



AGENDA

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

Monday, May 29, 2017, 7:00 P.M.

SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC

Pages

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

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

a. Covenant Amendment CA000005

4 - 18

Covenant Amendment CA000005 - 4951 Jordan Avenue. To be introduced by Tamera Rogers, Planner.

Presentation:

1. From Applicant

Call for Submissions from the Public:

b. Bylaw 6500.034 and Bylaw 4500.106

19 - 44

Bylaw 6500.034 - OCP82 - 2020 Estevan Road and
Bylaw 4500.106 - RA371 - 2020 Estevan Road.
To be introduced by Tamera Rogers, Planner.

Presentation:

1. From Applicant

Call for Submissions from the Public:

- c. Rezoning Amendment Bylaw 4500.108 45 - 54

Bylaw 4500.108 - RA379 - 437 Wesley Street. To be introduced by Tamera Rogers, Planner.

Presentation:

1. John Horn, Social Planner

Call for Submissions from the Public:

- d. Bylaw 4500.103 55 - 80

Bylaw 4500.103 - ZA1-23 - Schedule D Amendment - To be introduced by Dave Stewart, Environmental Planner.

Presentation:

1. Dave Stewart, Environmental 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:

- a. "Zoning Amendment Bylaw 2017 No. 4500.103" 81 - 88

That "Zoning Amendment Bylaw 2017 No. 4500.103" (To revise Schedule D - Amenity Requirements for Additional Density) pass third reading.

- b. "Official Community Plan Amendment Bylaw 2017 No. 6500.034" 89 - 91

That "Official Community Plan Amendment Bylaw 2017 No. 6500.034" (To redesignate 2020 Estevan Road on the Future Land Use Plan [Map 1] from 'Neighbourhood' to Corridor' and to redesignate 2020 Estevan Road on the Neighbourhood Land Use [Map 1] from 'Neighbourhood' to 'Mixed Use Corridor') pass third reading.

- c. "Zoning Amendment Bylaw 2017 No. 4500.106" 92 - 93

That "Zoning Amendment Bylaw 2017 No. 4500.106" (To rezone 2020 Estevan Road from Community Service One [CS1] to Mixed-Use Corridor [COR2]) pass third reading.

- d. "Zoning Amendment Bylaw 2017 No. 4500.108" 94 - 95

That "Zoning Amendment Bylaw 2017 No. 4500.108" (To permit a site specific text amendment to the existing Quennell Square [DT7] zone to allow a supervised consumption service as a permitted use at 437 Wesley Street) pass third reading.

That "Zoning Amendment Bylaw 2017 No. 4500.108" be adopted.

- e. "Highway Closure and Dedication Removal (A Portion of Cliff Street Adjacent to 194 Cliff Street) Bylaw 2017 No. 7239" 96 - 98

That "Highway Closure and Dedication Removal (Portion of Cliff Street Adjacent to 194 Cliff Street) Bylaw 2017 No. 7239" pass third reading.

9. **ADJOURNMENT:**

DATE OF MEETING April 3, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND
SUBDIVISION

SUBJECT COVENANT AMENDMENT APPLICATION NO. CA5 – 4951 JORDAN
AVENUE

OVERVIEW

Purpose of Report

To present Council with an application to amend the Section 219 covenant registered on the title of 4951 Jordan Avenue in order to remove use restrictions and requirements for lot consolidation and landscaping.

Recommendation

That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA5 at 4951 Jordan Avenue.

BACKGROUND

The City has received a covenant amendment application, CA5, for 4951 Jordan Avenue from Maureen Pilcher & Associates Inc., on behalf of C.J.A.D. Holdings Ltd., to amend the covenant (EX026297) to remove use restrictions as well as sections regarding lot consolidation and landscaping requirements.

The covenant was registered on title in 2005 as a condition of RA52, an application to rezone the parent properties from RS-1 (Single Family Residential) to I-2 (Light Industrial) to permit a light industrial development. The covenant includes use restrictions, a community contribution and requirements for landscaping and lot consolidation.

At the time of the original rezoning application, the subject properties were designated Service Industrial Enterprise Area in Plan Nanaimo (1996). This future land use designation did not support some of the uses in the proposed I-2 zone; therefore, the covenant was required to limit the uses permitted on the properties to better align with the Official Community Plan (OCP) of the day. Landscaping requirements were also included in the covenant as per the attached plan (Schedule A of the covenant) to be completed prior to the issuance of an occupancy certificate. Additionally, to minimize the number of accesses along Jordan Avenue, covenant conditions were included to prohibit development until lot consolidation or a mutual access easement was registered between the subject properties. The lots have now been consolidated.

Subject Property

<i>Zoning</i>	I2 – Light Industrial
<i>Location</i>	The subject property is located at the southeast corner of the Jordan Avenue/Mostar Road intersection
<i>Total Area</i>	6,630m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use Plans – Light Industrial Map 3 – Development Permit Area No. 4 – Nanaimo Parkway Design; Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development

The subject property is a vacant lot bordered by light industrial uses to the north and south (Slegg Building Materials and Boban Industrial Park), parkland to the east, and a single family neighbourhood to the west.

DISCUSSION

The applicant is proposing to amend the covenant (EX026297) by registering a modification to the covenant to remove the following conditions:

- Permitted Uses – Sections 1 and 2
- Lot Consolidation – Section 3
- Landscaping – Section 4, 5 and Schedule A

Since the subject property was rezoned, the City has adopted a new Official Community Plan (planNanaimo, 2008) and a new Zoning Bylaw (City of Nanaimo Zoning Bylaw 2011 No. 4500). The OCP now designates the subject property as Light Industrial, which aligns with the uses anticipated in the existing property zoning, the Light Industrial (I2) zone. As such, the permitted uses conditions (Section 1 and 2) of the covenant are no longer necessary.

As lot consolidation has been completed, the lot consolidation condition (Section 3) of the covenant has been satisfied and can also be removed.

Additionally, the provision of landscaping is a requirement of any form and character development as per Part 17 – Landscaping of the Zoning Bylaw, so it is not necessary to include landscaping requirements in the covenant unless there were features not required by Part 17. For example, the Zoning Bylaw requires, at minimum, a 1.8m wide landscape buffer with trees spaced on average every 6m along Jordan Avenue and Mostar Road, which is comparable to the landscape concept shown in Schedule A of the covenant. Therefore, the landscaping conditions (Sections 4, 5 and Schedule A) of the covenant will have no effect on the future ability to obtain adequate landscaping along Jordan Avenue and Mostar Road.

