



AGENDA SPECIAL COUNCIL MEETING

Monday, July 29, 2024

4:30 p.m. To Proceed In Camera, Reconvene the Special Council Meeting at 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:

2. PROCEDURAL MOTION:

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

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

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (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; and,
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

3. INTRODUCTION OF LATE ITEMS:

4. APPROVAL OF THE AGENDA:

5. MAYOR'S REPORT:

6. RISE AND REPORT:

7. PRESENTATIONS:

8. DELEGATIONS:

- a. Cheryl Bancroft re: Cable Bay

7

9. REPORTS:

- a. Public Works Yard Updates Borrowing Bylaw

8 - 109

To be introduced by Laura Mercer, General Manager, Corporate Services.

Purpose: To introduce "Public Works Yard Updates Borrowing Bylaw No. 7386", for first, second and third readings.

Recommendation: That:

1. "Public Works Yard Updates Borrowing Bylaw No. 7386" (To authorize the borrowing of up to \$90,000,000 for the construction of the Public Works Yard Updates), pass first reading;
2. "Public Works Yard Updates Borrowing Bylaw No. 7386" pass second reading; and,
3. "Public Works Yard Updates Borrowing Bylaw No. 7386" pass third reading.

- b. Alternative Approval Process - Public Works Yard Updates Borrowing Bylaw 2024 No. 7386

110 - 114

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

Purpose: To obtain Council approval to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates.

Recommendation: That Council:

1. direct the Corporate Officer to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates;
2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 79,736;
3. establish a deadline of 4:30 p.m. on Thursday, 2024-OCT-31 for receiving elector responses for the Alternative Approval Process in relation to the "Public Works Yard Updates Borrowing Bylaw 2024 No.

7386”; and,

4. approve the draft Elector Response Form as attached to the Staff report dated 2024-JUL-29.

c. Public Works Yard AAP Communication and Engagement Strategy 115 - 120

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

Purpose: To provide Council with a proposed Communication and Engagement Strategy for the Public Works Yard alternative approval process (AAP).

Recommendation: That Council endorse the draft Public Works Yard AAP Communication and Engagement Strategy as outlined in Attachment B of the report titled “Public Works Yard AAP Communication and Engagement Strategy” dated 2024-JUL-29.

d. Liquor Licence Application No. LA156 - 2373 Rosstown Road 121 - 125

To be introduced by Jeremy Holm, Director, Planning and Development.

[Note: A copy of the report titled "Liquor Licence Application No. LA156 - 2373 Rosstown Road", date 2024-JUL-08, is attached for reference.]

It is requested that Council hear anyone wishing to speak with respect to Liquor Licence Application No. LA156 - 2373 Rosstown Road.

e. Cannabis Retail Store Referral No. 090455 - 50 Tenth Street 126 - 130

To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To seek Council's recommendation regarding a Cannabis Retail Store referral at 50 Tenth Street.

Recommendation: That Council recommend to the Liquor and Cannabis Regulation Branch that license application number 090455 for a Cannabis Retail Store at Unit 114 – 50 Tenth Street be issued.

f. Rezoning Application No. RA498 - 5360 Bergen-Op-Zoom Drive 131 - 134

To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To seek direction from Council regarding Rezoning Application No. RA498 to correct an administrative error.

Recommendation: That Council:

1. rescind the conditions related to “Zoning Amendment Bylaw 2024 No. 4500.227” as presented on 2024-JUL-08; and,
2. direct Staff to secure the conditions related to “Zoning Amendment

Bylaw 2024 No. 4500.227” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2024-JUL-29 prior to final adoption.

g. End of Trip Facilities

135 - 149

To be introduced by Bill Sims, General Manager, Engineering and Public Works.

Purpose: To provide Council with an update on the end of trip facilities toolkit, and to seek approval to fund the installation.

Presentation:

1. Jamie Rose, Manager, Transportation

Recommendation: That Council:

1. Direct Staff to amend the 2024- 2028 Financial Plan to add \$17,000 in 2024 to finalize the end of trip facilities toolkit funded from Special Initiatives Reserve.
2. Direct Staff to amend the 2024-2028 Financial Plan to add \$75,000 per year for 2024, 2025 and 2026 for secure bike parking funded from the Climate Action Reserve Fund.

h. Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048

150 - 170

To be introduced by Bill Sims, General Manager, Engineering and Public Works.

Purpose: Proposed amendments to the "Traffic and Highways Regulation Bylaw 1993 No. 5000" to regulate micromobility devices.

Recommendation: That:

1. “Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048” (micromobility traffic and safety on highways) pass first reading;
2. “Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048” pass second reading; and,
3. “Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048” pass third reading.

i. Bylaw Notice Enforcement Bylaw Amendment - Micromobility Devices

171 - 174

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

Purpose: To assign fines for violations associated with the new scooter provisions as outlined in Traffic and Highways Regulation Amendment Bylaw 5000.048.

Recommendation: That:

1. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" (fines for micromobility devices) pass first reading;
2. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" pass second reading.
3. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" pass third reading.

j. Options for Additional Accessible Washrooms at Westwood Lake Park

175 - 185

To be introduced by Richard Harding, General Manager, Community Services/Deputy CAO.

Purpose: To present options for adding an additional accessible washroom at Westwood Lake Park beyond what is already included in the capital project design and obtain direction to implement Council's preferred option.

Presentation:

1. Michael Lonsdale, Senior Project Manager

Recommendation: That Council direct Staff to proceed with Option 3 – Convert One Non-Accessible Washroom into One Accessible Washroom and increase the 2024 project budget by \$100,000 funded by \$35,000 from the City Wide Parks DCC Reserve Fund and \$65,000 from the Special Initiatives Reserve.

k. 2024 – 2034 Community Works Fund Agreement

186 - 213

To be introduced by Laura Mercer, General Manager, Corporate Services.

Purpose: To enter into an agreement with the Union of BC Municipalities for receipt of Community Works funding under the Canada Community-Building Agreement.

Recommendation: That Council authorize the Mayor and Corporate Officer to sign the 2024 - 2034 Community Works Fund Agreement.

10. **BYLAWS:**

a. "Zoning Amendment Bylaw 2024 No. 4500.229"

214

That "Zoning Amendment Bylaw 2024 No. 4500.229" (update to Interim Corridor Area) be adopted.

b. "Fees and Charges Amendment Bylaw 2024, No. 7336.10"

215

That "Fees and Charges Amendment Bylaw 2024, No. 7336.10" (a bylaw to amend the Police Services (R.C.M.P.) fees for criminal records checks and fingerprinting) be adopted.

11. NOTICE OF MOTION:

12. CORRESPONDENCE:

13. OTHER BUSINESS:

- a. Councillor Thorpe Motion re: Systems Planning Organization and the Nanaimo Prosperity Corporation

At the 2024-JUL-22 Regular Council Meeting, Councillor Thorpe advised that he will be bringing forward the following motion for consideration:

"That, beginning in September, 2024, the Systems Planning Organization and the Nanaimo Prosperity Corporation, provide quarterly reports to City Council on their activities."

14. QUESTION PERIOD:

15. ADJOURNMENT:

Delegation Request

Delegation's Information:

Cheryl Bancroft has requested an appearance before Council.

City: Ladysmith

Province: BC

Delegation Details:

The requested date is 2024-JUL-29

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:

To request that the Cable Bay subdivision application be denied; 100m buffer on Nanaimo Forest Products land; an update on purchase of the lands east of Cable Bay Trail to become a park; and a request for leadership on the land purchase and a bi-cultural approach to management of this new park connecting Cable Bay Trail to Joan Point Park.

DATE OF MEETING JULY 29, 2024

AUTHORED BY LAURA MERCER, GENERAL MANAGER, CORPORATE SERVICES

SUBJECT PUBLIC WORKS YARD UPDATES BORROWING BYLAW

OVERVIEW

Purpose of Report

To introduce “Public Works Yard Updates Borrowing Bylaw No. 7386”, for first, second and third readings.

Recommendation

That:

1. “Public Works Yard Updates Borrowing Bylaw No. 7386” (To authorize the borrowing of up to \$90,000,000 for the construction of the Public Works Yard Updates), pass first reading;
2. “Public Works Yard Updates Borrowing Bylaw No. 7386” pass second reading; and
3. “Public Works Yard Updates Borrowing Bylaw No. 7386” pass third reading.

BACKGROUND

The City of Nanaimo’s borrowing activities are guided by provisions of the Community Charter (Part 6, Division 3, sections 179 and 180 provide guidance on process of undertaking a municipal borrowing), Local Government Act (Section 86, 94, and 169-177 guide the process of Elector approval), and BC Regulation 254/2004 (Provides liability limits).

At the 2020-SEP-16 Finance and Audit Committee meeting, Council provided funding for development of an architectural concept and cost estimate for the Public Works facility. Subsequently, Staff engaged an architect, experienced in operations yards, to examine the facility and space needs. The goal being to develop the project to the point it could support a business case and budget planning for a functional, fit-for-purpose operations centre.

At the 2021-SEP-22 Finance and Audit Committee meeting, Staff presented a master plan vision for the Nanaimo Operations Centre (NOC) and a supporting business case. The report included architectural renderings for the site, split into multiple phases. The NOC is envisioned to be a utilitarian facility that would allow the City to continue to provide reliable services to a growing community. The buildings are designed to be durable and able to withstand a modest earthquake allowing for the City to respond in a post disaster scenario. The business case analysis for this project is attached to this report for reference (Attachment A).

On 2022-JUN-20, at the Finance and Audit Committee meeting, Council directed Staff to undertake a NOC Alternative Phase 1 feasibility assessment that included an engineered wetland,

storm sewer and multiuse trail and complete the stage 2 environmental work. The Alternate Phase 1 plan was developed to address the most urgent needs of the operation and allow further financial flexibility.

At the 2023-MAY-01 regular Council meeting, Council received and considered a report for approval to proceed with the NOC Phase One project. The cost of the project was estimated at up to \$48,500,000 and included:

- \$40,000,000 to construct a Fleet and Maintenance Facility, a truck wash and dump facility, and site servicing for 2020 Labieux Road
- \$4,500,000 to construct storm water management facilities at 2300 Bowen Road for storm water from 2020 Labieux Road
- \$1,500,000 to retrofit an existing fire training apparatus located at 2020 Labieux Road to facilitate the required additional sit utilization;
- \$2,750,000 to construct a multi-use pathway at 2300 Bowen Road in lieu of frontage improvements normally associated with development at 2020 Labieux Road.

At the 2023-JUN-19 Council meeting, Staff were directed to proceed with the Nanaimo Operation Centre Phase One project and prepare a borrowing bylaw to begin an Alternative Approval Process (AAP) in support of the project.

Following this direction, two AAPs were conducted which were unfortunately not completed successfully.

At the Council meeting held on 2024-FEB-12, Council once again directed Staff to prepare funding options for presentation at a later date.

On 2024-JUN-24 at the regular Governance and Priorities meeting, the Committee was presented with three options to improve facilities at the Public Works Yard and direction was sought on the preferred option (Attachment B). The Committee recommended:

“That Council direct Staff to proceed with the ‘Highest Needs in Single Phase’ option and prepare a borrowing bylaw in support of the project.”

and

“That Council direct Staff to look at other funding options with respect to debt funding.”

This option represents a fundamental change in the scope of work for the project and is a single phase that consists of:

- Fleet Maintenance and Administration buildings
- Stormwater Management, previously noted as a separate element to the project

At the 2024-JUL-22 Regular Council meeting, Council approved the following motions:

“That Council direct Staff to proceed with the ‘Highest Needs in Single Phase’ option and prepare a borrowing bylaw in support of the project.”

“That Council direct Staff to proceed with the Nanaimo Operation Centre (Public Works Yard) project with funding of \$90 million from external borrowing with debt servicing funded by property taxation.”

The project was previously referenced as the Nanaimo Operations Centre as it reflected a comprehensive master plan to fully redevelop the property at 2020 Labieux to incorporate several workgroups from Parks Operations and Supply Chain Management.

With reduction in scope focusing solely on the Fleet Maintenance and Administration Building, it is more reflective to refer to the project as Public Works Yard Updates.

The project will now serve as simply a replacement for those two existing buildings and updating existing infrastructure required to service these facilities. It is worth noting that a portion of Supply Chain Management and a few workgroups from Parks Operations are proposed be incorporated in the new Admin building. The other projects that were part of the previous Nanaimo Operations Centre Master Plan will be included in future capital plans as needed.

Borrowing will be undertaken through the Municipal Finance Authority of BC (MFA BC). Based on a 20-year term and the MFA BC's twenty year indicative lending rate of 4.58% at 2024-JUN-04, annual debt servicing costs are estimated at \$7.3 million. Impacts to the City's property taxes will be incorporated into the 2025-2029 Financial Plan upon electoral approval of the borrowing.

In compliance with applicable legislation, the City is required to secure approval by the electors for this borrowing to be consummated. Staff is recommending that the City undertake an AAP as provided in the legislation. This process will start from 2024-SEP-18 and be run by the City's Corporate Officer. |

OPTIONS

1. | That "Public Works Yard Updates Borrowing Bylaw No. 7386" (To authorize the borrowing of up to \$90,000,000 for the construction of the Public Works Yard Updates), pass first reading;

"Public Works Yard Updates Borrowing Bylaw No. 7386" pass second reading; and,

"Public Works Yard Updates Borrowing Bylaw No. 7386" pass third reading.
2. | That Council table this report and request additional information from Staff. |

SUMMARY POINTS

- In September 2020, Council provided funding for the development of an architectural concept and cost estimate for the Public Works facility upgrade project.
- In September 2021, Staff presented a master plan vision for the Nanaimo Operations Centre (NOC) and a supporting business case.
- In June 2022, Council directed Staff to undertake a NOC Alternative Phase 1 feasibility assessment that included and engineered wetland, storm sewer and multiuse trail as well as complete the stage 2 environmental work.

- At the Regular Council meeting on 2023-MAY-01, directed Staff to proceed with the Nanaimo Operation Centre Phase One project and prepare a borrowing bylaw to begin an Alternative Approval Process (AAP) in support of the project.
- Two AAPs were conducted which were unfortunately not completed successfully.
- At the Governance and Priorities Committee meeting held on 2024-JUL-22, the Committee recommended that Council direct Staff to proceed with the “Highest Needs in Single Phase’ option and prepare a borrowing bylaw in support of the project. As well, they recommended that Staff look at other funding options with respect to debt servicing.
- Staff returned to the 2024-JUL-22 Regular Council meeting to present funding options to Council and they approved funding the ‘Highest Needs in Single Phase’ option by \$90 million in external borrowing with debt servicing funded from property taxation.

ATTACHMENTS:

Attachment A: Nanaimo Operations Centre Project – Business Case

Attachment B: 2024-JUN-24 Nanaimo Operations Centre (Public Works Yard) Project Update

Attachment C: “Public Works Yard Updates Borrowing Bylaw No. 7386” |

Submitted by:

Laura Mercer
General Manager, Corporate Services |

Concurrence by:

Wendy Fulla
Director, Finance

Sheila Gurrie
Director, Legislative Services

Bill Sims,
General Manager, Engineering and Public
Works |

Nanaimo Operations Centre Project

BUSINESS CASE



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Appendix B – Operational Space Needs Assessment

Appendix C – Current Site Plan

Appendix D – Existing Site Uses

Appendix E – Site Master Plan

Appendix F – Concept Design

Appendix F – Concept Design

Appendix G – Construction Cost Estimate

Appendix H – Project Schedule

Appendix I – Risk Management Plan

Appendix J – Concept Designs and Master Plan Reports

Executive Summary

The City of Nanaimo's (The "City") Public Works Yard, located on a 6-hectare site at 2020 Labieux Road was originally constructed in the mid 1960's. Since then, the City's boundary expanded to include the Improvement Districts of Harewood, Chase River, Northfield, Departure Bay, Wellington and Protection Island and the population increased from 14,950 in 1971 to 40,340 in 1976 and is now over 100,000.

Over the years, the City's Public Works Yard has evolved on a piecemeal basis in response to the growth and changing needs of the City, and currently houses offices, storage and various maintenance facilities for the Public Works, Construction, and Purchasing Departments. The City's Public Works Yard is a highly activated Departmental Operations Center, activated for flooding and heat events, windstorms, snow events, and other weather events that are becoming more and more prevalent with climate change. The Public Works Yard is the backup Emergency Coordination Centre to Fire Station 1, 666 Fitzwilliam Street.

The current facilities are no longer fit for purpose - they do not meet operational capacity needs, they are characterized by cramped modular office buildings originally intended for temporary use which are not up to current building code requirements. The yard has inefficiently laid out storage spaces and lay down areas and the waste handling facilities are unsuitable.

Considering this, The City Finance and Audit Committee directed that a technical and financial analysis be conducted in order to present a costed and time-bound implementation plan for consideration.

This report presents that analysis and implementation plan together with a recommendation to proceed with the redevelopment of the Public Works Yard as the Nanaimo Operations Centre Project and relocating certain Parks Operations & Facilities within the Nanaimo Operations Center Project for better operational efficiencies and use of space. Parks Operations & Facilities move will free up Nanaimo Annex site at 1151 Nanaimo Lakes Road for other uses as well as eliminate current capacity issues at another site, 89 Prideaux Street, which would be renovated to retain certain Park operations that frequently serve the City's downtown area. Nanaimo Fire Rescue's Fire Station 2, a property adjacent to the Public Works Yard, delivers live fire training on an on-going basis. Converting the Fire Training Tower from wood burning to natural gas is necessary to avoid continued air quality concerns for the Nanaimo Operations Center and surrounding neighborhood.

With these objectives in mind, the scope, cost and time parameters were set out in the following sections of this document.

- **Section 2** of this report sets out the Project Objectives, alongside the Mission Statement for the Project, which is to address the long-standing and increasingly unsustainable health, safety, environmental and operational shortcomings of the Site in a fiscally responsible manner.

- **Section 3** sets out the Needs Assessment, highlighting the condition of the various facilities, critical issues surrounding resiliency and emergency preparedness, capacity and operational inefficiencies, safety and security, workforce equity and environmental considerations.
- **Section 4** sets out the Technical Analysis performed under the oversight of the Project Steering Committee chaired by the City's Chief Administrative Officer. A multi-disciplinary team was assembled to conduct the technical analysis - this Project Team worked to develop a master plan and conceptual design, drawing on condition and operational space needs assessments, and bounded by site development constraints.
- **Section 5** sets out the Financial Analysis, including a baseline cost estimate developed by a specialist cost consultant, which informs the fully-inclusive Project Budget of \$125M with a degree of confidence at this early stage of development of +30% / -20%, in accordance with the City's Project Management Framework.
- **Section 6** sets out the Implementation Plan, complete with a proposed project delivery model, risk management plan, and a Project Schedule spanning from 2023 to 2029.
- The recommendation resulting from this report is presented below.

Recommendation

That Council approves in principle the Nanaimo Operations Centre Project as defined below, and proceeds with the necessary steps to secure the required funding.

The Nanaimo Operations Centre Project consists of:

- the redevelopment of the Public Works Yard located at 2020 Labieux Road per the Site Master Plan and Concept Design (Refer to Appendices E and F),
- upgrading of adjacent Fire Training Tower operations,
- relocation of Parks Operations & Facilities,
- renovation of the Parks Prideaux Yard located at 89 Prideaux Street, and
- freeing up Nanaimo Annex site at 1151 Nanaimo Lakes Road for other uses.

The Nanaimo Operations Center Project will be developed over a period of 6 years starting in 2023 with a Project Budget of \$125M, which amount is assigned a degree of confidence of +30%/-20%.

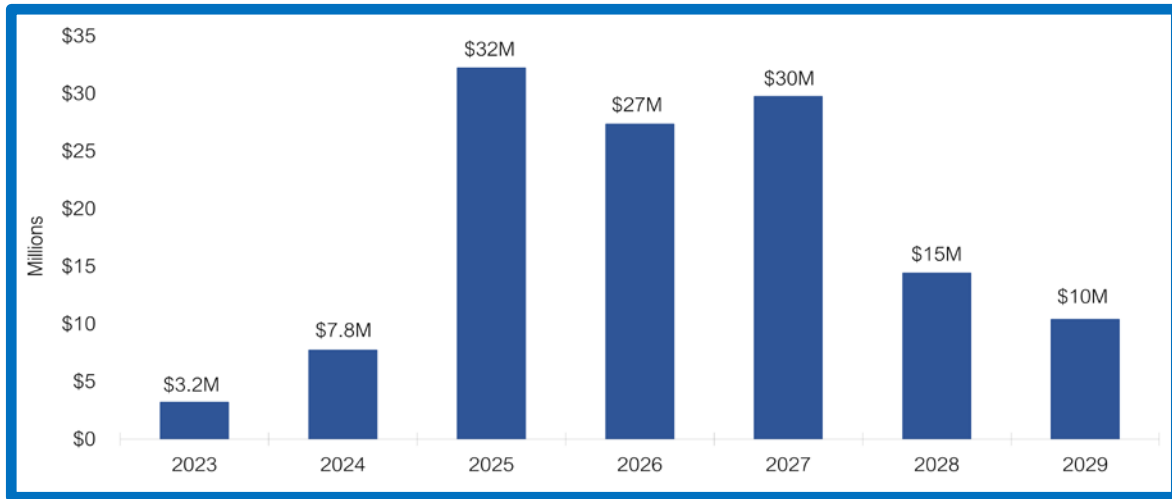


Fig. I Project Budget Cash Flow (from Fig. 3, Section 5.2 of this report)

1. Introduction

1.1 The Site

The City owns a parcel of approximately 6 hectares of land (the “Site”) at 2020 Labieux Road fronting Beban Park which is primarily used by Public Works Department and the Purchasing Department for the accommodation of administrative functions, storage of equipment, vehicles and bulk materials, and various maintenance activities, and includes buildings housing the following functions:

- Public Works Administration
- Public Works Crew Operations
- Workshops & Emergency Operations Centre
- Fleet Maintenance Facility
- Purchasing Offices & Stores

In addition, a portion of the site to the northwest is currently leased to the Province (BC Housing) for use in the provision of temporary housing and Nanaimo Fire Rescue’s Fire Station 2 and the Fire Training Tower occupy the area to the southeast. These land uses are anticipated to be unchanged for the foreseeable future¹.



Fig. 1 Current Site Plan (Google Maps, 2021)

¹ It is anticipated that in the near future, the land occupied by temporary housing will become available for site development; however, it is understood that the lease is likely to be extended until such time as suitable alternative arrangements have been made for the residents.



Image 1 Typical Public Works Office Accommodation at the Site

1.2 The Project

The Nanaimo Operations Centre Project (the “Project”) is the master planned redevelopment of the Site, the Objectives for which are set out under Section 2 of this document. The Project is required to address a wide range of complex challenges the Site presents, and these challenges are set out under Section 3 (Needs Assessment).

1.3 The Solution

To begin to understand the problem, the City worked with consultants to understand the condition of the facilities and the space needs required for teams within Public Works, Engineering, Parks Operations & Facilities currently operating out of five different locations.

Seismic and building code compliance assessments of facilities at 2020 Labieux were completed in 2012 and 2018; an Operational Space Needs Assessment was completed in 2019; and further Condition Assessments were carried out in 2020. Through this work it was determined that the buildings at 2020 Labieux were at the end of their service life both in terms of condition and capacity, and significant renewal and/or rehabilitation would be required to provide adequate facilities.

Council previously authorized \$200k of funding from the existing 2020 - 2024 Financial Plan to conduct technical and financial analysis in relation to the Project, and the outcome of this work is presented within this report, in Section 4 onwards. Part of this technical and financial analysis was an evaluation of the various options for meeting the needs of the City’s operations, including but not limited to the purchase or lease of land and facilities adjacent to 2020 Labieux; renovation of existing buildings; replacement of existing buildings; and combining operations to operate out of new consolidated facilities.

The solution that has been identified to be of best value to the City is the redevelopment of the property at 2020 Labieux, incorporating the co-location of certain Parks Operations & Facilities at the Site.

By co-locating certain Parks Operations & Facilities at 2020 Labieux Road, the Nanaimo Annex site at 1151 Nanaimo Lakes Road would be freed up for other uses and capacity issues at the Prideaux Parks Operations Yard located at 89 Prideaux Street would be alleviated. The 89 Prideaux Street Yard will be renovated to retain operations that frequently serve the City's downtown area. Co-locating Parks Operations & Facilities at Site also brings efficiencies of scale, and better interdepartmental communications.

2. Project Objectives

2.1 Mission Statement

To address the long-standing and increasingly unsustainable health, safety, environmental and operational shortcomings of the Site in a fiscally responsible manner.

2.2 Objectives

1. Provide safe and gender appropriate code-compliant office accommodation
2. Address the unsustainable shortage of office, workshop, and storage space
3. Provide a compound secured from unauthorized access
4. Improve the operational efficiency of Public Works, Parks & Engineering
5. Address the regulatory compliance of vehicle wash-down areas
6. Address traffic segregation issues on the Site to improve safety
7. Provide a code-compliant (post disaster) Departmental Operations Center (DOC) and backup Emergency Coordination Centre (ECC)
8. Reconfigure the Site to allow for planned future expansion
9. Rationalizing operations facilities across the City

3. Needs Assessment

3.1 Facility Condition

The 2020 Labieux Road Site was originally developed in the mid-1960s prior to the property being amalgamated under the control of the City and has been added to over time on a piecemeal basis in an attempt to accommodate changing needs.



Image 1 Construction Supervisor's Office



Image 2 Public Works First Aid Room

Much of the office accommodation at the Site takes the form of temporary modular trailers of the type typically used on construction sites, the use of which has been expanded over the decades.

Despite having been in use for many years already, these facilities are unsuited to long term occupation, they fall well below code-compliance, they are well beyond their useful life, and cannot be maintained indefinitely. Further information is provided under Section 4 (Technical Analysis).

3.2 Resiliency & Emergency Preparedness

The City of Nanaimo Emergency Response and Recovery Plan 2018 sets out guidance for effective response and recovery from major emergencies or disasters in the City of Nanaimo, reflecting the requirements of the British Columbia Emergency Management System (BCEMS). This plan designates the City's primary Emergency Coordination Centre (ECC)², as well as alternate ECCs. Each ECC is critical to the City's response to, and management of, a major emergency.

The City's designated primary ECC is located at Fire Station 1, 666 Fitzwilliam Street - this facility is currently being rebuilt to meet the post-disaster requirements of section 4.1.2.1.(3) of the British Columbia Building Code 2018 ("BCBC"), which designates emergency response facilities as post-disaster buildings. A post-disaster building is one which is essential to the provision of services in the event of a disaster, and as such must be designed and built to withstand higher loading, including earthquake loads.

The City's first alternate ECC is located at the Public Works Yard, which means that the City will rely on this designated facility in the event that the primary ECC is either unavailable, or is less suited to a particular emergency situation. In addition, the City has identified the Public Works Yard as a Departmental Operations Centre ("DOC"), which is a location concerned with supporting the emergency activities of the City in certain prescribed situations and ensuring that regular business activities continue.



² Referred to in BCEMS as the Emergency Operations Centre ("EOC")

Image 3 Exterior of the City's first alternate Emergency Coordination Centre (Modular Building)

The facility currently housing the Public Works DOC / alternate ECC is an aging modular facility that is far from the post-disaster facility that the City needs to provide assurance that it will actually be available and operational in an emergency. Over the past few years, the Public Works Yard DOC / alternate ECC has been frequently activated, with 5 activations in total. The frequency of activations highlights the critical role of Public Works as first responders in the case of many types of emergency situations.

In addition to the shortcomings of the Public Works DOC / alternate ECC, the City's emergency response is further compromised by the fact that none of the buildings are rated for post-disaster service, especially the fleet maintenance facility.

The current situation with the lack of post-disaster facilities is an on-going risk for the City to provide core services after a disaster potentially affecting the health and wellbeing of the community.

3.3 Capacity & Operational Efficiency

Over the 10 years to 2020, the City's population grew by 35%³. This growth in turn increased the need for additional staff within the Public Works, Engineering and Purchasing Departments located at the Site.

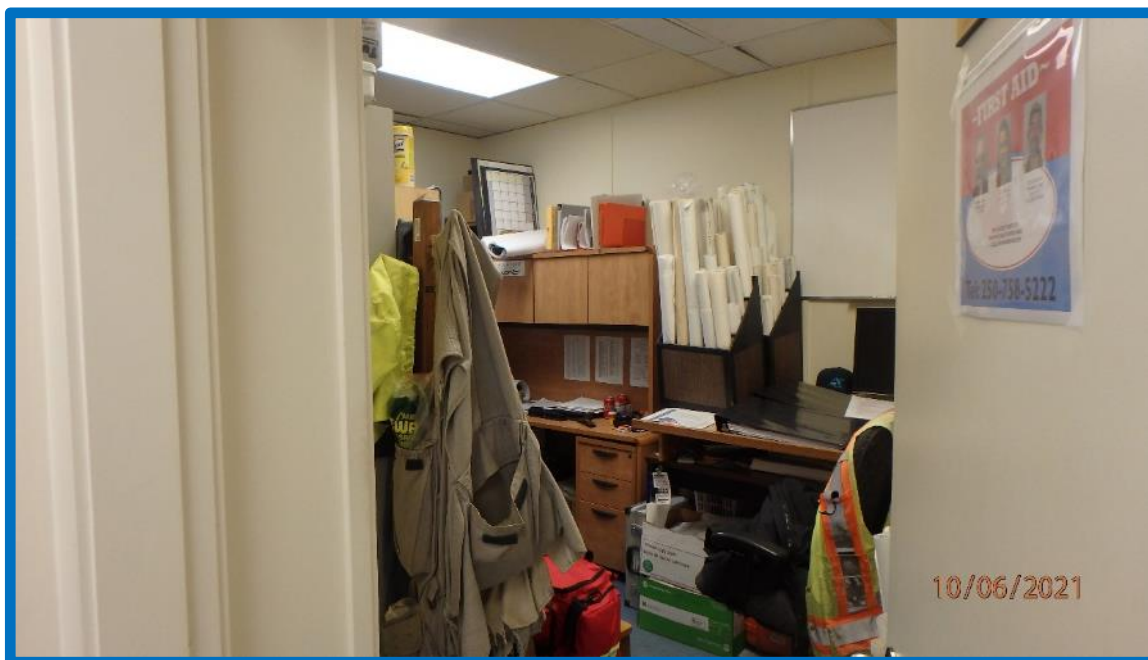


Image 4 Inadequate Work Environment

³ 2020 State of the Nanaimo Economy, City of Nanaimo Economic Development

Existing office accommodation has long been exhausted, with the City now resorting to renting trailers and converting unsuitable spaces such as closets or storage rooms into offices to accommodate staff, as well as basing staff who should be co-located for operational efficiency reasons, at other City locations.



Image 5 Corridors in Use as Workplaces

City staff have worked out of temporary facilities at the Site for decades, and with the passage of time, this situation is becoming more and more untenable. Not only is there not enough space, but the condition and suitability of the space that is available is so poor that it impacts the efficiency of staff as well as the City's ability to attract and retain our workforce.



Image 6 Exterior Storage Area

Exterior areas are also unsuitable, with inadequate and poorly laid out storage and laydown areas.

The heavy duty mechanic bays in the existing fleet maintenance building are not large enough to house existing vehicles over 40ft in length. This requires the bay doors to be open while working on fire trucks, garbage trucks, dump trucks, and other vehicles over 40ft in length.

It is expected that the City's population will continue to grow, estimated to reach 141k over the next couple decades. This in turn means the need for adequate facilities for provision of services and room for growth.

3.4 Safety & Security

The Site presents a range of safety and security issues to City staff and the public.



Image 7 First Aid Office

Public Works employees are currently working out of aging facilities which were never designed to be permanent structures and are deficient in many respects relative to current Building Code.



Image 8 Cramped Working Conditions

In addition to issues such as cramped working conditions, poor ventilation and lighting, there are more significant concerns such as combined kitchen / lunchroom facilities that lack safe access and egress as required by WorkSafe BC standards.



Image 9 Inadequate Pedestrian and Vehicular Traffic Segregation

A Security Review Assessment⁴ was conducted in 2014, which highlighted a number of important considerations pertaining to the safety and security of both City assets and City staff, with areas of concern including:

- Lack of vehicle and pedestrian access control provides open access to the Site by unauthorized individuals;
- Shortcomings in the CCTV system at the Site; and
- Lack of both signage and actual physical segregation of operational and personal vehicles and pedestrians.



Image 10 Uncontrolled Main Gate Entrance

3.5 Workforce Equity

The profile of our workforce has changed substantially since the facilities were first installed on the Site, and in particular we now have a significant and increasing proportion of female workers based at the Site who currently lack access to suitable shower and changing facilities.

⁴ Public Works Yard Security Assessment Review, Liahona Security Consortium Inc.

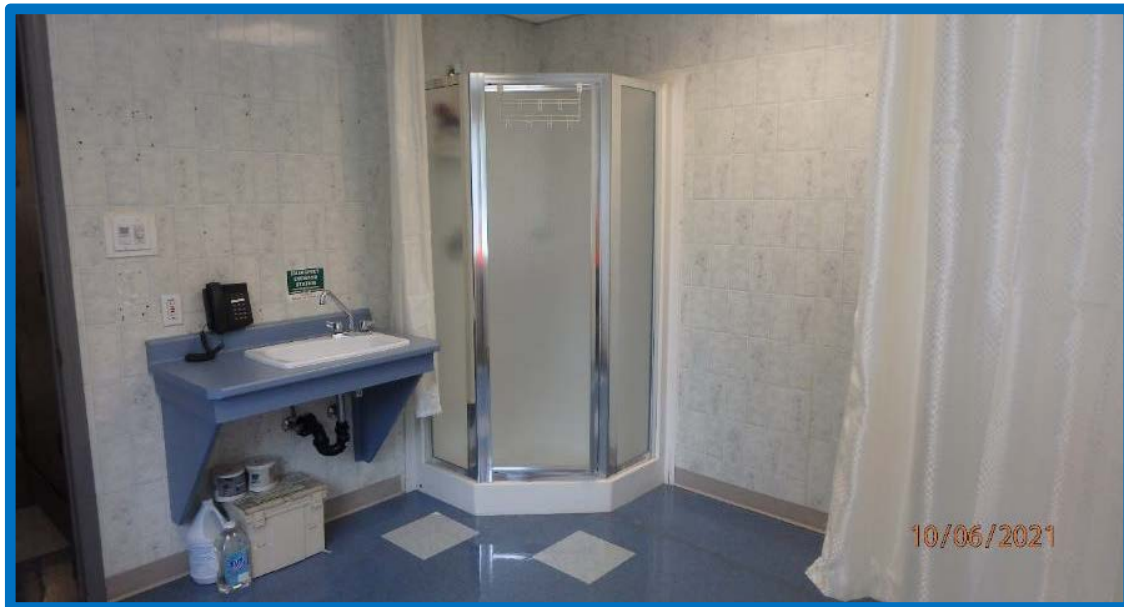


Image 11 Lack of Suitable Facilities

The City has a responsibility to provide access to persons with disabilities; however, the facilities at the Site do not adequately accommodate the needs of disabled staff or visitors, with barriers to access including stairs, inadequate door clearances, and a lack of accessible washroom facilities.

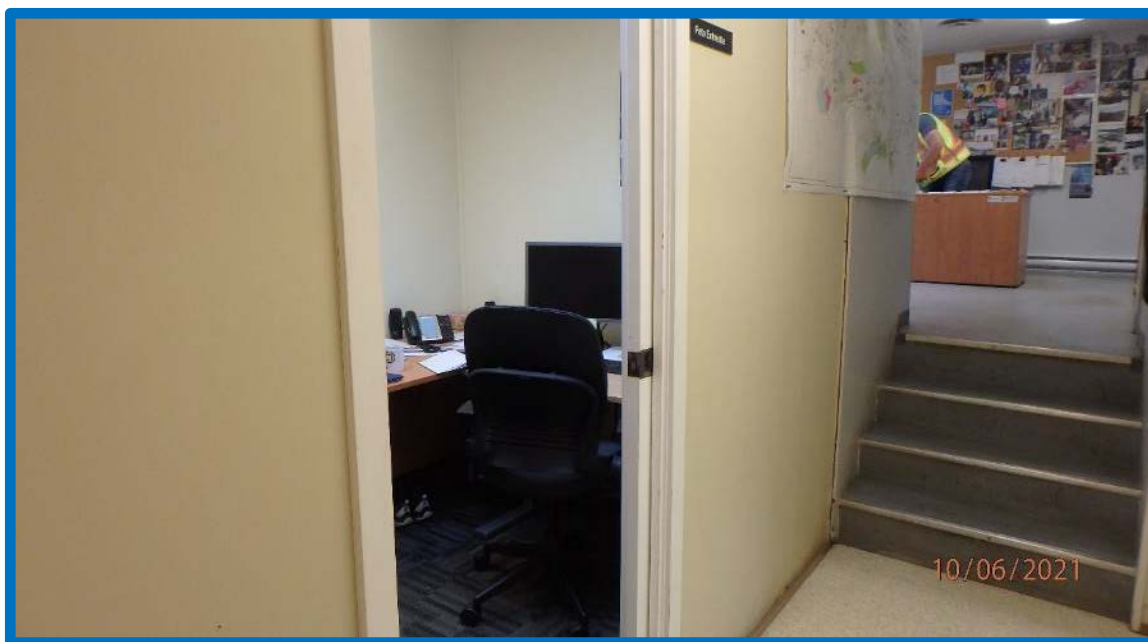


Image 12 Inaccessible Office Facilities



Image 13 Inaccessible Workplace

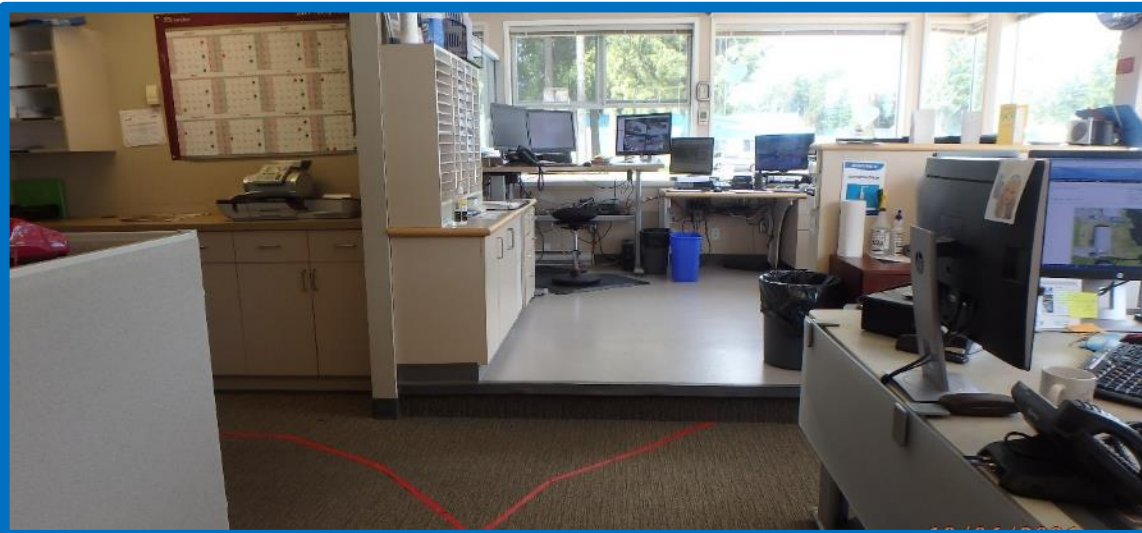


Image 14 Inaccessible Workplace



Image 15 Inaccessible Workplace

3.6 Environmental Impact

Public Works operations conducted at the Site include the vehicle washout for garbage trucks and the disposal of waste from vacuum trucks. Currently these operations result in effluents discharging directly to Northfield Creek. Although the washout and disposal facility were created many years ago, they no longer meet environmental regulations or community expectations. This situation needs to be addressed whether or not the Project proceeds. Further information is provided under Section 4.3 (Background Information)



Image 16 Garbage Truck Washdown



Image 17 Garbage Truck Wash Down Area Drainage



Image 18 Vacuum Truck Dewatering Area

In 2020, the City adopted a Green Fleet Strategy⁵ which sets out measures to reduce Greenhouse Gas emissions from the City's fleet and to improve fuel efficiency. The redevelopment of the Site presents an opportunity to provide alternative fuel infrastructure to help deliver on this strategy.

⁵ City of Nanaimo Green Fleet Strategy 2020



Image 19 Inadequate Alternative Fuel Infrastructure

The modular and aging office buildings on the Site create very inefficient spaces to heat and cool. This not only results in an avoidable operational cost to the City, but it also generates greenhouse gas emissions far in excess of those that would result from similarly sized modern facilities.

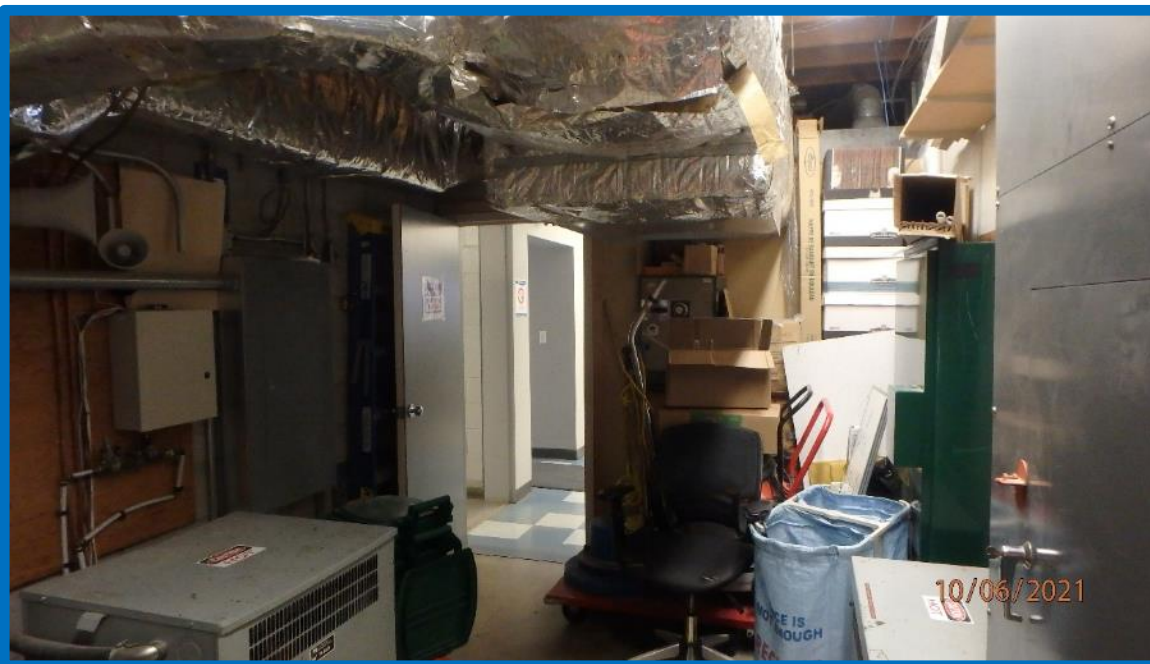


Image 20 Inefficient Heating and Cooling

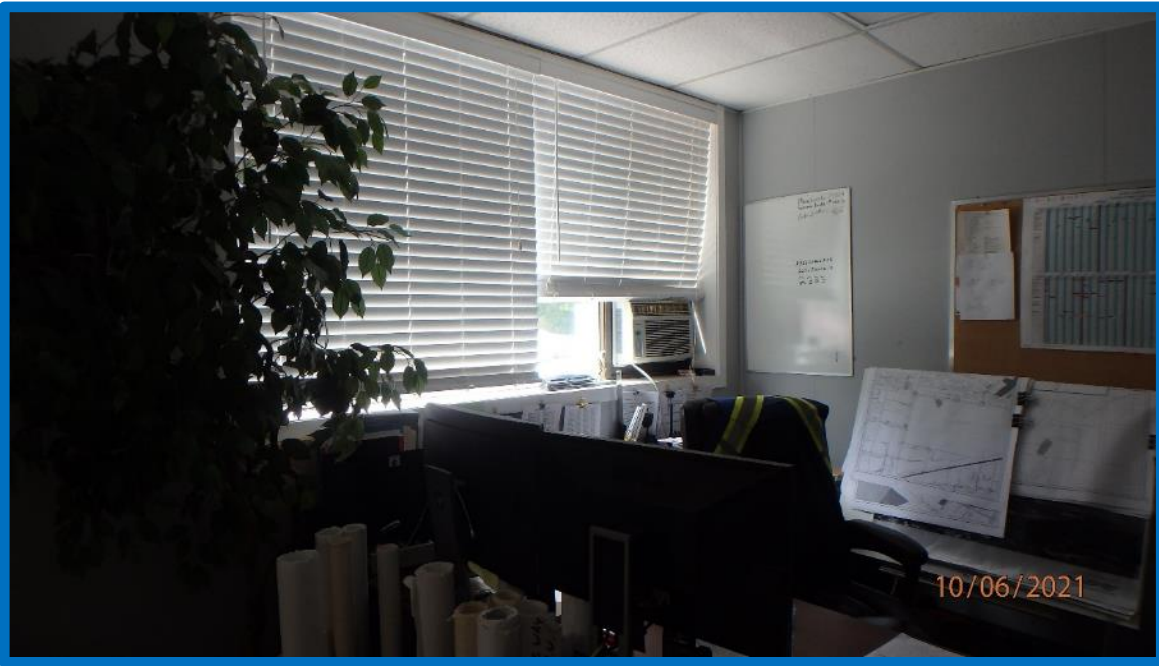


Image 21 Inefficient Heating & Cooling

3.7 Parks Facilities

The 89 Prideaux Street Site was the original Public Works yard for the Corporation of Nanaimo, and later became the Parks Operations Yard after amalgamation in 1975. When the Parks Department outgrew the yard, it expanded to 1151 Nanaimo Lakes Road (Nanaimo Annex), where the GNWD Board Offices were converted into an office facility to accommodate staff. The facilities at 89 Prideaux Street and 1151 Nanaimo Lakes Road are of similar vintage to that of the Public Works at 2020 Labieux Road, and have similar issues in terms of condition, capacity, operational efficiency, safety, security, and workforce equity. The existing Parks Yard is operating in excess of its staff capacity, with offices crammed into an old kitchen area, and others with poor access. The Nanaimo Lakes property is acting as an operations facility for which it was never intended. The parks facilities and operations at 89 Prideaux and 1151 Nanaimo Lakes should be incorporated in the Nanaimo Operations Center Project for operational efficiencies and provision of appropriate level of services on an on-going basis as well as disaster response.

