificate shall be substantially in the form of Appendix "B", which is attached to and forms part of this Agreement.
5. Conditions – the Owner must fulfill the following conditions before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
- (a) the Owner must obtain a building permit from the City for the Project on or before June 30 2023;
 - (b) the Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "C";
 - (c) the Project must be officially opened and available for use as a *one hundred and ninety-five-unit residential development* (the "Exempt Use") and for no other use, by no later than June 30, 2026; and
6. Calculation of Revitalization Tax Exemption – the amount of the Tax Exemption in each year shall be calculated in accordance with the Bylaw.

7. Term of Tax Exemption – provided the requirements of this Agreement, and of the City of Nanaimo Revitalization Tax Exemption Bylaw 2018 No. 7261, are met the Tax Exemption shall be for the taxation years 2026 to 2035, inclusive. [10 year maximum]
8. Compliance with Laws – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel forming part of the Project in compliance with all statutes, laws, regulations, bylaws and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. Subdivision under Strata Property Act – if the Owner deposits a strata plan in the Land Title Office under the *Strata Property Act* that includes an improvement on the Parcel included in the Project, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - (a) the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before March 31, 2026.

provided that any strata subdivision must comply with the terms of any Housing Agreement in relation to the Parcel or the Project which limits ability to subdivide the Parcel or a building on the Parcel under the *Strata Property Act*.

10. Representations and Warranties – The Owner represents and warrants to the City that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
11. Cancellation – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
 - (a) on the written request of the Owner; or
 - (b) effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
12. If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will pay to the City a recapture amount in accordance with the Bylaw, which amount will bear interest in accordance with the Bylaw.
13. No Refund – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
14. Notices – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

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

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

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

TELUS COMMUNICATIONS INC.
7TH Floor, 685 Centre Street SW
Calgary, AB T2G 1S5

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

15. No Assignment – the Owner shall not assign its interest in this Agreement except to a subsequent owner in fee simple of the Parcel.
16. Severance – if any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.
17. Interpretation – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
18. Further Assurances – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
19. Waiver – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
20. Powers Preserved – this Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - (b) affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
21. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

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

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

Executed by the CITY OF NANAIMO by
its authorized signatories:

Mayor

Corporate Officer

Executed by TELUS COMMUNICATIONS INC. by its
authorized signatories:



Name : Manasweeta Bhatia
Title : Director, Real Estate Development

Name:

APPENDIX "A" to Revitalization Tax Exemption Agreement

Map of Affected Parcel



APPENDIX "B" to Revitalization Tax Exemption Agreement

Revitalization Tax Exemption Certificate

In accordance with the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the 27th day of September, 2022 (the "Agreement") entered into between the City of Nanaimo (the "City") and Telus Communications Inc. (the "Owner"), the registered owner of 235 Wallace Street Street legally described as Lot 1, Section 1, Nanaimo District, Plan EPP114195 (the "Parcel"):

This certificate certifies that the Parcel is subject to a revitalization tax exemption equal to the following assessment value of the Parcel: Class 06 Business/Other: \$3,796,000.00 multiplied by the municipal rate of tax in effect for Class 06 – Business/Other for each of the taxation years 2026 to 2035 inclusive.

The Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;
5. The Agreement is not otherwise terminated.

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

**APPENDIX "C" to Revitalization Tax Exemption Agreement
Plans and Specifications for the Project DP001214**

**SCHEDULE "C"
Revitalization Area**



DEVELOPMENT PERMIT NO. DP001214

TELUS COMMUNICATIONS INC.
Name of Owner(s) of Land (Permittee)

400 FITZWILLIAM STREET
Civic Address

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.
2. This development permit applies to and only to those lands within the municipality described below, and any and all buildings, structures and other developments thereon:

Legal Description:

**LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 26286
PID No. 002-742-713**

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

**Schedule A Location Plan
Schedule B Site and Parking Plans
Schedule C Building Elevations and Details
Schedule D Subdivision Plan
Schedule E Landscape Plan and Details**

4. If the landowner does not substantially start any construction with respect to which this permit was issued within two years after the date it was issued, the permit lapses.
5. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

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 building height for proposed Building A from 14m to 17m and for proposed Building B from 14m to 19m.

CONDITIONS OF PERMIT

1. The subject property is developed in substantial compliance with the Site and Parking Plans prepared by Omicron Architecture Engineering Construction Ltd., dated 2021-AUG-12, as shown on Schedule B.
2. The subject property is developed in substantial compliance with the Building Elevations and Details prepared by Omicron Architecture Engineering Construction Ltd., dated 2020-NOV-19, as shown on Schedule C.
3. The subject property is developed in substantial compliance with the Landscape Plan and Details prepared by Connect Landscape Architecture, dated 2021-AUG-12, as shown on Schedule E.
4. The subject property is subdivided in substantial compliance with the Subdivision Plan prepared by Omicron Architecture Engineering Construction Ltd., dated, 2021-AUG-12, as shown on Schedule D, prior to building permit application.
5. A Statutory Right-of-Way for the public plaza facing Wallace Street (shown as "Public Terrace" on Schedule E, L1.0) is registered on title prior to building occupancy.

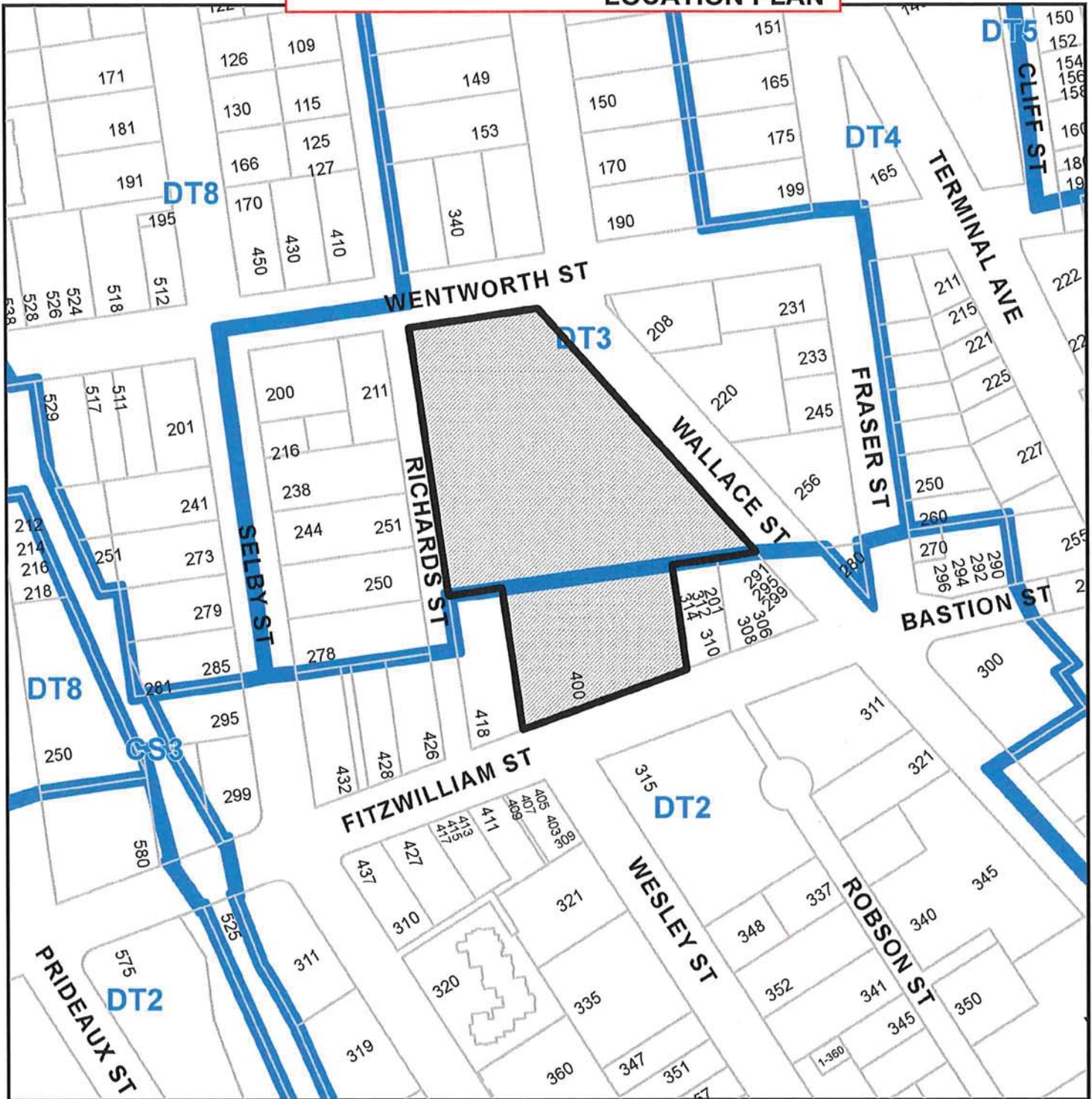
AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE 30TH DAY OF AUGUST, 2021.


Corporate Officer


Date

CH/ln/jr
Prospero attachment: DP001214

LOCATION PLAN



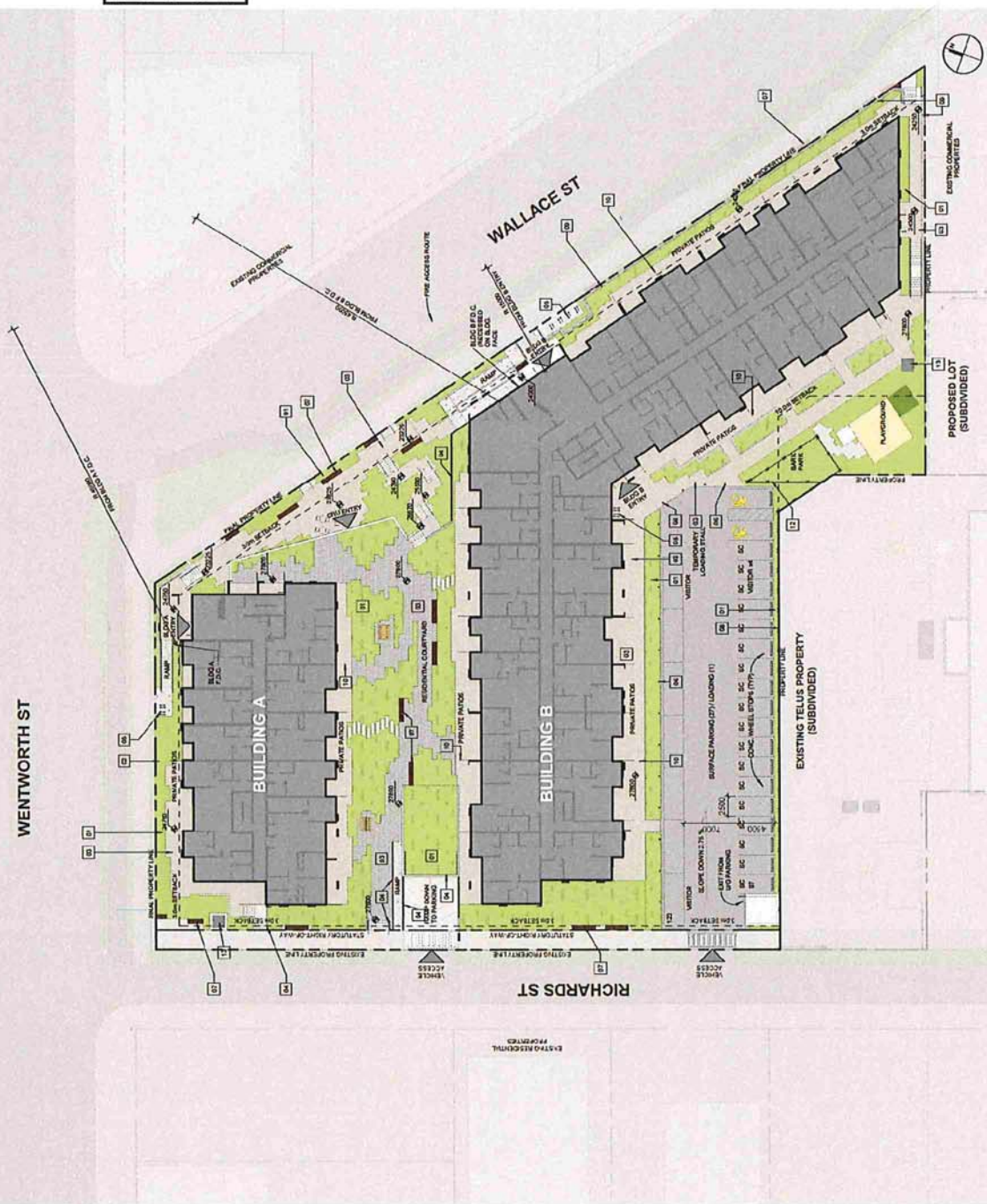
DEVELOPMENT PERMIT NO. DP001214

CIVIC: 400 FITZWILLIAM STREET


LEGAL: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 26286



Subject Property



NOTE:
Off-site frontage layout to be determined through detailed design review at Building Permit stage.

- SITE LEGEND**
- | | |
|---|----------------------------------|
|  | LANDSCAPED AREA |
|  | CONCRETE SIDEWALK (BROOM FINISH) |
|  | PAVERIS - SEELANDER |
|  | ASPHALT PAVING |

- ## SITE PLAN KEYNOTES
- | | |
|----|--|
| 01 | LANDSCAPE AREA - REFER TO LANDSCAPE DWGS |
| 02 | CONCRETE CURB/PAVING |
| 03 | CONCRETE PAVING |
| 04 | GRAVEL/PAVING |
| 05 | GRASS/PAVING |
| 06 | BIKE RACK - REFER TO LANDSCAPE DWGS |
| 07 | BOLLARD |
| 08 | BENCH |
| 09 | 1.8M HIGH FENCE |
| 10 | RETAINING WALL |
| 11 | PRIVATE EGRESS |
| 12 | SKIDWALK |
| 13 | 1.7M HIGH FENCE |
| 14 | PAN MOUNTED ELECTRICAL TRANSFORMER |

1 | SITE PLAN
SCALE: 1:250

OMICRON

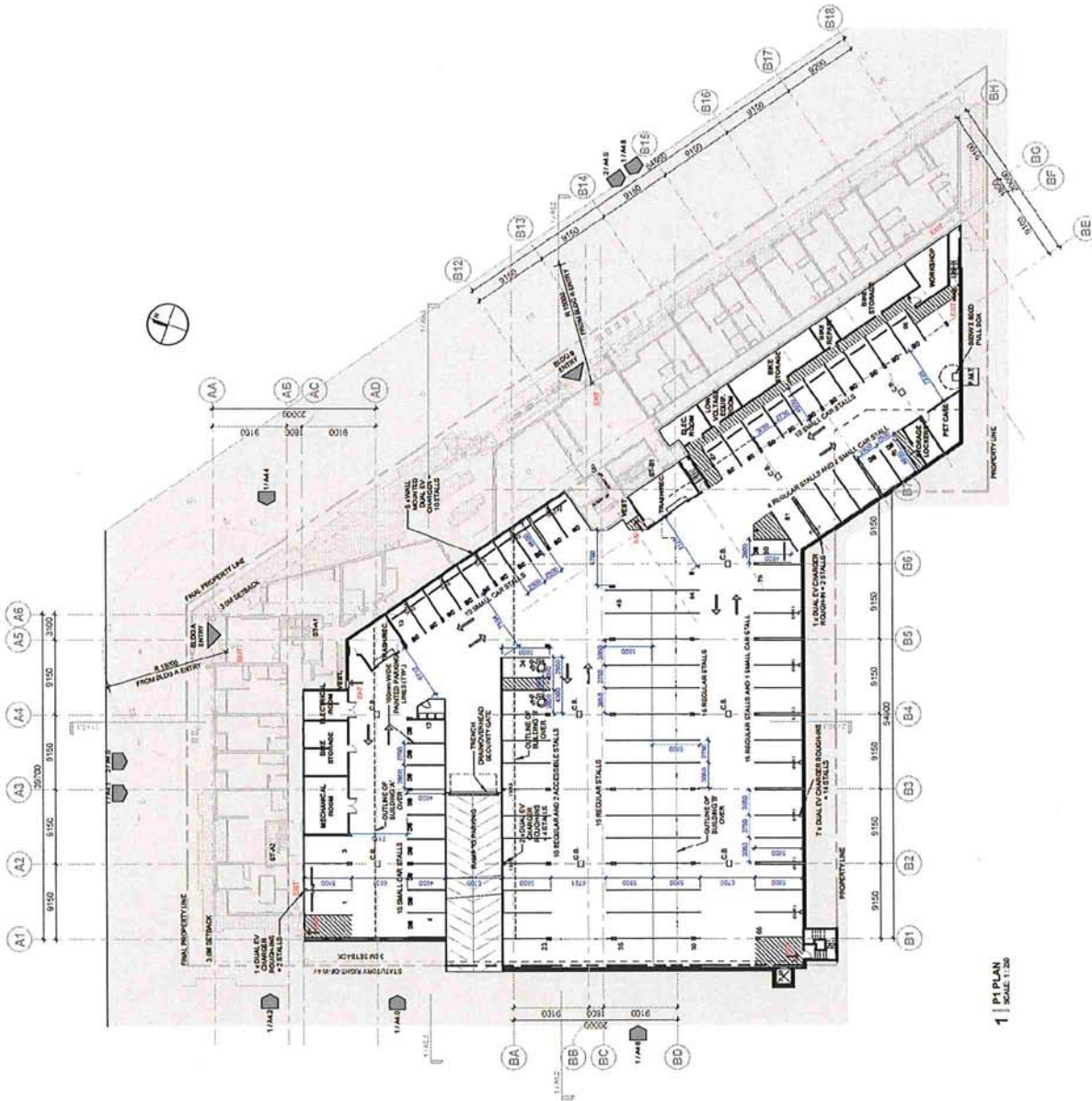


TELUS LIVING - NANAIMO
1550 FITZPATRICK ST. NANAIMO, BC CANADA

SITE PLAN
SCALE: 1" = 250'

RECEIVED
DP1214
2021-AUG-13
CIVIL ENGINEERING

A1.1a



1 | P1 PLAN
SCALE 1:250



TELUS LIVING - NANAIMO
450 FITZGERALD ST. NANAIMO, BC, CANADA

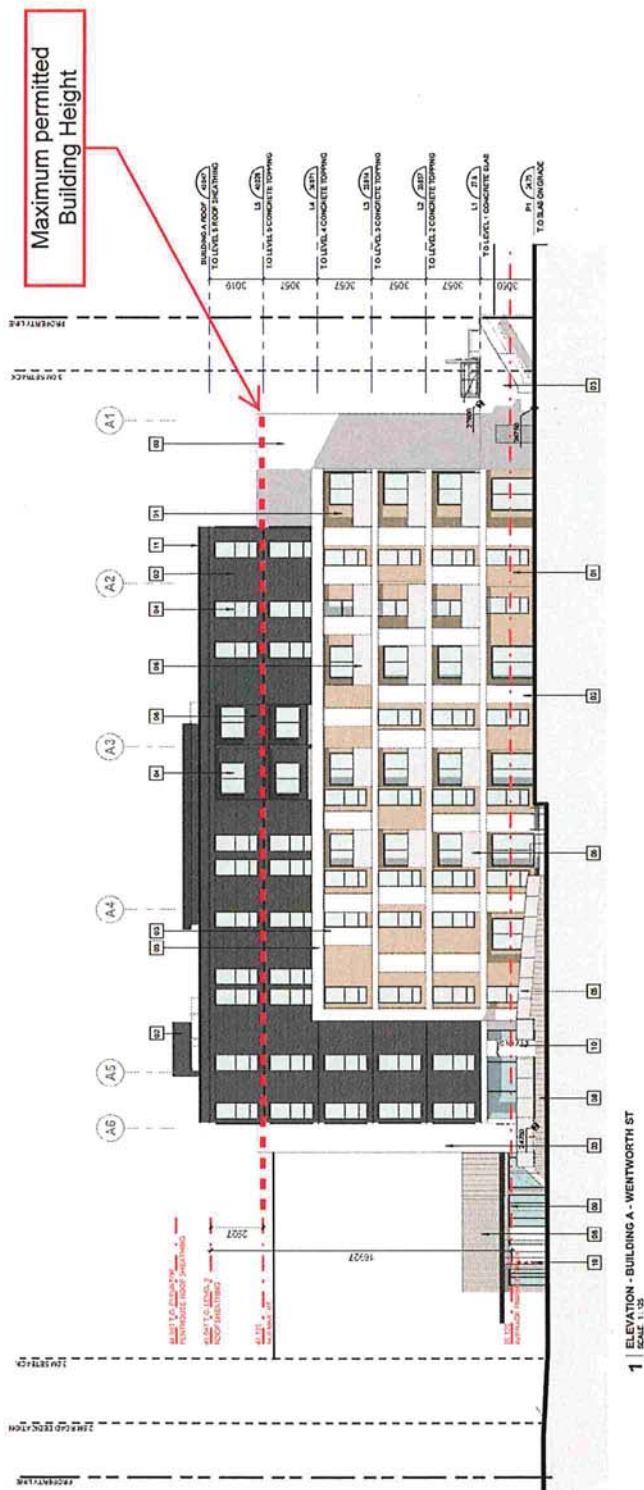
P1 FLOOR PLAN
SCALE 1:250
05/12/2021

RECEIVED
DP1214
2021.AUG-13
NANAIMO, BC

A2.0a

ELEVATIONS LEGEND

- [illegible]



1 | ELEVATION - BUILDING A - WENTWORTH ST
SCALE 1:125

RECEIVED
OCT 21 1964
NACM-4731
1028-MCT-34

OMICRON

TELUS

TELUS LIVING - NANAIMO

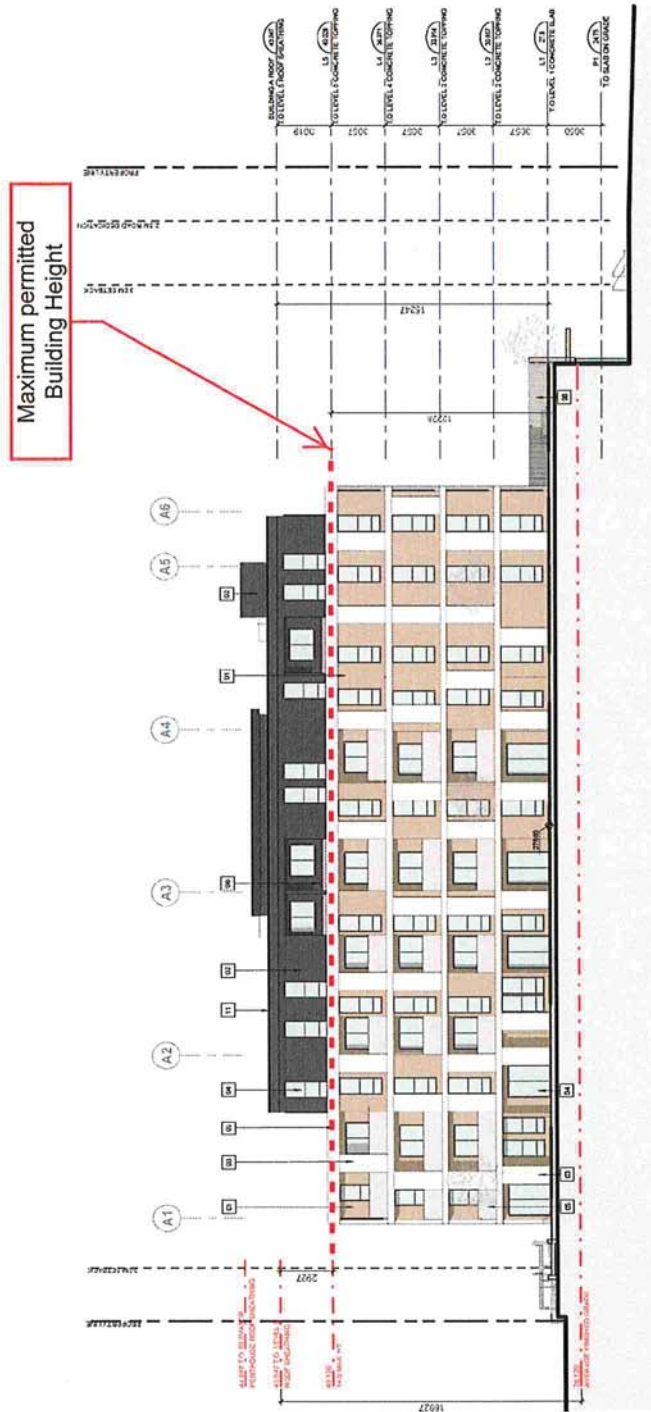
100 FITZWILLIAM ST. N. 3RD FL. TORONTO, ONT. M5T 1A1 CANADA

ELEVATIONS BUILDING A

02627615

A4.1

- ELEVATIONS LEGEND**
- A WOOD LOOK CERAMITIC SHIP LAP SIDING
 - B CORRUGATED METAL CLADDING
 - C ALUMINUM COMPOSITE PANELS, 4mm THICKNESS, (HORIZONTAL)
 - D WHITE GLASS DOOR & WINDOW, BLACK 10' CURVE, PAINTED FINISH
 - E POWDER COATED ALUMINUM CASUAL, WHITE FINISH, CLEAR TEMPERED GLASS INFILL
 - F POWDER COATED ALUMINUM CASUAL, WHITE FINISH, PORTLAND CEMENT COATED METAL INFILL
 - G EXPOSED CONCRETE, NATURAL COLOR
 - H EXPOSED CONCRETE, GREY BOARD FORM FINISH
 - I ALUMINUM STONE, BLACK ANODIZED DOOR & WINDOW FRAMES, CLEAR TEMPERED BARRICADED GLASS
 - J BACKUP ALUMINUM LETTER SIGNAGE
 - K ROOF PAN/VET FLASHING
 - L CORTEN STEEL



1 | ELEVATION - BUILDING A - COURTYARD
SCALE: 1/16"



RECEIVED
11/13/2020
11/13/2020



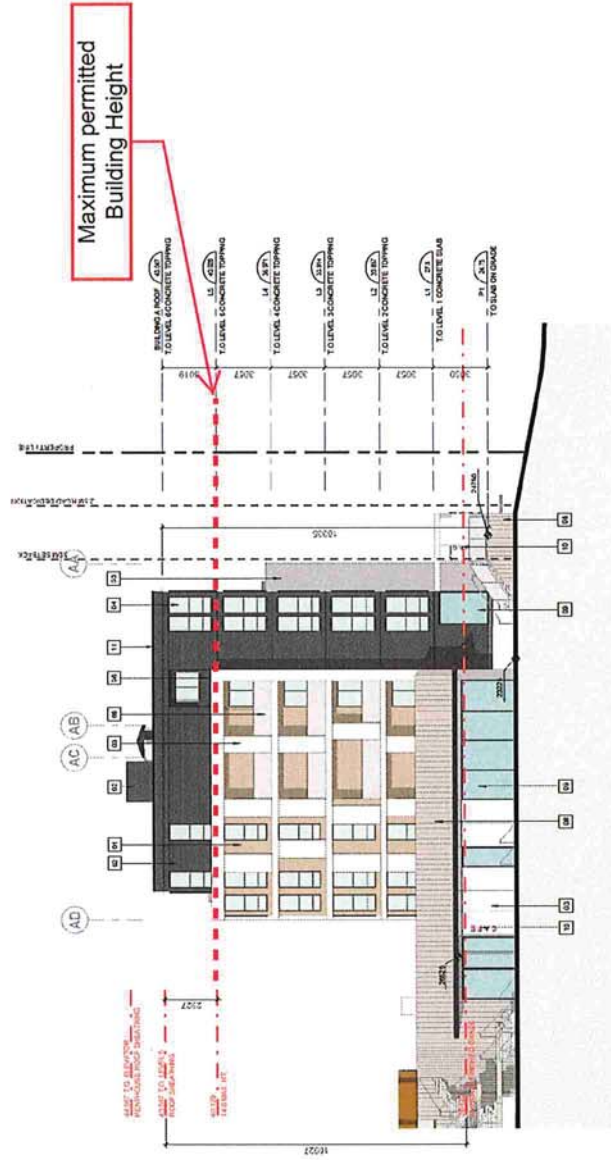
TELUS LIVING - NANAIMO
402 FITZGERALD ST. NANAIMO, BC, CANADA

ELEVATIONS BUILDING A
SCALE: As indicated
11/13/2020

A4.3

ELEVATIONS LEGEND

- 1 WOOD-LOOK CEMENTITIOUS SHIPAP SIDING
- 2 CORRUGATED METAL CLADDING
- 3 ALUMINUM COMPOSITE PANELS, 4mm THICKNESS, WHITE FINISH
- 4 WHITE POLYURETHANE INSULATION, 100mm THICK
- 5 WHITE POLYURETHANE INSULATION, 100mm THICK
- 6 POLYURETHANE COATED ALUMINUM CLADDING, WHITE FINISH, CLAS THERMOFORM GLASS INFILL
- 7 POLYURETHANE COATED ALUMINUM CLADDING, WHITE FINISH, POLYURETHANE COATED METAL INFILL
- 8 EXPOSED CONCRETE, NATURAL COLOR, SMOOTH FINISH
- 9 EXPOSED CONCRETE, GREY SAND FINE FINISH
- 10 ALUMINUM STONEFRONT, BLACK ANODIZED DOOR & WINDOW FRAMES, CLAS THERMOFORM GLASS INFILL
- 11 BLACK ALUMINUM LETTER SIGNAGE
- 12 ROOF PANEL FINISHING
- 13 CORTEN STEEL



1 | ELEVATION - BUILDING A - WALLACE ST
SCALE: 1:50



RECEIVED
11/13/2024
11/13/2024



TELUS LIVING - NANAIMO
460 FITZGERALD ST. NANAIMO, BC, CANADA

ELEVATIONS BUILDING A
SCALE: As indicated 11/13/2024

A4.4

- ELEVATIONS LEGEND**
- 1 WOOD LOOK CERAMITICS SHIP-LAP JOINTS
 - 2 CORRUGATED METAL CLADDING
 - 3 ALUMINUM COMPOSITE PANELS 4mm THICKNESS
 - 4 WHITE GLASS DOORS & WINDOWS BLACK UP CURVE
 - 5 PAINTED FINISH
 - 6 POWDER COATED ALUMINUM GUARDRAIL WHITE
 - 7 FINISH CLEAN TEMPORARY GLASS INFILL
 - 8 POWDER COATED ALUMINUM GUARDRAIL WHITE
 - 9 FINISH, EXPANDED CORRUGATED METAL INFILL
 - 10 DARKER CONCRETE MATERIAL COLOR
 - 11 DIVIDED CONCRETE GRAY, SANDY FORM FINISH
 - 12 ALUMINUM STEEL FRAMES, BLACK ANODIZED DOORS & GLASS
 - 13 BACKLIT ALUMINUM LETTER SIGNAGE
 - 14 ROOF FINISH TRADING
 - 15 CORTEX STEEL



1 | ELEVATION - BUILDING B - WALLACE ST
SCALE 1:12

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NANAIMO
CITY ENGINEERING
DEPARTMENT



TELUS LIVING - NANAIMO
400 FITZGERALD ST. NANAIMO, B.C. CANADA

ELEVATIONS BUILDING B
SCALE: AS SHOWN 1:12 (2021)

A4.8



1 | ELEVATION - SITE - RICHARDS ST
SCALE: 1:200



2 | ELEVATION - SITE - WALLACE ST
SCALE: 1:200



3 | ELEVATION - SITE - WENTWORTH ST
SCALE: 1:200

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NANAIMO
CITY COUNCIL
11/17/2021