The \$8,000 community amenity contribution, intended for park improvements, will remain secured by the covenant. The owner has elected not to pay it at this time, so the covenant would remain on the property title to secure this condition.

Council's Covenant Amendment Process Policy requires that any application to amend covenant conditions, secured through rezoning, must follow the same public process as a rezoning application. Staff supports the proposed amendments given that the conditions of the

covenant, which are proposed to be removed, have been addressed and a covenant will remain on title to secure the community contribution. Staff requests Council direction to proceed with public notification and a Public Hearing for this application.

SUMMARY POINTS

- A covenant amendment application (CA5) was received to amend the covenant conditions including the removal of use restrictions as well as lot consolidation and landscaping requirements.
- The covenant was registered on the subject property during the original rezoning application in 2005 (RA52), which rezoned the property from RS-1 to I-2.
- The existing covenant would remain on the property title to secure the outstanding condition to provide a community contribution in the amount of \$8,000.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Registered Covenant (EX026297)

ATTACHMENT C: Aerial Photo

Submitted by:



L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



COVENANT AMENDMENT NO. CA00005

LOCATION PLAN

Civic: 4951 Jordan Avenue
Lot A, Section 5, Wellington District,
Plan EPP69857

 **Subject
Property**



**ATTACHMENT B
REGISTERED COVENANT (EX026297)**

1 of 10

EX026297 11 MAR 2005 13 45

EX026297

**LAND TITLE ACT
Form C (Section 233)
Province of
British Columbia**

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office Use)

Page 1 of 10 pages

1. Application: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

RA000052

STAPLES McDANNOLD STEWART2nd Floor, 837 Burdett Avenue

Victoria, B.C. V8W 1B3 Tel: (250)380-7744

File No. 194 767/LC/am

BURNS SERVICES

Authorized Signatory 10303

2. Parcel Identifier(s) and Legal Description(s) of Land:

(PID)

023-524-065

003-654-788

(Legal Description)

Lot 1, Section 5, Wellington District, Plan VIP63925

Lot 3, Section 5, Wellington District, Plan 18955 Except that Part in Plan VIP62808

3. Nature of Interest*

Description

Document Reference (page & paragraph)

Person Entitled to Interest

SEE SCHEDULE

4. Terms: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms ☐

D.F. No.

(b) Express Charge Terms ☒

Annexed as Part 2

(c) Release ☐

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged on the Land described in Item 2.

5. Transferor(s) (Grantor(s)):

CHARLTON WEST HOLDINGS LTD. (INC. NO. 418588)**SCOTIA MORTGAGE CORPORATION (as to Priority for Lot 1)****WILLIAM HIGH and WALLEEN ESTHER HIGH (as to Priority for Lot 3)**

02 05/03/11 13:46:06 02 VI

622346

CHARGE

\$194.25

6. Transferee(s) (Grantee(s)): (including postal address(es) and postal code(s))*

CITY OF NANAIMO, 455 Wallace Street, Nanaimo, B.C. V9R 5J6

7. Additional or Modified Terms: N/A

8. Execution(s):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)



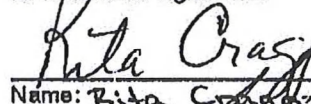
**RODERICK E. MONT
BARRISTER & SOLICITOR
505-495 DUNSMUIR ST., P.O. BOX 10
NANAIMO, BC V9R 5K4
PHONE: 753-6435**

AS TO ALL SIGNATURES

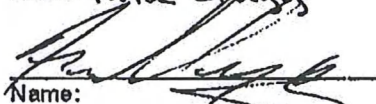
Execution Date

Y	M	D
2004	02	21

Party(ies) Signature(s)

CHARLTON WEST HOLDINGS LTD. by its authorized signatories


Name: Rita Cragg



Name:

Fred Cragg

Officer Certification:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996 c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attached in Form E

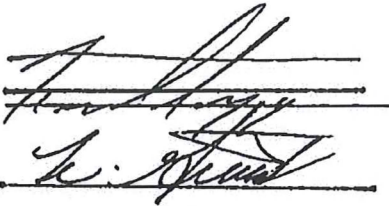
** If space insufficient, enter "SEE SCHEDULE" and attach in Form D.

LAND TITLE ACT
Form D

EXECUTIONS CONTINUED

Page 2

Officer Signature(s)




RICK GRANT
AS TO ALL SIGNATURES
Commissioner for taking
Affidavits for British Columbia
455 Wallace Street
Nanaimo, BC V9R 5J6

Execution Date

Y	M	D
05	03	09

Party(ies) Signature(s)
CITY OF NANAIMO by its authorized
signatories


Name: **Gary Korpan**
Mayor


Name: **Karen Burley**
Deputy Senior Manager of Corporate
Administration.

Officer Signature(s)



AS TO ALL SIGNATURES
Cynthia Prymak, Notary Public
10 Wright Blvd., P.O. Box 1122
Stratford, Ontario N5A 7X9
519-272-0191, ext: 8495

Execution Date

Y	M	D
05	01	17

Party(ies) Signature(s)
SCOTIA MORTGAGE CORPORATION
by its authorized signatories


Name: **Carol Schmidt**
Manager

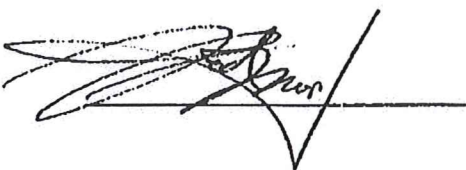
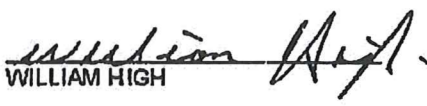


Name: **SHARON INNES**
BR. OPERATIONS OFFICER
Officer Certification:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
Form D**

EXECUTIONS CONTINUED

Page 3

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
 RODERICK E. MONT BARRISTER & SOLICITOR 605-495 DUNSMUIR ST., P.O. BOX 10 NANAIMO, BC V9R 5K4 PHONE: 763-6435 AS TO BOTH SIGNATURES	2005	02	28	 WILLIAM HIGH  WALLEEN ESTHER HIGH

Officer Certification:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
Form E
SCHEDULE

Page 4

Enter the Required Information in the Same Order as the Information Must Appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

