



## AGENDA

### FOR THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO (PUBLIC HEARING)

Thursday, June 7, 2018, 7:00 P.M.

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

SCHEDULED RECESS AT 9:00 P.M.

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Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. ADOPTION OF AGENDA:

4. CALL THE PUBLIC HEARING TO ORDER:

5. PUBLIC HEARING AGENDA

Dale Lindsay, Director of Community Development, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

- a. Official Community Plan Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 - 40 Maki Road

5 - 29

To be introduced by Brian Zurek, Planner.

Presentation: Mark Kuhn, Applicant, on behalf of Des Bosa of Deer Lake Properties Inc.

Call for Submissions from the Public.

- b. Official Community Plan Amendment Application OCP86 and Rezoning Application RA384 - 801, 1150, and 1151 Nanaimo Lakes Road

30 - 49

To be introduced by Brian Zurek, Planner.

Call for Submissions from the Public.

- c. Port Drive Waterfront Master Plan 50 - 57

To be introduced by Karin Kronstal, Social Planner.

Call for Submissions from the Public.

**6. FINAL CALL FOR SUBMISSIONS:**

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

**7. ADJOURNMENT OF THE PUBLIC HEARING**

**8. BYLAWS: 58**

- a. "Official Community Plan Amendment Bylaw 2018 No. 6500.036" 59 - 61

That "Official Community Plan Amendment Bylaw 2018 No. 6500.036" (OCP86 – To re-designate from Resource Protection to Parks and Open Space a portion of 801, 1150, and 1151 Nanaimo Lakes Road; and to designate a separate portion of 801 Nanaimo Lakes Road as Parks and Open Space) pass third reading.

- b. "Official Community Plan Amendment Bylaw 2018 No. 6500.037" 62 - 64

That "Official Community Plan Amendment Bylaw 2018 No. 6500.037" (To amend the Official Community Plan to include the Port Drive Waterfront Master Plan) pass third reading.

- c. "Official Community Plan Amendment Bylaw 2018 No. 6500.038" 65 - 66

That "Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan (Map 1) from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') pass third reading.

- d. "Zoning Amendment Bylaw 2018 No. 4500.114" 67 - 69

That "Zoning Amendment Bylaw 2018 No. 4500.114" [RA384 - To rezone a portion of 801 and 1150 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture One (PRC1); to rezone a portion of 801, 1150, and 1151 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture Two (PRC2); and to rezone a portion of 1151 Nanaimo Lakes Road from Community Service Two (CS2) to Parks, Recreation and Culture Two (PRC2)] pass third reading.

- e. “Zoning Amendment Bylaw 2018 No. 4500.119” 70 - 71

That “Zoning Amendment Bylaw 2018 No. 4500.119” (RA386 - To rezone 40 Maki Road from Single Dwelling Residential-R1 to Highway Industrial-I1) pass third reading.

## 9. REPORTS:

- a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 387 Cordan Street 72 - 73

To be introduced by Dale Lindsay, Director of Community Development.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 387 Cordan Street.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 387 Cordan Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 387 Cordan Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1881 Dufferin Crescent 74 - 75

To be introduced by Dale Lindsay, Director of Community Development.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1881 Dufferin Crescent.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1881 Dufferin Crescent.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1881 Dufferin Crescent for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 217 Shiloh Drive 76 - 77

To be introduced by Dale Lindsay, Director of Community Development.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 217 Shiloh Drive.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 217 Shiloh Drive.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 217 Shiloh Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- d. Bylaw Contravention Notices - Secondary Suites 78 - 79

To be introduced by Dale Lindsay, Director of Community Development.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.*

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notices - 360 Summit Drive, 1127 Thunderbird Drive and 5933 Broadway Road.

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

1. 360 Summit Drive – illegal secondary suite
2. 1127 Thunderbird Drive – illegal secondary suite
3. 5933 Broadway Road – illegal secondary suite

10. **ADJOURNMENT:**

DATE OF MEETING May 07, 2018

AUTHORED BY BRIAN ZUREK, PLANNER, COMMUNITY AND CULTURAL PLANNING

SUBJECT **OCP AMENDMENT APPLICATION NO. OCP87 AND ZONING AMENDMENT APPLICATION NO. RA386 – 40 MAKI ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration an Official Community Plan amendment application to change the land use designation within the Official Community Plan from Neighbourhood to Light Industrial, and the land use designation in the Chase River Neighbourhood Plan from Low-Medium Density Residential to Service Industrial Enterprise Area; and to concurrently rezone the subject property from Single Dwelling Residential-R1 to Highway Industrial-I1 in order to continue developing a self-storage business at 40 Maki Road.

### **Recommendation**

1. That "Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan (Map 1) from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A-7.3 from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') pass first reading;
2. That "Official Community Plan Amendment Bylaw 2018 No. 6500.038" pass second reading;
3. That "Zoning Amendment Bylaw 2018 No. 4500.119" (RA386-To rezone 40 Maki Road from Single Dwelling Residential-R1 to Highway Industrial-I1) pass first reading; and,
4. That "Zoning Amendment Bylaw 2018 No. 4500.119" pass second reading.

## **BACKGROUND**

The applicant, Mark Kuhn, submitted two applications on behalf of Des Bosa of Deer Lake Properties Inc., regarding the property at 40 Maki Road. The first application proposes to amend the Official Community Plan (OCP) and Chase River Neighbourhood Plan by designating the subject property Light Industrial and Service Industrial Enterprise Area, respectively. The existing OCP and Neighbourhood designations support residential land use. The second application proposes to amend the Zoning Bylaw by changing the zone from Single Dwelling Residential – R1 to Highway Industrial – I1. The property owner operates a self-storage business on the property.

Location	The subject property is east of the intersection of Island Highway South and Tenth Street (Southgate) on the north side of Maki Road.
Existing OCP Designation	Neighbourhood
Proposed OCP Designation	Light Industrial

Existing Chase River Neighbourhood Plan Designation	Low-Medium Density Residential
Proposed Chase River Neighbourhood Designation	Service Industrial Enterprise Area
Existing Zoning	Single Dwelling Residential – R1
Proposed Zoning	Highway Industrial – I1

Existing land uses on Maki Road include commercial, industrial, and residential. Several vacant or underdeveloped properties are also located on Maki Road.

Maki Road terminates approximately 450 metres east of the subject property. The Transportation Master Plan and the Sandstone Master Plan propose connecting Maki Road to the future development in south Nanaimo.

The subject property is located near Nanaimo Estuary. Several wetlands and drainages exist throughout the local area.

## **DISCUSSION**

### **Policy Context**

In 1999, the Chase River Neighbourhood Plan designated the general area near the intersection of the Island Highway South and Tenth Street generally as a Main Street, with Medium-High Density Residential uses to the west, and Commercial and Low-Medium Residential Densities to the east (Attachment E).

Council adopted the OCP in 2008. The OCP's Future Land Use plan (Map 1) included land use designations to reflect those contained in the Chase River Neighbourhood Plan (Attachment D).

The Chase River Neighbourhood Plan surrounded the Main Street with lands designated for commercial uses and medium-high or low-medium residential densities. Additionally, the Neighbourhood Plan designates industrial uses on properties outside commercial or residential areas.

### **Zoning Bylaw and Development Permits**

Prior to 2011, the subject property was zoned Light Industrial (I2). Based on the industrial zoning, the owner received a Development Permit in 2007 to authorize the construction of a self-storage business on the property. The owner began to develop the property in 2007, and to operate the business in 2008. The owner continues to operate the self-storage business today.

In 2011, Council adopted Zoning Bylaw No. 4500, which included zoning updates to bring existing lands into compliance with the OCP and Neighbourhood Plans. Zoning Bylaw No. 4500 changed the zoning on the subject property from Light Industrial (I2) to Single Dwelling Residential – R1 to be consistent with both the OCP and Chase River Neighbourhood Plan.

## **Evaluation of the Amendment Proposals**

In terms of land use, the owner proposes a future land use for the subject property that is contrary to the designations in the OCP and the Neighbourhood Plan.

Council had adopted the Chase River Neighbourhood Plan in 1999, including the future land use designations, after broad public engagement with local residents.

Consideration of the proposed amendments in this application is occurring both without a broader review of future land use designations in the area surrounding the subject property, and in the absence of the robust public consultation comparable to that done for the original Neighbourhood Plan. Staff suggest that the proposed amendments could be considered in the context of a review beyond the scope of the proposed amendment applications.

Considering the proposed land use change in the context of a review of the Chase River Neighbourhood Plan would allow for a more comprehensive review of the proposed policy change and its potential implications for the future development of the surrounding properties.

The OCP does not include the review of the Chase River Neighbourhood Plan as a part of the current implementation section. Council could identify the review of existing neighbourhood plans, including the Chase River Neighbourhood Plan, as a priority and incorporate their review into the implementation plan of an updated OCP.

The owner has chosen to submit the amendment applications prior to a comprehensive review of the Chase River Neighbourhood Plan and provides the rationale to support this approach.

## **Public Amenity**

The owner did not provide a community contribution as part of the application amendment processes. Due to the history of land use designation and zoning changes on the subject property, Staff do not recommend that Council seek a community contribution from the owner as part of the amendment application processes.

## **Neighbourhood Consultation**

Section 7.1 of the OCP requires applicants to consult with area residents as part of the formal OCP and Neighbourhood Plan amendment process. The owner attended the regular meeting of the Chase River Community Association on 2018-MAR-13 to present the amendment applications to area residents.

## **Community Planning and Development Committee**

Section 7.2 of the OCP requires the Community Planning and Development Committee to consider the OCP and Neighbourhood Plan amendment and to invite up to three members of the local neighbourhood association to represent the community at a meeting. Three members of the Chase River Community Association participated in the Community Planning and Development Committee meeting on 2018-MAR-20. Additionally, the applicant presented the Committee with the proposed amendment applications.

Area residents represented by the members of the Chase River Community Association supported the applicant's amendment requests. The Community Planning and Development Committee recommended that Council approve the amendment applications.

### **SUMMARY POINTS**

- The owner proposes to amend the Official Community Plan, the Chase River Neighbourhood Plan, and the Zoning Bylaw to support an existing self-storage business and industrial land use for the property.
- Previously, Council amended the OCP in 2008 and the Zoning Bylaw in 2011 to be consistent with the Chase River Neighbourhood Plan adopted in 1999.
- The existing land use and zoning designations support residential land uses.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan

ATTACHMENT B: Site Plan

ATTACHMENT C: Letters of Rationale

ATTACHMENT D: OCP Future Land Use

ATTACHMENT E: Chase River Neighbourhood Future Land Use

ATTACHMENT F: Aerial Photo

"Official Community Plan Amendment Bylaw 2018 No. 6500.038"

"Zoning Amendment Bylaw 2018 No. 4500.119"

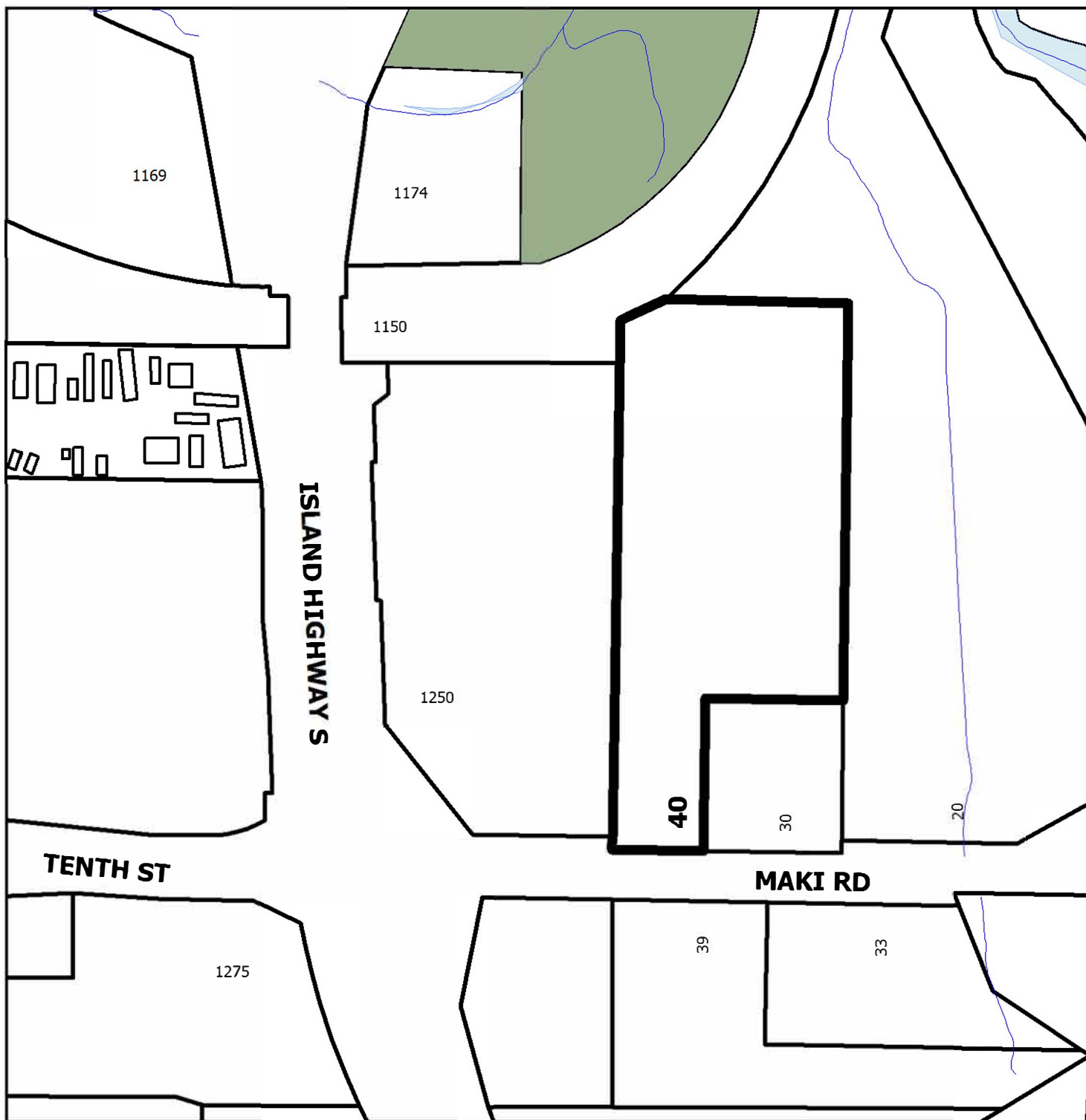
#### **Submitted by:**

Bruce Anderson  
Manager, Community and Cultural Planning

#### **Concurrence by:**

Dale Lindsay  
Director, Community Development

# ATTACHMENT A

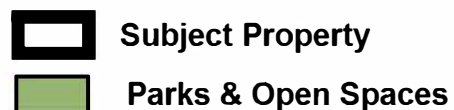


REZONING APPLICATION NO. RA000386  
OFFICIAL COMMUNITY PLAN NO. OCP00087

## LOCATION PLAN

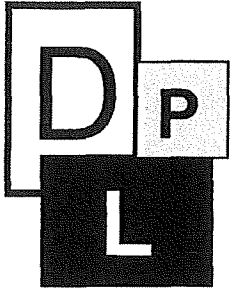


Civic : 40 Maki Road  
Lot 1, Block 1, Section 2, Nanaimo District, Plan 630,  
Except parts in Plan 1099R and 35898, see manufactured home  
assessed on 16197.001



## 237.76





## Deer Lake Properties Inc.

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October 27, 2017

Mr. Brian Zurek  
City of Nanaimo  
411 Dunsmuir Street  
Nanaimo, BC V9R 5J6

Subject: 40 Maki Road, Lot 1, Block 1, Plan VIP 630, Section 2, Nanaimo Land District, Except Plan 1099R 35898, PID 000-630-535

Request to amend the following plans:

- 1.0 Official Community Plan (OCP) from Neighbourhood to Light Industrial
- 2.0 Chase River Neighbourhood Plan – Schedule A: Chase River Town Centre Land Use from Low-Medium Density Residential to Industrial
- 3.0 Chase River Neighbourhood Plan – Schedule B: Future Land Use from Town Centre to Industrial

### **Background:**

On January, 2006 Deer Lake Properties applied to the City of Nanaimo for a Development Permit for our 40 Maki Road Property. At time of application for the proposed Development, this property was zoned I-2 (Light Industrial).