TELUS LIVING - NANAIMO
400 FITZGERALD ST NANAIMO, BC CANADA

SITE ELEVATIONS
SCALE: AS SHOWN
11/17/2021

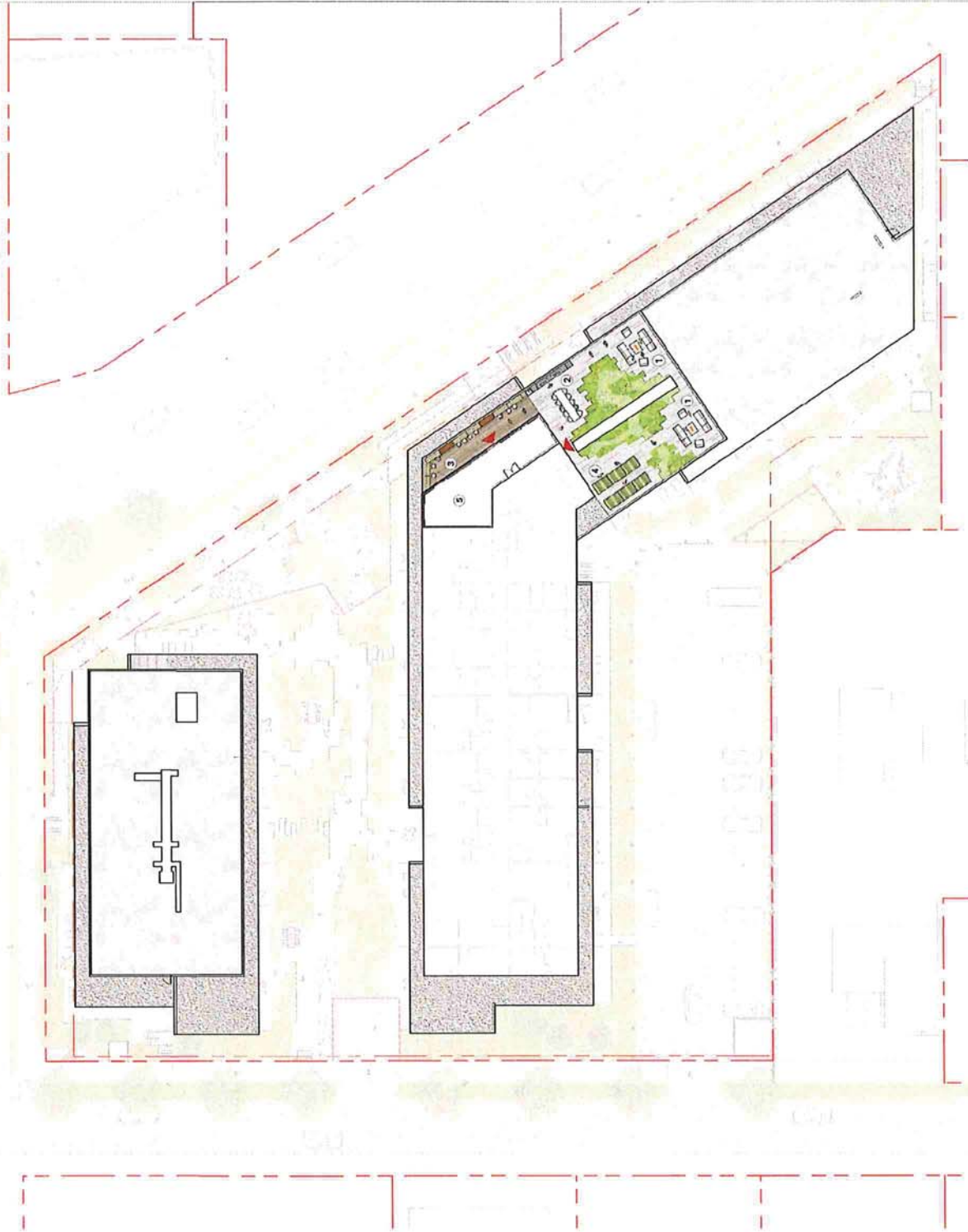
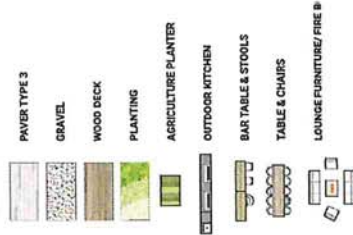
A4.0

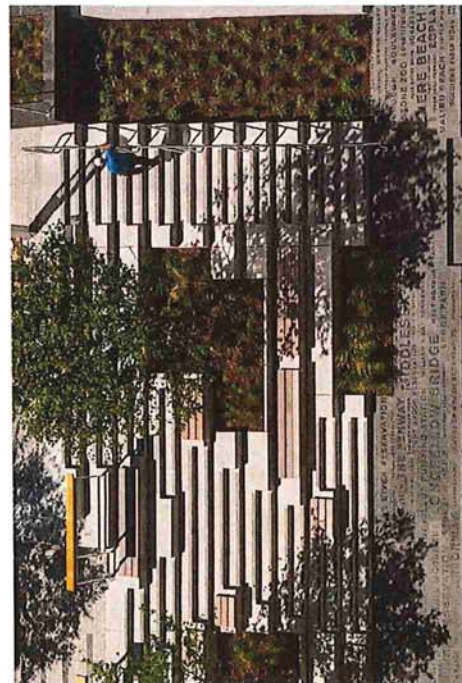


PROGRAM LEGEND - ROOF

- 1 SOCIAL LOUNGE
 - 2 OUTDOOR KITCHEN & DINING
 - 3 OUTDOOR WORK BAR
 - 4 URBAN AGRICULTURE
 - 5 AMENITY ROOM
- BUILDING ENTRY**

LAYOUT & MATERIALS LEGEND





CIP CONCRETE

- | | | | | | | | | | | | | | | |
|--------------|--------------|--------------|----------|----------|-----------|----------------|--------------|-------|----------|-----------|---------|----------------------|-------------------|---------------|
| CIP CONCRETE | PAVER TYPE 1 | PAVER TYPE 2 | PLANTING | 500 LAWN | GUARDRAIL | PRIVACY SCREEN | PICNIC TABLE | BENCH | BOULDERS | BIKE RACK | DOLLARD | PUBLIC ART BY OTHERS | GARBAGE/RECYCLING | METAL PLANTER |
| | | | | | | | | | | | | | | |

RECEIVED
DP1214
2021-AUG-13

TELUS LIVING
DE CONVICTIONS

Number	179
Year	72
Revised	82

ENLARGEMENT
WALLACE CORNER

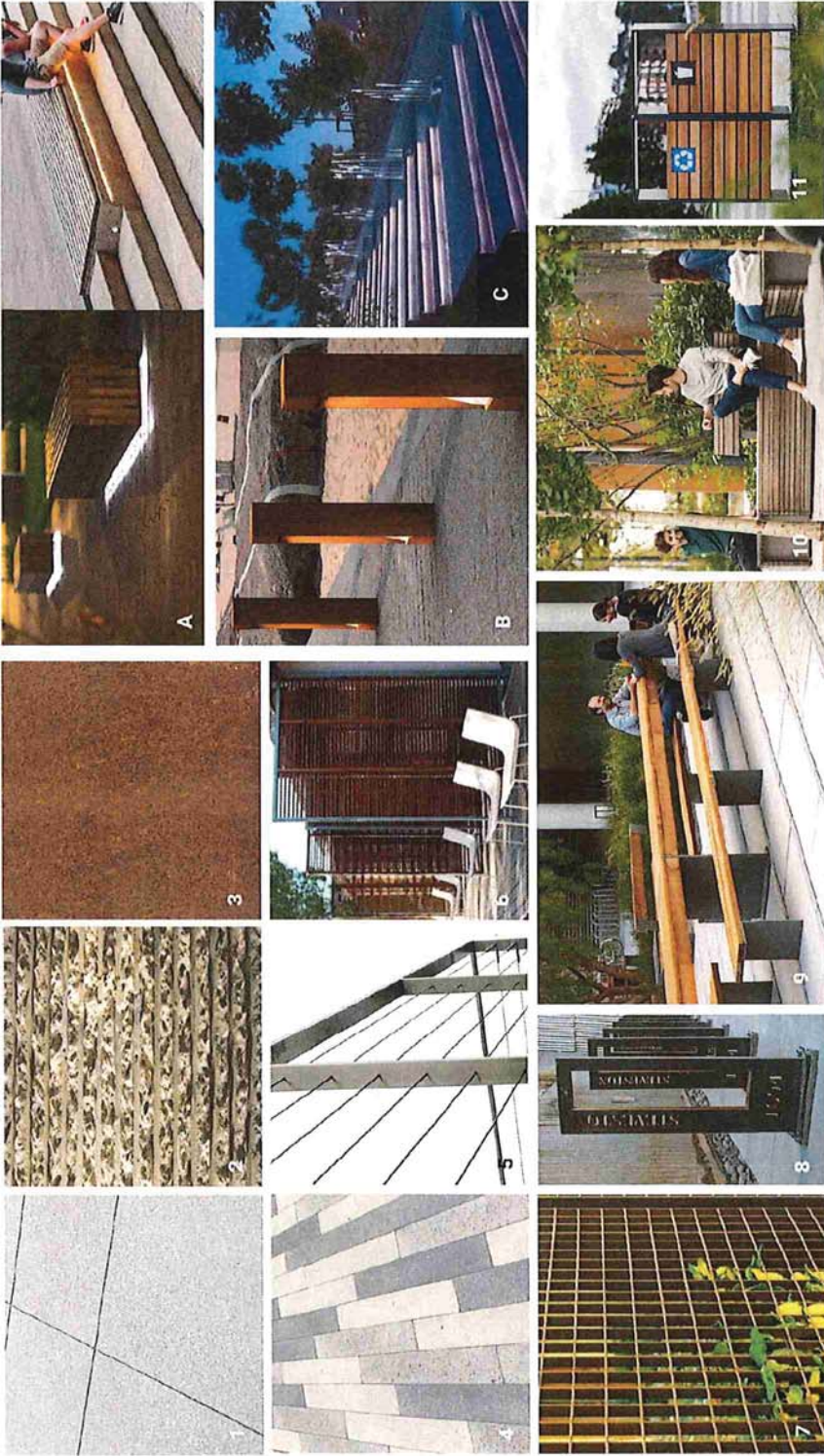
L1.2

DESIGNED BY: CONNECT LANDSCAPE ARCHITECTURE
PROJECT LOCATION: 10000 N. 10TH AVE., SUITE 100, DENVER, CO 80231
CLIENT: DENVER AND ADJACENT COUNTIES
DESIGNER: CONNECT LANDSCAPE ARCHITECTURE
ARCHITECT: CONNECT LANDSCAPE ARCHITECTURE
ENGINEER: CONNECT LANDSCAPE ARCHITECTURE
LANDSCAPE ARCHITECT: CONNECT LANDSCAPE ARCHITECTURE
PLANTING: CONNECT LANDSCAPE ARCHITECTURE
FURNISHING: CONNECT LANDSCAPE ARCHITECTURE
CONSTRUCTION: CONNECT LANDSCAPE ARCHITECTURE
PHOTOGRAPHY: CONNECT LANDSCAPE ARCHITECTURE

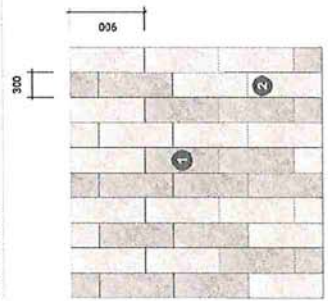
- MATERIALS & FURNISHING**
1. BROOM FINISH CONCRETE
 2. CONCRETE FORM LINER TEXTURED WALL
 3. METAL PLANTER
 4. PAVEMENT FINISH, HEIGHT VARIES
 5. METAL GUARDRAIL
 6. PRIVACY SCREEN
 7. WOOD SLATS ON METAL FRAME
 8. CUSTOMIZED BIKE RACK
 9. HARVEST TABLE
 10. BENCH
 11. WOOD W/ CONCRETE BASE
 12. GARBAGE/RECYCLING

LIGHTING

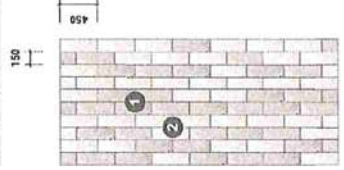
- A. BENCH LIGHT
- B. BOLLARD
- C. LIGHT STRIP AT STAIRS



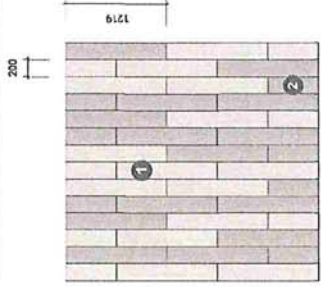
PAVER TYPE 1



PAVER TYPE 2



PAVER TYPE 3



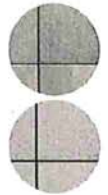
CONCRETE PAVES
150mm (5'-7/8") x 450mm (1'-7 1/4") x 100mm (3'-15/16")

1. SHALE GREY
2. GREYED NICKEL



CONCRETE PAVES
300mm (1'-3/4") x 150mm (5'-7/8") x 100mm (3'-15/16")

1. SHALE GREY
2. GREYED NICKEL

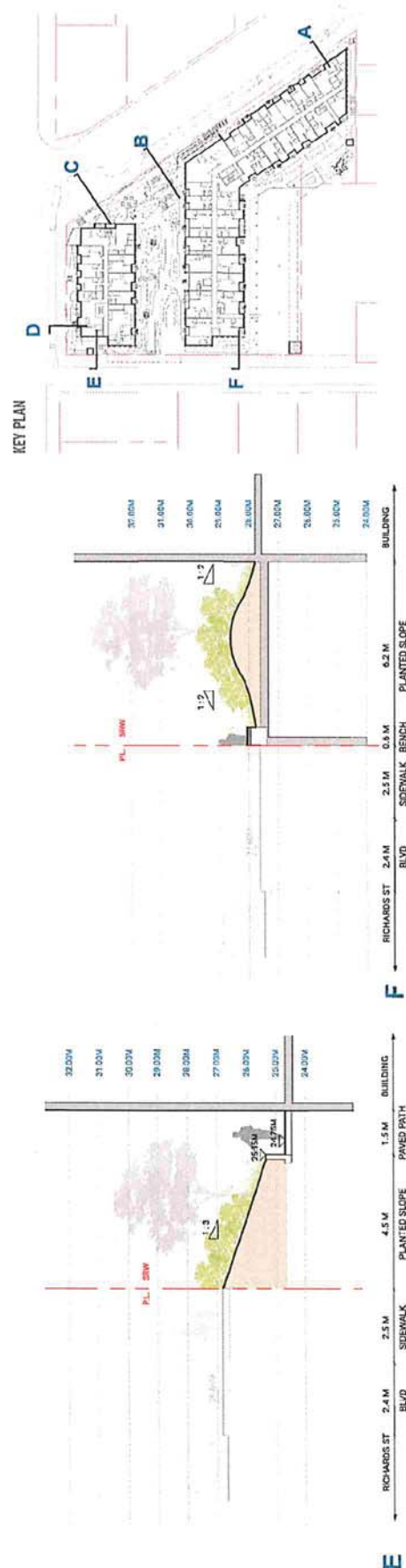
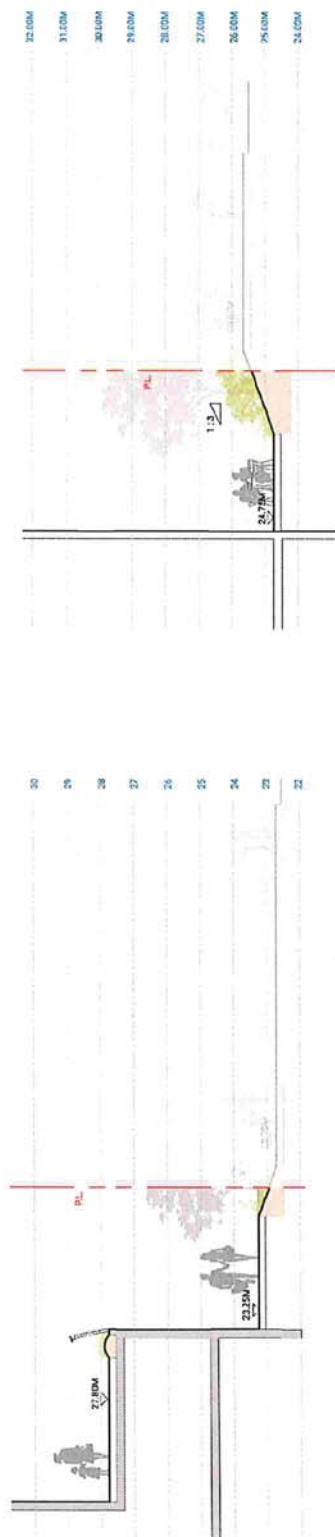
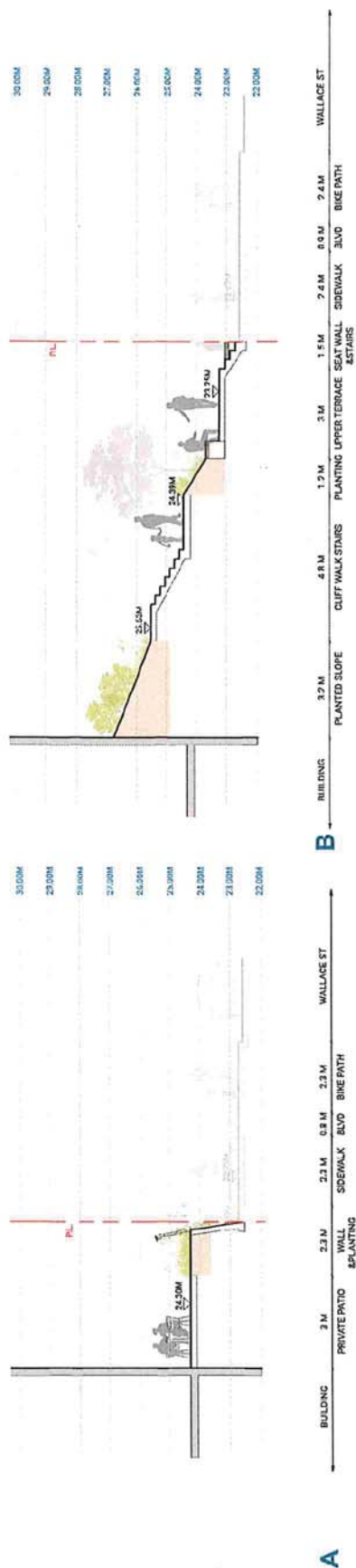


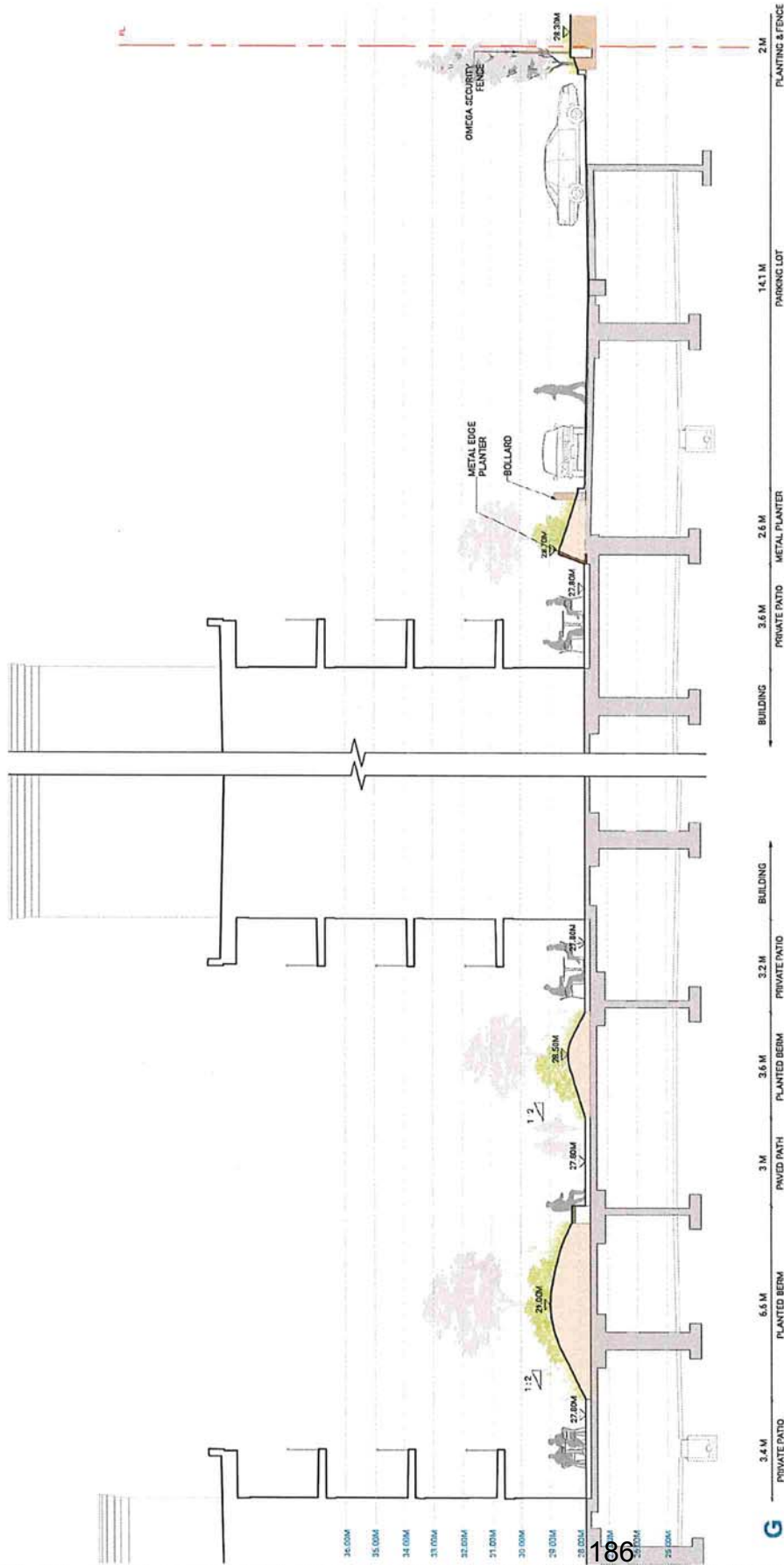
CONCRETE PAVES
200mm (7'-8") x 1219mm (4'-0") x 20mm (3/4")

1. FINISH TYPE 1
2. FINISH TYPE 2

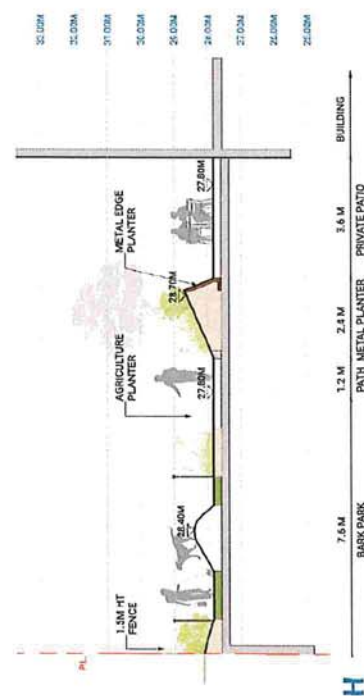


TELUS LIVING
NANAIMO, BC
DATE: 2021-06-15
PROJECT NO: 2021-06-15
PROJECT NAME: TELUS LIVING
PROJECT LOCATION: NANAIMO, BC
PROJECT TYPE: MATERIALS & FURNISHING PALETTE





KEY PLAN



DATE OF MEETING October 24, 2022

AUTHORED BY BILL CORSAN, DIRECTOR, CORPORATE AND BUSINESS
DEVELOPMENT

SUBJECT **340 CAMPBELL STREET – AMENDMENT OF PROJECT UNDER
REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261**

OVERVIEW

Purpose of Report

To obtain Council approval to amend the Tax Exemption Agreement for a multi-family development building at 340 Campbell Street]

Recommendation

That Council approve the amended Revitalization Tax Exemption Agreement for a proposed 163-unit multi-family development at 340 Campbell Street.

BACKGROUND

The owner of 340 Campbell Street, 340 Campbell Holdings Ltd. (the “Owner”), has applied for and received a development permit (DP1223) to construct a 163-unit multi-family residential development (the “Project”).

The Owner sought and was granted a ten-year tax exemption for the Project by Council on 2022-AUG-29 under “Revitalization Tax Exemption Bylaw 2018 No. 7261”. The tax exemption required the Owner to obtain a building permit prior to 2022-OCT-31.

The Owner was unable to obtain a building permit prior to 2022-OCT-31 deadline identified in the existing Tax Exemption Agreement due to unexpected issues with their lender.

About the Revitalization Tax Exemption Program

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

DISCUSSION

The Project is a significant development that will help transform the north end of Wallace Street and is anticipated to increase the downtown population by 300 people. The Project aligns with

many goals of the City Plan, in particular the objective of downtown being the primary urban centre for the City.

The property is currently assessed as a Class 6 (business) property with an assessed value of \$2,846,000 in 2022, resulting in \$34,963.23 of municipal taxes being paid to the City of Nanaimo. The mixed-use building is proposed to have a Class 1 (residential) value of \$28,832,744. The exemption relates to municipal taxes only and the Owner will still be responsible for property taxes charged by other agencies. Based on projected 2023 rates, the estimated exemption equates to approximately \$94,000 of municipal taxes per annum.

Key Terms of the RTE Agreement

- The Owner will employ best efforts to ensure the Project will be built in accordance with the approved development permit (DP1223).
- The Owner must obtain a building permit from the City for Project on or before 2023-APR-30 (revised from 2022-OCT-31).
- The Project must be officially opened and available for use as a 163-unit multi-family residential development and for no other use, no later than 2025-APR-30 (revised from 2024-OCT-31).
- Term of Tax Exemption: provided the requirements of the RTE Agreement are met, the tax exemption shall be for ten years as of the date of the occupancy granted under the building permit, but no later than 2034-APR-30.

OPTIONS

1. That Council approve the amended Revitalization Tax Exemption Agreement for a proposed 163-unit multi-family development at 340 Campbell Street.
 - The advantages of this option: The Project was previously accepted into the Downtown Revitalization Tax Exemption program as it met the goals of encouraging commercial and multi-family development in the downtown core. Providing an amendment to the tax exemption will enable development to proceed with the Project as originally envisioned.
 - The disadvantages of this option: None identified.
 - Financial Implications: There is no direct impact on the budget. The City will collect tax from one fewer property in those years.
2. That Council deny the amended Revitalization Tax Exemption Agreement for a proposed 163-unit multi-family residential development at 340 Campbell Street.
 - The advantages of this option: None identified.
 - The disadvantages of this option: Not approving this project is inconsistent with the RTE Bylaw. Not providing approval to the RTE Agreement would discourage further investors from applying to the program and may slow investor interest in the downtown core.
 - Financial Implications: No budget implication to the City. The Owner will pay the full property tax bill going forward.

SUMMARY POINTS

- The Owner of 340 Campbell Street, Campbell Street Holdings Ltd., has applied for and received a development permit (DP1223) to construct a 163-unit multi-family residential development.
- Council's approval for an amended ten-year tax exemption for the multi-family residential development under "Revitalization Tax Exemption Bylaw 2018 No. 7261" is being sought.
- Key Terms of Agreement: The Owner must obtain a building permit on or before 2023-APR-30; the Project must be completed no later than 2025-APR-30; and the tax exemption shall be for ten years as of the date of the occupancy permit, but no later than 2034-APR-30.

ATTACHMENTS:

ATTACHMENT A: Amended Revitalization Tax Exemption Agreement |

Submitted by:

Bill Corsan
Director, Corporate and Business
Development |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Laura Mercer
Director, Finance

Dale Lindsay
Deputy CAO / General Manager,
Development Services |

ATTACHMENT A

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the _____ day of _____, 2022 is

BETWEEN:

340 Campbell Holdings Ltd.
420 – 1112 West Pender Street
Vancouver, BC V6E 2S1

(the "Owner")

AND:

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

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Nanaimo at *340 Campbell Street* legally described as *Lots 4, 5, 6 & 7, Block 44, Section 1, Nanaimo District, Plan 584, PID 008-813-272, 008-813-299, 008-813-302, 008-813-329* (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261";
- C. The Parcel is situated within the Revitalization Area, as defined in the Bylaw; and
- D. The Owner proposes to construct new improvements or alter or renovate existing improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

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

- 1. In this Agreement, the following words have the following meanings:
 - (a) "Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to this Agreement for the purposes of calculating property taxes;
 - (b) "Baseline Assessment" means the BC Assessment Authority's last published land and improvements assessed value immediately before the commencement of the Project;

- (c) "Bylaw" means City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" as amended from time to time including any amendments thereto;
 - (d) "Renovation" means capital improvements of an existing building;
 - (e) "Tax Exemption" means a revitalization tax exemption determined in accordance with the Bylaw; and
 - (f) "Tax Exemption Certificate" means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to the Bylaw and the *Community Charter*.
2. The Project – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Bylaw. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
- (a) be built in accordance with the submitted plans as approved by Development Permit (DP001223) for 340 Campbell Street authorized by City Council of the City of Nanaimo on November 15, 2021.
3. Operation and Maintenance of the Project – throughout the term of this Agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
4. Revitalization Tax Exemption – subject to fulfillment of the conditions set out in this Agreement and the Bylaw, the City shall issue a Tax Exemption Certificate to the British Columbia Assessment Authority entitling the Owner to a Tax Exemption in respect of the property taxes due (not including local service taxes) in relation to the Parcel and the improvements thereon for the calendar year(s) set out in this Agreement. The Tax Exemption Certificate shall be substantially in the form of Appendix "B", which is attached to and forms part of this Agreement.
5. Conditions – the Owner must fulfill the following conditions before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
- (a) the Owner must obtain a building permit from the City for the Project on or before April 30, 2023;
 - (b) the Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "C";
 - (c) the Project must be officially opened and available for use as *a one hundred and sixty-three-unit residential building* (the "Exempt Use") and for no other use, by no later than April 30, 2025; and
 - (d) the completed Project must substantially satisfy the performance criteria set out in Appendix "D" hereto, as determined by the City's Land Use Manager or designate, in his or her sole discretion, acting reasonably.

6. Calculation of Revitalization Tax Exemption – the amount of the Tax Exemption in each year shall be calculated in accordance with the Bylaw.
7. Term of Tax Exemption – provided the requirements of this Agreement, and of the City of Nanaimo Revitalization Tax Exemption Bylaw 2018 No. 7261, are met the Tax Exemption shall be for the taxation years 2025 to 2034, inclusive. [10 year maximum]
8. Compliance with Laws – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel forming part of the Project in compliance with all statutes, laws, regulations, bylaws and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. Subdivision under Strata Property Act – if the Owner deposits a strata plan in the Land Title Office under the *Strata Property Act* that includes an improvement on the Parcel included in the Project, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - (a) the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before April 30, 2025.

provided that any strata subdivision must comply with the terms of any Housing Agreement in relation to the Parcel or the Project which limits ability to subdivide the Parcel or a building on the Parcel under the *Strata Property Act*.
10. Representations and Warranties – The Owner represents and warrants to the City that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
11. Cancellation – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
 - (a) on the written request of the Owner; or
 - (b) effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
12. If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will pay to the City a recapture amount in accordance with the Bylaw, which amount will bear interest in accordance with the Bylaw.
13. No Refund – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
14. Notices – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

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

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

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

340 CAMPBELL HOLDINGS LTD.
420-1112 West Pender Street
Vancouver, BC V6E 2S1

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

15. No Assignment – the Owner shall not assign its interest in this Agreement except to a subsequent owner in fee simple of the Parcel.
16. Severance – if any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.
17. Interpretation – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
18. Further Assurances – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
19. Waiver – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
20. Powers Preserved – this Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - (b) affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
21. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

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

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

Executed by the CITY OF NANAIMO by
its authorized signatories:

Mayor

Corporate Officer

Executed by 340 Campbell Holdings Ltd. by its
authorized signatories:



Name: Taosha Liao

Name:

APPENDIX "A" to Revitalization Tax Exemption Agreement

Map of Affected Parcel



APPENDIX "B" to Revitalization Tax Exemption Agreement

Revitalization Tax Exemption Certificate

In accordance with the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the _____ day of _____, 2022 (the "Agreement") entered into between the City of Nanaimo (the "City") and 340 Campbell Street Holdings Ltd. (the "Owner"), the registered owner of 340 Campbell Street Street legally described as Lots 4, 5, 6 & 7, Block 44, Section 1, Nanaimo District, Plan 584 (the "Parcel"):

This certificate certifies that the Parcel is subject to a revitalization tax exemption equal to the following assessment value of the Parcel: Class 06 Business/Other: \$2,846,000.00 multiplied by the municipal rate of tax in effect for Class 06 – Business/Other for each of the taxation years 2024 to 2033 inclusive.

The Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;
5. The Agreement is not otherwise terminated.

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

APPENDIX "C" to Revitalization Tax Exemption Agreement

Plans and Specifications for the Project DP001223



DEVELOPMENT PERMIT NO. DP001223

340 CAMPBELL HOLDINGS LTD

Name of Owner(s) of Land (Permittee)

340 CAMPBELL STREET

Civic Address

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.
2. This development permit applies to and only to those lands within the municipality described below, and any and all buildings, structures and other developments thereon:

Legal Description:

LOTS 4, 5, 6, & 7, BLOCK 44, SECTION 1, NANAIMO DISTRICT, PLAN 584

PID Nos. 008-813-272, 008-813-299, 008-813-302, 008-813-329

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

Schedule A Location Plan

Schedule B Site and Parking Plans

Schedule C Building Elevations and Details

Schedule D Landscape Plan and Details

4. If the landowner does not substantially start any construction with respect to which this permit was issued within two years after the date it was issued, the permit lapses.
5. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

TERMS OF PERMIT

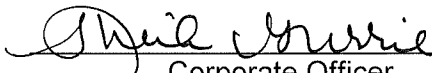
The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is varied as follows:

1. *Section 11.7.1 Size of Buildings* – to increase the maximum allowable building height from 14m to 18.82m.

CONDITIONS OF PERMIT

1. The subject property is developed generally in accordance with the Site and Parking Plans prepared by Urban Solutions Architecture Ltd., dated 2021-MAR-17 and 2021-SEP-19 as shown on Schedule B.
2. The development is in substantial compliance with the Building Elevations and Details prepared by Urban Solutions Architecture Ltd., dated 2021-MAR-17, as shown on Schedule C.
3. The subject property is developed in substantial compliance with the Landscape Plan and Details prepared by Urban Solutions Architecture Ltd. Landscape Architecture, dated 2021-MAR-17 and 2021-OCT-26 as shown on Schedule D.
4. Prior to issuance of a Building Permit, the applicant must register a statutory Right-of-Way 2.5m in width for the public sidewalk along the Wallace Street property frontage.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE 15TH DAY OF NOVEMBER, 2021.