3. Nature of Interest*

Description	Document Reference (page & paragraph)	Person Entitled to Interest
Section 218 Covenant	Pages 5-8, paragraphs 1-19	Grantee
Priority Agreement granting Covenant No. _____ priority over Mortgage EK142218 and Assignment of Rents EK142219; and	Page 6, Paragraph 20	Grantee
Priority Agreement granting Covenant No. _____ priority over Mortgage EP49907	Page 9, Paragraph 21	Grantee

Officer Certification:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996 c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT - PART 2**WHEREAS:**

- A. The Grantor is the registered owner in fee simple of:

Parcel Identifier: 023-524-065
Lot 1, Section 5, Wellington District, Plan VIP 63925
("Lot 1"); and

Parcel Identifier: 003-654-788
Lot 3, Section 5, Wellington District, Plan 18955 Except that Part in Plan
VIP62808
("Lot 3")

(together the "Lands");

- B. The Grantee is the City of Nanaimo;
- C. The Grantor has applied to the Grantee for rezoning of the Lands;
- D. As a condition of rezoning, the Grantor has agreed to enter into this Agreement to restrict the use and occupation of the Lands until certain matters are attended to;
- E. The Grantee has requested that the Grantor enter into the covenant hereinafter contained pursuant to section 219 of the *Land Title Act* and the Grantor has agreed;
- F. Section 219 of the *Lands Title Act*, provides inter alia, that a covenant, whether negative or positive, in respect of the use of the Lands or the use of a building on or to be erected on land, may be given to provide that the Lands are to be built on or used in accordance with the covenant or are not to be used or built on except in accordance with the covenant and that the covenant in favour of a municipality or the Crown may be registered as a charge against the title to that land.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the payment of \$10.00 of lawful money of Canada now paid by the Grantee to the Grantor, and the premises and covenants herein contained and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree with the other as follows:

Permitted Uses

TO BE
DELETED

- 1. Subject to section 3 of this Agreement, the Grantor covenants and agrees with the Grantee that the use of the Lands will be limited to the following:

- (a) auctions;
- (b) automotive repair shop;
- (c) caretaker's dwelling unit;
- (d) commercial schools;
- (e) custom workshops;
- (f) food and beverage processing;
- (g) fuelling installations;
- (h) indoor mini storage;
- (i) injury management centre;
- (j) light industry;
- (k) pet daycare;
- (l) printing and publishing facilities;
- (m) prefabricated home sales;
- (n) production studio;
- (o) recreational facilities;
- (p) recycling depots;
- (q) repair shops;
- (r) retail of auto accessories and parts;
- (s) service industry;
- (t) storage yards;
- (u) tool and equipment rentals and service;
- (v) tow truck dispatch and storage yard;
- (w) truck, trailer and heavy equipment sales, service and rentals;

notwithstanding any provision in any zoning bylaw of the Grantee applicable to the Lands which would permit uses other than those enumerated herein.

TO BE
DELETED



2. The Grantor and Grantee agree that the definitions in the Grantee's zoning bylaw shall apply to the interpretation of the terms used in this Agreement.

Lot Consolidation

TO BE
DELETED



3. Notwithstanding section 1 of this Agreement, the Grantor covenants and agrees with the Grantee that the Grantor shall only use Lot 1 for the uses permitted in section 1(c) and 1(t) of this Agreement following adoption of the rezoning bylaw, and the Grantor shall not use, occupy or commence any preparatory work on Lot 3 with regard to any development, until either:

- (a) Lot 1 and Lot 3 have been consolidated by way of a plan of consolidation filed in the Land Title Office; or
- (b) a mutual access easement in a form satisfactory to the Grantee and its solicitors has been registered against title to Lot 1 and Lot 3.

Landscaping

TO BE
DELETED

- 4. The Grantor covenants and agrees with the Grantee that prior to the issuance of an occupancy certificate for any new development of uses permitted under section 1 of this Agreement on Lot 1, and prior to the Grantor making any use of Lot 3, the Grantor shall install on the Lands the landscaping as generally depicted on Schedule "A" attached hereto and forming part of this Agreement. All landscaping shall be installed to the satisfaction of the General Manager of Development Services of the Grantee.

TO BE
DELETED

- 5. The Grantor covenants and agrees that prior to the installation of the landscaping referred to in section 4, it shall provide the Grantee with a detailed landscape plan, prepared by a registered landscape architect, showing the details of all hard and soft landscaping to be provided, together with a list of proposed plantings, for the approval of the General Manager of Development Services of the Grantee. All landscaping installed by the Grantor pursuant to section 4 of this Agreement shall conform to that approved landscaping plan.

Community Contribution

6. The Grantor has voluntarily offered to provide a cash contribution to the betterment of the community, for the purpose of park improvements, development and/or maintenance, and therefore acknowledges that the Grantee is not obligated to issue a building permit with respect to the Lands and covenants and agrees not to construct any structure or building on the Lands, notwithstanding any issuance of a building permit by the Grantee, until the Grantor has voluntarily provided a community contribution in the amount of EIGHT THOUSAND (\$8,000.00) DOLLARS in addition to and without expectation of credit towards other fees, charges, dedications and other requirements of the Grantee or other governmental authority.

General Provisions

7. The Grantor and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Lands shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.
8. At the Grantor's expense, the Grantor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.

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9. The Grantor hereby releases and forever discharges the Grantee of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury that the Grantor may sustain or suffer arising out of this Agreement or the use or non-use of the Lands as a result of this Agreement.
10. The Grantor covenants and agrees to indemnify and save harmless the Grantee from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or by anyone who suffers loss of life or injury to his person or property, that arises out of this Agreement or the use or non-use of the Lands as a result of this Agreement.
11. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
12. The Grantor shall pay the legal fees of the Grantee in connection with the preparation and registration of this Agreement.
13. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Lands.
14. Nothing contained or Implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Grantor.
15. Time is of the essence of this Agreement.
16. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, grantors, administrators, executors, successors, and permitted assigns.
17. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
18. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

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19. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
20. This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
21. **SCOTIA MORTGAGE CORPORATION.**, the registered holder of charges by way of a mortgage and assignment of rents against Lot 1 which said charges are registered in the Land Title Office under numbers EK142218 and EK142219 respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the Grantee to the said Charge holder (the receipt whereof is hereby acknowledged), agrees with the Grantee, its successors and assigns, that the within Section 219 Covenant shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if it had been dated and registered prior to the said charges.
22. **WILLIAM HIGH and WALLEEN ESTHER HIGH**, the registered holders of a charge by way of a mortgage against Lot 3 which said charge is registered in the Land Title Office under number EP49907, for and in consideration of the sum of One Dollar (\$1.00) paid by the Grantee to the said Charge holders (the receipt whereof is hereby acknowledged), agrees with the Grantee, its successors and assigns, that the within Section 219 Covenant shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages 1 and 2) attached hereto.