This would free up Nanaimo Annex for other suitable uses and provide the much-needed capacity at 89 Prideaux Street Yard for certain operations that frequently provide services to the downtown area.

4. Technical Analysis

The City has built on previous work undertaken to analyze the space requirements for the Site and has conducted a feasibility study for the Project which includes a concept master plan.

4.1 Steering Committee

Following the September 16, 2020, meeting of the City Finance and Audit Committee at which a motion was passed to further develop an architectural concept and cost estimate⁶ for renewal of the Site, a Steering Committee was established in line with the City's Project Management Framework to oversee this work.

The membership of the Steering Committee is as follows:

Jake Rudolph (Chair)	Chief Administrative Officer
Bill Sims	General Manager, Engineering and Public Works
Art Groot	Director, Facilities and Park Maintenance
Poul Rosen	Director, Engineering
John Elliot	Director, Public Works

⁶ See Section 5 for the Project cost estimate

The Steering Committee has met on a regular basis to ensure that the work was completed on time and within the allotted budget; that all relevant stakeholders were engaged at the appropriate time; and that key decisions were taken in a timely manner.

4.2 Project Team

The Project has been managed by Mike Strain, Senior Project Manager with the involvement of the following consultant team: *Capex Project Advisory Services* (Business Case and Project Advisory Services); *Kasian Architecture + WSP* (Architectural Master Plan and Conceptual Design); *BTY Group* (Cost Estimation Services), *SLR Consulting* (Environmental Assessment Services); *WSP* (Geotechnical Investigation Services); *Toth and Associates Environmental Services* (Tree Assessment Services); and *Herold Engineering* (Fire Training Tower Condition Assessment Services).

4.3 Background Information

The work undertaken by the Project Team builds on work previously undertaken to evaluate the condition of facilities on the Site, as well as a recent review of operational space needs.

4.3.1 Seismic Assessment (Refer to Appendix A – Condition Assessments)

Seismic assessments were carried out for the various buildings, and are contained in the following reports:

- 2012.04.12 – 2020 Labieux Garage and Vehicle Repair Shops
- 2012.04.13 – 2020 Labieux Vehicle Storage & Sign Shop
- 2012.04.13 – 2020 Labieux Purchasing & Stores
- 2018.01.19 – Vehicle Repair Shop (RJC)
- 2012.04.16 - Seismic Assessment 89 Prideaux Parks and Rec Workshop
- 2012.04.17 - Seismic Assessment 89 Prideaux Parks and Rec Admin
- 2012.14.17 - Seismic Assessment 89 Prideaux Parks and Rec Equipment Bays

The seismic assessment of the vehicle repair shop in 2018 found that the building was deficient, in poor condition requiring significant renewal or rehabilitation work.

4.3.2 Condition Assessment (Refer to Appendix A – Condition Assessments)

RJC Engineers (RJC) was engaged to conduct a condition assessment of the various buildings, structures and associated infrastructure on the Site. Further details are set out in the following report:

- 2020.12.31 – CON Public Works Yard Condition Assessment

This condition assessment identifies readily observable deficiencies along with their remedial costs (as a rough order of magnitude, or Class D) prioritized over time, using a risk-based methodology. The assessment identified an immediate need for an investment of \$2.6m, with an inflation-adjusted cost of \$7.5m over a 10 year timeline and \$16.2m over a 30 year timeline to return the facilities to a condition suitable for their current uses. The costs reflect replacing “like with like” and do not account for Building Code or other regulatory upgrades, or address any space utilization improvements required.

In addition to RJC’s assessment and to keep 2020 Labieux Yard operational as is, the City will have to invest another \$2.7m to \$3m over the next 10 years in storm management system, fuel tanks, roofing, heating & cooling, and other key infrastructure on this site that is in an immediate need of replacement.

4.3.3 Operational Space Requirements (Refer to Appendix B – Operational Space Needs Analysis)

Resource Planning Group Inc. (RPG) was engaged in 2019 to conduct a review of operational space needs for Public Works, Engineering, Parks Operations & Facilities based on a population growth forecast over a 20-25 year time frame.

RPG’s deliverables were set out in the following two reports:

- 2019.07.11 – Operational Space Needs Review Redevelopment Options
- 2020.02.04 – Operational Space Needs Review Phased Redevelopment Options

4.4 Adjacent Site Uses (Refer to Appendix C – Current Site Plan)

The Project Site occupies the majority of the 2020 Labieux Road land parcel, the remainder of which is currently set aside for other uses.

The portion of the land parcel to the north west of the Project Site is leased by the Province for use in the provision of temporary housing, and is expected at some point in the future to be made available for incorporation into the future Nanaimo Operations Centre. The portion of the

and to the southeast is occupied by Nanaimo Fire Rescue's Fire Station 2 and a Fire Training Tower that is used in live fire training.



Image 22 Aerial View of the Project Site

4.5 Site Uses (Refer to Appendix D – Existing Site Uses)

The Site is accessible from 2 gates on Labieux Road. The southernmost gate is the main access point to the Site, and is located adjacent to the staff parking area near the majority of office accommodation facilities, interior storage structures and workshops. The northernmost gate is normally closed and intended for secondary access as an emergency exit or to be used when required to facilitate movement of larger bulk material.

4.6 Master Planning Process (Refer to Appendix E – Master Plan)

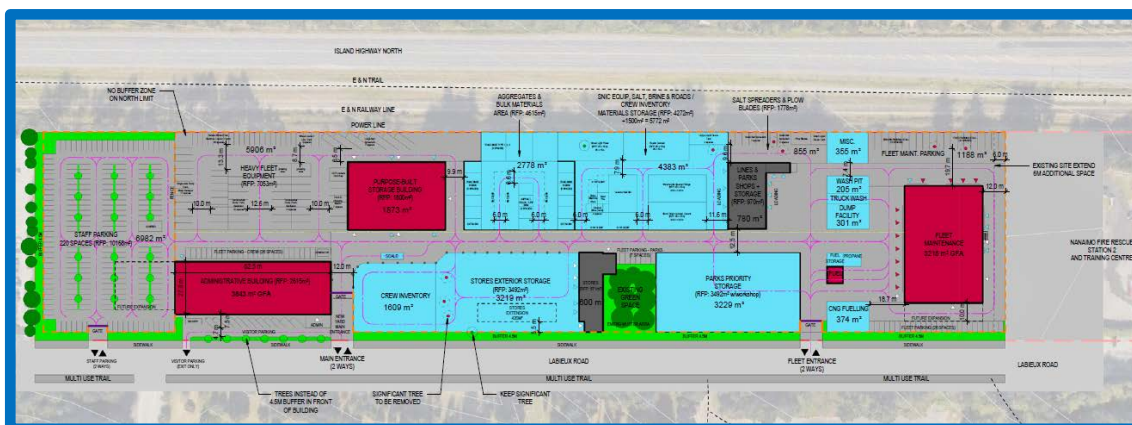


Image 23 Extract from Master Plan

Through a public request for proposal, the City engaged Kasian Architecture, Interior Design and Planning Ltd (Kasian), who proceeded to work with the City to develop a master plan for the Site and a concept design for the Fleet Maintenance Building and the Administration Building.

The primary direction of the consultant team was to develop designs of a utilitarian and practical nature, durable and efficient to ensure that the master plan would be as cost effective as possible.

Kasian worked with City stakeholders to understand their needs, and researched a wide range of factors, including zoning, parking regulations, landscaping requirements, easements and rights of way, setbacks, the City of Nanaimo Official Community Plan, transportation, topography, existing utilities, as well as geotechnical and environmental assessments carried out by WSP and SLR Consulting, respectively.

As part of this process, Kasian worked with the City to review the previous work by RPG Operational Space Requirements to ensure that the scope of the Project was correctly defined and validated. This led to a number of improvements to the space program, with the following key changes:

- Engineering Projects & Inspections is based at the Site; however, the majority of Engineering department functions are located at the Service and Resource Centre (SARC), which had been experiencing its own space constraints. Recent renovations at SARC have addressed the space constraints and due to the important functional relationships between Engineering and other departments at SARC, it was decided not to consider relocation of these functions to the Site, which decreased the Project space requirements.
- Another reduction in Project space requirements resulted from the decision to maintain certain Parks Maintenance operations at the 89 Prideaux Street location. This facility has also been experiencing space pressures; however, by transferring select operations from this location to the Site, it is possible to address those issues, maintain key operations in proximity to the downtown area, and at the same time decrease Project space requirements in the planned Administration Building by approximately 2,000m² to around 6,000m².

Additionally, moving all of the staff from the Nanaimo Annex would 1151 Nanaimo Lakes Road to be repurposed in the future. Demolition of the Nanaimo Lakes office and storage building are included in the scope of this project.

With the space program refined, validated, and approved by the Steering Committee, the Project Team then began to review the RPG layouts for the Site.

Taking into consideration the reduced space requirements, and with the objective of ensuring workable construction phasing, cost effectiveness and overall operational efficiency, several block plan iterations were developed for review by the Steering Committee before a preferred block plan was identified. The selected option would eliminate the need for costly temporary facilities which had previously been an expected necessity. Due to the live fire training that occurs on the adjacent site, up fitting of the Fire Training Tower with natural gas is required to improve air quality concerns on the Site and is added to the scope of this project.

The selected block plan was then further optimized and developed into a Site Master Plan through a collaborative and iterative process which resulted in additional efficiencies, including a further reduction in the space requirements for the planned Administration Building by approximately 1,900m² to around 4,000m² by relocating crew storage to a separate and lower cost purpose-built storage facility on the Site and renovating the existing Stores Building and the

Lines and Parks Shop and Storage Building to meet the new program requirements. BTY Group estimated these cost savings to be in the order of magnitude of \$4.5M to \$5M.

The Site Master Plan (refer to Appendix E) was subsequently reviewed and approved by the Steering Committee in conjunction with the capital cost estimate (refer to Section 5).

4.7 Concept Designs (Refer to Appendix F – Concept Design)

With the Site Master Plan approved, Kasian continued their work with City stakeholders to develop floorplans and concept designs for each building based on the stipulated program areas, workflows, adjacencies, and BC Building Code requirements.

The concept design for the Fleet Maintenance Building is a simple and functional post disaster two-story building design comprised mainly of vehicle repair and welding bays, equipment and parts storage areas to support the maintenance of City fleet vehicles, together with associated administrative areas.



Image 24 Concept Rendering of Fleet Maintenance Building

The Master Plan locates the Administration Building along Labieux Road to serve as a prominent public entry point marker to the new Nanaimo Operations Centre with the building accessible via a dedicated public area separate from other secured entrances. The concept design for the Administration Building is a post disaster two-story building with the main level featuring the new DOC and EOC and providing accommodation for crew operations with easy access to the yard, with offices and meeting facilities located on the second level of the building.



Image 25 Concept Rendering of Administration Building

A Purpose-Built Storage Building (PBSB) will be located centrally on the Site to provide the required interior storage space for the Nanaimo Operations Center, consolidating a range of storage facilities currently located throughout the Site.



Image 26 Concept Rendering of Purpose-Built Storage Building

The concept design for the PBSB has a central drive through aisle for ease of access, loading / unloading, and exit by crew vehicles.

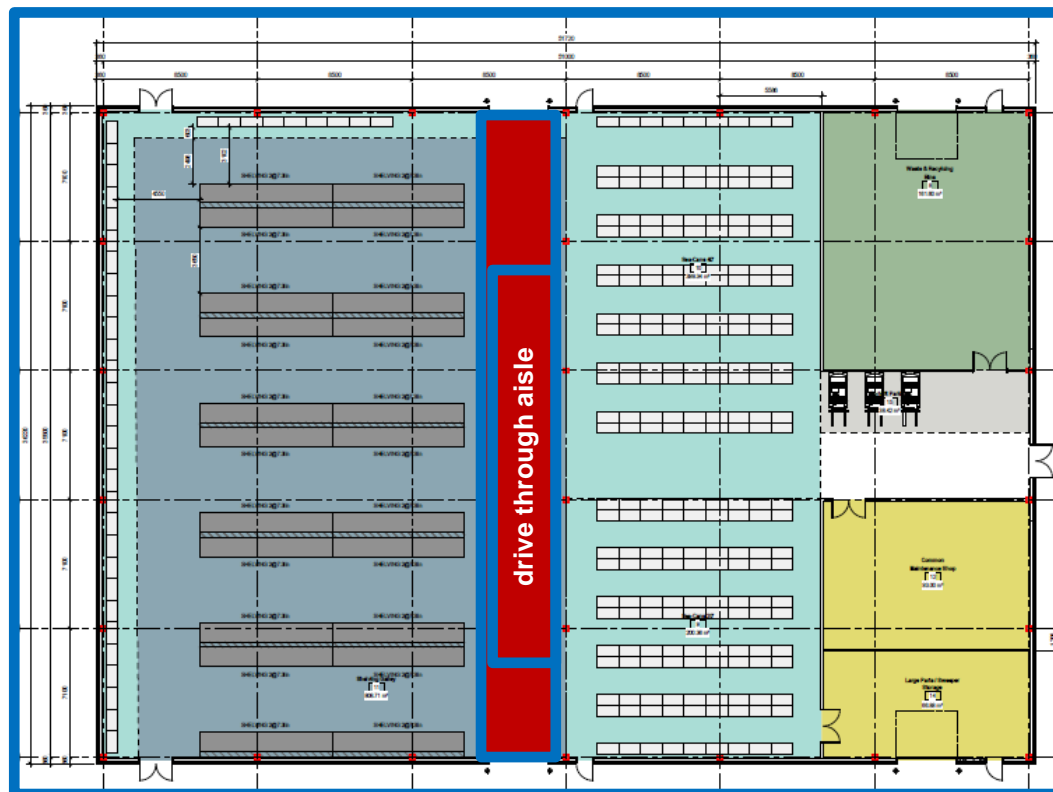


Image 27 Floor Plan of Purpose-Built Storage Building with drive through aisle

Offices currently located within the Purchasing and Stores Building and Lines and Park Shop Building (also known as the Truck Barn) will be relocated to the new Administration Building. The Lines and Park Shop Building and the Purchasing and Stores Building will remain at their current locations but will be renovated to current Building Code standards with interior walls, finishes, lighting changes and other simple and functional renovations. These facilities will be dedicated to housing the line shop, carpentry shop, utility shop and material storage, which will improve operational and space planning efficiency across the Site. The strategic decision to retain and upgrade these two existing buildings are further cost savings measures taken for the Project.

Two buildings at the 89 Prideaux Street Yard, the Administration Building and the Carpenter's Shop, will undergo renovations to current Building Code standards with interior walls, finishes, lighting changes and other simple and functional renovations for better functionality, add flex space, and address workplace equity. The Carpenter's shop will be repurposed to storage for items that are required by the operations teams servicing the City's downtown area.

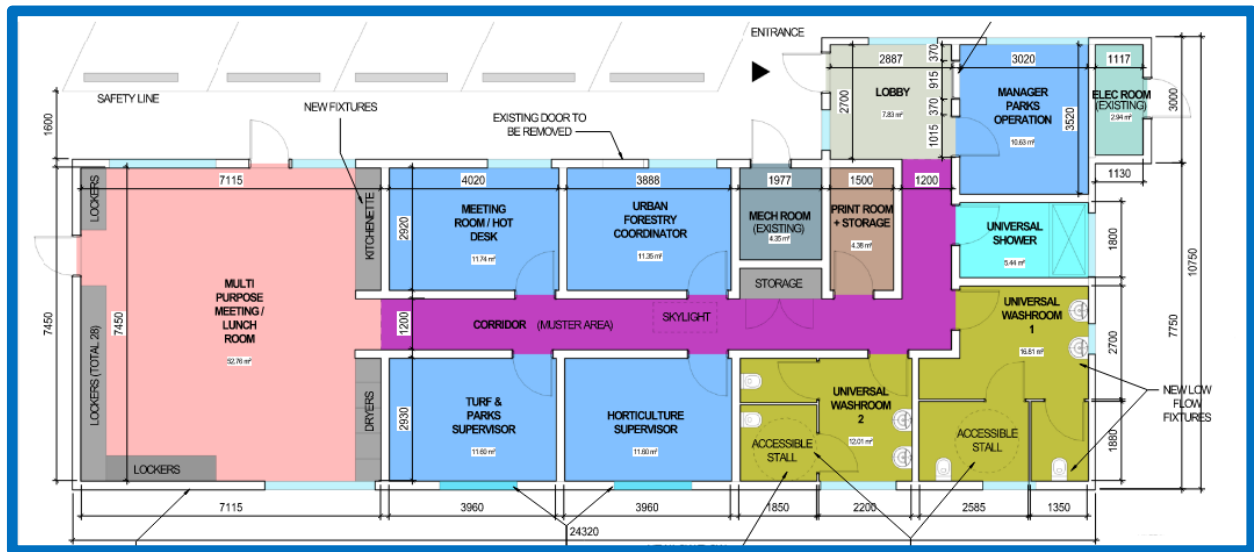


Image 28 Proposed Floor Plan of Parks Administration

5. Financial Analysis

Staff developed a construction cost estimate and Project Budget to implement the concept master plan for the Site.

5.1 Construction Cost Estimate (Refer to Appendix G – Construction Cost Estimate)

In accordance with the City's Project Management Framework, a cost consultant (BTY Group) worked as part of the Project Team to advise on strategies to minimize the capital construction cost of the Project and delivered a Construction Cost Estimate based on the approved Site Master Plan and Concept Design. A comprehensive review of the design and Construction Cost Estimate was undertaken with the Project Team prior to finalizing the Project Budget, discussed further in following Section 5.2 of the report.

The Construction Cost Estimate accounts for all of the following:

- Labour & Material Estimates
- Recent Market Pricing Data
- Project Schedule / Duration
- Location Specific Conditions
- Current Year Rates for Labour & Materials (based on historic analysis)
- Escalation Costs
- Permitting Costs

5.2 Baseline Cost Estimate and Project Budget

In addition to the Construction Cost Estimate developed by BTY, Staff estimated soft costs such as Professional Consulting Fees including Design, Project Management, Legal, Cost Consulting, as well as assigning allowances for Third-Party Costs (e.g. utilities), Furniture, Fixture and Equipment (FFE), Public Art, Insurance, and Move Costs. These costs were added to the Construction Cost Estimate and form the Baseline Cost Estimate.

The Baseline Cost Estimate for the Project is shown in Table 1, together with the stipulated contingency allowances in accordance with the City's Project Management Framework to arrive at the Project Budget. The scope, size and complexity of the proposed construction at 2020 Labieux gives its classification of a Special Project per the City's Project Management Framework which in turn requires the Project Budget carry a Risk-Based Contingency.

Sites	2020 Labieux	89 Prideaux Street	Fire Training Tower	1151 Nanaimo Lakes Road	Nanaimo Operations Center Project
Professional Fees (Soft Cost)	\$11,085,500	\$619,500	\$97,000	\$0	\$11,802,000
Construction (Hard Cost)	\$59,547,800	\$2,597,400	\$645,000	\$143,400	\$62,933,600
Off Site Works (Hard Cost)	\$1,000,000	\$0	\$0	\$0	\$1,000,000
Escalation (Hard Cost)	\$16,328,000	\$856,100	\$0	\$47,300	\$17,231,400
Permits	\$1,785,800	\$77,900	\$20,000	\$4,300	\$1,888,000
Third-Party Utilities	\$300,000	\$30,000	\$0	\$0	\$330,000
Furniture, Fixtures & Equipment	\$3,600,000	\$400,000	\$0	\$0	\$4,000,000
Public Art	\$225,000	\$30,000	\$0	\$0	\$255,000
Insurance	\$788,000	\$118,000	\$60,000	\$10,000	\$976,000
Move Costs	\$120,000	\$60,000	\$0	\$0	\$180,000
Baseline Cost Estimate	\$94,780,100	\$4,788,900	\$822,000	\$205,000	\$100,596,000
+ Flat Rate Contingency (~10%)	\$9,500,000	\$500,000	\$83,000	\$21,000	\$10,104,000
+ Risk-Based Contingency (~15%)	\$14,300,000	\$0	\$0	\$0	\$14,300,000
Project Budget	\$118,580,100	\$5,288,900	\$905,000	\$226,000	\$125,000,000

Table 1 Baseline Cost Estimate and Project Budget

All projects progress naturally through a series of stages. The Site Master Plan and Concept Design for Nanaimo Operations Center Project is in line with the stages within City's Project Management Framework. It is reasonable to expect that at this early stage of design the Project could cost up to 30% more or 20% less than the Project Budget value cited the Table 1 on the previous page. Figure 2 below is the degree of confidence chart from the City's Project Management Framework and the Nanaimo Operations Center, a Special Project, completed the Concept Design stage. As the Project is further developed, decisions may need to be taken to keep the Project on track in respect of the Project Budget.

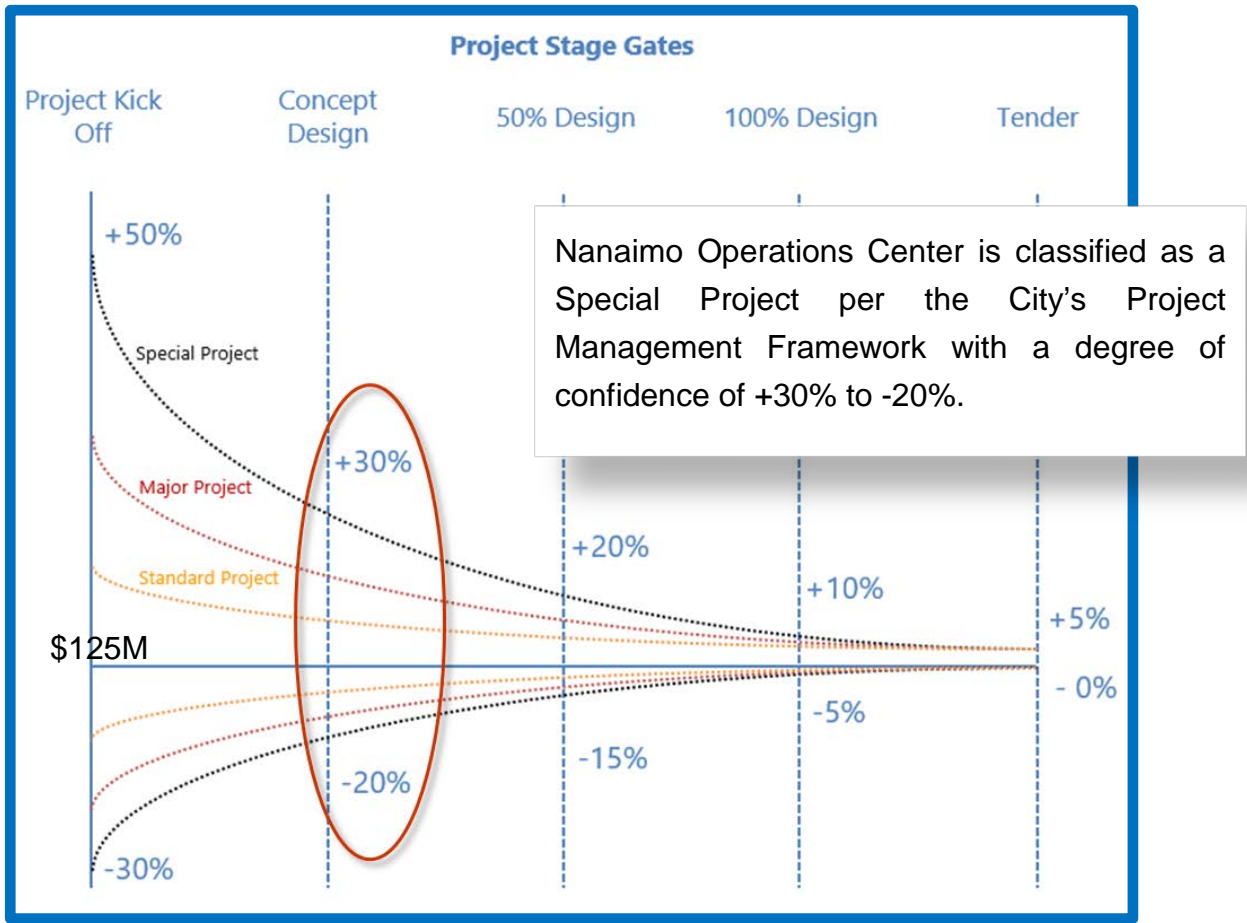


Fig. 2 Degree of Confidence Chart per City's Project Management Framework

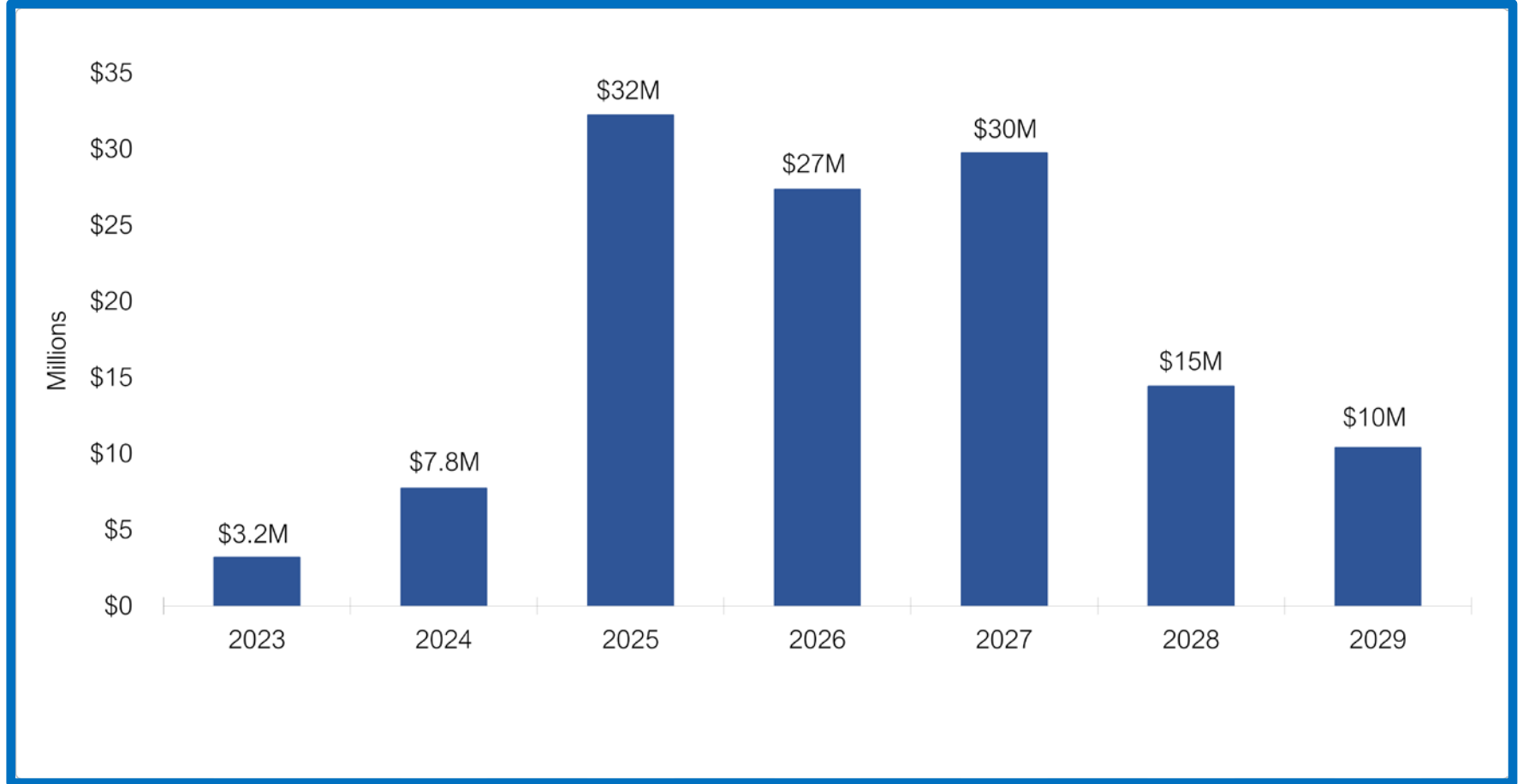


Fig. 3 Project Budget Cash Flow

5.3 Operational Implications

5.3.1 Maintenance & Renewal Costs

While the proposed facilities are larger in size than the facilities currently located at the Site, existing facilities (including facilities located at the Nanaimo Annex which will be demolished) represent a significant maintenance and renewal liability to the City and by undertaking the Project, the City will no longer need to fund this liability. Of course, should the Project proceed, the new facilities will need to be maintained in good order in line with the City's Asset Management Plan to prevent deterioration in future years.

5.3.2 Energy Cost Savings

The facilities currently located at the Site are highly inefficient in respect of heating and cooling costs. Should the Project proceed, the new facilities will meet modern standards of insulation with efficient energy systems incorporated, and should result in a notable reduction in heating and cooling costs per unit of area.

6. Project Implementation Plan

The City selected a Project Delivery Model and developed a Project Schedule for implementation of the Project.

6.1 Project Delivery Model

The Contract Strategy for a capital project is sometimes referred to as the Project Delivery Model and describes how the design and construction will be procured and delivered.

Project Delivery Models are grouped into categories which summarize the high-level risk allocation, and the most used categories include the following:

- Design-Bid-Build ("traditional")
- Design-Build
- Construction Management at Risk

The City's Project Management Framework requires that Special Projects such as this project undergo a Project Delivery Model Evaluation, which consists of a structured discussion in a workshop format, the outcome of which is a documented rationale for selecting one of the categories of Project Delivery Models listed above.

The Project Team undertook a Project Delivery Model Evaluation and determined that the option best suited to address the specific risks and constraints identified, and to meet the defined objectives of the Project was Design-Bid-Build, but that the construction work be procured as

two separate contracts due to the duration of time between the anticipated start of construction and the end (refer to Section 6.3).

6.2 Implementation Strategy

Kasian were tasked to develop a Site Master Plan that could be implemented in phases with minimum disruption to on-going operations. Through extensive engagement with operations and the Project Team, Kasian were able to achieve this objective and presented a Master Plan that can be readily executed in four separate phases.

Phase 1: Repurpose the temporary housing site area* for temporary staff and fleet equipment parking, build the Fleet Maintenance Building and Purpose-Built Storage Building, build supporting site infrastructure. Retrofitting the existing Fire Training Tower with natural gas burners will also be required in this phase.

*Note that temporary parking at the existing fire station lot could be an alternate option if the lease on the temporary housing site is extended beyond the anticipated commencement of the Project.



(Kasian Architecture, 2021)



Phase 2: Demolish existing fleet maintenance building, relocate storage and aggregates and complete site works for fleet equipment parking



(Kasian Architecture, 2021)



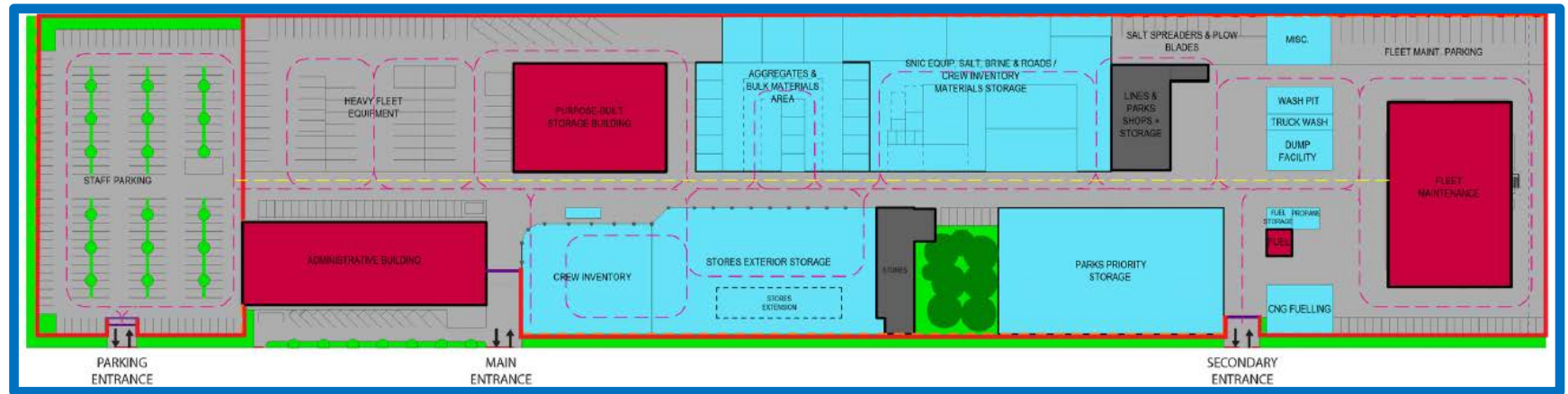
Phase 3: Construct the new Administration Building, demolish the existing administration building, establish the new site entrances, build out additional site infrastructure.



(Kasian Architecture, 2021)



Phase 4: Renovate existing Lines & Parks Shops and Stores Building, complete remaining site infrastructure works. Complete renovations at 89 Prideaux and demolition at Nanaimo Annex at 1151 Nanaimo Lakes Road.



(Kasian Architecture, 2021)



6.3 Implementation Schedule (Refer to Appendix H – Project Schedule)

Due to the extended duration of the Project (approximately 6 years), it is not considered commercially feasible to obtain a fixed price from contractors at the outset to cover the entire duration of construction. Because of this, but also due to the scale of the Project, the scope of construction has been packaged in to two separate contract stages – the first Stage consists of Phases 1 and 2, and the second Stage consists of Phases 3 and 4. Each Stage would be procured separately at the appropriate time.

To develop schedules and cash flow models, it was assumed the project could start in Q1 2023.

6.4 Project Risks (Refer to Appendix I – Risk Management Plan)

Projects of this size and complexity carry significant inherent risk and it is important to adopt a structured and documented approach to management of those risks. This involves a continual process of identifying risks, evaluating impact and likelihood, and planning implementing mitigation measures.

The Project Team engaged in a multi-disciplinary risk workshop to discuss events or conditions that may occur and could impact the Project negatively. A Risk Management Plan was developed recording actions to mitigate the likelihood and impact of each risk identified.

Highlighted below is a discussion of some of the key Project risks and planned mitigation measures.

- Escalation cost estimates are based on the assumption that the Project would commence in early 2023. A delay to the start date would increase escalation costs. BTY Group estimates that it would cost additional \$4M-\$5M each year the Project delayed. To mitigate unnecessary escalation cost, it is important that funding be in place for Q1 2023.
- The successful contractor(s) may not perform in accordance with the contract schedule. An experienced Project Manager must be in place to first establish realistic timelines and robust contract terms and conditions, then to manage the contracts, including holding the City accountable for retained risk.
- In addition to escalation, it is possible that tenders will not be received within budget. An experienced Project Manager should implement a market engagement exercise to raise the profile and interest in the Project and also to capture input from the contracting community
- Design must be managed to ensure that they remain practical, durable, and utilitarian, implementing value engineering as necessary.

- Pandemic risk has not been eliminated yet, and shortages of materials and labour could impact Project costs. Engagement with the market, combined with clear and appropriate contract risk allocation are essential mitigations.
- Utility work on and off-site could be extensive to keep this site operational during construction and to transfer to a fully operational site. An experience design team following a clear & well-researched site development plan is required.
- Early-stage environmental assessment indicates four locations that require some form of environmental remediation work. Further investigation will be necessary to firm up this scope and the associated risk.
- The Project is complex – it will be implemented in a number of phases, with potentially with more than one general contractor, various and overlapping design and permitting activities, and the involvement of a range of internal stakeholders. This will require strong leadership from the Project Steering Committee and Project Manager.
- If the lease on the land currently being used for temporary housing has not ended and the building not removed from the Site prior to the start of this Project in early 2023, the site development strategy will need to be revised.

Management of risk is an on-going process, and the Project Team is aware of their commitment to review and update the Project Risk Management Plan on a regular basis to reflect changing events and conditions.