During our Development Permit process we were not notified of any potential future change to the current zoning and as such we proceeded with the comfort level that the existing I-2 zoning would satisfy our development objective for the long term.

We were issued a Phased Comprehensive Development Permit approval in 2007 for the entire parcel of land. To date we have completed three (3) phases of this development, and plan to complete the final phase in 2018.

In May of 2017, we were required to update our appraisal for the purpose of a financing renewal. Our appraisal consultant informed us that the zoning for 40 Maki Road had been changed from I-2 (Light Industrial) to R1 (Single Dwelling Residential). This rezoning change was done because the I-2 zoning designation for our property did not conform with the Chase River Neighbourhood Plan.

At first we all thought these changes were a simple mistake. Through consultation with the City of Nanaimo Planning Department we learned that in 2011, with the adoption of Zoning Bylaw 2011 No. 4500, 40 Maki Road was rezoned to Single Dwelling Residential (R1) to align with the higher-level planning designations of the OCP and Chase River Neighbourhood Plan.

As we were not aware of the 2011 zoning changes, this has put us in a very difficult position. Our property now has legal non-conforming status which could negatively impact the future long-term viability of our business and our ability to secure future lending and insurance commitments.

Legal non-conforming status allows us to continue operating our self-storage business at 40 Maki Road until the use is discontinued for a continuous period of six (6) months. If our facility sustains damage from a major fire or earthquake we may not be able to rebuild our facility with the present legal non-conforming status in place. This status is also of major concern to our lending institution and our insurance provider. They have both stated that they may not be able to support us in the future if we do not have the zoning for the property reinstated to industrial. To facilitate this zoning change, the OCP designation for our property must be changed from Low-Medium Density Residential to Industrial and Schedules A and B of the Chase River Neighbourhood Plan must also be changed to an Industrial designation. Without the continued support of our lending institution and our insurance provider the future economic viability of our business is in jeopardy.

#### **Reasons for OCP and Rezoning amendments:**

##### **Community business centre**

We strongly feel the rezoning of our property to R1 should never have taken place, specifically because of its location and the immediate surrounding industries and businesses. I2 was the proper zoning for this site. Adjacent to our property we have Rona and across the intersection we have the Chase River Shopping Centre. The businesses around the Maki Road, 10<sup>th</sup> Street and Island Highway intersection make up an important business and services centre for the communities of Harewood, Chase River and Cedar. This entire area should have an industrial usage designation within the OCP and Chase River Neighbourhood Plan.

##### **Proximity to major intersection**

Proximity to the major Maki Road and Island Highway traffic light controlled intersection, gives Supreme Self Storage easy and safe access for both North and South bound traffic without disturbance to any neighbours.

##### **Storage demand**

We have recently completed the 3<sup>rd</sup> phase of our development, and in only two (2) months all forty-five (45) of the new lockers have been rented. This is proof that there is a demand for our business and we are providing a much needed storage amenity to the surrounding community.

### **Protection of Marsh Lands**

Supreme Self Storage has minimal impact on the wetlands located behind our property. The back sides of our buildings do not have locker access making for a non accessible barrier to the wetlands. The lack of high sanitary or water requirements of our business results in minimal environmental impact to the wetlands. Presently, rain water is collected and controlled through an onsite filtration drainage field, along with a site oil interceptor. Any future residential development on our site would have a much greater environmental impact on the marsh and surrounding wetlands.

### **Best use**

We are now aware that the primary reason for the rezoning of our property to Single Dwelling Residential (R1), was that the I-2 zoning simply did not align with the Neighbourhood designation adopted in the 1999 Chase River Neighbourhood Plan and the 2008 Official Community Plan (OCP). Given our unique situation in that we had a Phased Comprehensive Development Permit in place in 2011, and that our site was and is still under construction, we should have been seen as the best use for this property now and in the future.

Apart from the fact that our site did not align with the Chase River Neighbourhood Plan and the Official Community Plan, the reality on the ground should have taken precedence and been given much closer scrutiny. Had this taken place with a reasonable open mind, there is no question that this property would have retained its I-2 zoning designation. We have included two (2) aerial photos which show the dramatic change on the ground from January 2006, to the present situation showing a completed Rona outlet at the corner of Maki and the Highway, with Supreme Self Storage appropriately located to the East.

Unfortunately as I stated earlier, we simply were not aware of the rezoning process, otherwise we would have brought up our objection and arguments in a more timely manner. Given the large investment and commitment to our existing Storage Facility, there is minimal to no chance that any form of low density residential development would ever be viable on this property. It is not an appropriate location for a residential development, situated between the environmentally sensitive wetlands and Rona. Supreme Self Storage is very close to a major intersection complete with road widening up to our facility, it has very good street appeal, and given the fact that we have an on-site manager's residence, it is safe and kept clean at all times. Supreme Self Storage has absolutely no negative impact on traffic or neighbors, and if we were to look for a new location, I doubt we would find one that is better suited than 40 Maki Road.

Looking at the intersection of the Island Highway and Maki Road from the air, and all immediate properties to the East, West and South, it clearly shows a natural fit for a commercial and light industrial center, with the wetlands providing a natural boundary from the residential lands to the South West.

We are committed to the rezoning and OCP amendment process and hopefully once this process is completed, 40 Maki Road will have a new zoning designation of I-1 (Highway industrial) and the following plans will be amended:

1.0 Official Community Plan (OCP) from Neighbourhood to Light Industrial

2.0 Chase River Neighbourhood Plan – Schedule A: Chase River Town Centre Land Use from Low-Medium Density Residential to Industrial

3.0 Chase River Neighbourhood Plan – Schedule B: Future Land Use from Town Centre to Industrial

We truly believe is in the best interest of not only us as business owners, but also the City as a beneficiary of property taxes from a correctly zoned light industrial amenity, and the community at large to whom we provide a much needed service.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Des Bosa', with a long horizontal flourish extending to the right.

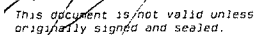
Des Bosa

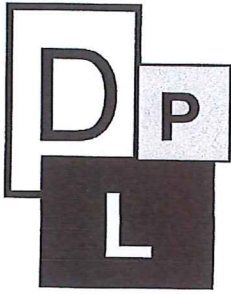
Deer Lake Properties





All distances are in metres.  
Elevation datum, in metres, is Geodetic.





## Deer Lake Properties Inc.

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October 27, 2017

Mr. Brian Zurek  
City of Nanaimo  
411 Dunsmuir Street  
Nanaimo, BC V9R 5J6

Subject: 40 Maki Road, Lot 1, Block 1, Plan VIP 630, Section 2, Nanaimo Land District, Except Plan 1099R 35898, PID 000-630-535

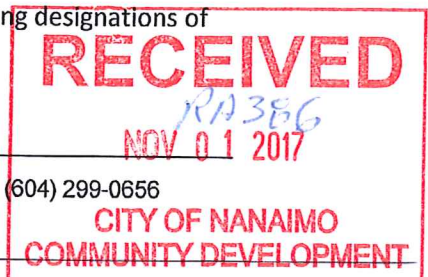
Request and reasons for amending Zoning Bylaw No. 4500 from Single Dwelling Residential (R1) to Highway Industrial (I1).

**Background:**

In January, 2006 Deer Lake Properties applied to the City of Nanaimo for a Development Permit for our 40 Maki Road property. At the time of application for the proposed Development, the existing zoning was I-2 (Light Industrial) which was intended to provide for clean industrial uses with a high standard of design and maintenance. A letter dated January 30, 2006 from our Architect Adam Policzer outlines the care that was taken at the time in order to satisfy City of Nanaimo guidelines. We were satisfied that the existing zoning was the appropriate application, and based on supply and demand we concluded that Self Storage was the best use for the property, which was a permitted use under the I-2 Zoning. During our Development Permit process we were not notified of any potential future change to the current zoning, and as such we proceeded with the comfort level that the existing I-2 Zoning would satisfy our development objective for the long term. We were issued a Phased Comprehensive Development Permit approval in 2007 for the entire parcel of land. To date we have completed three (3) separate phases of the development, and in the spring of 2018 we will be submitting a building permit application to the City for the completion of the remaining seven (7) buildings.

In May of 2017, we were required to update our appraisal for the purpose of a financing renewal. Our appraisal consultant informed us that the zoning for 40 Maki Road had been changed from I-2 to R1.

At first we all thought it was a simple mistake. Through consultation with the City of Nanaimo Planning Department we learned that in 2011, with the adoption of Zoning Bylaw 2011 No. 4500, 40 Maki Road was rezoned to Single Dwelling Residential (R1), to align with the higher-level planning designations of the OCP and Chase River Neighbourhood Plan.



In our consultation meetings with the City of Nanaimo Planning Department we also learned that during the time of the rezoning process, there was information made available to the public through media and public hearings, but affected property owners were never directly sent any information by the City of Nanaimo to inform them of the rezoning process, or its effect on their properties.

As we were not aware of the 2011 zoning changes, this has put us in a very difficult position. Our property now has legal non-conforming status which could negatively impact the future long-term viability of our business and our ability to secure future lending and insurance commitments.

Legal non-conforming status allows us to continue operating our self-storage business at 40 Maki Road until the use is discontinued for a continuous period of six (6) months. If our facility sustains damage from a major fire or earthquake we may not be able to rebuild our facility with the present legal non-conforming status in place. This status is also of major concern to our lending institution and our insurance provider. They have both stated that they may not be able to support us in the future if we do not have the zoning for the property reinstated to industrial. Without the continued support of our lending institution and our insurance provider the future economic viability of our business is in jeopardy.

#### **Other reasons for OCP and Rezoning amendments:**

##### **Community business centre**

We strongly feel the rezoning of our property to R1 should never have taken place, specifically because of its location and the immediate surrounding industries and businesses. I2 was the proper zoning for this site. Adjacent to our property we have Rona and across the intersection we have the Chase River Shopping Centre. The businesses around the Maki Road, 10<sup>th</sup> Street and Island Highway intersection make up an important business and services centre for the communities of Harewood, Chase River and Cedar. This entire area should have an industrial usage designation within the OCP and Chase River Neighbourhood Plan.

##### **Proximity to major intersection**

Proximity to the major Maki Road and Island Highway traffic light controlled intersection, gives Supreme Self Storage easy and safe access for both North and South bound traffic without disturbance to any neighbours.

##### **Storage demand**

e have recently completed the 3<sup>rd</sup> phase of our development, and in only two (2) months all forty-five (45) of the new lockers have been rented. This is proof that there is a demand for our business and we are providing a much needed storage amenity to the surrounding community.

##### **Protection of Marsh Lands**

Supreme Self Storage has minimal impact on the wetlands located behind our property. The back sides of our buildings do not have locker access making for a non accessible barrier to the wetlands. The lack

of high sanitary or water requirements of our business results in minimal environmental impact to the wetlands. Presently, rain water is collected and controlled through an onsite filtration drainage field, along with a site oil interceptor. Any future residential development on our site would have a much greater environmental impact on the marsh and surrounding wetlands.

#### **Best use**

We are now aware that the primary reason for the rezoning of our property to Single Dwelling Residential (R1), was that the I-2 zoning simply did not align with the Neighbourhood designation adopted in the 1999 Chase River Neighbourhood Plan and the 2008 Official Community Plan (OCP). Given our unique situation in that we had a Phased Comprehensive Development Permit in place in 2011, and that our site was and is still under construction, we should have been seen as the best use for this property now and in the future.

Apart from the fact that our site did not align with the Chase River Neighbourhood Plan and the Official Community Plan, the reality on the ground should have taken precedence and been given much closer scrutiny. Had this taken place with a reasonable open mind, there is no question that this property would have retained its I-2 zoning designation. We have included two (2) aerial photos which show the dramatic change on the ground from January 2006, to the present situation showing a complete major Rona outlet at the corner of Maki and the Highway, with Supreme Self Storage appropriately located to the East.

Unfortunately as I stated earlier, we simply were not aware of the rezoning process, otherwise we would have brought up our objection and arguments in a more timely manner. Given the large investment and commitment to our existing Storage Facility, there is minimal to no chance that any form of low density residential development would ever be viable on this property. It is not an appropriate location for a residential development, situated between the environmentally sensitive wetlands and Rona. Supreme Self Storage is very close to a major intersection complete with road widening up to our facility, it has very good street appeal, and given the fact that we have an on-site manager's residence, it is safe and kept clean at all times. Supreme Self Storage has absolutely no negative impact on traffic or neighbors, and if we were to look for a new location, I doubt we would find one that is better suited than 40 Maki Road.

Looking at the intersection of the Island Highway and Maki Road from the air, and all immediate properties to the East, West and South, it clearly shows a natural fit for a commercial and light industrial center, with the wetlands providing a natural boundary from the residential lands to the South West.

We are committed to the rezoning process and hopefully once this rezoning process is completed, 40 Maki Road will have a new zoning designation of I-1 (Highway industrial). We truly believe is in the best interest of not only us as business owners, but also the City as a beneficiary of property taxes from a correctly zoned light industrial amenity, and the community at large to whom we provide a much needed service.

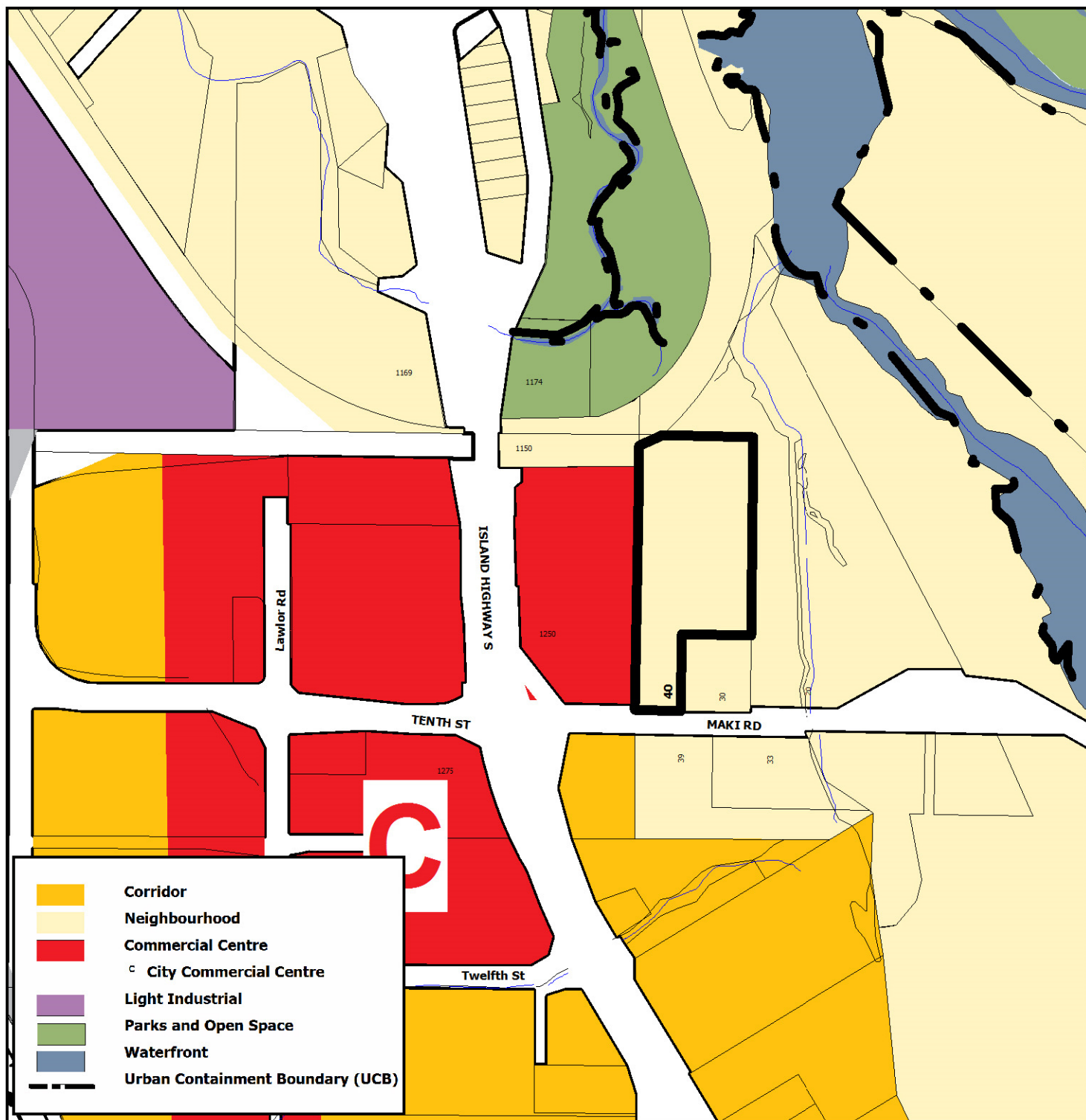
Sincerely,

A handwritten signature in blue ink, appearing to read 'Des Bosa', with a long horizontal line extending to the right.