ATTACHMENT C
AERIAL PHOTO



COVENANT AMENDMENT NO. CA00005



DATE OF MEETING April 3, 2017

AUTHORED BY JILL COLLINSON, PLANNER, CURRENT PLANNING AND
SUBDIVISION

**SUBJECT OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION OCP82
AND REZONING APPLICATION RA371 - 2020 ESTEVAN ROAD**

OVERVIEW

Purpose of Report

To present for Council's consideration an Official Community Plan amendment application to amend the land use designation within the Official Community Plan from Neighbourhood to Corridor and, the land use designation in the Brechin-Newcastle Neighbourhood Plan from Neighbourhood to Mixed-Use Corridor; and to concurrently rezone the subject property from Community Service One (CS1) to Mixed-Use Corridor (COR2) to develop a five-storey mixed-use building, which will include a church space and multi-family residential building consisting of both market rental and affordable rental units.

Recommendation

1. That "Official Community Plan Amendment Bylaw 2017 No. 6500.034" (RA371 – To redesignate 2020 Estevan Road on the Future Land Use Plan (Map 1) from 'Neighbourhood' to 'Corridor' and to redesignate 2020 Estevan Road on the Neighbourhood Land Use (Map 1) from 'Neighbourhood' to 'Mixed Use Corridor') pass first reading;
2. That "Official Community Plan Amendment Bylaw 2017 No. 6500.034" pass second reading;
3. That "Zoning Amendment Bylaw 2017 No. 4500.106" (RA371 – To rezone 2020 Estevan Road from Community Service One [CS1] to Mixed-Use Corridor [COR2]) pass first reading;
4. That "Zoning Amendment Bylaw 2017 No. 4500.106 pass second reading; and,
5. That Council direct Staff to secure the community contribution prior to adoption of "Zoning Amendment Bylaw 2017 No. 4500.106" should Council support the bylaw at third reading.

BACKGROUND

An Official Community Plan amendment application (OCP82) and concurrent rezoning application (RA371) for 2020 Estevan Road was received from Mr. Mike Redmond (Colliers International) on behalf of the BC Conference Property Development Council of the United

DISCUSSION

Subject Property

Location	The subject property is located at the intersection of Brechin and Estevan Roads
Total Lot Area	4,765.97m ²
Current OCP Designation	Neighbourhood
Current Neighbourhood Plan Designation	Neighbourhood
Current Zone	Community Service One (CS1)
Proposed OCP Designation	Corridor
Proposed Neighbourhood Plan Designation	Mixed Use Corridor
Proposed Zone	Mixed Use Corridor (COR2)

The subject property is located in central Nanaimo at the intersection of Brechin Road, Estevan Road, Departure Bay Road, and Terminal Avenue North (Attachment A). The site is currently occupied by Brechin United Church. Land use to the north and east is primarily single dwelling residential, and land use immediately south and west is commercial (motel, restaurant) and public use (school). Beach Estates Park is approximately 200m to the northwest and the property is within walking distance of Brooks Landing commercial centre (Attachment B).

Proposed Development

The applicant proposes to develop a mixed-use building consisting of a new church space and 74 multi-family dwelling units, approximately half of which will be affordable housing. Unit composition is to be a mixture of small and family-oriented unit size. The church space, located in the two storey portion of the building fronting the Brechin Road/Estevan Road intersection will encompass approximately 10% of the overall building space. The residential component will occupy the majority of the building, including market rental housing (36 units) and affordable rental housing (38 units) to be managed by a private property management company. The proposed development will also require a parking variance which will be addressed through a separate development permit application (Attachment C).

The applicant has submitted a conceptual massing diagram (Attachment F) and a conceptual elevations (Attachment G).

Official Community Plan

The current Official Community Plan (OCP) designation is Neighbourhood. The Neighbourhood designation encourages a mix of housing types and multiple family units, as well as institutional services, with building form limited to fewer than four stories and a maximum density of 50 units per hectare. The application is to change the OCP designation to Corridor (Attachment D – Letter of RA Rationale). Corridors are generally characterized by a mix of residential, commercial, professional and service uses with residential densities of 50-150 units per hectare in two to six storey building forms. This designation also encourages a broad social mix and access to adequate housing at all income levels.

Within mixed-used developments, ground floor uses may be retail, office, or community uses that invite public activity. Given the adjacency of the subject property to other Corridor-

designated lands along the opposite side of Estevan Road, proximity to a local commercial centre (Brooks Landing), and access to transit, Staff supports the OCP amendment to allow a mixed-use development (church/multi-family uses).

Newcastle + Brechin Neighbourhood Plan

The Newcastle + Brechin Neighbourhood Plan forms Schedule I of the OCP and designates the subject property as Neighbourhood. This designation supports a residential density of 10-50 units per hectare in two to four storey buildings, as well as local services and mixed-use development at street corners. This application proposes to re-designate the subject property to Mixed Use Corridor which allows residential densities of 50-150 units per hectare, as well as mixed-use developments with a ground floor community use that invite public activity. Development under the Mixed-Use Corridor designation is to address the interface with Neighbourhood designations, with considerations given to design elements of building siting, height, and massing to ensure a smooth transition.

Zoning Bylaw

The existing zoning for the subject property is Community Service One (CS1) which permits a church (religious institution) but not multi-family development. The applicant proposes to rezone the property from the CS1 Zone to Mixed-Use Corridor (COR2) in order to permit multi-family development and a church (see Attachment D - Letter of OCP Rationale).

The proposed COR2 Zone could potentially allow a wider variety of commercial, service, institutional and residential uses than is permitted in the existing zoning. Further, within the COR2 Zone where a non-residential use exists at least an equal amount of Gross Floor Area on the property must be dedicated to residential use. However, the site area, parking and access considerations would limit the scale of development on this property, and the proposed uses include church and residential only.