Appendix A – Condition Assessments

See separate documents:

- 2012.04.12 – 2020 Labieux Garage and Vehicle Repair Shops
- 2012.04.13 – 2020 Labieux Vehicle Storage & Sign Shop
- 2012.04.13 – 2020 Labieux Purchasing & Stores
- 2018.01.19 – Vehicle Repair Shop (RJC)
- 2012.04.16 – Seismic Assessment 89 Prideaux Parks and Rec Workshop
- 2012.04.17 – Seismic Assessment 89 Prideaux Parks and Rec Admin
- 2012.14.17 – Seismic Assessment 89 Prideaux Parks and Rec Equipment Bays
- 2020.12.31 – CON Public Works Yard Condition Assessment

Appendix B – Operational Space Needs Assessment

See separate documents:

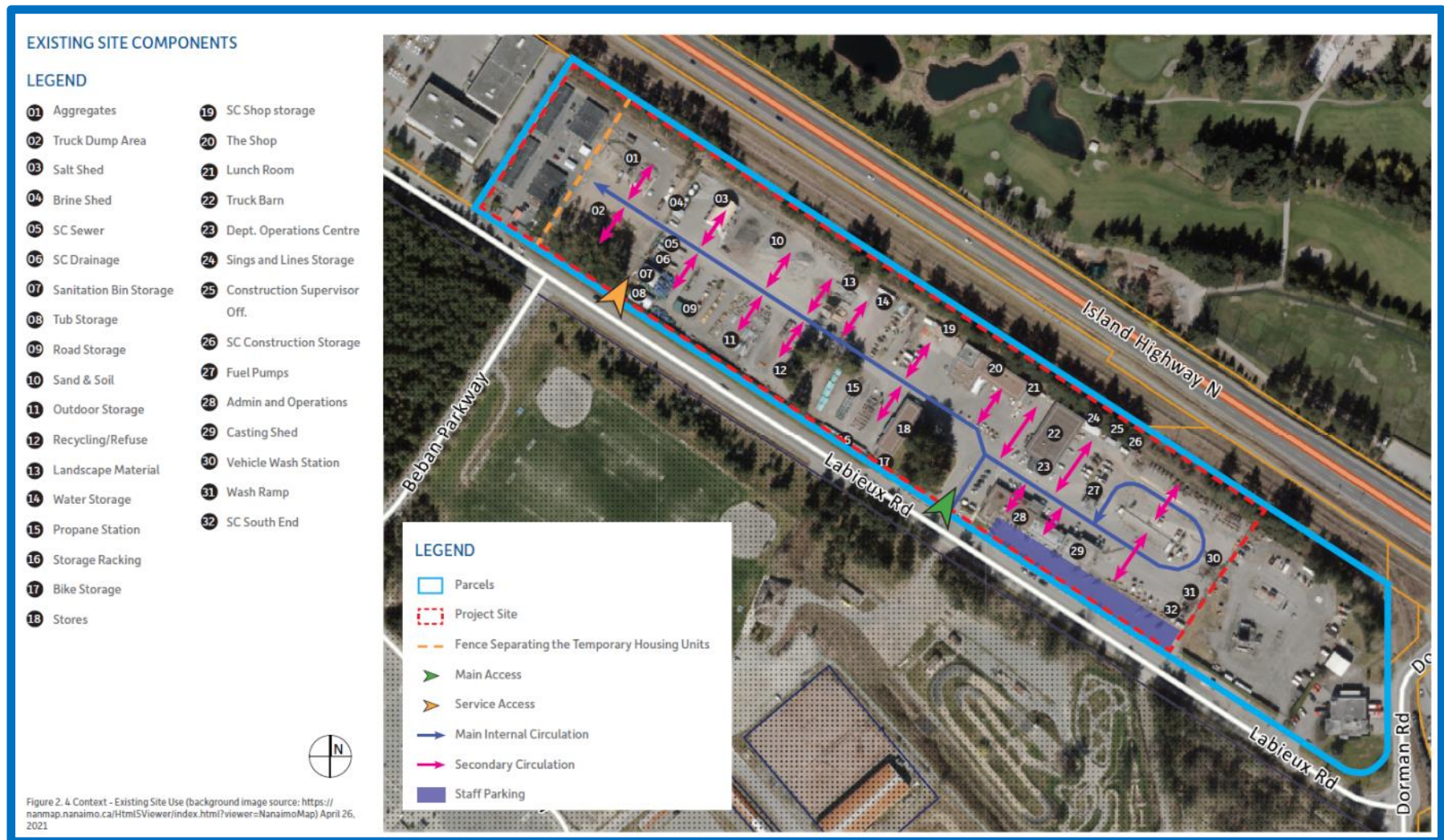
- 2019.07.11 – Operational Space Needs Review Redevelopment Options
- 2020.02.04 – Operational Space Needs Review Phased Redevelopment Options

Appendix C – Current Site Plan



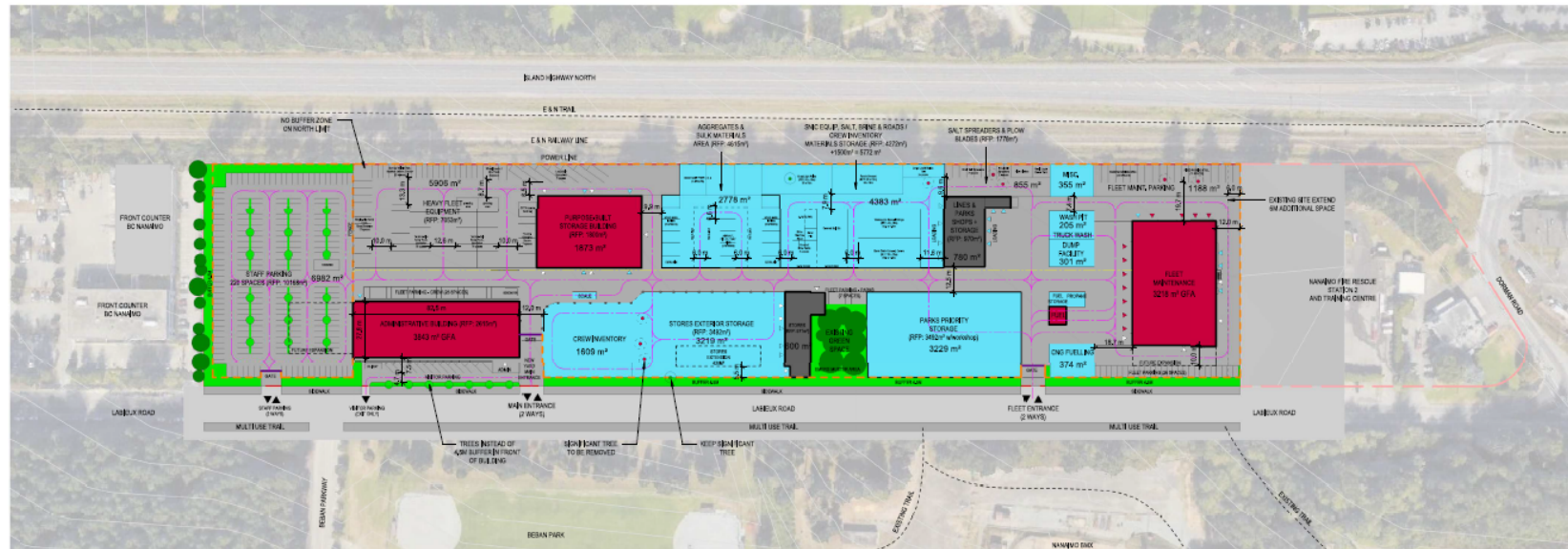
(Google Maps, 2021)

Appendix D – Existing Site Uses



(Kasian Architecture, 2021)

Appendix E – Site Master Plan



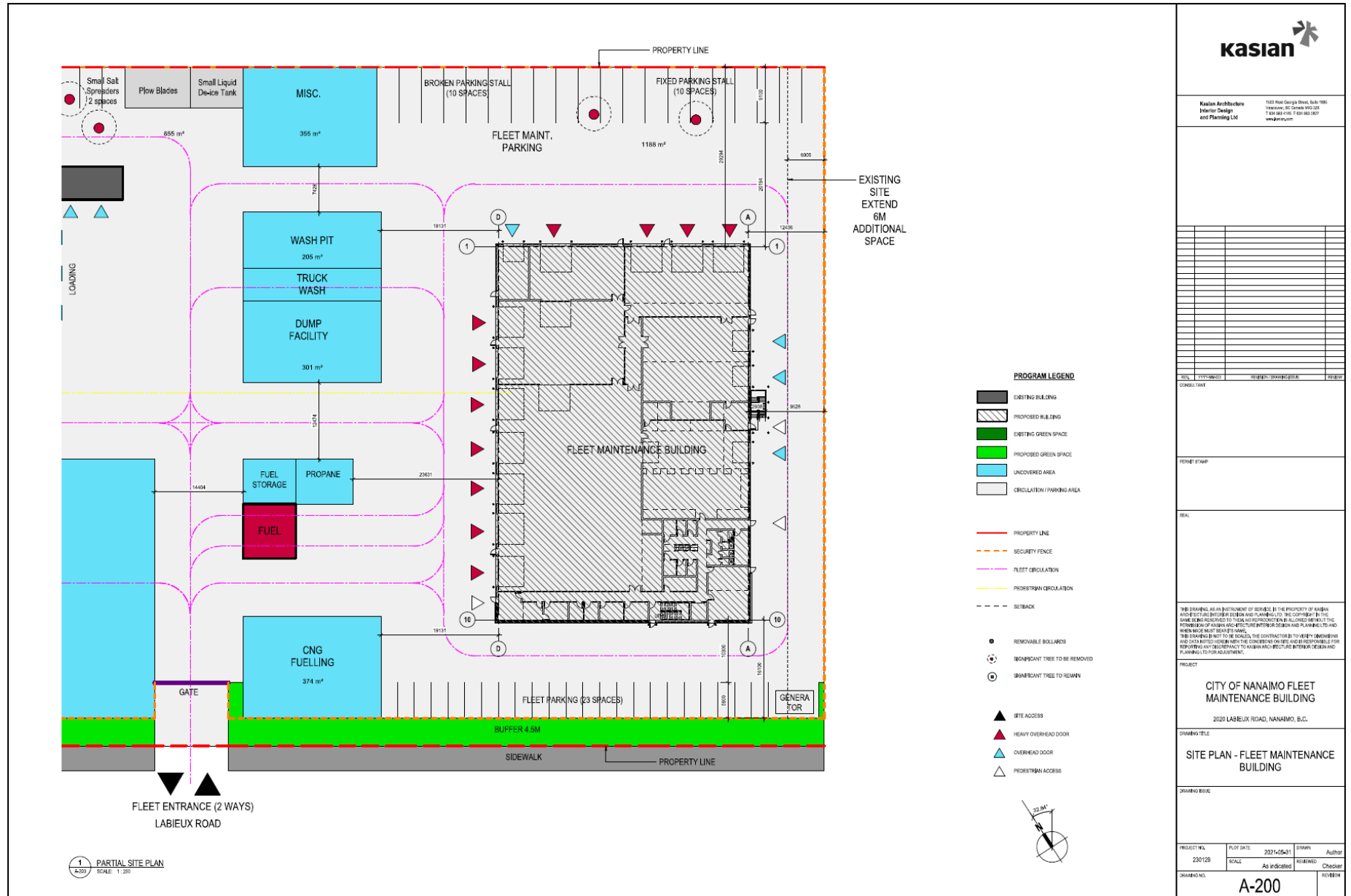
1 SITE PLAN
SCALE: 1:100

PROGRAM LEGEND

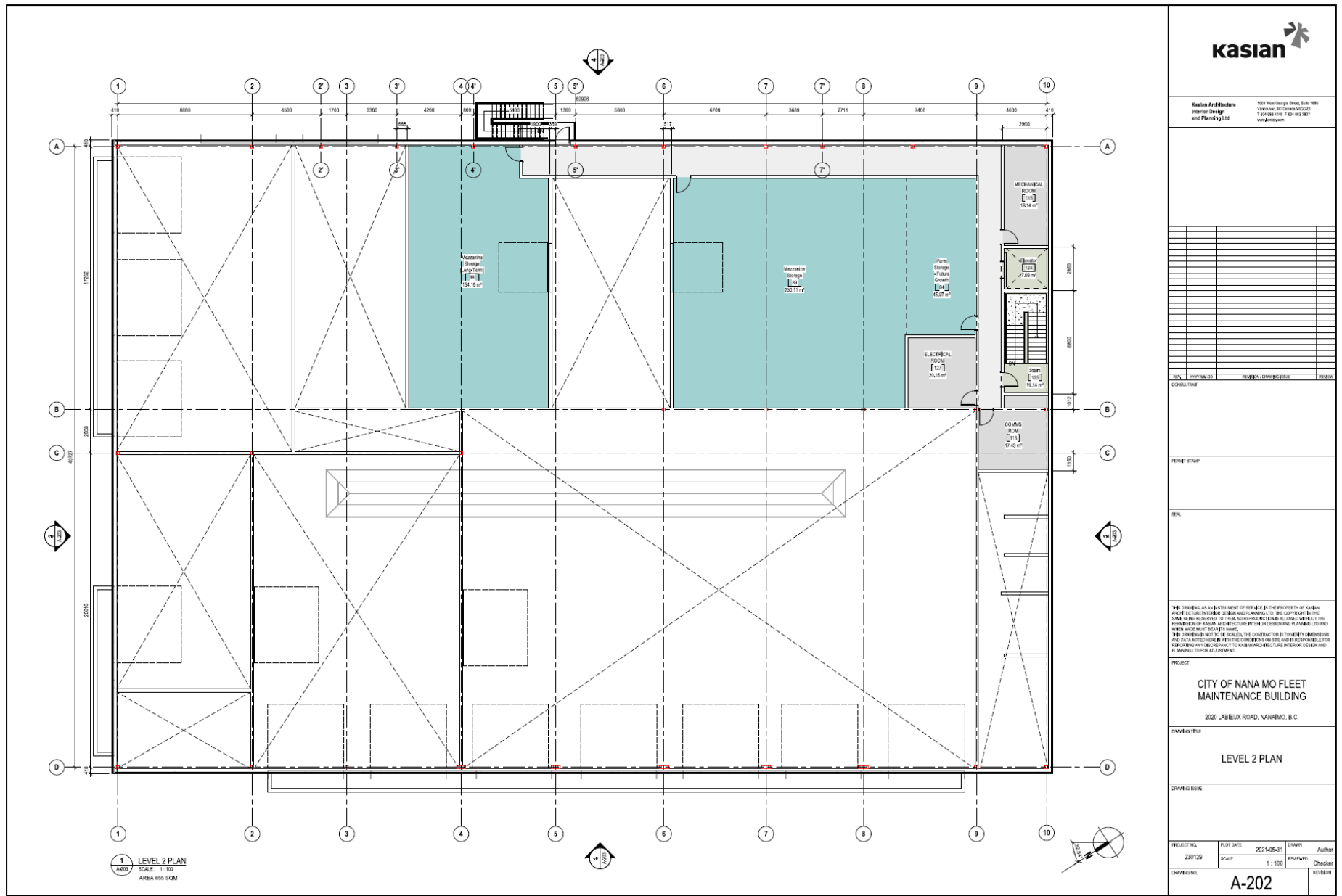
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	PROPOSED BUILDING		SECURITY FENCE		SIGNIFICANT TREE TO BE REMOVED		HEAVY OVERHEAD DOOR
	EXISTING GREEN SPACE		FLEET CIRCULATION		SIGNIFICANT TREE TO REMAIN		OVERHEAD DOOR
	PROPOSED GREEN SPACE		PEDESTRIAN CIRCULATION				PEDESTRIAN ACCESS
	UNCOVERED AREA		SETBACK				
	PARKING AREA						

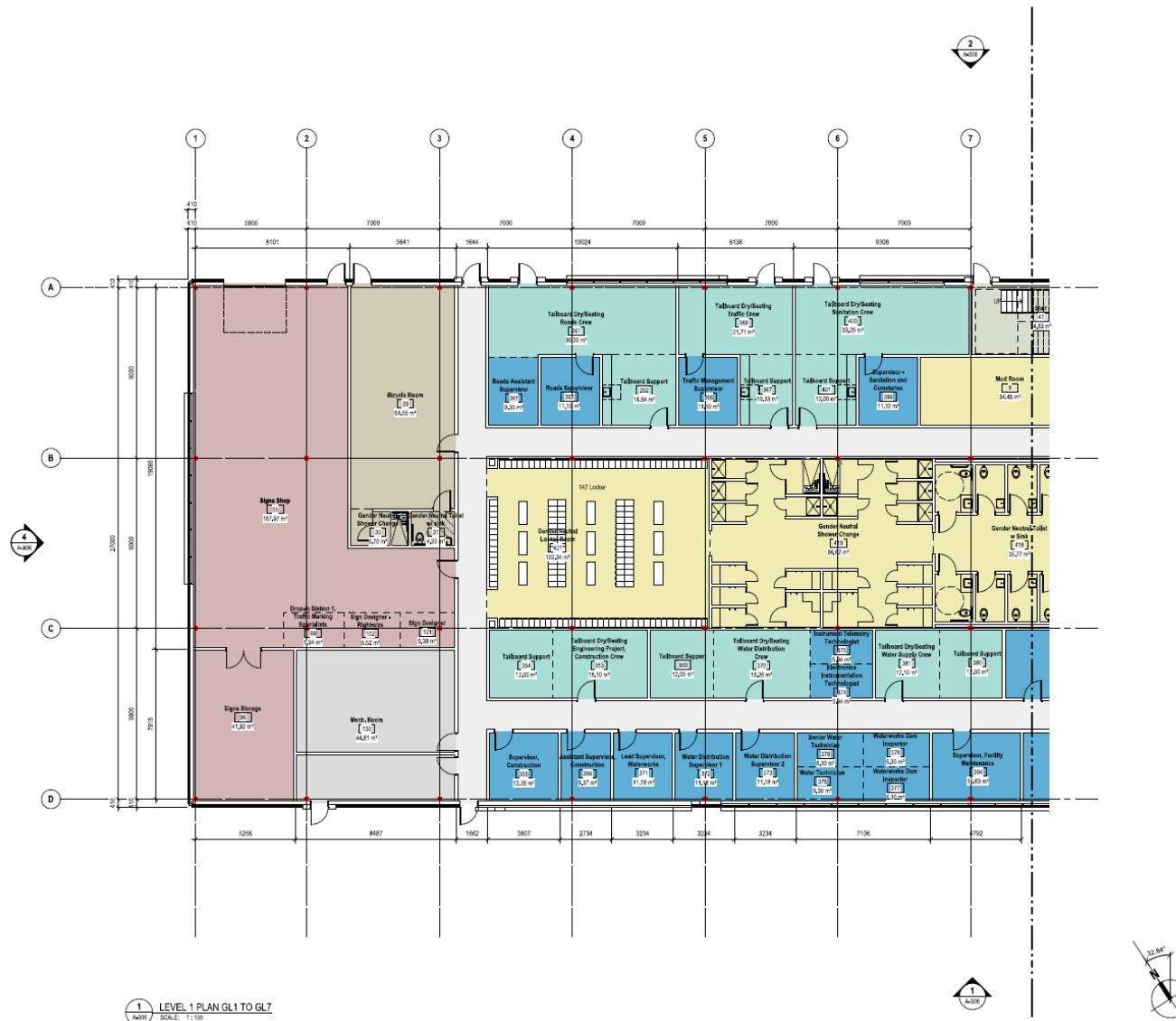


Appendix F – Concept Design









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www.kasian.ca

REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2021-04-15
2	ISSUED FOR CONSTRUCTION	2021-04-15

CONSULTANT

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PROJECT

CITY OF NANAIMO ADMINISTRATION BUILDING

2020 LARABELL ROAD, NANAIMO, B.C.

DRAWING TITLE

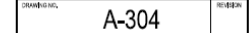
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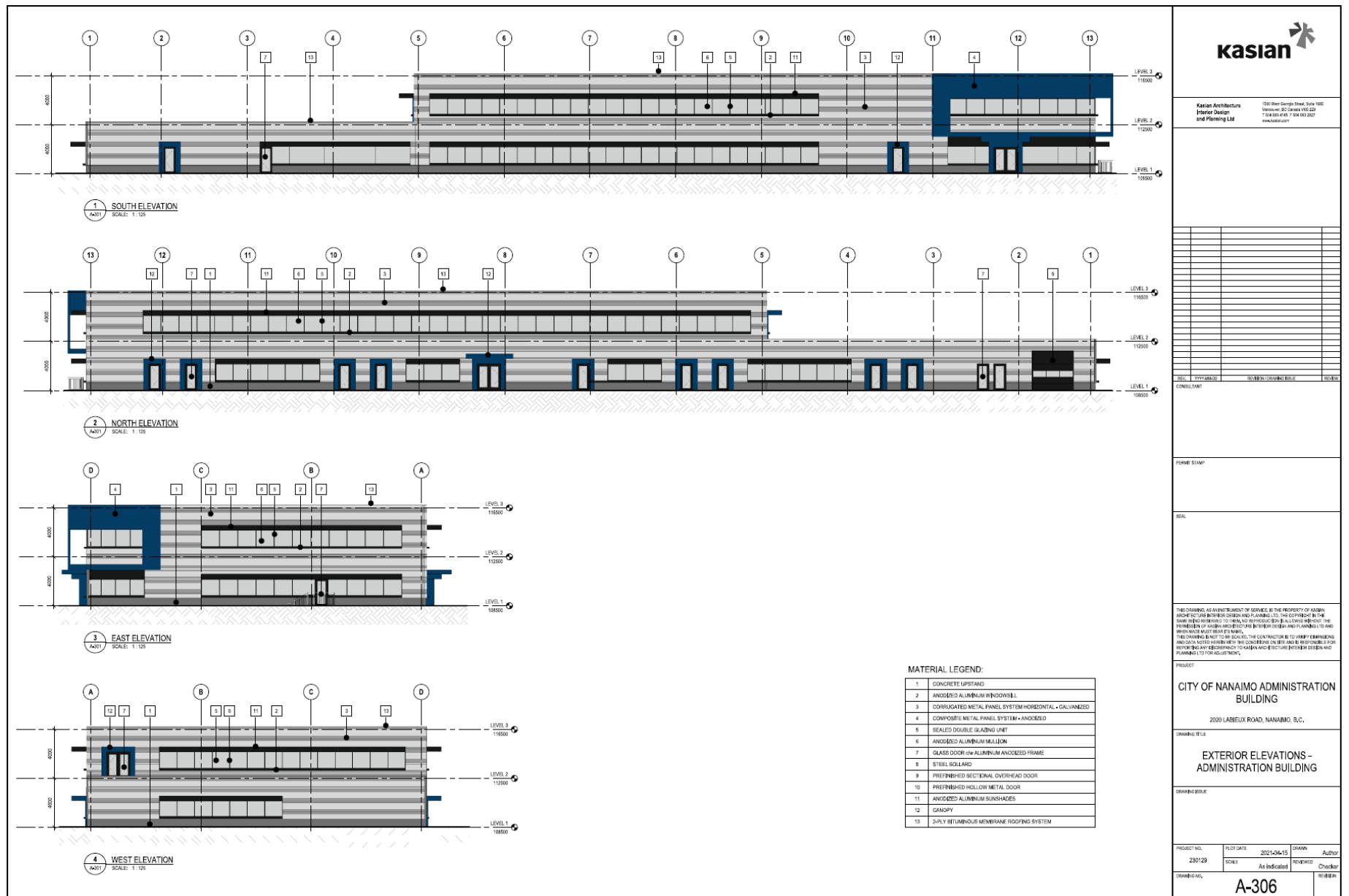
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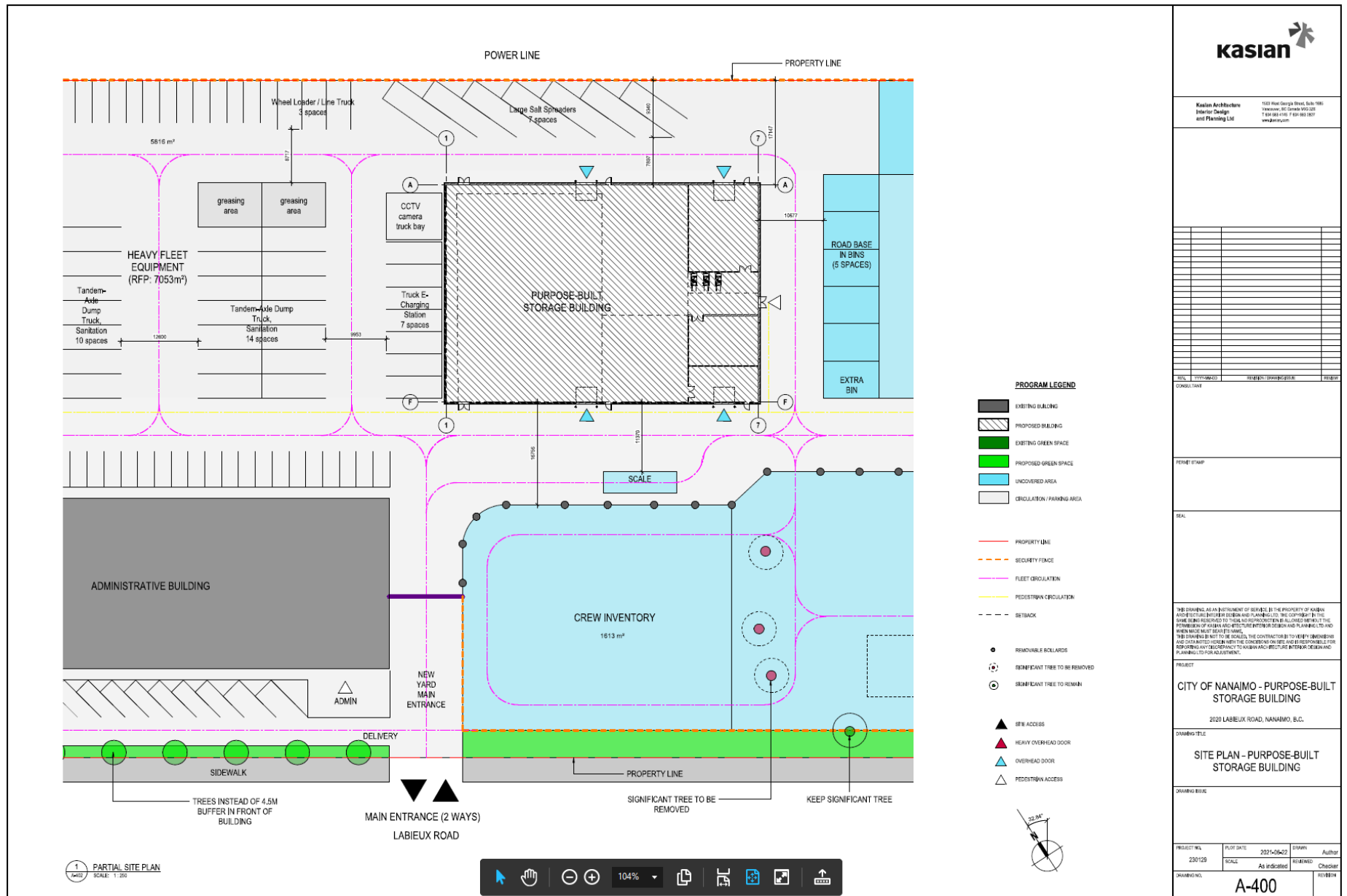
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DRAWING NO.				REVISION

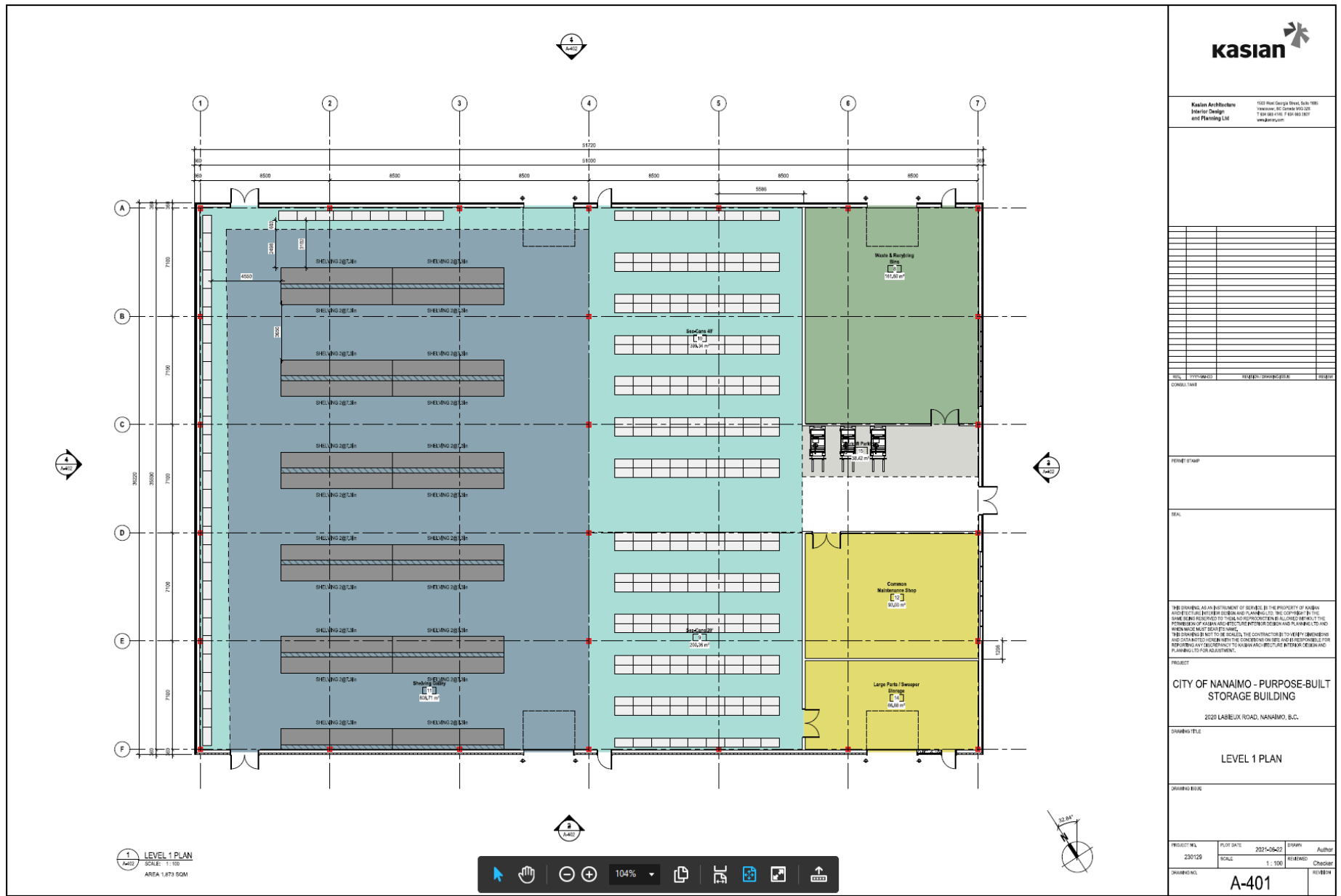
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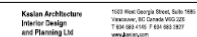












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REV	YYYY-MM-DD	Revisão / Descrição	REV
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PROJECT	
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CITY OF NANAIMO - PURPOSE-BUILT
STORAGE BUILDING

2020 LABIEUX ROAD, NANAIMO, B.C.

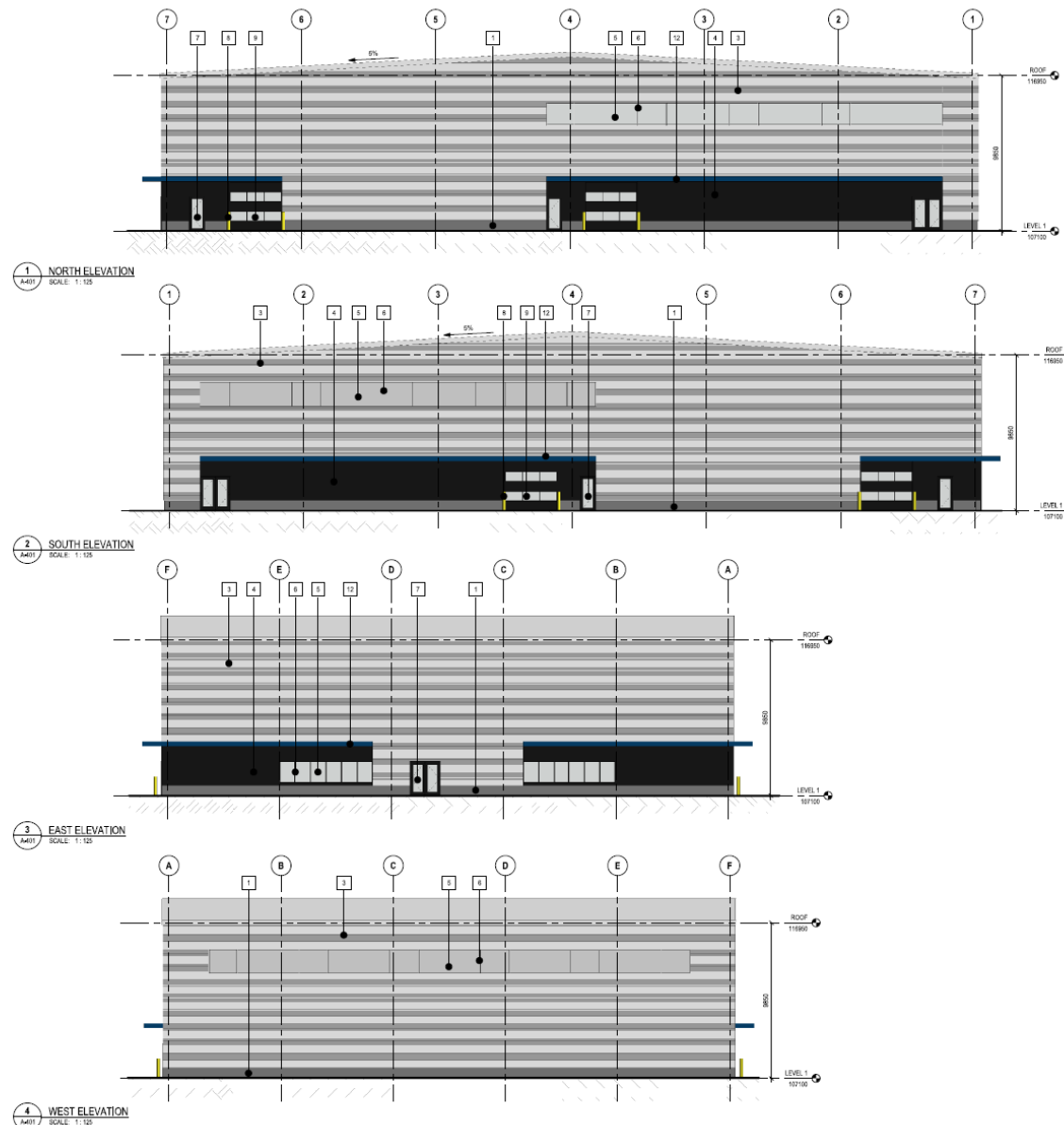
DRAWING TITLE

EXTERIOR ELEVATIONS

DRAWING ISSUE

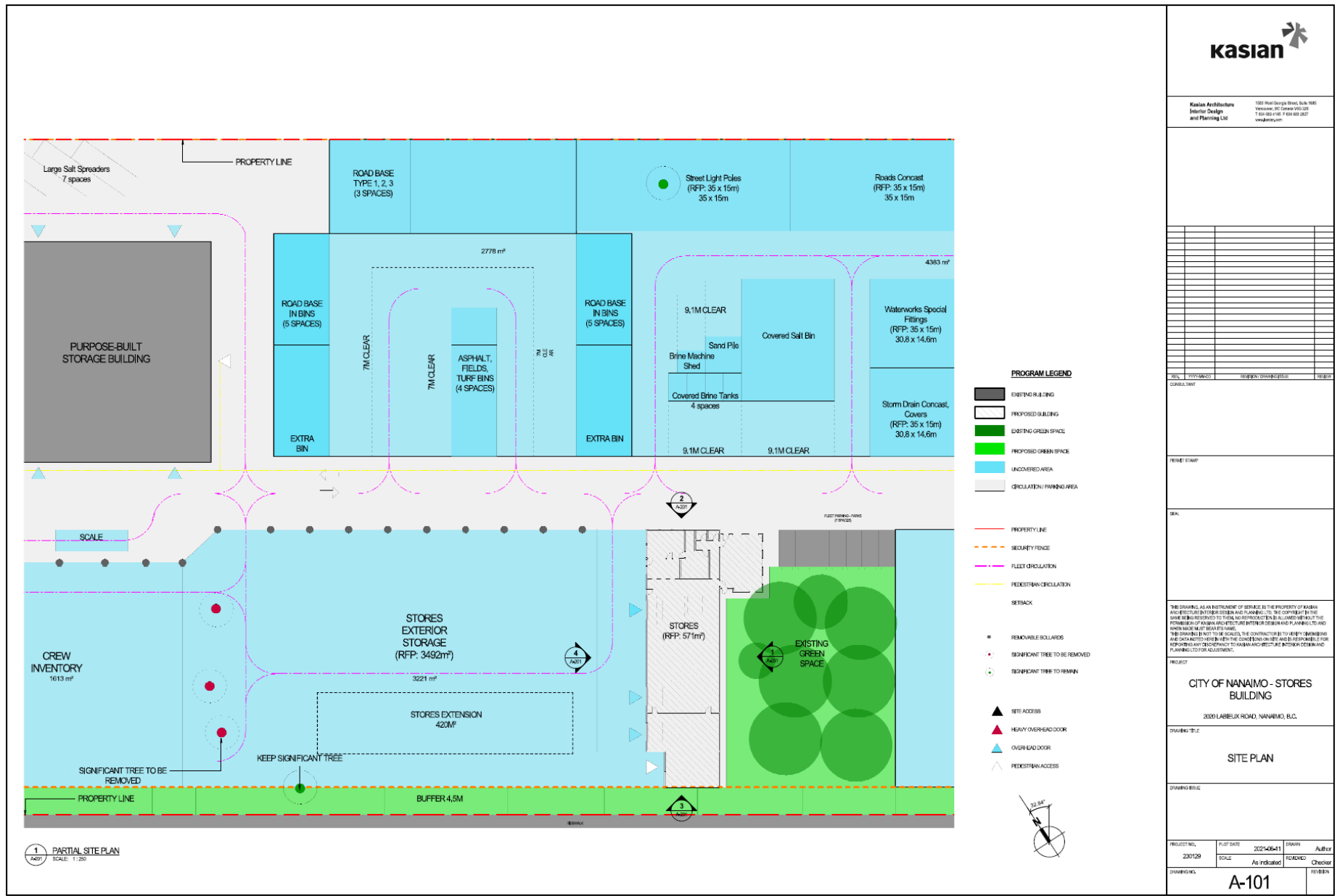
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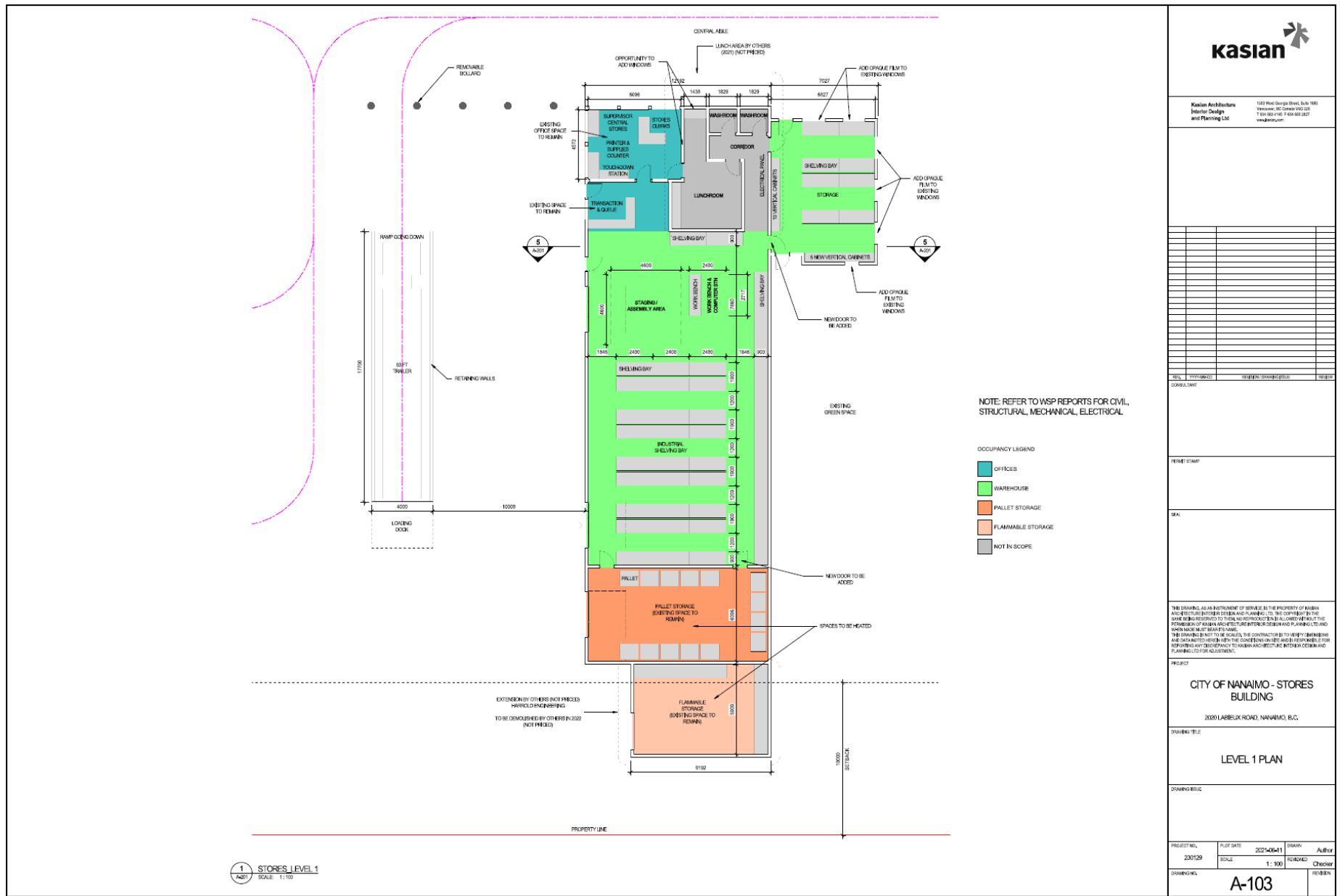
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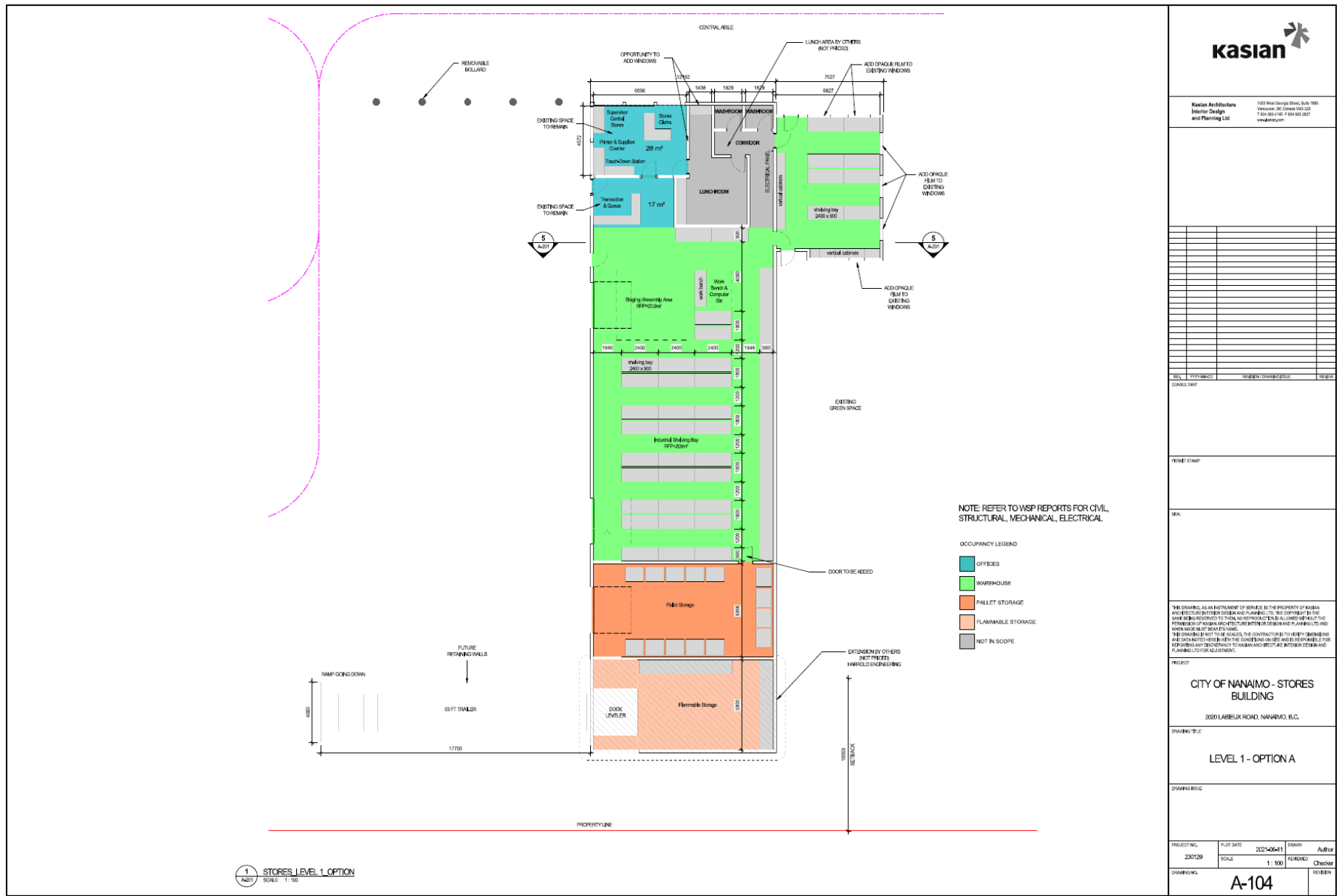


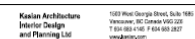
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2	ANODIZED ALUMINUM WINDOW/VELL
3	CORRUGATED METAL PANEL SYSTEM HORIZONTAL • GALVAN
4	COMPOSITE METAL PANEL SYSTEM • ANODIZED
5	SEALED DOUBLE GLAZING UNIT
6	ANODIZED ALUMINUM MULLION
7	GLASS DOOR c/w ALUMINUM ANODIZED FRAME
8	STEEL ROLL-UP
9	PREFINISHED SECTIONAL OVERHEAD DOOR
10	PREFINISHED HOLLOW METAL DOOR
11	ANODIZED ALUMINUM SUNSHADES
12	CANOPY
13	FLY-BITUMENOUS MEMBRANE ROOFING SYSTEM









**Kasian Architecture
Interior Design
and Planning Ltd**



1 MV EAST
A-101 SCALE: 1:100



2 MV NORTH
A-101 SCALE: 1:100



3 MV SOUTH
A-101 SCALE: 1:100



4 MV WEST
A-101 SCALE: 1:100



5 SECTION
A-103 SCALE: 1:100

NOTE: REFER TO WSP REPORTS FOR CIVIL,
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DISCUSSION

CITY OF NANAIMO - STORES
BUILDING

2000 LABIEUX ROAD, NANAIMO, B.C.

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DRAWING TITLE

EXTERIOR ELEVATIONS

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2011 年 10 月 10 日 星期日

PROJECT NO.	PLOT DATE	DRAWN
	2021-06-11	Auth

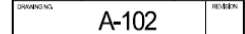
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A-201



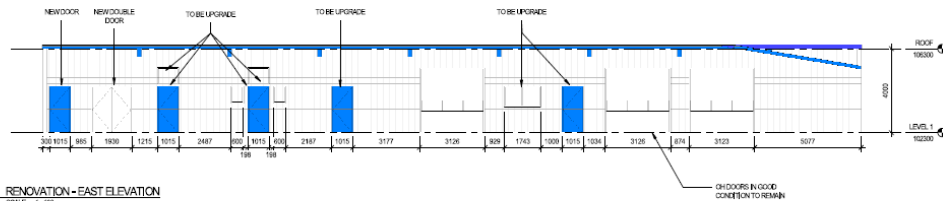
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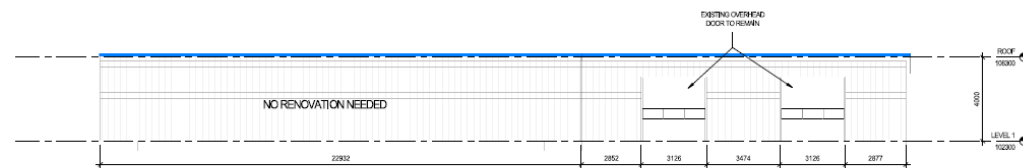
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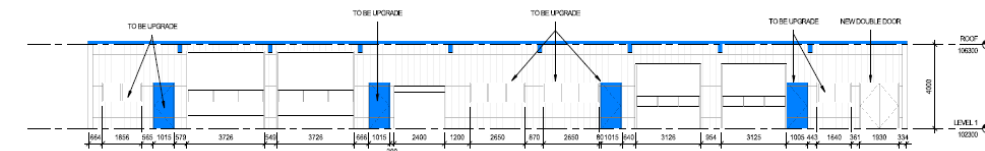
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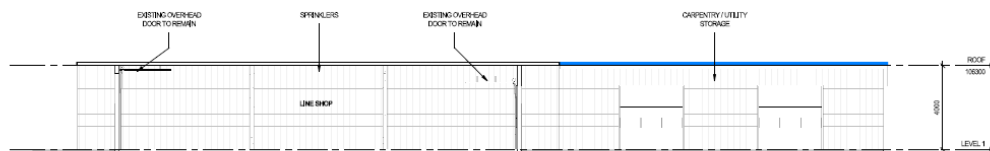
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SCALE: 1:100



2 RENOVATION - WEST ELEVATION
SCALE: 1:100



5 SECTION
SCALE: 1:100



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PROJECT

**CITY OF NANAIMO - LINES & PARK -
SHOP & STORAGE BUILDING**

2000 LABELUX ROAD, NANAIMO, B.C.

DRAWING TITLE

EXTERIOR ELEVATIONS - PROPOSED

DRAWING SCALE

PROJECT NO.	230729	PLUT DATE	2023-06-11	DRAWN	Author
SCALE	1:100	REVIEWED	Checker	REBORN	

A-106

APPENDIX B / Architectural Drawing Set







- EXISTING WALL TO REMAIN
 EXISTING WINDOWS TO REMAIN
- EXISTING WALL TO BE DEMOLISHED
 EXISTING WINDOWS TO BE UPGRADED

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PROJECT

PARKS OPERATIONS YARD • 89 PRIDEAUX ST., NANAIMO, B.C.