Des Bosa

Deer Lake Properties

# ATTACHMENT D



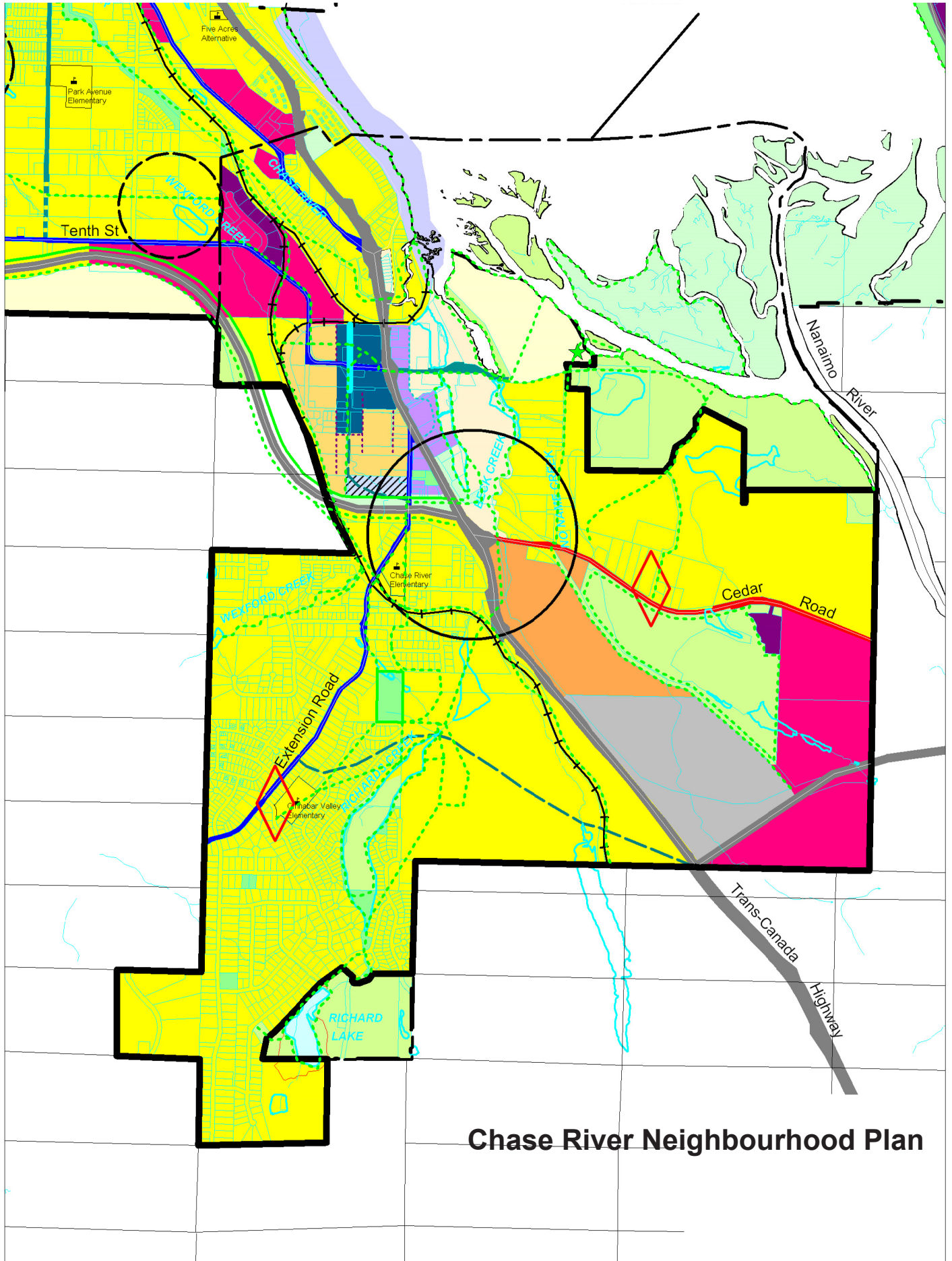
OFFICIAL COMMUNITY PLAN NO. OCP00087  
 REZONING APPLICATION NO. RA000386

## LOCATION PLAN



Civic : 40 Maki Road  
 Lot 1, Block 1, Section 2, Nanaimo District, Plan 630,  
 Except parts in Plan 1099R and 35898, see manufactured home  
 assessed on 16197.001

 Subject Property



Chase River Neighbourhood Plan

# LEGEND

## Chase River Neighbourhood Plan

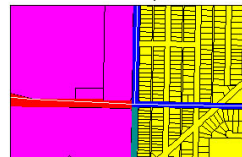
### Future Land Use

-  Mainstreet (Commercial/Residential)
-  Medium-High Density Residential
-  Low-Medium Density Residential
-  Commercial
-  Utility/Service
-  City Land Reserve
-  Neighbourhood Village\*
-  Neighbourhoods
-  Suburban Neighbourhoods
-  City Parks
-  Other Parks and Open Space
-  Future Park Sites\*\*
-  Rural Resource Lands
-  Local Service Centre
-  Main Street
-  Highway Commercial
-  Industrial Enterprise Area
-  Service Industrial Enterprise Area
-  Research, Education, & Development
-  Waterfront Designation
-  Parkway Intersections  
(part of DPA 22)
-  Urban Containment Boundary
-  City Boundary
-  School
-  Proposed School\*\*
-  Proposed Elementary School\*\*
-  Proposed Secondary School\*\*

\* Precise location and boundary of Neighbourhood Villages to be defined in future Neighbourhood Plans  
 \*\*Locations are approximate.  
 \*\*\*Possible location for negotiated trailway (see Sections 1.3.2 and 4.5.2)  
 \*\*\*\*Shown as white line on top of other colours

### Mobility

-  Existing Trailways
-  Proposed Trailway Connectors\*\*\*
-  Other Trailways
-  Provincial Highway
-  Urban Arterial
-  Major Collector
-  Minor Collector
-  Future Urban Arterial
-  Future Major Collector
-  Future Minor Collector
-  Railway
-  On Road Bicycle Routes\*\*\*\*



### Schedule A-7.3 Amendments

Bylaw	Date
6000.024	1999-OCT-04
6000.027	2000-MAY-15
6000.035	2002-APR-08
6000.038	2002-MAY-27
6000.039	2002-SEP-16
6000.041	2003-APR-14
6000.042	2003-APR-14
6000.060	2005-APR-04
6000.076	2007-OCT-29

Amendments have been consolidated for convenience only.  
 The original bylaws should be consulted for all purposes of interpretation and application of the Bylaw.

# ATTACHMENT F

Aerial Photo



REZONING APPLICATION NO. RA000386  
OFFICIAL COMMUNITY PLAN NO. OCP00087



CITY OF NANAIMO

BYLAW NO. 6500.038

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2018 NO. 6500.038".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

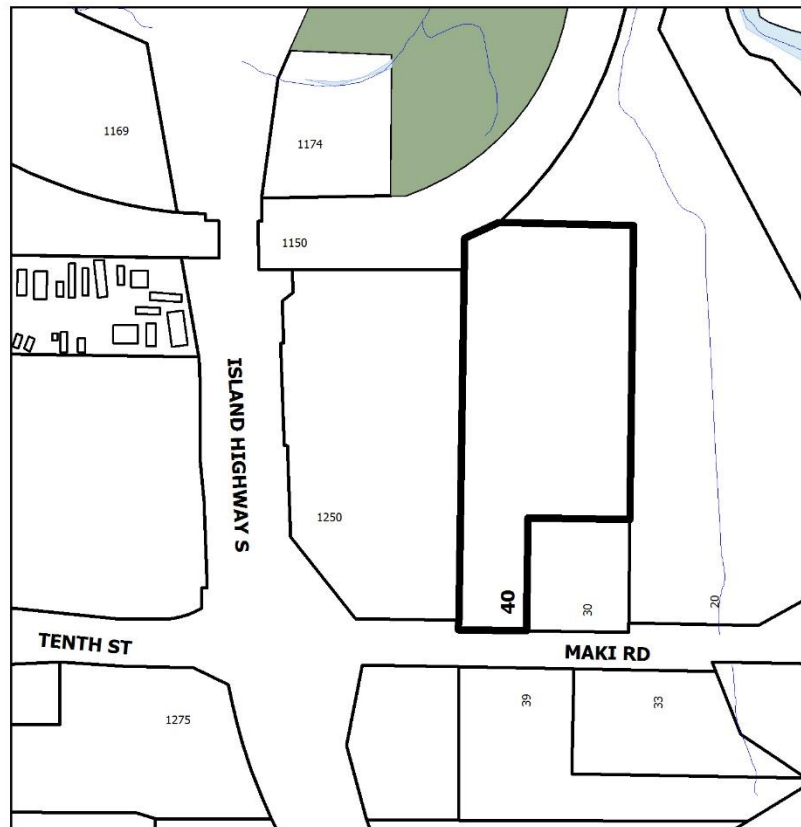
\_\_\_\_\_  
MAYOR

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

File: OCP00087  
40 Maki Road

## SCHEDULE A

1. Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO.6500” is amended as follows:
  - a) Re-designate the subject area known as LOT 1, BLOCK 1, SECTION 2, NANAIMO DISTRICT, PLAN 630, EXCEPT PARTS IN PLAN 1099R AND 35898, SEE MANUFACTURED HOME ASSESSMENT ON 16197.001 (40 Maki Road) from ‘Neighbourhood’ to ‘Light Industrial.’
2. Schedule A-7.3 (Future Land Use Plan) of “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500 SCHEDULE C” is amended as follows:
  - a) Re-designate the subject area known as LOT 1, BLOCK 1, SECTION 2, NANAIMO DISTRICT, PLAN 630, EXCEPT PARTS IN PLAN 1099R AND 35898, SEE MANUFACTURED HOME ASSESSMENT ON 16197.001 (40 Maki Road) from ‘Low-Medium Density Residential’ to ‘Service Industrial Enterprise Area.’



REZONING APPLICATION NO. RA000386  
OFFICIAL COMMUNITY PLAN NO. OCP00087

### LOCATION PLAN

Civic : 40 Maki Road  
Lot 1, Block 1, Section 2, Nanaimo District, Plan 630,  
Except parts in Plan 1099R and 35898, see manufactured home  
assessed on 16197.001



-  Subject Property
-  Parks & Open Spaces

CITY OF NANAIMO

BYLAW NO. 4500.119

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

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.119".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, BLOCK 1, SECTION 2, NANAIMO DISTRICT, PLAN 630, EXCEPT PARTS IN PLAN 1099R AND 35898, SEE MANUFACTURED HOME ASSESSMENTN ON 16197.001 (40 Maki Road) from Single Dwelling Residential-R1 to Highway Industrial-I1 as shown on Schedule A.

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

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

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

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

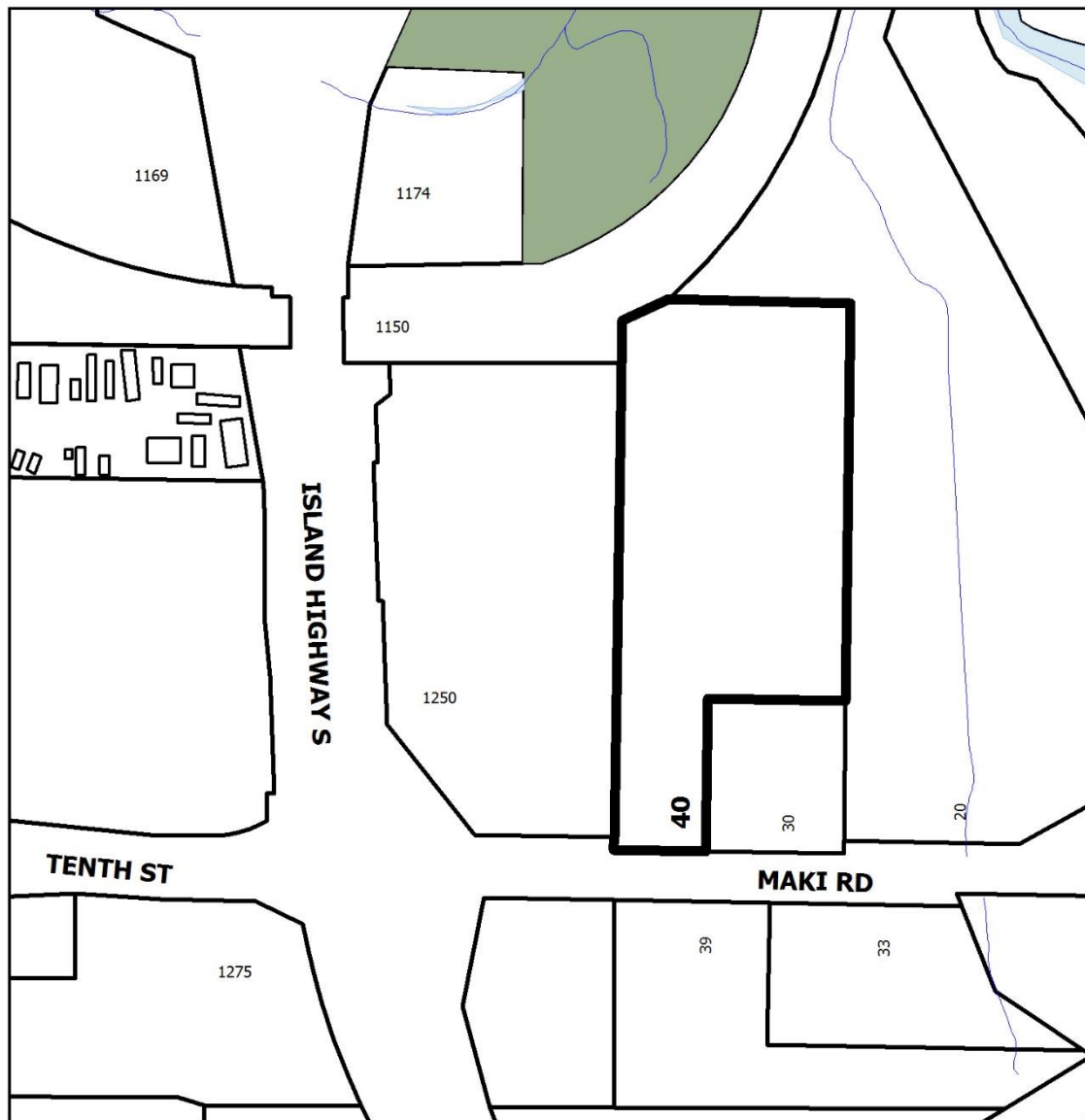
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_

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

\_\_\_\_\_  
MAYOR

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

## SCHEDULE A



REZONING APPLICATION NO. RA000386  
OFFICIAL COMMUNITY PLAN NO. OCP00087

## LOCATION PLAN



Civic : 40 Maki Road  
Lot 1, Block 1, Section 2, Nanaimo District, Plan 630,  
Except parts in Plan 1099R and 35898, see manufactured home  
assessed on 16197.001

-  Subject Property
-  Parks & Open Spaces

DATE OF MEETING May 07, 2018

AUTHORED BY BRIAN ZUREK, PLANNER

**SUBJECT OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION OCP86  
AND REZONING APPLICATION RA384 – 801, 1150, AND  
1151 NANAIMO LAKES ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration concurrent Official Community Plan and Zoning Bylaw amendment applications to designate portions of 801, 1150, and 1151 Nanaimo Lakes Road as parkland.