The COR2 Zone would also allow more flexibility in building setbacks, building height (increase from 14m to 18m, if 75% of the parking is located below or beneath the building), and lot coverage (increase from 40% to 60%). The COR2 Zone dictates a maximum allowable floor area ratio (FAR) of 1.25, and the ability to gain additional density by providing parking under the building and/or implementing Schedule D of the Zoning Bylaw. The applicant proposes a FAR of 1.66 which would be achieved using the additional density provisions in the COR2 Zone.

Staff supports the proposed zoning amendment which would allow the redevelopment of the existing church and provide affordable housing options near existing services.

Traffic Impact Assessment

The applicant has provided a Traffic Impact Assessment (TIA) prepared by Bunt & Associates. The report reviews transportation-related components of the development proposal including an analysis of impact, parking and site design review. The proposed development includes less parking than what is required in the City's current parking bylaw, so this was a major focus of the TIA as a parking variance will be required.

The submitted TIA concludes that minor traffic impacts are expected but no off-site roadway or traffic control improvements are required to support site redevelopment. It further concludes

that the one stall per unit ratio proposed by the development could further be lowered (see Attachment H for the TIA Executive Summary).

Road Closure

Historically, Waddington Road bisected the middle of 2020 Estevan Road. In preparation for the joint OCP and rezoning application, the property owners submitted a road closure application. The road closure was successfully completed in 2014. Through the road closure process, the City secured a road reserve covenant for the northwestern portion of the lot immediately adjacent the Brechin Road/Estevan Road intersection, to ensure site development did not interfere with potential future road improvements.

Referral of Application

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 consultations with organizations and/or authorities that it considers may be affected by the amendment. During the OCP review process, an initial referral of the application was sent to a number of agencies for comment, including Vancouver Island Health Authority, Snuneymuxw First Nation, School District 73, School District 68, the Ministry of Transportation and Infrastructure, as well as the Brechin Hill Community Association and the Newcastle Neighbourhood Association. From the initial referral, comments of no concerns or objection were received from the Ministry of Transportation and School District 68. Comment was also received from Island Health related to their Healthy Built Environment Initiative. Should Council support this application, a second referral will be sent to these agencies prior to Public Hearing.

Public Input/Community Meeting

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

This type of application could also be presented to the Community Planning and Development Committee, which includes members of the Neighbourhood Association. However, this application preceded the Committee's inaugural meeting scheduled for 2017-APR-18 and was, therefore, not reviewed by the Committee.

The applicant held a community meeting at the Brechin United Church on 2017-MAR-06 from 4pm to 8pm. To ensure the community was notified about the open house, information was placed in the Nanaimo News Bulletin, local community groups were notified, and over 1,700 mail-outs were distributed in the neighbourhood by the applicant. The applicant has provided a summary of comments and information received at this event (Attachment I).

Conditions of Rezoning

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. As the amendment application is for a 74-unit multi-family development with adjoining church space, Staff advised that a

portion the development proposal addresses the community contribution policy- specifically the 38 affordable housing units, per BC Housing affordability threshold (CMHC level 1). The applicant is also proposing a community contribution of \$36,000 (\$1,000 per door for the 36 market-rental dwelling units), and the construction of a transit shelter along the Estevan Road frontage. Staff is supportive of the proposed community contribution and recommends that the \$36,000 and provision of a transit shelter be secured through a covenant prior to bylaw adoption.

SUMMARY POINTS

- The applicant proposes to amend the OCP and Neighbourhood Plan designations, and to rezone the subject property, to permit the redevelopment of a church and multi-family units.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Aerial Photo
ATTACHMENT C: Site Plan
ATTACHMENT D: Applicant's Letter of Rationale OCP
ATTACHMENT E: Applicant's Letter of Rationale Rezoning
ATTACHMENT F: Conceptual Massing
ATTACHMENT G: Conceptual Elevations
ATTACHMENT H: Traffic Impact Assessment (Executive Summary)
ATTACHMENT I: Applicant Open House Summary
ATTACHMENT J: Official Community Plan Amendment Bylaw No.6500.034
ATTACHMENT K: Zoning Amendment Bylaw 2017 No.4500.106

Submitted by:



L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:



D. Lindsay
Director, Community Development



OFFICIAL COMMUNITY PLAN NO. OCP00082
REZONING APPLICATION NO. RA000371

LOCATION PLAN

Civic: 2020 Estevan Road
Lot A, Section 1, Nanaimo District,
Plan EPP35387

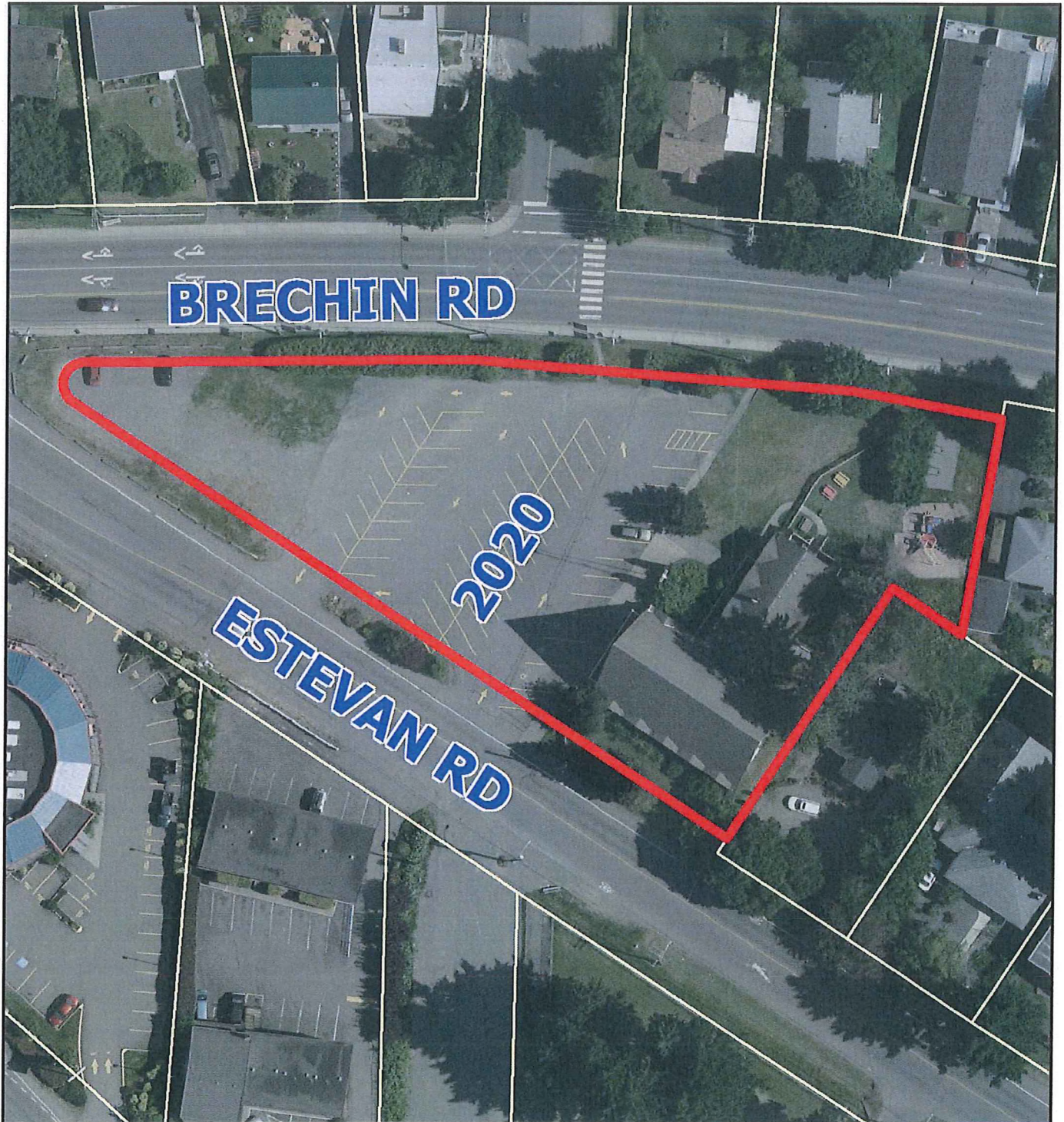


Redesignate from
Neighbourhood
to Corridor

Rezone from
CS1 to COR2

ATTACHMENT B

Aerial Photo



OFFICIAL COMMUNITY PLAN NO. OCP00082
REZONING APPLICATION NO. RA000371

SITE PLAN

[illegible]

ATTACHMENT D
LETTER OF RATIONALE - OCP



01 November, 2016

Jill Collinson
Planner, Current Planning
City of Nanaimo
455 Wallace Street
Nanaimo, BC, V9R 5J6

Re: BCCUCC – Brechin United Church – OCP Amendment Application – 2020 Estevan Road
82716-02

Dear Jill:

Please find enclosed an application for an Official Community Plan amendment for the above noted property.

The owner wishes to amend the OCP in order to re-designate the property from a 'Neighbourhood' designation to a 'Corridor' designation.

It is the owner's intention to develop a mixed-use building consisting of a new church space and a residential component. The residential component will include both market rental and affordable rental housing units.

The current Neighbourhood designation permits 10-50 UPH in 2 to 4-storey building forms. This application proposes a density of 155 UPH in a 5-storey building, in alignment with the Corridor designation. There are a total of 74 units proposed in this design, in a mix of small and family-oriented unit sizes.

This application supports the objectives and policies of Corridors by proposing to increase residential density and mix of land use by integrating the Brechin United Church and its congregation with rental housing. This combination contributes to a wider social mix and broader housing accessibility for a variety of income levels in a human-scaled and pedestrian-oriented form of development.

By minimizing parking provided and taking full advantage of the location for access to bus routes, bike paths and its proximity to shopping and other neighbourhood amenities, the development encourages lifestyle sustainability through use of transit and other alternative modes of transportation.

The development incorporates improvements to the pedestrian environment by increasing the proportion of landscaping and greenspace. The building, its underground parking, and paved areas are designed to minimize impacts on significant trees on neighbouring properties.

Alan Hart
Architect AIBC

Graham McGarva
Architect AIBC

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Vancouver BC V6B 1G1

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RECEIVED
Nov 01 2016
City of Nanaimo
Current Planning



Through consultation with the Community, Staff and the Plan Nanaimo Advisory Committee, the applicant looks forward to meeting the goals and objectives of Plan Nanaimo, as well as the needs of the surrounding community.

Sincerely,

A handwritten signature in black ink, reading 'Maranatha Coulas'.

Maranatha Coulas
Architect AIBC

Cc: Mike Redmond, Colliers International
Karin Kronstal, Planner, Community & Cultural Planning

Alan Hart
Architect AIBC

Graham McGarva
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ATTACHMENT E
LETTER OF RATIONALE - REZONING



18 November, 2016

Jill Collinson
Planner, Current Planning
City of Nanaimo
455 Wallace Street
Nanaimo, BC, V9R 5J6

**Re: BCCUCC – Brechin United Church – Rezoning Application – 2020 Estevan Road
82716-02**

Dear Jill:

Please find enclosed an application for Rezoning for the above noted property.

The owner wishes to amend zoning bylaw in order to rezone the property from CS1 to COR2. It is the owner's intention to develop a mixed-use building consisting of a new church space and a residential component. The residential component will include both market rental and affordable rental housing units.

The current site zoning permits public-oriented uses designed to serve the community, up to a maximum FAR of 1.25. This application proposes to amend the zoning bylaw to rezone this site from CS1 to COR2 Mixed Use Corridor, which provides for mixed use, street-oriented development along urban arterials and major collector roads. This mixed-use development including a new church and multiple family residential dwellings, proposes a floor area ratio of up to 1.66, in a 5-storey building based on the Tier 1 amenity requirements for additional density, as permitted in the COR2 zone. A total of 74 residential are units proposed, in a mix of small and family-oriented unit sizes.

This application supports the objectives and policies of Corridors by proposing to increase residential density and mix of land use by integrating the Brechin United Church and its congregation with rental housing. This combination contributes to a wider social mix and broader housing accessibility for a variety of income levels in a human-scaled and pedestrian-oriented form of development.

By taking full advantage of the location for access to bus routes, bike paths and its proximity to shopping and other neighbourhood amenities, the development encourages lifestyle sustainability through use of transit and other alternative modes of transportation.

The development incorporates improvements to the pedestrian environment by increasing the proportion of landscaping and greenspace. The building, its underground parking, and paved areas are designed to minimize impacts on significant trees on neighbouring properties.