DRAWING TITLE

ADMINISTRATION BUILDING - DEM
PLAN

DRAWING ISSUE

PROJECT NO.	PLOT DATE	DRAWN
230129	2021-06-09	As
	SCALE	REVIEWED
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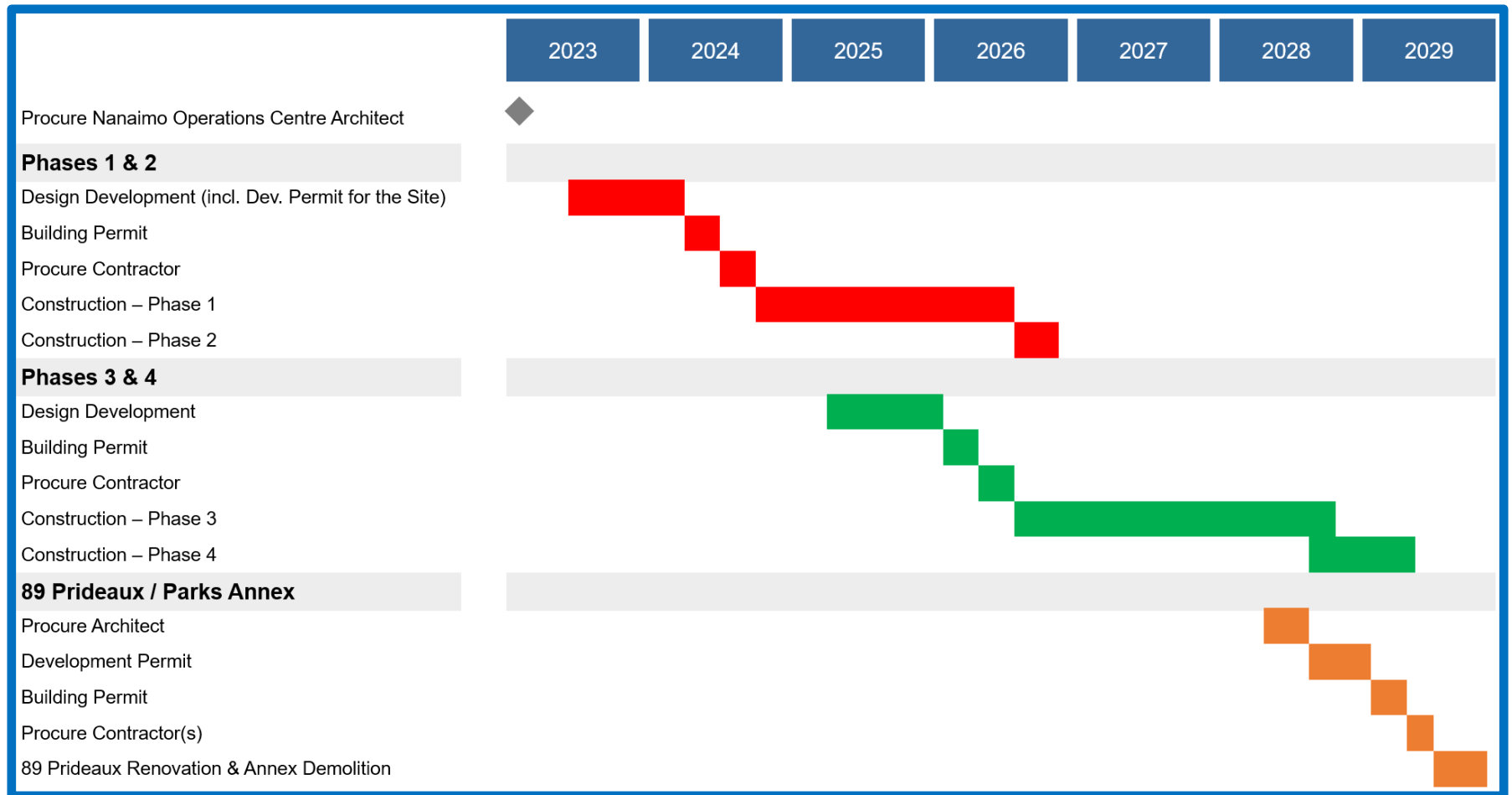
Appendix G – Construction Cost Estimate

	Phase 1	Phase 2	Phase 3	Phase 4	Total
A. LAND COST (Excluded)	\$0	\$0	\$0	\$0	\$0
A1 Land	0	0	0	0	0
A2 Legal Fees	0	0	0	0	0
B. CONSTRUCTION	\$28,737,250	\$4,594,750	\$20,755,050	\$8,846,550	\$62,933,600
B1 Labieux Works Yard	28,092,250	4,594,750	20,755,050	6,105,750	59,547,800
B2 89/91 Prideaux	0	0	0	2,597,400	2,597,400
B3 Nanaimo Parks Annex	0	0	0	143,400	143,400
B4 Fire Training Tower	645,000	0	0	0	645,000
C. INFRASTRUCTURE / OFF SITE WORKS	\$500,000	\$0	\$250,000	\$250,000	\$1,000,000
C1 Roadwork and utilities outside the property lines - Cash Allowance	500,000		250,000	250,000	1,000,000
D. PROFESSIONAL FEES (Excluded)	\$0	\$0	\$0	\$0	\$0
D1 Programming					0
D2 Architectural					0
D3 Structural					0
D4 Mechanical					0
D5 Electrical					0
D6 Quantity Surveying					0
D7 Acoustic					0
D8 Equipment Consultant					0
D9 Code Consultant					0
D10 Other Consultants and Disbursements					0
E. CONNECTION FEES & PERMITS	\$862,100	\$137,800	\$622,700	\$265,400	\$1,888,000
E1 Rezoning Cost (Excluded)	0	0			0
E2 DCC & Building Permits	862,100	137,800	622,700	265,400	1,888,000
F. MANAGEMENT & OVERHEAD (Excluded)	\$0	\$0	\$0	\$0	\$0
F1 Project Management Fee					0
F2 Owners Planning and Administrative Cost					0
F3 Project Insurance					0
F4 Project Commissioning, Move-In					0
G. FURNISHINGS, FITTINGS & EQUIPMENT (Excluded)	\$0	\$0	\$0	\$0	\$0
H. FINANCING COSTS (Excluded)	\$0	\$0	\$0	\$0	\$0
I. GOODS & SERVICES TAX (Excluded)	\$0	\$0	\$0	\$0	\$0
J. Contingency Excluded	\$0	\$0	\$0	\$0	\$0
SUB-TOTAL PROJECT COST	\$30,099,350	\$4,732,550	\$21,627,750	\$9,361,950	\$65,821,600
K. ESCALATION	\$0	\$7,314,700	\$0	\$9,916,700	\$17,231,400
TOTAL PROJECT COST (2021 Dollars)	\$30,099,350	\$12,047,250	\$21,627,750	\$19,278,650	\$83,053,000

(BTY Group, 2021)

In BTY's Construction Cost Estimate document, 2020 Labieux site is referred to as Labieux Works Yard, 89 Prideaux Street site is referred to 89/91 Prideaux Street, Nanaimo Annex is referred to as Nanaimo Parks Annex.

Appendix H – Project Schedule



Appendix I – Risk Management Plan

Risk Management Plan

Project Name	Nanaimo Operations Center
CPMS #	Pending
Project Class	Special
Project Manager (PM)	Pending
Document Revision #, Revision Date	Draft for Discussion June 2021



Risk ID	Project Phase	Category	Risk	Pre-Mitigation			Mitigation / Response	By (Owner)	Post-Mitigation		
				Likelihood	Severity	Rating			Likelihood	Severity	Rating
1	Design & Planning	Cost	Unforeseen Ground Conditions	3	4	12	Schedule geotechnical assessments during Design Development (DD) phase. Early coordination between structural and geotechnical consultants.	PM	1	4	4
2	Design & Planning	Cost	Unforeseen scope of remediation work at APECs identified within ESA Ph 1 investigation	4	4	16	Schedule ESA Ph 2 and additional investigations during DD phase	PM	3	3	9
3	Design & Planning	Cost	Risk of under estimates within the allocated Project Budget.	3	4	12	Engage Quantity Surveyor to provide cost advice and to price design as it develops.	PM	2	3	6
4	Design & Construction	Costs	Costs increase after approval for funding. Market uncertainty risks, escalation.	3	4	12	Reassess cost and scope periodically (class estimates). Careful estimation of contingency to address this risk. Request approval for this project in conjunction with RCMP project to spread the risk. Consult with QS on market conditions prior to business case, and again prior to tendering.	PM	2	3	6
5	Design & Planning	Cost	Risk of increase in cost for temporary facilities and moves.	2	4	8	Early coordination of construction phasing to reduce cost of temporary activities.	PM	2	2	4
6	Design & Planning, Construction	Operation Continuity / Stakeholder Management	Disruption or delay due to poor move planning	2	4	8	Appointment of staff member / committee to manage transitions	City	1	2	2
7	Design & Planning, Construction	Operation Continuity	Site support infrastructure design errors is a risk to on-going operations of yard during construction	3	4	12	Engage experienced Prime Consultant; develop design (temporary & permanent) in alignment with phases; experienced PM to oversee the DD	City	2	3	6
8	Design & Planning, Construction	Operational Continuity	Construction phases poorly planned, impacts to yard operations.	3	4	12	Work closely with various yard stakeholders to develop a well-defined construction phasing strategy to ensure minimal disruption. Engage user group to ensure requirements are met. Develop yard committee and hold monthly or as required meetings.	PM	2	3	6
9	Design & Planning	Scope	The requirements gathering and design validation process is not robust.	3	3	9	Engage experienced Prime Consultant; establish a user group and capture and document their input as DD progresses	PM	1	2	2
10	Design & Planning	Scope	Certain scope items like EV stations, fueling options (slow & fast fill), CNG requirements are missed	2	4	8	Engage experienced Prime Consultant; re-validate concept phase program with user group and capture and document their input as DD progresses. Ensure flexibility in design for potential future change in programming.	PM	1	2	2
11	Design & Planning	Scope	Development in BC Hydro and E&N rail right of way is not acceptable. Unforeseen scope requirements from BC Hydro and E&N rail, e.g. safety barriers constructed on site to reduce the risks to both people and properties on the site as the result of derailment.	3	4	12	Early engagement with BC Hydro and E&N rail soliciting their preliminary review of design. Early submission of ROW application for approval	PM	3	3	9

Risk Management Plan

Project Name	Nanaimo Operations Center
CPMS #	Pending
Project Class	Special
Project Manager (PM)	Pending
Document Revision #, Revision Date	Draft for Discussion June 2021



Risk ID	Project Phase	Category	Risk	Pre-Mitigation			Mitigation / Response	By (Owner)	Post-Mitigation		
				Likelihood	Severity	Rating			Likelihood	Severity	Rating
12	Design & Planning	Scope	Provincial temporary housing lease extended beyond start of construction date	4	4	16	Confirmation from City's real estate group on lease timelines. Early engagement with neighbouring business for temporary parking (e.g. BMX facility). Consider other temporary options in the phasing for each year construction progresses. Early engagement with fire department for use of land for temporary parking.	City	3	4	12
13	Design & Planning	Scope	The Fire Station 2 land is not available for development	2	4	8	Early engagement with fire department on development plans. Support Fire Station 2 with operational changes.	PM	1	2	2
14	Design & Planning	Human Resources	Project leadership team resourcing and availability is limited. Consistency is lacking throughout duration of the project.	2	4	8	Establish Steering Committee. Consideration of capacity when assigning internal resources. Consideration of external resources.	City	1	2	2
15	Design & Planning	Stakeholders	Shortage of qualified resources and conflicting priorities may result in underperformance by the design consultant resulting in errors and omissions and uncoordinated drawings submission. Impacting project cost and schedule.	4	4	16	Engage qualified Project Manager and support team. Appropriate vetting of design consultant. Evaluate consultant at stage gate before detailed design.	City	2	3	6
16	Design & Planning	Human Resources	City resources are constrained. As a result city resources may not be full engaged with the project. This may impact project schedule.	4	4	16	Engage qualified Project Manager and support team.	City	1	2	2
17	Design & Planning	Scope	Inefficient building electrical and mechanical systems, space allocations and uses	3	3	9	Engage user groups in development of the design and specifications; define sustainability and post disaster requirements; appoint independent commissioning agent; value engineering as required.	PM	2	2	4
18	Design & Planning	Scope	Undersized storage building, exterior storage and material areas, and parking spaces	3	3	9	Engage an experienced Prime Consultant. Engage qualified PM and support team. Engage user groups in development of the design and specifications.	City / PM	2	2	4
19	Design & Planning	Scope	Land use regulations and design guidelines not addressed	3	3	9	Engage Planning Department early on in the process	PM	2	2	4
20	Design & Planning	Cost	Unforeseen off-site public work requirements	3	4	12	Engage Planning Department and Development Services early on in the process	PM	2	2	4
21	Design & Planning	Schedule	Late receipt of required building permits delays the project	3	4	12	Early understanding of permitting requirements and timelines. Account for timeline in project schedule. Engage qualified Project Manager and support team.	City	3	3	9
22	Construction	Cost	Tenders are unaffordable, or no bids received	4	4	16	Appoint qualified PM and support team. Engage qualified and experienced cost consultant. Market information session. Ensure appropriate risk allocation in contract. Look at contingency plan from other funding sources. Consideration to project delivery in risk allocation - host project delivery workshop.	PM	3	4	12

Risk Management Plan

Project Name	Nanaimo Operations Center
CPMS #	Pending
Project Class	Special
Project Manager (PM)	Pending
Document Revision #, Revision Date	Draft for Discussion June 2021



Risk ID	Project Phase	Category	Risk	Pre-Mitigation			Mitigation / Response	By (Owner)	Post-Mitigation		
				Likelihood	Severity	Rating			Likelihood	Severity	Rating
23	Design & Planning, Construction	Operational Continuity	Risk of downtime of public works business continuity (one example is public work as secondary EOC and primary DOC).	3	4	12	Engage user groups early in design development and phasing strategy; work closely with IT; develop a detailed plan to ensure operations are maintained; consult with user groups as required.	PM	2	3	6
24	Design & Planning, Construction	Operational Readiness	Post construction documentation is not delivered (e.g. OM manuals; as-built drawings) or handover process from construction to owner is unclear	2	4	8	Engage qualified Project Manager and support team.	City	1	2	2
25	Construction	Operational Readiness	Commissioning Issues (delays, impact on operations)	2	3	6	Appoint Independent Commissioning Agent	PM	1	2	2
26	Design & Planning, Construction	Stakeholders	Unnecessary construction impact on surrounding neighbours and community in general	2	3	6	Strong comms plan, social media, senior leadership, mayor and council	City	2	2	4
27	Design & Planning, Construction	Stakeholders	Unnecessary disruption of traffic on adjacent roads	2	3	6	Consult with traffic and public works for strategies and involvement	City	2	2	4
28	Design & Planning	Cost	Consultant fees exceed their budget allocations	4	4	16	Restructure the Project Budget based on most recent and accurate information and maintain an up to date cost forecast	PM	2	4	8
29	Design & Planning, Construction	Schedule	Uncharted utilities	4	4	16	Engage with City SMEs to obtain full and complete records	PM	2	4	8
30	Design & Planning, Construction	Schedule	City delays submittal reviews	3	4	12	Establish Steering Committee to ensure to track and ensure timely approvals and decisions	PM	1	4	4
31	Design & Planning	Schedule	Appointment of consultants and contractors may be delayed by approval	3	4	12	Establish Steering Committee to ensure to ensure timely approvals and decisions	PM	1	4	4
32	Construction	Schedule	The demolition or construction contractor may not perform in accordance with the contract schedule	4	4	16	Appoint qualified PM and support team. Ensure we establish realistic schedule.	City	2	4	8
33	Design & Planning	Scope	The City changes the scope of the project	4	4	16	Early engagement of user groups for scope definition. Establish Steering Committee to enforce scope discipline; any changes to the scope of the project to be approved by the Steering Committee and through revision to the project charter	City	2	4	8
34	Design & Planning	Scope	Prime Consultant fails to capture complete and accurate user requirements. User group fatigue from engagement process re-occurrence.	4	4	16	Engage a qualified, experienced Prime Consultant with positive references; Bi-weekly project meetings chaired by the prime consultant; Engage with user groups.	PM	3	3	9
35	Design & Planning, Construction	Stakeholders	Budget request is denied by Council effectively cancelling the project. Change in council could impact project support.	2	4	8	Ensure Council is kept apprised of project progress to ensure continuous support.	City	1	4	4
36	Construction	Schedule	Labour disruption	2	4	8	Ensure appropriate contract language to cover labour disruptions.	PM	2	2	4
37	Construction	Safety	Death on the worksite	2	4	8	Select qualified GC to act as prime contractor. Ensure GC has good standing with WorksafeBC. Ensure GC has safety program. Ensure that the City notifies of all known hazards on the site.	City	1	4	4
38	Construction	Environmental	Natural Disaster	2	4	8	Ensure appropriate insurance. Involve MIABC in insurance requirements. Force majeure clause in contract.	City	2	3	6

Appendix J – Concept Designs and Master Plan Reports

See separate documents:

- 2021.07.23 – Prideaux Satellite Parks Operations Yard (Kasian)
- 2021.07.23 – Nanaimo Operations Center 2021 Master Plan and Conceptual Plan (Kasian)



Staff Report for Decision

DATE OF MEETING JUNE 24, 2024

AUTHORED BY POUL ROSEN, DIRECTOR, ENGINEERING
MICHAEL LONSDALE, SENIOR PROJECT MANAGER,
ENGINEERING

SUBJECT NANAIMO OPERATIONS CENTRE / PUBLIC WORKS YARD
PROJECT UPDATE

OVERVIEW

Purpose of Report

To provide Council with options to improve facilities at Public Works and seek direction to implement Council's preferred option.

Recommendation

That Council direct Staff to proceed with one of the presented options and prepare a borrowing bylaw in support of the project.

BACKGROUND

Plans have been in development to improve the Public Works Yard for several years. At the June 19, 2023, Council meeting, Council directed Staff to conduct an Alternative Approval Process (AAP) to seek approval of the electors for adoption of "Nanaimo Operation Centre Phase One Borrowing Bylaw 2023 No. 7362". This bylaw would authorize the City to borrow up to \$48,500,000 for Phase One construction of the Nanaimo Operations Centre (NOC).

The total project budget and scope was allocated as follows:

- \$40,000,000 to construct a Fleet and Maintenance Facility, a truck wash and dump facility, and site servicing for the Public Works Yard;
- \$4,500,000 to replace failing storm water management facilities and build a retention pond in Beban Park to handle runoff water from the Public Works Yard;
- \$1,250,000 to retrofit the fire training tower located at the Vancouver Island Emergency Response Academy to facilitate the required additional use of the Public Works Yard; and,
- \$2,750,000 to construct a trail in Beban Park in lieu of frontage improvements normally associated with development.

Following this direction, two AAPs were conducted which were unfortunately not completed successfully.

At the February 12, 2024, Council Meeting, Council directed Staff to prepare funding options for presentation at a later date. The purpose of this report is to present those options to Council and seek direction to implement Council's preferred option.

DISCUSSION

Three options for consideration are outlined in this report:

1. Status Quo
 - Proceed with what was previously proposed with funding options.
2. Modified Status Quo
 - Proceed with what was previously proposed with scope adjustments and funding options.
3. Highest Needs in Single Phase
 - Proceed with a new plan that addresses the highest needs in a single phase, constructing the Fleet Maintenance and Administration buildings.

These options have been developed with the goal of finding a balance of the project's goals, the City's current and future needs, and feedback received from the community.

Detailed Discussion - Option One – Status Quo

The first option, 'Status Quo', would retain all scope elements previously identified.

- Phase One Fleet Maintenance Building
- Stormwater Management
- Beban Park Trail
- Fire Training Tower Fuel Conversion

This option would provide all the same benefits previously described in project documentation, including a safe and effective work environment to maintain the City's fleet, stormwater management practices meeting City standards, completion of a loop of trails around Beban Park in lieu of works and services, and elimination of wood burning at the existing Fire Training Tower.

The budget for this option is \$48.5M, however a maximum borrowing amount of \$48.0M would be required as the City has successfully secured \$500k in grant funding from the BC Active Transportation Grant for the Beban Park Trail. Borrowing repayment options include:

- Repayment funded by property taxes only, which would result in an estimated yearly cost per household for the typical Nanaimo home of \$74; or,
- Repayment funded 50% by property taxes and 50% by General Asset Management Reserve Funds, which would result in an estimated yearly cost per household for the typical Nanaimo home of \$37.

Detailed Discussion - Option Two – Modified Status Quo

The second option, 'Modified Status Quo' would include all elements of the first option minus the Beban Park Trail and Fire Training Tower Fuel Conversion.

- Phase One Fleet Maintenance Building
- Stormwater Management

The Beban Park Trail was proposed to be undertaken in lieu of works and services, nominally consisting of a sidewalk, along the Public Works Yard frontage on Labieux Road as part of the NOC Project. Under City bylaws, Council could waive the requirement for works and services and not undertake any pedestrian improvements as part of the NOC project.

Detailed design of the Beban Park Trail is nearly complete. Once the design is done, this project could be held as a 'shovel ready' project until other funding sources become available if Council wishes.

The Fire Training Tower Fuel Conversion could be funded in the near term from reserves or included as a project in the 2025-2029 Financial Plan. However, this would likely require another project to be reprioritized.

The budget for this option is \$44.5M. Borrowing repayment options include:

- Repayment funded by property taxes only, which would result in an estimated yearly cost per household for the typical Nanaimo home of \$69; or,
- Repayment funded 50% by property taxes and 50% by General Asset Management Reserve Funds, which would result in an estimated yearly cost per household for the typical Nanaimo home of \$34.

Detailed Discussion - Option Three – Highest Needs in Single Phase

Finally, the third option, 'Highest Needs in Single Phase' would represent a fundamental change in the scope of work for this project.

- Single Phase – Fleet Maintenance and Administration buildings
- Stormwater Management

Although the Fleet Maintenance building was singled out as the highest priority component of the overall upgrade to Public Works, the need for more general office and crew space is also an urgent priority.

This option would complete the two highest priority items for the Public Works Yard, the Fleet Maintenance and Administration buildings in one single phase of work. These are the two most expensive improvements to the Public Works Yard, and in order to complete either of these improvements without extreme tax and corporate project planning adjustments, borrowing is required. Other future improvements to the Public Works Yard are both less urgent and less costly. As such, the portion of the project requiring borrowing could be completed in a single phase with this option, and additional future improvements to the Public Works Yard could be funded through regular project planning.

An urgent need for general office and crew workspaces at the Public Works Yard remains. Current facilities continue to be augmented to try and keep up with demands, but also continue to fail to address the core issues. For example, another temporary trailer is in the process of being added to provide space for Staff to work, but this is another costly and unsustainable temporary band-aid which doesn't fix the growing problems with this workspace.

Under this option, the configuration of the buildings would change from the Nanaimo Operations Centre (NOC) Master Plan. The existing master plan has the Fleet Maintenance building on the south end of the Yard and the Administration building on the north end of the Yard.

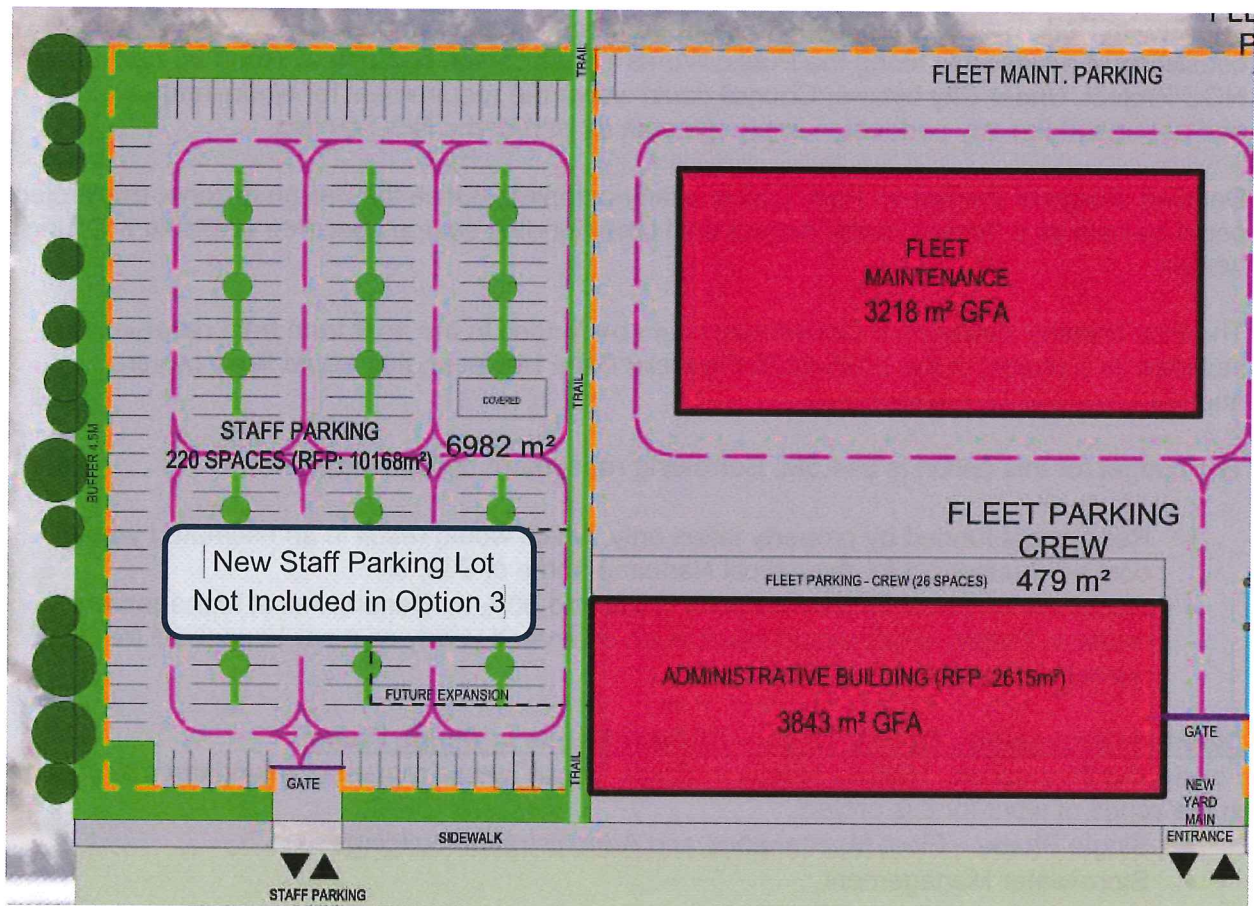


Figure 1 – Option 3

As shown in Figure 1, the Fleet Maintenance and Administration buildings would be located at the north end of the planned working areas of the NOC/Public Works Yard. Establishing these buildings at this location in the Public Works Yard would allow normal operations to continue with a minimal level of disruption during construction and would remove the immediate need to retrofit the Fire Training Tower. This option also provides significant savings in inflation costs by constructing the Administration building now, with savings projected to be approximately \$10M.

The original NOC Master Plan envisioned the implementation would occur over 4 contiguous phases. The phases were originally broken up that way to allow for continued operations of Public Works during implementation. When the decision was made to build Phase 1 first, it was never a question about the need for future phases, it was more about taking things one step at a time. Given the challenges and risks in securing funding approval for several significant capital projects, as well as some of the concerns expressed about a long-term project split into phases, it calls into question whether securing funding approval for future phases is feasible.

With the importance of additional office and crew space, there is an option to revisit the phasing and proceed with a single borrowing approval request now to address the City's most urgent needs at the Public Works Yard. Although it is more costly than just the Fleet Maintenance building, its approval would provide certainty that Public Works and Park Operations will have the capacity to continue providing the services the community is accustomed to in a safe and sustainable manner.

The downside to a combined building is the centralization of more heavy vehicle activity closer to pedestrian and light vehicle activity. There is also the concern with noise having heavy equipment shops next to office working areas. This is one of the reasons the Fleet building would ideally be separated from the Administration building; however, given the cost savings of a combined building and certainty this option provides to implement drastic improvements to the working conditions, it is believed to be worth the trade off.

The projected budget for this option is \$90M Borrowing repayment options include:

- Repayment funded by property taxes only, which would result in an estimated yearly cost per household for the typical Nanaimo home of \$139; or,
- Repayment funded 75% by property taxes and 25% by General Asset Management Reserve Funds, which would result in an estimated yearly cost per household for the typical Nanaimo home of \$104.

It must be noted that while this represents the largest initial cost of the three options presented, it also represents a significant savings versus a four-phased implementation over the projected lifecycle of the project. All four phases of NOC are preliminarily estimated to cost \$163M which would be secured through borrowing. Between the elimination of \$73M of borrowing, the associated repayment costs of those borrowed funds, and the significant escalation/inflation costs for the most expensive element of the NOC Master Plan (the Administration building) the City can save substantial costs while immediately addressing the most urgent issues at the Public Works Yard by proceeding with this option.

Next Steps

Staff have spent considerable effort reviewing possible supplementary and alternative funding avenues for this project. For instance, shortening the amortization period to reduce the cost of borrowing; however, the high impact on taxes and the lack of generational fairness makes this unfavorable. Staff have previously recommended borrowing as the most appropriate method to fund this project and continue to believe that is the case. Staff are still investigating other funding sources and expect to have clarification from the Province shortly as to whether these options are viable. Once that clarity is provided, Staff can fully update Council on the variety of options that have been considered if that is desired.

Similarly, Staff have previously recommended an AAP as the most appropriate method to gain community approval to undertake borrowing to fund this project and continue to believe that is the case. If directed by Council, Staff will return with a borrowing bylaw in support of Council's preferred option and request Council direction to begin the process of planning an AAP at that time.

FINANCIAL CONSIDERATIONS

Appendix A – Financial projections provides more detailed projections of the financial impact of borrowing for each of the above options. Each option has two funding scenarios:

- Scenario A is based on the full cost of debt servicing being funded from property taxation; and,

- Scenario B is based on a portion of debt servicing being funded from property taxation and a portion being funded from the General Asset Management Reserve Fund.

For each option, the projected impact to a typical household and the estimated cost per \$100,000 of assessed value is shown. The projected impact is based on a typical home valued at \$783,808, based on current 1% of taxes, an interest rate of 4.58% and assumes the full amount is borrowed for each option.

In addition, for each option, the revised projected property tax increases are shown. The tables show the current projected property tax increases based on the approved 2024 – 2028 Financial Plan and the revised projected property tax increases forecasts the property tax rate including the applicable debt servicing for the option. For Option Three – Highest Needs in Single Phase, the borrowing timeframe extends beyond the current Five (5) Year Financial Plan. This means in 2029 and 2030 (note principal payments on fall borrowing begin the year after the funds are borrowed) there will be an impact to property taxes to fund the debt servicing costs associated with the applicable borrowing.

The City plans to only borrow the funds required, and timing will be based on cash flow requirements for the project. Each borrowing will be for a 20-year amortization. Generally, the interest rate is fixed for the first ten years and is reset after ten years and again five years later at 15 years. The actual cost of borrowing may vary from the attached projections based on the interest rate in effect at the time of borrowing and at the reset points.

The attached projections include a conservative increase in the property tax base due to community growth. If the growth is higher or lower than the estimate, this will impact the projected property tax increase.

In June 2023, Staff presented the 20 Year Investment Plan and Asset Management Plan Update to Council along with recommendations to help address the City's infrastructure funding gap. The recommendations included funding major capital projects under development including the Nanaimo Operations Centre from borrowing. The analyses in that presentation assumed the debt servicing cost of this borrowing would be funded from property taxation. Funding a portion of the debt servicing from the General Asset Management Reserve Fund will reduce the funding available for other infrastructure projects thereby increasing the projected infrastructure funding gap and may require other projects to be reprioritized based on available funding. There may be other options for funding, such as Amenity or Development Cost Charges, but the funding available through these options is unknown at this time and is not anticipated to be significant in comparison to the project budget. |

OPTIONS

|Staff are seeking Council's direction to proceed with one of the presented options and prepare a borrowing bylaw in support of the project. The options are:

1. That Council direct Staff to proceed with the 'Status Quo' option and prepare a borrowing bylaw in support of the project.

- The advantages of this option: This option moves forward with the upgrades for the most urgent aspect of Public Works and completes several other projects which will benefit the community.
 - The disadvantages of this option: This option only includes direction to proceed with the Fleet Maintenance building. It leaves the urgent Administrative and Crew Space needs with an uncertain future.
 - Financial Implications: The required funding for this option is \$48.5M, which would be secured by \$48.0M in borrowing and \$0.5M in grant funding. Debt servicing would be funded from property taxation or a combination of property taxation and reserve funding.
2. That Council direct Staff to proceed with the 'Modified Status Quo' option and prepare a borrowing bylaw in support of the project.
- The advantages of this option: This option moves forward with the upgrades for the most urgent aspect of Public Works.
 - The disadvantages of this option: This option only includes direction to proceed with the Fleet Maintenance building. It leaves the urgent Administrative and Crew Space needs with an uncertain future. It doesn't include the trail which is viewed as in lieu of works and services or the Fire Training Tower Fuel Conversion which is required to ensure safe use of the future Fleet Maintenance building.
 - Financial Implications: The required budget for this option is \$44.5M, which would be secured by borrowing. Debt servicing would be funded from property taxation or a combination of property taxation and reserve funding.
3. That Council direct Staff to proceed with the 'Highest Needs in Single Phase' option and prepare a borrowing bylaw in support of the project.
- The advantages of this option: Is that it moves forward with all the most urgent needs of Public Works including Fleet, Administration and Crew Space. There is a lower overall cost because the site is more compact, there is less delay, and hence less exposure to inflation. This would complete the works requiring borrowing in a single phase and provide certainty that the services the community relies on can continue to be delivered safely and sustainably. This option would also save the City significant costs over the lifecycle of the entire NOC project.
 - The disadvantages of this option: It has a higher initial cost. It also leads to a slightly less than ideal overall Public Works Operations Yard layout.
 - Financial Implications: The required budget for this option is \$90M, which would be secured by borrowing. Debt servicing would be funded from property taxation or a combination of property taxation and reserve funding.

SUMMARY POINTS

- There are three options for consideration to move forward with upgrades to Public Works including multiple funding strategies. These options have been developed with the goal of finding a balance of the project's goals, the City's current and future needs, and feedback received from the community.
- Borrowing is still the recommended primary funding strategy.

- Electoral Approval will be required to borrow the necessary funds for whichever option is selected.
- The Alternative Approval Process (AAP) is still the recommended method to gain Elector Approval for borrowing.

ATTACHMENTS

Attachment A – Funding Scenarios Summary

Submitted by:

Poul Rosen
Director, Engineering

Michael Lonsdale
Senior Project Manager, Engineering

Concurrence by:

Wendy Fulla
Director, Finance

John Elliot
Director, Public Works

Sheila Gurrie
Director, Legislative Services

Laura Mercer
General Manager, Corporate Services

Bill Sims
General Manager, Engineering and Public Works

Nanaimo Operations Centre
Based on 2024 - 2028 Financial Plan

Assumptions:

Debt servicing based on 20 year amortization at 4.58% @ June 4, 2024
Estimated cost per household is for the typical home valued at \$783,808
Budget excludes costs and funding allocated to date

Option #1 Status Quo

Budget: \$48.50 million
Funding: \$0.50 million BC Active Transportation Infrastructure Grant
\$48.00 million borrowing
Anticipated Borrowing: \$11.20 million 2025, \$17.28 million 2026, \$19.52 million 2027

Projected Impact to the Typical Home

Scenario A - Debt Servicing Fully Funded by Property Taxes

Estimated cost per household for the typical home: \$ 74 ^{1,2}
Estimated cost per \$100,000 of assessed value: \$ 9 ^{1,2}

	2024	2025	2026	2027	2028
Projected Property Tax Increases	7.7%	7.2%	4.1%	2.5%	2.7%
Revised Projected Property Tax Increases	7.7%	7.3%	4.8%	3.2%	3.5%

Scenario B - Debt Servicing Funded 50% by Property Taxes and 50% by General Asset Management Reserve Fund

Estimated cost per household for the typical home: \$ 37 ^{1,2}
Estimated cost per \$100,000 of assessed value: \$ 5 ^{1,2}

	2024	2025	2026	2027	2028
Projected Property Tax Increases	7.7%	7.2%	4.1%	2.5%	2.7%
Revised Projected Property Tax Increases	7.7%	7.2%	4.4%	2.8%	3.1%

Nanaimo Operations Centre
Based on 2024 - 2028 Financial Plan

Assumptions:

- Debt servicing based on 20 year amortization at 4.58% @ June 4, 2024
- Estimated cost per household is for the typical home valued at \$783,808
- Budget excludes costs and funding allocated to date

Option #2 Modified Status Quo

- Budget: \$44.50 million
- Funding: \$44.50 million borrowing
- Anticipated Borrowing: \$7.70 million 2025, \$17.28 million 2026, \$19.52 million 2027

Projected Impact to the Typical Home

Scenario A - Debt Servicing Fully Funded by Property Taxes

- Estimated cost per household for the typical home: \$ 69 ^{1,2}
- Estimated cost per \$100,000 of assessed value: \$ 9 ^{1,2}

	2024	2025	2026	2027	2028
Projected Property Tax Increases	7.7%	7.2%	4.1%	2.5%	2.7%
Revised Projected Property Tax Increases	7.7%	7.2%	4.6%	3.2%	3.5%

Scenario B - Debt Servicing Funded 50% by Property Taxes and 50% by General Asset Management Reserve Fund

- Estimated cost per household for the typical home: \$ 34 ^{1,2}
- Estimated cost per \$100,000 of assessed value: \$ 4 ^{1,2}

	2024	2025	2026	2027	2028
Projected Property Tax Increases	7.7%	7.2%	4.1%	2.5%	2.7%
Revised Projected Property Tax Increases	7.7%	7.2%	4.4%	2.8%	3.1%

Nanaimo Operations Centre
Based on 2024 - 2028 Financial Plan

Assumptions:

Debt servicing based on 20 year amortization at 4.58% @ June 4, 2024
 Estimated cost per household is for the typical home valued at \$783,808
 Budget excludes costs and funding allocated to date

Option #3 Highest Needs in Single Phase

Budget: \$90.00 million
 Funding: \$90.00 million borrowing
 Anticipated Borrowing: \$7.27 million 2025, \$16.635 million 2026, \$25.18 million 2027, \$24.28 million 2028, \$16.635 million 2029

Projected Impact to the Typical Home

Scenario A - Debt Servicing Fully Funded by Property Taxes

Estimated cost per household for the typical home: \$ 139 ^{1,2}
 Estimated cost per \$100,000 of assessed value: \$ 18 ^{1,2}

	2024	2025	2026	2027	2028
Projected Property Tax Increases	7.7%	7.2%	4.1%	2.5%	2.7%
Revised Projected Property Tax Increases	7.7%	7.2%	4.6%	3.2%	3.8%

Scenario B - Debt Servicing Funded 75% by Property Taxes and 25% by General Asset Management Reserve Fund

Estimated cost per household for the typical home: \$ 104 ^{1,2}
 Estimated cost per \$100,000 of assessed value: \$ 13 ^{1,2}

	2024	2025	2026	2027	2028
Projected Property Tax Increases	7.7%	7.2%	4.1%	2.5%	2.7%
Revised Projected Property Tax Increases	7.7%	7.2%	4.5%	3.0%	3.5%

¹ Based on 2024 1% of taxes, average Class 1 change, and for complete borrowing

² Rounded to nearest dollar

CITY OF NANAIMO

BYLAW NO. 7386

A BYLAW TO AUTHORIZE THE BORROWING OF UP TO \$90,000,000 FOR THE
CONSTRUCTION OF THE PUBLIC WORKS YARD UPDATES

WHEREAS it is deemed desirable and expedient to construct the Public Works Yard Updates on the lands in the City of Nanaimo at 2020 Labieux Road and 2300 Bowen Road;

AND WHEREAS the estimated cost of construction of the Public Works Yard Updates, including expenses incidental thereto, is the sum not exceeding \$90,000,000 of which the sum of \$90,000,000 is the amount of debt intended to be created as a result of borrowing authorized under this bylaw;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled enacts as follows:

1. Title

This bylaw may be cited as "Public Works Yard Updates Borrowing Bylaw 2024 No. 7386".

2. Administration

The Council is hereby empowered and authorized to undertake and carry out, or cause to be carried out, the Public Works Yard Updates including the construction of a fleet maintenance building, administration building, relocation of existing operational facilities, and site servicing and to do all things necessary in connection therewith and without limiting the generality of the foregoing:

- a) To borrow upon the credit of the Municipality a sum not exceeding ninety million dollars (\$90,000,000);
- b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Public Works Yard Updates. This includes the planning, study, design and construction of the Public Works Yard Updates, including services generally to buildings, works and operations facilities to serve the City of Nanaimo in accordance with general plans on file in the municipal office and as shown outlined on the plan attached to this Bylaw as Schedule "A".
- c) The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

RECEIVED the approval of the Inspector of Municipalities: _____

Notice of the alternative approval process was published in the Nanaimo News Bulletin on the ____ day of _____ 2024, and on the City of Nanaimo website as per Section 94.2 of the *Community Charter*.