Corporate Officer

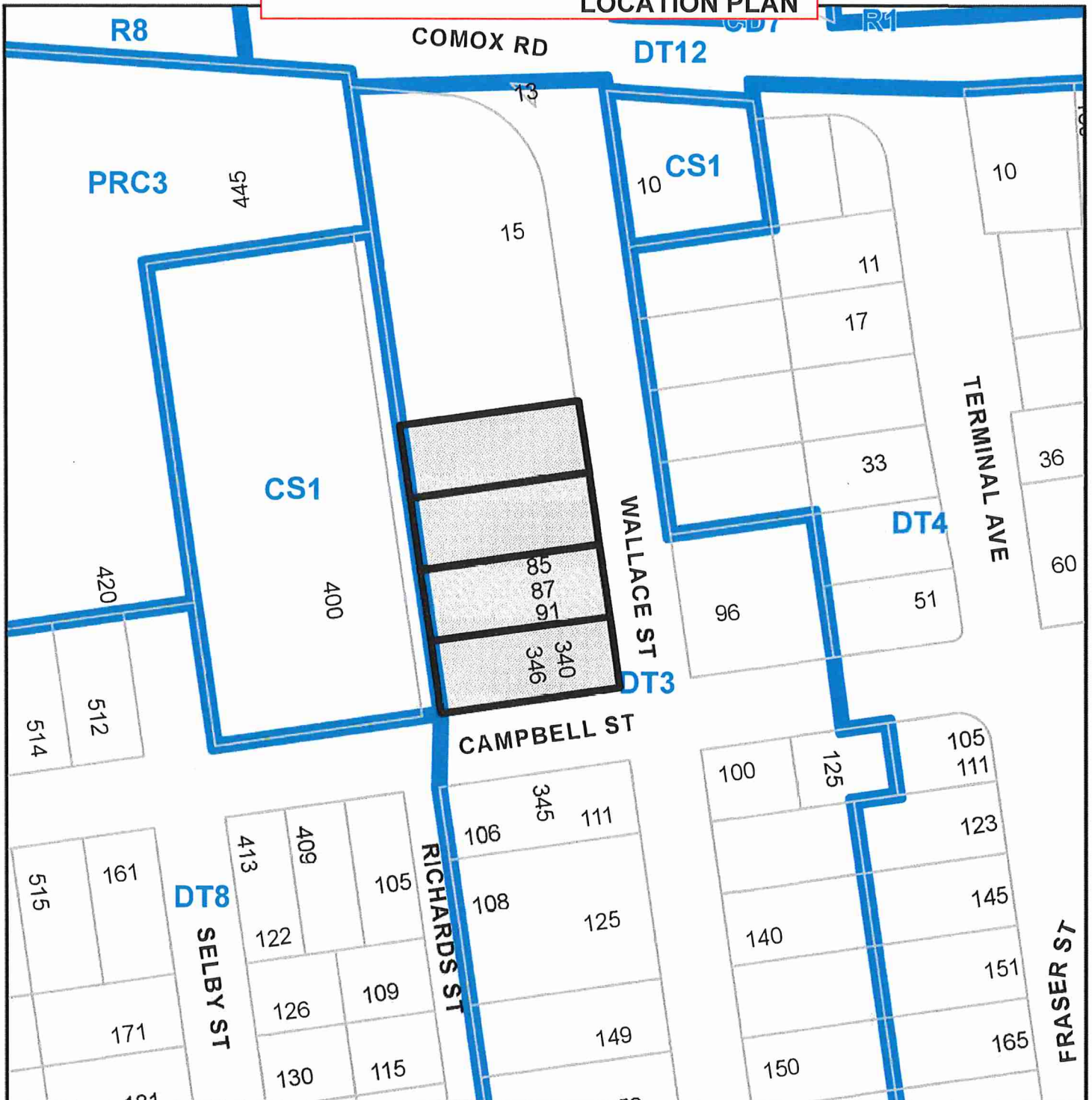
2021-DEC-03
Date

LB/ee
Prospero attachment: DP001223

Development Permit No. DP001223
340 Campbell Street

Schedule A

LOCATION PLAN



DEVELOPMENT PERMIT APPLICATION NO. DP001223

CIVIC: 340 CAMPBELL STREET



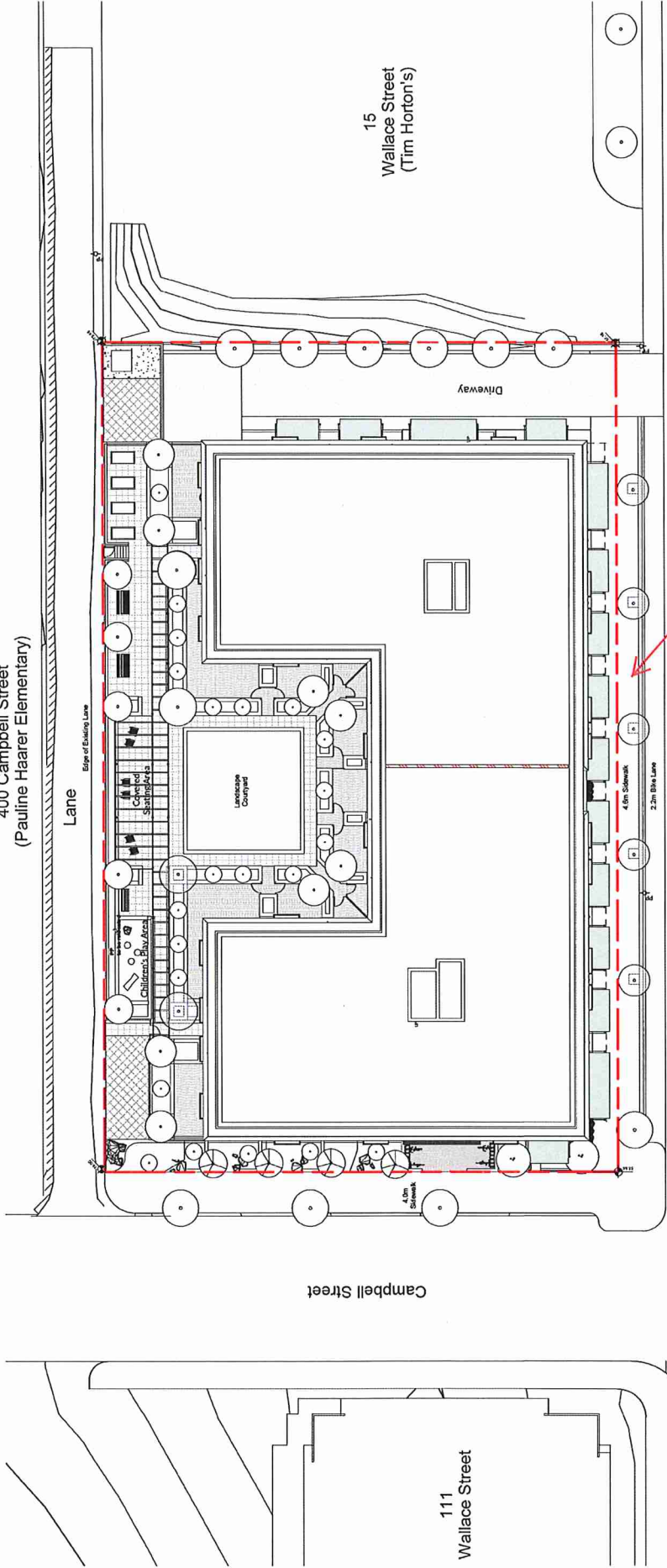
Subject Property

LEGAL: LOTS 4, 5, 6 and 7, BLOCK 44, SECTION 1, NANAIMO DISTRICT,
PLAN 584

Development Permit No. DP001223 Schedule B
340 Campbell Street

SITE AND PARKING PLANS

400 Campbell Street
(Pauline Haarer Elementary)





1 2021.10.18 Issue for DP Update

340 Campbell

Nanaimo, British Columbia

Second Floor/Courtyard Level

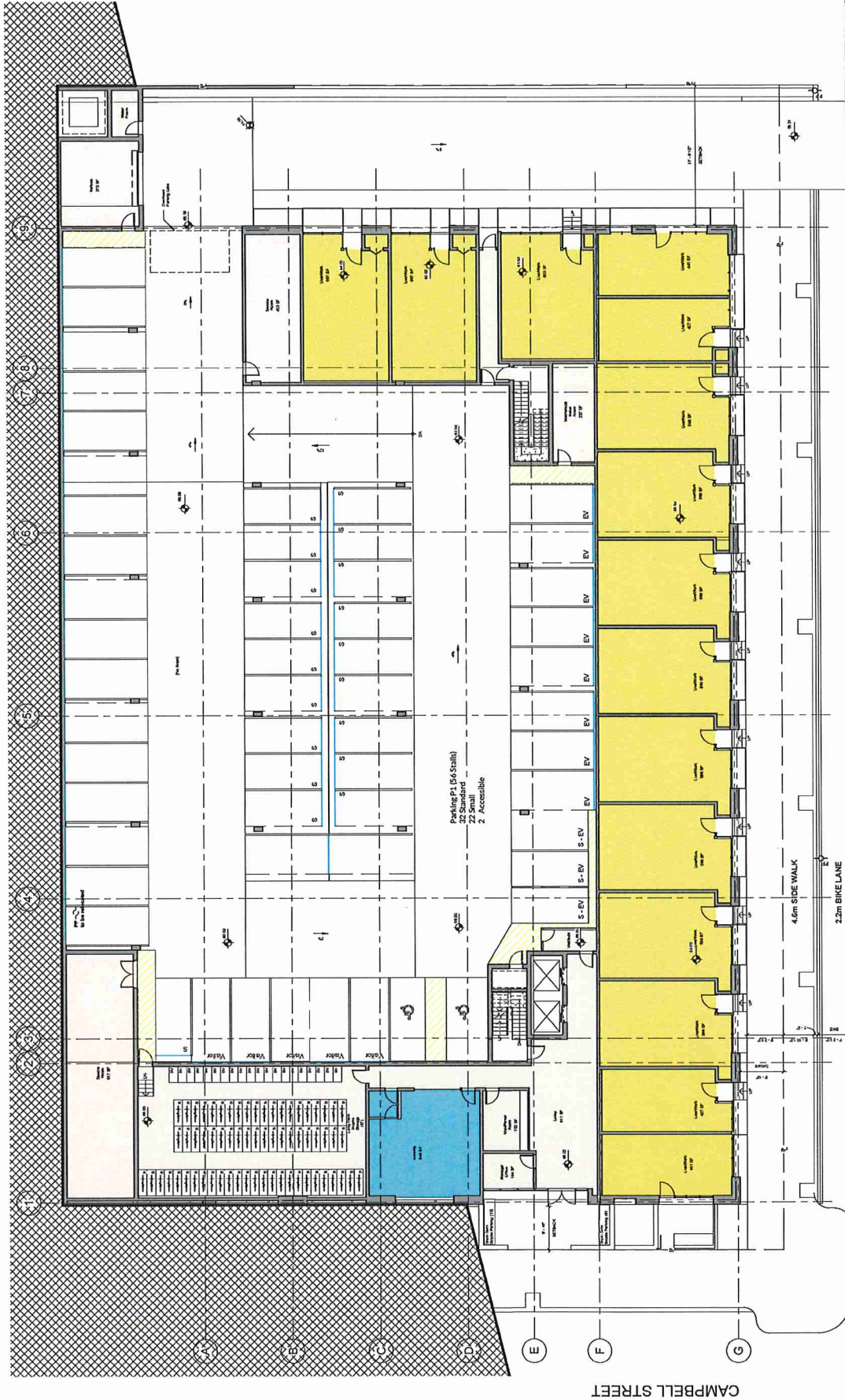
3/32" = 1'-0"

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DP-0223
2021 OCT 19
2021 OCT 19

A-2.2

ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021





2021.10.18 Issue for DP Update

340 Campbell

Nanaimo, British Columbia

Parking Layout P1/Ground Floor Plan

3/32" = 1'-0"

2021.03.17

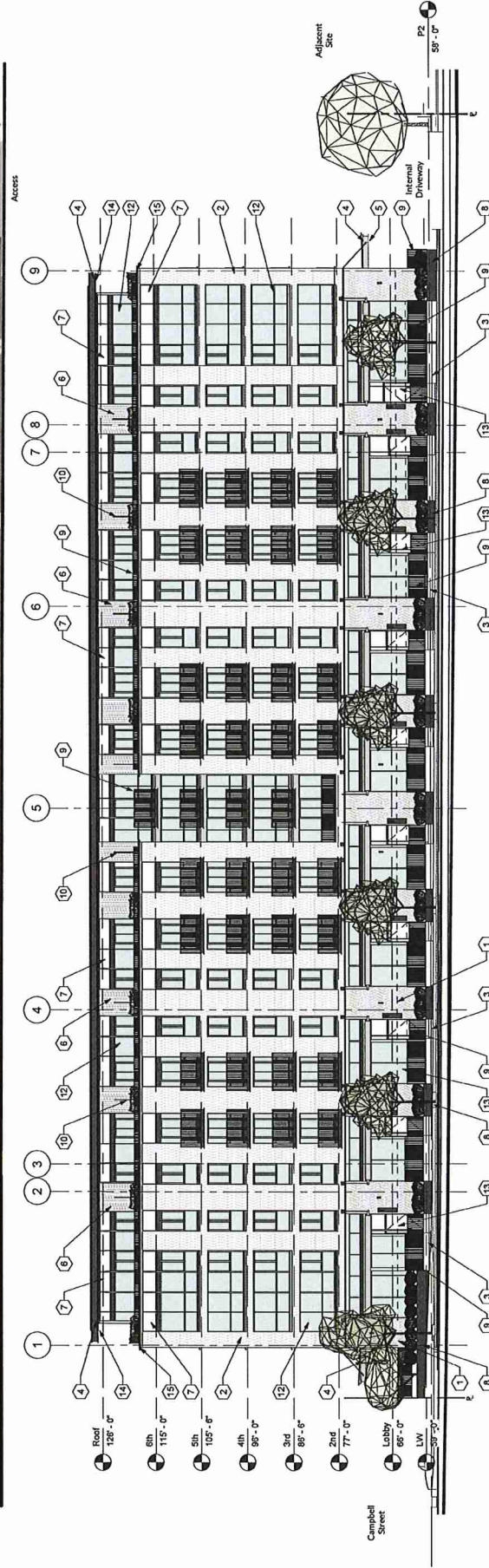
A-2.1

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DP 1223
2021-OCT-19
CITY OF NANAIMO

ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021

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DP1223
2021-SEP-22[illegible]

Wallace Street East Elevation



340 Campbell
 Nanaimo, British Columbia
 Elevations
 3/32" = 1'-0"
 2021.03.17
A-3.0

RECEIVED
 DP-1223
 2021-MAR-18
 11:11 AM

ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021

Campbell Street South Elevation



Finish Schedule Materials

1. Modular Brick Masonry
Colour: Aspen Texture: Smooth faced
2. Modular Panels:
Ceramic Coated Fibre Cement
Colour: Ridged Concrete White Pattern: Cast Strip
3. Architectural Concrete
Colour: Natural Grey
4. Structural Steel (Painted)
Colour: Benjamin Moore 2125-10 (Black Panther)
5. Wood Timber Purlins (stained)
Colour: Sikens 077 Cedar
6. Modular Panels: 7/8" Deep Round
Prefinished Corrugated Metal Panels
Colour: Viewet Regent Grey or Galvalume Plus
Natural Finish
7. Insulated Metal Spandrel Panels
Colour: Benjamin Moore 2126-40 (Gray Cloud)
8. Galvanized Metal Planters
Colour: Natural Grey
9. Architectural Metal Railings (Painted)
Colour: Benjamin Moore 2125-10 (Black Panther)
10. Prefinished Aluminum Privacy Screens
w/ translucent glazing
Colour: Black
11. Prefinished Mech. Louvres & Vents
Colour: Benjamin Moore 2125-10 (Black Panther)
12. Prefinished Anodized Aluminum or
Vinyl Glazing Frames and Patio Doors
Colour: Black as per manufacturer's colour range
13. Prefinished Anodized Aluminum
Storefront Glazing Frames and Solid
Core Birch Wood Doors
Colour: Black as per manufacturer's colour range
14. Prefinished Woodtone 4" Wide V-
Groove Metal Soffit Panels
Colour: Woodtone
15. Prefinished Architectural Metal
Cornice Plates (Painted) & Flashings
Colour: Benjamin Moore 2125-10 (Black Panther)
16. Prefinished Architectural Metal
Fencing (Painted)
Colour: Benjamin Moore 2125-10 (Black Panther)
17. Split-Faced Concrete Masonry Unit
Colour: Charcoal Texture: Split Faced

340 Campbell

Nanaimo, British Columbia

Elevations

2021.03.17

As indicated

A-3.1

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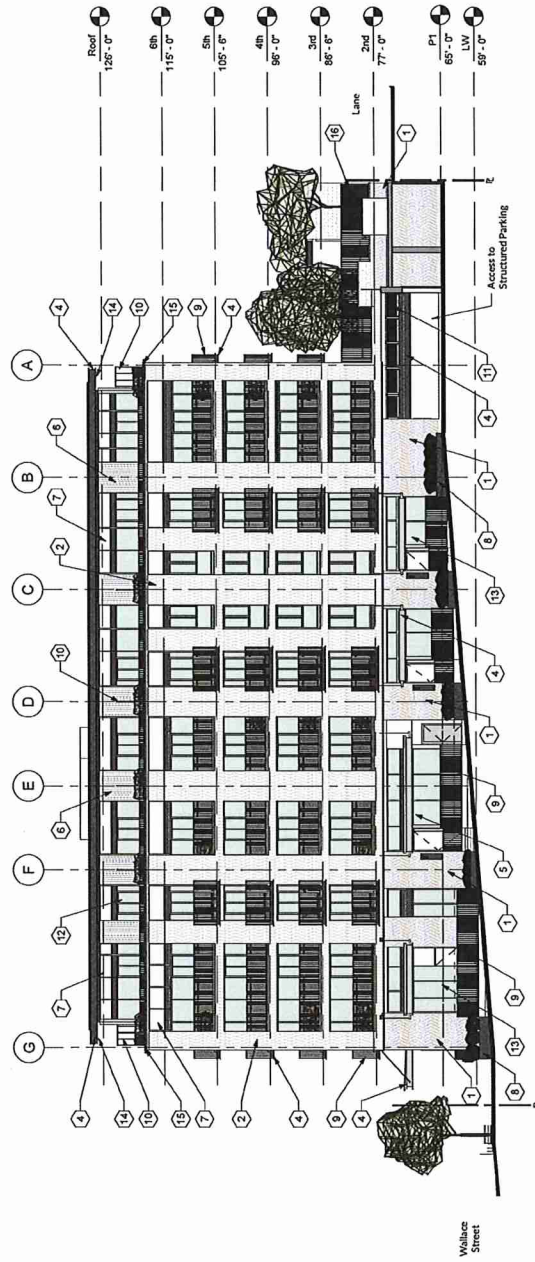
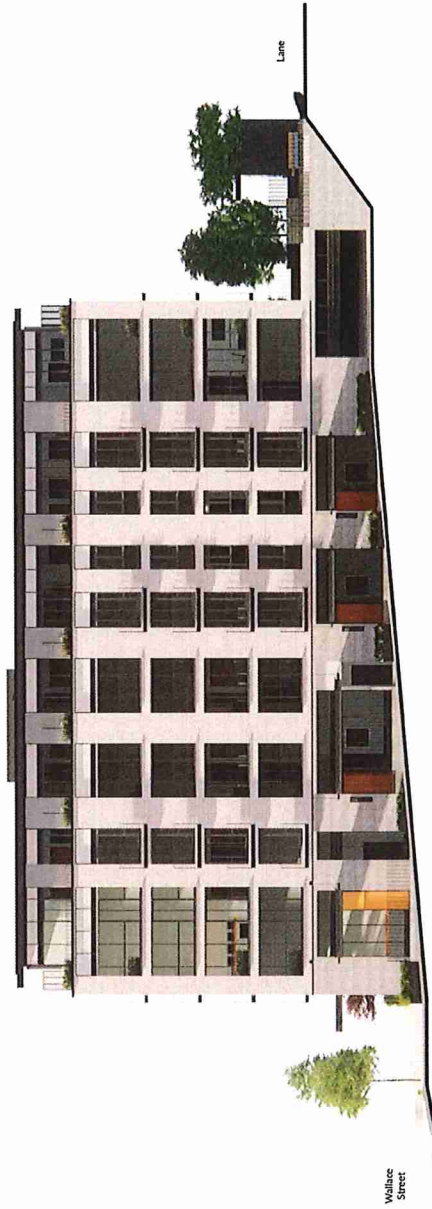
DP1223

2021-MAR-18

CONTRACT FINISHES

ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021

Driveway North Elevation



340 Campbell

Nanaimo, British Columbia

Elevations
2021.03.17

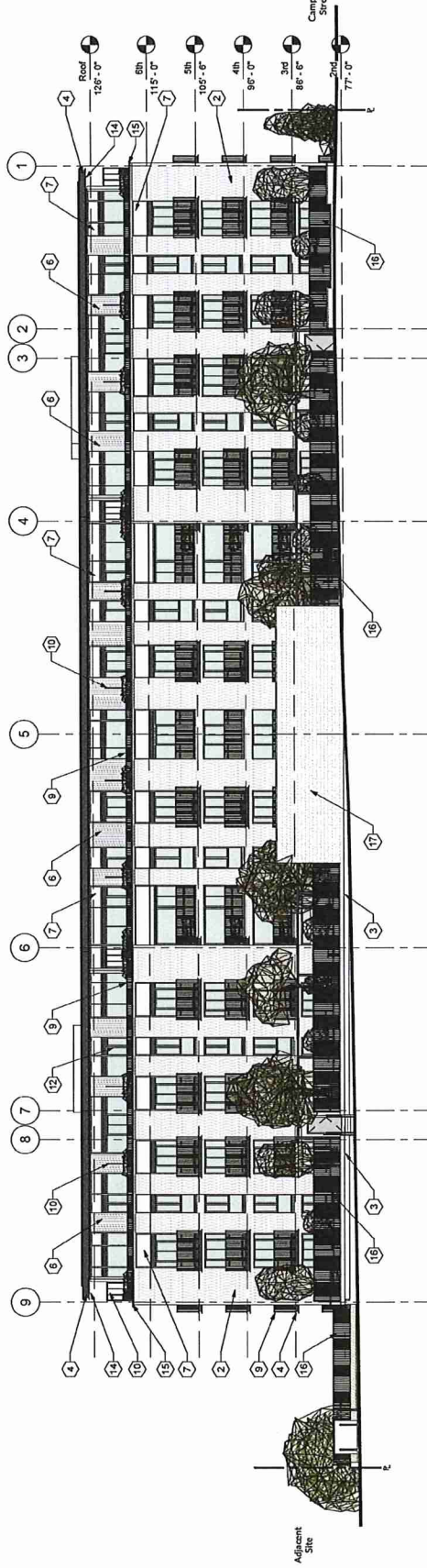
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A-3.3

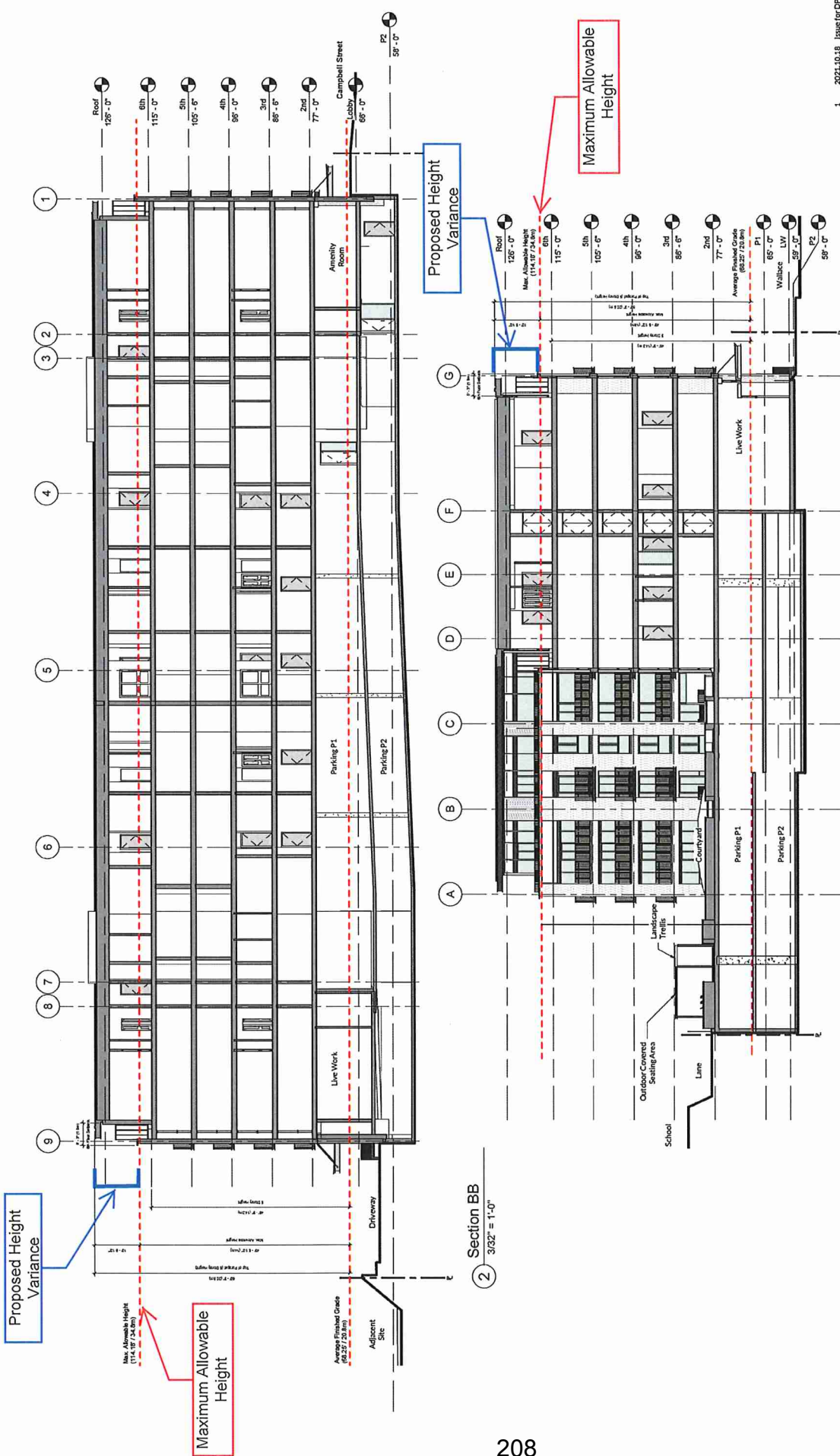
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2021-MAR-18
DP-1223
CITY OF NANAIMO

ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021

Lane West Elevation



340 Campbell
Nanaimo, British Columbia
Elevations
3/32" = 1'-0"
2021.03.17
A-3.2
ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021



1 2021.10.18 Issue for DP Update
340 Campbell
Nanaimo, British Columbia
Sections
3/32" = 1'-0"
2021.03.17
A-4.0
ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021

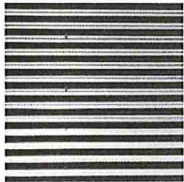
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DIP-1223
2021-OCT-19
CITY OF NANAIMO

1 Section AA
3/32" = 1'-0"

SURBAN
SOLUTIONS
ARCHITECTURE

Architectural Materials

The main building materials pallet of the Project are:



Modular Panels: 7/8" Corrugated Metal Panel

Reference: Vicwest Steel Cladding "Vicwest Regent Grey"



Modular Panels: Ceramic Coated Fibre Cement

Reference: CERACLAD Rainscreen Exterior Siding Systems Colour: Ridged Concrete White Pattern: Cast Strip



Architectural Metals and Metal Railings

Reference: Benjamin Moore 2125-10 (Black Panther)



Structural Steel with Wood Timber Purlins

Reference: Benjamin Moore 2125-10 (Black Panther)/Sikkens Prolux Cetol Translucent Stain



Modular Brick Masonry

Reference: Mutual Materials Face Brick "Aspen"



Architectural Finish Schedule

Ref.	Description	Colour Ref.	Manufacturer	Notes
1.	Modular Brick Masonry	Colour: Aspen as per Manufacture's colour range, Texture: Smooth faced	Mutual Materials Face Brick, standard size	
2.	Modular Panels: Ceramic Coated Fibre Cement	Colour: Ridged Concrete White Pattern: Cast Strip	CERACLAD Rainscreen Exterior Siding Systems	
3.	Architectural Concrete	Colour: Natural Grey	Cast-in-place, c/w light sandblast finish	
4.	Structural Steel (Painted)	Colour: Benjamin Moore 2125-10 (Black Panther)	Shop Fabricated, primed and painted	- Street-Level Canopies - Juliet Balconies
5.	Wood Timber Purlins (stained)	Colour: Sikkens 077 Cedar	Sikkens Prolux Cetol Translucent Stain	- Street-Level Canopies - Trellises
6.	Modular Panels: 7/8" Deep Round Prefinished Corrugated Metal Panels	Colour: Vicwest Regent Grey or Galvalume Plus Natural Finish	Vicwest Steel Cladding	
7.	Insulated Metal Spandrel Panels	Colour: Benjamin Moore 2126-60 (Gray Cloud)	Shop Fabricated, prefinished	
8.	Galvanized Metal Planters	Colour: Natural Grey	Shop Fabricated, prefinished	
9.	Architectural Metal Railings (Painted)	Colour: Benjamin Moore 2125-10 (Black Panther)	Shop Fabricated, primed and painted	- Typ. Juliet Balconies
10.	Prefinished Aluminum Privacy Screens w/ translucent glazing	Colour: Black	Shop Fabricated, prefinished	
11.	Prefinished Mech. Louvres & Vents	Colour: Benjamin Moore 2125-10 (Black Panther)	Shop Fabricated, prefinished	
12.	Prefinished Anodized Aluminum or Vinyl Glazing Frames and Patio Doors	Colour: Black as per Manufacture's colour range	Starline Windows 9000 series or approved alternates w/ Starline 2500 Series Outswing Patio Doors	
13.	Prefinished Anodized Aluminum Storefront Glazing Frames and Solid Core Birch Wood Doors	Colour: Black as per Manufacture's colour range	Starline Windows 9000 series or approved alternates w/ Solid Core Birch Veneer Wood Doors (Stained and Varnished)	
14.	Prefinished Woodtone 4" Wide V-Groove Metal Soffit Panels	Colour: Woodtone	LUX Architectural Panel Products: Vented and Non-Vented Soffit	
15.	Prefinished Architectural Metal Cornice Plates (Painted) & Flashings	Colour: Benjamin Moore 2125-10 (Black Panther)	Shop Fabricated, prefinished	
16.	Prefinished Architectural Metal Fencing (Painted)	Colour: Benjamin Moore 2125-10 (Black Panther)	Shop Fabricated, prefinished	
17.	Split-Faced Concrete Masonry Unit	Colour: Charcoal Texture: Split Faced	Tri Star Brick and Block, Standard Size 20cm.	