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RECEIVED
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Through consultation with the Community, Staff and advisory committees, the applicant looks forward to meeting the goals and objectives of Plan Nanaimo, as well as the needs of the surrounding community.

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Maranatha Coulas
Architect AIBC

Cc: Mike Redmond, Colliers International
Karin Kronstal, Planner, Community & Cultural Planning

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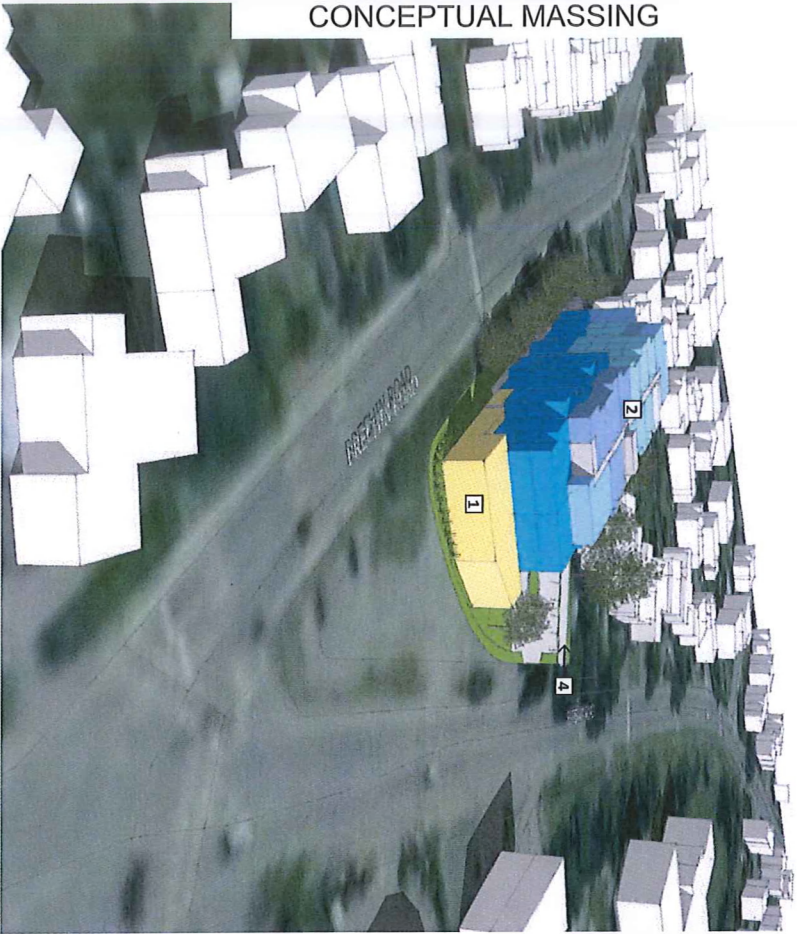
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PROPOSED MASSING

ATTACHMENT F CONCEPTUAL MASSING

AERIAL VIEW TO SITE



VIEW NORTH ALONG ESTEVAN ROAD



VIEW SOUTH ALONG BRECHIN ROAD

- 1 BRECHIN UNITED CHURCH
- 2 RESIDENTIAL BUILDING
- 3 ENTRY
- 4 PARKING ENTRY

3D VIEWS



VIEW TO SITE FROM ESTEVAN ROAD



VIEW TO SITE FROM BRECHIN ROAD

ATTACHMENT H TRAFFIC IMPACT ASSESSMENT (EXECUTIVE SUMMARY)

EXECUTIVE SUMMARY

Study Purpose

The Conference Property Development Council (PDC) of the United Church of Canada is proposing to redevelop the Brechin United Church located at 1998 Estevan Road in Nanaimo, BC. The new missed use development is to include 74 multi-family rental units (with at least 51% of these units classified as Level 1 affordable non-market rental housing) with a smaller, 7,501 sqft (696.9m²) church. A total of 98 parking stalls are proposed, with 24 stalls allocated to the Church and 70 stalls for the residential uses. To support the Rezoning of the site, the PDC engaged Colliers International Consulting (CIC) to serve as the Development Manager and Owner Representative and BC Housing to act as a finance partner.

CIC engaged Bunt & Associates to conduct a Transportation Impact Assessment (TIA) for the project. The purpose of the TIA was to review the transportation-related components of the proposed development, including an analysis of the traffic impact, a review of the parking and loading arrangements, and a site design review. As the planned parking supply for the residential component is less than the City bylaw requirements, a review of the adequacy of the residential supply, with a supporting Transportation Demand Management strategy, was a major component of the study. The key findings and recommendations of Bunt's transportation assessment are documented in the following report.

Proposed Development

Development Plan

Currently, the site is occupied by the Brechin United Church building and associated surface parking, which will be replaced. The proposed development includes a mix of 38 affordable non-market rental residential units and 36 market rent residential units, for a total of 74 units. This site is considered a Level 1 CMHC housing project, which requires the site to have the majority of units (at least 51%) with rents below the 80th percentile of market rents in the City of Nanaimo.

Traffic Volumes

Data Collection Program

Bunt confirmed the scope of work for the traffic impact assessment with City of Nanaimo staff. Staff Nanaimo required a Peak PM traffic analysis of the intersection closest to the site, Estevan Road & Brechin Road. Bunt recorded the traffic volumes approaching and turning at this intersection between 4:00 and 6:00pm on Tuesday September 27th, 2016, including cars, trucks, bikes and pedestrians to establish the PM Peak Hour of demand at 4:15pm – 5:15pm pm. Note, this day was selected to ensure no existing Church activity was underway and therefore the traffic volumes recorded did not include any existing Church-generated traffic.

Existing Traffic Operations

City of Nanaimo staff required a review of weekday PM Peak Hour operations. Bunt prepared a traffic operations model of existing conditions using the Synchro/SimTraffic software. These models, based on today's PM Peak Hour traffic demands, current roadway laning and traffic controls indicated no significant operational issues at the Estevan Road & Brechin Road intersection today, even accounting for peak Departure Bay ferry discharge periods. The PM Peak Hour volume-to-capacity ratio is currently 0.51 and the overall Level of Service is B, with no predicted queues exceeding available storage. (It is noted, however, that the Estevan & Brechin signal operations may very well be likely impacted by nearby adjacent signals which were not analyzed as part of this study).