### **Recommendation**

1. That "Official Community Plan Amendment Bylaw 2018 No. 6500.036" (OCP86 – To re-designate from Resource Protection to Parks and Open Space a portion of 801, 1150, and 1151 Nanaimo Lakes Road; and to designate a separate portion of 801 Nanaimo Lakes Road as Parks and Open Space) pass first reading;
2. That "Official Community Plan Amendment Bylaw 2018 No. 6500.036" pass second reading;
3. That "Zoning Amendment Bylaw 2018 No. 4500.114" [RA384 - To rezone a portion of 801 and 1150 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture One (PRC1); to rezone a portion of 801, 1150, and 1151 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture Two (PRC2); and to rezone a portion of 1151 Nanaimo Lakes Road from Community Service Two (CS2) to Parks, Recreation and Culture Two (PRC2)] pass first reading;
4. That "Zoning Amendment Bylaw 2018 No. 4500.114" pass second reading;
5. That "Park Dedication Bylaw 2018 No. 7259" (To dedicate land for park purposes) pass first reading;
6. That "Park Dedication Bylaw 2018 No. 7259" pass second reading; and,
7. That "Park Dedication Bylaw 2018 No. 7259" pass third reading.

## **BACKGROUND**

Council, at its Regular Meeting of 2017-AUG-14, endorsed Resolution No. 36017 as follows:

*"That Council:*

1. *direct Staff to amend the proposed land use designations for 801, 1150, and 1151 Nanaimo Lakes Road by designating properties, except the specific lands under negotiation for lease with Nanaimo Search and Rescue and the Reservoir Proper, as Park and Open Space as shown on the attached schedule, titled Attachment A, Map showing proposed land use designations; and,*

2. *direct Staff to proceed with the designation of park and open space lands as shown on the amended schedule, including amendments to the Official Community Plan, Zoning Bylaw, and the preparation of a Park Dedication Bylaw.”*

Following Council’s direction, Staff have prepared concurrent applications for an Official Community Plan (OCP) amendment and a rezoning application for portions of the former Greater Nanaimo Water District Lands addressed as 801, 1150, and 1151 Nanaimo Lakes Road.

## **DISCUSSION**

### **Subject Properties**

Location	The subject properties are located south of the Colliery Dam Park near the intersection of Nanaimo Lakes Road and the Nanaimo Parkway.
Total Lot Area	96.08ha
Current OCP Designations	Resource Protection, Parks and Open Space, Undesignated
Current Zones	Rural Resource - AR1, Community Service Two (CS2)
Proposed OCP Designation	Parks and Open Space
Proposed Zone	Parks, Recreation and Culture 1 and 2 (PRC1 and PRC2)

The subject properties are located adjacent to the Colliery Dam in south Nanaimo (Attachments A and B). A portion of the south and west property boundaries coincides with the City’s Urban Containment Boundary. Adjacent land uses are Neighbourhood, and Parks and Open Space. The subject properties are outside of the Harewood Neighbourhood Plan area.

The Greater Nanaimo Water District (GNWD) disbanded in 2004 and subsequently transferred the subject properties to the City. The GNWD lands included seven parcels. The Nanaimo Parkway separates (hooks) two legal parcels. Additionally, covenants further define two areas [the proposed Nanaimo Search and Rescue (NSAR) site (Attachment C), and the existing Nanaimo Animal Shelter] on separate parcels. In total, the former GNWD lands include eleven polygons (Attachment D). The table below describes each area:

CIVIC ADDRESS	MAP AREA	DESCRIPTION	PROPOSED OCP DESIGNATION	PROPOSED ZONE
801 Nanaimo Lakes Road	1a	North of and adjacent to the Nanaimo Parkway	Parks and Open Space	PRC1
	1b	South of and adjacent to the Nanaimo Parkway	Parks and Open Space	PRC2
	1c*	<b>Reservoir #1</b>	<b>No Change (Excluded)</b>	<b>No Change (Excluded)</b>
	1d	West of and adjacent to Nanaimo Lakes Road	Parks and Open Space	PRC2
1150 Nanaimo Lakes Road	2a	North of and adjacent to the Nanaimo Parkway	No Change (Parks and Open Space)	PRC1
	2b	South of and adjacent to the Nanaimo Parkway	Parks and Open Space	PRC2
	2c*	<b>Nanaimo Animal Shelter Covenant Area</b>	<b>No Change (Excluded)</b>	<b>No Change (Excluded)</b>

	<b>3a*</b>	<b>Parks Yard and Proposed Nanaimo Search and Rescue site Covenant Area</b>	<b>No Change (Excluded)</b>	<b>No Change (Excluded)</b>
1151 Nanaimo Lakes Road	3b	Between Nanaimo Lakes Road and existing Parks Yard	Parks and Open Space	PRC2
	3c	West of Nanaimo Lakes Road	Parks and Open Space	PRC2
	3d	East of Nanaimo Lakes Road and adjacent to Reservoir #1	Parks and Open Space	PRC2
	<b>*Areas described in bold text are excluded from the proposed development applications</b>			

### Proposed Development

At Council's direction, Staff propose to designate the majority of the subject properties as parkland. The formal designation requires amendments to the Future Land Use Plan (Map 1) of the OCP and the Zoning Bylaw. Council requested Staff to prepare a Park Dedication Bylaw to provide additional protection to the proposed parkland.

Council Resolution No. 36017 excluded Reservoir No. 1 (1c) and a portion of the lot containing the proposed NSAR site (3a) from the development applications. The City of Nanaimo is currently negotiating a lease with NSAR for the long-term use of a portion of the existing Parks yard.

Additionally, Staff propose to exclude the portion of 1150 Nanaimo Lakes Road containing the existing Nanaimo Animal Shelter (2c) from the proposed amendments. The Zoning Bylaw permits the Nanaimo Animal Shelter to operate (animal shelter) in the existing Rural Resource – AR1 zone; however, the Zoning Bylaw does not permit the use in the Parks, Recreation and Culture 2 – PRC2 zone.

### Official Community Plan

The hooked portions of 801 Nanaimo Lakes Road (1a, 1b) and Reservoir No. 1 (1c) are undesignated on the Future Land Use Plan (Map 1) of the OCP. The OCP designates the remaining 801 Nanaimo Lakes Road parcel (1d) as Resource Protection.

The OCP designates the northern portion of 1150 Nanaimo Lakes Road (2a) as Parks and Open Space, and the southern portion of 1150 Nanaimo Lakes Road (2b, 2c) as Resource Protection.

The OCP designates 1151 Nanaimo Lakes Road (3a, 3b, 3c, 3d) as Resource Protection.

Excluding Reservoir No. 1 (1c), the proposed NSAR site (3a), and the existing Nanaimo Animal Shelter (2c), Staff propose to designate the subject properties as Parks and Open Space (Attachment E).

## Zoning Bylaw

The Zoning Bylaw designates 801 Nanaimo Lakes Road (1a, 1b, 1c, 1d) and 1150 Nanaimo Lakes Road (2a, 2b, 2c), and the southern two portions of 1151 Nanaimo Lakes Road (3c, 3d) as Rural Resource - AR1. The Zoning Bylaw designates the northern two portions of 1151 Nanaimo Lakes Road (3a, 3b) as Community Service Two-CS2.

Staff propose to rezone the northeastern portion of 801 Nanaimo Lakes Road (1a) and the northern portion of 1150 Nanaimo Lakes Road (2a) to Parks, Recreation and Culture 1 - PRC1 (Attachment F). This zone allows for recreational and educational uses that are compatible with the natural features of the park.

Excluding Reservoir No. 1 (1c), Staff propose to rezone the remaining portions of 801 Nanaimo Lakes Road as Parks Recreation and Culture 2—PRC2. Excluding the Nanaimo Animal Shelter (2c), Staff propose to rezone the remaining portion of 1150 Nanaimo Lakes Road as Parks, Recreation and Culture 2 - PRC2. Excluding the proposed NSAR site (3a), Staff propose to rezone the remaining portions of 1151 Nanaimo Lakes Road to Parks, Recreation and Culture 2 - PRC2 (Attachment F). This zone allows for recreational and cultural uses within the park.

Rationale for the proposed amendments to the OCP and the Zoning Bylaw are included as Attachment G.

### *Approval Process*

Under Section 30 of the *Community Charter*, Council can dedicate real property as parkland by adopting a bylaw with a vote of at least two-thirds of all members of Council. Once “Park Dedication Bylaw 2018 No. 7259” is adopted, Council may only remove the Park Dedication Bylaw with the approval of its electors, either by alternate approval process or referendum.

As per Part 14 of the *BC Local Government Act* (2015), when considering an amendment to the OCP, local governments must provide one or more opportunities for consultation with organizations/authorities that may be affected by the amendment. Staff invited comment from the following agencies on the concurrent applications: Vancouver Island Health Authority, Snuneymuxw First Nation, School District 68, and the Ministry of Transportation and Infrastructure.

The Community Planning and Development Committee has not yet reviewed the application.

The zoning amendment application has been posted on the City's website, *What's Building in My Neighbourhood?*

### **SUMMARY POINTS**

- At Council's direction, Staff propose to designate the majority of the former Greater Nanaimo Water District Lands as parkland by amending the OCP and Zoning Bylaw.
- Council Resolution No. 36017 directed Staff to exclude Reservoir No. 1 and the existing Parks Yard/future Nanaimo Search and Rescue site from the proposed amendments.
- Additionally, Staff propose to exclude the area surrounding the existing Nanaimo Animal Shelter from the proposed amendments.

### **ATTACHMENTS**

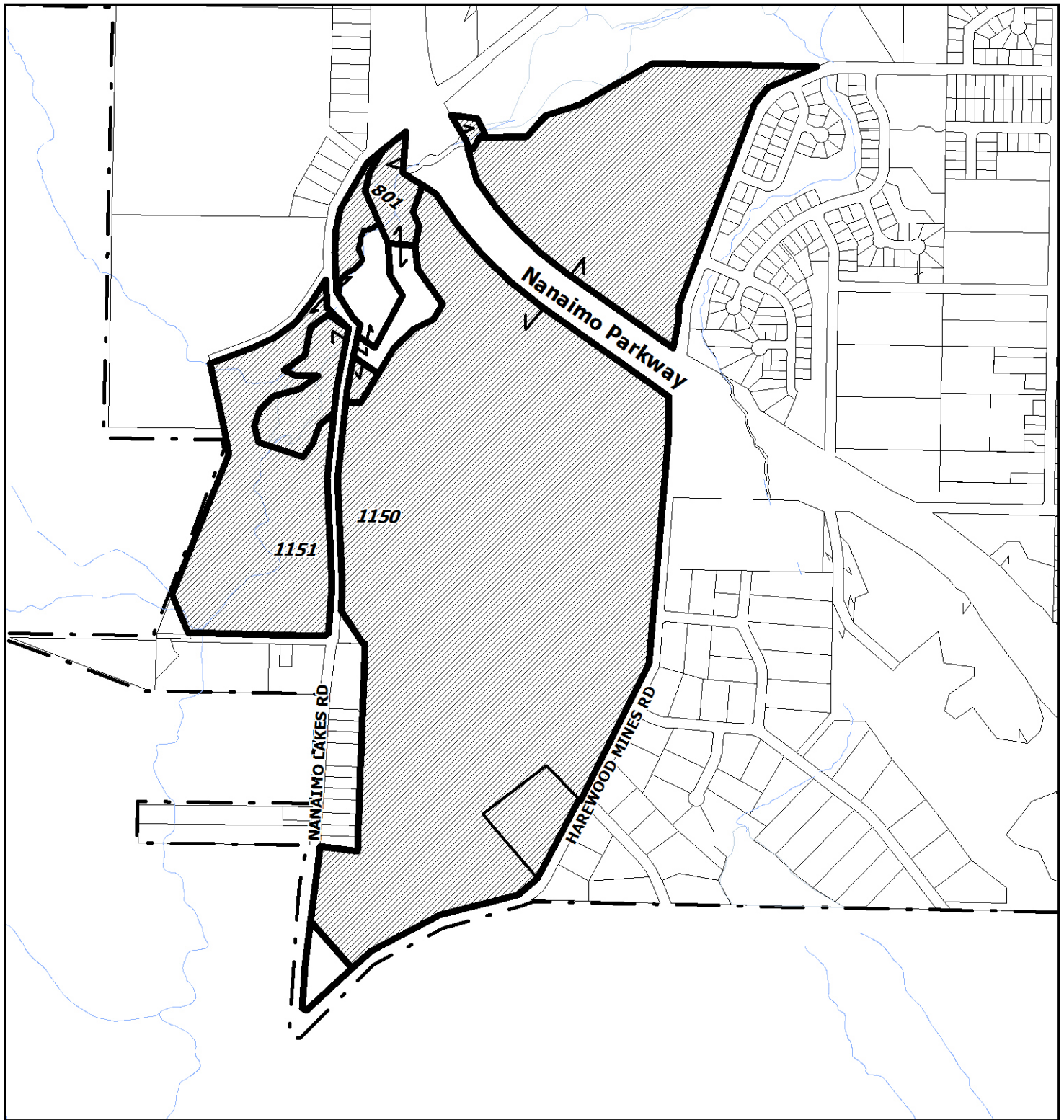
ATTACHMENT A: Location Plan  
ATTACHMENT B: Aerial Photo  
ATTACHMENT C: Reservoir No. 1 and Former GNWD Service Buildings  
ATTACHMENT D: Greater Nanaimo Water District Lands Overview  
ATTACHMENT E: Proposed OCP Amendments  
ATTACHMENT F: Proposed Zoning Bylaw Amendments  
ATTACHMENT G: Letter of Rationale - OCP and Rezoning Amendments  
"Official Community Plan Amendment Bylaw 2018 No. 6500.036"  
"Zoning Amendment Bylaw 2018 No. 4500.114"  
"Park Dedication Bylaw 2018 No. 7259"