RECEIVED the approval of the electors by Alternative Approval Process: _____

ADOPTED: _____

RECEIVED certificate of approval by the Inspection of Municipalities: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A



DATE OF MEETING JULY 29, 2024

AUTHORED BY SHEILA GURRIE, DIRECTOR, LEGISLATIVE SERVICES

**SUBJECT ALTERNATIVE APPROVAL PROCESS – PUBLIC WORKS YARD
UPDATES BORROWING BYLAW 2024 NO. 7386**

OVERVIEW

Purpose of Report

To obtain Council approval to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates. |

Recommendation

That Council:

1. direct the Corporate Officer to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates;
2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 79,736;
3. establish a deadline of 4:30 p.m. on Thursday, 2024-OCT-31 for receiving elector responses for the Alternative Approval Process in relation to the “Public Works Yard Updates Borrowing Bylaw 2024 No. 7386”; and,
4. approve the draft Elector Response Form as attached to the Staff report dated 2024-JUL-29.

BACKGROUND

Council approval is being sought to undertake an Alternative Approval Process that, if electors’ assent is received, would permit Council to adopt “Public Works Yard Updates Borrowing Bylaw 2024 No. 7386” to authorize Council to borrow up to \$90,000,000 for Public Works Yard updates.

To proceed, Council is required to have approval of the electors prior to bylaw adoption in accordance with the *Community Charter*. Approval of the electors may be received by way of an Alternative Approval Process (AAP), or assent voting (referendum). Approval is obtained and Council may proceed with bylaw adoption, if less than 10 per cent of the electors oppose the proposal by submitting a valid elector response form. |

DISCUSSION

The AAP requires Council approval for the following:

- Fair determination of the number of electors:
 - Section 86(3) of the *Community Charter* requires that a fair determination be made of the total number of electors within the City of Nanaimo, which forms the basis of the 10 per cent threshold. It was determined that there are 79,736 electors in the City of Nanaimo based on the 2022 Provincial voter's list used in the 2022 Municipal Election, new registrations, non-resident property electors and population growth based on census data.
- Approval of Elector Response Form (attached).
- Bylaw readings (3 readings) must be passed for "Public Works Yard Updates Borrowing Bylaw 2024 No. 7386" by a Council majority prior to requesting approval by the Inspector of Municipalities.
- Elector Response form Submission Period: Council must establish the deadline for receiving elector responses, a minimum of 30 days after the notice has been published as per Section 86(3.1) of the *Community Charter*. Staff is proposing Thursday, 2024-OCT-31 as the deadline. This provides an additional 12 days beyond what is legislatively required for electors to submit response forms.

Council Decision on Next Steps:

Elector approval is deemed to have been obtained if less than 7,974 valid Elector Response Forms in opposition to Bylaw No. 7386 are received prior to 4:30 p.m. on Thursday, 2024-OCT-31. Council would then be able to consider bylaw adoption. Should 7,974 or more opposition responses be submitted, Council could only move forward with the project through a successful referendum (assent voting).

OPTIONS

That Council:

1. direct the Corporate Officer to proceed with an Alternative Approval Process for the borrowing of up to \$90,000,000 for Public Works Yard updates;
2. determine the total number of electors of the area to which the approval process applies (the whole of the City of Nanaimo) to be 79,736;
3. establish a deadline of 4:30 p.m. on Thursday, 2024-OCT-31 for receiving elector responses for the Alternative Approval Process in relation to the "Public Works Yard Updates Borrowing Bylaw 2024 No. 7386"; and,
4. approve the draft Elector Response Form as attached to the Staff report dated 2024-JUL-29.

- The advantages of this option: Electors would have 42 days to submit their response form and the AAP process does not require them to appear in person on designated days to express their opinion, making this method of elector consent more convenient for electors and suitable for a project that is considered necessary to the community.
 - The disadvantages of this option: If the AAP is unsuccessful Council will have the option to proceed to a referendum should they choose to, which would then increase costs significantly.
 - Financial Implications: Holding an AAP is done with much lower costs than by conducting a referendum.
2. That Council direct staff to prepare for an Assent Voting opportunity (Referendum) for the Public Works Yard Updates project.
- The advantages of this option: This process is similar to an election and there is the ability to have more than one question on the ballot(s).
 - The disadvantages of this option: Conducting a referendum involves the same resources and costs as holding a general election.
 - Financial Implications: The costs and Staff resources associated with Assent Voting are significant and similar to a general election (approximately \$300,000).

SUMMARY POINTS

- Council is being asked to proceed with an Alternative Approval Process in relation to the borrowing associated with the Public Works Yard Updates.
- An Alternative Approval Process may be undertaken by Council to move forward with approval of the bylaw.
- Should Council move forward with the Alternative Approval Process, there will be opportunity for electors opposed to the proposal to submit an Elector Response Form.
- Elector approval is deemed to have been obtained if less than 7,974 valid Elector Response Forms in opposition to Bylaw No. 7386 are received prior to 4:30 p.m. on Thursday, 2024-OCT-31.

ATTACHMENTS:

ATTACHMENT A – AAP Elector Response Form.

Submitted by:

Sheila Gurrie,
Director, Legislative Services

Concurrence by:

Bill Sims
GM, Engineering and Public Works

Dale Lindsay, CAO

ATTACHMENT A



ALTERNATIVE APPROVAL PROCESS ELECTOR RESPONSE FORM

“PUBLIC WORKS YARD UPDATES BORROWING BYLAW 2024 NO. 7386”

(To authorize the borrowing of up to \$90,000,000 for the construction of the Public Works Yard Updates).

Pursuant to the Community Charter, I certify that:

- *I am a person entitled to be registered as an elector (pursuant to the Local Government Act) within the City of Nanaimo;*
- *I have not previously signed an Elector Response Form with respect to this Bylaw for this Alternative Approval; and*
- *I am **OPPOSED** to the adoption of “PUBLIC WORKS YARD UPDATES BORROWING BYLAW 2024 NO. 7386” (To authorize the borrowing of up to \$90,000,000 for the construction of the Public Works Yard Updates), without first obtaining the assent of the electors in a voting proceeding (referendum).*

FULL NAME OF ELECTOR:

(Please Print Full Name)

ELECTOR'S RESIDENTIAL ADDRESS:

ADDRESS OF PROPERTY IF A
NON-RESIDENT PROPERTY ELECTOR:

SIGNATURE OF ELECTOR:

DATE:

Signed elector response forms **MUST** be received by the Corporate Officer (or delegate) at Legislative Services Department, City Hall (455 Wallace Street, Nanaimo BC) no later than **4:30 p.m. on October 31, 2024.**

In accordance with Council Policy “COU-242 Alternative Approval Process (AAP) Policy” completed forms may be submitted:

1. In person at the Legislative Services Department, City Hall, 455 Wallace Street, Nanaimo, BC (Monday to Friday during regular business hours, excluding Statutory Holidays);
2. Via mail to: 455 Wallace Street, Nanaimo, BC V9R 5J6; or
3. Through electronic submission on the City of Nanaimo's website:

<https://www.nanaimo.ca/goto/AAP-submissions>

*If you are submitting this form by mail, please note **post marks are not accepted as the date of submission**. It is the responsibility of the elector to ensure the response form is received by the deadline. Please note if you are submitting this form electronically a **hand-written (physical) signature is required**. Electronic signatures will not be accepted.*

Approval of the electors by Alternate Approval Process is obtained if less than 7,974 elector responses are received by the stated deadline.

See the reverse side of this form for further information regarding the Alternative Approval Process and qualifications to submit a response form.

“Freedom of Information and Protection of Privacy Act (FOIPPA) Information collected on this form is done so under the general authority of the Community Charter and FOIPPA and is protected in accordance with FOIPPA. Personal information will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose.”

INSTRUCTIONS

- If you are opposed to borrowing for the **Public Works Yard Updates Project** and you qualify as an elector or non-resident property elector of the City of Nanaimo, you may sign an Alternative Approval Process elector response form.
- **If you are NOT OPPOSED to the borrowing, you do not need to do anything.**
- An accurate copy of this elector response form may be utilized (either single-sided or double-sided), provided it is made prior to any electors signing such form, so that only elector response forms with original signatures are submitted.
- A person may not sign more than one elector response form.
- Only one person may sign each elector response form.
- The full name and residential address **must** be included on the elector response form and, if applicable, also the address for the property in relation to which the person is entitled to register as a non-resident property elector. Incomplete elector response forms will be rejected.
- Electronic submissions on the City of Nanaimo website may be uploaded as a scanned copy or a photo of an original hand-written (physically) signed form. **Electronic signatures are not accepted.**
- **Elector Response Forms will NOT be accepted via email.**

For further information regarding the Alternative Approval Process please view the City of Nanaimo website:
<https://www.nanaimo.ca/your-government/elections/alternative-approval-process>

INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

When signing an elector response form an eligible elector must:

Resident electors:

- Be 18 years of age or older;
- Be a Canadian citizen;
- Have lived in BC for the last 6 months;
- Be a resident of the City of Nanaimo;
- Not disqualified by any enactment from voting in an election or otherwise disqualified by law.

OR

Non-Resident Property Elector:

- Not be entitled to register as a resident elector in the City of Nanaimo;
- Be 18 years of age or older;
- Be a Canadian citizen;
- Have lived in BC for the last 6 months;
- Have owned real property in the City of Nanaimo for at least 30 days;
- Not disqualified by any enactment from voting in an election or otherwise disqualified by law;

If there is more than one registered owner of the property (either as joint tenants or tenants in common), only one of those individuals may, with the written consent of the majority of the owners, register as a non-resident property elector. A copy of the written consent provided by the majority of owners must accompany this form when submitted by the non-resident property elector. A person may only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.

NOTE: No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

DATE OF MEETING JULY 29, 2024

AUTHORED BY NATALIE SPONAUGLE, COMMUNICATIONS ADVISOR
TRACY LOEWEN, COMMUNICATIONS & MARKETING SPECIALIST

**SUBJECT PUBLIC WORKS YARD AAP COMMUNICATION AND
ENGAGEMENT STRATEGY**

OVERVIEW

Purpose of Report

To provide Council with a proposed Communication and Engagement Strategy for the Public Works Yard alternative approval process (AAP).

Recommendation

That Council endorse the draft Public Works Yard AAP Communication and Engagement Strategy as outlined in Attachment B of the report titled "Public Works Yard AAP Communication and Engagement Strategy" dated 2024-JUL-29.

BACKGROUND

At the Regular Council meeting held 2024-JUL-22, Council endorsed a new Alternative Approval Process (AAP) Policy and directed staff to prepare a borrowing bylaw for the Public Works Yard project. That bylaw is on tonight's agenda for Council's consideration and endorsement.

Previously, two AAPs took place seeking elector approval to borrow funds for Phase One of the Public Works Yard (Nanaimo Operations Centre) project; however, they were not completed. Staff presented options for Council to consider at the 2024-JUN-24 Governance and Priorities Committee meeting. Council directed staff to proceed with the 'Highest Needs in Single Phase' option for the Public Works Yard project, which would see the highest need and highest cost elements of the plan completed in a single phase of work (the fleet maintenance and administration buildings, along with stormwater management), leaving the rest of the improvements to the Public Works Yard to be completed over time through capital project planning.

As outlined in the AAP Policy (Attachment A), a high-level Communication and Engagement Strategy has been prepared for Council's consideration, which takes into account the scale and borrowing amount of the revamped Public Works Yard project (Attachment B).

DISCUSSION

When developing the Communication and Engagement Strategy, staff considered:

- The expanded scope of the project from what had been proposed during the previous AAPs

- The recent adoption of an AAP Policy, now allowing for electronic submissions
- Feedback heard regarding the previous AAP processes
- The recommendations outlined in the report from Lisa Zwarn, presented at the 2024-JUN-12 Governance and Priorities Committee meeting

Highlights from the proposed Communication and Engagement Strategy include:

- Open houses/tours of the Public Works Yard
- Online advertising with ads on Nanaimo News Now and Facebook/Instagram
- Social media posts (videos, images, messaging) on Facebook, X, Instagram and LinkedIn
- Website content updated for the AAP and project pages
- A 'Sweet Layered Podcast' episode featuring information on the AAP and project
- News releases notifying of key dates, engagement events and where to get information
- Ads printed in the Nanaimo News Bulletin newspaper
- Information stations setup in City facilities
- Radio ads
- Flyers sent to households with information regarding the AAP and project

Staff are recommending an informational flyer drop to households within the City limits due to the expanded scope of the Public Works Yard project from what had previously been communicated, and to help communicate the recent policy change now allowing individuals to submit their completed and signed forms electronically.

Staff also explored the option of sending the information via addressed mail; however, this is much more costly (approx. \$34,000 versus approx. \$13,000 for a flyer drop), and recipients would be limited to homeowners only. The benefit of a flyer drop, along with its reduced cost, is that all addresses, including rentals and apartments or condos, etc. could still receive the information. However, there is a risk that some individuals residing outside the eligible elector boundaries would receive the information flyers, which could cause confusion as they would not be eligible to participate. In addition, there is a risk that some households may not receive the information flyers, particularly those who have indicated they do not want unaddressed mail.

NEXT STEPS

Once a Strategy has been endorsed by Council, staff will develop detailed Communications Plans for the AAP and Public Works Yard project. Staff will update the necessary information, design materials, plan for engagement events and secure advertising space. |

OPTIONS

1. That Council endorse the draft Public Works Yard AAP Communication and Engagement Strategy as outlined in Attachment B of the report titled "Public Works Yard AAP Communication and Engagement Strategy" dated 2024-JUL-29.
 - The advantages of this option: Feedback regarding communication and engagement efforts in the AAP held in January/February 2024 was positive. This Strategy builds on the initiatives that took place at that time, and includes an informational flyer drop

- which would reach more eligible electors (including renters) than an addressed mail option, and at a lower cost.
- The disadvantages of this option: There is a risk that some individuals residing outside the eligible elector boundaries would receive the information flyers; there is also a risk that some households within the boundaries may not receive the information flyers.
 - Financial Implications: The costs of printing and postage for an information flyer drop is approximately \$13,000, with the total costs of the proposed Strategy estimated at \$32,270. This does not include staff time to undertake the various initiatives.
2. That Council provide alternate direction.]

SUMMARY POINTS

- Council recently adopted a new Alternative Approval Process (AAP) Policy which outlines that a high-level Communication and Engagement Strategy will be brought forward for endorsement based on the scale and borrowing amount of a project.
- Staff have considered the expanded scope and cost of the Public Works Yard Project from what had previously been proposed during previous AAPs, along with changes to the City's AAP process allowing for electronic submissions of forms through the City website.
- Staff have prepared a draft Strategy that builds on the communication initiatives previously undertaken and proposes including an informational flyer drop sent to households within the City limits.

ATTACHMENTS:

ATTACHMENT A: Alternative Approval Process (AAP) Policy

ATTACHMENT B: Public Works Yard AAP Communication and Engagement Strategy |

Submitted by:

Sheila Gurrie,
Director, Legislative Services and
Communications

Dale Burgos,
Manager, Corporate Communications and
Community Relations |

Concurrence by:

Bill Sims
GM, Engineering and Public Works

Dale Lindsay, CAO |



COUNCIL POLICY

RCRS Secondary:	GOV-02	Effective Date:	2024-JUL-22
Policy Number:	COU-242	Amendment Date/s:	
Title:	Alternative Approval Process (AAP) Policy	Repeal Date:	
Department:	Legislative Services	Approval Date:	2024-JUL-22

PURPOSE:

To establish processes related to an Alternative Approval Process (AAP) that are not specifically directed by legislation. This includes:

- Establishing a process to accept electronic submissions from the public during an AAP;
- Establishing the number of printed elector response forms that will be provided to individuals during an AAP; and
- Providing information prior to an AAP commencing on the methods of communication and engagement to be used for that AAP.

BACKGROUND:

The *Community Charter* is silent with respect to the issue of how elector response forms may be submitted by eligible electors and received by the local government body. The Ministry of Municipal Affairs recommends in its guidelines *Alternative Approval Process: A Guide for Local Governments in British Columbia* that if, in addition to accepting elector response forms in person or by mail, a local government decides to accept elector response forms by electronic means, the local government should ensure that it has an appropriate policy in place.

Every eligible elector is entitled to submit one (1) elector response form in response to an AAP. The Ministry's guidelines state that signed response forms are able to be gathered from other eligible electors and submitted to the Corporate Officer for those electors who are unable to do so in person. The number of blank elector response forms that will be made available for an individual to pick up in person at City Hall is not noted in the *Community Charter* and therefore should be set in policy.

The costs associated with communicating an AAP, beyond the legislated requirements, could vary significantly depending on the methods used. Setting in policy that a Communication and Engagement Strategy will be presented to Council on a case-by-case basis based on the scale and the borrowing amount of the project provides transparency and clear direction during the planning process.

POLICY:

1. Availability of Elector Response Forms

- 1.1 Elector response forms will be printed and available, within regular business hours, at the Legislative Services Department and will be available for the public to print from the City's website on the same day of the first official notice and throughout the AAP.
- 1.2 A maximum of ten (10) printed copies of an elector response form will be provided per individual throughout the process for each AAP.

2. Requirements for Submitting Elector Response Forms

- 2.1 Elector response forms will be accepted until the deadline set out in the Notice of AAP through the following methods:
 - a) In person at the Legislative Services Department, City Hall, 455 Wallace Street, Nanaimo, BC (Monday to Friday during regular business hours, excluding Statutory Holidays);
 - b) Via mail to: 455 Wallace Street, Nanaimo, BC V9R 5J6; or
 - c) Through electronic submission on the City of Nanaimo's website. A link to the submission webpage will be identified on the elector response form.
- 2.2 Elector response forms must include the original signature of the elector.
- 2.3 Elector response forms being submitted electronically through the submission webpage must be submitted as either a scanned copy or a photo of an original signed form.
- 2.4 Elector response forms will not be accepted via email.
- 2.5 Elector response forms will only be accepted if completed and submitted within the timeline specified for the AAP and must be in the custody of the Corporate Officer by that deadline to be counted.

3. Withdrawing an Elector Response Form

- 3.1 An elector may withdraw their elector response form by providing proof of identification and making a request in writing to the Corporate Officer, or designate, prior to the response deadline.

4. Communications and Engagement

- 4.1 The methods of communications and engagement for promoting an AAP will be considered on a case-by-case basis based on the scale and, when applicable, borrowing amount of the project.
- 4.2 A high-level Communication and Engagement Strategy will be presented to Council for endorsement prior to an AAP commencing.

RELATED DOCUMENTS

Community Charter

Local Government Act

Alternative Approval Process: A Guide for Local Governments in British Columbia

"Public Notice Bylaw 2022 No. 7325"

REPEAL or AMENDMENT:

N/A

Public Works Yard Project AAP Communications & Engagement



Tactics

Communications

- Print:
 - Direct mail: mail information handouts to all addresses (houses, apartments, businesses) in City limits using unaddressed mail (a.k.a. flyer drop)
 - Place a series of ads in the newspaper including
 - legislated notifications re: AAP, and
 - information on upcoming open houses/tours
 - Set up information stations in City facilities with information boards, posters and handouts
- Digital:
 - News Releases: issue news releases notifying the media and public of key dates, engagement events, where to get more information, etc.
 - Website: keep updated pages on the City website and Get Involved Nanaimo with information on AAP and the project
 - Social media: post informative videos, images and messaging on the City's social media channels (Facebook, X, Instagram, LinkedIn)
 - Online Advertising: place ads on Nanaimo News Now and Facebook/Instagram
 - Podcast: produce a podcast episode focusing on the AAP and project
- Radio:
 - Place ads on Island Radio stations 102.3 The Wave and 106.9 The Wolf

Engagement

- Host open houses/tours of the Public Works Yard (evenings/weekends)

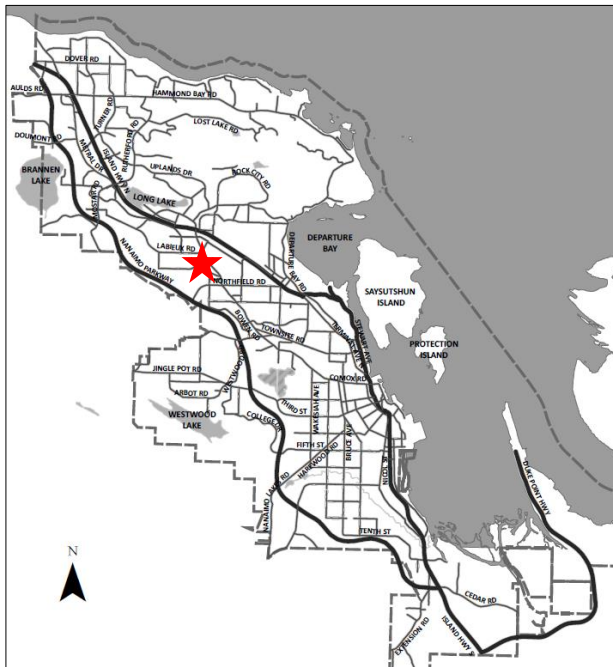
Itemized Cost Estimates

Item	Cost
Advertising	
Island Radio/Nanaimo News Now	\$6,270
Nanaimo News Bulletin	\$3,400
Facebook/Instagram	\$500
Mail Out	
Postage for flyer drop	\$7,100
Mail out printing	\$6,000
Engagement	
Info board printing for City facilities	\$4,000
Info board printing for Open House/Public Works Tour	\$5,000
Estimated Total	\$32,270

DATE OF MEETING July 8, 2024

AUTHORED BY PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE APPLICATION NO. LA156 – 2373 ROSSTOWN ROAD



Proposal:

To inform Council of a new liquor licence application

Zoning:

CS1 – Community Service One

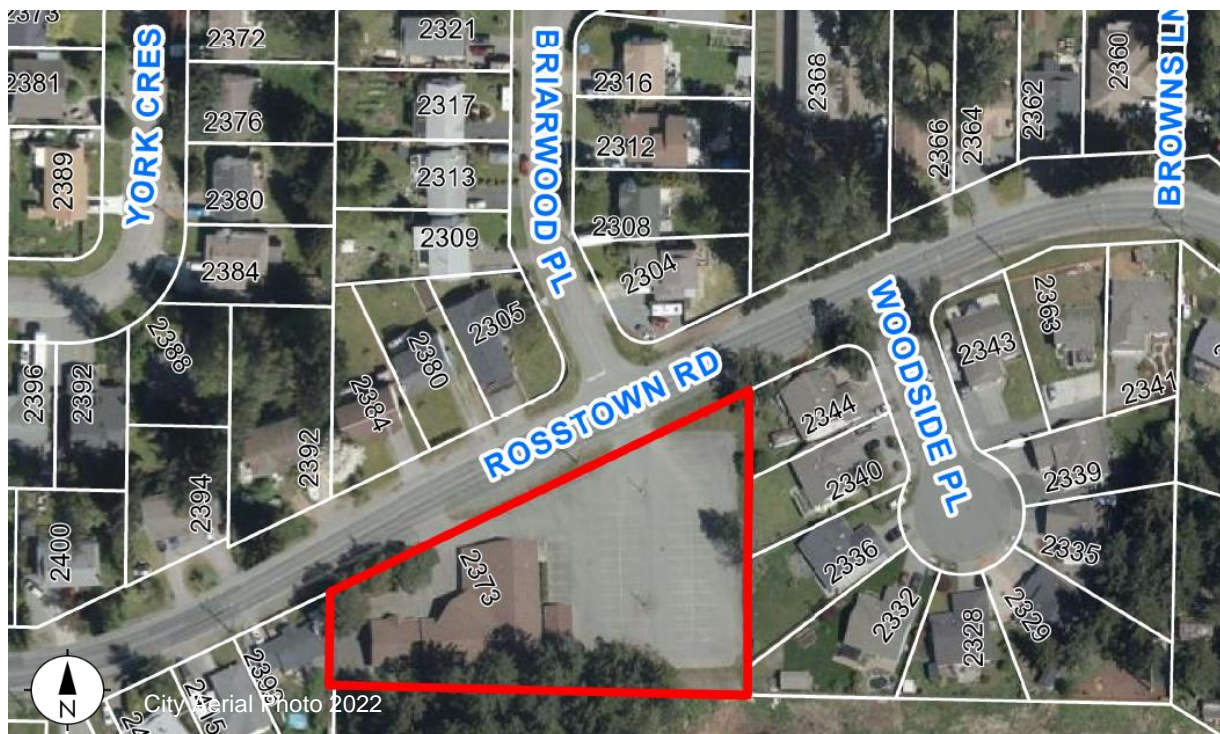
City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

4,804m²

LA



OVERVIEW

Purpose of Report

To inform Council of a new liquor licence application to permit liquor to be served at an existing cultural facility located at 2373 Rosstown Road. |

BACKGROUND

A notice of application was received from the Nanaimo Theatre Group Society, requesting a local government resolution in support of their application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to permit liquor to be served at the existing Bailey Studio theatre located at 2373 Rosstown Road.

Subject Property and Site Context

The subject property is located in the Diver Lake neighbourhood and is surrounded by low-density residential development with single-family dwellings, secondary suites, and home-based businesses. South of the subject property are a number of large, vacant parcel zoned for medium density residential development. The Beban Park recreation facilities and commercial services are located nearby, east of Bowen Road. |

DISCUSSION

The Bailey Studio has been operated by the Nanaimo Theatre Group in Nanaimo for over fifty years and no liquor service is currently offered unless a Special Event Permit is obtained from the LCRB. The existing cultural facility typically hosts sixteen or more theatre performances and musicals throughout the year.

The proposed hours of liquor service are 12:00 p.m. to 12:00 a.m., seven days a week, intended to align with the hours of the performances at the Bailey Studio. The consumption of alcohol is proposed within the auditorium, lobby, and throughout the building, within a total floor area of 363m², which supports a combined occupant load of 302 patrons.

Location, hours of service, and capacity in relation to the liquor service are subject to local government consideration and comments. A municipal resolution is required before the LCRB will consider the liquor licence application further.

The LCRB asks the local government to gather the views of nearby residents and business owners for all new liquor licence applications. Should Council direct this application to proceed, it will be presented at a public meeting and a future open Council Meeting and comment sheet will be sent to all property owners and occupants within 100m of the subject property to seek public input on the liquor licence proposal. Once the responses have been returned, they will be summarized and attached to a future report to Council.

The LCRB has requested the City comment on the impact of noise on the community in the immediate vicinity of the establishment, and the impact on the community if the application is

approved. Staff will comment on these considerations in a future report to Council after the referral responses have been received.

Opt Out of Application Process

With respect to all food and liquor primary licence applications, Council has the option to provide no comment to the LCRB. If Council chooses to opt out of the application process, Staff will inform the LCRB of Council's decision and no further action will be taken by Staff regarding the application. If a local government chooses to opt out, the LCRB will start their own review process, which could considerably delay the application process timeline for the applicant. As such, Staff recommend that Council does not opt out of the application review process. |

SUMMARY POINTS

- An application for a new liquor primary licence has been received to permit liquor to be served at a cultural facility at 2373 Rosstown Road.
- Public notices will be delivered and the public will have an opportunity to comment on the liquor licence application at an upcoming public meeting.
- A summary of public comments and evaluation of community impacts will be brought to Council for consideration at a future open Council Meeting. |

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Floor Plan |

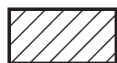
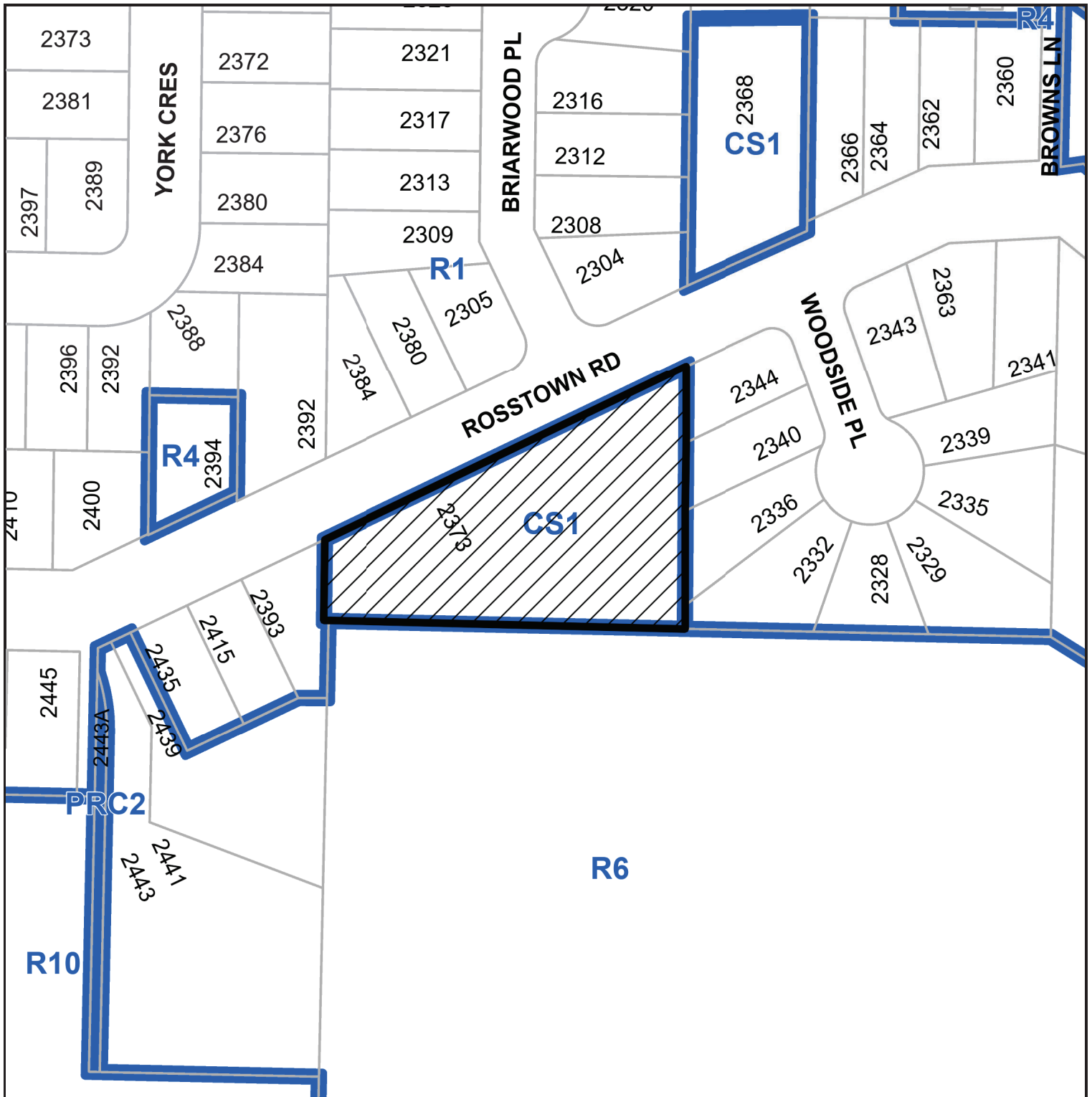
Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

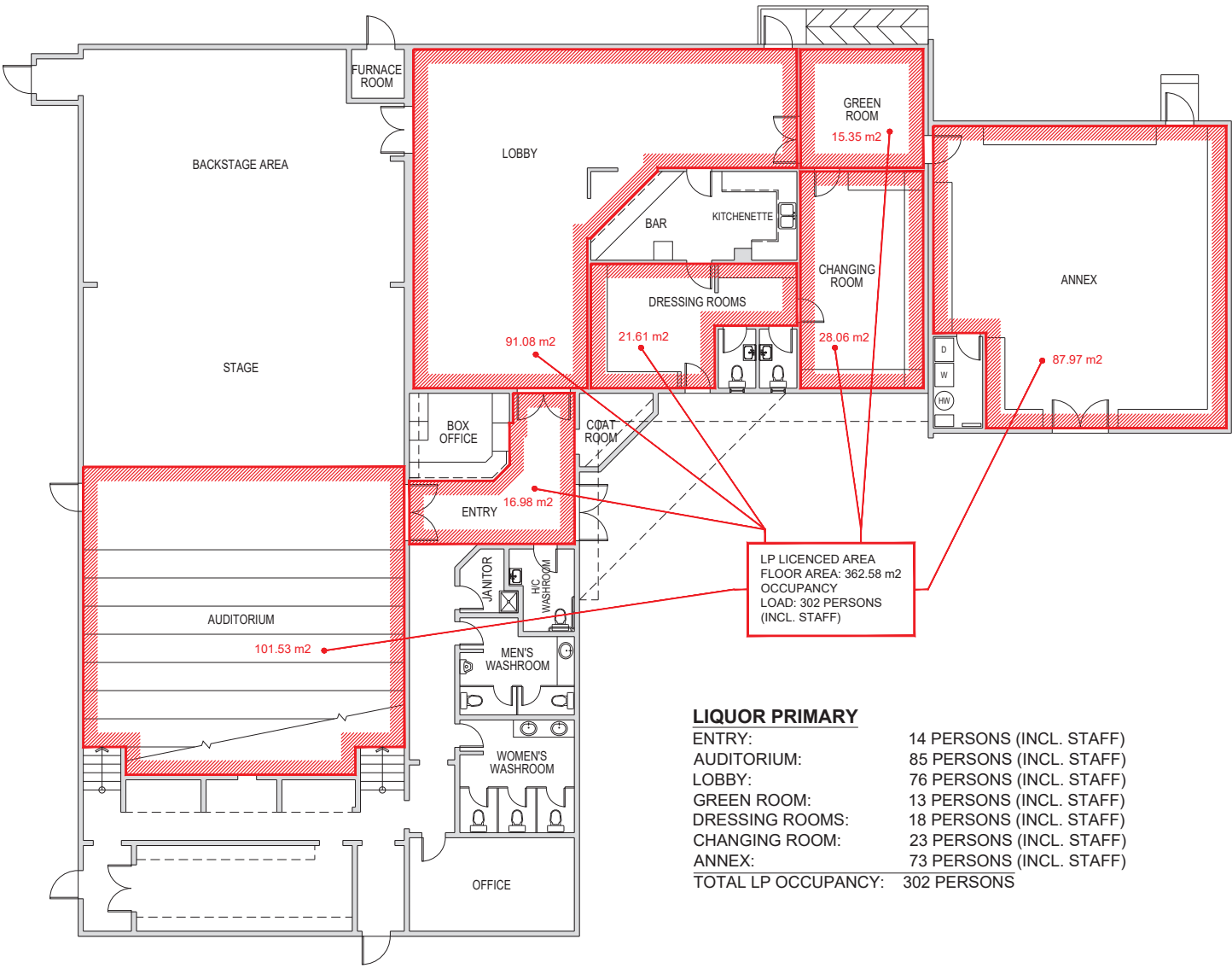
Jeremy Holm
Director, Planning & Development |

ATTACHMENT A SUBJECT PROPERTY MAP



2373 Rosstown Road

ATTACHMENT B
FLOOR PLAN



LIQUOR PRIMARY

ENTRY:	14 PERSONS (INCL. STAFF)
AUDITORIUM:	85 PERSONS (INCL. STAFF)
LOBBY:	76 PERSONS (INCL. STAFF)
GREEN ROOM:	13 PERSONS (INCL. STAFF)
DRESSING ROOMS:	18 PERSONS (INCL. STAFF)
CHANGING ROOM:	23 PERSONS (INCL. STAFF)
ANNEX:	73 PERSONS (INCL. STAFF)
TOTAL LP OCCUPANCY:	302 PERSONS

RECEIVED
LA156
2024-MAR-14
Current Planning

NOTES	NO.	REVISION	DATE	NO.	REVISION	DATE	ARCHITECT	PROJECT	SHEET TITLE	SCALE	DATE
CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND ADVISE ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT THE COMPLETION OF THE WORK. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE ARCHITECT. DO NOT SCALE FROM THESE DRAWINGS.	1						ian a. niamath a.i.b.c. 191 SKINNER STREET, NANAIMO, B.C. CELL: 250 759 8786 EMAIL: ianamath@shaw.ca	NANAIMO THEATRE GROUP BLDG 2373 ROSSTOWN ROAD NANAIMO, BC	FLOOR PLAN W/ LICENCED AREAS	3/16"=1'-0"	APR 20, 2023
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DATE OF MEETING July 29, 2024

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT CANNABIS RETAIL STORE REFERRAL NO. 090455 – 50 TENTH STREET

OVERVIEW

Purpose of Report

To seek Council's recommendation regarding a Cannabis Retail Store referral at 50 Tenth Street.

Recommendation

That Council recommend to the Liquor and Cannabis Regulation Branch that license application number 090455 for a Cannabis Retail Store at Unit 114 – 50 Tenth Street be issued.

BACKGROUND

A Cannabis Retail Store referral, 090455, was received from the Liquor and Cannabis Regulation Branch (LCRB) regarding a Cannabis Retail Store (CRS) license application for Inspired Cannabis Co. to operate at 50 Tenth Street – Unit 114. The subject property was previously rezoned to permit CRS as a site-specific use in 2023 (RA431).

At its regular meeting of 2024-JUL-08, Council endorsed Council Policy COU-241 – Cannabis Retail Store License Application Process (the "CRS Policy") for handling referrals from the LCRB for new or amended CRS licenses, where CRS is a permitted use.

Subject Property and Site Context

The subject property is located in South Nanaimo in the Chase River Neighbourhood. The lot contains a commercial retail plaza ("Southgate Shopping Centre") and the surrounding neighbourhood consists of commercial retail, medium-density residential, and mobile home park residential uses.

Public Notification

Pursuant to the CRS Policy, public notice was advertised electronically by posting on the City of Nanaimo website and soliciting written comments for a period of seven calendar days between 2024-JUL-11 and 2024-JUL-18.

DISCUSSION

The applicant is proposing to operate a Cannabis Retail Store in Unit 114 of the Southgate Shopping Centre at 50 Tenth Street. A previous applicant successfully rezoned the subject property to allow CRS as a site-specific use within the existing City Commercial Centre (CC3)

zone. Since that time, the previous CRS license application at the LCRB has been cancelled and a new license application has been received from Inspired Cannabis Co. The previous applicant was seeking a license for Unit 115 and the current applicant is seeking a license for Unit 114; however, the site-specific zoning applies to the legal property (Lot A, Section 7, Nanaimo District, Plan VIP86854) per the adopted Zoning Amendment Bylaw, and the change of unit number has no effect on the zoning.

The City of Nanaimo received the referral from the LCRB on 2024-FEB-29 and subsequently received LCRB confirmation on 2024-MAY-24 that the applicant is fit and proper to hold a CRS license. Prior to making a recommendation to the LCRB, Council is required by the Provincial *Cannabis Control and Licensing Act* and associated regulations to consider the following:

1. The prescribed criteria. The only criterion specified by the Province is the location of the proposed CRS. The location of the CRS was considered during the RA431 process following the Cannabis Retail Store Rezoning Criteria, and the location was determined to be appropriate for CRS use through the rezoning process.
2. The views of residents in an area determined by the local government. In accordance with the CRS Policy, a public notice has been posted electronically on the City website seeking written comments from residents within the City of Nanaimo. During the public notification period, no written comments were received.

Given the above-noted considerations, Staff recommend that Council provide a positive recommendation to the LCRB that the license be issued. The LCRB is required to take the local government's recommendation into account when deciding whether or not to issue a license, per the *Cannabis Control and Licensing Act*.

OPTIONS

1. That Council recommend to the Liquor and Cannabis Regulation Branch that license application number 090455 for a Cannabis Retail Store at Unit 114 – 50 Tenth Street be issued.
 - Advantages of this option: The LCRB will consider the City of Nanaimo's recommendation when deciding whether or not to issue the CRS license.
 - Disadvantages of this option: None identified.
 - Financial implications: None identified.
2. That Council recommend to the Liquor and Cannabis Regulation Branch that license application number 090455 for a Cannabis Retail Store at Unit 114 – 50 Tenth Street not be issued.
 - Advantages of this option: None identified.
 - Disadvantages of this option: The LCRB will cancel the CRS license as a license cannot be issued without a positive recommendation from the local government.
 - Financial implications: None identified.
3. That Council not provide a recommendation to the Liquor and Cannabis Regulation Branch.

- Advantages of this option: None identified.
- Disadvantages of this option: The LCRB will cancel the CRS license as a license cannot be issued without a positive recommendation from the local government.
- Financial implications: None identified.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Site Plan

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development



129

DATE OF MEETING JULY 29, 2024

AUTHORED BY KRISTINE MAYES, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA498 – 5360 BERGEN-OP-ZOOM DRIVE

OVERVIEW

Purpose of Report

To seek direction from Council regarding Rezoning Application No. RA498 to correct an administrative error.

Recommendation

1. That Council rescind the conditions related to “Zoning Amendment Bylaw 2024 No. 4500.227” as presented on 2024-JUL-08; and,
2. That Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2024 No. 4500.227” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2024-JUL-29 prior to final adoption.

BACKGROUND

A rezoning application, RA498, was received from Tony Harris Developments Inc., on behalf of Bozd (Land Development) Nominee Ltd., to amend the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone the subject property at 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential (R1) to Medium Density Residential (R8) to facilitate a multi-family development.

At the regular meeting on 2024-JUL-08, Council passed three readings of “Zoning Amendment Bylaw 2024 No. 4500.227” and directed Staff to secure the conditions of approval as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2024-JUL-08 prior to final adoption. Following bylaw introduction, an administrative error in the Community Amenity Contribution (CAC) was identified as described in the conditions of rezoning. In order to correct this error, and ensure that the intended CACs are secured, Staff recommend rescinding the resolution to secure the conditions of rezoning and passing a new resolution to secure the amended conditions.

DISCUSSION

The CAC proposal as described in the conditions of rezoning includes road dedication, trail improvements, and future off-site road improvements along Bergen-Op-Zoom Drive. The 2024-JUL-08 Staff Report conditions described:

“construction of the south side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace, and both sides of Bergen-Op-Zoom Drive between Arnhem Terrace and Metral Drive to Urban Local design standard (UL-XS1);”

The CAC was intended to secure the construction of the south side of Bergen-Op-Zoom Drive between the subject property and Metral Drive, and construction of the north side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace to Urban Local design standard (UL-XS1) as shown on Attachment A.

No change to the proposed CAC or the associated amendment bylaw is proposed. This is a minor correction that staff recommend be addressed with a new resolution for clarity to reference the conditions of rezoning as outlined in the Staff Report dated 2024-JUL-29. The amended conditions of rezoning capture the intended in-kind CAC, as well as road dedication and trail improvements previously discussed in the 2024-JUL-08 staff report, which will support an improved road network with active transportation connections in the neighbourhood.

Conditions of Rezoning

Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – an in-kind amenity contribution as follows:
 - construction of a 3m wide publicly accessible pathway between Dublin Way and Bergen-Op-Zoom Drive with lighting built to City Standard CS-21 (with access secured by an SRW);
 - a blanket SRW to secure a future connection from the publicly accessible pathway to Amsterdam Park (to be reduced to a specific SRW once constructed);
 - construction of the south side of Bergen-Op-Zoom Drive between the subject property and Metral Drive, and construction of the north side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace to Urban Local design standard (UL-XS1) as shown in Attachment A; and,
 - If applicable, any monetary contribution to supplement the value of the proposed in-kind amenity based on a CAC rate of \$41 per m² of gross floor area is to be directed towards local parks and trail improvements within the City of Nanaimo.
2. *Road Dedication* – 358.3m² triangle shaped road dedication along the Island Highway prior to final adoption of the bylaw.
3. *On-site & Off-site Improvements* – registration of a Section 219 covenant to secure the following prior to building permit issuance:
 - the design and construction of an onsite roundabout to be secured by a statutory right-of-way for use by the public and service vehicles as a turnaround;
 - construction of environmental protection fencing along the watercourse setback; and,
 - vehicle access to the proposed development restricted to Bergen-Op-Zoom Drive. |

SUMMARY POINTS

- At the meeting held 2024-JUL-08, Council passed three readings of “Zoning Amendment Bylaw 2024 No. 4500.227” related to Rezoning Application RA498 – 5360 Bergen-Op-Zoom Drive.
- Following the meeting on 2024-JUL-08, an administrative error was identified in the Community Amenity Contribution as described in the conditions of rezoning.
- To correct the error, Staff recommend rescinding the previous resolution regarding conditions of rezoning and passing a new resolution to secure the amended conditions.
- This change will not affect the associated amendment bylaw and the proposed CAC will support the intended road improvements and active transportation connections in the neighbourhood.