340 Campbell

Nanaimo, British Columbia

Design Rational Form and Character

1/4" = 1'-0"

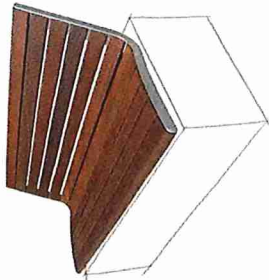








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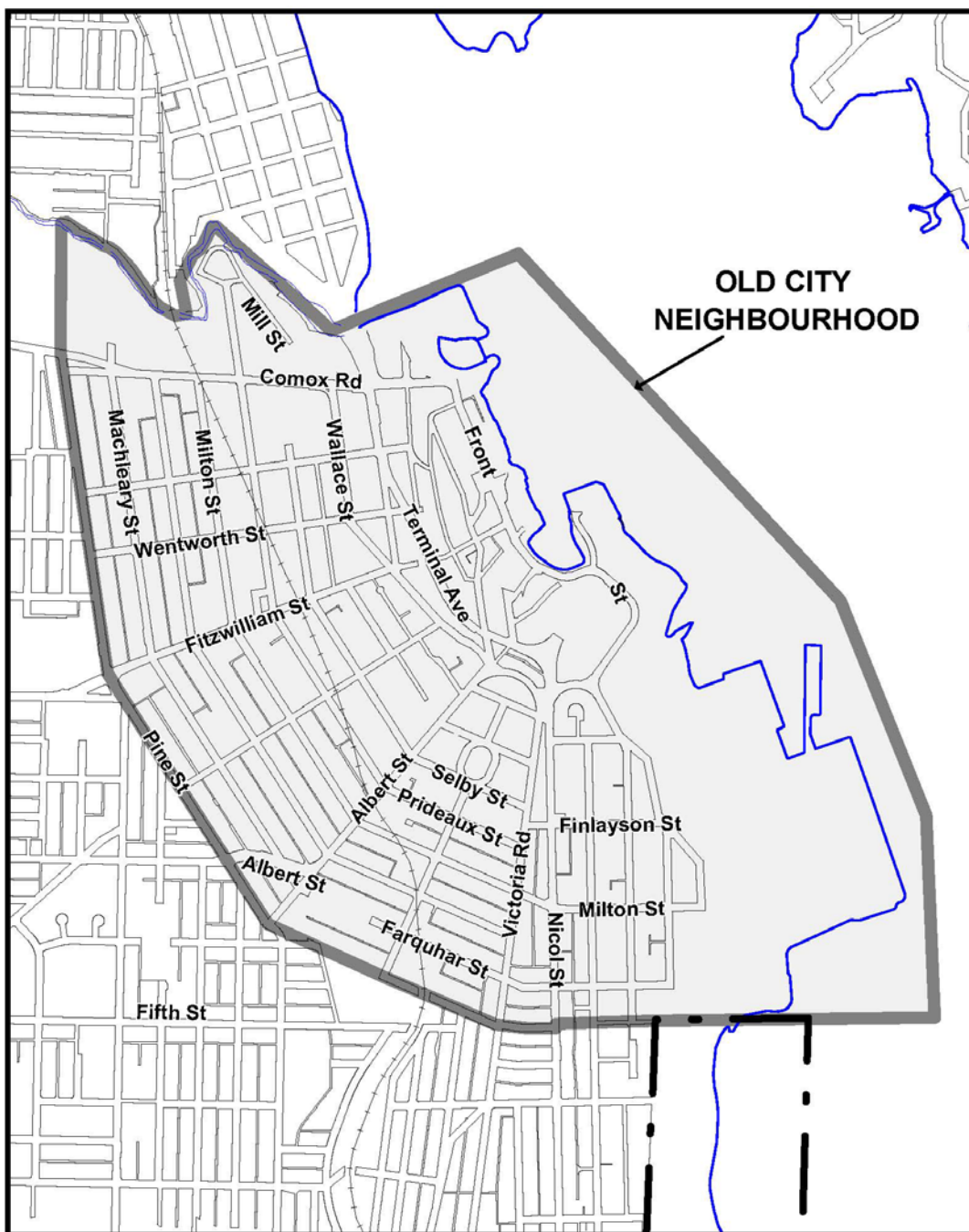
ISSUED FOR DEVELOPMENT PERMIT - MARCH 17, 2021



			
1 Courtyard Pavers	2 Grasscrete	3 Children's Play Area	4 Trellis - Black Metal Post and Wood Purlins
			
5 6' High Fencing	6 Bike Rack	7 Urban Agriculture	8 Landscape Boulders

			
1 Bench	2 Rectangular Dining Table	3 Child's Playscape - Logs	4 Planter Boxes at Entry Doors
	<div><div><p>Pacific Slate</p></div><div><p>Charcoal* Blend</p></div><div><p>Pisa OneStone</p></div><div><p>Charcoal</p></div></div>		
5 Planter Walls and Caps	6 Paving Colours		

SCHEDULE "C"
Revitalization Area



CITY OF NANAIMO

BYLAW NO. 4500.169

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

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

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

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2020 No. 4500.169".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (1) By rezoning a portion of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 (3500 Rock City Road) from Low Density Residential (R6) to Medium Density Residential (R8) as shown on Schedule A.
 - (2) By adding the following as subsection 7.3.7:

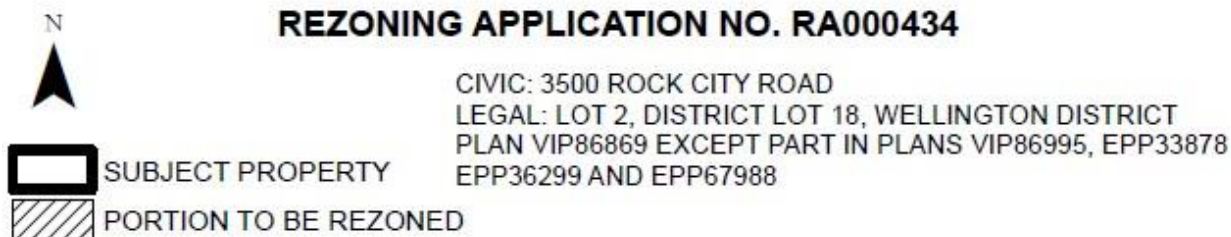
7.3.7 Notwithstanding Subsection 7.3.1, the maximum Floor Area Ratio for portions of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 shall not exceed 0.45. Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

PASSED FIRST READING: 2020-JUL-20
PASSED SECOND READING: 2020-JUL-20
PUBLIC HEARING HELD: 2020-SEP-17
PASSED THIRD READING: 2020-SEP-17
ADOPTED: _____

MA Y O R

CORPORATE
OFFICER

File: RA000434
Address: 3500 Rock City Road



CITY OF NANAIMO

BYLAW NO. 4500.198

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 2022 No. 4500.198".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

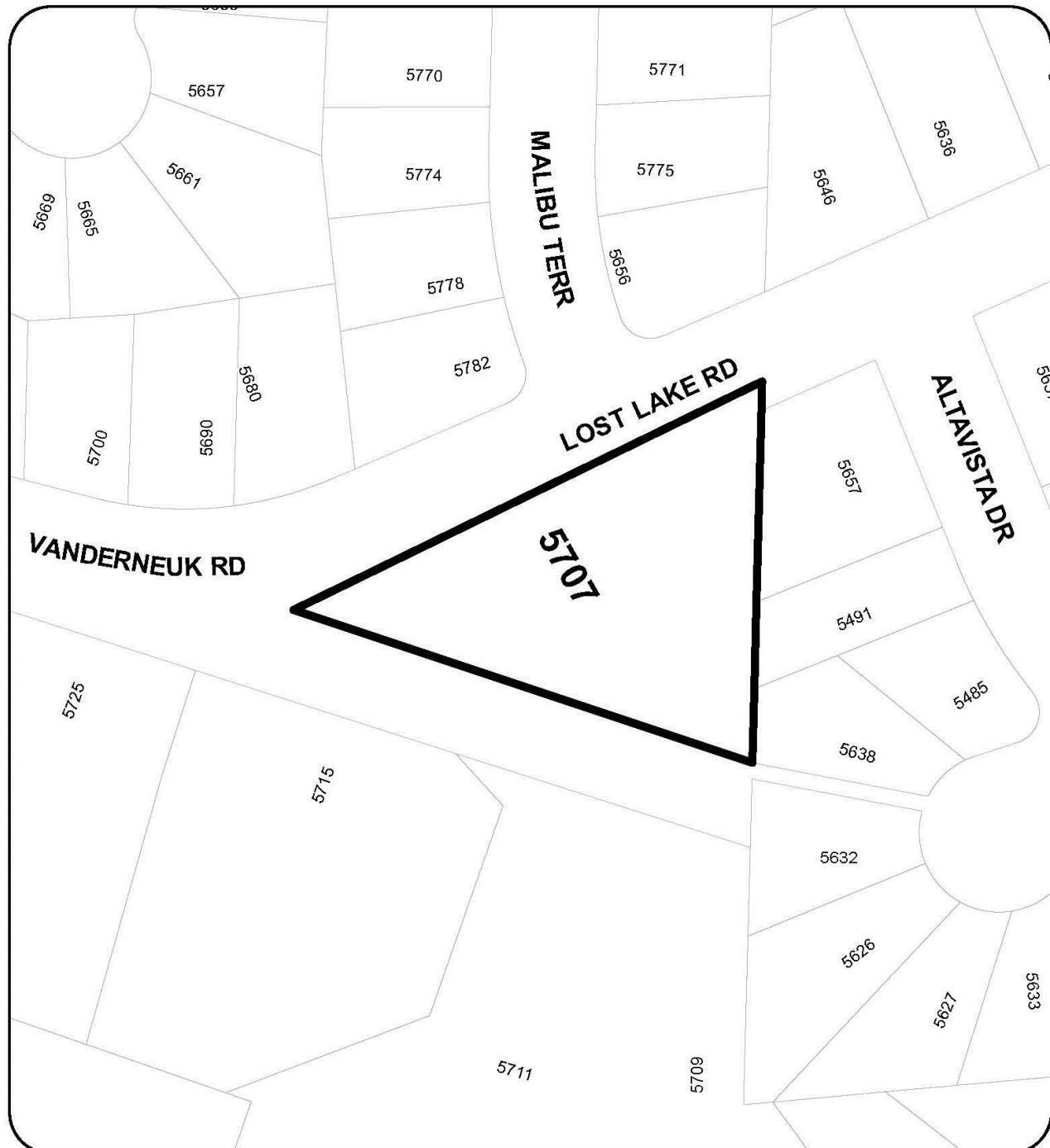
By rezoning the lands legally described as LOT A, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN EPP92519 (5707 Lost Lake Road) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A.

PASSED FIRST READING: 2022-JAN-17
PASSED SECOND READING: 2022-JAN-17
PUBLIC HEARING HELD: 2022-FEB-24
PASSED THIRD READING: 2022-FEB-24
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A



N



REZONING APPLICATION NO. RA000438

CIVIC: 5707 LOST LAKE ROAD



SUBJECT PROPERTY

CITY OF NANAIMO

BYLAW NO. 4500.200

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, 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 2022 No. 4500.200".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By adding the following definition for 'Data Centre' after 'Custom Workshop':

DATA CENTRE – means a building or buildings used for the storage and operation of networked computers or telecommunications systems and associated components, and may or may not include employees on-site.

- 2) By amending the table in subsection 13.2.1 by adding the following row after 'Custom Workshop' and permitting 'Data Centre' as a site-specific use in the I3 zone with a condition of use:

Use	Zones				Conditions of Use
	I1	I2	I3	I4	
Data Centre	--	--	SS	--	A noise abatement plan shall be required for all data centre uses.

- 3) By amending the table in subsection 13.2.3 to permit 'Data Centre' as a site-specific use at 2086 and 2090 East Wellington Road.
 - 4) By rezoning the lands legally described as LOT A, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP54044 (2086 East Wellington Road) and LOT 1, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN 20112, EXCEPT THOSE PARTS IN PLANS 20182, 21299 AND VIP54044 (2090 East Wellington Road) from Rural Resource (AR1) to High Tech Industrial (I3) as shown on Schedule A of this Bylaw.

PASSED FIRST READING: 2022-AUG-29

PASSED SECOND READING: 2022-AUG-29

PUBLIC HEARING HELD: 2022-SEP-29

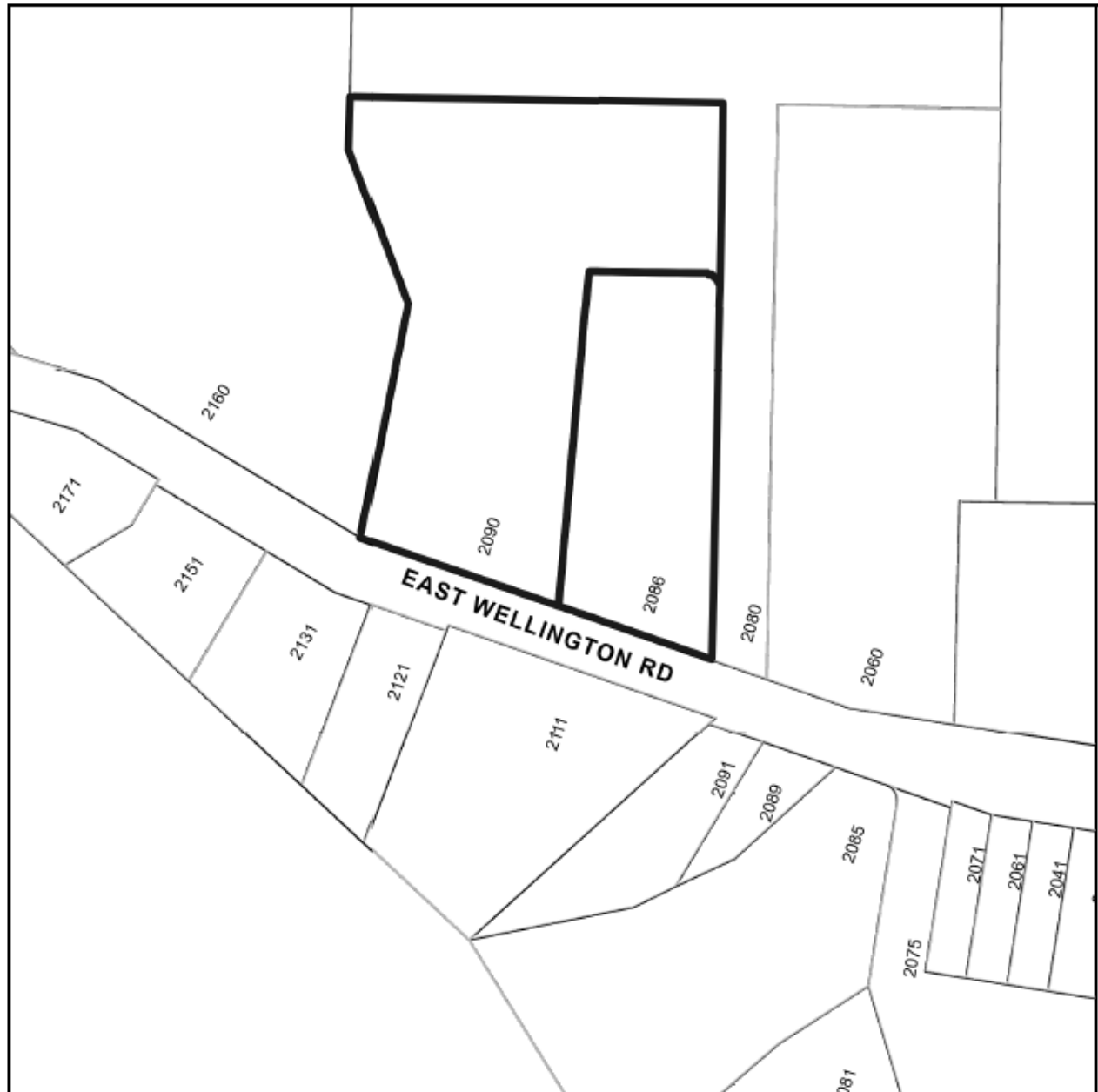
PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A



Subject Property

REZONING APPLICATION NO. RA000479

CIVIC: 2086 & 2090 EAST WELLINGTON ROAD

LEGAL: LOT A, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP54044; LOT 1, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN 20112, EXCEPT THOSE PARTS IN PLANS 20182, 21299 AND VIP54044

CITY OF NANAIMO

BYLAW NO. 4500.204

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, 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 Bylaw Amendment Bylaw 2022 No. 4500.204".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By deleting Section 16.7 and replacing it with a new Section 16.7 as shown in Schedule A of this Bylaw.
 - 2) By amending the table in section 17.11 by adding the following row after the row labeled 'CD5':

<i>Subject Property Zoned</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Storage / Landfill / Refuse Receptacles</i>
CD7	1	1	1	2

- 3) By rezoning the lands legally described as LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272 (444 Comox Road), LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272 (450 Comox Road), LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road), LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584 (55 Mill Street), and LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360 (portion of 1 Terminal Avenue) from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7), as shown on Schedule B of this Bylaw.

PASSED FIRST READING: 2022-AUG-29

PASSED SECOND READING: 2022-AUG-29

PUBLIC HEARING HELD: 2022-SEP-29

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000475

Address: 444/450/500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

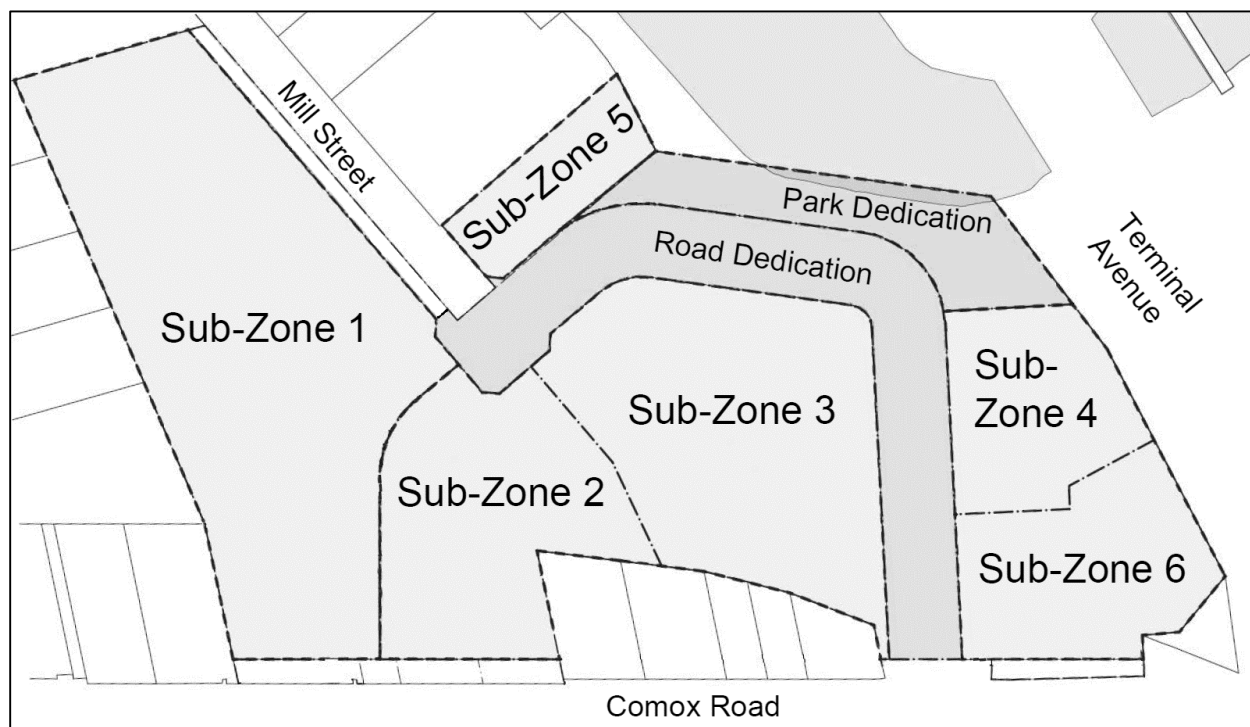
SCHEDULE A

16.7 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE SEVEN (CD7)

The intent of this zone is to provide a comprehensive mixed-use development area at the north edge of Downtown Nanaimo adjacent to the Millstone River, with a range of commercial and residential uses.

16.7.1 ESTABLISHMENT OF SUB-ZONES

16.7.1.1 Regulations in the CD7 zone will be established within sub-zones as identified in the following plan:



16.7.2 PERMITTED USES

16.7.2.1 The uses listed in the following table shall be permitted in sub-zones where indicated with a 'P' within the corresponding column with sub-zone number, as per the conditions of use specified:

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Arcade	--	P	P	P	--	P	
Assembly Hall	P	P	P	P	--	P	
Bingo Hall	--	P	P	P	--	P	
Commercial School	--	P	P	P	--	P	
Convention Centre	--	P	P	P	--	P	

SCHEDULE A

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Court of Law	--	P	P	P	--	P	
Cultural Facility	P	P	P	P	--	P	
Custom Workshop	--	P	P	P	--	P	
Daycare	P	P	P	P	P	P	
Funeral Parlour	--	P	P	P	--	P	
Hotel	--	P	P	P	--	P	
Laundromat	P	P	P	P	--	P	
Library	P	P	P	P	--	P	
Liquor Store	--	P	P	P	--	P	
Live/Work	P	P	P	P	P	P	
Micro-Brewery	--	P	P	P	--	P	The Gross Floor Area of a micro-brewery shall not exceed 557m ² .
Multiple Family Dwelling	P	P	P	P	P	P	Within sub-zones 3, 4, and 6, multiple family dwelling residential shall only be permitted where a commercial use exists on the same lot.
Neighbourhood Pub	--	P	P	P	--	P	
Office	P	P	P	P	--	P	
Personal Care Facility	P	P	P	P	--	P	
Printing and Publishing Facility	--	P	P	P	--	P	
Recreation Facility	P	P	P	P	--	P	
Religious Institution	P	P	P	P	P	P	
Repair Shop	--	P	P	P	--	P	
Restaurant	P	P	P	P	--	P	
Retail	P	P	P	P	--	P	
Rooming House	P	P	P	P	P	P	
Shopping Centre	--	P	P	P	--	P	
Personal Care Facility	P	P	P	P	P	P	
Seniors' Congregate Housing	P	P	P	P	P	P	
Social Services Resource Centre	P	P	P	P	--	P	
Veterinary Clinic	P	P	P	P	--	P	

P = Permitted Use
-- = Use Not Permitted

SCHEDULE A

16.7.2.2 The uses listed in the following table shall be permitted as an accessory use where indicated with an 'A' within the corresponding column with sub-zone number, as per the conditions of use specified:

Use	Sub-Zone						Conditions of Use
	1	2	3	4	5	6	
Accessory Dwelling	A	A	A	A	A	A	
Boarding and Lodging	A	A	A	A	A	A	Shall not exceed two sleeping units and shall not accommodate more than two persons.
Home Based Business	A	A	A	A	A	A	Subject to Part 6.
Secondary Suite	A	--	--	--	A	--	Subject to Part 6. Must be accessory to a single residential dwelling.
Short-Term Rental	A	A	A	A	A	A	Subject to Part 6.
Teletheatre Outlet	--	A	A	A	--	A	Must be contained within a Hotel or Neighborhood Pub.

P = Permitted as an Accessory Use

-- = Use Not Permitted

16.7.3 DENSITY

16.7.3.1 The following table specifies the maximum allowable base density, expressed as a Floor Area Ratio, per lot in each sub-zone. The additional density columns permit additional density where the specified criteria have been provided. Tier 1 awards additional density where a development meets or exceeds the Tier 1 requirements as specified in Schedule D of this Bylaw, and Tier 2 awards additional density where a development meets or exceeds the Tier 2 requirements as specified in Schedule D. Where a development achieves additional density as established through a development permit process, the additional floor area may be added to the base density within the sub-zone. A development may achieve all of the additional density available within the sub-zone:

Sub-Zone	Maximum Allowable Floor Area Ratio (FAR)	Additional Density	
		Tier 1	Tier 2
1	1.50	+0.2	+0.25
2	3.20	+0.2	+0.25
3	1.50	+0.2	+0.25
4	4.05	+0.2	+0.25
5	0.45	+0.1	+0.15
6	1.50	+0.2	+0.25

SCHEDULE A

16.7.3.2 Notwithstanding Subsection 16.7.3.1, where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more than 0.8m above the adjacent finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

16.7.3.3 Notwithstanding Subsection 16.7.3.1, up to 15% of the calculated maximum permitted floor area of a lot in any sub-zone may be transferred to a lot in another sub-zone, with the exception of sub-zone 5, through a form & character development permit process and provided that a Section 219 covenant is registered on the property title of both subject parcels to record the terms of the density transfer.

16.7.4 LOT SIZE AND DIMENSIONS

16.7.4.1 The minimum lot size for a serviced lot shall be 1,000m².

16.7.4.2 The minimum lot frontage shall be 20m.

16.7.4.3 The minimum lot depth shall be 40m.

16.7.5 SITING OF BUILDINGS

16.7.5.1 The following table specifies the minimum distance a principal building must be set back from any front or flanking side lot line shared with the respective street identified in the first column:

Street	Front / Flanking Side Yard
Comox Road	0m – for the first five storeys of the building 2.2m – for any portion of the building above the fifth storey
Mill Street	3.5m – for the first four storeys of the building 4.5m – for any portion of the building above the fourth storey
Street labeled 'Road Dedication' in Subsection 16.7.1.1	2.5m
Terminal Avenue	5.5m

16.7.5.2 The following table specifies the minimum distance a principal building must be set back from any side or rear lot line within each respective sub-zone:

Sub-Zone	Side Yard	Rear Yard
1	7.5m	7.5m
2	7.5m	7.5m
3	5.0m	7.5m
4	2.5m	3.0m
5	3.0m	7.5m
6	3.0m	3.0m

16.7.5.3 Notwithstanding Subsections 16.7.5.1 and 16.7.5.2, general provisions in Part 6 of this Bylaw for the siting of buildings near watercourses will also apply.

SCHEDULE A

16.7.5.4 Notwithstanding Subsection 16.7.5.1, the maximum front yard setback shall be 6m from all lot lines shared with a street except for the street known as Terminal Avenue where there is no maximum front yard setback.

16.7.5.4.1 Where only one principal building exists on the lot no more than 50% of the front face of a building façade shall be setback further than the maximum permitted front yard setback.

16.7.5.4.2 Where more than one principal building exists on the lot at least 50% of the property frontage must include a building front face within the maximum front yard setback area.

16.7.5.5 No vehicle parking shall be permitted between the front face of a principal building and any lot line abutting a street.

16.7.5.6 Notwithstanding Subsections 6.5.1, 16.7.5.1, and 16.7.5.2, a minimum setback shall not be required for an underground parking structure except from any lot line shared with the street known as Terminal Avenue where the minimum setback for an underground parking structure shall be 4.5m.

16.7.6 SIZE OF BUILDINGS

16.7.6.1 The following table specifies the maximum permitted lot coverage and building height, as well as the minimum required height of a principal building, within each respective sub-zone:

Sub-Zone	Lot Coverage	Maximum Building Height	Minimum Building Height
1	40%	21m	2 Storeys
2	40%	55m	2 Storeys
3	44%	30m	2 Storeys
4	52%	58m	2 Storeys
5	40%	13m	n/a
6	40%	25m	2 Storeys

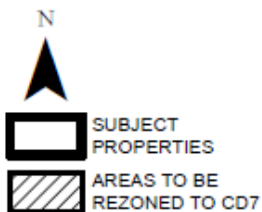
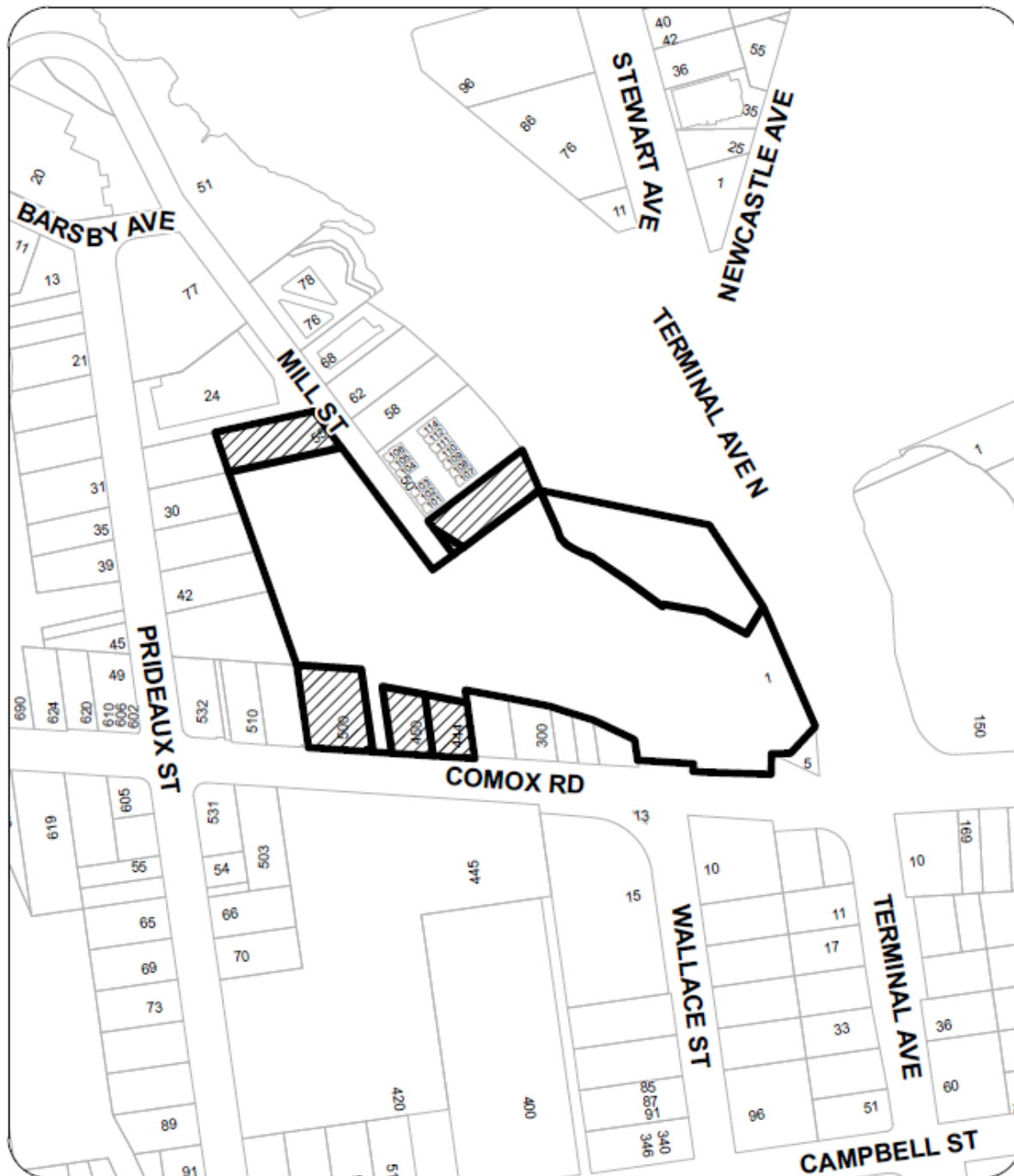
16.7.7 HEIGHT OF FENCES

16.7.7.1 The maximum height of a fence shall not exceed 1.2m where located within 3m of any front or flanking side lot line.

16.7.7.2 The maximum height of a fence shall not exceed 1.8m in any side or rear yard.

16.7.7.3 The maximum height of a fence shall not exceed 3.0m in any portion of the lot that is not within a front, flanking side, side, or rear yard setback.

SCHEDULE B



REZONING APPLICATION NO. RA000475

CIVIC: 1 TERMINAL AVENUE, 444, 450 & 500 COMOX ROAD, 55 MILL STREET
LEGAL: SEE NEXT PAGE FOR LEGAL DESCRIPTIONS

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SCHEDULE B

LEGAL DESCRIPTIONS:

LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360

LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PART IN PLAN 15272

LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116

LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584

CITY OF NANAIMO

BYLAW NO. 7355

A BYLAW TO AUTHORIZE THE DISCHARGE OF A LAND USE CONTRACT

WHEREAS the City of Nanaimo entered into a Land Use Contract with KLAUS GERICK and MONA MAXINE, to provide for the development of LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT PART IN PLAN 49116 (500 Comox Road, hereby referred to as the “Lands”);

AND WHEREAS the City of Nanaimo adopted “Land Use Contract Authorization Bylaw 1977 No. 1844” on January 26th, 1977;

AND WHEREAS the said Land Use Contract was registered in the Victoria Land Title Office under registration number F90666 on November 4th, 1977;

AND WHEREAS the City of Nanaimo has agreed to release and discharge said Land Use Contract from the Lands;

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as the City of Nanaimo “Land Use Contract Discharge Bylaw 2022 No. 7355”.

Discharge

2. The City of Nanaimo does hereby discharge the Land Use Contract registered against the Lands in the Victoria Land Title Office on November 4th, 1977 under registration number F90666.

Execution of Documents

3. The Mayor and Director of Legislative Services are hereby authorized to execute all documents necessary for the discharge of the Land Use Contract.

Repeal

4. The City of Nanaimo “Land Use Contract Authorization Bylaw 1977 No. 1844” is hereby repealed.

PASSED FIRST READING: 2022-AUG-29
PASSED SECOND READING: 2022-AUG-29
PUBLIC HEARING HELD: 2022-SEP-29
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7357

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 the Council wishes to enter into such an Agreement with respect to certain housing units located in the City of Nanaimo;

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

1. This Bylaw may be cited for all purposes as the “City of Nanaimo Housing Agreement Bylaw 2022 No. 7357”.
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 65, SECTION 5, WELLINGTON DISTRICT, PLAN 14356 (3059 Glen Eagle Crescent).
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: 2022-OCT-03
PASSED SECOND READING: 2022-OCT-03
PASSED THIRD READING: 2022-OCT-03
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: HA000009
Address: 3059 Glen Eagle Crescent

SCHEDULE A

TERMS OF INSTRUMENT - PART 2

HOUSING AGREEMENT AND SECTION 219 COVENANT

THIS AGREEMENT is made the ____ day of _____, 202__

BETWEEN:

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

(the "**City**")

AND:

**DEANNA RAE GROUNDWATER and
NOLAN JAMES GROUNDWATER**
Rural Route 1
Endiang, AB T0J 1G0

(the "**Owner**")

W H E R E A S:

- A. Under section 483 of the *Local Government Act*, the City may, by bylaw, enter into a Housing Agreement regarding the occupancy of housing 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. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality in respect of the use of land or construction on land;
- C. The Owner is the registered owner in fee simple of the Land as defined in this Agreement;
- D. The Owner intends to operate a Residential Shelter, as defined in the Zoning Bylaw, on the Land and wishes to secure a higher occupancy for the Residential Shelter by entering into a Housing Agreement pursuant to Section 6.21 of the Zoning Bylaw; and
- E. The City and Owner wish to enter into this Agreement to establish terms and conditions regarding the occupancy of the Residential Shelter as identified in the Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of one dollar (\$1.00) and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by both parties), and in consideration of the promises exchanged below, the Owner and the City covenant and agree pursuant to section 483 of the *Local Government Act* and section 219 of the *Land Title Act* as follows:

1. DEFINITIONS

In this Agreement,

“Agreement” means this agreement, including its recitals;

“Land” means the parcel of land having the civic address of 3059 Glen Eagle Crescent, Nanaimo, BC, and legally described as PID 004-414-411, LOT 65, SECTION 5, WELLINGTON DISTRICT, PLAN 14356;

“Operator” includes a person delegated by the Owner to operate the Residential Shelter as identified in the Agreement;

“Residential Shelter” means a residential shelter, as defined in the Zoning Bylaw, located on the Land; and

“Zoning Bylaw” means City of Nanaimo Zoning Bylaw 2011 No. 4500, as amended from time to time, and any enactment that may replace it.