#### **Submitted by:**

Bruce Anderson  
Manager, Community and Cultural Planning

#### **Concurrence by:**

Dale Lindsay  
Director, Community Development



OFFICIAL COMMUNITY PLAN NO. OCP00086 and  
REZONING APPLICATION NO. RA000384



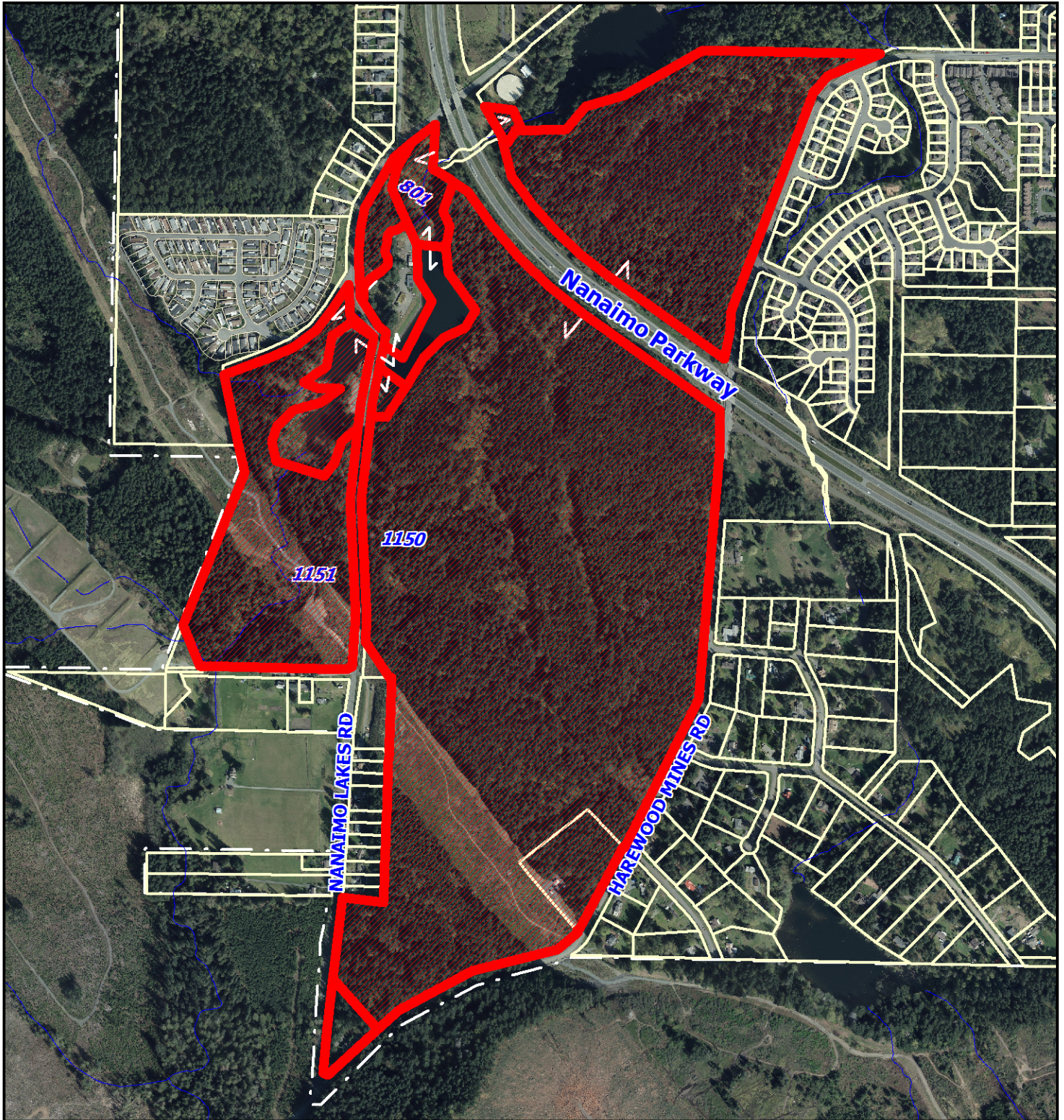
## LOCATION PLAN

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road



Subject Properties

## ATTACHMENT B

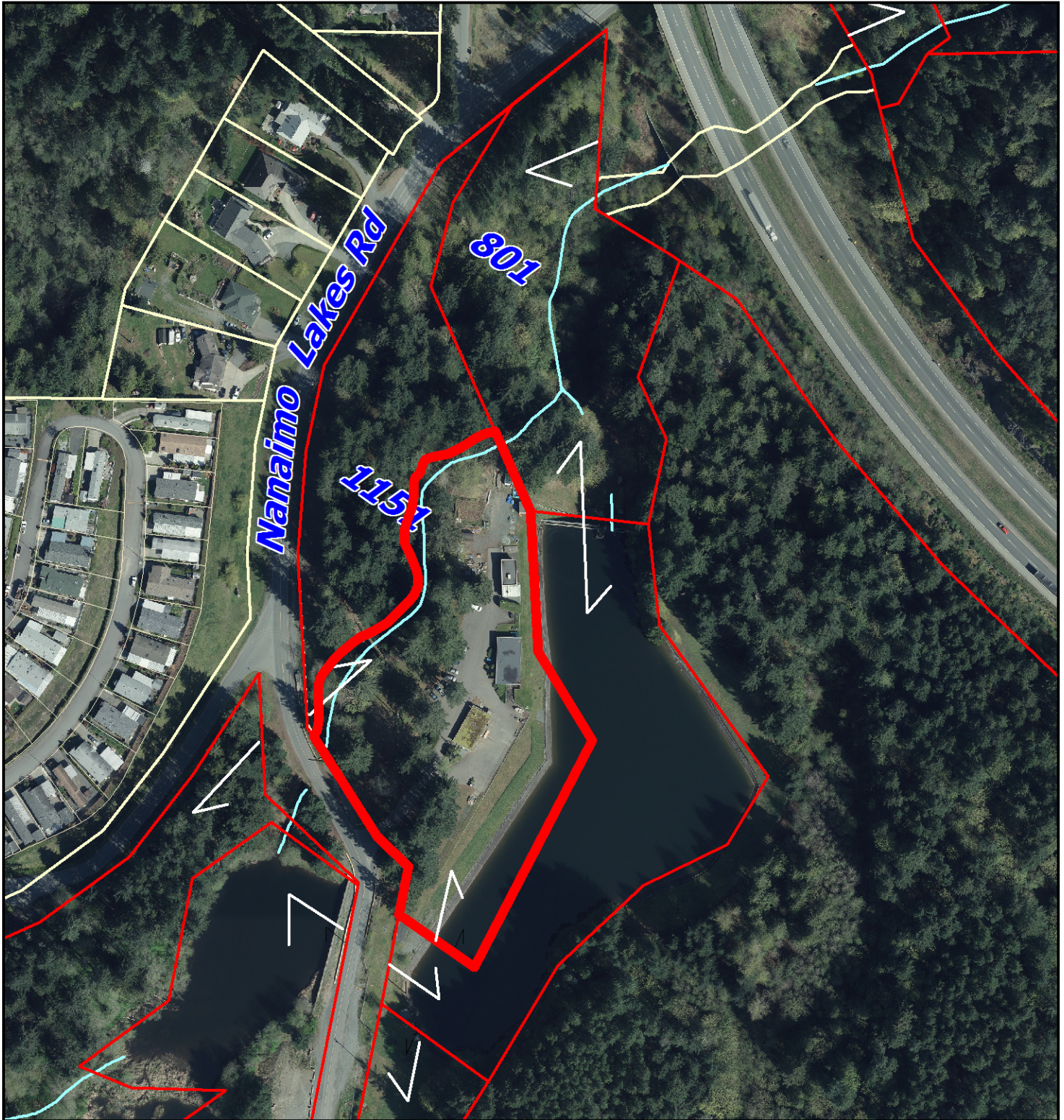


OFFICIAL COMMUNITY PLAN NO. OCP00086 and  
REZONING APPLICATION NO. RA000384



Subject Properties

# ATTACHMENT C



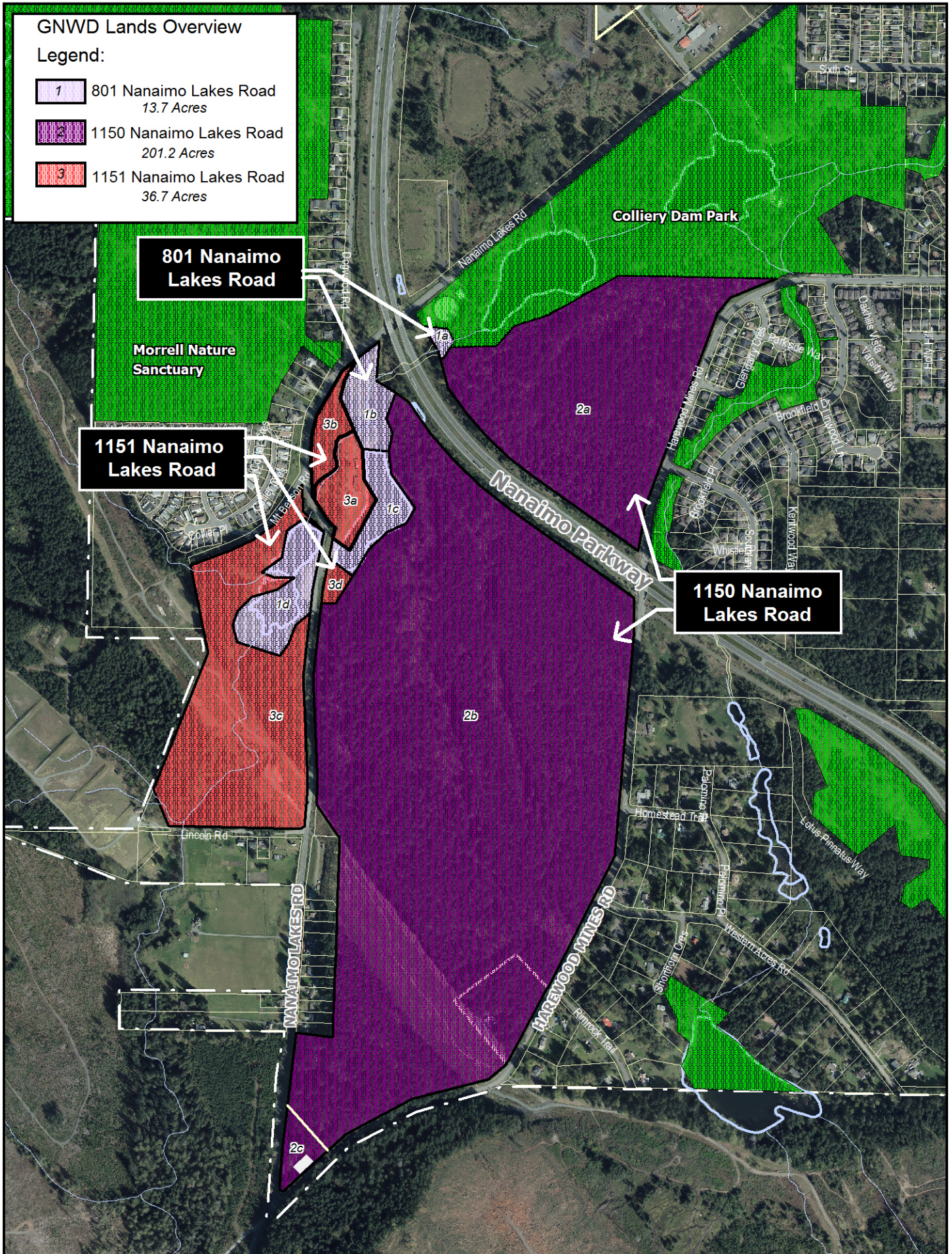
OFFICIAL COMMUNITY PLAN NO. OCP00086 and  
REZONING APPLICATION NO. RA000384



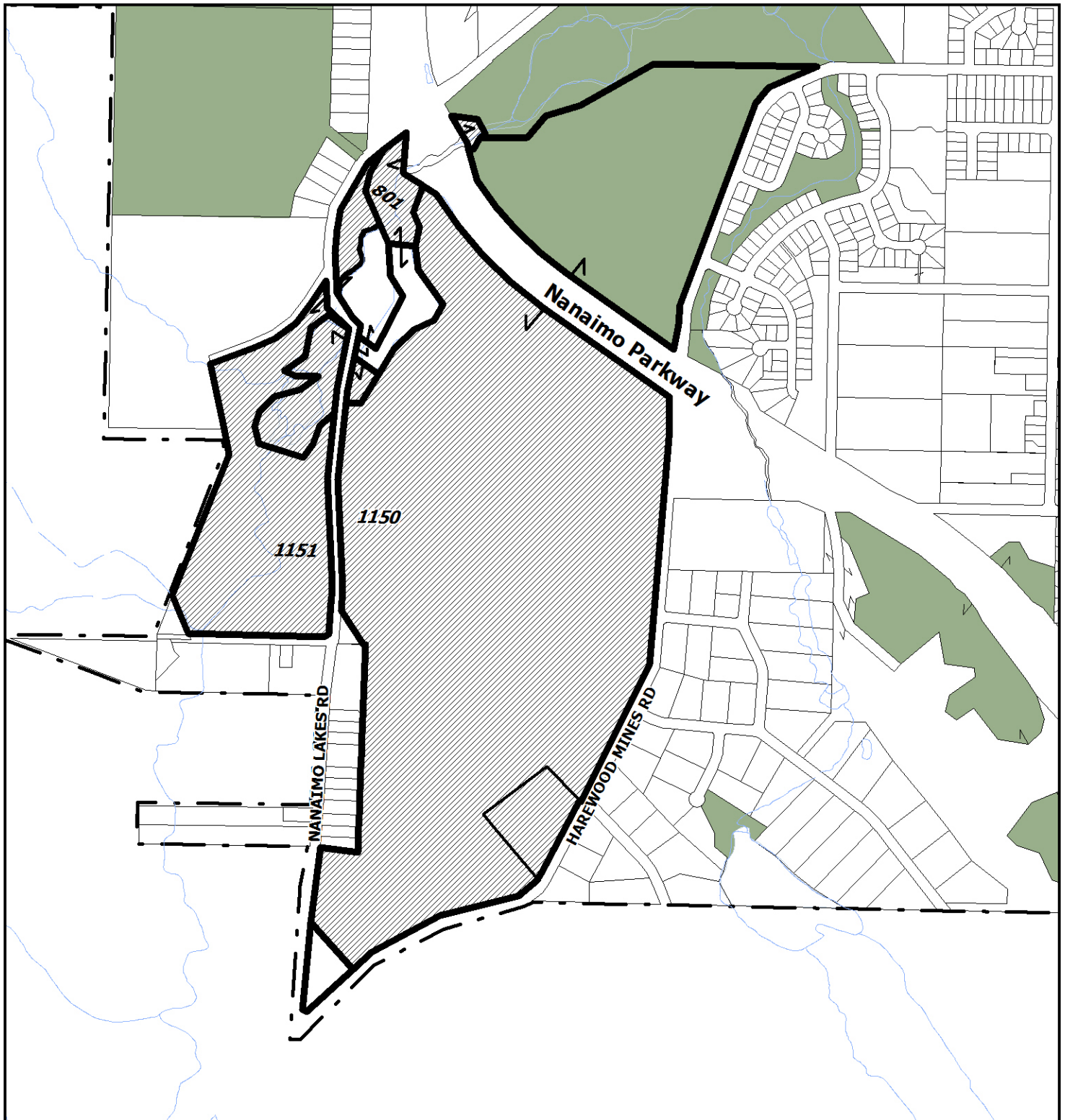
## **RESERVOIR NO. 1 and PROPOSED NSAR LEASE SITE**