ATTACHMENTS

ATTACHMENT A: Community Amenity Contribution In-Kind Amenity Proposal |

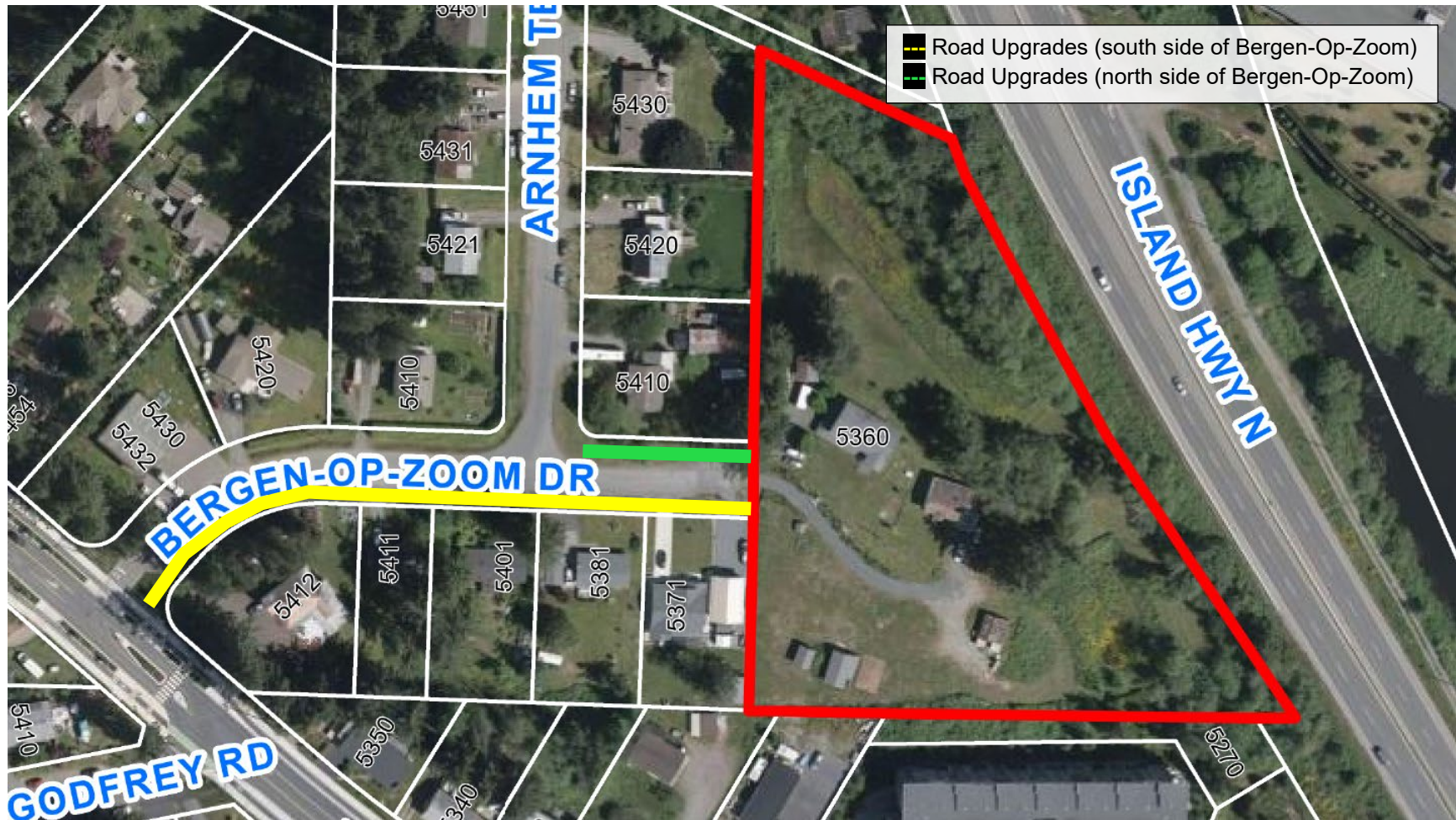
Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Planning & Development |

ATTACHMENT A
CAC IN-KIND AMENITY PROPOSAL



DATE OF MEETING JULY 29, 2024

AUTHORED BY SADIE ROBINSON, ACTIVE TRANSPORTATION PROJECT
SPECIALIST

SUBJECT **END OF TRIP FACILITIES**

OVERVIEW

Purpose of Report

To provide Council with an update on the end of trip facilities toolkit, and to seek approval to fund the installation.

Recommendation

That Council:

1. Direct Staff to amend the 2024- 2028 Financial Plan to add \$17,000 in 2024 to finalize the end of trip facilities toolkit funded from Special Initiatives Reserve.
2. Direct Staff to amend the 2024-2028 Financial Plan to add \$75,000 per year for 2024, 2025 and 2026 for secure bike parking funded from the Climate Action Reserve Fund.

BACKGROUND

City Plan policy prioritizes the placement of high-quality end of trip facilities, such as secure and convenient bike parking in Urban Centres, along corridors, and at key destinations, including parks (C2.2.8, C2.2.9 and C2.2.14). Secure bike parking mitigates theft/vandalism, can provide electric bike charging capabilities, and weather protection.

Through City Plan and the Integrated Action Plan, Council has prioritized the implementation of secure end of trip facilities and bike parking. Providing secure bicycle parking is the highest impact way to reduce barriers to mode shift. It allows residents to consider cycling for running daily errands and commuting in Nanaimo, particularly the downtown. Secure bike parking facilities promote physical activity, healthy communities, and vehicle emissions reduction.

The public frequently requests bike racks and bike lockers, which are currently considered case by case. To streamline decision-making a toolkit was developed that will direct investment in end of trip facilities to the locations where they are needed most, and to ensure that these facilities serve a variety of users.

DISCUSSION

Bunt & Associates developed a toolkit to identify the location, quantity, and style of public bike parking and end of trip facilities that should be provided to support mode shift targets and legitimize cycling as a more viable means of transportation.

The draft toolkit has three parts:

1. Priority Index identifies potential locations for new or improved bike parking and end-of-trip facilities. The index scores each location based on:
 - proximity to key destinations,
 - bike routes,
 - existing bike facilities,
 - relevant land uses,
 - transit routes; and,
 - socio-economic conditions.
2. Facility Selection Tool determines the type of public bicycle parking facility using a flow chart. Some examples of bike parking include a standard bike rack, lockable bike charging station, bike lockers or a covered bike shelter. The draft Facility Selection Tool is also included as part of Attachment B.
3. Design Guide provides examples of various styles of bike parking and other amenities that can be used based on the recommended tier of facility to install. The guide summarizes trends, common locations of public bicycle parking, spacing & access, security requirements, varying styles of bicycle parking facilities, bicycle parking enhancements, and end-of-trip elements that could be considered for long-term storage. The guide includes options that can accommodate a variety of users, including design options for parking specialty bikes (e.g., cargo bikes, recumbent bikes), adaptive bikes (e.g., hand cycles, adult trikes), as well as charging facilities for electric bikes.

Staff recommend that the toolkit be further refined, automated and be map-based (not currently in-scope) at a cost of \$17,000.

The toolkit identifies priority locations in Nanaimo's Primary Urban Centre - Downtown, Secondary Urban Centres, and along Active Mobility Routes. This aligns with City Plan policy D4.3.7 to support investments in Urban Centres. The toolkit is still being finalized and while it is intended to be attention-directing and not explicit, we anticipate that high-density mixed-use areas with high pedestrian activity will remain as focal points for implementation.

End of Trip Installation

With this version of the toolkit complete, we can begin installing end of trip facilities in high priority locations. The toolkit will continue to be evaluated and improved as we implement end of trip facilities. It is anticipated that the recommended facilities for installation could evolve as the toolkit is improved. Staff propose to install bike parking starting this fall for three years, and

propose a budget of \$75,000 be allocated from the Climate Action Reserve for each year of 2024, 2025 and 2026. Installation of end of trip facilities are proposed as follows:

Year 1 (2024): Commercial Street – Tier 2 Bike Parking

Secure bike parking stalls with charging capability (such as by Bikeep) across two stations is suggested along Commercial Street. With the Commercial Street improvements one station could be located north of Bastion Street and the other could be located between Museum Way and Terminal Avenue.

Year 2 (2025): Museum Way near Front Street / Harbour Front Parkade – Tier 3 Bike Parking

Covered bike parking such as bike lockers or sheltered bike racks are proposed near the Port Theatre. The Harbour Front Parkade and Vancouver Island Conference Center are also relatively high priority locations which could be served by facilities in this area.

Year 3 (2026): Future Downtown Transit Exchange – Tier 3 Bike Parking

Covered bike parking such as bike lockers or sheltered bike racks are proposed at the Future Downtown Transit Exchange on Terminal Avenue.

As these locations roll out their use will be evaluated and lessons can be applied for other facilities. End of Trip facilities can be incorporated into capital project where applicable (e.g. Norwell Transit Exchange).

OPTIONS

1. That Council direct Staff to amend the 2024- 2028 Financial Plan to add \$17,000 in 2024 to finalize the end of trip facilities toolkit funded from the Special Initiatives Reserve and;

That Council direct Staff to amend the 2024-2028 Financial Plan to add \$75,000 per year for 2024, 2025 and 2026 for installation of secure bike parking funded from the Climate Action Reserve Fund.

- The advantage of this option is that it will allow for the existing draft toolkit to be finalized becoming a more automated tool to support decision making in end of trip facilities at priority locations.
- Installation of end of trip facilities aligns with City Plan goals for mode shift and prioritizing walking, rolling, cycling, and transit over other transportation modes to help Nanaimo achieve a zero-carbon transportation system.
- Financial Implications: The 2024 – 2028 Financial Plan will be amended, at a later date, to add the additional funding. The revised projected 2024 closing balance of the Special Initiatives Reserve Fund is \$314,622 and Climate Action Reserve Fund is \$904,275.

2. That Council direct Staff to update and finalize the toolkit based on feedback and direction provided by Council and return to Council with an update once completed to seek direction on next steps at that time.
 - The advantage of this option is that there is an opportunity to incorporate feedback from Council before the tool is finalized.
 - The disadvantage of this option is that there may be a missed opportunity for implementation of end of trip facilities in 2024 depending on whether the toolkit can be completed, and direction received from a future Council meeting early enough to order equipment for installation during 2024.
 - Financial Implications: Alternative funding sources may be required depending on available funding in the Climate Action Reserve Fund at the time of the request.
3. That Council provide alternate direction to Staff.

CONCLUSION

End of trip facilities will support mode shift and meet City Plan goals. The Climate Action Reserve Fund is intended to support this type of project given the potential impact for reducing greenhouse gases and would not add cost to taxpayers. Other potential benefits of end of trip facilities include contribution to a healthy lifestyle and community building.

Staff propose to complete the toolkit and use it to identify key locations and types of secure bike parking to install over the next three years.

SUMMARY POINTS

- Providing secure bicycle parking is the highest impact way to reduce barriers to mode shift.
- Funding is already available through the Strategic Initiatives Reserve Fund and Climate Action Reserve Fund; there would be no additional cost to taxpayers.
- We propose to finalize the draft toolkit and install secure bike parking over the next three years.

ATTACHMENTS:

ATTACHMENT A: Draft Toolkit
ATTACHMENT B: PowerPoint Presentation |

Submitted by:

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Manager, Transportation

Concurrence by:

Poul Rosen
Director, Engineering

Wendy Fulla
Director, Finance

Bill Sims
General Manager, Engineering

Laura Mercer
General Manager, Corporate Services |

{DRAFT} BICYCLE END-OF-TRIP FACILITY PRIORITY INDEX

This bike facility priority index scores potential locations for new or improved bike parking and end-of-trip facilities. Add points if the location of interest is within the specified distance for each of the criteria listed below.

CRITERIA	TYPE	SUBTYPE	WEIGHT	POINTS	SCORE		
1. Destination: Is the location of interest within a 50m radius of one of the following types of destinations? Points may be achieved for all that apply. (20 points max)	School	With Active School Travel Plan	20	/20	/20		
		Without Active School Travel Plan	10				
	Transit Exchange	Primary	10	/10			
		Secondary	8				
	Major Employment	Hospital	8	/8			
		University	8				
	Public Parking	Surface Lot	4	/4			
		Garage	2				
	City of Nanaimo Facility	Community & Activity Centre	6	/6			
		Cultural Space/Facility	6				
	Social Service & Support	Day-Use Space	4	/4			
		Emergency Shelter	4				
Other	Emergency Food Provider	4	/6				
	Old City Quarter	6					
2. Bike Route: Is the location of interest within a 200m radius of one of the following types of bike routes? Points may only be achieved for the highest level of bike route. (10 points max)	Primary	Existing	10	/10	/10		
		Proposed	8				
	Secondary	Existing	8	/8			
		Proposed	6				
	Other	Existing	3	/8			
		Proposed	2				
	Trail	Existing	1	/1			
	3. Existing Bike Parking: Is the location of interest within a 50m radius of one of the following types of existing bike parking? Points may be removed for all that apply. (-10 points max)	Short-Term	4 th Tier (Low-End Facility)	-2		/-4	/-10
			3 rd Tier (Mid-Level Facility)	-3			
			1 st - 2 nd Tier (High-End/Enhanced Facility)	-4			
		Long-Term	4 th Tier (Low-End Facility)	-2		/-6	
3 rd Tier (Mid-Level Facility)			-4				
1 st - 2 nd Tier (High-End/Enhanced Facility)			-6				
4. Land Use: Is the location of interest within a 100m radius of one of the following land use designations? Points may be achieved for all that apply. (20 points max)	Urban Centre	Primary	10	/10	/20		
		Secondary	10				
	Park	Destination	6	/6			
		Other	4				
	Other	Commercial Centre	4	/4			
5. Transit Route: Is the location of interest within a 200m radius of one of the following land use designations? Points may only be achieved for the highest level of transit route. (10 points max)	Bus Rapid Transit	Existing	10	/10	/10		
		Proposed	8				
	Bus Frequent Transit	Existing	8	/8			
		Proposed	6				
	Other	Existing	4	/4			
		Proposed	2				
6. Socio-Economic Condition⁽¹⁾: Is the location of interest within a 50m radius of an area with a high deprivation level for the following dimensions of deprivation? Points may be achieved for all that apply. (20 points max)	Residential Instability	4 th - 5 th Quintile	5	/5	/20		
		3 rd Quintile	4				
		2 nd Quintile	3				
	Economic Dependency	4 th - 5 th Quintile	5	/5			
		3 rd Quintile	4				
		2 nd Quintile	3				
	Ethno-Cultural Composition	4 th - 5 th Quintile	5	/5			
		3 rd Quintile	4				
		2 nd Quintile	3				
	Situational Vulnerability	4 th - 5 th Quintile	5	/5			
		3 rd Quintile	4				
		2 nd Quintile	3				
7. Commuter Mode Share⁽²⁾: Is the location of interest within a 50m radius of an area with the following mode shares? Points may only be achieved for the applicable mode share. (10 points max)	Active Transport	>25%	10	/10	/10		
		20-24.9%	8				
		15-19.9%					
		10-14.9%	6				
		5-9.9%	4				
8. Population Density⁽²⁾: Is the location of interest within a 50m radius of an area with one of the following population densities? Points may only be achieved for the applicable population density. (10 points max)	Population Density per Square Kilometre	> 3,500	10	/10	/10		
		2,500 - 3,499					
		2,000 - 2,499	8				
		1,500- 1,999	6				
		1,000 - 1,499	4				
				TOTAL	/100		



Examples of Bike Parking Tiers to be Included in Future Design Guide

Bike Parking Tiers

Tier 4: Low (e.g., U-racks)

Tier 3: Mid (e.g., covered racks)

Tier 2: High (e.g., Bikeeep with e-charging)

Tier 1: Enhanced (e.g., indoor facilities)

Tier Other: Additional Enhancements (e.g., tool stands)



Tier 4: Low



Tier 3: Mid



Tier 2: High



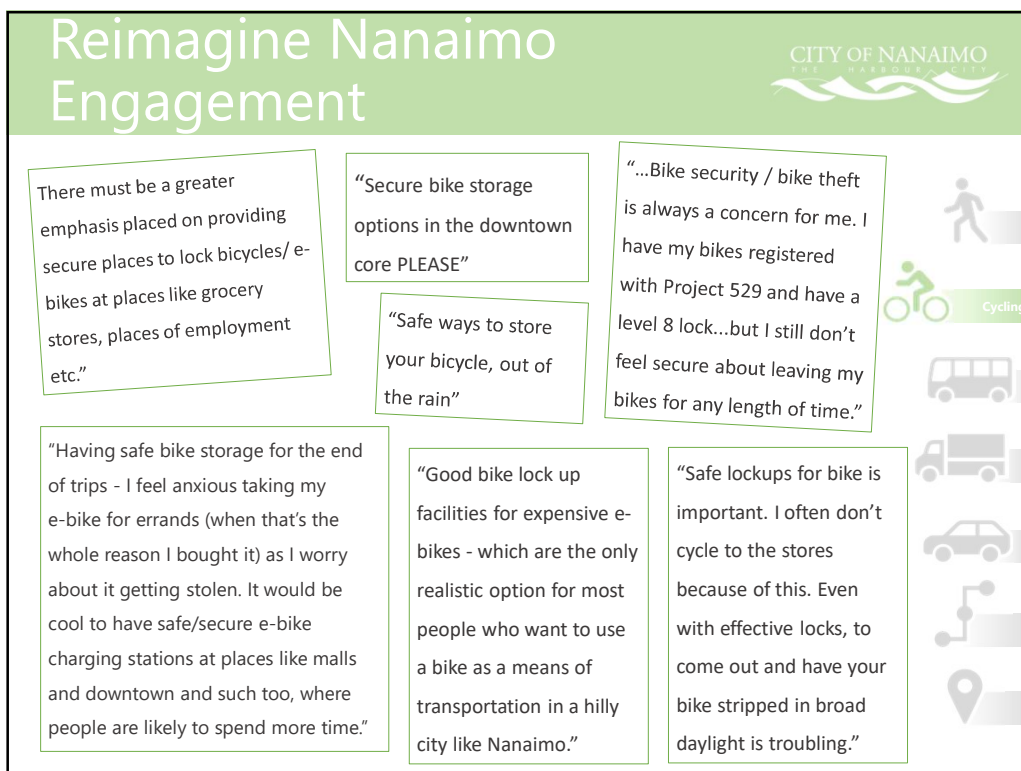
Tier 1: Enhanced



Tier Other: Additional Enhancements



1



2

Draft Toolkit: Priority Index

CITY OF NANAIMO
THE HARBOUR CITY

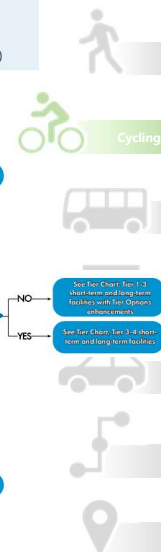
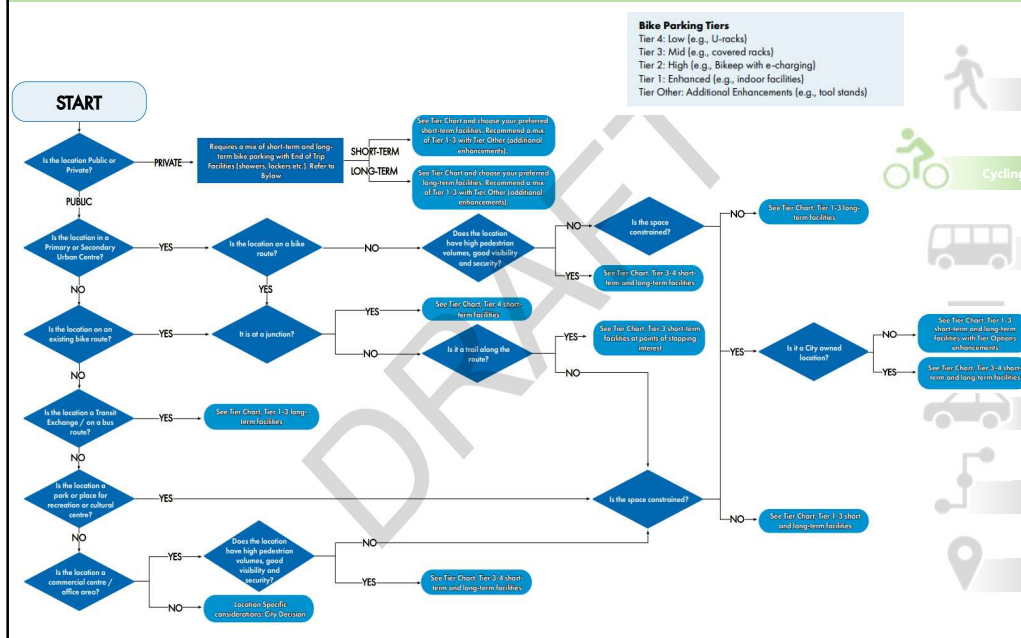
CRITERIA	TYPE	SUBTYPE	WEIGHT	POINTS	SCORE			
1. Destination: Is the location of interest within a 500m radius of one of the following types of designated Points may only be achieved for all that apply.	School	With Active School Travel Plan	20	/20	/20			
		Without Active School Travel Plan	10	/10				
	Transit Exchange	Primary	10	/10		/8		
		Secondary	8	/8				
	Major Employment	Hospital	8	/8		/4		
		University	8	/4				
	Public Parking	Surface Lot	4	/4		/20		
		Garage	2	/4				
	City of Nanaimo Facility	Community & Activity Centre	6	/6		/4		
		Cultural Space/Facility	4	/4				
2. Bike Route: Is the location of interest within a 200m radius of one of the following types of bike routes? Points may only be achieved for the highest level of bike route.	Primary	Existing	10	/10	/10			
		Proposed	8	/8				
	Secondary	Existing	6	/6		/10		
		Proposed	4	/8				
	Other	Existing	2	/8		/1		
		Proposed	1	/1				
	Trail	Existing	1	/1		/1		
		Proposed	1	/1				
	3. Existing Bike Parking: Is the location of interest within a 50m radius of one of the following types of existing bike parking? Points may be removed for all that apply.	Short-Term	4th Tier (Low-End Facility)	-2		/-2	/-10	
			3rd Tier (Mid-Level Facility)	-3		/-4		
Long-Term		4th Tier (Low-End Facility)	-2	/-4	/10			
		3rd Tier (Mid-Level Facility)	-4	/-6				
Long-Term		4th Tier (Low-End Facility)	-2	/-6	/10			
		3rd Tier (Mid-Level Facility)	-4	/-10				
4. Land Use: Is the location of interest within a 100m radius of one of the following land use designations? Points may be achieved for all that apply.		Urban Centre	Primary	10	/10	/20		
			Secondary	10	/10			
		Park	Destination	4	/4			/20
			Other	4	/4			
	Other	Commercial Centre	4	/4	/10			
		Industrial	4	/10				
	Bus Rapid Transit	Existing	10	/10	/10			
		Proposed	8	/8				
	Bus Frequent Transit	Existing	8	/8	/10			
		Proposed	6	/4				
5. Transit Route: Is the location of interest within a 200m radius of one of the following transit route designations? Points may only be achieved for the highest level of transit route.	Other	Existing	4	/4	/10			
		Proposed	2	/2				
	Residential Inhabitation	4th - 5th Quintile	5	/5		/5		
		2nd Quintile	3	/5				
	Economic Dependency	4th - 5th Quintile	5	/5		/20		
		2nd Quintile	3	/5				
	Ethno-Cultural Composition	4th - 5th Quintile	5	/5		/5		
		2nd Quintile	3	/5				
	Situational Vulnerability	4th - 5th Quintile	5	/5		/5		
		2nd Quintile	3	/5				
6. Socio-Economic Condition: Is the location of interest within a 200m radius of an area with a high deprivation level for the following elements of deprivation? Points may only be achieved for all that apply.	Active Transport	>25%	10	/10	/10			
		20-24.9%	8	/10				
	Active Transport	15-19.9%	6	/10		/10		
		10-14.9%	4	/10				
	Active Transport	5-9.9%	4	/10		/10		
		<3.00%	10	/10				
	Population Density per Square Kilometre	2,000 - 3,499	10	/10		/10		
		2,000 - 2,499	8	/10				
	Population Density per Square Kilometre	1,500 - 1,999	6	/10		/10		
		1,000 - 1,499	4	/10				
				TOTAL	/100			



3

Draft Toolkit: Facility Selection Flowchart

CITY OF NANAIMO
THE HARBOUR CITY



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Future Design Guide: Example of Parking Tiers


CITY OF NANAIMO
THE HARBOUR CITY

Bike Parking Tiers
 Tier 4: Low (e.g., U-racks)
 Tier 3: Mid (e.g., covered racks)
 Tier 2: High (e.g., Bikeeep with e-charging)
 Tier 1: Enhanced (e.g., indoor facilities)
 Tier Other: Additional Enhancements (e.g., tool stands)


Tier 1




Tier 2



Tier 3



Tier 4



WALKING & ROLLING CYCLING TRANSIT GOODS MOVEMENT PERSONAL VEHICLES NETWORKS PLACEMAKING

5

Additional Examples

CITY OF NANAIMO
THE HARBOUR CITY

Bike Parking Tiers
 Tier 4: Low (e.g., U-racks)
 Tier 3: Mid (e.g., covered racks)
 Tier 2: High (e.g., Bikeeep with e-charging)
 Tier 1: Enhanced (e.g., indoor facilities)
 Tier Other: Additional Enhancements (e.g., tool stands)

Tier 1



Tier 3



Tier 2



Tier 3



Tier Other: Additional Enhancements



WALKING & ROLLING CYCLING TRANSIT GOODS MOVEMENT PERSONAL VEHICLES NETWORKS PLACEMAKING

6

Year 1 - 2024

Commercial Street - Tier Two
Proposed Bikeeep secure bike parking station with e-charging capability.




WALKING & ROLLING CYCLING TRANSIT GOODS MOVEMENT PERSONAL VEHICLES NETWORKS PLACEMAKING

7

Year 2 - 2025

Museum Way near Front Street / Harbour Front Parkade: Tier 3
Covered bike parking




Reference

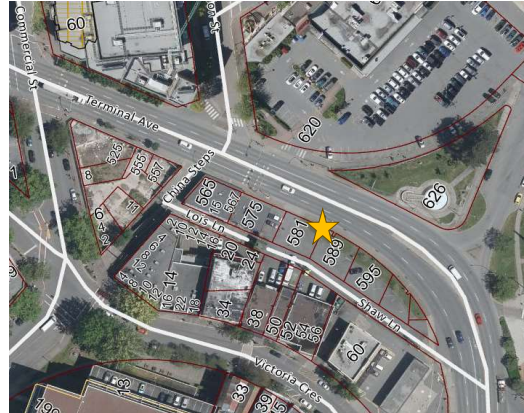
WALKING & ROLLING CYCLING TRANSIT GOODS MOVEMENT PERSONAL VEHICLES NETWORKS PLACEMAKING

8

Year 3 - 2026



Future Downtown Transit Exchange - Tier 3 Covered Bike Parking



9

Proposed Next Steps:



1. Finalize toolkit and further develop into an automated process; and
2. Fund installation of End of Trip Facilities for each year during 2024-2026.



Recommendation

That Council:

- Direct staff to finalize the end of trip facilities toolkit with \$17,000 from the Strategic Initiatives Reserve Fund.
- Direct staff to amend the 2024-2026 Financial Plan to add \$75,000 per year for 2024, 2025 and 2026 for secure bike parking funded from the Climate Action Reserve Fund.



10

DATE OF MEETING JULY 29, 2024

AUTHORED BY SADIE ROBINSON, ACTIVE TRANSPORTATION PROJECT SPECIALIST

SUBJECT TRAFFIC AND HIGHWAYS REGULATION BYLAW AMENDMENT
BYLAW 2024 NO. 5000.048

OVERVIEW

Purpose of Report

Proposed amendments to the "Traffic and Highways Regulation Bylaw 1993 No. 5000" to regulate micromobility devices.

Recommendation

That:

1. "Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048" (micromobility traffic and safety on highways) pass first reading;
2. "Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048" pass second reading; and
3. "Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048" pass third reading.

BACKGROUND

At the 2024-FEB-26 Council Meeting, Council directed that the "Traffic and Highways Regulation Bylaw 1993 No. 5000" be amended to regulate micromobility devices beyond what is required by the Province for electric kick scooter (e-kick scooters) users within pilot program communities.

Council provided direction to participate in the pilot project enabling provincial regulations around micromobility devices. The City's Traffic and Highways Regulation Bylaw requires an amendment to allow for these devices to operate legally on Nanaimo streets.

DISCUSSION

Micromobility devices such as e-kick scooters are prominent on our roads and trails. The intent of participating in the provincial pilot program is to acknowledge the use of these devices at the same time as enacting regulations to mitigate conflicts between users, including those with accessibility issues.

Provincial regulation sets out criteria for the use of e-kick scooters in pilot communities, and includes device requirements and operator responsibilities. The full regulation is included as [Attachment A](#).

The amended bylaw for consideration considers the use of micromobility devices rather than limiting the scope to e-scooters and acknowledges the need to mitigate conflicts between the users of micromobility devices and individuals with accessibility issues.

With the proposed amendment, it provided the opportunity to also include some minor housekeeping amendments. They include:

- Removing the definition for “Director of Strategic Planning, Engineering and Economic Development and replacing it with “General Manager, Engineering and Public Works”.
- Removing reference to the “Director of Parks and Recreation” as this position is not relevant to the Bylaw.
- Removing Fine Schedule “E” as fines are now contained within the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.
- Updating the Appeal section to reference the “Appeal Procedures Bylaw”

“Traffic and Highways Amendment Bylaw 2024 No. 5000.048” is attached for Council’s consideration of three readings.

OPTIONS

1. That:

1. “Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048” (micromobility traffic and safety on highways) pass first reading;
2. “Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048” pass second reading; and
3. “Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048” pass third reading.

The advantages of this option are that the City of Nanaimo can continue with the e-kick scooter pilot project and begin regulating micromobility devices in our community. This option supports municipal goals for a green, connected, healthy and empowered Nanaimo, and GHG reduction by encouraging a shift in travel behaviours.

2. That Council provide alternate direction to Staff.

SUMMARY POINTS

- Council directed that an amended bylaw be prepared for consideration to further regulate the use of micromobility devices.
- The proposed Bylaw amendments are intended to capture a broader range of micromobility devices and to mitigate conflicts between users.
- The proposed Traffic and Highways Amendment Bylaw 2024 No. 5000.048 is attached for Council's consideration of three readings.

ATTACHMENTS:

Attachment A – Province of British Columbia Electric Kick Scooter Pilot Project Regulation

Attachment B – Traffic and Highways Regulation Bylaw Amendment Bylaw 2024 No. 5000.048

Submitted by:

Jamie Rose
Manager, Transportation

Concurrence by:

Darcie Osborne
Director, Recreation & Culture

Poul Rosen
Director, Engineering

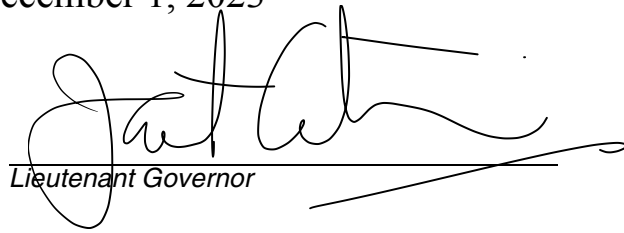
Bill Sims
General Manager, Engineering & Public
Works

ATTACHMENT A
PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 640


, Approved and Ordered December 1, 2023


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 12 (a) to (i) and (k) to (m) and 13 to 17 of the *Motor Vehicle Amendment Act, 2023*, S.B.C. 2023, c. 17, are brought into force,
- (b) effective April 5, 2024, the following provisions of the *Motor Vehicle Amendment Act, 2023*, S.B.C. 2023, c. 17, are brought into force:
 - (i) sections 1, 2, 4, 6 to 10 (e), 11, 12 (j) and (n) and 23;
 - (ii) section 24, except as it enacts section 182.1 of the *Motor Vehicle Act*;
 - (iii) sections 25 to 29;
 - (iv) section 32, except as it enacts section 210 (3.2) (b) (iii) of the *Motor Vehicle Act*;
 - (v) sections 33, 34, 36 and 38 to 42,
- (c) effective April 5, 2024, the Electric Kick Scooter Pilot Project Regulation, B.C. Reg. 90/2021, is repealed, and
- (d) effective April 5, 2024, the attached Electric Kick Scooter Pilot Project Regulation is made.


Minister of Transportation and Infrastructure


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Motor Vehicle Amendment Act, 2023*, S.B.C. 2023, c. 17, s. 43; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, s. 210

Other: OIC 184/2021

R10718710

ELECTRIC KICK SCOOTER PILOT PROJECT REGULATION

Contents

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- 2 Definitions in section 119 of Act apply
- 3 Electric kick scooter criteria
- 4 Electric Kick Scooter Pilot Project established
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- 9 Section 19.07 highways located within participating communities
- 10 Highways that have speed limit over 50 km/h
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- 44 Offences
- 45 Repeal of regulation

PART 1 – INTERPRETATION, ESTABLISHMENT OF PILOT PROJECT AND GENERAL PROHIBITIONS

Definitions

1 In this regulation:

“**Act**” means the *Motor Vehicle Act*;

“**cycle lane**” means a portion of a highway designated for use of persons operating cycles, either exclusively or alongside one or more of the following:

- (a) persons operating designated personal mobility devices;
- (b) persons on skateboards, kick scooters, roller skates, in-line roller skates or other devices that are only capable of being propelled by human power;

“**electric kick scooter**” means a device that meets all of the criteria set out in section 3 [*electric kick scooter criteria*];

“**participating community**” means the following, as applicable:

- (a) the Nisga’a Government or Nisga’a Lands, but only if the pilot project is authorized, under section 306 (1) [*pilot projects within Nisga’a Lands*] of the Act, to take place on highways within Nisga’a Lands;
- (b) a treaty first nation or the treaty lands of the treaty first nation, but only if the pilot project is authorized, under section 306 (2) [*pilot projects within treaty lands*] of the Act, to take place on highways within the treaty lands;
- (c) a municipality, but only if the pilot project is authorized, under section 307 [*opt-in pilot projects in municipalities*] of the Act, to take place within the municipality;

“**pilot project**” means the pilot project established under section 4 (1) [*Electric Kick Scooter Pilot Project established*];

“**pilot project highway**” has the meaning set out in section 5 [*meaning of “pilot project highway”*];

“**section 19.07 highway**” means a highway named in Schedule 1 of section 19.07 [*schedule 1 highways restrictions*] of the Motor Vehicle Act Regulations;

“transportation minister” means the minister responsible for the administration of the *Transportation Act*.

Definitions in section 119 of Act apply

- 2** (1) If a word or expression used in this regulation is defined in section 119 [*definitions for Part 3*] of the Act, the word or expression has the same meaning as in that section.
- (2) For certainty, in this regulation, **“traffic control device”**, in relation to a participating community or the transportation minister, includes a traffic control device placed or erected by a person authorized by the participating community or transportation minister.

Electric kick scooter criteria

- 3** (1) An electric kick scooter is a device that
- (a) is designed to be
 - (i) solely self-propelled, or
 - (ii) self-propelled with the capability to be propelled by human power,
 - (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis, with one to 2 wheels at the front of the device and one to 2 wheels at the rear,
 - (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform,
 - (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device,
 - (e) is designed to transport one person,
 - (f) is not a motor assisted cycle or another device that has pedals, and
 - (g) does not have
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the electric kick scooter.
- (2) In addition to the criteria set out in subsection (1), the device must have one or more electric motors that
- (a) are powered solely by one or more electric batteries,
 - (b) are not capable of propelling the device at a speed exceeding 25 km/h when the device is being operated on a clean, paved and level surface, and
 - (c) have a continuous power output rating that, in total, does not exceed 500 W.

Electric Kick Scooter Pilot Project established

- 4** (1) The Electric Kick Scooter Pilot Project is established for the purposes of researching, testing and evaluating the regulation of electric kick scooters.
- (2) The pilot project is a province-wide pilot project.
- (3) For the purposes of the pilot project, an electric kick scooter is deemed to be a designated personal mobility device.

Meaning of “pilot project highway”

- 5** A pilot project highway is any highway or portion of a highway located within the Province, other than the following:
- (a) a highway or portion of a highway located within Nisga’a Lands, unless the Nisga’a Government is a participating community;
 - (b) a highway or portion of a highway located within the treaty lands of a treaty first nation, unless the treaty first nation is a participating community;
 - (c) a highway or portion of a highway located within a municipality, unless the municipality is a participating community;
 - (d) a structure, portion of a structure or approach to a structure in relation to which any of the following provisions of the Provincial Public Undertakings Regulation under the *Transportation Act* apply:
 - (i) section 3 [*farm vehicles, bicycles and pedestrians*];
 - (ii) section 4 [*slow vehicles and bicycles*];
 - (iii) section 9 [*prohibited vehicles, bicycles and tire chains*];
 - (e) a highway or portion of a highway on which the operation of electric kick scooters is prohibited by
 - (i) a traffic control device, law or bylaw referred to in section 8 [*prohibited highways located within participating communities*], or
 - (ii) a traffic control device referred to in section 14 [*prohibited highways located outside participating communities*].

Operation prohibited except on pilot project highways

- 6** A person must not operate an electric kick scooter on a highway except on a pilot project highway in accordance with this regulation.

Operation prohibited if under 16 years of age

- 7** (1) A person under 16 years of age must not operate an electric kick scooter on a highway.
- (2) A parent or guardian of a person under 16 years of age must not authorize or knowingly permit the person to operate an electric kick scooter on a highway.

PART 2 – OPERATING ELECTRIC KICK SCOOTERS IN PARTICIPATING COMMUNITIES

Prohibited highways located within participating communities

- 8** Despite any other provision of this Part, the operation of electric kick scooters on a highway or portion of a highway located within a participating community may be prohibited by
- (a) a traffic control device of the transportation minister, or
 - (b) a traffic control device, law or bylaw of the participating community.

**Section 19.07 highways
located within participating communities**

- 9** If a pilot project highway located within a participating community is a section 19.07 highway, a person must not operate an electric kick scooter on the highway unless the transportation minister causes signs to be erected permitting the use of electric kick scooters on either of the following:
- (a) a footpath constructed adjacent to the travelled portion of the highway;
 - (b) the shoulder of the travelled portion of the highway.

**Highways that have
speed limit over 50 km/h**

- 10** If a pilot project highway located within a participating community has a speed limit of more than 50 km/h, a person may operate an electric kick scooter on the highway as follows:
- (a) if the highway has a cycle lane, the person must operate the electric kick scooter in the cycle lane;
 - (b) if the highway does not have a cycle lane, or if the operation of electric kick scooters is prohibited in the cycle lane, the person may operate the electric kick scooter on another portion of the highway, but only if a traffic control device of the transportation minister, or a traffic control device, law or bylaw of the participating community, permits or requires electric kick scooters to be operated on the other portion of the highway.

**Highways that have
speed limit not over 50 km/h**

- 11** If a pilot project highway located within a participating community has a speed limit of not more than 50 km/h, a person may operate an electric kick scooter on the highway as follows:
- (a) if the highway has a cycle lane, the person must operate the electric kick scooter in the cycle lane;
 - (b) if the highway does not have a cycle lane, or if the operation of electric kick scooters is prohibited in the cycle lane, the person may operate the electric kick scooter as follows:
 - (i) on another portion of the highway, if a traffic control device of the transportation minister, or a traffic control device, law or bylaw of the participating community, permits or requires electric kick scooters to be operated on the other portion of the highway;
 - (ii) as near as practicable to the right side of the highway, if a traffic control device of the transportation minister, or a traffic control device, law or bylaw of the participating community, does not require electric kick scooters to be operated on another portion of the highway.

Sidewalks located within participating communities

- 12** A person must not operate an electric kick scooter on the sidewalk of a pilot project highway located within a participating community unless

- (a) a traffic control device of the participating community permits the operation of cycles or electric kick scooters on the sidewalk, or
- (b) a traffic control device of the transportation minister permits the operation of electric kick scooters on the sidewalk.

Crosswalks located within participating communities

- 13** A person must not operate an electric kick scooter on the crosswalk of a pilot project highway located within a participating community unless
- (a) a traffic control device of the participating community permits the operation of cycles or electric kick scooters on the crosswalk, or
 - (b) a traffic control device of the transportation minister permits the operation of electric kick scooters on the crosswalk.

PART 3 – OPERATING ELECTRIC KICK SCOOTERS OUTSIDE PARTICIPATING COMMUNITIES

Prohibited highways located outside participating communities

- 14** Despite any other provision of this Part, a traffic control device of the transportation minister may prohibit the operation of electric kick scooters on a highway or portion of a highway located outside the following areas:
- (a) Nisga'a Lands;
 - (b) the treaty lands of a treaty first nation;
 - (c) a municipality.

**Section 19.07 highways located
outside participating communities**

- 15** If a pilot project highway located outside a participating community is a section 19.07 highway, a person must not operate an electric kick scooter on the highway unless the transportation minister causes signs to be erected permitting the use of electric kick scooters on either of the following:
- (a) a footpath constructed adjacent to the travelled portion of the highway;
 - (b) the shoulder of the travelled portion of the highway.

Other highways located outside participating communities

- 16** A person may operate an electric kick scooter on a pilot project highway located outside a participating community as follows:
- (a) if the highway has a cycle lane, the person must operate the electric kick scooter in the cycle lane;
 - (b) if the highway does not have a cycle lane, or if the operation of electric kick scooters is prohibited in the cycle lane, the person may operate the electric kick scooter on another portion of the highway, but only if a traffic control device of the transportation minister permits or requires electric kick scooters to be operated on the other portion of the highway.

**Sidewalks located
outside participating communities**

- 17 A person must not operate an electric kick scooter on the sidewalk of a pilot project highway located outside a participating community unless a traffic control device of the transportation minister permits the operation of electric kick scooters on the sidewalk.

**Crosswalks located
outside participating communities**

- 18 A person must not operate an electric kick scooter on the crosswalk of a pilot project highway located outside a participating community unless a traffic control device of the transportation minister permits the operation of electric kick scooters on the crosswalk.

PART 4 – DUTIES OF OPERATOR

Duty to wear safety helmet

- 19 Unless exempted by a regulation made for the purposes of section 184 (6) (b) [*bicycle safety helmets*] of the Act, a person who operates an electric kick scooter on a pilot project highway must properly wear a bicycle safety helmet that meets the requirements under section 184 (1) (a) or (b) of the Act.

Operation near pedestrians

- 20 A person operating an electric kick scooter on a pilot project highway must sound the bell or horn that the electric kick scooter is required to be equipped with under section 35 [*bell or horn required*] if
- (a) it is reasonably necessary to do so in order to notify a pedestrian that the electric kick scooter is approaching the pedestrian, or
 - (b) the person intends to pass a pedestrian.