2. MAXIMUM OCCUPANCY

The Residential Shelter must not be used as a residential shelter, or otherwise occupied, by more than eight (8) unrelated persons at one time.

3. ADMINISTRATION, MANAGEMENT AND NUISANCE

The Owner must ensure that the Residential Shelter is managed according to the following rules:

- a) the Land must remain clear of debris and refuse which would result in an unsightly premises;
- b) all landscaping, including yards, on the Land must be maintained;
- c) the Owner will not carry on, or do, or allow to be carried on or done on the Land anything that may be or become a nuisance to the City or the public;
- d) the Owner, if non-resident in the Residential Shelter, will delegate authority to an Operator. The Operator will be empowered to promptly respond to and address issues that may arise from the operation of the Residential Shelter. The Operator will be responsible to bring to the attention of the Owner any issues that arise in a timely manner. Ultimately the responsibility, management, and any delegation of authority related to the management and operation of the Residential Shelter will reside with the Owner;
- e) the Owner will undertake to operate or cause to be operated the Residential Shelter as a good neighbour ensuring that the operation of the Residential Shelter does not detract from the surrounding residents' right to peaceful enjoyment of their homes. The Owner or Operator will regularly seek and give due consideration to feedback

received from the surrounding residents as to the operation and impact of the Residential Shelter. Should it be deemed necessary by the City, in its sole discretion, the Owner will enter into a Good Neighbour Agreement, developed and monitored jointly by the Owner, the Operator, and the City; and

- f) the Owner will comply or cause compliance with all laws that relate to this Agreement.

4. COMPLIANCE

The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is in compliance with this Agreement.

5. TERM

Subject to early termination in accordance with Section 6, the term of this Agreement will be for an initial term of one (1) year commencing on the date first written above on these Terms of Instrument and ending on the ___ day of ____ 202_. This Agreement will automatically be renewed on the same terms herein for a period of one (1) year, upon the expiry of the previous term, unless the City has issued written notice of default, as set out in section 6, and in the City's sole opinion the Owner has not taken reasonable steps to correct the default set out in the written notice.

6. TERMINATION

The Owner and City acknowledge and agree that:

- a) notwithstanding any provision to the contrary in this Agreement, if the Owner is in default of its obligations in this Agreement then the City may, by written notice to the Owner, require such default to be corrected within thirty (30) days after receipt of such notice or in the case of a default which cannot reasonably be cured within the thirty (30) day period, if the Owner does not take reasonable steps to commence to correct the defect within the said thirty (30) day period and thereafter diligently and continuously proceed with such correction;
- b) if within the thirty (30) days after receipt of such notice the default has not been corrected or reasonable steps to correct the default have not been taken, the City, without limiting any other right it might have, may withdraw the rights it has granted herein and terminate this Agreement. The City will provide to the Owner ninety (90) days' written notice of its intent to terminate the Agreement. The City will not be liable in any way to the Owner for any cost, damage, liability or loss suffered as a result of the termination of this Agreement;
- c) the Owner may at any time, by written notice to the City, terminate this Agreement as of a date specified in such notice; and
- d) notwithstanding termination under this section, the City will be entitled to proceed with the enforcement of any indemnity or other term or condition of this Agreement in satisfaction of any claim, loss, damage or expense of the City arising under this Agreement.

7. INDEMNITY

The Owner must indemnify, defend and save harmless the City and each of its elected

officials, officers, directors, and agents, and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of:

- a) any negligent act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
- b) the construction, maintenance, repair, ownership, lease, license, operation, management or financing of the Land or Residential Shelter; or
- c) without limitation, any legal or equitable wrong on the part of the Owner or any breach of this Agreement by the Owner.

8. RELEASE

The Owner hereby releases and forever discharges the City and each of its elected officials, officers, directors, and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for the:

- a) construction, maintenance, repair, ownership, lease, license, operation or management of the Land or Residential Shelter under this Agreement; or
- b) except to the extent arising from the negligence or willful misconduct of the City or those for whom it is at law responsible, the exercise by the City of any of its rights under this Agreement.

9. CITY'S POWERS UNAFFECTED

This Agreement does not:

- a) affect, fetter or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Land;
- b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
- c) affect or limit any enactment relating to the use or subdivision of the Land; or
- d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

10. AGREEMENT FOR THE BENEFIT OF THE CITY ONLY

The Owner and the City agree that:

- a) this Agreement is entered into only for the benefit of the City;
- b) this Agreement is not intended to protect the interests of the Owner, any future Owner, lessee, occupier, or user of the Land or the Residential Shelter.

11. NO PUBLIC LAW DUTY

Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.

12. TIME

Time is of the essence in this Agreement.

13. BINDING EFFECT

This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

14. NO WAIVER

The waiver by a party or any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement will not be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and any waiver by the City must be in writing to be a valid waiver.

15. NO RELIEF

It is understood, covenanted and agreed by and between the parties hereto that no provision of these presents and no act or omission or finding of negligence, whether joint or several, as against the City, in favour of any third party, shall operate to relieve, or be deemed to relieve, the Owner in any manner whatsoever from any liability to the City with respect to this Agreement, or under the provisions of the *Community Charter*, the *Local Government Act*, or any bylaw of the City and amendments thereto.

16. NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

Notice of this Agreement shall be registered in the Land Title Office by the City, at the cost of the Owner, in accordance with section 483 of the *Local Government Act*, and this Agreement shall be binding on all persons who acquire an interest in the Land after registration of this notice.

17. TERMINOLOGY

Wherever singular, masculine or gender neutral terms 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.

18. ENTIRE AGREEMENT

This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

19. LAW APPLICABLE

This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

20. PRIORITY

At the Owner's expense, the Owner must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Land.

21. NOTICE

Any notice to be given pursuant to this Agreement must be in writing and delivered personally or sent by registered mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Agreement and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office. If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it will be considered given 5 days after mailing. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this agreement must do so by delivery as provided in this section. A party may change its address for the purposes of this section by giving notice in accordance with this section.

22. EXECUTION IN COUNTERPARTS & ELECTRONIC DELIVERY

This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

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 _____)

DEANNA RAE GROUNDWATER and **NOLAN JAMES GROUNDWATER**, authorized signatories:

_____)
_____)
_____)
_____)
_____)
_____)

CITY OF NANAIMO

BYLAW NO. 7358

A BYLAW TO EXEMPT CERTAIN LANDS AND BUILDINGS FROM TAXATION

WHEREAS Section 224 of the *Community Charter* provides general regulations for the exemption of property from taxation;

AND WHEREAS Section 224 of the *Community Charter* provides specific exemptions for certain types or uses of property.

AND WHEREAS Council deems it expedient to exempt property enumerated herein:

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

1. TITLE

1.1 This Bylaw may be cited as “Property Tax Exemption Bylaw, 2022 No. 7358”.

2. CHURCHES

2.1 Subject to Section 2.2 of this Bylaw, the Church lands, together with the buildings thereon, listed on the attached Schedule ‘A’ and further clarified in Maps ‘A-1’ to ‘A-10’, shall be exempt from taxation.

2.2 Church halls situated upon lands described in Schedule ‘A’ of this Bylaw, whether such halls are within church buildings or apart there from, are deemed to be necessary to their respective church operations.

2.3 The maximum area of land to be exempted from taxation shall be 2.0 acres (87,120 sq. ft.) of the land upon which the buildings for public worship stand plus the footprint of the building(s) used for public worship. This exempted area will not exceed the land area of the legal parcel(s) upon which these buildings stand.

3. SENIOR CITIZENS HOUSING

3.1 The Senior Citizens Housing Facility lands and buildings listed on the attached Schedule ‘B’ shall be exempt from taxation.

4. COMMUNITY CARE FACILITIES

- 4.1 The Community Care Facility lands and buildings listed on the attached Schedule 'C' shall be exempt from taxation.

5. MISCELLANEOUS NON-PROFIT

- 5.1 The Miscellaneous Non-Profit lands and buildings listed on the attached Schedule 'D' and further clarified in Maps 'D-1' to 'D-15', unless otherwise specified, shall be exempt from taxation.

6. REPEAL

- 6.1 "Property Tax Exemption Bylaw 2021 No. 7332" is hereby repealed.

PASSED FIRST READING: 2022-OCT-03
PASSED SECOND READING: 2022-OCT-03
PASSED THIRD READING: 2022-OCT-03

Notice of intention to proceed with this bylaw was published on the ____ day of_____, 2022 and the ____ day of_____, 2022 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

ADOPTED: _____

MAYOR

CORPORATE OFFICER

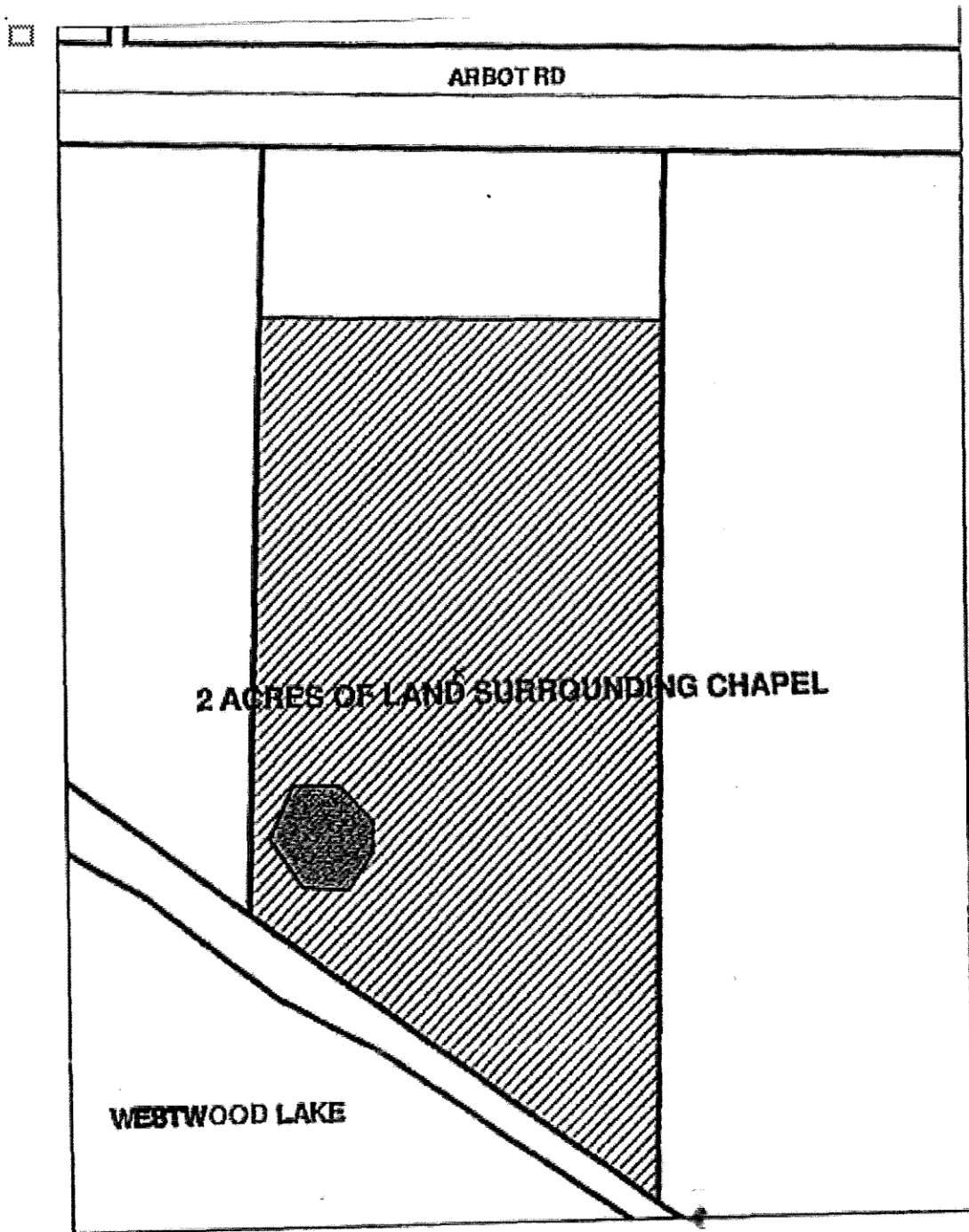
SCHEDULE 'A'

Folio	Unit	House	Street	Organization	Legal Description	Map
05342.200		2371	ARBOT ROAD	BASIC CHRISTIAN COMMUNITY ASSOCIATION (BETHLEHEM CENTRE)	LOT 2, SECTION 10, RANGE 6, MOUNTAIN DISTRICT, PLAN 18793	A-1
05536.314		2221	BOWEN ROAD	CHRIST COMMUNITY CHURCH OF THE CHRISTIAN REFORMED CHURCH OF NANAIMO	LOT 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP110454	
05680.000		2114	MEREDITH ROAD	DEPARTURE BAY CONGREGATION OF JEHOVAH'S WITNESSES TRUSTEES	THAT PART OF LOT 2, BLOCK 10, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN 526, LYING TO THE EAST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 128 FEET FROM THE WESTERLY BOUNDARY OF SAID LOT EXCEPT PLAN VIP56132	
05949.192		1609	MEREDITH ROAD	CHRISTIAN AND MISSIONARY ALLIANCE-CANADIAN PACIFIC DISTRICT	LOT 1, SECTION 16, RANGE 8, MOUNTAIN DISTRICT, PLAN VIP87081	A-2
05965.245		1720	MEREDITH ROAD	NANAIMO CHURCH OF CHRIST	LOT 1, SECTION 17, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP27309	
06006.305		2400	HIGHLAND BOULEVARD	B C CORP SEVENTH DAY ADVENTIST	LOT 1, SECTION 18, RANGE 8, MOUNTAIN DISTRICT, PLAN 46005	
07090.001		2875	ELK STREET	MINTER MIKE/ DANIEL KEVIN/ALEXANDER THOMAS / TRUSTEES OF THE NANAIMO CHRISTADELPHIANS	LOT 8, BLOCK 8, SECTION 1, WELLINGTON DISTRICT, PLAN 414	
07205.002		4017	VICTORIA AVENUE	UKRAINIAN CATHOLIC EPARCHY OF NW	LOT A (DD EK99968), BLOCK 11, SECTION 5, WELLINGTON DISTRICT, PLAN 318	
07357.000		4334	JINGLE POT ROAD	PRIESTLY SOCIETY OF ST PIUS	PARCEL D (DD5353N) OF SECTION 4, WELLINGTON DISTRICT	
07458.202		4235	DEPARTURE BAY ROAD	TRUSTEES OF ST ANDREWS PRESBYTERIAN CHURCH NANAIMO	LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP58451	
07618.001		3510	DEPARTURE BAY ROAD	TRUSTEES OF THE CONGREGATION OF DEPARTURE BAY BAPTIST CHURCH	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 9339	A-8
07657.100		2424	GLEN EAGLE CRESCENT	CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS IN CANADA	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 28663	A-7
07704.200		6234	SPARTAN ROAD	BISHOP OF VICTORIA	LOT 4, SECTION 12, WELLINGTON DISTRICT, PLAN 17325	
07708.570		4951	RUTHERFORD ROAD	B C CONFERENCE OF THE MENNONITE BRETHREN THE	LOT 52, DISTRICT LOTS 14 & 19, WELLINGTON DISTRICT, PLAN VIP56051, EXCEPT PART IN PLAN VIP58432	
07864.065		6011	DOUMONT ROAD	TRINITY UNITED CHURCH	LOT 1, DISTRICT LOT 23G, WELLINGTON DISTRICT, PLAN 42114	
08055.153		6553	PORTSMOUTH ROAD	FOURSQUARE GOSPEL CHURCH OF CANADA	LOT A, DISTRICT LOT 28, WELLINGTON DISTRICT, PLAN EPP14697	A-4
08323.360		4900	HAMMOND BAY ROAD	NANAIMO FULL GOSPEL ASSEMBLY	LOT 1, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN VIP62729	
08323.405		4960	HAMMOND BAY ROAD	HAMMOND BAY BAPTIST CHURCH	LOT A, DISTRICT LOT 54, PLAN 40992, WELLINGTON DISTRICT	A-6

Folio	Unit	House	Street	Organization	Legal Description	Map
16001.002		2150	DEPARTURE BAY ROAD	CHURCH OF THE NAZARENE CANADA PACIFIC DISTRICT	LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 18757	
16039.665		2174	DEPARTURE BAY ROAD	HOPE LUTHERAN CHURCH	LOT A (DD EL108574), SECTION 1, NANAIMO DISTRICT, PLAN 18900	
16216.002		1064	OLD VICTORIA ROAD	TRUSTEES OF THE CHASE RIVER CONGREGATION OF JEHOVAH'S WITNESSES	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP14550	
16276.025		170	WAKESIAH AVENUE	WAKESIAH GOSPEL CHAPEL	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 7109	
16531.002		394	SHEPHERD AVENUE	ST PAUL'S LUTHERAN CHURCH OF NANAIMO	LOT A (DD EK39556) OF SECTION 1, NANAIMO DISTRICT, PLAN 6350	
16536.100		328	THIRD STREET	VANCOUVER ISLAND KHALSA DIWAN SOCIETY	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP76304	A-9
16897.001		897	HARBOURVIEW STREET	THE BC MUSLIM ASSOCIATION	THAT PART OF BLOCK C, SECTION 1, NANAIMO DISTRICT, PLAN 1748, BOUNDED ON THE NORTH BY THE SOUTHERLY BOUNDARY OF PLAN 1121R, ON THE SOUTH BY THE NORTHERLY BOUNDARY OF PLAN 1140R, ON THE WEST BY THE EASTERLY BOUNDARY OF NICOL STREET AND ON THE EAST BY THE WESTERLY BOUNDARY OF ALEXANDRA STREET.	
17357.000		505	EIGHTH STREET	GOVERNING COUNCIL OF THE SALVATION	SECTION 12, RANGE 8, SECTION 1, NANAIMO DISTRICT, PLAN 1747	A-5
17545.010		275	PINE STREET	VANCOUVER ISLAND KHALSA DIWAN SOCIETY	LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN VIP71136	
80776.000		19	NICOL STREET	GOVERNING COUNCIL OF THE SALVATION ARMY	LOT B, (DD EM34637), BLOCK 12, SECTION 1, NANAIMO DISTRICT, PLAN 584	
81059.000		305	PRIDEAUX STREET	G S M P D SIKH TEMPLE INC	PARCEL B (DD 29290N) OF LOTS 15 AND 16, BLOCK 25, SECTION 1, NANAIMO DISTRICT, PLAN 584	
81095.000		315	FITZWILLIAM STREET	TRUSTEES OF THE CONGREGATION OF ST ANDREWS UNITED CHURCH	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP65271	
81468.000		20	CHAPEL STREET	CHRISTIAN SCIENCE SOC OF NANAIMO	THE NORTHERLY 1/2 OF LOT 9, BLOCK 55, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE EASTERLY 60 FEET	
81643.010		260	NEEDHAM STREET	PENTECOSTAL ASSEMBLIES OF CANADA	LOT A (ED110296) OF LOT 4, BLOCK B, SECTION 1, NANAIMO DISTRICT, PLAN 584	
82071.000		301	MACHLEARY STREET	BISHOP OF VICTORIA	LOT 4, BLOCK Q, SECTION 1, NANAIMO DISTRICT, PLAN 584 EXCEPT THAT PART IN PLAN VIP67460	
83042.000		595	TOWNSITE ROAD	UNITARIAN FOUNDATION OF NANAIMO	PARCEL A (DD F34209), SECTION 1, NANAIMO DISTRICT, PLAN 1505	

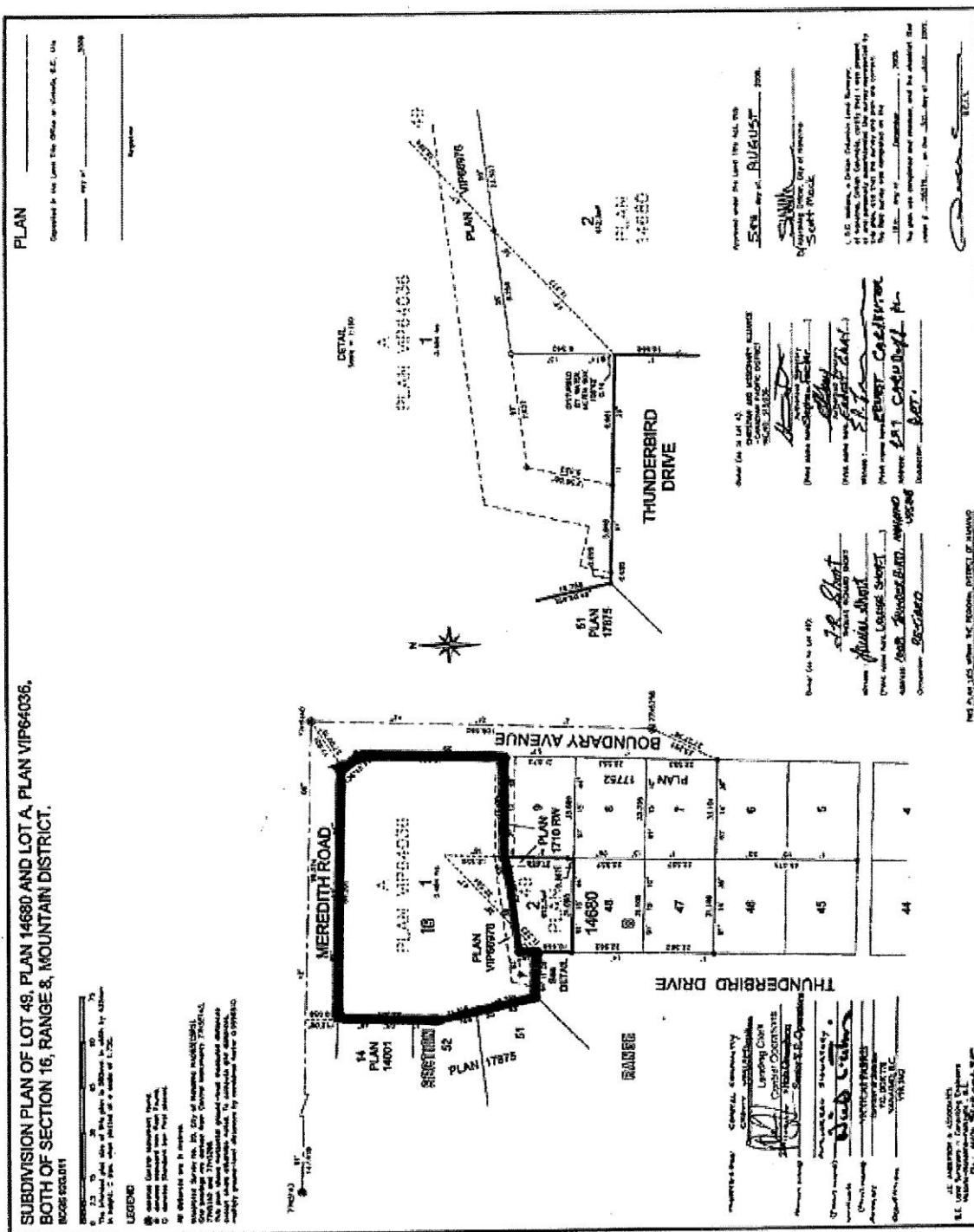
Folio	Unit	House	Street	Organization	Legal Description	Map
84302.100		1650	WADDINGTON ROAD	FIRST BAPTIST CHURCH NANAIMO BC	LOT A, DISTRICT LOT 12, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, VIP58878	A-3
84331.005		100	CHAPEL STREET	ANGLICAN SYNOD DIOCESE OF B C	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP49398	
86042.000		1300	PRINCESS ROYAL AVENUE	PENTECOSTAL ASSEMBLIES OF CANADA	LOT 1, SECTION 1, PLAN 22739, NANAIMO DISTRICT	
86094.000		212	PRIDEAUX STREET	REDEEMED CHRISTIAN CHURCH OF GOD THE/KANAKA MANAGEMENT LTD	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 28842	A-10

MAP 'A-1'



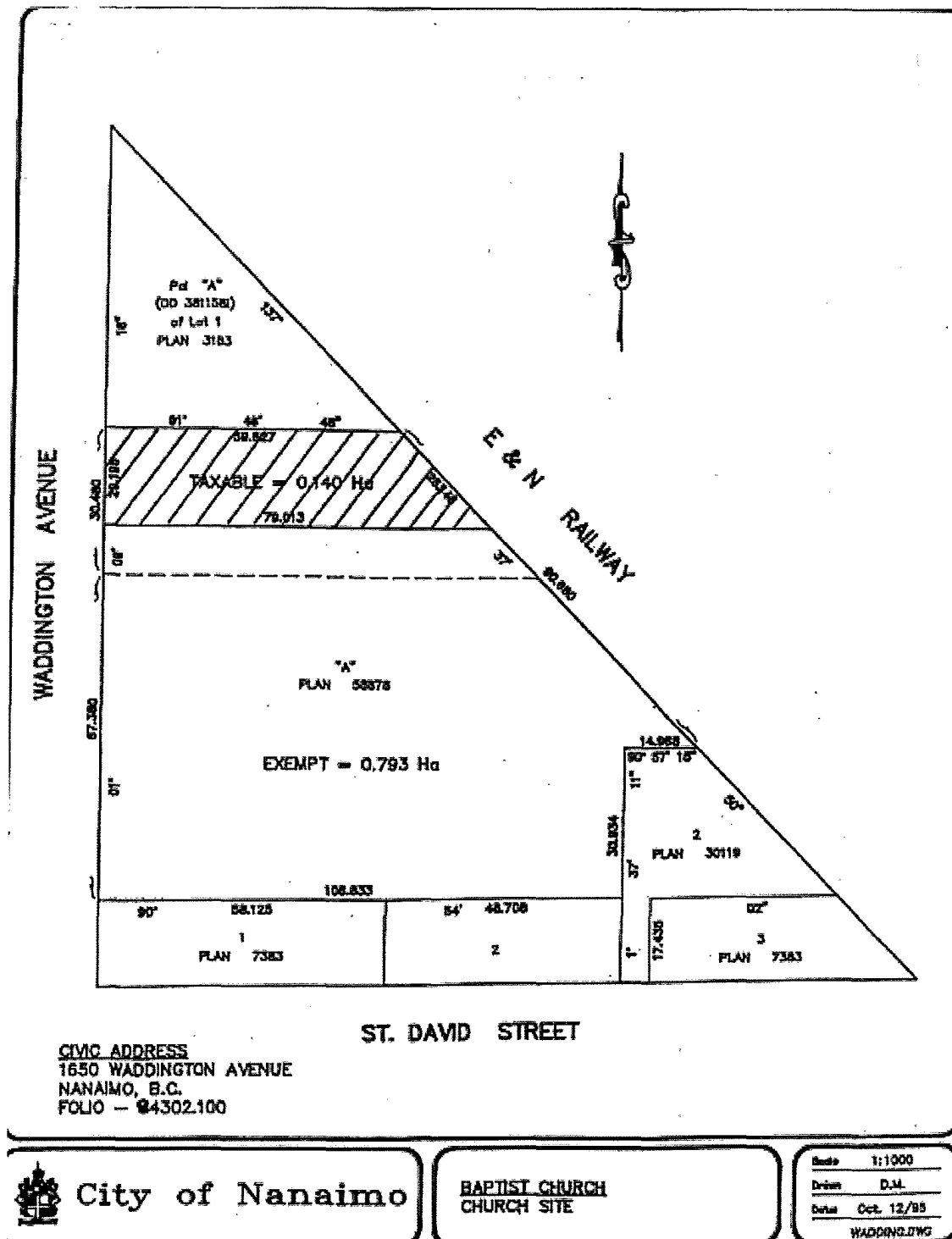
Folio: 05342.200
Civic: 2371 Arbot Road
Organization: **BASIC CHRISTIAN COMMUNITY ASSOCIATION (BETHLEHEM CENTRE)**

MAP 'A-2'



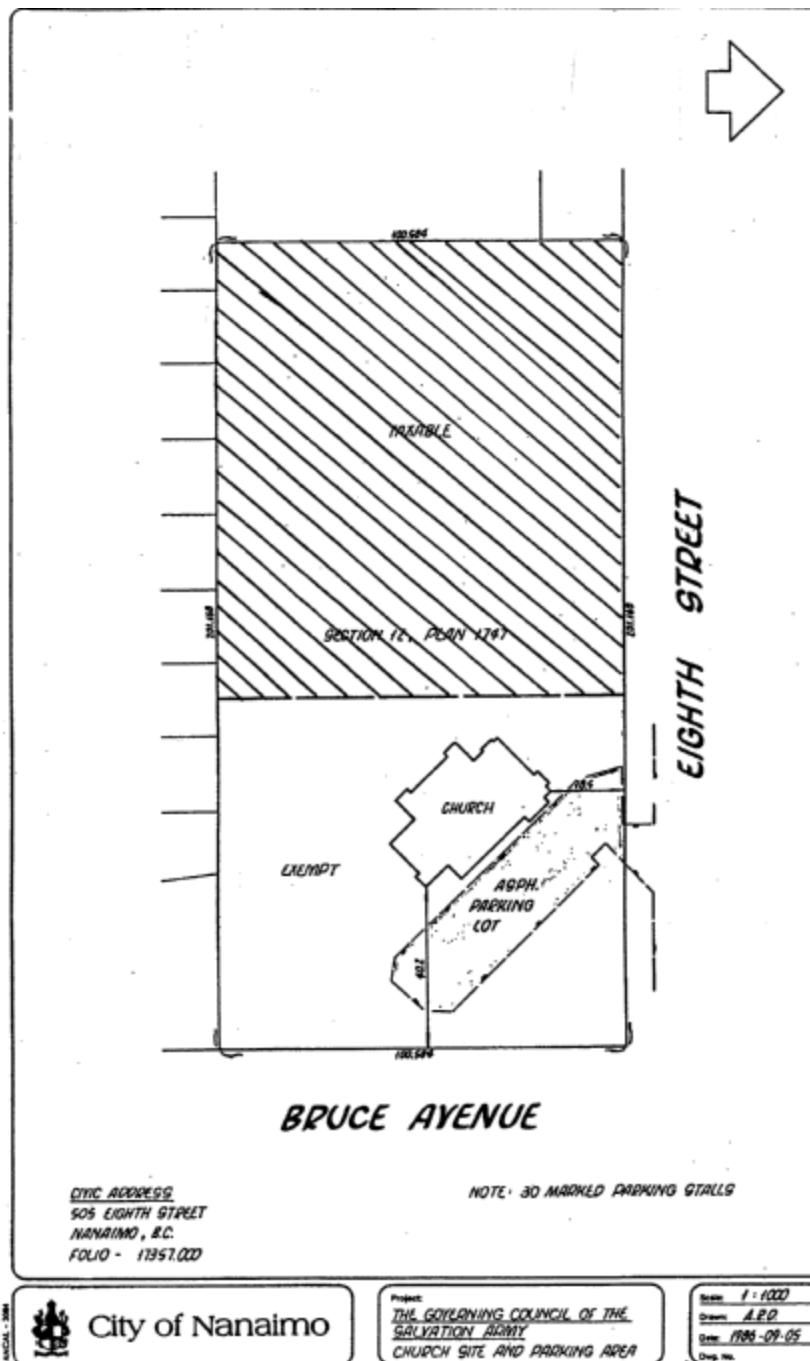
Folio: 05949.192
Civic: 1609 Meredith Road
Organization: **CHRISTIAN & MISSIONARY ALLIANCE**
CANADIAN PACIFIC DISTRICT

MAP 'A-3'