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

# ATTACHMENT D



# ATTACHMENT E





OFFICIAL COMMUNITY PLAN NO. OCP00086

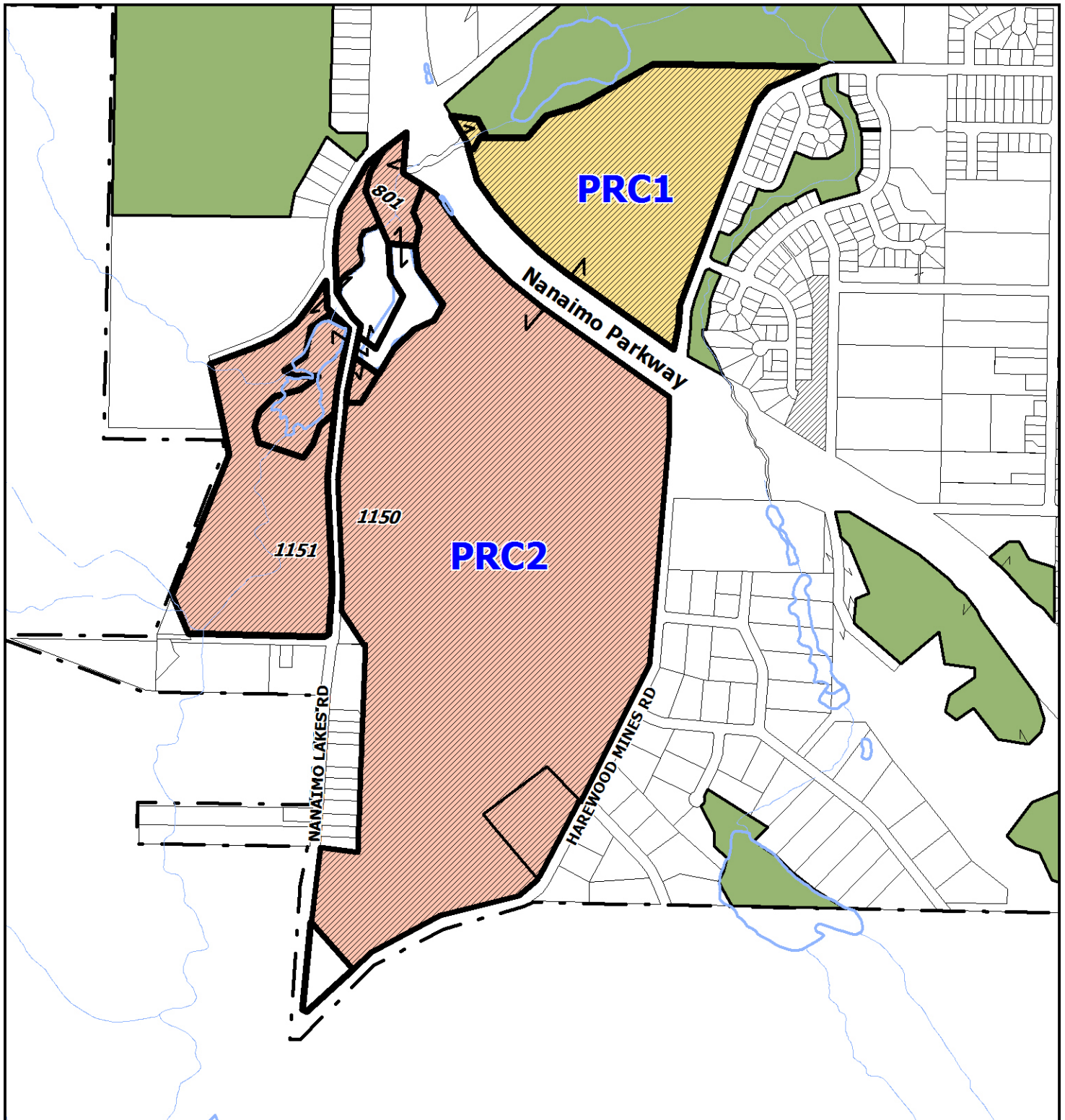


## PROPOSED OCP AMENDMENTS

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

-  Proposed  
Parks & Open Spaces
-  Existing  
Parks & Open Spaces

## ATTACHMENT F



REZONING APPLICATION NO. RA000384

## PROPOSED ZONING BYLAW AMENDMENTS

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

 Proposed Park Zoning  
PRC1 and PRC2

 Existing Park Zoning

# ATTACHMENT G

## **LETTER OF RATIONALE: OCP AND REZONING AMENDMENTS 801, 1150, AND 1151 NANAIMO LAKES ROAD – GREATER NANAIMO WATER DISTRICT LANDS**

The lands at 801, 1150 and 1151 Nanaimo Lakes Road (GNWD Lands) total 97 hectares were transferred to the City of Nanaimo in 2004 when the Greater Nanaimo Water District was disbanded.

Because water supply infrastructure is constantly upgraded to keep up with evolving technologies, the GNWD Lands are no longer needed for current or future water supply storage. Council previously approved the portion of 1150 Nanaimo Lakes Road north of the parkway to be designated as future parks and open space to compensate for the loss of park land to construct the new Reservoir No.1 in Colliery Dam Park.

As part of a public consultation process in the fall of 2016 and winter of 2017, strong support was expressed for the remaining GNWD Lands to being added to the City park system. In addition, archeological and environmental background studies have identified a number of significant features of cultural value and environmentally sensitive areas representative of a coastal Douglas fir forest that should receive protection.

Given these reasons and Council direction, the GNWD lands should be formally incorporated into the Parks system at this time.

Rob Lawrance  
Parks and Open Space Planner  
City of Nanaimo

September 1, 2017

CITY OF NANAIMO

BYLAW NO. 6500.036

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2018 NO. 6500.036".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING: \_\_\_\_\_.  
PASSED SECOND READING: \_\_\_\_\_.  
PUBLIC HEARING HELD: \_\_\_\_\_.  
PASSED THIRD READING: \_\_\_\_\_.  
ADOPTED: \_\_\_\_\_.

---

MAYOR

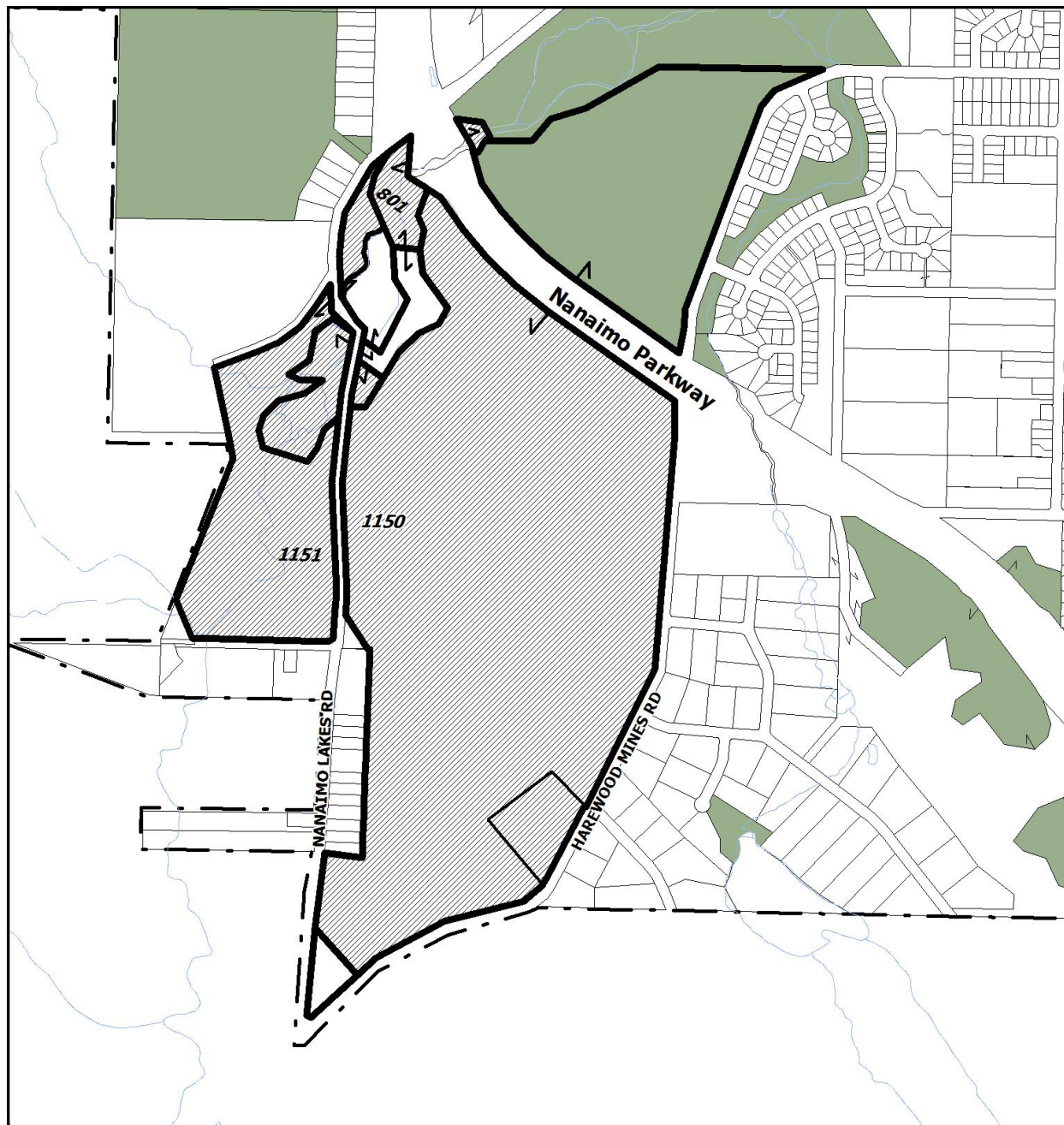
---

CORPORATE OFFICER

File: OCP00086  
801, 1150, 1151 Nanaimo Lakes Road

## SCHEDULE A

1. Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:
  - a) By designating as Parks and Open Space on the Future Land Use Plan (Map 1) the lands shown on the attached Schedule 'A' and legally described as:
    - That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670; and
  - b) By redesignating from Resource Protection to Parks and Open Space the lands shown on the attached Schedule 'A' and legally described as:
    - Part of Lot 1, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except Plan EPP77593, included within Plan EPP77594;
    - Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328;
    - Lot 3, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except that part in Plan 491R;
    - Lot 2, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356; and
    - That Part of Sections 3 and 4, Range 8, Mountain District, Lying Within the Boundaries of Number 2 Reservoir, as said Reservoir is Shown Coloured on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C



OFFICIAL COMMUNITY PLAN NO. OCP00086



## PROPOSED OCP AMENDMENTS

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

-  Proposed  
Parks & Open Spaces
-  Existing  
Parks & Open Spaces

CITY OF NANAIMO

BYLAW NO. 4500.114

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

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.114".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

---

MAYOR

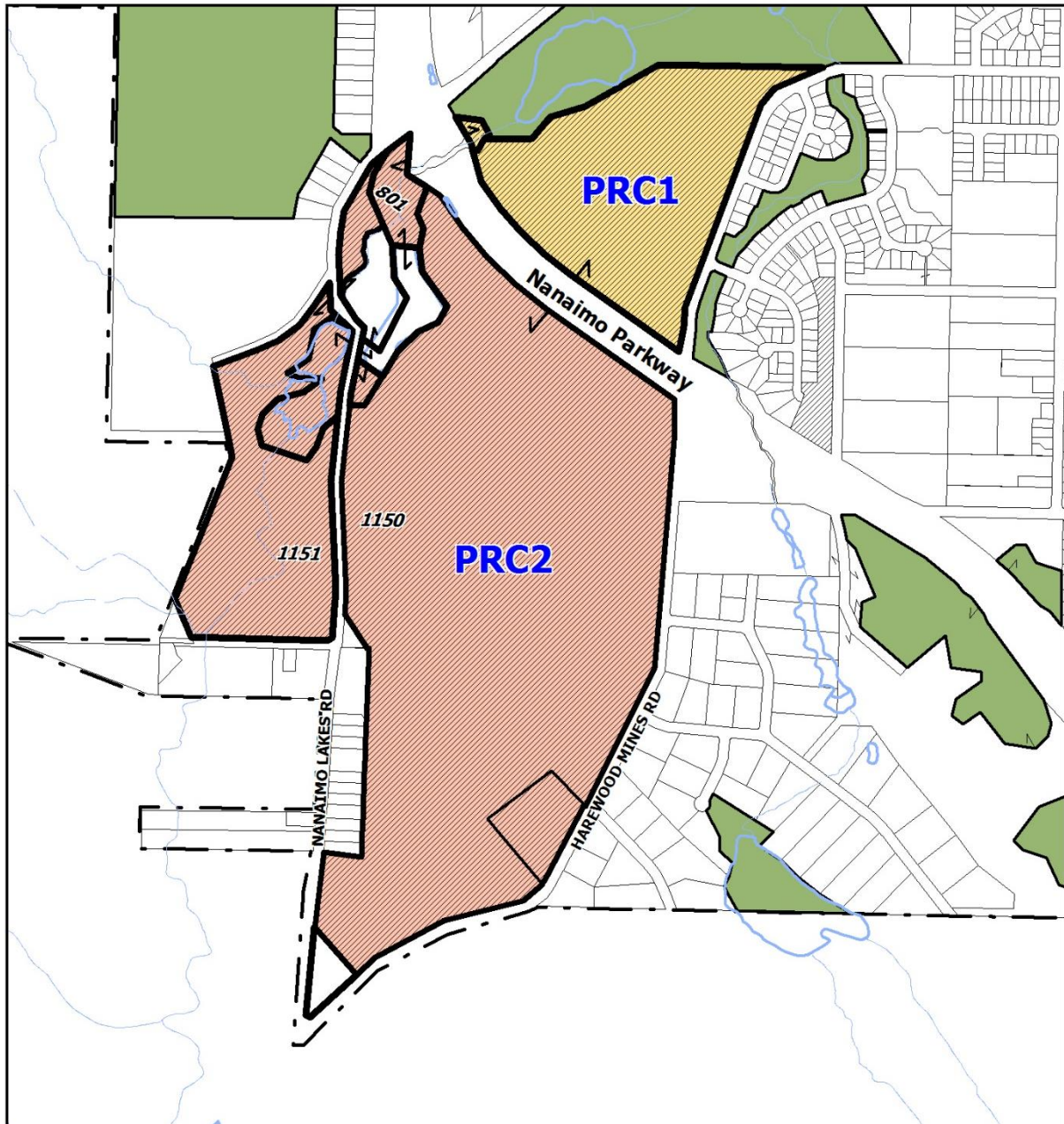
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CORPORATE OFFICER

File: RA000384  
Address: 801, 1150, 1151 Nanaimo Lakes Road

## Schedule A



1. By rezoning from Rural Resource - AR1 to Parks, Recreation and Culture 1 - PRC1 the lands shown on the attached Schedule 'A' and legally described as:
  - That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670; and
  - Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328; and
2. By rezoning from Rural Resource - AR1 to Parks, Recreation and Culture 2 - PRC2 the lands shown on the attached Schedule 'A' and legally described as:
  - That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670; and
  - Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328;
  - Lot 3, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except that part in Plan 491R;
  - Lot 2, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356;
  - That Part of Sections 3 and 4, Range 8, Mountain District, Lying Within the Boundaries of Number 2 Reservoir, as said Reservoir is Shown Coloured on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C; and
3. By rezoning from Community Service Two – CS2 to Parks, Recreation and Culture 2 – PRC2 the lands shown on the attached Schedule 'A' and legally described as:
  - Part of Lot 1, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except Plan EPP77593, included within Plan EPP77594



REZONING APPLICATION NO. RA000384

## PROPOSED ZONING BYLAW AMENDMENTS

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

-  Proposed Park Zoning  
PRC1 and PRC2
-  Existing Park Zoning

CITY OF NANAIMO

BYLAW NO. 7259

A BYLAW TO DEDICATE LAND FOR PARK PURPOSES

---

WHEREAS Council may under section 30 of the *Community Charter*, by a bylaw adopted with an affirmative vote of at least 2/3 of all the members of Council, dedicate land for the public purpose of a park;

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

1. This Bylaw may be cited as "PARK DEDICATION BYLAW 2018 NO. 7259".
2. The lands described in Schedule A attached hereto and forming part of this Bylaw are hereby dedicated as park.

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

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

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

ADOPTED BY AN AFFIRMATIVE VOTE OF  
AT LEAST 2/3 OF ALL MEMBERS OF COUNCIL: \_\_\_\_\_

---

MAYOR

---

CORPORATE OFFICER

**SCHEDULE “A”**

	<b>Park Address</b>	<b>Legal Description</b>	<b>Parcel Identifier</b>
1.	<b>801 Nanaimo Lakes Road</b>	That Part of Sections 3 and 4, Range 8, Mountain District, Lying Within the Boundaries of Number 2 Reservoir, as said Reservoir is Shown Coloured on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C	009-469-991
2.		That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670	009-470-131
3.	<b>1150 Nanaimo Lakes Road</b>	Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328	005-409-373
4.	<b>1151 Nanaimo Lakes Road</b>	Part of Lot 1, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except Plan EPP77593, included within Plan EPP77594	006-173-969
5.		Lot 2, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356	006-173-985
6.		Lot 3, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except that part in Plan 491R	006-174-035

DATE OF MEETING    APRIL 23, 2018

AUTHORED BY        KARIN KRONSTAL, PLANNER, COMMUNITY AND CULTURAL  
PLANNING

**SUBJECT                PORT DRIVE WATERFRONT MASTER PLAN**

## **OVERVIEW**

### **Purpose of Report**

To provide an update on the Port Drive Waterfront Master Plan and request that Council initiate adoption of the Plan as an amendment to the City of Nanaimo “Official Community Plan Bylaw 2008 No. 6500”.