Operation near other devices

- 21 (1) A person operating an electric kick scooter on a pilot project highway must sound the bell or horn that the electric kick scooter is required to be equipped with under section 35 [*bell or horn required*] if
- (a) it is reasonably necessary to do so in order to notify the operator of a cycle or other device that the electric kick scooter is approaching the operator of the cycle or other device, or
 - (b) the person intends to pass a cycle or other device.
- (2) A person operating an electric kick scooter on the roadway portion of a pilot project highway must not operate the electric kick scooter abreast of another person who is operating a cycle, electric kick scooter or other device.

Duty to signal right turn

- 22 (1) In this section and section 23 [*duty to signal left turn*], “**turn signal lights**” means red, yellow or white turn signal lights that are visible from both behind and in front of an electric kick scooter.

- (2) If a person operating an electric kick scooter on a pilot project highway intends to turn right and the electric kick scooter is not equipped with turn signal lights, the person must signify the right turn by doing either of the following:
 - (a) extending the person's left hand and arm out and upward from the electric kick scooter so that the upper and lower parts of the arm are at right angles;
 - (b) extending the person's right hand and arm horizontally from the electric kick scooter.
- (3) If a person operating an electric kick scooter on a pilot project highway intends to turn right and the electric kick scooter is equipped with turn signal lights, the person must signify the right turn by doing either of the following:
 - (a) activating the right turn signal light;
 - (b) extending the person's hand and arm in the manner described in subsection (2) (a) or (b).

Duty to signal left turn

- 23**
- (1) If a person operating an electric kick scooter on a pilot project highway intends to turn left and the electric kick scooter is not equipped with turn signal lights, the person must signify the left turn by extending the person's left hand and arm horizontally from the electric kick scooter.
 - (2) If a person operating an electric kick scooter on a pilot project highway intends to turn left and the electric kick scooter is equipped with turn signal lights, the person must signify the left turn by doing either of the following:
 - (a) activating the left turn signal light;
 - (b) extending the person's left hand and arm in the manner described in subsection (1).

Duty to make hook turn to turn left at intersection

- 24**
- (1) Subject to subsection (2), if a person operating an electric kick scooter on a pilot project highway intends to turn left at an intersection, the person must cause the electric kick scooter to make a hook turn as follows:
 - (a) first, approach and enter the intersection in the portion of the highway that is as near as practicable to the right side of the highway;
 - (b) second, proceed through the intersection, keeping as near as practicable to the right side of the intersection;
 - (c) third, after reaching the other side of the intersection, stop and become positioned in the intended direction of travel;
 - (d) fourth, enter and proceed through the intersection as described in paragraphs (a) and (b).
 - (2) If it is not practicable or safe for the person referred to in subsection (1) to make a hook turn at the intersection, the person must dismount the electric kick scooter and cross the intersection in accordance with provisions under the Act applicable to pedestrians.

Duty to signal stop or decrease in speed

- 25** (1) If a person operating an electric kick scooter on a pilot project highway intends to stop or decrease the speed of the electric kick scooter, the person must signify the stop or decrease in speed by extending the person's left hand and arm out and downward from the electric kick scooter so that the upper and lower parts of the arm are at right angles.
- (2) Subsection (1) does not apply if
- (a) the electric kick scooter is equipped with a visible red light at the rear, and
 - (b) the visible red light is activated when the person applies the brakes.

Passengers and towing prohibited

- 26** A person operating an electric kick scooter on a pilot project highway must not do any of the following:
- (a) transport another person on the electric kick scooter;
 - (b) use the electric kick scooter
 - (i) to tow another person, or
 - (ii) to tow a vehicle, cycle or other device;
 - (c) use the electric kick scooter to be towed by a cycle or other device.

Operating without due care and attention prohibited

- 27** A person must not operate an electric kick scooter on a pilot project highway
- (a) without due care and attention, or
 - (b) without reasonable consideration for other persons using the highway.

Operator must be in standing position

- 28** A person operating an electric kick scooter on a pilot project highway
- (a) must be in a standing position on the platform of the electric kick scooter, and
 - (b) must keep at least one hand on the steering handlebar of the electric kick scooter.

Leaving electric kick scooter in traffic prohibited

- 29** A person operating an electric kick scooter must not leave the electric kick scooter attended or unattended in a location intended for the movement of traffic.

Duties under Part 3 of Act apply

- 30** Except as otherwise provided in this regulation, a person operating an electric kick scooter on a pilot project highway has the same rights and duties under Part 3 of the Act that apply to the driver of a vehicle.

PART 5 – ELECTRIC KICK SCOOTER REQUIREMENTS

Operation prohibited unless electric kick scooter meets requirements

- 31** A person must not operate an electric kick scooter on a pilot project highway unless the electric kick scooter meets all of the requirements set out in this Part.

Weight restriction

- 32** The weight of the electric kick scooter, including its motors and batteries, must not be more than 45 kg when the electric kick scooter is unladen.

Motors and batteries

- 33** (1) The motors of the electric kick scooter must cease to propel the electric kick scooter forward when the operator releases the accelerator or applies the brakes.
- (2) The batteries and motors of the electric kick scooter must be securely fastened to the electric kick scooter in order to prevent the batteries and motors from moving, relative to the electric kick scooter, when the electric kick scooter is operating.

Brake performance

- 34** The electric kick scooter must be equipped with a braking system that is capable, when the electric kick scooter is being operated at a speed of 25 km/h on a clean, paved and level surface, of bringing the electric kick scooter to a complete stop within 7.5 m of the point at which the brakes are applied.

Bell or horn required

- 35** The electric kick scooter must be equipped with a bell or horn.

Lights required at night

- 36** (1) When the electric kick scooter is being operated between 1/2 hour after sunset and 1/2 hour before sunrise, the following equipment is required:
- (a) at the front of the electric kick scooter, a lighted lamp displaying a white or amber light that, under normal atmospheric conditions, is visible from at least 150 m in the direction the electric kick scooter is pointed;
- (b) at the back of the electric kick scooter, a lighted lamp displaying a visible red light.
- (2) The lighted lamps required under subsection (1) may be
- (a) attached to the electric kick scooter, or
- (b) carried or worn by the operator.

Electrical terminals

- 37** All electrical terminals on the electric kick scooter must be completely insulated or covered.

Flashing red light permitted

- 38** Despite any other provision of the Act or regulations, an electric kick scooter may be equipped with a flashing red light.

PART 6 – ACCIDENTS

Duties of operator if accident occurs

- 39** If a person is injured, or property is damaged, as a direct or indirect result of an accident that occurs due to the presence or operation of an electric kick scooter on a highway, the operator must do the following:
- (a) remain at or immediately return to the scene of the accident;
 - (b) render all possible assistance;
 - (c) give to a person who sustains loss or injury
 - (i) the operator's name and address, and
 - (ii) the name and address of the owner of the electric kick scooter.

Duties of police officer

- 40** (1) This section applies in relation to an accident if
- (a) the accident occurs due to the presence or operation of an electric kick scooter on a highway, and
 - (b) the accident causes, directly or indirectly,
 - (i) death or injury to a person, or
 - (ii) damage to property causing aggregate damage apparently exceeding an amount prescribed for the purposes of section 249 (1) (b) *[accident reports by police officer]* of the Act.
- (2) A police officer who attends an accident to which this section applies must do the following:
- (a) complete a written report of the accident in the form established by the Insurance Corporation of British Columbia under section 249 (1) of the Act;
 - (b) promptly forward the report to the Insurance Corporation of British Columbia.

Power to obtain information

- 41** A person involved in an accident referred to in section 40, or that person's authorized representative, is entitled to obtain the following on request:
- (a) the names of persons involved in the accident;
 - (b) the name of any witness.

PART 7 – GENERAL PROVISIONS

Reports to minister

- 42** (1) The minister may require any of the following to provide records and information, including personal information, relating to the operation of electric kick scooters:
- (a) a participating community;
 - (b) a person who rents electric kick scooters to other persons;
 - (c) the BC Injury Research and Prevention Unit.

- (2) Records and information provided under subsection (1) must be in the form and include the content required by the minister.
- (3) For the purposes of the pilot project, the minister and the Insurance Corporation of British Columbia may collect, use and disclose to each other records and information, including personal information.

Inconsistent bylaws

- 43** A bylaw of a municipality that is a participating community is inoperative and of no force and effect to the extent that the bylaw conflicts with or is inconsistent with this regulation.

Offences

- 44** A person who contravenes any of the following provisions commits an offence:
- (a) section 6 [*operation prohibited except on pilot project highways*];
 - (b) section 7 (1) or (2) [*operation prohibited if under 16 years of age*];
 - (c) section 9 [*section 19.07 highways located within participating communities*];
 - (d) section 10 (a) or (b) [*highways that have speed limit over 50 km/h*];
 - (e) section 11 (a) or (b) [*highways that have speed limit not over 50 km/h*];
 - (f) section 12 [*sidewalks located within participating communities*];
 - (g) section 13 [*crosswalks located within participating communities*];
 - (h) section 15 [*section 19.07 highways located outside participating communities*];
 - (i) section 16 (a) or (b) [*other highways located outside participating communities*];
 - (j) section 17 [*sidewalks located outside participating communities*];
 - (k) section 18 [*crosswalks located outside participating communities*];
 - (l) any of the provisions of Part 4 [*Duties of Operator*];
 - (m) section 31 [*operation prohibited unless electric kick scooter meets requirements*];
 - (n) section 39 [*duties of operator if accident occurs*].

Repeal of regulation

- 45** This regulation is repealed on April 5, 2028.

CITY OF NANAIMO

BYLAW NO. 5000.048

A BYLAW TO REGULATE MICROMOBILITY TRAFFIC AND SAFETY ON HIGHWAYS

WHEREAS the Council is authorized, under Section 120 of the *Motor Vehicle Act*, OIC 640/2023, and Sections 8(2) and (3)(a) and 36 of the *Community Charter*, to regulate traffic and the use of highways within the municipality, including regulation of and permission for use of micromobility devices on highways.

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

1. Title

This Bylaw may be cited as “TRAFFIC AND HIGHWAYS REGULATION BYLAW AMENDMENT BYLAW 2024 NO. 5000.048”.

2. “Traffic and Highways Regulation Bylaw 1993 No. 5000” is hereby amended by:

(a) By deleting the definition of “Director” in Section 2 – Interpretation and replacing it with the following:

“GENERAL MANAGER,
ENGINEERING AND
PUBLIC WORKS”

means the person duly appointed who has functional responsibility and accountability for operations of Engineering and Public Works departments and includes any person appointed or designated to act on their behalf.

(b) By deleting all instances of “Director” or “Director of Engineering and Public Works” and replacing all instances with “General Manager, Engineering and Public Works” throughout Bylaw No. 5000.

(c) By deleting the definition of “Director of Parks and Recreation” in Section 2 – Interpretation.

(d) By adding a new “Part 11 – Micromobility Device Regulations” directly before “PART II – GENERAL” (and renumbering subsequent sections accordingly) as follows:

“PART 11 – MICROMOBILITY DEVICE REGULATIONS

DIVISION (1) – INTERPRETATION

62. Interpretation

In this Part 11, without limiting the definitions in section 2 of this Bylaw:

“ELECTRIC KICK
SCOOTER”

(1) means a device that complies with the following:

(a) is designed to be:

- (i) solely self-propelled, or
 - (ii) self-propelled with the capability to be propelled by human power
- (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis, with one to 2 wheels at the front of the device and one to 2 wheels at the rear
- (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform
- (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device
- (e) is designed to transport not more than one person
- (f) is not a motor assisted cycle or another device that has pedals
- (g) does not have:
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the Electric Kick Scooter
- (h) the device must have one or more electric motors that:
 - (i) are powered solely by one or more electric batteries
 - (ii) are not capable of propelling the device at a speed exceeding 25 km/h when the device is being operated on a clean, paved and level surface, and
 - (iii) have a continuous power output rating that, in total, does not exceed 500 W

“PROTECTED
BICYCLE LANE”

- (1) means that a part of a Highway which is separated from Motor Vehicle Traffic by a bicycle lane buffer and is designated by the General Manager, Engineering and Public Works for use by persons on bicycles, non-motorized skates, skateboards, Electric Kick Scooters or Kick Scooters.

“KICK SCOOTER”

- (2) means device without a motor that complies with the following:
- (a) is designed to be propelled by human power

- (b) has up to 4 wheels, each of which is not more than 430 mm in diameter, placed along a longitudinal axis, with one to 2 wheels at the front of the device and one to 2 wheels at the rear
 - (c) has a platform for standing along the longitudinal axis between the front wheels and the back wheels of the device and is designed to be operated while the operator is standing on the platform
 - (d) has a steering handlebar that acts directly on the steerable wheels at the front of the device
 - (e) is designed to transport not more than one person
 - (f) is not a motor assisted cycle or another device that has pedals
 - (g) does not have:
 - (i) a seat, or a surface or structure that could be used as a seat, or
 - (ii) a structure that encloses the scooter
- (3) For certainty, an Electric Kick Scooter does not include a motorized wheelchair.

DIVISION (2) - MICROMOBILITY REGULATIONS

63. Micromobility Regulations

- 63.1 An owner, registered owner, lessee or operator of a Vehicle must not cause, allow or permit the Vehicle to stop on any portion of a Highway that is designated by the General Manager, or their designate, this Bylaw or any other enactment for use by persons on bicycles, Electric Kick Scooters or Kick Scooters.
- 63.2 No person shall ride an Electric Kick Scooter or Kick Scooter in a marked crosswalk unless it is also marked to permit cycling by persons on bicycles.
- 63.3 Subject to the provisions of subsection (4), a person may ride an Electric Kick Scooter or Kick Scooter in an unmarked crosswalk.
- 63.4 A person riding an Electric Kick Scooter or Kick Scooter if permitted in a crosswalk must yield the right of way to pedestrians who are entering, leaving, or in the crosswalk. For the purposes of this subsection, a marked crosswalk includes the area of the crosswalk also marked to permit cycling by persons on bicycles.

63.5 Subject to the requirements of this section 63, a person may ride or coast on an Electric Kick Scooter or Kick Scooter on:

- (a) any Highway, other than an Arterial Highway, that is subject to a speed limit of 50 kilometres per hour or less, or
- (b) portion of Highway designated by the General Manager, or their designate, as a protected bicycle lane.

63.6 A Person must not operate an Electric Kick Scooter:

- (a) on a sidewalk, except for the purpose of directly crossing a sidewalk as a pedestrian pushing the device, unless the General Manager, or their designate, has designated the sidewalk as a bicycle path or multi-use trail;
- (b) despite subsection (5), on a Highway with a posted speed limit higher than 50 km/h;
- (c) despite subsection (5), on a Highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal bylaw;
- (d) who is under 16 years of age; or
- (e) that has an electric motor which exceeds 500 watts and that provides a maximum speed in excess of 25 kilometres per hour.

63.7 A person must not ride an Electric Kick Scooter or Kick Scooter on any Highway or protected bicycle lane:

- (a) while wearing headphones, or any other manufactured device capable of transmitting sound, over or in close proximity to both ears, except that this prohibition will not apply to the wearing of a device designed and worn for the purpose of improving the wearer's ability to hear sounds emanating from outside of the device;
- (b) unless that person wears a helmet;
- (c) unless, between 1/2 hour after sunset and 1/2 hour before sunrise, that person or the person's skateboard or Kick scooter is equipped with and using lighting or reflective equipment that under normal atmospheric conditions is visible in all directions at least 75 m from the person or the Electric Kick Scooter or Kick Scooter;
- (d) unless that person travels in the direction of Vehicular or bicycle traffic and as close as practicable to the extreme right side of the Highway or protected bicycle lane; or
- (e) in a reckless manner or in a manner that will obstruct traffic or endanger the safety or property of any person.

63.8 A person operating an Electric Kick Scooter or Kick Scooter must not:

- (a) carry any other person or cargo on the scooter;
- (b) tow another person, vehicle or device;
- (c) attach themselves to another scooter, Vehicle or device for the purpose of being drawn or towed;
- (d) operate it in any position other than while always standing; or
- (e) leave it in a location that is intended for the operation or passage of Vehicles, bicycles, scooters or pedestrians.

63.9 A person must not drive, operate, or propel:

- (a) on any Highway or other public place, an internal combustion motorized scooter, except for internal combustion Motor Vehicles the *Motor Vehicle Act* permits to operate on Highways; or
- (b) despite paragraph (a), any Motor Vehicle on a path in a park or public place, except for certainty a motorized wheelchair or an Electric Kick Scooter or Kick Scooter.

63.10 A Peace Officer may impound any Vehicle or internal combustion motorized scooter in contravention of section 63.9 (a) or (b).

63.11 A person riding an Electric Kick Scooter or Kick Scooter must, at the request of a Peace Officer, state their correct name, address, and date of birth.

63.12 A Peace Officer may arrest without warrant any person riding an Electric Kick Scooter or Kick Scooter whom the officer finds committing a breach of any provision of this Bylaw if such person fails to stop and state their correct name, address, and date of birth.

63.13 Without limiting any other provision of this Bylaw, a person must comply with British Columbia Order in Council 640/2023.”

(e) By deleting the new section 66(2) and replacing it with the following:

“(2) The person affected by a decision of the General Manager, Engineering and Public Works as outlined in Section 66(1) must file a Notice of Appeal to the Director of Legislative Services, within 30 days of the date of the General Manager, Engineering and Public Works’ decision as outlined in the Appeals Procedure Bylaw, 2022 No. 7354, as amended from time to time.”

(f) By deleting the words “with respect to each section in Schedule ‘E’ attached to and forming part of this Bylaw.” and replacing it with “in the Bylaw Notice Enforcement Bylaw 2012 No. 7159” as amended from time to time.” In Section 13.

(g) By deleting Fine Schedule “E” in its entirety.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

DATE OF MEETING JULY 29, 2024

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

**SUBJECT BYLAW NOTICE ENFORCEMENT BYLAW AMENDMENT –
MICROMOBILITY DEVICES**

OVERVIEW

Purpose of Report

To assign fines for violations associated with the new scooter provisions as outlined in Traffic and Highways Regulation Amendment Bylaw 5000.048.

Recommendation

That:

1. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" (fines for micromobility devices) pass first reading;
2. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" pass second reading.
3. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" pass third reading.

BACKGROUND

On this evening's agenda Council will be considering an amendment to the Traffic and Highways Regulation Bylaw to add regulations associated with micromobility devices for electric kick scooter users within pilot program communities.

Should Council give three readings to "Traffic and Highways Regulation Bylaw No. 5000.048" an amendment to the Bylaw Notice Enforcement Bylaw would be required to assign fines for violations associated with those new provisions.

The fines assigned in the attached bylaw are in keeping with other fines associated with the Traffic and Highways Bylaw.

OPTIONS

Option 1:

That:

1. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" (fines for micromobility devices) pass first reading;
2. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" pass second reading.
3. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.22" pass third reading.

Option 2:

Council direction is sought.

- Should Council wish to select an alternate fine amount for any one of the provisions outlined in the bylaw, staff would be seeking direction from Council on the desired fine amount by making a motion at second reading to amend the chosen fine or fines and then provide second reading, as amended, prior to considering third reading of the bylaw.

SUMMARY POINTS

- The new micromobility provisions contained within the Traffic and Highways Bylaw will need to have any fines associated with the provisions outlined in the Bylaw Notice Enforcement Bylaw.
- The fines are in keeping with other fines associated with the Traffic and Highways Bylaw.

ATTACHMENT:

Attachment 1 – B7159_22 – BON Amendment Bylaw_Fines for Scooters

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrence by:

Dave LaBerge,
Director of Public Safety

Sheila Gurrie,
Director of Legislative Services

Bill Sims,
General Mgr, Engineering & Public Works

Dale Lindsay, CAO

CITY OF NANAIMO

BYLAW NO. 7159.22

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
2024 No. 7159.22".

2. Amendments

"BYLAW NOTICE ENFORCEMENT BYLAW 2012 NO. 7159" is hereby amended as
follows:

By adding the following fines to the Traffic and Highways Regulation Bylaw 1993 No.
5000 section within Schedule "A":

Section	Description	Penalty	Early Payment Penalty	Late Payment Penalty
63.1	Stop vehicle on bicycle lane	100.00	75.00	125.00
63.2	Ride scooter in marked crosswalk	100.00	75.00	125.00
63.4	Fail to yield to pedestrian in marked crosswalk	100.00	75.00	125.00
63.6(a)	Operate scooter on sidewalk	100.00	75.00	125.00
63.6(b)	Operate scooter on highway with posted speed limit above 50 km/h	100.00	75.00	125.00
63.6(c)	Operate scooter on highway where bicycles and pedestrians prohibited	100.00	75.00	125.00
63.6(d)	Operate scooter under 16 years of age.	100.00	75.00	125.00
63.6(e)	Scooter motor exceeds 500 watts and provides speeds above 25 km/h	150.00	112.50	187.50
63.7(a)	Ride scooter wearing headphones	100.00	75.00	125.00
63.7(b)	Ride scooter without helmet	75.00	56.25	93.75
63.7(c)	Ride scooter at night without lights	100.00	75.00	125.00
63.7(d)	Fail to keep right or in protected bike lane on scooter	100.00	75.00	125.00
63.7(e)	Reckless operation of scooter	150.00	112.50	187.50
63.8(a)	Carry other person or cargo on scooter	100.00	75.00	125.00
63.8(b)	Tow person, vehicle or device from scooter	100.00	75.00	125.00
63.8(c)	Attach to scooter, vehicle or device	100.00	75.00	125.00
63.8(d)	Operate scooter in position other than standing	100.00	75.00	125.00

63.8(e)	Leave scooter in location that obstructs	100.00	75.00	125.00
63.9(a)	Operate scooter with internal combustion motor	150.00	112.50	187.50
63.9(b)	Operate motor vehicle on a path	150.00	112.50	187.50
63.11	Fail to provide correct name, address and date of birth to Peace Officer	200.00	150.00	250.00
63,13	Fail to comply with BC Order in Council 640/2023	100.00	75.00	125.00

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

MAYOR

CORPORATE OFFICER

DATE OF MEETING JULY 29, 2024

AUTHORED BY MICHAEL LONSDALE, SR. PROJECT MANAGER
WENDY FULLA, DIRECTOR, FINANCE

**SUBJECT OPTIONS FOR ADDITIONAL ACCESSIBLE WASHROOMS AT
WESTWOOD LAKE PARK**

OVERVIEW

Purpose of Report

To present options for adding an additional accessible washroom at Westwood Lake Park beyond what is already included in the capital project design and obtain direction to implement Council's preferred option.

Recommendation

That Council direct Staff to proceed with Option 3 – Convert One Non-Accessible Washroom into One Accessible Washroom and increase the 2024 project budget by \$100,000 funded by \$35,000 from the City Wide Parks DCC Reserve Fund and \$65,000 from the Special Initiatives Reserve.

BACKGROUND

Westwood Lake Park (the Park) is one of Nanaimo's best loved parks and has been the focus of several improvement projects over the past few years. These improvements have been guided by the extensive public engagement completed in 2021, which was reported to Council at the 2022-MAR-16 Council meeting. Some of the most strongly desired elements that emerged from the public engagement process which are being addressed through the phases of the Park Improvements project to date are:

- expanded and improved parking at First Beach (2023),
- integrate "green approaches", including rainwater capture and shade tree planting (2023 and part of current phase of work),
- maintain the natural park aesthetics (2023 and part of current phase of work),
- address universal accessibility (2023 and part of current phase of work),
- improve traffic flow for vehicles, pedestrians, and cyclists (2023 and part of current phase of work),
- updated washroom facilities,
- create structures for events and group park use,
- expand beach areas, and
- add site furnishings, including seating and tables.

This project was presented to the City's Advisory Committee on Accessibility and Inclusiveness (ACAI) in November of 2023 while in an early conceptual development phase. Numerous

potential park improvements were discussed as part of this presentation, including the intent to create a single accessible washroom which would be part of a larger washroom facility.

The design of the current phase of improvements is now nearly complete; a Building Permit submission was intended to be made in mid July 2024 which would then lead to an anticipated start of construction in September 2024.

On 2024-JUL-10 this project was again presented to the ACAI, this time at a much more mature level of design development. Following this presentation, the ACAI made the following motion:

"That the Advisory Committee on Accessibility and Inclusiveness recommend that Council direct Staff to draft a report that includes options for adding an additional accessible washroom at Westwood Lake beyond what is already included in the design."

Council received this motion at the 2024-JUL-22 Council meeting and provided that direction to Staff.

The purpose of this report is to provide those options and seek direction to proceed with Council's preferred option.

DISCUSSION

The total number of washrooms and accessible washrooms to be constructed within this phase of the Park improvements is a function of numerous factors, including:

- current needs based on documented park utilization,
- projected future needs,
- available space,
- available budget, and
- Building Code requirements and accessibility design best practices.

Balancing these needs in a way which provides the best value for the City and the best amenity for the community is an important first step in planning a project like this. A certain number of washrooms need to be created to meet current and future needs, there is only so much space available to construct those washrooms, and Building Code requirements for accessibility must be followed. All of this must be accomplished within the available funding; any additions to one element will require subtractions from other elements to maintain the balance of priorities required when working within a funding envelope.

By working with the project's architect and reviewing historic use data it was determined that six washrooms should be created to meet current park user needs and a seventh washroom be added to account for increased future usage.

Of these seven units, one would be a very large (approximately 12'x12') universal and accessible washroom. The remaining six units would be large (approximately 6'x5') universal washrooms. These six units will include many features which facilitate a heightened degree of accessibility, such as being navigable with many mobility assistance devices, grab bars, a respite bench, wall hooks, and others, but would not fully meet Building Code requirements and

accessibility guidelines for an accessible washroom. All washrooms have been designed to also function as private change spaces.

While the following options include impacts to the project schedule and budget, it should be noted that the impact to the project schedule is anticipated to affect the completion date, not the start of construction.

Construction will be starting September 2024 for this project.

Detailed Discussion – Option 1 – Continue with Current Configuration

The current design achieves a good balance between the above noted factors; this facility would:

- establish an adequate number of washrooms for both current and future use,
- fit well within the available space while facilitating other park uses,
- require no additional funds to complete,
- provide an enhanced level of service to those who require accessible washrooms, and
- meet or exceed all Building Code requirements and accessibility design best practices.

This facility would not:

- Satisfy the desire for an additional accessible washroom expressed by the ACAI at their July 2024 meeting.

This option presents no further impact to the schedule and requires no additional funding.

Detailed Discussion – Option 2 – Convert Two Non-Accessible Washrooms into One Accessible Washroom

The current design could be slightly modified to convert two of the proposed non-accessible washrooms into a single accessible washroom. The resulting facility would:

- establish an adequate number of washrooms for current use,
- fit well within the available space while facilitating other park uses,
- provide further enhanced level of service to those who require accessible washrooms,
- meet or exceed all Building Code requirements and accessibility design best practices, and
- satisfy the desire for an additional accessible washroom expressed by the ACAI in their July 2024 meeting.

This facility would not:

- establish an adequate number of washrooms for both current and future use.

This option would add approximately 3 weeks to the project's schedule and up to \$20,000 to the cost of the project.

Detailed Discussion – Option 3 – Convert One Non-Accessible Washroom into One Accessible Washroom

The current design could be more heavily modified to convert one of the proposed non-accessible washrooms into an accessible washroom. The resulting facility would:

- establish an adequate number of washrooms for both current and future use,
- provide further enhanced level of service to those who require accessible washrooms,
- meet or exceed all Building Code requirements and accessibility design best practices, and
- satisfy the desire for an additional accessible washroom expressed by the ACAI at their July 2024 meeting.

This facility would not:

- fit as well within the available space while facilitating other park uses.

This option would add approximately 6 weeks to the project's schedule and up to \$100,000 to the cost of the project. |

OPTIONS

1. That Council direct Staff to proceed with Option 1 - Continue with Current Configuration.
 - The advantages of this option: This option directs Staff to proceed with the existing design. This design meets or exceeds accessibility codes and best practices for washroom facilities in public places, provides adequate washrooms to be responsive to current and future park usage levels, and fits well within the available space while facilitating other park uses. The project was ready for Building Permit submission in early July and this option would allow the project to proceed without further delay.
 - The disadvantages of this option: This option is not responsive to the desire expressed by the ACAI for an additional washroom.
 - Financial Implications: None.
2. That Council direct Staff to proceed with Option 2 - Convert Two Non-Accessible Washrooms into One Accessible Washroom.
 - The advantages of this option: This option directs Staff to proceed with relatively minor design changes. This design would meet or exceed accessibility codes and best practices for washroom facilities in public places, provide adequate washrooms to be responsive to current usage levels, fit well within the available space while facilitating other park uses, and be responsive to the desire expressed by the ACAI for an additional washroom.
 - The disadvantages of this option: This option will result in a facility which will not meet projected future usage levels and will introduce relatively minor further impacts on the completion schedule of this project.
 - Financial Implications: The 2024 – 2028 Financial Plan would be amended to increase the budget for the Westwood Lake Amenity Building project by \$20,000 funded by \$7,000 from the City Wide Parks DCC Reserve Fund and \$13,000 from the Special Initiatives Reserve. Both reserves have sufficient funding available to fund the increase. The current 2024 projected closing balance of the City Wide Parks DCC Reserve Fund is \$744,515 and the Special Initiatives Reserve has \$187,622 in uncommitted funding available.

3. That Council direct Staff to proceed with Option 3 - Convert One Non-Accessible Washroom into One Accessible Washroom.
- The advantages of this option: This option directs Staff to proceed with moderate design changes. This design would meet or exceed accessibility codes and best practices for washroom facilities in public places, provide adequate washrooms to be responsive to current usage levels, and be responsive to the desire expressed by the ACAI for an additional washroom.
 - The disadvantages of this option: This option will result in a facility which will not fit as well within the available space while facilitating other park uses and will introduce moderate further impacts on the completion schedule of this project.
 - Financial Implications: The 2024 – 2028 Financial Plan would be amended to increase the budget for the Westwood Lake Amenity Building project by \$100,000 funded by \$35,000 from the City Wide Parks DCC Reserve Fund and \$65,000 from the Special Initiatives Reserve. Both reserves have sufficient funding available to fund the increase. The current 2024 projected closing balance of the City Wide Parks DCC Reserve Fund is \$744,515 and the Special Initiatives Reserve has \$187,622 in uncommitted funding available.

SUMMARY POINTS

- Westwood Lake Park is one of Nanaimo's best loved parks and has been the focus of several improvement projects over the past few years. A new parking lot was constructed near First Beach in 2023, and a second phase of improvements which will expand First Beach, complete trail loops through the park, and create a new washroom facility are to begin construction in 2024.
- The new washrooms at Westwood Lake Park will be designed to meet the community's needs and enhance this beautiful park.
- Accessible washroom space will be provided at Westwood Lake Park as part of this project.

ATTACHMENTS:

ATTACHMENT A: PowerPoint Presentation |

Submitted by:

Michael Lonsdale
Sr. Project Manager, Engineering

Wendy Fulla
Director, Finance |

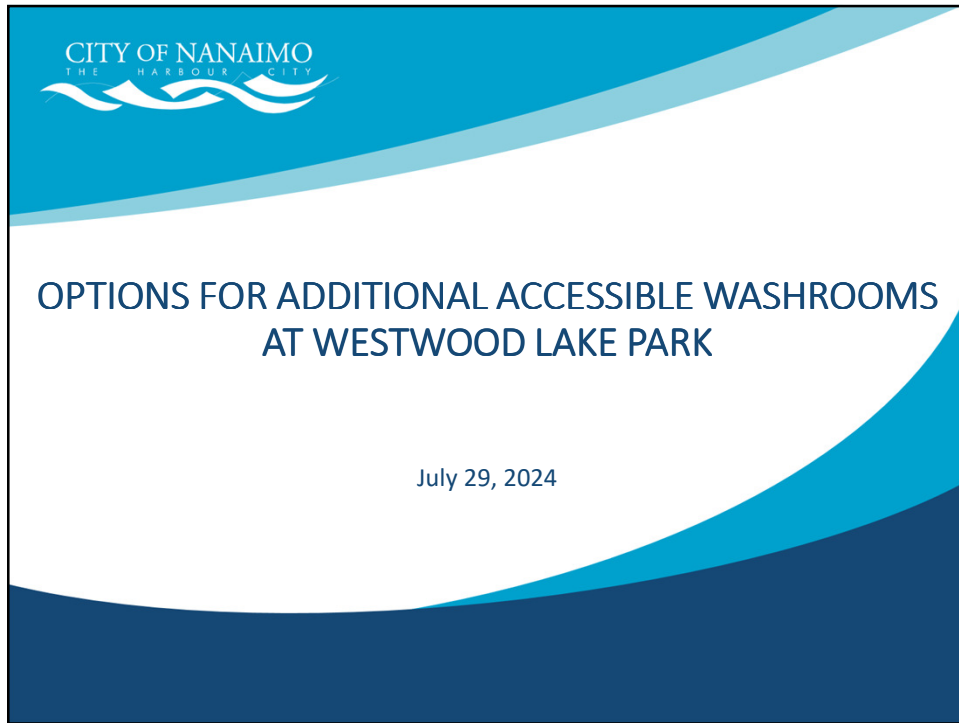
Concurrence by:

Richard Harding
General Manager Community Services &
Deputy CAO

Laura Mercer
General Manager, Corporate Services

Mike Bryson
A/Director, Facility & Parks Operations

|



1



2

This Project

- This Phase of Upgrades Includes:

- Expanded beach area
- Pedestrian and active transportation connections
- Expanded shade
- Places to connect with community and nature
- Washrooms

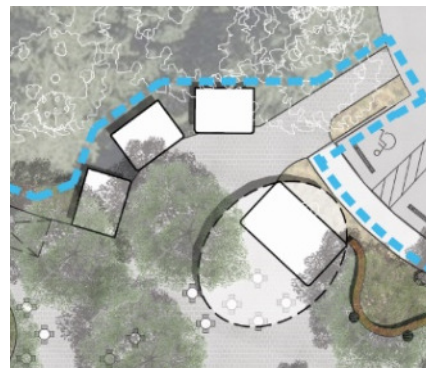


3

Planning Washrooms

- Balancing:

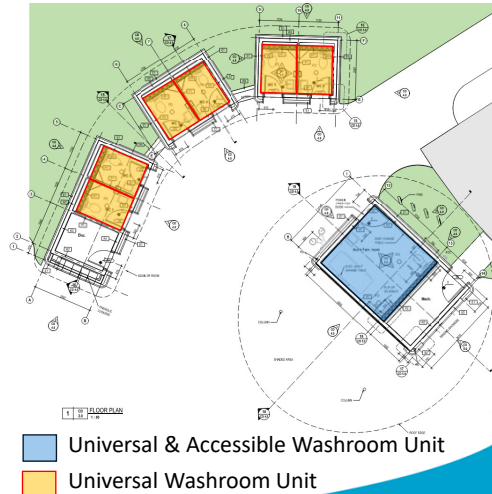
- Current park user needs
- Future park user needs
- Available space
- Available budget
- Building code requirements and accessibility design best practices



4

Planning Washrooms

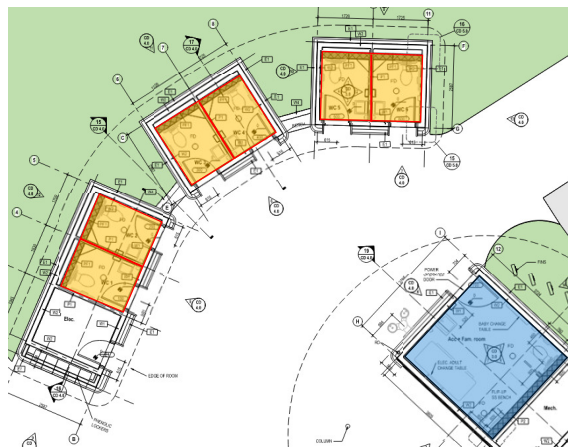
- Key elements considered:
 - “Occupancy Load” of 200 people
 - BCBC requires single accessible washroom
 - CSA 651 does not specify number of units
 - ADA 1:20 units for this type of application



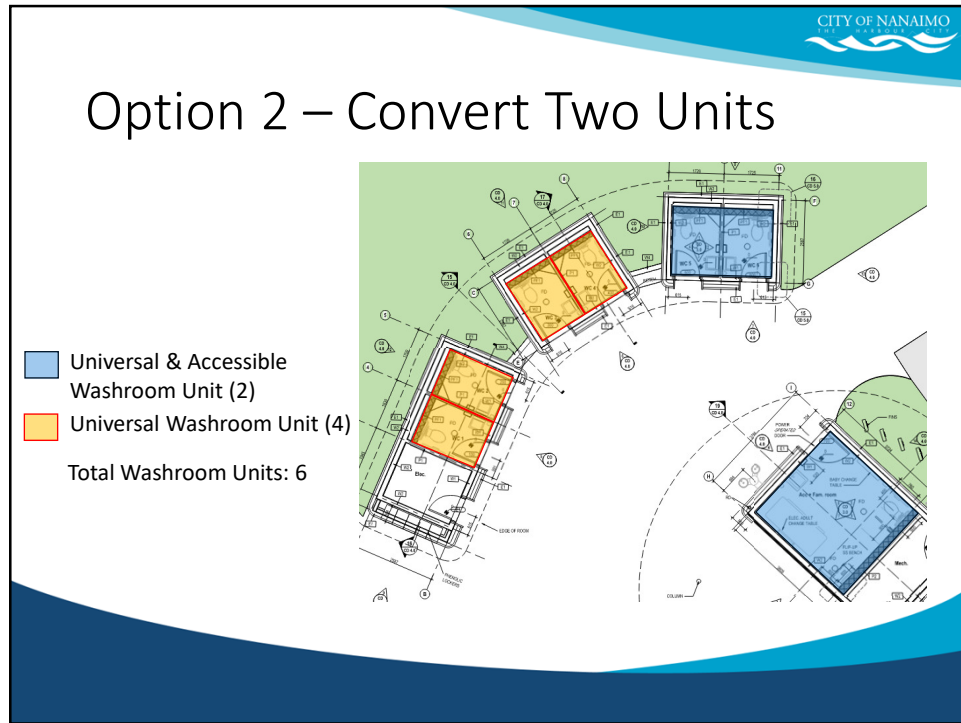
5

Option 1 - Current Plan

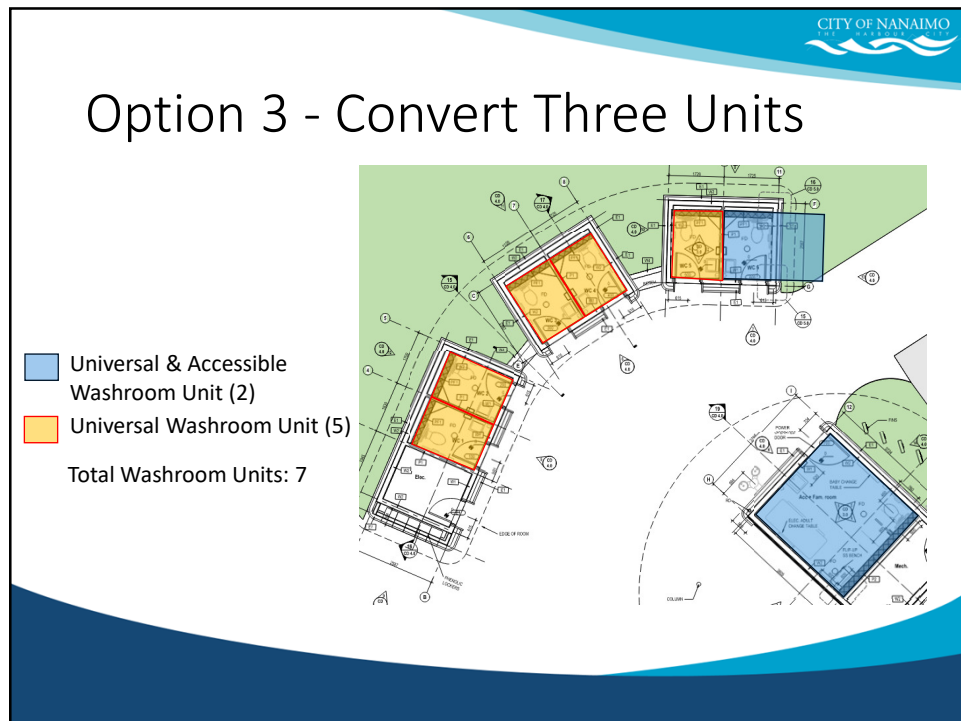
- Universal & Accessible Washroom Unit (1)
 - Universal Washroom Unit (6)
- Total Washroom Units: 7



6



7



8



9

DATE OF MEETING JULY 29, 2024

AUTHORED BY WENDY FULLA, DIRECTOR, FINANCE

SUBJECT 2024 – 2034 COMMUNITY WORKS FUND AGREEMENT

OVERVIEW

Purpose of Report

To enter into an agreement with the Union of BC Municipalities for receipt of Community Works funding under the Canada Community-Building Agreement.

Recommendation

That Council authorize the Mayor and Corporate Officer to sign the 2024 - 2034 Community Works Fund Agreement.

BACKGROUND

The Community Works Fund (CWF) is one of three funding streams under the Canada Community-Building Fund (CCBF) formerly known as the Gas Tax Fund. The CWF is administered by the Union of BC Municipalities. The renewal of the CCBF provides a ten-year commitment of federal funding for investment in local government infrastructure and capacity building projects to March 31, 2034.

DISCUSSION

This will be the second renewal of the program under which the City began receiving funds in 2005. The current agreement expired on March 31, 2024. The new agreement extends to March 31, 2034, and allows the City to invest our annual CWF allocation in the following different capital and capacity building categories:

Productivity and Economic Growth

- Local roads and bridges
- Active transportation
- Regional and local Airports
- Broadband connectivity
- Public transit
- Short-sea shipping
- Short-line rail

Clean Environment

- Drinking water
- Wastewater

- Solid waste
- Community energy system
- Brownfield redevelopment

Strong Cities and Communities

- Sport infrastructure
- Recreation infrastructure
- Cultural infrastructure
- Fire halls & fire trucks
- Tourism infrastructure
- Resilience

Capacity Building

- Asset management
- Long-term infrastructure planning
- Integrated community sustainability planning
- Housing needs reports

Within eligible projects only eligible expenditures may be claimed, examples of ineligible expenditures include the purchase of land, leasing costs, and routine repair and maintenance costs. Ineligible expenditure infrastructure/services include:

- Education/daycare/childcare centres
- Social housing/social services – except brownfield remediation
- City halls, public works buildings and other administrative buildings
- Senior care facilities and housing
- Health infrastructure (hospitals, convalescent, and senior centres)

Annual reporting on the projects funded by the CWF is required and reporting requirements have been revised to include geolocation, standardized metrics, and standardized outcomes for each project. As well, for communities outside Metro Vancouver with a population of 30,000 or greater additional reporting requirements will now be required.

The City's funding allocation is based on a formula that combines a minimum funding floor and a per capita amount. The program is indexed every third year which sees an increase in base and per capita funding. For the first three years of the program the base funding amount is \$63,411 and the per capita amount is \$45.50/person,

The estimated funding amounts for the City for the first five years of the agreement are:

- | | |
|-------------|-------------|
| • 2024/2025 | \$4,610,560 |
| • 2025/2026 | \$4,610,560 |
| • 2026/2027 | \$4,610,560 |
| • 2027/2028 | \$4,794,982 |
| • 2028/2029 | \$4,794,982 |

Year 1 of the agreement will be paid in two equal installments. One in August 2024, subject to the City signing and returning the new agreement, and one between November 15, 2024 and March 31, 2025. Funding received in a given year will be required to be fully spent on an eligible project within five years, exceptions may be considered on a case-by-case basis.