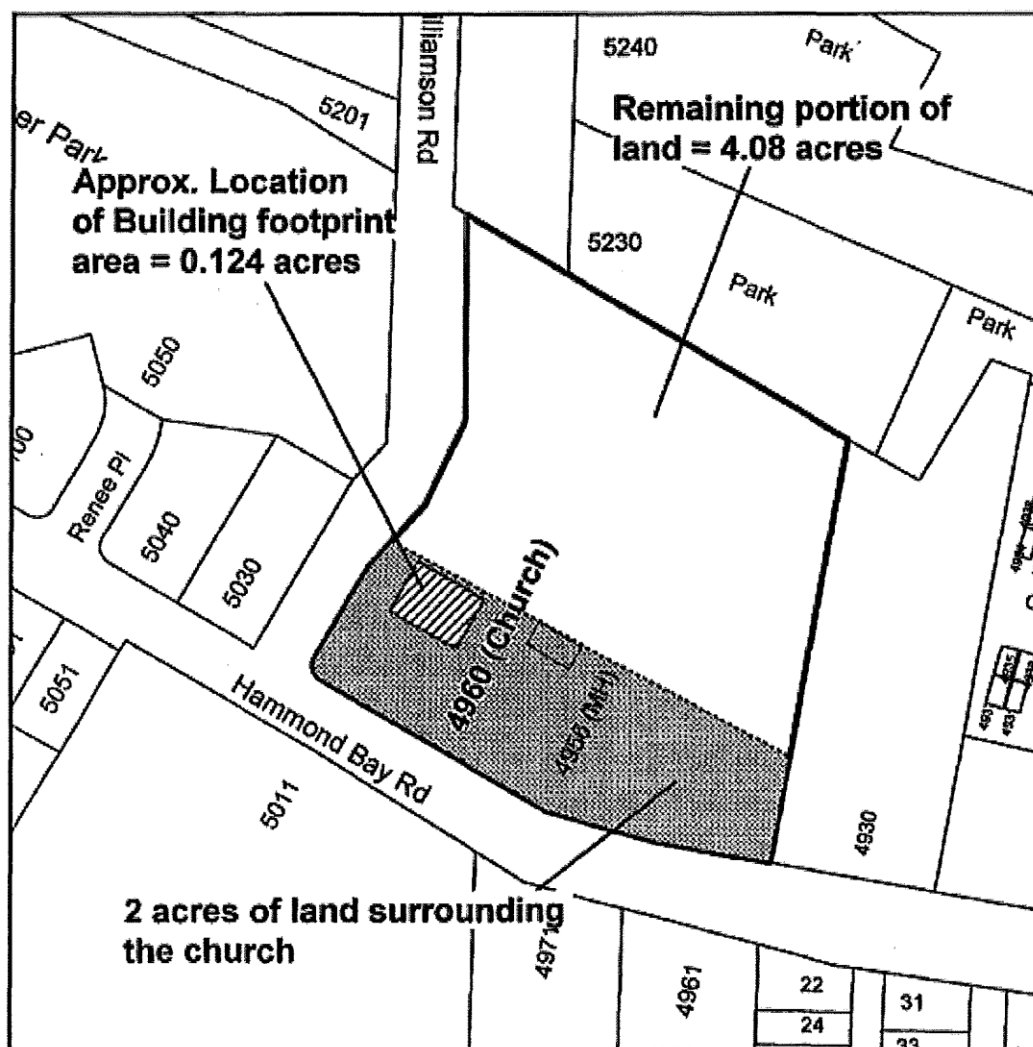
Folio: 84302.100
Civic: 1650 Waddington Road
Organization: FIRST BAPTIST CHURCH NANAIMO BC

MAP 'A-5'



Folio: 17357.000
Civic: 505 Eighth Street
Organization: THE GOVERNING COUNCIL OF THE SALVATION ARMY CANADA WEST

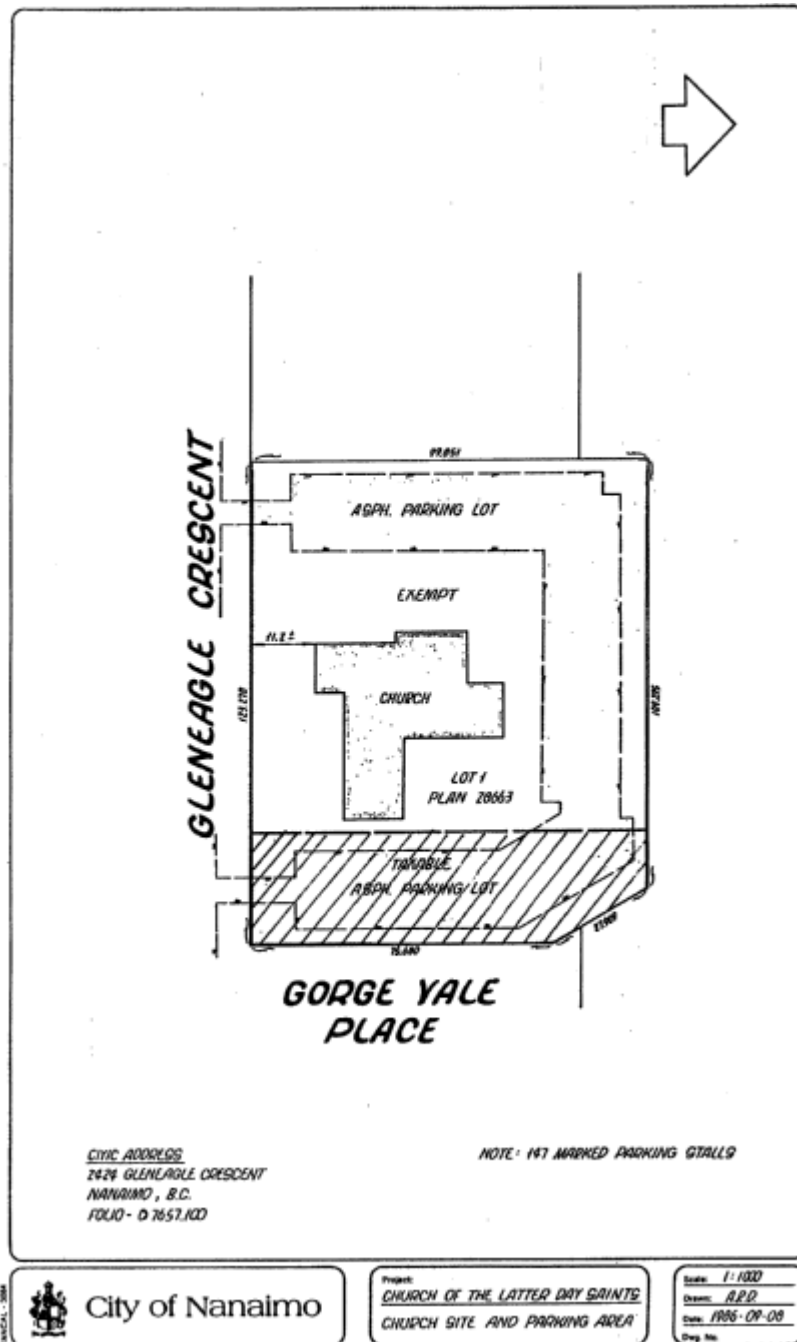
MAP 'A-6'



Entire lot area of 4960 Hammond Bay Road = 6.3 acres

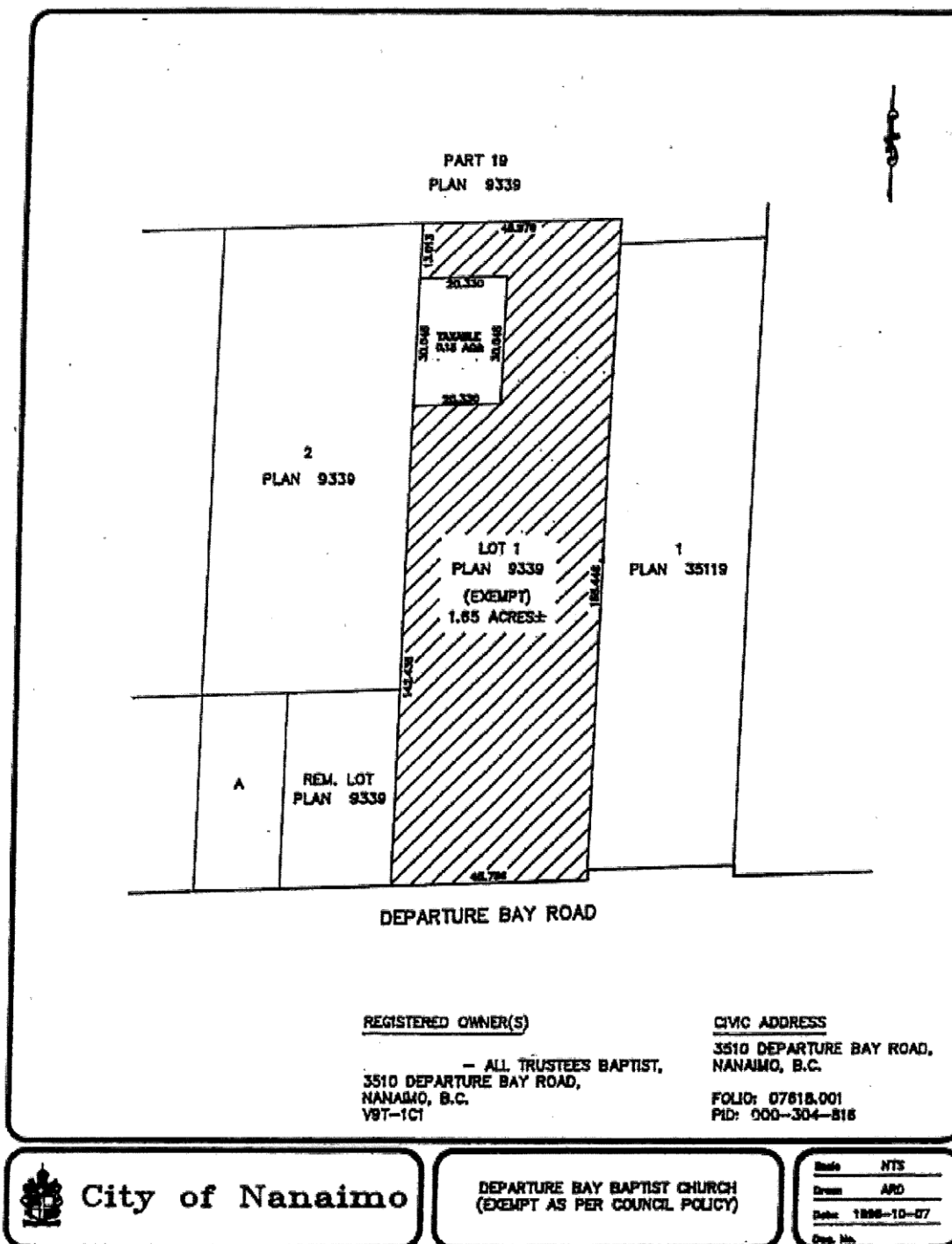
Folio: 08323.405
Civic: 4960 Hammond Bay Road
Organization: **HAMMOND BAY BAPTIST CHURCH**

MAP 'A-7'



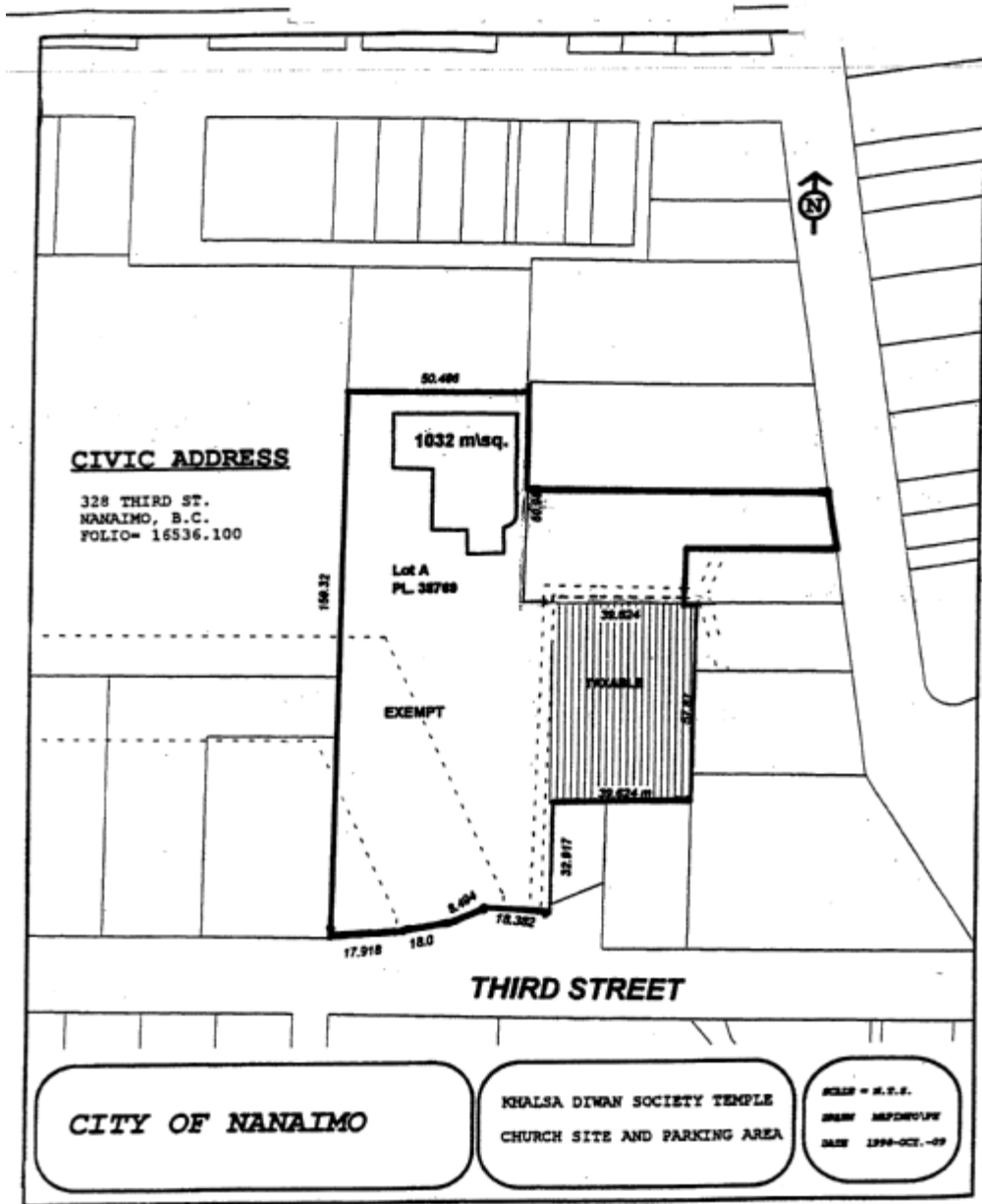
Folio: 07657.100
Civic: 2424 Glen Eagle Crescent
Organization: **CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS IN CANADA**

MAP 'A-8'

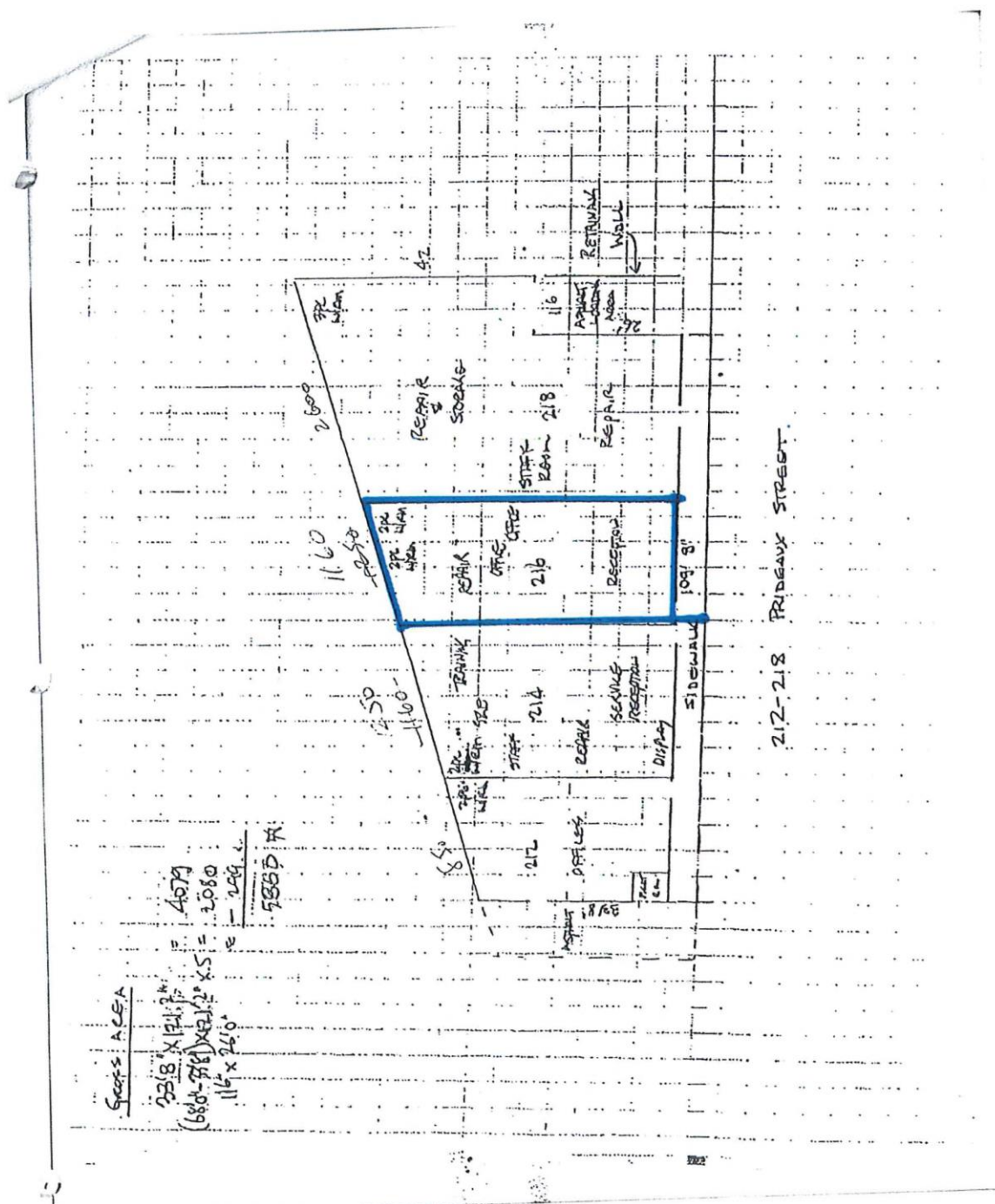


Folio: 07618.001
Civic: 3510 Departure Bay Road
Organization: **TRUSTEES OF THE CONGREGATION OF DEPARTURE BAY BAPTIST CHURCH**

MAP 'A-9'



Folio: 16536.100
Civic: 328 Third Street
Organization: **VANCOUVER ISLAND KHALSA DIWAN SOCIETY**



Folio: 86094.000
Civic: 212 Prideaux Street
Organization: **THE REDEEMED CHRISTIAN CHURCH OF GOD**

SCHEDULE 'B'

Folio	Unit	House	Street	Organization	Legal Description
16006.051		11	BUTTERTUBS DRIVE	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 11, SECTION 1, NANAIMO DISTRICT, PLAN 23432
16006.252		15	BUTTERTUBS DRIVE	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 12, SECTION 1, NANAIMO DISTRICT, PLAN 23432
16006.277		10	BUTTERTUBS DRIVE	PROVINCIAL RENTAL HOUSING CORP	STRATA LOT 1&2, SECTION 1, NANAIMO DISTRICT, STRATA PLAN EPS685
81301.000		66	PRIDEAUX STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 6 AND THE SOUTHERLY 14 FEET 9 INCHES OF LOT 7, BLOCK 45, SECTION 1, NANAIMO DISTRICT, PLAN 584
81312.000		619	COMOX ROAD	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 8 AND 9, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584
81314.000		65	PRIDEAUX STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 12, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584
81315.000		69	PRIDEAUX STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 13, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584
81316.000		73	PRIDEAUX STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 14, BLOCK 46, SECTION 1, NANAIMO DISTRICT, PLAN 584
84328.000		55	PRIDEAUX STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT B - D, SECTION 1, NANAIMO DISTRICT, PLAN 3421
86157.500		451	SELBY STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 33419 (72 SUITES)
86264.105		1125	SEAFIELD CRESCENT	WOODGROVE SENIOR CITIZENS HOUSING SOCIETY	LOT A, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 86500

SCHEDULE 'C'

Folio	Unit	House	Street	Organization	Legal Description
05955.010		1917	NORTHFIELD ROAD	NANAIMO TRAVELLERS LODGE SOCIETY	LOT 1, SECTION 17, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP12446
16753.100 (Note 1)		1273	ISLAND HIGHWAY S	NEXUS PATIENT AND COMMUNITY CARE SOCIETY	LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP56497 EXCEPT PLAN VIP67047
85047.100		1221	KIWANIS CRESCENT	NANAIMO DISTRICT SENIOR CITIZENS' HOUSING DEVELOPMENT SOCIETY	STRATA LOT 1, DISTRICT LOT 97G, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS5226
85047.201		1233	KIWANIS CRESCENT	NANAIMO DISTRICT SENIOR CITIZENS' HOUSING DEVELOPMENT SOCIETY	STRATA LOT 3, DISTRICT LOT 97G, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS5226
85047.305		1234	KIWANIS CRESCENT	NANAIMO DISTRICT SENIOR CITIZENS' HOUSING DEVELOPMENT SOCIETY	STRATA LOT 6, DISTRICT LOT 97G, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS5226
85047.310		1237	KIWANIS CRESCENT	NANAIMO DISTRICT SENIOR CITIZENS' HOUSING DEVELOPMENT SOCIETY	STRATA LOT 5, DISTRICT LOT 97G, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS5226

Note 1: Exemption is only for the portion of the property that is leased at #3-1273 Island Highway South, which has been determined to be 7.48% of the property value for 2022.

SCHEDULE 'D'

Folio	Unit	House	Street	Organization	Legal Description	Map
05342.000		2393	ARBOT ROAD	BASIC CHRISTIAN COMMUNITY ASSOCIATION (BETHLEHEM CENTRE)	LOT 1, SECTION 10, RANGE 6, MOUNTAIN DISTRICT, PLAN 18793	
05426.150		2465	LABIEUX ROAD	BC OLD AGE PENSIONERS BRANCH 4 INC	LOT 2, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 40481	
05431.100		2373	ROSSTOWN ROAD	NANAIMO THEATRE GROUP	LOT 1, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 24020	
05438.000		2368	ROSSTOWN ROAD	NANAIMO REGION JOHN HOWARD SOCIETY	LOT 6, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 6733, EXCEPT PART IN PLAN VIP63918	
05438.015		2332	BRACKENWOOD PLACE	VANCOUVER ISLAND MENTAL HEALTH	STRATA LOT A, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, STRATA PLAN VIS5043	
05438.020		2330	BRACKENWOOD PLACE	VANCOUVER ISLAND MENTAL HEALTH	STRATA LOT B, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, STRATA PLAN VIS5043	
05457.004		201	DOGWOOD ROAD	NATURE TRUST OF BC	WILDLIFE SANCTUARY, SECTION 7, RANGE 7, MOUNTAIN DISTRICT, EXCLUDING PLANS 535R AND NO. 4 RESERVOIR	
05457.006		250	DOGWOOD ROAD	NATURE TRUST OF BC	SECTION 7&8, RANGE 7, MOUNTAIN DISTRICT, PRTS PORTION AND PTS OF SECTION 7 RANGE 8, #4 RESERVOIR AS SHOWN ON PLN UNDER 766-8562C	
05501.100		2060	EAST WELLINGTON ROAD	ITALIAN SOCIETY FELICE CAVALOTTI LODGE INC NO 57832	LOT 1, SECTIONS 14 AND 15, RANGE 7, MOUNTAIN DISTRICT, PLAN 20182, EXCEPT THAT PART IN PLAN VIP58179	
05536.100		2352	ROSSTOWN ROAD	VANCOUVER ISLAND MENTAL HEALTH	LOT 1, SECTION 19, RANGE 7, MOUNTAIN DISTRICT, PLAN 27484	
05536.170		2353	ROSSTOWN ROAD	NANAIMO REGION JOHN HOWARD SOCIETY	LOT 15, SECTION 19, RANGE 7, MOUNTAIN DISTRICT, PLAN 27484	
05549.005		2290	LABIEUX ROAD	VANCOUVER ISLAND HAVEN SOCIETY/CITY OF NANAIMO	LOT 3, SECTION 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP67724	
05549.007	2	2300	BOWEN ROAD	NANAIMO B M X ASSOCIATION /CITY OF NANAIMO	LOT 1, SECTIONS 18, 19 AND 20, RANGE 7, MOUNTAIN DISTRICT, PLAN 27441 EXCEPT THOSE PARTS IN PLANS 40622 AND 44255 LEASE FOR NAN BMX ASSOC LD000130 - SEE 05549.000	
05549.008	3	2300	BOWEN ROAD	NANAIMO & DISTRICT EQUESTRIAN ASSOCIATION/VANCOUVER ISLAND EXHIBITION ASSOCIATION/CITY OF NANAIMO	LOT 1, SECTIONS 18, 19 AND 20, RANGE 7, MOUNTAIN DISTRICT, PLAN 27441 EXCEPT THOSE PARTS IN PLANS 40622 AND 44255 LEASE FOR VANCOUVER ISLAND EXHIBITION ASSOC & NANAIMO & DISTRICT EQUESTRIAN ASSOC	D-1
05549.013		2300	BOWEN ROAD	NANAIMO COMMUNITY GARDENS SOCIETY	LOT 1, SECTIONS 18, 19 & 20, RANGE 7, MOUNTAIN DISTRICT, PLAN 27441, EXCEPT THOSE PARTS IN PLANS 40622 & 44255, LEASE FOR NANAIMO COMMUNITY GARDENS SOCIETY	
05549.101		2290	BOWEN ROAD	BOYS AND GIRLS CLUB OF CENTRAL VANCOUVER ISLAND/CITY OF NANAIMO	LOT 1, SECTION 18, 19, & 20, RANGE 7, MOUNTAIN DISTRICT, PLAN 27441, AS SHOWN ON SCHEDULE "C" - BEBAN HOUSE	
05549.025		2250	LABIEUX ROAD	CITY OF NANAIMO / ST JOHN'S AMBULANCE	LOT 2, SECTION 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP67724	

Folio	Unit	House	Street	Organization	Legal Description	Map
05695.000		2227	MCGARRIGLE ROAD	NANAIMO REGION JOHN HOWARD SOCIETY	LOT 2, BLOCK 14, SECTION 18, RANGE 8, MOUNTAIN DISTRICT, PLAN 526, EXCEPT THE EAST 396 FEET OF THE SOUTH 165 FEET THEREOF AND EXCEPT PARCEL "A" (DD 34684I) THEREOF	
05696.000 (Note 2)	A	2221	MCGARRIGLE ROAD	MAKERSPACE NANAIMO ASSOCIATION	LOT 1, SECTION 18, RANGE 8, MOUNTAIN DISTRICT, PLAN 18947	
05761.005		787	NANAIMO LAKES ROAD	NATURE TRUST OF BC	PARCEL A (DD 49323N) OF SECTION 5, RANGE 8, MOUNTAIN DISTRICT, EXCEPT PARTS IN PLANS 8707, 18489, 24715 AND 28135	
05762.101		731	DOGWOOD ROAD	NATURE TRUST OF BC	LOT 4, SECTION 6, RANGE 8, MOUNTAIN DISTRICT, PLAN 16149, EXCEPT PARTS IN PLANS 18489, 19566 AND 24715	
05765.003		941	COLLEGE DRIVE	NATURE TRUST OF BC	SECTION 7, RANGE 8, EXCEPT THE EASTERLY 500 FT AND EXCEPT PART IN NO. 4 RESERVOIR AS SAID RESERVOIR IS SHOWN ON PLAN DEPOSITED UNDER NUMBER 766-8562-C, MOUNTAIN DISTRICT	
05874.000 (Note 3)		1861	EAST WELLINGTON ROAD	LOAVES AND FISHES COMMUNITY FOOD BANK SOCIETY	LOT A, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 17946	
05828.005		1946	JINGLE POT ROAD	NATURE TRUST OF BC	LOT A, SECTION 11, RANGE 8, MOUNTAIN DISTRICT, PLAN VIP85882	
05829.000		175	PRYDE AVENUE	DUCKS UNLIMITED CANADA/CITY OF NANAIMO	SECTION 12, RANGE 8, MOUNTAIN DISTRICT, EXCEPT THE WESTERLY 11.979 CHAINS THEREOF AND EXCEPT THAT PART IN PLANS 25503 AND VIP61854	
05863.000		154	WESTWOOD ROAD	B C SPCA	THE WESTERLY 12.042 CHAINS OF SECTION 13, RANGE 8, MOUNTAIN DISTRICT EXCEPT PART IN PLANS VIP61247, VIP81292 AND EPP53572	
05895.100		1630	EAST WELLINGTON ROAD	MT BENSON (PAC BR 256) ROYAL CANADIAN LEGION -(CLASS 8 EXEMPTION ONLY)	LOT 1, SECTIONS 14 & 15, RANGE 8, MOUNTAIN DISTRICT, PLAN 39076	
05910.000		1717	KERRISDALE ROAD	CRISIS PREGNANCY CENTRE OF NANAIMO SOCIETY	LOT 6, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN 7272	
05990.101	1	2525	MCCULLOUGH ROAD	NANAIMO BRANCH OF THE RED CROSS SOCIETY/IKONKAR HOLDINGS LTD	STRATA LOT 1, SECTIONS 18 AND 19, RANGE 8, MOUNTAIN DISTRICT, STRATA PLAN VIS4260	
05990.102	2	2525	MCCULLOUGH ROAD	NANAIMO BRANCH OF THE RED CROSS SOCIETY/O M DEVELOPMENT INC	STRATA LOT 2&3, SECTIONS 19, RANGE 8, MOUNTAIN DISTRICT, STRATA PLAN VIS4260	
07151.002		4295	VICTORIA AVENUE	NANAIMO CANOE & KAYAK CLUB / NANAIMO ROWING CLUB / CITY OF NANAIMO	SECTION 5, WELLINGTON DISTRICT, LEASE 105731, ROADWAY & PUBLIC PARK BETWEEN LOTS 1 & 8 AND LONG LAKE (LBF0138849) THAT PART INCLUDED IN LICENSE FOR THE PURPOSE OF A STORAGE AND TRAINING FACILITY FOR FLATWATER CANOE & KAYAK RACING ON LONG LAKE	D-2
07204.002		3999	VICTORIA AVENUE	MID ISLAND ABILITIES & INDEPENDENT LIVING SOCIETY/CITY OF NANAIMO	PART OF SECTION 5, WELLINGTON DISTRICT, AS SHOWN ON PLAN 51235 (NANAIMO FAMILY HISTORY SOCIETY)	

Folio	Unit	House	Street	Organization	Legal Description	Map
07233.001		3976	CORUNNA AVENUE	WELLINGTON COMMUNITY ASSOCIATION	LOT 2, BLOCK 16, SECTIONS 3 AND 5, WELLINGTON DISTRICT, PLAN 318A INCLUDING THAT PART OF SECTION 5, WELLINGTON DISTRICT, BEING PART OF THE OLD COMOX ROAD SHOWN ON PLAN 318A NOW CLOSED BY ORDER-IN- COUNCIL 1052 DATED THE 9-OCT-1928 & LYING IN LOT 2	
07234.001		3922	CORUNNA AVENUE	WELLINGTON COMMUNITY ASSOCIATION	LOT 3 AND 4, BLOCK 16, SECTIONS 3 AND 5, WELLINGTON DISTRICT, PLAN 318A	
07281.000		3793	NORWELL DRIVE	VANCOUVER ISLAND MENTAL HEALTH	LOT 12, BLOCK 22, SECTION 5, WELLINGTON DISTRICT, PLAN 318A	
07375.585		4148	MOSTAR ROAD	HABITAT FOR HUMANITY	LOT 17, SECTION 5, WELLINGTON DISTRICT, PLAN 38953 EXCEPT PART IN PLAN VIP82697	D-7
07498.216	1	4166	DEPARTURE BAY ROAD	NANAIMO DISABILITY RESOURCE CENTRE SOCIETY	STRATA LOT 1, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN VIS2524	
07498.217	2	4166	DEPARTURE BAY ROAD	NANAIMO DISABILITY RESOURCE CENTRE SOCIETY	STRATA LOT 2, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN VIS2524	
07498.255		3156	BARONS ROAD	PACIFIC CARE FAMILY ENRICHMENT SOCIETY/DASH HOLDINGS INC/TURRIF HOLDINGS LTD)	LOT 11, SECTION 5, WELLINGTON DISTRICT, PLAN 30716	
07674.020		6100	DOUMONT ROAD	PLEASANT VALLEY SOCIAL CENTRE	LOT 2, SECTION 10, WELLINGTON DISTRICT, PLAN 32084	D-12
07836.840		3425	UPLANDS DRIVE	NANAIMO ASSOCIATION FOR COMMUNITY LIVING	LOT 51, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN VIP13120	
07838.100		3413	LITTLEFORD ROAD	ISLAND CRISIS CARE SOCIETY	LOT 1, DISTRICT LOT 19, WELLINGTON DISTRICT, PLAN 31377	
07860.001		6006	DOUMONT ROAD	PLEASANT VALLEY SOCIAL CENTRE	THAT PART OF LOT 23G, WELLINGTON DISTRICT, LYING NORTH OF DUMONT ROAD AND WEST OF THE ISLAND HIGHWAY AS SHOWN PLAN DEPOSITED UNDER DD 16913N	
08092.305		5800	TURNER ROAD	NANAIMO AUXILIARY TO NANAIMO REGIONAL GENERAL HOSPITAL	STRATA LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, STRATA PLAN VIS586	
08283.925		6175	MCGIRR ROAD	MCGIRR SPORTS SOCIETY THE/ CITY OF NANAIMO	LOT A, DISTRICT LOT 48, PLAN 42751, WELLINGTON DISTRICT-LEASED TO MCGIRR SPORTS SOCIETY - BYLAW #5145	
08310.152		6682	DOVER ROAD	ISLAND CRISIS CARE SOCIETY	LOT 15, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP76773	
08318.010		6706	DOVER ROAD	NANAIMO CANADIAN AMATEUR FOOTBALL ASSOCIATION	LOT 7, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN 1792	
08323.275		4840	HAMMOND BAY ROAD	NANAIMO HUNGARIAN CULTURAL SOCIETY	LOT 1, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 33028	
13552.001		208	COLVILLETON TRAIL	PROTECTION ISLAND LIONS CLUB/CITY OF NANAIMO	LOT 1, NANAIMO DISTRICT, PLAN 14550, DOUGLAS ISLAND LIGHT STATION OIC 1518	
13553.701	A	7	PIRATES LANE	PROTECTION ISLAND NEIGHBOURHOOD ASSOCIATION/NANAIMO PORT AUTHORITY	NANAIMO PORT AUTHORITY LEASE FL255, ADJACENT TO LOT 140, PLAN 14111, WITHIN PIRATES PARK, PROTECTION ISLAND, NANAIMO DISTRICT, FOR MEMBERS USE ONLY DOCK SITE - LICENCED TO PROTECTION ISLAND NEIGHBOURHOOD ASSOCIATION	