### **Recommendation**

1. That “Official Community Plan Amendment Bylaw 2018 No. 6500.037” (To amend the Official Community Plan to include the Port Drive Waterfront Master Plan) pass first reading; and,
2. That “Official Community Plan Amendment Bylaw 2018 No. 6500.037” pass second reading.

## **BACKGROUND**

Council, at the Regular Committee of the Whole meeting on 2018-JAN-08, passed the following motion:

*“That Council endorse the Draft Port Drive Waterfront Master Plan in principle and direct Staff to proceed with consultation toward preparation of a final plan.”*

The attached Port Drive Waterfront Master Plan (the “Plan”) represents the culmination of a five-phase planning process that included two public Open House events as well as numerous meetings with stakeholders, neighbours and other City departments. The Plan is now ready to enter the final phase of the process, which includes consideration and adoption by Council.

The purpose of this report is to initiate the formal adoption process of the Port Drive Waterfront Master Plan in accordance with the *Local Government Act* through consideration of first and second reading of “Official Community Plan Amendment Bylaw 2018 No. 6500.037”. This report outlines any changes made to the Plan since Council endorsed the draft Plan in principle on 2018-JAN-08 and provides an update on public engagement and consultation activities. A copy of the Plan is included as “Attachment A” and is posted on the City’s website.

## **DISCUSSION**

### **Land Use**

Map 1 (Land Use Map) of the attached Plan shows the proposed land use designations for the site. Four designations are proposed: Low-Rise Mixed Use; Mid-Rise Mixed Use; Special Mixed

Use; and Industrial Transitional. Both the Low-Rise and Mid-Rise Mixed-Use areas provide for retail/commercial uses on the ground, with the Low-Rise Mixed Use allowing building heights between 3 and 6 storeys, and the Mid-Rise Mixed Use permitting buildings up to 12 storeys.

While the Low-Rise and Mid-Rise Mixed-Use areas generally focus on residential uses, the Special Mixed-Use area provides for cultural facilities and tourist attractions. Council, at the Regular Committee of the Whole meeting on 2018-JAN-08, provided direction regarding the proposed Ocean Discovery Centre (ODC) by agreeing to allocate in principle, a parcel of property at 1 Port Drive, of up to two acres, for the purpose of locating the proposed Ocean Discovery Centre on conditions of transfer to be negotiated consistent with the principles of the Master Plan. If the ODC proceeds at 1 Port Drive, it can be accommodated within the Special Mixed-Use designated area of the Plan.

The Industrial Transitional designation is intended for the continuation of light industrial uses; however, the Plan makes provision for this area to transition from light industrial to a mixed residential/commercial area, provided conditions around legal encumbrances, access, and market demand are met.

## **Transportation**

The Transportation and Mobility Network for the Plan aims to connect the city to the waterfront, while promoting alternative transportation forms that encourage walking, cycling and transit mobility, and reduce greenhouse gas emissions and energy use. A number of transportation issues and opportunities informed the Plan process, including establishing a primary access to the site to address the existing aging trestle, improving pedestrian connectivity, the potential for expanding transit services, and addressing and respecting the active rail on site.

A number of related City projects have moved forward during the Plan process, including the design of the waterfront walkway and the secondary access study. The cross-sections proposed in the Plan have been updated to ensure a consistent road design across all City projects.

At the Regular Committee of the Whole meeting of 2018-JAN-08, a presentation was made by the Protection Island Neighbourhood Association (PINA) to request the inclusion of a service ramp in the Plan. Staff subsequently met with PINA to discuss the feasibility of this request, which was a departure from an earlier PINA request for a boat launch and parking area. The Plan now includes provisions for a future marine access located in the southeast portion of the Plan Area in the form of a service ramp for commercial/industrial use.

## **Consultation Update**

As part of the process to finalize the Plan, a public Open House was held on 2018-MAR-28 at the Vancouver Island Conference Centre. The invitation to attend was posted in the newspaper and on social media, as well as sent to stakeholders and neighbourhood groups. Approximately 140 people attended to learn about the Plan and provide any final comments on its content.

Overall, the feedback received on the Plan was positive, with a majority of people expressing enthusiasm for the extension of the waterfront walkway and the creation of new public spaces with access to and views of the waterfront. The maximum height permitted in the Mid-Rise

Special Mixed-Use Areas has been reduced to 12 storeys from 15 storeys in response to feedback received at the Open House.

Many also supported retail and commercial uses on the ground floor of the residential buildings to activate the area, which has been provided for in the Land Use policies. Several noted that enhanced transit service from the downtown will facilitate use of the area, particularly as limited public parking will be available.

In the months since Council endorsed the draft Plan, senior management has provided a copy of the draft Plan to Snuneymuxw First Nations leadership and is seeking their input on a number of key waterfront initiatives, including the Port Drive Waterfront Master Plan. At this point, no formal response has been received. Should Council grant first and second readings to “Official Community Plan Amendment Bylaw 2018 No. 6500.037”, a formal referral will be sent to Snuneymuxw First Nation (as well as other relevant organizations), which provides a 30-day period for response.

Should Council choose to provide first and second readings to “Official Community Plan Amendment Bylaw 2018 No. 6500.037”, the next step in the adoption process will be a Public Hearing.

## **OPTIONS**

1. That “Official Community Plan Amendment Bylaw 2018 No. 6500.037” (To amend the Official Community Plan to include the Port Drive Waterfront Master Plan) pass first reading; and,

That “Official Community Plan Amendment Bylaw 2018 No. 6500.037” pass second reading.

- **Policy Implication:** The Port Drive Waterfront Master Plan provides detailed policies that implement the Official Community Plan and the South Downtown Waterfront Initiative.
- **Engagement Implication:** Should Council provide first and second readings of “Official Community Plan Amendment Bylaw 2018 No. 6500.037”, a formal referral will be sent to relevant organizations and the Bylaw will proceed to Public Hearing.
- **Strategic Priorities Implication:** 1 Port Drive/South Downtown Waterfront is one of Council’s five projects under the 2016-2019 Strategic Plan.

2. That Council provide alternative direction to Staff. |

## **SUMMARY POINTS**

- The attached Port Drive Waterfront Master Plan represents the culmination of the five-phase planning process outlined in the Terms of Reference approved by Council.
- The Plan provides policy direction for the future development of the site, including land use and urban design; transportation and mobility; parks, trails and open space; infrastructure and ecological stewardship; and heritage, arts and culture.

- Should Council provide first and second reading of “Official Community Plan Amendment Bylaw 2018 No. 6500.037”, the next step in the approval process is a formal referral to relevant agencies and a Public Hearing.

## **ATTACHMENTS**

ATTACHMENT A: Port Drive Waterfront Master Plan  
“Official Community Plan Amendment Bylaw 2018 No. 6500.037”

**Submitted by:**

Bruce Anderson  
Manager, Community and Cultural Planning

**Concurrence by:**

Dale Lindsay  
Director of Community Development

CITY OF NANAIMO

BYLAW NO. 6500.037

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2018 NO. 6500.037".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedules A and B to this Bylaw.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

File: OCP00088  
Port Drive Waterfront Master Plan  
Applicant: City of Nanaimo

## SCHEDULE A

1. Section 1, Purpose and Content of an Official Community Plan, is amended by adding:
  - Port Drive Waterfront Master Planafter
  - Parks, Recreation and Culture Master Plan
2. Section 2.1 (14), is amended by adding “Port Drive Waterfront Master Plan” after “Downtown Urban Design Plan and Guidelines.”
3. Section 7.1 (9) Neighbourhood and Area Planning, is amended by adding:
  - Port Drive Waterfront Master Planafter
  - Harewood Neighbourhood Plan
4. Replace Figure 3 (Planning Areas and Neighbourhood / Area Plans) in accordance with Schedule B.
5. The Port Drive Waterfront Master Plan is attached hereto as Schedule K of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500.”

SCHEDULE B

Figure 3 Planning Areas and Neighbourhood / Area Plans



\* Based on Statistics Canada Census Tract

Please click on the link to open a copy of the Port Drive Waterfront Master Plan:  
[https://www.nanaimo.ca/docs/your-government/city-council/rpt\\_c180423portdrivewaterfrontmasterplan\\_att.pdf](https://www.nanaimo.ca/docs/your-government/city-council/rpt_c180423portdrivewaterfrontmasterplan_att.pdf)

## **8. Bylaw**

CITY OF NANAIMO

BYLAW NO. 6500.036

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2018 NO. 6500.036".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING: 2018-MAY-07  
PASSED SECOND READING: 2018-MAY-07  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

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MAYOR

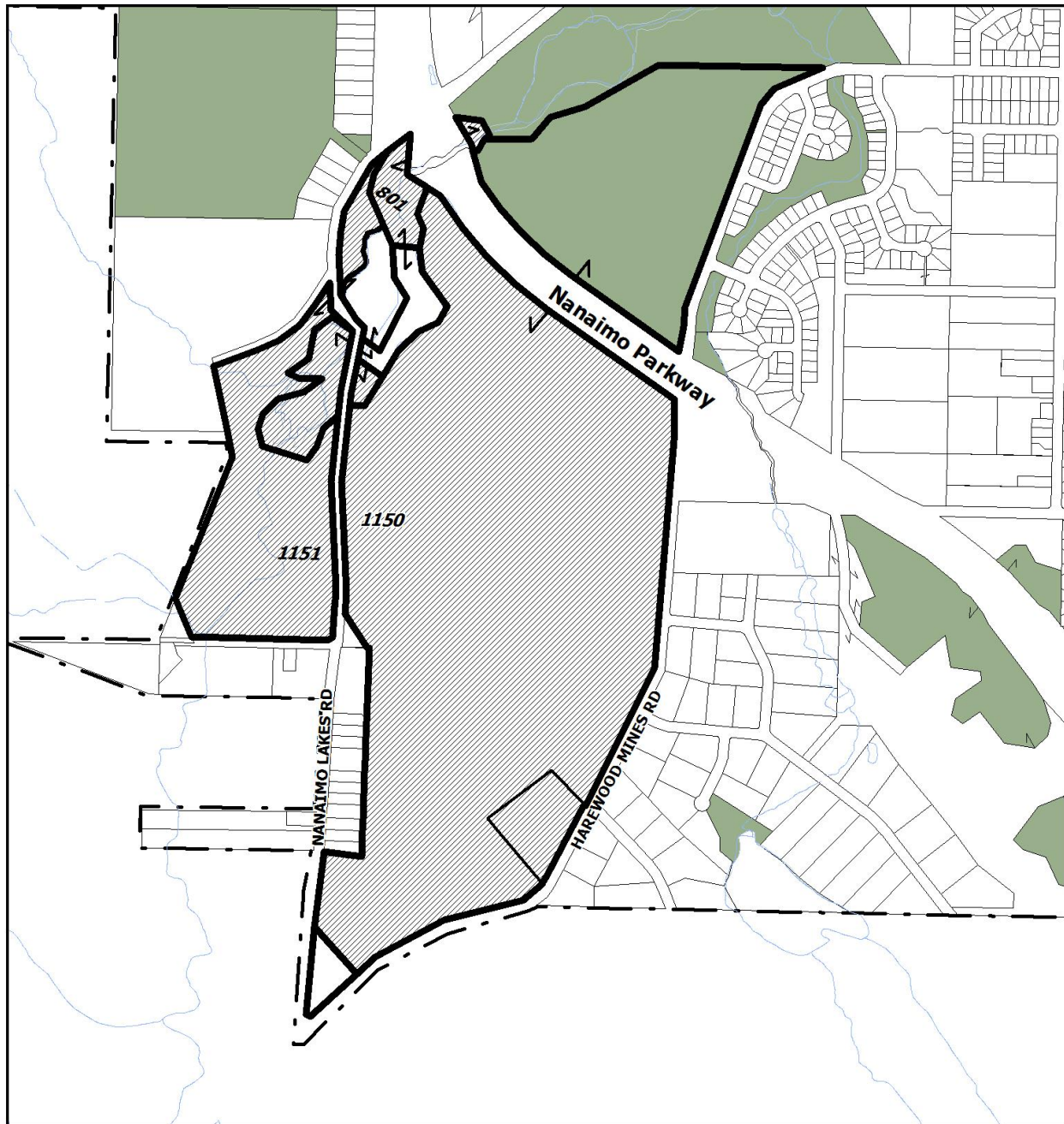
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CORPORATE OFFICER

File: OCP00086  
801, 1150, 1151 Nanaimo Lakes Road

## SCHEDULE A

1. Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” is amended as follows:
  - a) By designating as Parks and Open Space on the Future Land Use Plan (Map 1) the lands shown on the attached Schedule ‘A’ and legally described as:
    - That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670; and
  - b) By redesignating from Resource Protection to Parks and Open Space the lands shown on the attached Schedule ‘A’ and legally described as:
    - Part of Lot 1, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except Plan EPP77593, included within Plan EPP77594;
    - Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328;
    - Lot 3, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except that part in Plan 491R;
    - Lot 2, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356; and
    - That Part of Sections 3 and 4, Range 8, Mountain District, Lying Within the Boundaries of Number 2 Reservoir, as said Reservoir is Shown Coloured on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C



OFFICIAL COMMUNITY PLAN NO. OCP00086



## PROPOSED OCP AMENDMENTS

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

-  Proposed  
Parks & Open Spaces
-  Existing  
Parks & Open Spaces

CITY OF NANAIMO

BYLAW NO. 6500.037

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2018 NO. 6500.037".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedules A and B to this Bylaw.

PASSED FIRST READING: 2018-APR-23

PASSED SECOND READING: 2018-APR-23

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

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

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

\_\_\_\_\_  
MAYOR

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

File: OCP00088  
Port Drive Waterfront Master Plan  
Applicant: City of Nanaimo

## SCHEDULE A

1. Section 1, Purpose and Content of an Official Community Plan, is amended by adding:
  - Port Drive Waterfront Master Planafter
  - Parks, Recreation and Culture Master Plan
2. Section 2.1 (14), is amended by adding “Port Drive Waterfront Master Plan” after “Downtown Urban Design Plan and Guidelines.”
3. Section 7.1 (9) Neighbourhood and Area Planning, is amended by adding:
  - Port Drive Waterfront Master Planafter
  - Harewood Neighbourhood Plan
4. Replace Figure 3 (Planning Areas and Neighbourhood / Area Plans) in accordance with Schedule B.
5. The Port Drive Waterfront Master Plan is attached hereto as Schedule K of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500.”