The full contract is attached for Council's review. |

OPTIONS

1. That Council authorize the Mayor and Corporate Office to sign the 2024 – 2034 Community Works Fund Agreement.
 - The advantages of this option: Provides the City with predictable and dedicated funding to support the City's 20 Year Investment Plan. CWF was included as a funding source in the 20 Year Investment Plan and calculation of the City's infrastructure funding gap.
 - The disadvantages of this option: None
 - Financial Implications: Funding from the agreement will be used to fund the 2025 – 2029 Draft Project Plan.
2. That Council table the report and request additional information from staff.
|

SUMMARY POINTS

- The City has received Community Works Funding since 2005.
- The new Community Works Funding Agreement will provide dedicated funding until March 31, 2034.
- Community Works Funding provides funding for the City to invest in local infrastructure and capacity-building priorities.

ATTACHMENTS:

Attachment A: CWF 2024 – 2034 Agreement Letter

Attachment B: 2024 – 2034 CWF Agreement |

Submitted by:

Wendy Fulla
Director, Finance |

Concurrence by:

Laura Mercer
General Manager, Corporate Services



June 21, 2024

Dale Lindsay
Chief Administrative Officer
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

SENT VIA E-MAIL: dale.lindsay@nanaimo.ca

Dear Dale Lindsay:

RE: 2024-2034 CANADA COMMUNITY-BUILDING FUND AGREEMENT

Please find enclosed the 2024-2034 Community Works Fund Agreement between the City of Nanaimo and the Union of BC Municipalities. As part of the renewed Canada Community-Building Fund Agreement, the CWF will continue to provide dedicated and predictable funds to each local government in British Columbia for investments in local infrastructure and capacity-building priorities.

In order to receive your first CWF payment for the 2024/25 funding year, please review the Agreement, sign, and return to ccbf@ubcm.ca.

Once we have received the Agreement, we will return an executed version for your records.

Please also include a Council resolution authorizing the Mayor and Corporate Officer to sign on behalf of your local government.

We have provided a program guide, an information sheet, and estimated funding for the first five years of the program on our UBCM CCBF [website](https://www.ubcm.ca/ccbf).

If you have any questions, please email us at ccbf@ubcm.ca or call us at 250-356-5134.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Felker".

Brant Felker
Manager, CCBF Program Services

2024-2034 COMMUNITY WORKS FUND AGREEMENT
under the
ADMINISTRATIVE AGREEMENT
ON THE CANADA COMMUNITY-BUILDING FUND

This Agreement made as of _____, 202__,

BETWEEN:

City of Nanaimo (the Local Government)

AND

The **UNION OF BRITISH COLUMBIA MUNICIPALITIES** (UBCM) as continued by section 2 of the *Union of British Columbia Municipalities Act RSBC 2006, c.1*, as represented by the President (the "UBCM")

1. PURPOSE

The purpose of this Community Works Fund Agreement is to set out the roles and responsibilities of the Local Government and UBCM related to any Community Works Fund funds that may be delivered to the Local Government by UBCM.

2. SCHEDULES

The following annexes and schedules, originating in whole or part from the Agreement, are attached to and form part of this Community Works Fund Agreement:

Schedule A:	Ultimate Recipient Requirements
Schedule B:	Eligible Project Categories
Schedule C:	Eligible and Ineligible Expenditures
Schedule D:	Program Reporting
Schedule E:	Communications Protocol
Schedule F:	Asset Management
Schedule G:	Housing Report

3. ROLE OF UBCM

3.1 UBCM has, pursuant to the Agreement, agreed with Canada and British Columbia to:

- a) receive CCBF funding from Canada and allocate funds so received from Canada pursuant to the Agreement, including allocating Community Works Funds to the Local Government to be spent on Eligible Projects and Eligible Expenditures in accordance with the terms and conditions of this Community Works Fund Agreement;
- b) report to Canada and British Columbia, including Annual Reports and Outcome Reports, as required by the Agreement; and

c) fulfill other roles and responsibilities as set out in the Agreement.

4. CONTRIBUTION PROVISIONS

4.1 Over the term of this Community Works Fund Agreement, UBCM will pay the Local Government its annual allocation within 30 days of receipt of such funds from Canada.

4.2 Payments under section 4.1 are subject to UBCM receiving sufficient CCBF funds from Canada, and Local Government compliance with this Community Works Fund Agreement and any other Funding Agreement under the Prior Agreement.

4.3 Annual allocation is based on a formula set out in section 1.1 of Annex B of the Agreement. In the first year of this Community Works Fund Agreement, the Local Government will receive \$2,305,280, in two equal instalments which, subject to section 4.2, are expected to be delivered in the month following July 15 and between November 15, 2024 and March 31, 2025.

4.4 Annual allocation to the Local Government for all subsequent years under this Community Works Fund Agreement continue to be based on the funding formula set out in the Agreement, but are subject to change by UBCM from the amount set out in section 1.1 of Annex B of the Agreement due to such circumstances as local government boundary changes and new Local Government incorporations, changes in Census populations and changes in amounts that may be received by UBCM from Canada.

4.5 Timing of payments in subsequent years under this Community Works Fund Agreement to the Local Government by UBCM are subject to change due to any changes in timing of payments to UBCM by Canada.

5. USE OF FUNDS BY LOCAL GOVERNMENT

5.1 Any CCBF funding that may be received by the Local Government and any Unspent Funds, and any interest earned thereon held by the Local Government must be used by the Local Government in accordance with this Community Works Fund Agreement, including specifically Section 6. (Commitments of the Local Government).

5.2 Any CCBF funding that may be received by the Local Government and any Unspent Funds, and any interest earned thereon held by the Local Government will be treated as federal funds with respect to other federal infrastructure programs.

6. COMMITMENTS OF THE LOCAL GOVERNMENT

6.1 The Local Government shall:

- a) Be responsible for the completion of each Eligible Project in accordance with Schedule B (Eligible Project Categories) and Schedule C (Eligible and Ineligible Expenditures).
- b) Comply with all requirements outlined in Schedule D (Program Reporting), Schedule E (Communications Protocol) and Schedule G (Housing Report).

- c) Continue to strengthen the development and implementation of asset management best practices over the course of the Agreement, in accordance with Schedule F.
- d) Invest, in a distinct account, Community Works Fund funding it receives from UBCM in advance of it paying Eligible Expenditures.
- e) With respect to Contracts, award and manage all Contracts in accordance with their relevant policies and procedures and, if applicable, in accordance with the Agreement on International Trade and applicable international trade agreements, and all other applicable laws.
- f) Invest into Eligible Projects, any revenue that is generated from the sale, lease, encumbrance or other disposal of an asset resulting from an Eligible Project where such disposal takes place within (5) years of the date of completion of the Eligible Project.
- g) Allow Canada and UBCM reasonable and timely access to all of its documentation, records and accounts and those of their respective agents or Third Parties related to the use of CWF funding and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by Canada or its designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Administrative Agreement.
- h) Keep proper and accurate accounts and records in respect of all Eligible Projects for at least six (6) years after completion of the Eligible Project and, upon reasonable notice, make them available to Canada and UBCM. Keep proper and accurate accounts and records relevant to the CWF program for a period of at least six (6) years after the termination of this Administrative Agreement.
- i) Ensure your actions do not establish or be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Canada and the Local Government, or between Canada and a Third-Party.
- j) Ensure that the Local Government do not represent themselves, including in any agreement with a Third Party, as a partner, employee or agent of Canada.
- k) Ensure that no current or former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Canada applies will derive direct benefit from CCBF funding, Unspent Funds, and interest earned thereon, unless the provision or receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.
- l) Ensure that the Local Government will not, at any time, hold the Government of Canada, British Columbia, or UBCM, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Local Government, Third Parties or any other person or entity may suffer in relation to any matter related to CCBF funding or an Eligible Project and that the Local Government will, at all times, compensate the Government of Canada, British Columbia, or UBCM, its officers, servants, employees, and agents for any claims or losses of any kind that any of the Local Government may suffer in relation to any matter related to CCBF funding or an Eligible Project.
- m) Agree that any CCBF funding received will be treated as federal funds for the purpose of other federal infrastructure programs.
- n) Agree that the above requirements which, by their nature, should extend beyond the expiration or termination of this Administrative Agreement, will extend beyond such

expiration or termination.

7. TERM

This Community Works Fund Agreement will be effective as of April 1, 2024 and will be in effect until March 31, 2034 unless the Parties agree to renew it. In the event where this Community Works Fund Agreement is not renewed, any CCBF funding and Unspent Funds, and any interest earned thereon held by the Local Government, that have not been expended on Eligible Projects or other expenditures authorized by this Community Works Fund Agreement as of March 31, 2034 will nevertheless continue to be subject to this Community Works Fund Agreement until such time as may be determined by the Parties.

8. SURVIVAL

The rights and obligations, set out in Sections 5.1, 5.2 and 6.1 will survive the expiry or early termination of this Community Works Fund Agreement and any other section which is required to give effect to the termination or to its consequences shall survive the termination or early termination of this Community Works Fund Agreement.

9. AMENDMENT

The Local Government acknowledges that the Agreement may from time to time be amended by agreement of Canada, British Columbia and UBCM and if and whenever such amendments to the Agreement are made, the Local Government agrees that UBCM may require this Community Works Fund Agreement to be amended to reflect, at the sole discretion of UBCM, the amendments made to the Agreement. Where UBCM requires this Community Works Fund Agreement to be so amended, it will provide to the Local Government notice in writing of the amendments it requires. Such amendments shall form part of this Community Works Fund Agreement and be binding on the Local Government and UBCM thirty (30) days after such notice, unless before then the Local Government elects in writing to give written notice of termination of this Community Works Fund Agreement to UBCM.

10. WAIVER

No provision of this Community Works Fund Agreement shall be deemed to be waived by UBCM, unless waived in writing with express reference to the waived provisions and no excusing, condoning or earlier waiver of any default by the Local Government shall be operative as a waiver, or in any way limit the rights and remedies of UBCM or Canada.

11. NO ASSIGNMENT

This Community Works Fund Agreement is not assignable by the Local Government and the Local Government shall not assign, pledge, or otherwise transfer any entitlement to allocation of funds under this Community Works Fund Agreement to any person and shall upon receipt of any allocation of funds hereunder pay and expend such funds thereafter only in accordance with the terms of this Community Works Fund Agreement.

12. NOTICE

Any notice, information or document provided for under this Community Works Fund Agreement must be in writing and will be effectively given if delivered or sent by mail, postage or other charges prepaid, or by email. Any notice that is delivered will have been received on delivery; and any notice mailed will be deemed to have been received eight (8) calendar days after being mailed.

Any notice to UBCM will be addressed to:

Executive Director

525 Government Street

Victoria, British Columbia

V8V 0A8

Email: ccbf@ubcm.ca

Any notice to the Local Government will be addressed to:

The Corporate Officer at the place designated as the Local Government office.

SIGNATURES

This Community Works Fund Agreement has been executed on behalf of the Local Government by those officers indicated below and each person signing the agreement represents and warrants that they are duly authorized and have the legal capacity to execute the agreement.

City of Nanaimo

UNION OF BC MUNICIPALITIES

Original signed by:

Original signed by:

Mayor

Corporate Officer

Corporate Officer

General Manager, Victoria Operations

Signed by City of Nanaimo on the _____ day of
_____, 202__.

The Community Works Fund Agreement have been
executed by UBCM on the _____ day of
_____, 202__.

Schedule A – Definitions

“Affordable Housing” means a dwelling unit where the cost of shelter, including rent and utilities, is a maximum of 30% of before-tax household income. The household income is defined as 80% or less of the Area Median Household Income (AMHI) for the metropolitan area or rural region of the Ultimate Recipient.

“Administrative Agreement or Agreement” means the 2024-2034 Administrative Agreement on the Canada Community-Building Fund in British Columbia and UBCM.

“Asset Management” means an integrated process, bringing together skills, expertise, and activities of people; with information about a community’s physical and natural assets; and finances; so that informed decisions can be made, supporting Sustainable Service Delivery.

“Canada Community-Building Fund” (CCBF) means the program established under section 161 of the *Keeping Canada’s Economy and Jobs Growing Act*, S.C. 2011, c. 24 as amended by section 233 of the *Economic Action Plan 2013 Act, No. 1*, S.C. 2013, c. 33, as the Gas Tax Fund and renamed the Canada Community-Building Fund in section 199 of *Budget Implementation Act, 2021, No. 1*.

“Chief Financial Officer” means in the case of a municipality, the officer assigned financial administration responsibility under S. 149 of the *Community Charter*, and in the case of a Regional District, the officer assigned financial administration responsibility under S. 199 of the *Local Government Act*, R.S.B.C. 1996, c.323.

“Community Works Fund” means the fund provided from the Canada Community-Building Fund to be dispersed to local governments based on a percentage of the per capita allocation for local spending priorities in accordance with the terms and conditions set out in the Agreement.

“Community Works Fund Agreement” means this Agreement made between UBCM and Local Government.

“Contract” means an agreement between an Ultimate Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Core Housing Need” means a household living in an unsuitable, inadequate or unaffordable dwelling and cannot afford alternative housing in their community.

“Eligible Expenditures” means those expenditures described as eligible in Schedule C (Eligible and Ineligible Expenditures).

“Eligible Projects” means projects as described in Schedule B (Eligible Project Categories).

“Funding Agreement” means an agreement between British Columbia and UBCM and an Ultimate Recipient setting out the terms and conditions of the CCBF funding to be provided to the Ultimate Recipient, containing, at a minimum, the elements in Schedule A (Ultimate Recipient Requirements).

“Gender Based Analysis Plus” (GBA Plus or GBA+) is an analytical process that provides a rigorous method for the assessment of systemic inequalities, as well as a means to assess how diverse groups of women, men, and gender diverse people may experience policies, programs and initiatives. The “plus” in GBA Plus acknowledges that GBA Plus is not just about differences between biological (sexes) and socio-cultural (genders). GBA Plus considers many other identity factors such as race, ethnicity, religion, age, and mental or physical disability, and how the interaction between these factors influences the way we might experience government policies and initiatives. Conducting a GBA Plus analysis involves considering all intersecting identity factors as part of GBA Plus, not only sex and gender. GBA+ is a priority for the Government of Canada.

“Housing Needs Assessment” means a report informed by data and research describing the current and future housing needs of a municipality or community according to guidance provided by Canada.

“Housing Report” means the duly completed housing report to be prepared and delivered by British Columbia and UBCM to Canada annually by September 30, as described in Schedule G (Housing Report).

“Ineligible Expenditures” means those expenditures described as ineligible in Schedule C (Eligible and Ineligible Expenditures).

“Infrastructure” means municipal or regional, publicly or privately owned tangible capital assets, or natural assets, in British Columbia primarily for public use or benefit.

“Local Government” means a municipality as defined in the *Community Charter* [SBC 2003] Chapter 26, a regional district as defined in the *Local Government Act* [RSBC 1996] Chapter 323, and the City of Vancouver as continued under the *Vancouver Charter* [SBC 1953] Chapter 55.

“Oversight Committee” means the committee established to monitor the overall implementation of this Administrative Agreement as outlined in section 7 (Oversight Committee) of this Administrative Agreement.

“Party” means Canada, British Columbia or UBCM when referred to individually and collectively referred to as “Parties”.

“Previous Agreements” means any agreements between Canada, British Columbia and UBCM for the purposes of administering the Gas Tax Fund or Canada Community-Building Fund (CCBF).

“Prior Community Works Fund Agreement” means the 2014-2024 Community Works Fund Agreement between this Local Government and the UBCM.

Third Party” means any person or legal entity, other than Canada, British Columbia and UBCM or an Ultimate Recipient, who participates in the implementation of an Eligible Project by means of a Contract.

“Sustainable Service Delivery” means ensuring that current community service needs, and how those services are delivered (in a socially, economically and environmentally responsible

manner), do not compromise the ability of future generations to meet their own needs. Sound asset management practices support Sustainable Service Delivery by considering community priorities, informed by an understanding of the trade-offs between the available resources and the desired services.

“Ultimate Recipient” means this Local Government

- (i) a Local Government or its agent (including its wholly owned corporation);
- (ii) a non-local government entity, including Indigenous recipients, non-governmental and not-for-profit organizations, on the condition that the Local Government(s) has (have) indicated support for the project through a formal resolution of its (their) council(s) or board(s) and that the entity receiving funds delivers a service typical of local government.
- (iii) TransLink, BC Transit, and Islands Trust

“Unspent Funds” means funds that have not been spent towards an Eligible Project or eligible costs in accordance with this Agreement or the Previous Agreements prior to the effective date of this Agreement.

SCHEDULE B - Eligible Project Categories

Eligible Projects include investments in Infrastructure for its construction, renewal or material enhancement in each of the following categories (as defined in the current program terms and conditions):

1. Local roads and bridges – roads, bridges and active transportation infrastructure
2. Short-sea shipping – infrastructure related to the movement of cargo and passengers around the coast and on inland waterways, without directly crossing an ocean
3. Short-line rail – railway related infrastructure for carriage of passengers or freight
4. Regional and local airports – airport-related infrastructure (excludes the National Airport System)
5. Broadband connectivity – infrastructure that provides internet access to residents, businesses, and/or institutions in Canadian communities
6. Public transit – infrastructure which supports a shared passenger transport system which is

available for public use

7. Drinking water – infrastructure that supports drinking water conservation, collection, treatment and distribution systems
8. Wastewater – infrastructure that supports wastewater and storm water collection, treatment and management systems
9. Solid waste – infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable materials and garbage
10. Community energy systems – infrastructure that generates or increases the efficient usage of energy
11. Brownfield Redevelopment - remediation or decontamination and redevelopment of a brownfield site within municipal boundaries, where the redevelopment includes:
 - the construction of public infrastructure as identified in the context of any other category under the Canada Community-Building Fund, and/or;
 - the construction of local government public parks and publicly-owned social housing.
12. Sport Infrastructure – amateur sport infrastructure (excludes facilities, including arenas, which would be used as the home of professional sports teams or major junior hockey teams (e.g. Western Hockey League))
13. Recreational Infrastructure – recreational facilities or networks
14. Cultural Infrastructure – infrastructure that supports arts, humanities, and heritage
15. Tourism Infrastructure – infrastructure that attract travelers for recreation, leisure, business or other purposes
16. Resilience – Infrastructure and systems that protect and strengthen the resilience of communities and withstand and sustain service in the face of climate change, natural disasters and extreme weather events.
17. Fire halls – fire halls and fire station infrastructure – including fire trucks
18. Capacity building - includes investments related to strengthening the ability of municipalities to develop long-term planning practices including: capital investment plans, integrated community sustainability plans, integrated regional plans, housing needs assessments and housing planning, and/or asset management plans, related to strengthening the ability of recipients to develop long-term planning practices.

Note: Investments in health infrastructure (hospitals, convalescent and senior centres) are not eligible.

SCHEDULE C - Eligible and Ineligible Expenditures

1. Eligible Expenditures

1.1 Eligible Expenditures of Ultimate Recipients will be limited to the following:

- a) the expenditures associated with acquiring, planning, designing, constructing or renewal and rehabilitation of infrastructure and any related debt financing charges specifically identified with that asset;
- b) for capacity building category only, the expenditures related to strengthening the ability of Local Governments to improve local and regional planning including capital investment plans, integrated community sustainability plans, integrated regional plans, housing needs assessments, and/or asset management plans. The expenditures could include developing and implementing:
 - i. studies, strategies, or systems related to asset management, which may include software acquisition and implementation;
 - ii. studies, strategies, or systems related to housing or land use, including Housing Needs Assessments;
 - iii. training directly related to asset management planning; and
 - iv. long-term infrastructure plans.
- c) the expenditures directly associated with joint federal communication activities and with federal project signage.

1.2 Employee and Equipment Costs: The incremental costs of the Ultimate Recipient's employees or leasing of equipment may be included as Eligible Expenditures under the following conditions:

- a) the Ultimate Recipient is able to demonstrate that it is not economically feasible to tender a Contract;
- b) the employee or equipment is engaged directly in respect of the work that would have been the subject of the Contract; and,
- c) the arrangement is approved in advance and in writing by UBCM.

2. Ineligible Expenditures

The following are deemed Ineligible Expenditures:

- a) project expenditures incurred before April 1, 2005;
- b) project expenditures incurred before April 1, 2014 for the following investment categories:
 - i. highways;
 - ii. regional and local airports;
 - iii. short-line rail;

- iv. short-sea shipping;
 - v. disaster mitigation;
 - vi. broadband connectivity;
 - vii. brownfield redevelopment;
 - viii. cultural infrastructure;
 - ix. tourism infrastructure;
 - x. sport infrastructure; and
 - xi. recreational infrastructure.
- c) Fire Hall project expenditures incurred before April 1, 2021;
 - d) Fire Truck purchases as stand-alone expenditures and expenditures under the Resilience Infrastructure category before April 1, 2024;
 - e) the cost of leasing of equipment by the Ultimate Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Ultimate Recipient, its direct or indirect operating or administrative costs of Ultimate Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Expenditures above;
 - f) taxes for which the Ultimate Recipient is eligible for a tax rebate and all other costs eligible for rebates;
 - g) purchase of land or any interest therein, and related costs;
 - h) legal fees;
 - i) routine repair or maintenance costs; and
 - j) costs associated with healthcare infrastructure or assets.

SCHEDULE D - Program Reporting

Ultimate Recipient Reporting

Ultimate Recipient requirements for program reporting under the CWF consist of the submission of an Annual Expenditure Report, and an outcomes report, which will be submitted to UBCM for review and acceptance. The reporting year is from January 1 to December 31. In addition to overall program reporting, specific asset management reporting and housing reporting obligations are described in Schedule F and G.

1. Ultimate Recipient Annual Expenditure Report

The Ultimate Recipient will provide UBCM an Annual Expenditure Report by June 1 of each year for the prior calendar year reporting which will include the following elements: unique project identifier, project title, project description, investment category, project start date, project end date, geo-location, total project cost, CCBF funding spent, closing balance, output indicator, and where applicable, a housing indicator and an outcomes indicator. A reporting template will be provided by UBCM.

The Annual Expenditure Report may also include a communications and signage report, and confirmation by the Ultimate Recipient's CFO that expenditures are eligible use of funds in accordance with the terms and conditions of this Agreement.

2. Audited Financial Report

The Ultimate Recipient must submit an Audited Financial Statement to British Columbia in order to receive funds in each reporting year.

2.1 Independent Audit or Audit Based Attestation:

UBCM will provide an independent audit opinion, or an attestation based on an independent audit and signed by a senior official designated in writing by UBCM, as to:

- a) the accuracy of the information submitted in the Financial Report Table; and
- b) that CCBF funding and Unspent Funds, and any interest earned thereon, were expended for the purposes intended.

2.2 Ultimate Recipient audit:

UBCM and Canada may perform an audit or of an Ultimate Recipient annually.

3. Housing Report

By September of 30 each year British Columbia and UBCM will provide to Canada a report on housing as outlined in Schedule G (Housing Report).

4. Outcomes Report

By March 31 of each year, British Columbia and UBCM will provide to Canada an outcomes report that will outline the following program benefits:

- a) beneficial impacts on communities of completed Eligible Projects, supported by specific outcomes examples in communities;
- b) the impact of CCBF as a predictable source of funding;
- c) progress made on improving Local Government planning and asset management, including development or update of Housing Needs Assessments; and
- d) a description of how CCBF funding has alleviated housing pressures tied to infrastructure gaps and contributed to housing supply and affordability outcomes (further details on this requirement may be found in Schedule G – Housing Report).

The outcomes report will present a narrative on how each program benefit is being met. A template and guidance document will be provided by Canada.

SCHEDULE E – Communications Protocol

In support of transparency and accountability of the CCBF, the following communications protocol will apply to all communications activities undertaken regarding any CCBF funding and will apply to the Parties and Ultimate Recipients. Communicating to Canadians on the use of CCBF funding is clearly linked with our joint accountability to Canadians. Compliance with this protocol will inform the timing and flow of any CCBF funding and is critical to meeting our joint commitment to transparency.

1. Purpose

- 1.1 The Communications Protocol applies to all communications activities related to any CCBF funding, including annual allocations and the identification and communication of projects under this Administrative Agreement. Communications activities may include, but are not limited to: public or media events, news releases, reports, digital and social media products, project signs, digital signs, publications, success stories and vignettes, photo compilations, videos, advertising campaigns, awareness campaigns, editorials, awards programs, and multi-media products.
- 1.2 Through collaboration, Canada, British Columbia and UBCM agree to work to ensure consistency in the communications activities meant for the public. This will include the importance of managing the delivery of communications activities based on the principle of transparent and open discussion.
- 1.3 Failure by British Columbia, UBCM or its Ultimate Recipient to adhere to this communication protocol may affect the timing and flow of any CCBF funding that may be transferred by Canada.

2. Joint communications approach

- a. British Columbia and UBCM agree to work in collaboration with Canada to develop a joint communications approach to ensure visibility for the program, the provision of upfront project information and planned communications activities throughout the year.

Canada will provide a “Communications Approach” template to be completed by British Columbia and UBCM. This approach will then be reviewed and approved by Canada as well as British Columbia and UBCM.

This joint communications approach will have the objective of ensuring that proactive communications activities are undertaken each year to communicate the annual allocations and key projects, as identified in the communications approach, located in both large and small communities by using a wide range of communications tools to ensure local visibility.

To accomplish this, Canada, British Columbia and UBCM agree to establish a communications subcommittee that will meet biannually. This committee will review and approve a communications plan at the beginning of each year.

- b. Canada, British Columbia and UBCM will work together on the initial annual joint communications approach, which will be finalized and approved by Canada's Co-Chair and British Columbia and UBCM agree that achievements under the joint communications approaches will be reported to the

Oversight Committee once a year.

- c. Through the communications subcommittee, British Columbia and UBCM agree to assess, with Canada, the effectiveness of communications approaches on an annual basis and, as required, update and modify the joint communications approach, as required. Any modifications will be brought to Canada's Co-Chair, British Columbia's Co-Chair and UBCM's Co-Chair, as appropriate for approval.
- d. If informed of a communications opportunity (ex. milestone event, news release) by an Ultimate Recipient, Canada, British Columbia and UBCM agree to share information promptly and coordinate participation in alignment with section 4.3, 4.5 and 5.2 of this communications protocol.
- e. Canada, British Columbia and UBCM agree to ensure the timely sharing of information, products (ex. news releases, media advisories), and approvals in support of communications delivery.

3. Inform Canada on allocation and intended use of CCBF funding for communications planning purposes

- 3.1 British Columbia and UBCM to provide to Canada upfront information on planned Eligible Projects and Eligible Projects in progress on an annual basis, prior to the construction season. Canada, British Columbia and UBCM will each agree, in this joint communications approach, on the date this information will be provided. Through the creation of a sub-committee, Canada, British Columbia and UBCM will be required to enact a communications approach that will be assessed bi-annually through the sub-committee mechanism.

In this agreement the information will include, at a minimum:

- Ultimate Recipient name; Eligible Project name; Eligible Project category, a brief but meaningful Eligible Project description; expected project outcomes including housing (if applicable); federal contribution; anticipated start date; anticipated end date; and a status indicator: not started, underway, completed.

Canada will link to the UBCM's CCBF website where this information will be accessible to the general public.

- 3.2 British Columbia and UBCM agree that the above information will be delivered to Canada in an electronic format deemed acceptable by Canada.
- 3.3 Canada, British Columbia and UBCM each agree that their joint communications approach will ensure the most up-to-date Eligible Project information is available to Canada to support media events and announcements (see 4.2 for full definition) for Eligible Projects.

4. Announcements and media events for Eligible Projects

- 4.1 At Canada's request, Canada, British Columbia and UBCM agree to coordinate an announcement regarding annual allocations of CCBF funding.

- 4.2 Media events and announcements include, but are not limited to: news conferences, public announcements, and the issuing of news releases to communicate funding of projects or key milestones (e.g. ground breaking ceremonies, completions).
- 4.3 Key milestones events and announcements (such as ground breaking ceremonies and grand openings) may also be marked by media events and announcements, news releases, or through other communications activities. Ultimate recipients, Canada, British Columbia and UBCM will have equal visibility through quotes and will follow the [Table of Precedence for Canada](#).
- 4.4 Media events and announcements related to Eligible Projects will not occur without the prior knowledge and agreement of British Columbia and UBCM, as appropriate, Canada and the Ultimate Recipient.
- 4.5 The requester of a media event or an announcement will provide at least 15 working days' notice to other parties of their intention to undertake such an event or announcement. An event will take place at a mutually agreed date and location. British Columbia and UBCM, and, as appropriate, Canada and the Ultimate Recipient will have the opportunity to participate in such events through a designated representative. If communications is proposed through the issuing of a news release (with no supporting event), Canada requires at least 15 working days' notice and 5 working days with the draft news release to secure approvals and confirm the federal representative's quote.
- 4.6 For media events, each participant will choose its own designated representative. UBCM and Ultimate Recipients are responsible for coordinating all onsite logistics.
- 4.7 British Columbia and UBCM shall not unreasonably delay the announcement of opportunities identified in annual communications plans that have been pre-approved in advance.
- 4.8 The conduct of all joint media events, announcements for project funding, and supporting communications materials (ex. News releases, media advisories) will follow the [Table of Precedence for Canada](#).
- 4.9 All joint communications material related to media events and announcements must be approved by Canada and recognize the funding of the parties.
- 4.10 All joint communications material for funding announcements must reflect Canada's Policy on Official Languages and the Policy on Communications and Federal Identity.
- 4.11 Canada, British Columbia and UBCM and Ultimate Recipients agree to ensure equal visibility in all communications activities.

5. Program communications

- 4.1 Canada, British Columbia, UBCM and Ultimate Recipients may include messaging in their own communications products and activities with regard to the CCBF.

- 4.2 The party undertaking these activities will recognize the funding of all contributors.
- 4.3 The conduct of all joint events and delivery of supporting communications materials (ex. News releases) that support program communications (ex. Such as intake launches) will follow the [Table of Precedence for Canada](#).
- 4.4 Canada, British Columbia and UBCM agree that they will not unreasonably restrict the other parties from using, for their own purposes, public communications products related to the CCBF prepared by Canada, British Columbia and UBCM or Ultimate Recipients, or, if web-based, from linking to it.
- 4.5 Notwithstanding Section 4 of Schedule E (Communications Protocol), Canada retains the right to meet its obligations to communicate to Canadians about the CCBF and the use of funding.

6. Operational communications

- 6.1 British Columbia, UBCM or the Ultimate Recipient is solely responsible for operational communications with respect to Eligible Projects, including but not limited to, calls for tender, construction, and public safety notices. Operational communications as described above are not subject to the federal official language policy.
- 6.2 Canada does not need to be informed on operational communications. However, such products should include, where appropriate, the following statement, “This project is funded in part by the Government of Canada” or “This project is funded by the Government of Canada”, as applicable.
- 6.3 British Columbia, UBCM and the Ultimate Recipient will share information as available with Canada should significant emerging media or stakeholder issues relating to an Eligible Project arise. Canada, British Columbia and UBCM will advise Ultimate Recipients, when appropriate, about media inquiries received concerning an Eligible Project.

7. Communicating success stories

- 7.1 British Columbia and UBCM to facilitate communications between Canada and Ultimate Recipients for the purposes of collaborating on communications activities and products including, but not limited to Eligible Project success stories, including the positive impacts on housing, Eligible Project vignettes, and Eligible Project start-to-finish features.

8. Advertising campaigns

- 8.1 Canada, British Columbia, UBCM or an Ultimate Recipient may, at their own cost, organize an advertising or public information campaign related to the CCBF or Eligible Projects. However, such a campaign must respect the provisions of this Administrative Agreement. In the event of such a campaign, the sponsoring party or Ultimate Recipient agrees to inform the other parties of its intention, and to inform them no less than 21 working days prior to the campaign launch.

9. Digital Communications, Websites and webpages

- 9.1 Where British Columbia and UBCM produce social media content to provide visibility to CCBF programs or projects, they shall @mention the relevant Infrastructure Canada official social media account.
- 9.2 Where a website or webpage is created to promote or communicate progress on an Eligible Project or Projects, it must recognize federal funding through the use of a digital sign or through the use of the Canada wordmark and the following wording, “This project is funded in part by the Government of Canada” or “This project is funded by the Government of Canada”, as applicable. The Canada wordmark or digital sign must link to Canada’s website, at www.infrastructure.gc.ca. The guidelines for how this recognition is to appear and language requirements are published on Canada’s website, at <http://www.infrastructure.gc.ca/pub/signage-panneaux/intro-eng.html>.

10. Project signage

- 10.1 Unless otherwise approved by Canada, British Columbia, UBCM or Ultimate Recipients will install a federal sign to recognize federal funding at Eligible Project site(s). Federal sign design, content, and installation guidelines will be provided by Canada and included in the joint communications approach.
- 10.2 Where British Columbia, UBCM or an Ultimate Recipient decides to install a sign, a permanent plaque or other suitable marker recognizing their contribution with respect to an Eligible Project, it must recognize the federal contribution to the Eligible Project(s) and be approved by Canada.
- 10.3 British Columbia, UBCM or the Ultimate Recipient is responsible for the production and installation of Eligible Project signage, or as otherwise agreed upon.
- 10.4 British Columbia and UBCM to inform Canada of signage installations on a basis mutually agreed upon in the joint communications approaches.

11. Communication Costs

- 11.1 The eligibility of costs related to communication activities that provide public information on this Administrative Agreement will be subject to Schedule C (Eligible and Ineligible Expenditures).

SCHEDULE F – Asset Management

Canada, British Columbia and UBCM agree that the measures contained in the Previous Agreements to create and foster a culture of asset management planning were effective in increasing the capacity of the diverse range of Ultimate Recipients in British Columbia and UBCM to enhance their community's sustainability.

Under the previous Agreement (2014-2024), local governments in BC demonstrated a commitment to improving asset management practices within their respective communities. As awareness and knowledge has grown, asset management practices and culture has matured. However, as noted in the *2022 Status of Asset Management in BC Report*, while moving in the right direction, there remains significant gaps and priority areas where local governments need to improve if they are to realize the full benefits of asset management.

Using the results from the *2022 Status of Asset Management in BC Report* as a guide, the Oversight Committee will develop and approve Asset Management Commitments, over the duration of this Agreement for ultimate recipients, consistent with the Asset Management for Sustainable Service Delivery: A BC Framework. Asset Management BC will be asked to provide expertise and input where appropriate.

All Ultimate Recipients will be required to meet the Asset Management Commitments. Asset Management Commitments may vary depending on whether the Ultimate Recipient is; a Local Government, a non-local government entity, Translink, and/or BC Transit. Asset Management Commitments will focus on strengthening asset management capacity over the term of the Agreement while continuing to recognize the varying capacities of Ultimate Recipients and the range of ongoing asset management activities.

The Oversight Committee will consider Asset Management Commitments under the following areas;

- Reporting on continuous improvement of Asset Management practices over the duration of the Agreement, including reporting through the Ministry of Municipal Affairs Local Government Data Entry (LGDE) System,
- Development and implementation of Long-term Financial Plans
- Ongoing Asset Management education and training, and
- Implementing asset management performance measurement.

SCHEDULE G – Housing Report

1. Housing Needs Assessments

- 1.1 By March 31, 2025, or as otherwise agreed upon by Canada and British Columbia, municipalities with a 2021 Census population of 30,000 or more are required to complete and make available to Canada a Housing Needs Assessment (HNA) prepared in accordance with provincial legislation and additional details provided, as agreed to by Canada and British Columbia, which together align with the information requirements, spirit and intent of the federal Housing Needs Assessment template and the guidance document.
- 1.2 HNAs should be used by British Columbia and UBCM in preparing the Project-Level Housing Report and the Housing Narrative in the CCBF Outcomes Report in order to identify housing pressures related to infrastructure. HNAs should also be used by municipalities to prioritize infrastructure projects that support increased housing supply where it makes sense to do so.
- 1.3 HNAs must be made publicly available on the municipal website and municipalities are to provide links to the page where the HNAs are posted to Canada for all Ultimate Recipients in their jurisdiction that have a 2021 Census population of 30,000 or more.
- 1.4 A separate HNA Guidance Document has been provided by Canada.

2. Project-Level Housing Report

By September 30 of each year, starting in 2025, British Columbia and UBCM will provide Canada a Housing Report in an electronic format deemed acceptable by Canada consisting of the following:

2.1 Methodology

British Columbia and UBCM will provide a description of the process used to collect data and information presented in the Housing Report. The methodology section should include the following information:

- Scope of the report and related rationale.
- Reporting process used to collect data from Ultimate Recipients.
- Identification of baseline data and other data sets used for the purposes of the report and which data has been excluded.
- How performance indicators were assessed in British Columbia.

2.2 Municipalities Identified for Project-Level Reporting

Criteria for Project-Level Reporting

Municipalities with a population of 30,000 or more, outside of the Metro Vancouver Region, that have housing pressures that can be addressed through closing infrastructure gaps or building capacity where it makes sense to do so, must:

- be included in Table 1 (below); and,
- provide project-level data on housing requirements to British Columbia and UBCM, for inclusion in the Housing Report that will be submitted by British Columbia and UBCM to Canada.

HNA and project-level reporting requirements can also be applied to other municipalities as agreed to by Canada, British Columbia and UBCM. Municipalities that do not meet these criteria may additionally be included at the discretion of British Columbia and UBCM, but are not required by Canada to include project-level data in the annual Housing Report.

British Columbia and UBCM will be expected to summarize project-level information from the municipalities identified by the above criteria to report to Canada annually.

The following table (**Table 1**) is to be used as a template to identify municipalities required to provide project-level reporting and to identify housing pressures related to infrastructure needs. Housing pressures should be consistent with needs and pressures identified by Ultimate Recipients in their HNAs. British Columbia and UBCM will provide an aggregate of this table to Canada in their annual Housing Report.

Ultimate Recipient	Project Level Reporting Criteria	Key Infrastructure-Related Housing Pressures
<i>Name of the municipality</i>	<i>Identify which criteria as noted above applies</i>	<i>Identify key housing gaps and needs that are related to infrastructure</i>

Table 1: Ultimate Recipients Identified for Project Level Reporting

2.3 Project-Level Housing Outcomes

For municipalities required to provide project-level reporting, British Columbia and UBCM are required to collect project-level data on housing outcomes and to complete the table below (Table 2) on an annual basis.

Table 2 is intended to link the housing pressures identified in Table 1 and in HNAs with outcomes supported by CCBF projects that can help Ultimate Recipients to address their specific housing pressures. More specifically, Table 2 is to be completed by Ultimate Recipients outlined in Section 1.2. It will include a subset of the projects from the above project list and this subset represents projects with housing outcomes.

Project ID	Ultimate Recipient	Project Title	Project Description	Investment Category	Housing Outcomes and Indicators
<i>As provided in program reporting (Schedule D)</i>	<i>As provided in Table 1</i>	<i>As provided in program reporting (Schedule D)</i>	<i>Provide a brief description of the project</i>	<i>Indicate which CCBF category the project falls under</i>	<i>Identify key housing outcomes and indicators (section 2.3) that will be used to measure success.</i>

Table 2: Project-Level Reporting on Housing Outcomes

2.3.1 Housing Outcome Indicators

For each of the projects listed in Table 2, British Columbia and UBCM shall report on the following core indicators, as relevant to each investment category.

- # of housing units supported or preserved; and
- # of affordable housing units supported or preserved.

Units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development (e.g., building social housing as part of brownfield remediation category, may include new units directly supported by CCBF funding).

3. Housing Narrative in the CCBF Outcomes Report

By March 31st each year, starting in 2026, British Columbia and UBCM shall provide Canada with a narrative report on program-level housing outcomes. This narrative report will be aligned with and incorporated into the annual CCBF Outcomes Report.

The housing narrative should outline how CCBF has supported housing supply and affordability pressures within British Columbia and UBCM's jurisdiction, over the reporting period, and measures taken between British Columbia, UBCM and Ultimate Recipients to improve housing supply and improve housing affordability for Canadians. It should also align with identified needs within Ultimate Recipients Housing Needs Assessments once they have been developed.

Further, British Columbia and UBCM must include in their Outcomes Report a narrative assessment of measures they have taken to improve housing outcomes through CCBF funded infrastructure projects. This should include:

- How Ultimate Recipients have prioritized specific infrastructure investments, where it made sense to do so, that support an increased supply of housing (e.g., upgrading pipes to support densification rather than sprawl, or remediating a brownfield site that could then be used for affordable housing);
- How Ultimate Recipients are utilizing CCBF funding to build local capacity for sound land use and development planning (e.g., through the capacity building category).
- Any measures taken to preserve and/or increase supply and mix of affordable housing (e.g., minimizing displacement, making land available for non-market housing, minimum affordability requirements for private developers); and

This housing narrative must also include responses to the following questions:

- How many or what percentage of projects from the total CCBF project list contribute to an increase in housing supply and how many housing units were supported or preserved (as outlined in 2.3.1)?
- What percentage of total housing units supported or preserved are affordable?
- How many communities have published a new Housing Needs Assessment or an updated one within the last 5 years?

For further information and details on the housing narrative portion of the Outcomes Report please refer to the Housing Report Template and Guidance document.

4. Assessment of the Housing Reports and Compliance

4.1 Assessment of Housing Reports

Both the project-level housing report and the housing narrative on program-level housing outcomes will be assessed against the Government of Canada's Evaluation Framework as well as HNAs.

4.2 Compliance

Failure by British Columbia, UBCM or its Ultimate Recipient to adhere to this Schedule may affect the timing and flow of any CCBF funding that may be transferred by Canada. Repeated or sustained failures to comply with the terms of this Schedule could result in downward adjustment of allocations for British Columbia, UBCM or Ultimate Recipient for future Infrastructure Canada programs.

CITY OF NANAIMO

BYLAW NO. 4500.229

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, 467, 479, 480, 481, and 482 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 2024 No. 4500.229".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - 1) By deleting clause (b) in Subsection 9.8.1 and replacing with:
 - b) the maximum allowable density on the lot shall be as specified in the R1 zone.
 - 2) By adding the following Subsections after Subsection 9.8.1
 - 9.8.2 Notwithstanding Sections 6.6, 6.10, 9.5, 9.6, and 9.7, where the principal use is a single residential dwelling in the Interim Corridor Area:
 - a) the minimum required setback from the property lines, the maximum allowable lot coverage, the maximum height of a principal building, the maximum size of an accessory building, and the fence height regulations shall be as specified for the R1 zone; and
 - b) parking shall be permitted between the front lot line and the front face of the building, and within the front yard setback.

PASSED FIRST READING: 2024-JUL-22

PASSED SECOND READING: 2024-JUL-22

PUBLIC HEARING HELD: *Not held pursuant to Local Government Act Section 464(3)*

PASSED THIRD READING: 2024-JUL-22

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2024-JUL-23

ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO
BYLAW NO. 7336.10
FEES AND CHARGES AMENDMENT BYLAW
A BYLAW TO AMEND THE “FEES AND CHARGES BYLAW 2021 NO. 7336”

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 “Fees and Charges Amendment Bylaw 2024, No. 7336.10”.

2. Amendments:

Schedule “A” to “Fees and Charges Bylaw 2021 No. 7336” is hereby amended by deleting the Services Fee chart within the Police Services (R.C.M.P.) Fees and replacing it with the following:

Services

Criminal Records Checks for Employment Purposes (includes fingerprinting for vulnerable sector, if required)	\$55.00
Criminal Records Checks for Volunteers of Non-Profit (includes fingerprinting for vulnerable sector, if required)	\$10.00
Fingerprinting Fee for private industry, records suspension, travel waiver or legal name change	\$50.00

This Bylaw comes into effect on 2024-SEP-01.

PASSED FIRST READING: 2024-JUL-22
PASSED SECOND READING: 2024-JUL-22
PASSED THIRD READING: 2024-JUL-22
ADOPTED: _____

M A Y O R

CORPORATE OFFICER