Folio	Unit	House	Street	Organization	Legal Description	Map
16000.010		750	FIFTH STREET	NAVY LEAGUE OF CANADA NAN BRANCH	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 23380 EXCEPT PART IN PLAN 3655 RW	
16000.025	B	750	THIRD STREET	NANAIMO MINOR HOCKEY ASSOCIATION/CITY OF NANAIMO	LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 35726 EXCEPT PART IN PLAN 50590 (LEASE - NANAIMO MINOR HOCKEY)	
16000.114		901	FIFTH STREET	ROYAL CANADIAN AIRFORCE ASSOC 808 (THUNDERBIRD) WING/HER MAJESTY THE QUEEN IN RIGHT OF CANADA	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP69992, LEASED AREA AT MILITARY CAMP (PARENT FOLIO 16000.014)	
16007.500		1780	JINGLE POT ROAD	NATURE TRUST OF BC	LOT 1, BLOCK 1, NANAIMO DISTRICT, PLAN 28980	
16019.000		20	FIFTH STREET	BOYS AND GIRLS CLUB OF CENTRAL VANCOUVER ISLAND	LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN 9450	D-4
16021.300		200	BUTTERTUBS DRIVE	NATURE TRUST OF BC	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63268, (LEASE TITLE NO EL131989)	
16170.000		1141	FREW ROAD	NATURE TRUST OF BC	PARCEL A (DD 35952-I) OF SECTION 1, RANGE 6, NANAIMO DISTRICT	
16171.000		1050	RAINES ROAD	NATURE TRUST OF BC	THAT PART OF SECTION 2, RANGE 6, NANAIMO DISTRICT, LYING TO THE EAST OF THE EAST BRANCH OF THE NANAIMO RIVER, EXCEPT PARCEL A THEREOF	
16172.000		901	RAINES ROAD	NATURE TRUST OF BC	THAT PART OF SECTION 2 AND THAT PART OF SECTION 3, RANGE 6, NANAIMO DISTRICT, LYING WEST OF THE EAST BRANCH OF THE NANAIMO RIVER	
16173.000		1145	MAUGHAN ROAD	NATURE TRUST OF BC	SECTION 2, RANGE 7, NANAIMO DISTRICT, EXCEPT PARCEL A THEREOF, AND EXCEPT PART IN PLAN 37922	
16174.000		900	RAINES ROAD	NATURE TRUST OF BC	THE SOUTH PART OF SECTION 3, RANGE 7, NANAIMO DISTRICT, CONTAINING 21 ACRES MORE OR LESS, AS SHOWN ON A PLAN DATED MAY 20TH, 1915, MADE BY A.G. KING, JUNIOR, AND DEPOSITED DD 22536	
16175.000		1141	MAUGHAN ROAD	NATURE TRUST OF BC	PARCEL A (39161I), SECTION 1, RANGE 8, NANAIMO DISTRICT, CONTAINING 9 ACRES MORE OR LESS	
16176.000		1201	MAUGHAN ROAD	NATURE TRUST OF BC	SECTION 1, RANGE 8, NANAIMO DISTRICT, EXCEPT PARCEL A (DD 39161I), EXCEPT THE PART IN PLAN 32333, AND EXCEPT PART IN PLAN VIP62603	
16178.000		1125	MAUGHAN ROAD	NATURE TRUST OF BC	THE WEST 1/2 OF SECTION 2, RANGE 8, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 32333 AND 37922	
16355.070		587	SEVENTH STREET	HAI AN BUDDHIST SOCIETY	LOT 11, SECTION 1, NANAIMO DISTRICT, PLAN 26501	
16417.005		858	GEORGIA AVENUE	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP85567	
16592.002		195	FOURTH STREET	NANAIMO SEARCH & RESCUE SOCIETY / CITY OF NANAIMO / REGIONAL DISTRICT OF NANAIMO	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP108854	D-5
16822.101		1400	CRANBERRY AVENUE	BOYS AND GIRLS CLUB OF CENTRAL VANCOUVER ISLAND/ CITY OF NANAIMO	LOT 1, SECTION 2, NANAIMO DISTRICT, PLAN 23032, EXCEPT PART INCLUDE IN LEASE TO BOYS & GIRLS CLUB	
16822.135		1356	CRANBERRY AVENUE	LOYAL ORDER OF MOOSE, NANAIMO LODGE NO. 1052 –(CLASS 8 EXEMPTION ONLY)	LOT 2, SECTION 2, NANAIMO DISTRICT, PLAN VIP82572	

Folio	Unit	House	Street	Organization	Legal Description	Map
16891.001		838	OLD VICTORIA ROAD	CLAY TREE SOCIETY FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 8961	
16905.000		927	HALIBURTON STREET	TILlicum LELUM ABORIGINAL SOCIETY	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP66687	
16930.000		880	VICTORIA ROAD	ISLAND CRISIS CARE SOCIETY	LOT 4, BLOCK 1, SECTION 1, NANAIMO DISTRICT, PLAN 2009	
16931.000		870	VICTORIA ROAD	ISLAND CRISIS CARE SOCIETY	LOT 5, BLOCK 1, SECTION 1, NANAIMO DISTRICT, PLAN 2009	
17364.001		479	TENTH STREET	TILlicum LELUM ABORIGINAL SOCIETY	LOT 1, THAT PART OF SECTION 1, NANAIMO DISTRICT, PLAN EPP5225	
17364.002		477	TENTH STREET	TILlicum LELUM ABORIGINAL SOCIETY	LOT 2, THAT PART OF SECTION 1, NANAIMO DISTRICT, PLAN EPP5225	
17458.266		129	HAREWOOD ROAD	NANAIMO BRANCH ROYAL CANADIAN LEGION (BRANCH 10) -(CLASS 8 EXEMPTION ONLY)	LOT 16, SECTION 1, NANAIMO DISTRICT, PLAN 20827	
17545.005		271	PINE STREET	NANAIMO FOODSHARE NETWORK SOCIETY	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP71136	
80306.203	3	1200	PRINCESS ROYAL AVENUE	ISLAND CRISIS CARE SOCIETY	STRATA LOT 3, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS2892	
80306.204	4	1200	PRINCESS ROYAL AVENUE	ISLAND CRISIS CARE SOCIETY	STRATA LOT 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS2892	
80596.000		210	FRY STREET	LOAVES & FISHES FOOD BANK FOUNDATION	LOT 18, BLOCK 3, SECTION 1, NANAIMO DISTRICT, PLAN 584	
80701.100		275	NICOL STREET	PACIFICA HOUSING ADVISORY ASSOCIATION	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP75290	
80951.000		505	ALBERT STREET	NANAIMO F O S NON-PROFIT HOUSING SOCIETY	PARCEL A (DD 670N) OF LOT 11, PARCEL B (DD 5701N) OF LOTS 12 & 13, PARCEL A (DD 629N) OF LOTS 12 & 13, ALL OF BLOCK 20, SECTION 1, NANAIMO DISTRICT, PLAN 584	
80958.000 (Note 4)		250	ALBERT STREET	CANADIAN MENTAL HEALTH ASSOCIATION MID ISLAND BRANCH	LOT 1, AMENDED LOT 2 (DD 59351-N) & WESTERLY 40 FEET OF LOT 5, BLOCK 21, SECTION 1, NANAIMO DISTRICT, PLAN 584 AS SHOWN ON PLAN 494 R, EXCEPT THAT PART SHOWN OUTLINED IN RED ON PLAN 428 BL	
80962.000		489	WALLACE STREET	SOCIETY FOR EQUITY, INCLUSION AND ADVOCACY	AMENDED LOT 6, (DD 59330N) AND LOT 5, PLAN 584, EXCEPT PARCEL A (DD 416-N), EXCEPT PART IN PLAN 21310 AND EXCEPT THAT PART LYING WITHIN THE BOUNDARIES OF PLAN 494-R, ALL OF BLOCK 21, SECTION 1, NANAIMO DISTRICT	D-15
81054.209	9	327	PRIDEAUX STREET	UNITED WAY CENTRAL & NORTHERN VANCOUVER ISLAND	STRATA LOT 9, SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS2989	
81283.002		445	COMOX ROAD	1ST NANAIMO SCOUT GROUP / SCOUT PROPERTIES (BC/YUKON)	PARK DEDICATED BY PLAN 584, EXCEPT PART IN PLAN EPP30249, LEASE TO NANAIMO SCOUT GROUP - LD003083	
81350.101		77	MILL STREET	NANAIMO AFFORDABLE HOUSING SOCIETY	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP77182	
81535.000		235	BASTION STREET	NANAIMO BRAIN INJURY SOCIETY	LOT 8 & 9 BLOCK 60, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE EASTERLY 5 FEET OF LOT 9	D-14
81613.000		1009	FARQUHAR STREET	LOAVES & FISHES FOOD BANK FOUNDATION	THE NORTH 1/2 OF LOT 8, BLOCK A, SECTION 1, NANAIMO DISTRICT, PLAN 584	

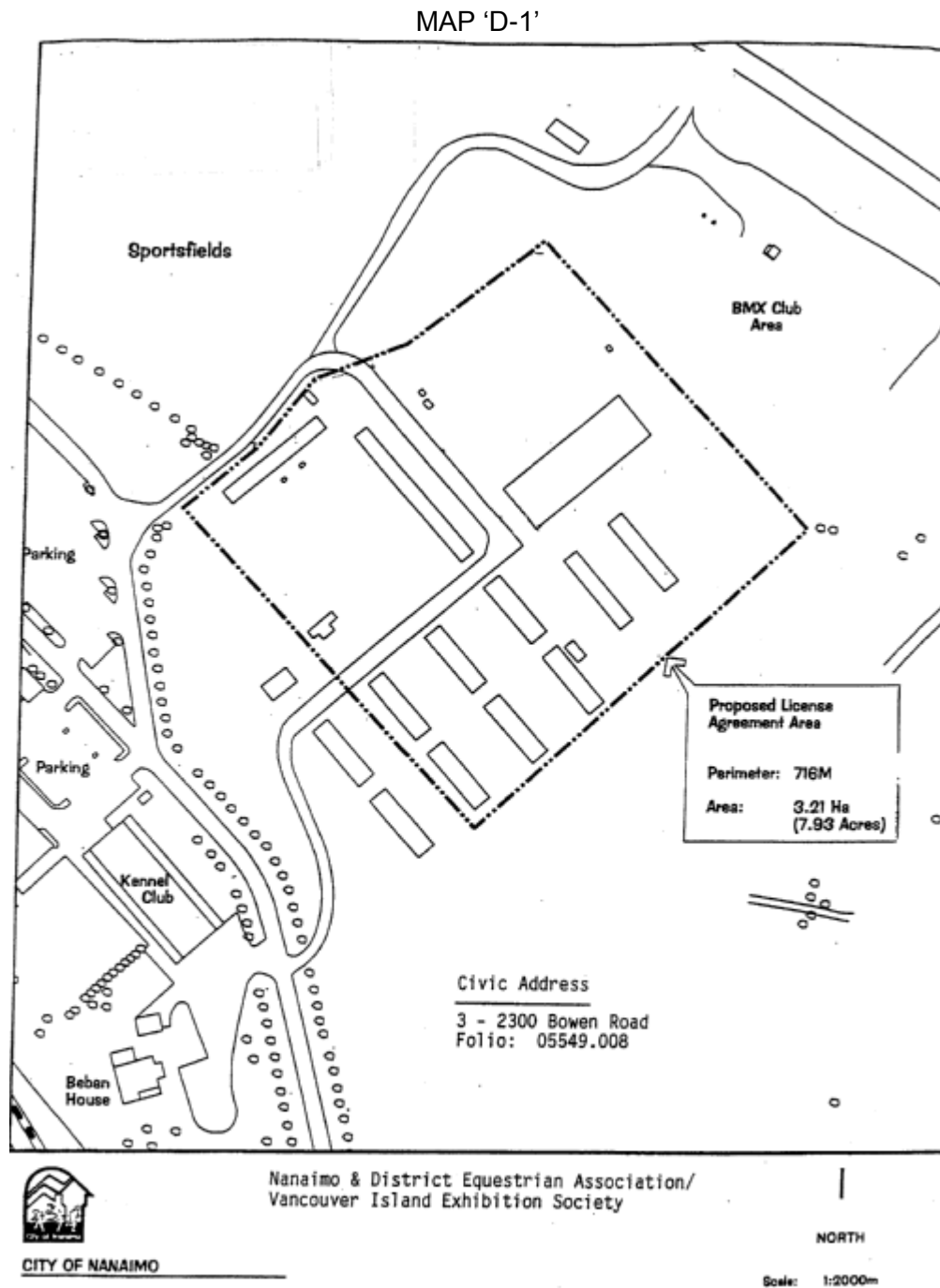
Folio	Unit	House	Street	Organization	Legal Description	Map
81676.000		602	HALIBURTON STREET	TILlicum LELUM ABORIGINAL SOCIETY	LOT 23, BLOCK D, SECTION 1, NANAIMO DISTRICT, PLAN 584 EXCEPT THAT PART IN PLAN VIP52239	
82336.000		25	VICTORIA ROAD	HARBOUR CITY THEATRE ALLIANCE SOCIETY/CITY OF NANAIMO	LOT 4, BLOCK AA, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PARCELS A (DD 94054) & PARCEL B (DD 11647N)	
82528.001		60	NEEDHAM STREET	NANAIMO UNIQUE KIDS ORGANIZATION	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 49522	
82664.001		285	ROSEHILL STREET	VANCOUVER ISLAND MENTAL HEALTH SOCIETY	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN EPP79331	
83252.000		1070	TOWNSITE ROAD	NANAIMO FAMILY LIFE ASSOCIATION	LOT 2, BLOCK 2, DISTRICT LOT 97G, NEWCASTLE RESERVE SECTION 1 NANAIMO DISTRICT, PLAN 1712	
84474.000		19	COMMERCIAL STREET	NANAIMO LITERACY ASSOCIATION/NASH HARDWARE LTD	LOT 1, SECTION 1, BLOCK 60, NANAIMO DISTRICT, PLAN 584 LYING SOUTH OF A BOUNDARY PARALLEL TO AND PERPENDICULAR 65.5 FEET FROM THE NORTH BOUNDARY OF LOT AND AM LOT A (DD4326N), SECTION 1, NANAIMO DIST PLAN 5221 [P.I.D. 000-097-110 & 000-097-420]	
84680.005		355	NICOL STREET	ISLAND CRISIS CARE SOCIETY	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN EPP29088	
84750.000		7	PORT DRIVE	ISLAND CORRIDOR FOUNDATION/CANADIAN PACIFIC RAILWAY COMPANY	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 6675 EXCEPT PLANS 19380, 30712 & EPP27507 (EXCEPT NON-UTILITY OPERATIONS SEE 84750.100)	D-8
84758.000		1161	MILTON STREET	ISLAND CORRIDOR FOUNDATION/CANADIAN PACIFIC RAILWAY COMPANY	LOT 1, BLOCK 1, SECTION 1, NANAIMO DISTRICT, PLAN 6910, EXCEPT PLAN 29652	D-8
85047.002		1135	NELSON STREET	NANAIMO CHILD DEVELOPMENT CENTRE SOCIETY/ VANCOUVER ISLAND HEALTH AUTHORITY	LOT A, DISTRICT LOT 97-G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 50077, EXCEPT THAT PART IN PLAN VIP51807, LEASED FOR 25 YEARS FROM JULY 1976 FROM NANANIMO REGIONAL HOSPITAL	
85093.002	1	100	CAMERON ROAD	NANAIMO & DISTRICT MUSEUM SOCIETY/CITY OF NANAIMO	LOT B, SECTION 1, PLAN 8979, NANAIMO DISTRICT, NANAIMO & DISTRICT MUSEUM SOCIETY - FLOOR 1 - THAT PART INCLUDED IN CITY OF NANAIMO LEASE	
85093.003	2&3	100	CAMERON ROAD	VANCOUVER ISLAND MILITARY MUSEUM /CITY OF NANAIMO	LOT B, PLAN 8979, SECTION 1, NANAIMO DISTRICT, VANCOUVER ISLAND MILITARY MUSEUM - FLOOR 2 & 3 - THAT PART INCLUDED IN LEASE FROM CITY OF NANAIMO	
85576.001	A	1844	STEWART AVENUE	NANAIMO MARINE RESCUE SOCIETY/CITY OF NANAIMO	LD002343 RIGHT TO OCCUPY THOSE PARTS OF DISTRICT LOT 2092, BLOCK L OF DISTRICT LOT 227 & BLOCK M OF DISTRICT LOTS 227 & 2092, NANAIMO DISTRICT, PLAN EPC579 - DEC 1/2010 - NOV 30/2020 - NANAIMO MARINE RESCUE SOCIETY	
85616.004	4	150	COMMERCIAL STREET	THEATRE ONE/CITY OF NANAIMO	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 12390, THAT PART INCLUDED IN UNITS 4A & 4B LEASE (THEATRE ONE)	
85616.007	7	150	COMMERCIAL STREET	VANCOUVER ISLAND SYMPHONY/CITY OF NANAIMO	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 12390, THAT PART INCLUDED IN UNIT 7 LEASE (VANCOUVER ISLAND SYMPHONY)	
85616.009	9	150	COMMERCIAL STREET	NANAIMO COMMUNITY ARCHIVES/CITY OF NANAIMO	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 12390, THAT PART INCLUDED IN UNIT 9 LEASE (NANAIMO COMMUNITY ARCHIVES)	

Folio	Unit	House	Street	Organization	Legal Description	Map
85616.010	10	150	COMMERCIAL STREET	CRIMSON COAST DANCE SOCIETY/CITY OF NANAIMO	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 12390, THAT PART INCLUDED IN UNIT 10 LEASE (CRIMSON COAST DANCE SOCIETY)	
85901.001		945	WADDINGTON ROAD	NANAIMO COMMUNITY HOSPICE SOCIETY	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 47726	
85998.000		1191	SEAFIELD CRESCENT	NANAIMO F O S NON-PROFIT HOUSING SOCIETY	LOT A, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 19919	
86055.000		290	BASTION STREET	CANADIAN MENTAL HEALTH ASSOCIATION – MID-ISLAND	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 25254	D-13
86055.000		290	BASTION STREET	NANAIMO YOUTH SERVICES ASSOCIATION	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 25254	
86081.000		319	SELBY STREET	CENTRAL VANCOUVER ISLAND MULTICULTURAL SOCIETY/WIDSTEN KATHLEEN MAY & WIDSTEN LINDSAY FARRELL (50% TAX EXEMPTION)	LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 27926	D-6
86099.000		375	SELBY STREET	NANAIMO CONSERVATORY OF MUSIC	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 28924	
86175.000		83	VICTORIA CRESCENT	NANAIMO ASSOCIATION FOR COMMUNITY LIVING	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 35056	
86186.000		1585	BOWEN ROAD	LET ME BE ME LEARNING FOUNDATION/BC0811580 BC LTD	LOT 1, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 36556	D-9
86223.005		474	PINE STREET	HABITAT FOR HUMANITY MID-VANCOUVER ISLAND SOCIETY	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN EPP83125	
86226.000		256	WALLACE STREET	NANAIMO SQUASH CLUB/597500 BC LTD	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 43024	D-10 D-11
89095.000		100	WALL STREET	NANAIMO CURLING CLUB/CITY OF NANAIMO	THAT PART OF BOWEN PARK(14817N) LYING TO THE EAST OF WALL STREET CONTAINING 1.46 ACRES MORE OR LESS AS SHOWN OUTLINED IN RED, LEASE AUTHORIZATION BYLAW '96 NO 5217 JUN 1/06 - MAY 31/11 (NANAIMO CURLING CLUB)	D-3

Note 2: Exemption is only for the portion of the property that is leased at #2221A McGarrigle Road, which has been determined to be 16.8% of the property value for 2022.

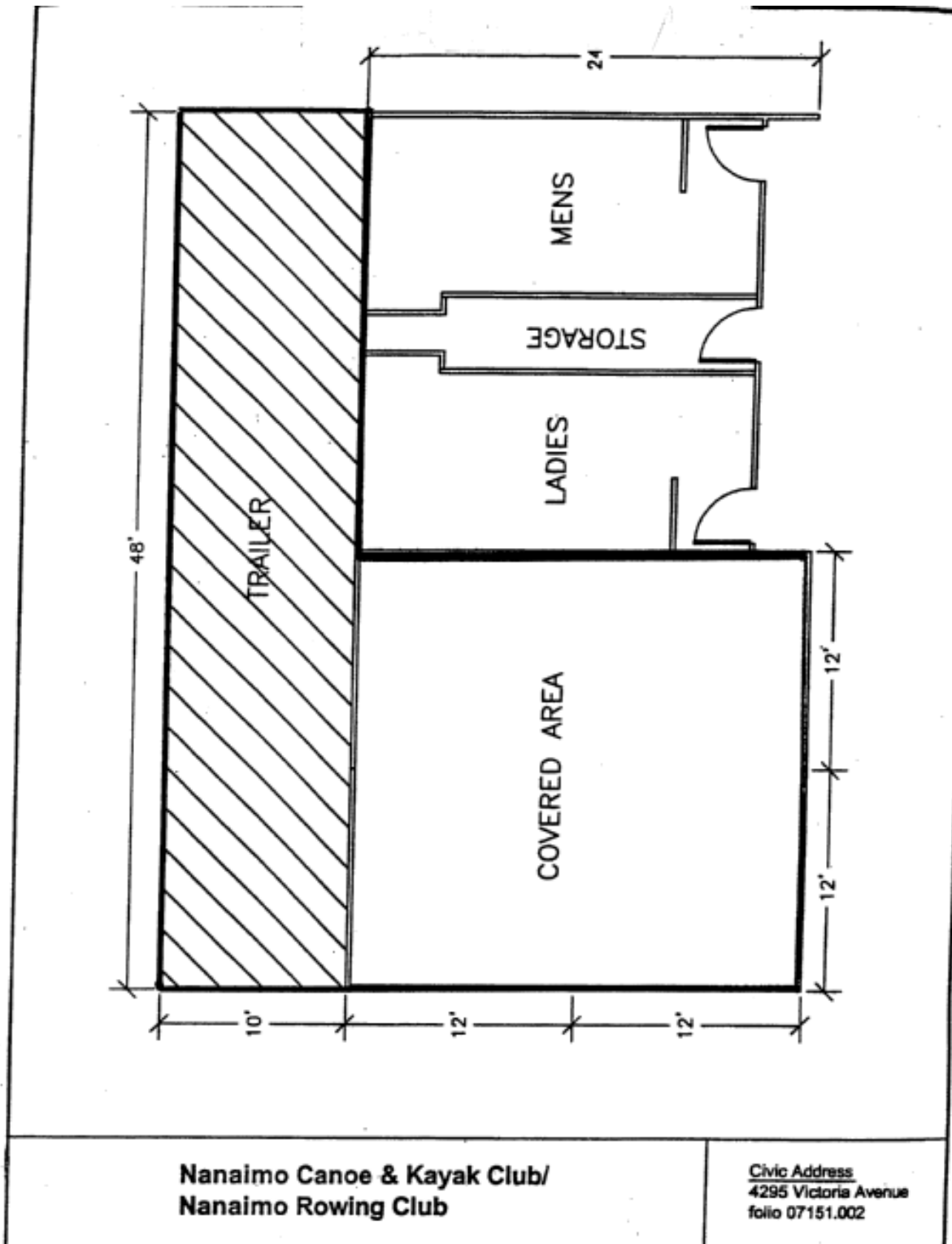
Note 3: Exemption is only for the portion of the property that is used for charitable purposes, which has been determined to be 50% of the property value for 2022.

Note 4: Exemption is only for the portion of the property at 250 Albert Street that is not leased to a third party, which has been determined to be 5.3% of the property value for 2022.



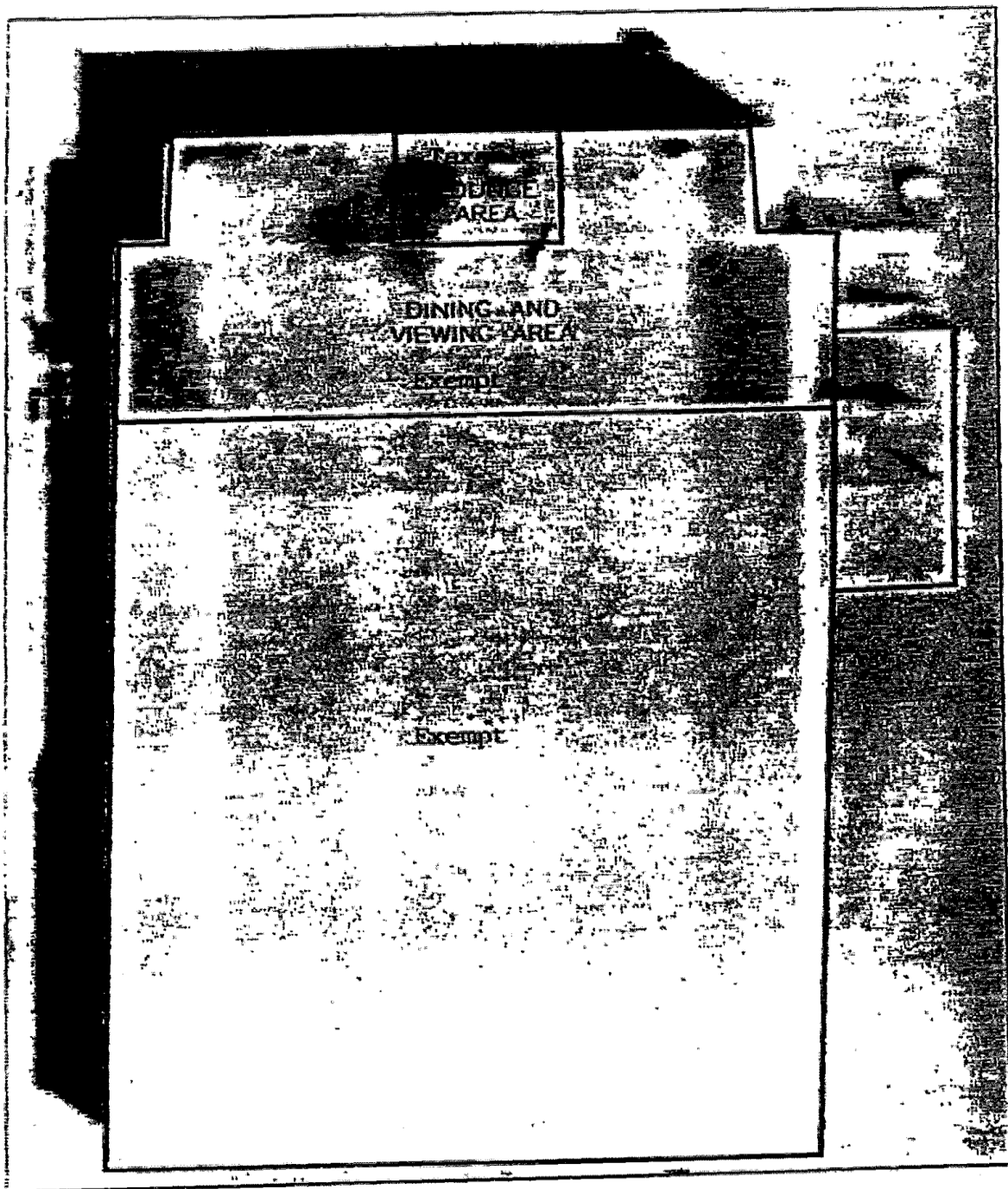
Folio: 05549.008
Civic: 3 - 2300 Bowen Road
Organization: **NANAIMO & DISTRICT EQUESTRIAN ASSOCIATION
VANCOUVER ISLAND EXHIBITION ASSOCIATION**

MAP 'D-2'



Folio: 07151.002
Civic: 4295 Victoria Avenue
Organization: **NANAIMO CANOE & KAYAK CLUB**
NANAIMO ROWING CLUB

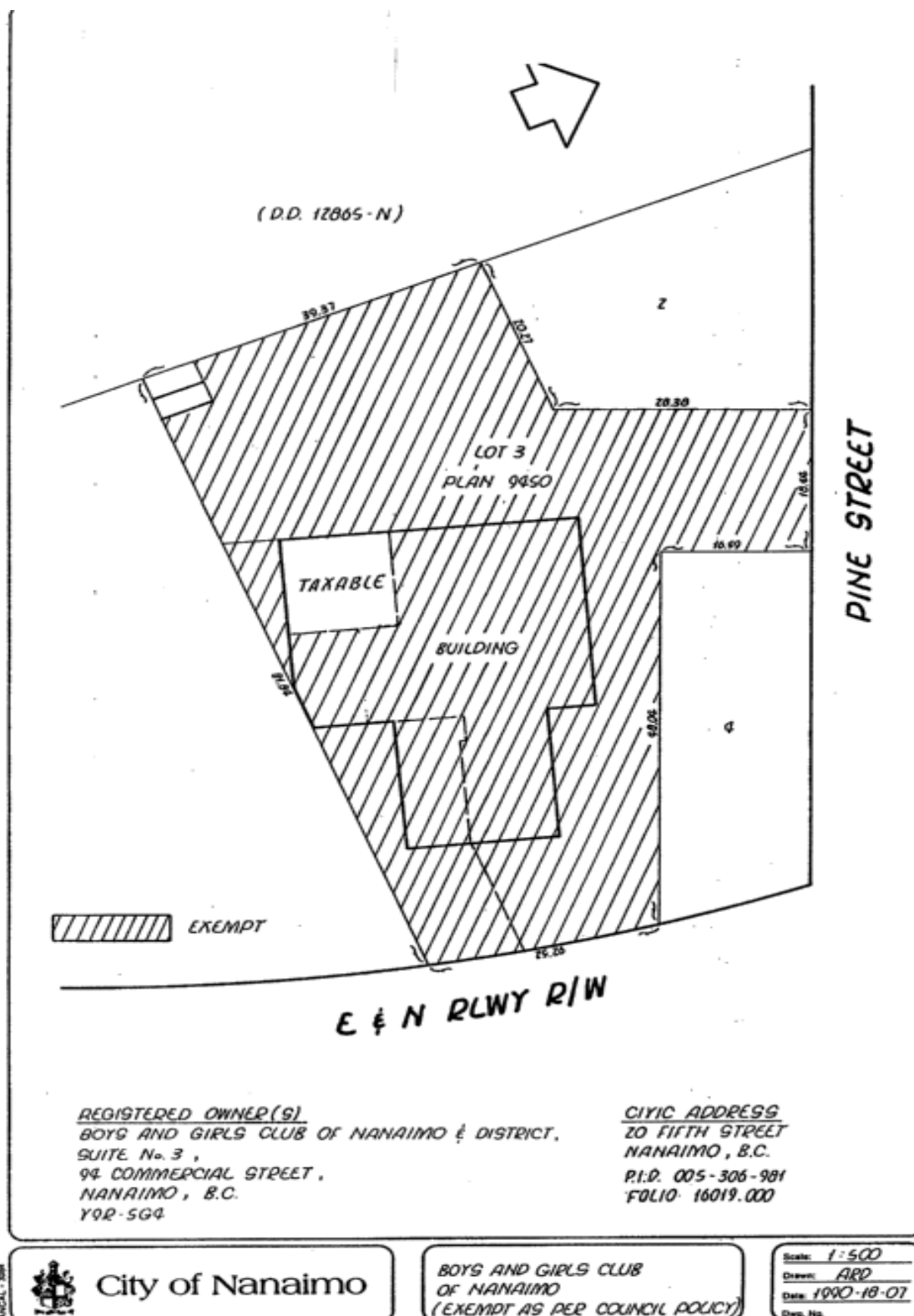
MAP 'D-3'