# SCHEDULE B

**Figure 3** Planning Areas and Neighbourhood / Area Plans



CITY OF NANAIMO

BYLAW NO. 6500.038

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

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

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2018 NO. 6500.038".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING: 2018-MAY-07  
PASSED SECOND READING: 2018-MAY-07  
PASSED SECOND READING AMENDED: 2018-MAY-28  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

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MAYOR

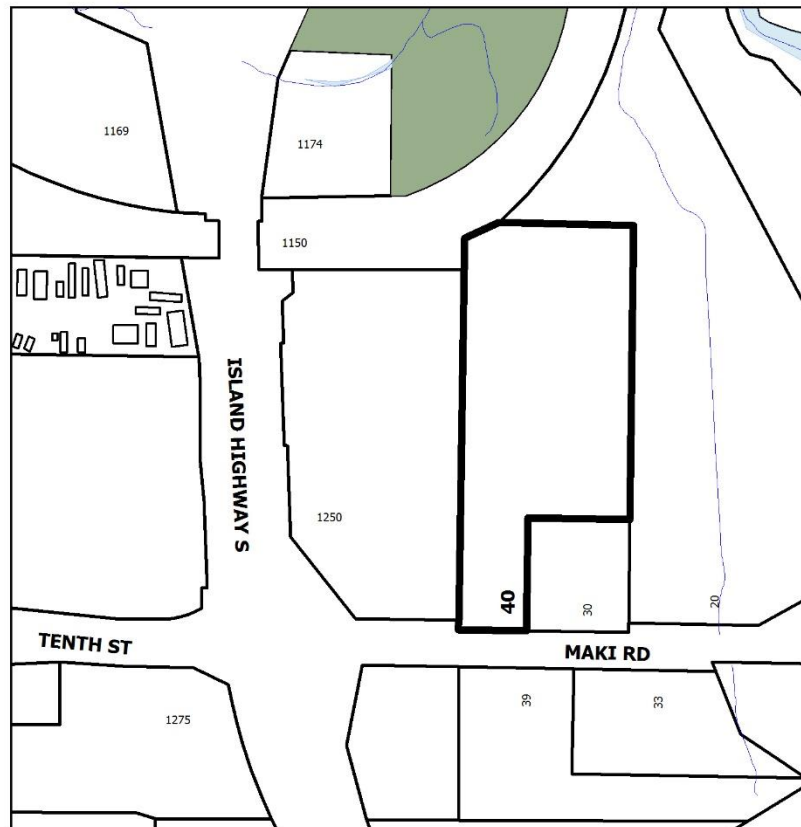
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CORPORATE OFFICER

File: OCP00087  
40 Maki Road

### SCHEDULE A

1. Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO.6500” is amended as follows:
  - a) Re-designate the subject area known as LOT 1, BLOCK 1, SECTION 2, NANAIMO DISTRICT, PLAN 630, EXCEPT PARTS IN PLAN 1099R AND 35898, SEE MANUFACTURED HOME ASSESSMENT ON 16197.001 (40 Maki Road) from ‘Neighbourhood’ to ‘Light Industrial.’
2. Schedule A (Future Land Use and Mobility) of “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500 SCHEDULE C” is amended as follows:
  - a) Re-designate the subject area known as LOT 1, BLOCK 1, SECTION 2, NANAIMO DISTRICT, PLAN 630, EXCEPT PARTS IN PLAN 1099R AND 35898, SEE MANUFACTURED HOME ASSESSMENT ON 16197.001 (40 Maki Road) from ‘Low-Medium Density Residential’ to ‘Service Industrial Enterprise Area.’



REZONING APPLICATION NO. RA000386  
OFFICIAL COMMUNITY PLAN NO. OCP00087

### LOCATION PLAN

Civic : 40 Maki Road  
Lot 1, Block 1, Section 2, Nanaimo District, Plan 630,  
Except parts in Plan 1099R and 35898, see manufactured home  
assessed on 16197.001



-  Subject Property
-  Parks & Open Spaces

CITY OF NANAIMO

BYLAW NO. 4500.114

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

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.114".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as set out in Schedule A to this Bylaw.

PASSED FIRST READING: 2018-MAY-07  
PASSED SECOND READING: 2018-MAY-07  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

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MAYOR

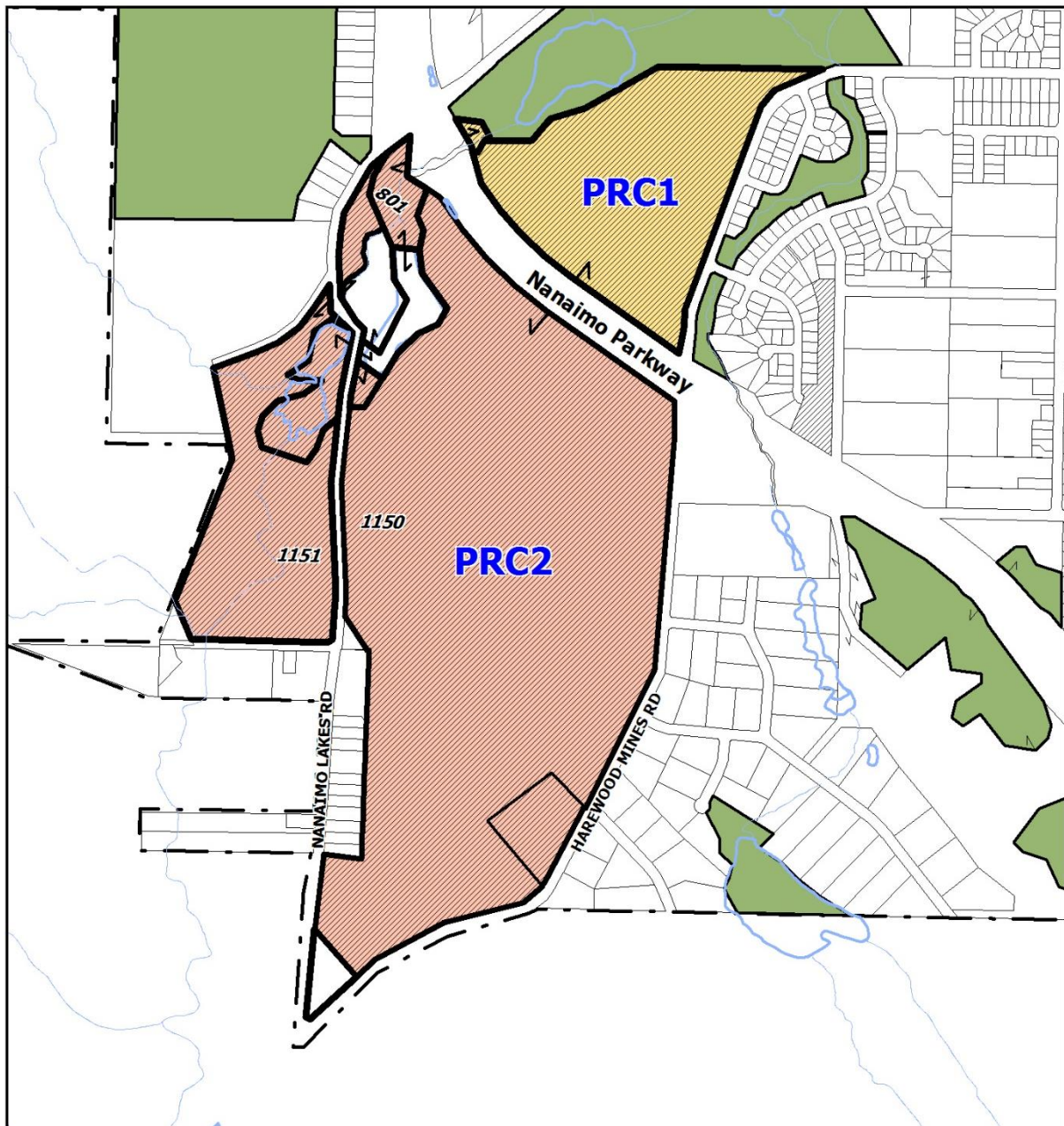
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CORPORATE OFFICER

File: RA000384  
Address: 801, 1150, 1151 Nanaimo Lakes Road

## Schedule A


1. By rezoning from Rural Resource - AR1 to Parks, Recreation and Culture 1 - PRC1 the lands shown on the attached Schedule 'A' and legally described as:
  - That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670; and
  - Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328; and
2. By rezoning from Rural Resource - AR1 to Parks, Recreation and Culture 2 - PRC2 the lands shown on the attached Schedule 'A' and legally described as:
  - That Part of Section 1, Nanaimo District and of Section 5, Range 8, Mountain District, Lying Within the Boundaries of Number 5 Reservoir as said Reservoir is Shown Coloured Red on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C Except Part in Plan VIP68670; and
  - Lot 1, Sections 1 and 4, Nanaimo District and Sections 1, 3 and 4, Range 8, Mountain District, Plan 8656 except part in Plan VIP55722, VIP68670 and EPP80328;
  - Lot 3, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except that part in Plan 491R;
  - Lot 2, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356;
  - That Part of Sections 3 and 4, Range 8, Mountain District, Lying Within the Boundaries of Number 2 Reservoir, as said Reservoir is Shown Coloured on Plan Exhibited in Absolute Fees Parcels Book Volume 10, Folio 767, No. 8562C; and
3. By rezoning from Community Service Two – CS2 to Parks, Recreation and Culture 2 – PRC2 the lands shown on the attached Schedule 'A' and legally described as:
  - Part of Lot 1, Sections 3, 4 and 5, Range 8, Mountain District, and of Section 1, Nanaimo District, Plan 3356, except Plan EPP77593, included within Plan EPP77594



REZONING APPLICATION NO. RA000384

## PROPOSED ZONING BYLAW AMENDMENTS

Civic: 801, 1150 and  
1151 Nanaimo Lakes Road

 Proposed Park Zoning  
PRC1 and PRC2

 Existing Park Zoning

CITY OF NANAIMO

BYLAW NO. 4500.119

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

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.119".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, BLOCK 1, SECTION 2, NANAIMO DISTRICT, PLAN 630, EXCEPT PARTS IN PLAN 1099R AND 35898, SEE MANUFACTURED HOME ASSESSMENTN ON 16197.001 (40 Maki Road) from Single Dwelling Residential-R1 to Highway Industrial-I1 as shown on Schedule A.

PASSED FIRST READING: 2018-MAY-07

PASSED SECOND READING: 2018-MAY-07

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

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

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

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

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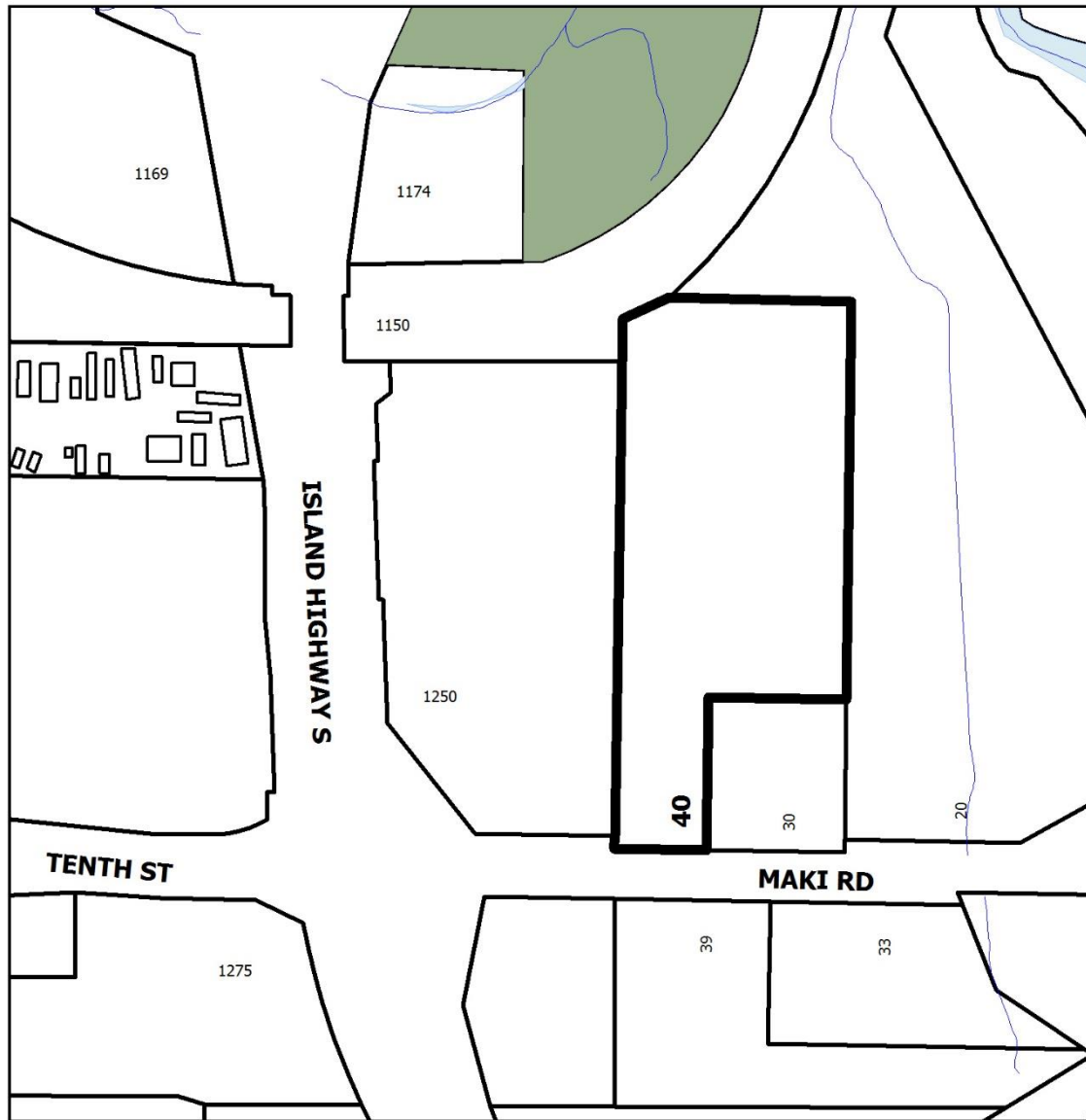
MAYOR

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CORPORATE OFFICER

File: RA000386  
Address: 40 Maki Road

## SCHEDULE A



REZONING APPLICATION NO. RA000386  
OFFICIAL COMMUNITY PLAN NO. OCP00087

## LOCATION PLAN



Civic : 40 Maki Road  
Lot 1, Block 1, Section 2, Nanaimo District, Plan 630,  
Except parts in Plan 1099R and 35898, see manufactured home  
assessed on 16197.001

-  Subject Property
-  Parks & Open Spaces

DATE OF MEETING June 7, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 387 CORDAN STREET**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 387 Cordan Street.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 387 Cordan Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

## **BACKGROUND**

An inspection was completed on 2018-JAN-10 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct a deck without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-APR-09. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.

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

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Dale Lindsay  
Director, Community Development

DATE OF MEETING June 7, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1881 DUFFERIN CRESCENT**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1881 Dufferin Crescent.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1881 Dufferin Crescent for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

## **BACKGROUND**

An inspection was completed on 2018-MAR-21 in response to a complaint received regarding illegal construction. The inspection confirmed that two examination rooms had been constructed without a building permit. The construction has affected the sprinkler coverage. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2018-APR-13. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.

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

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Dale Lindsay  
Director, Community Development

DATE OF MEETING June 7, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 217 SHILOH DRIVE**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 217 Shiloh Drive.

### **Recommendation**

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 217 Shiloh Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

## **BACKGROUND**

An inspection was completed on 2018-MAR-27 in response to a complaint received regarding illegal construction. The inspection confirmed that work to enclose the underside of the back deck for use as a garage had taken place and a driveway had been installed without required permits. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit and access permit was required for the work. The deadline for permit application submission was 2018-APR-13. To date, neither a building permit, nor access application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

## **DISCUSSION**

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

## **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.

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

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Dale Lindsay  
Director, Community Development

# Staff Report for Decision

DATE OF MEETING June 7, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report.

### **Recommendation**

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

1. 360 Summit Drive – illegal secondary suite
2. 1127 Thunderbird Drive – illegal secondary suite
3. 5933 Broadway Road – illegal secondary suite

## **BACKGROUND**

### **Illegal Secondary Suites**

The following is a list of properties where an illegal secondary suite has been identified and where a building permit application has not yet been received:

- 360 Summit Drive
- 1127 Thunderbird Drive
- 5933 Broadway Road

As such, the Building Inspections Section is seeking the registration of a bylaw contravention notice on the properties, in accordance with the Secondary Suite Policy. With the assistance of the Bylaw Enforcement Section, Staff will also seek further action and/or removal of the secondary suites.

## **DISCUSSION**

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

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected properties in order to identify construction that was

originally completed without a building permit and it is, therefore, unknown if the completed works are compliant with the standards of the BC Building Code.

### **SUMMARY POINTS**

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

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Dale Lindsay  
Director, Community Development