NANAIMO CURLING CLUB

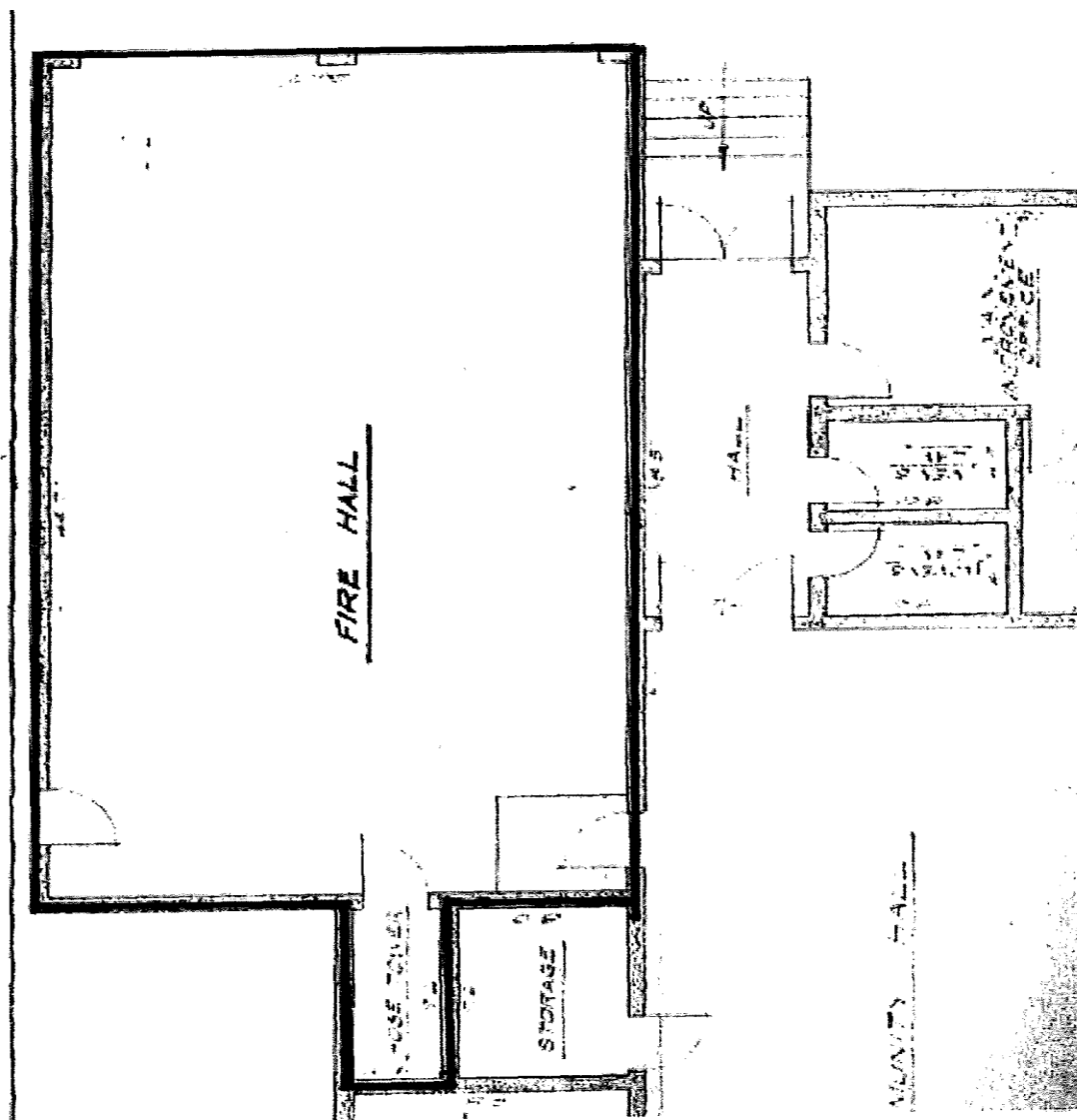
Folio: 89095.000
Civic: 100 Wall Street
Organization: **NANAIMO CURLING CLUB**

MAP 'D-4'



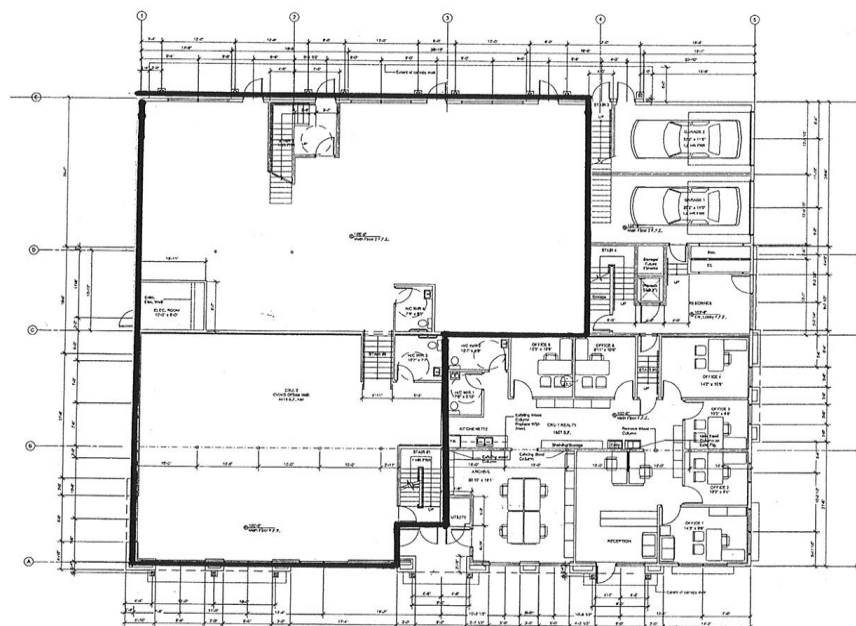
Folio: 16019.000
Civic: 20 Fifth Street
Organization: **BOYS AND GIRLS CLUB OF CENTRAL VANCOUVER ISLAND**

MAP 'D-5'

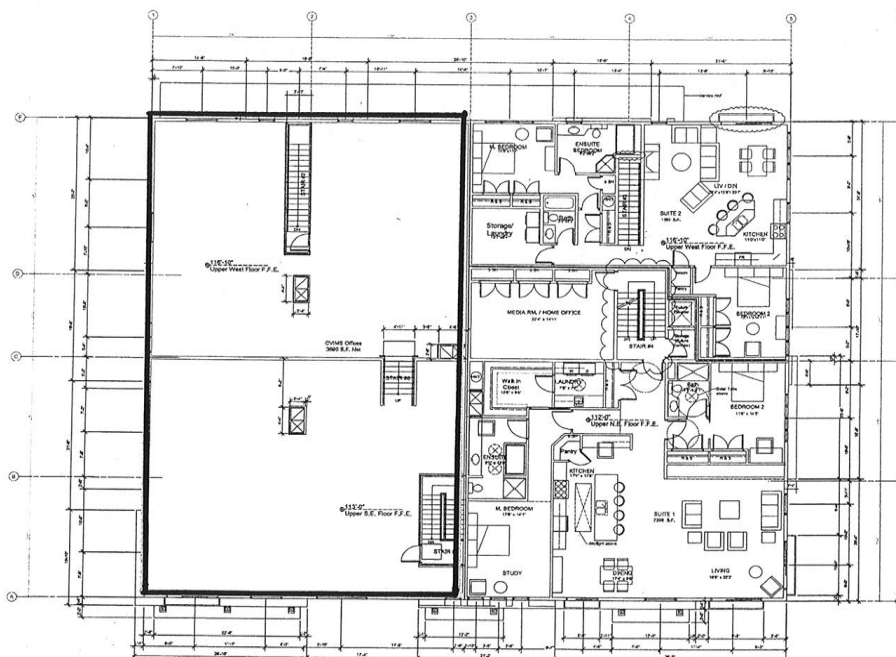


Folio: 16592.002
Civic: 195 Fourth Street
Organization: **NANAIMO SEARCH & RESCUE SOCIETY**

MAP 'D-6'

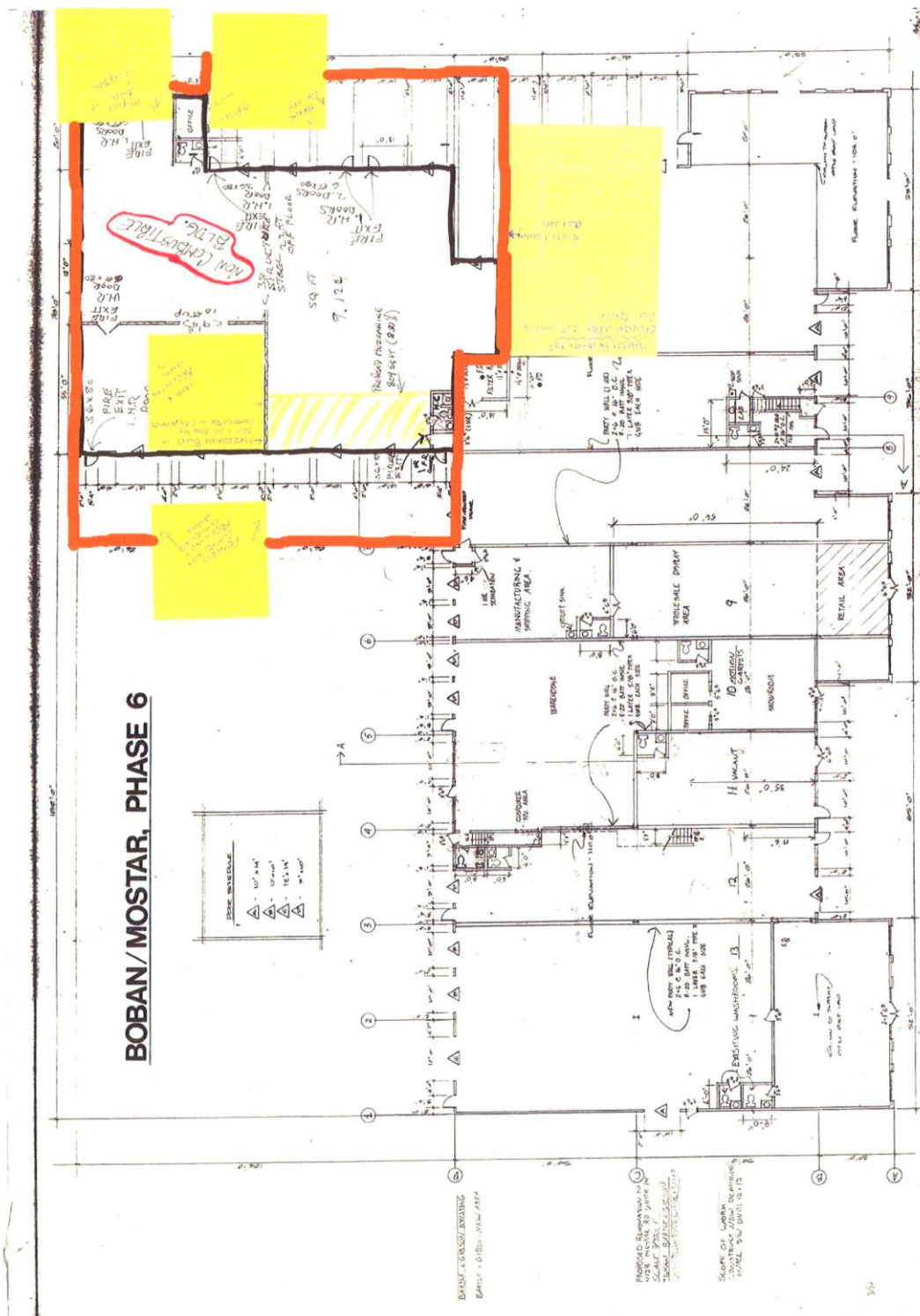


MAIN FLOOR

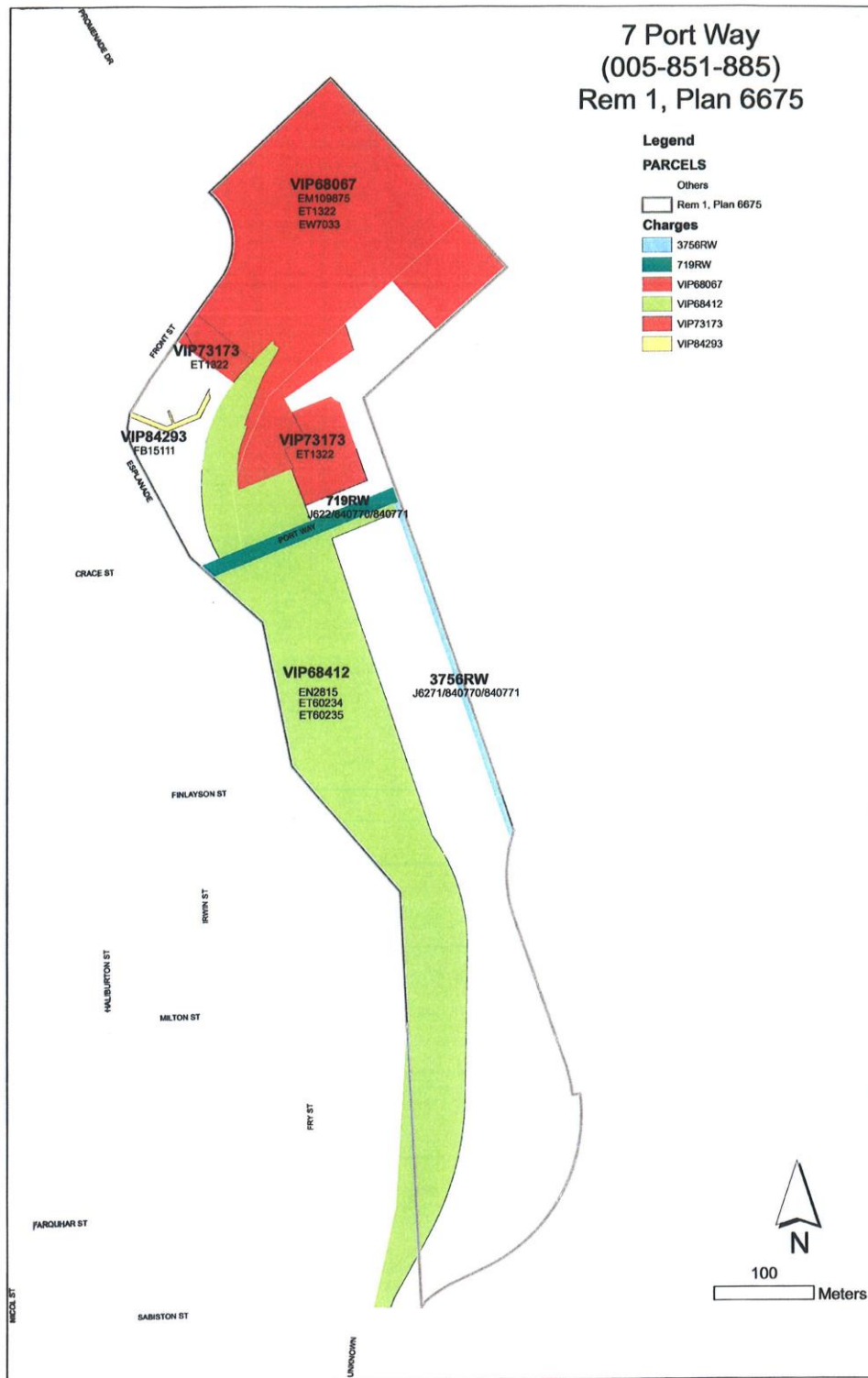


TOP FLOOR

Folio: 86081.000
Civic: 101 – 319 Selby Street
Organization: **CENTRAL VANCOUVER ISLAND MULTICULTURAL SOCIETY**

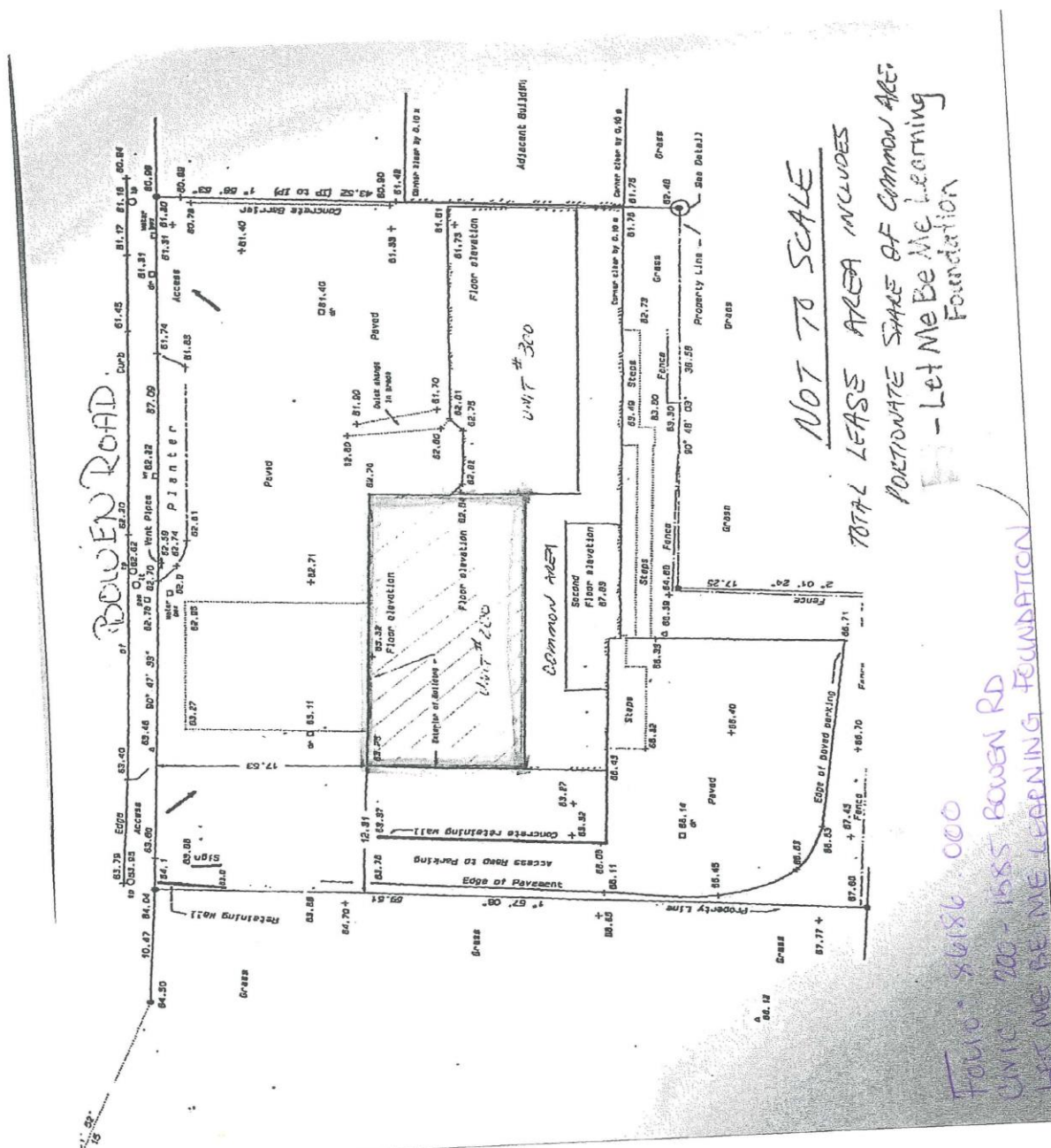


MAP 'D-8'



Folio: 84750.000 Civic: 7 Port Drive
Folio: 84750.035 Civic: 0 Port Drive
Folio: 84758.000 Civic: 1161 Milton Street
Organization: **ISLAND CORRIDOR FOUNDATION**

MAP 'D-9'



Folio: 86186.000
Civic: 200 – 1585 Bowen Road
Organization: **LET ME BE ME LEARNING FOUNDATION**

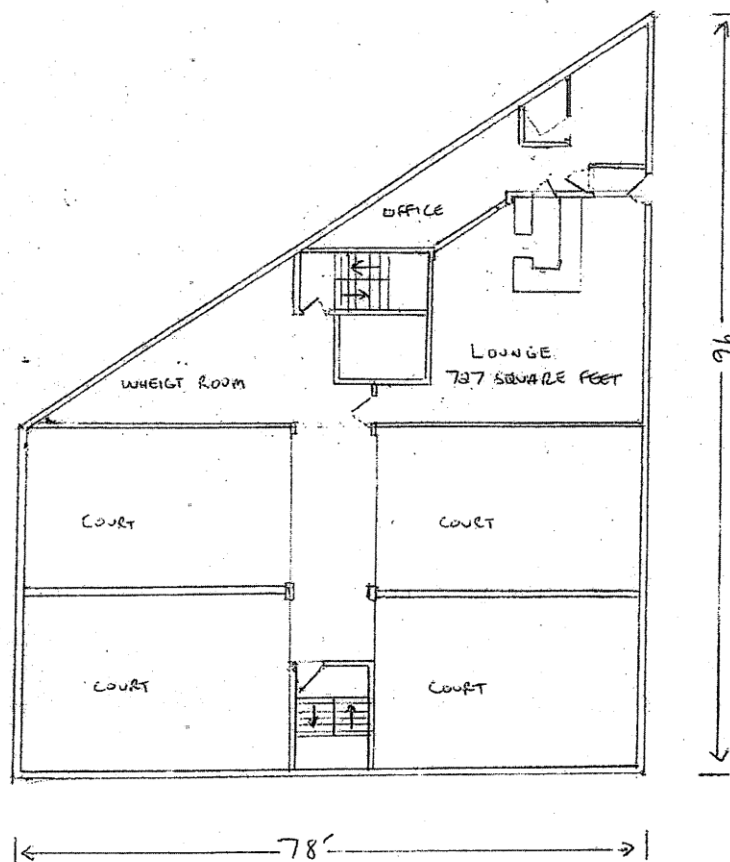
MAP 'D-10'

NANAIMO SQUASH CLUB

TOTAL SQUARE FOOTAGE 7993

LOUNGE SQUARE FOOTAGE 727

PERCENTAGE OF BUILDING USED FOR LOUNGE = 9.1%



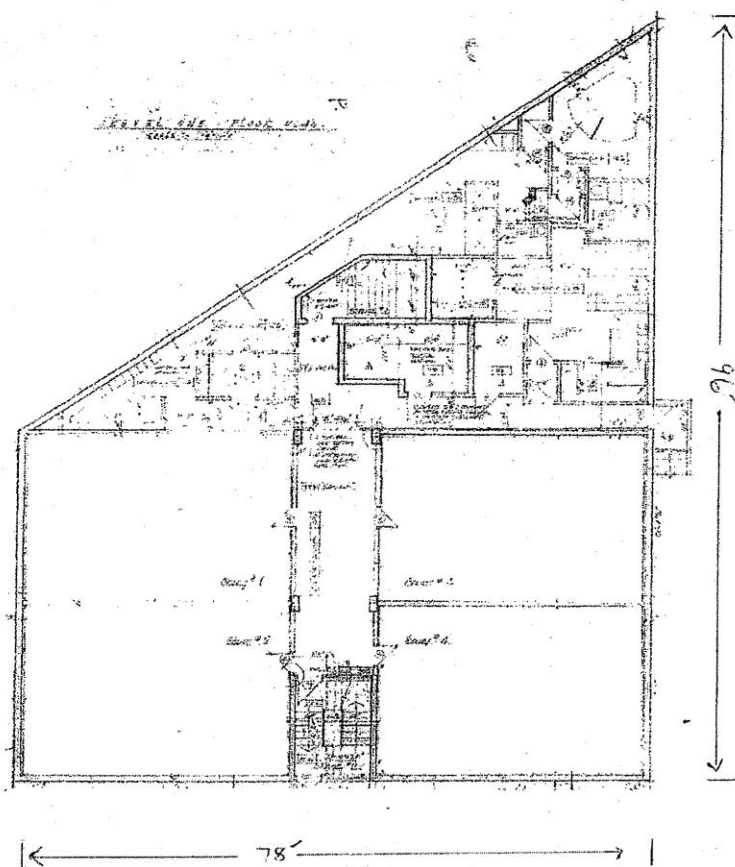
MEZZANINE LEVEL 2498 SQUARE FEET

Folio: 86226.000
Civic: 256 Wallace Street
Organization: **NANAIMO SQUASH CLUB**

MAP 'D-11'

Plan of space leased:

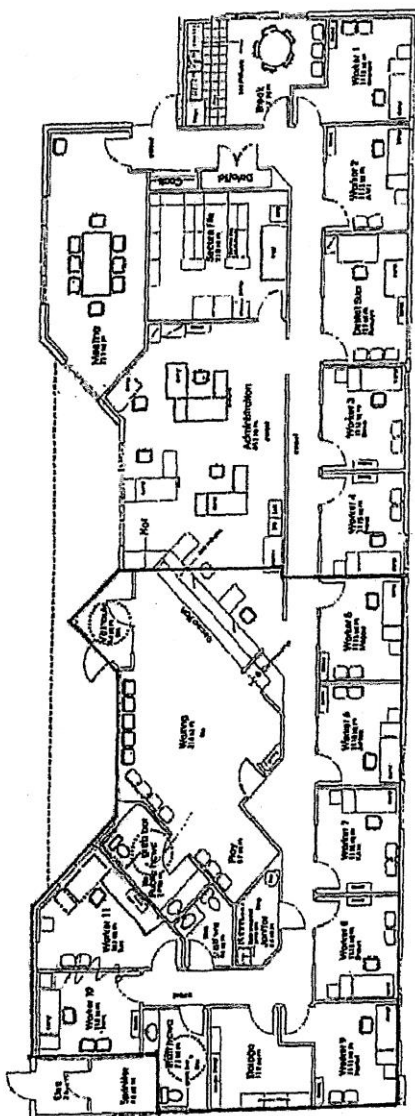
NANAIMO SQUASH CLUB



Folio: 86226.000
Civic: 256 Wallace Street
Organization: **NANAIMO SQUASH CLUB**

MAP 'D-12'

**LEASED PREMISES
(OUTLINED IN HEAVY BLACK)**



3156 Barrons Road

PacificCARE leasing 2,500 sq. feet of
total 5,047 sq. feet



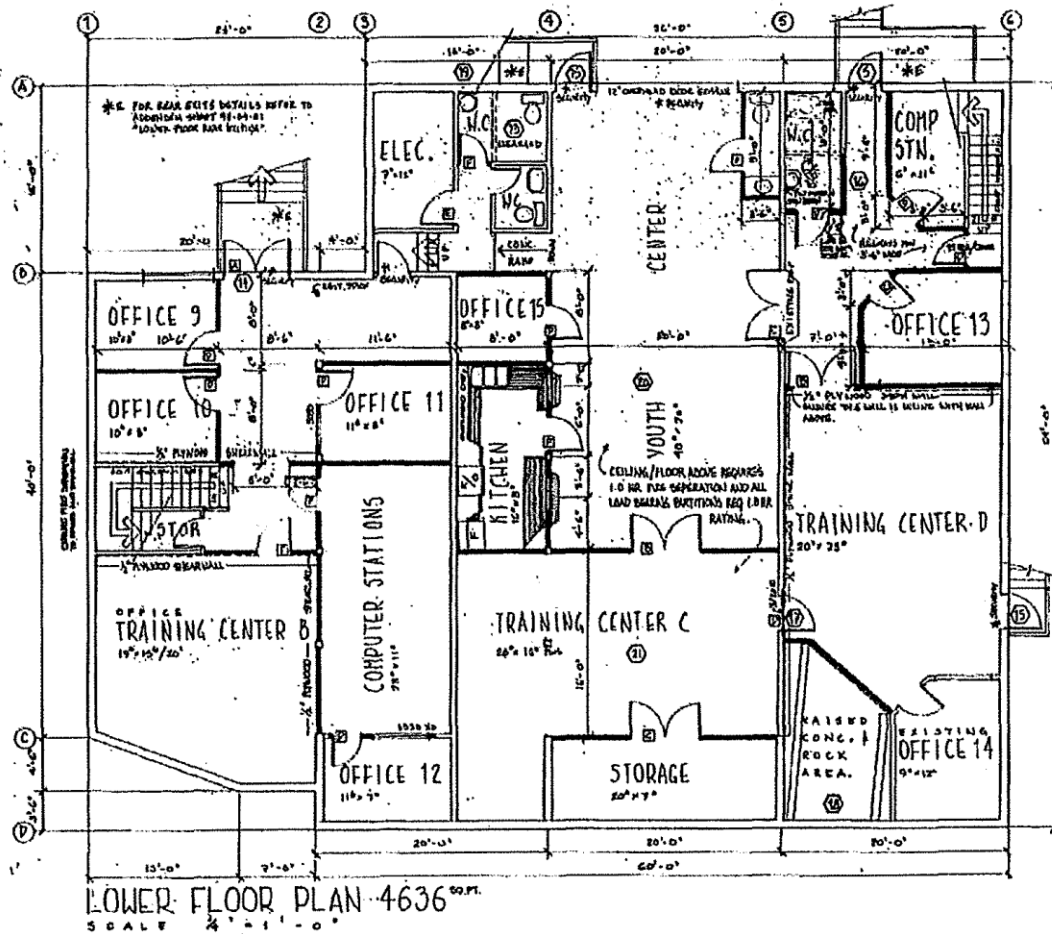
Folio : 07498.255
Civic: 3156 Barons Road
Organization: **PACIFIC CARE FAMILY ENRICHMENT SOCIETY**

MAP 'D-13'

Civic Address: 290 Bastion Street, Nanaimo, B.C.

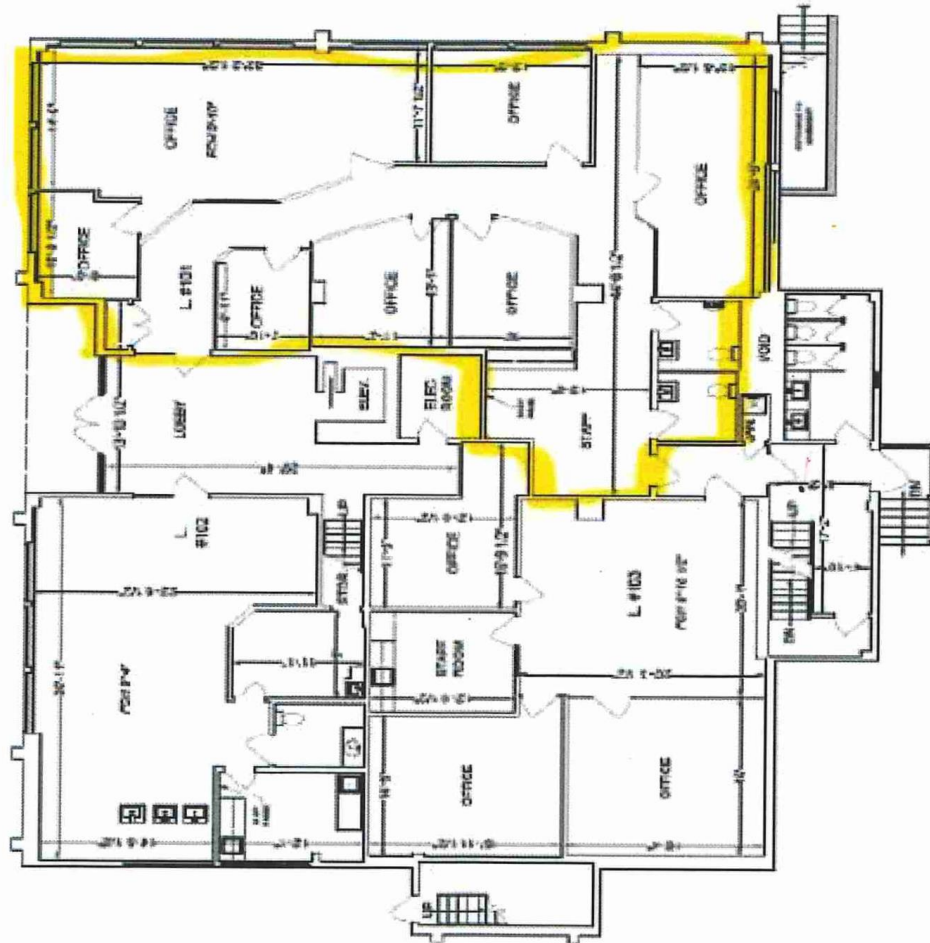
Parcel Identifier: 001-755-927

Legal Description: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 25254



Folio: 86055.000
Civic: 290 Bastion Street
Organization: CANADIAN MENTAL HEALTH ASSOCIATION - MID-ISLAND

MAP 'D-14'



MAP 'D-15'