Future Traffic Operations

Future PM Peak Hour traffic operations were tested both without, and with the new development to assess the impact of the development traffic. Future traffic without the development in place was forecasted by applying assumed growth rates to current traffic flows to represent Opening Day 2018 conditions as follows:

- Estevan Road growth rate 1.5%/year
- Brechin Road growth rate 0.5%/year

Based on this growth, future traffic conditions in 2018 without the site redeveloped are expected to be very similar today's, without any significant operational or queuing issues.

Future PM Peak Hour traffic volumes associated with the site development were conservatively forecasted using North American average trip rates. During the PM Peak Hour, the following future site trips were estimated:

- Residential Uses: 26 vph entering, 13 vph exiting
- Church Use: 0 vph entering, 0 vph exiting
- Both Uses Combined: 26 vph entering, 13 vph exiting

Note, the future Church may have programs running during the Weekday PM Peak Hour, but such activity is expected to be relatively minor and not influence the analysis.

The future traffic volumes generated by the site were superimposed on the forecast traffic volumes without the site redeveloped, and the impact of the site traffic assessed. Bunt concluded that the additional site traffic would have a very minor impact on the adjacent intersection even during peak ferry discharge periods. On Opening Day 2018 the V/C ratio was forecast to be 0.52 and the Level of Service C. No mitigation measures were concluded to be necessary to support the site traffic.

Parking

The site developer is proposing 24 stalls of the total 98 stalls be allocated for the 75 seat Church. This is in excess of the City's bylaw requirement of 18 stalls (calculated using either public assembly area (1,955 sq.ft) or seats (75)).

The remaining 74 stalls will be allocated for the residential units, of which 4 will be allocated to visitors. This provision results in a total supply provision of 1.0 stalls per unit, which will require a variance to the City's current and planned new bylaw rates for apartment units.

Table E.1 summarizes the bylaw and proposed parking rates for the residential units. Application of these reduced rates will require a parking variance for the residential component of 48 stalls (39%) which would reduce to 32 stalls (30%) based on the City's proposed bylaw rates, anticipated to be in place sometime in 2017.

Table E.1: Proposed Residential Parking Rates

RESIDENTIAL USE	CURRENT BYLAW PARKING RATE	NEW BYLAW PARKING RATE	PROPOSED PARKING RATE
Affordable Rental Housing (Studio)	1.66	1.05	0.60
Affordable Rental Housing (1 bedroom)	1.66	1.26	0.85
Market Rental Housing (1 bedrooms)	1.66	1.26	1.00
Market Rental Housing (2 bedrooms)	1.66	1.62	1.20
Market Rental Housing (3 bedrooms)	1.66	1.84	1.40
ALL UNITS COMBINED	1.66	1.42	1.00

Bunt's extensive research indicates that actual parking demand at this site is expected to be lower than typical apartment units in the City of Nanaimo, when taking into account key influences of auto ownership such as tenure (strata vs. rental), unit size, income level, proximity to good quality transit services, walkability and the effect of Transportation Demand Management.

In fact, based on our research and the developer's TDM plan, Bunt expects the resident parking demand to be lower than 1.0 stall per unit proposed. It is recommended therefore, that the United Church monitor actual parking demand for both the residents and church activities and reallocate parking as necessary to optimize the allocation of the supply between the two uses.

Recommended TDM Measures

The following Table E.2 indicates the recommended TDM measures for the site, to which the site developer has indicated commitment.

Table E.2: Recommended TDM Measures

#	TDM MEASURE
1.	Giving priority to renters with low auto ownership; marketing to renters without cars; provision of marketing materials to new residents provide information on alternative travel modes to and from the site that emphasizes walking, cycling, and transit use.
2.	Provision of a Class 2 CORA style bike rack at the main ground level entrance to the site, positioned at a suitable location close to the main access.
3.	Provision of 4 bicycles to be used exclusively by future tenants of the rental units. This would essentially form a small bike-sharing scheme for the development.
4.	Provision of two 120V plug-ins for electric bikes in the secure underground bike room
5.	The rent of the parking stalls for residents will be unbundled with the rent for the rental units.
6.	Provision of four electric car charging stations in the underground parking area
7.	If feasible, provision of a car share vehicle and stall in partnership with Nanaimo Car Share.
8.	Creation of a car pool program for the church, to maximize the travel opportunities and parking efficiency of the congregation.
9.	Quarterly, or annually, monitor the TDM program for the site for ways to improve and market its effectiveness.

Parking Layout & Vehicle Circulation Review

The site plan indicates one main underground vehicle access to 89 stalls and one ground level driveway for deliveries, visitors and pick-up/drop-off as well as 9 parking stalls. The City of Nanaimo indicates that one access per 300 parking stalls is usually sufficient to accommodate demand. This site is not proposing any change from the existing site's two driveway access, but they will be spaced farther from the adjacent signalized intersection to aid in visibility and access management.

On-site magazine storage for exiting queues is required for multi-family units with greater than 200 parking stalls, so such on-site storage is not required for this site. Since the site's trip generation falls under 100vph, no left turn bay is required on Estevan Road to access the site.

The near side of the main underground access driveway is located 118m from the Estevan Road & Brechin Road intersection stop line, which is beyond the City's required 83m minimum spacing for a full movement intersection on a Major Collector roadway, as expressed by the Engineering Services Guideline 14 "Access". The near side of the main ground level driveway accessing the surface parking is located 95m from the intersection of Brechin/Estevan roads, which also meets the Nanaimo requirement for a full movement driveway. Three handicapped stalls are appropriate for this development with just over 100 parking stalls based on the Parking Bylaw; it is recommended that these stalls are located near the surface building entrance and next to the elevator in the parkade.

Bunt's AutoTURN assessment, using a typical Ford Taurus design vehicle to test the design of regular stalls and a Honda Civic to test the design small car stalls was used to check manoeuvrability in/out of key

parking stalls. Our conclusion was that drivers in parking stalls next to columns would have greater difficulty in manoeuvring, as the current design does not provide additional clearances to columns. Such clearances would significantly enhance turning performance and would improve the functionality of the parkade. We understand VIA Architecture has been in discussions with Nanaimo staff regarding the column clearances, which will be addressed at a later design stage.

Service Vehicle Operations

Garbage bins from the underground parkade will be pulled out to Estevan Road for pick up by the City's garbage collection service; therefore garbage and recycling trucks will not need to enter or turn around on the site.

Based on the Parking Bylaw Section 14.9, and given the proposed redevelopment site falls under the first threshold of 30,140sqft, one loading space is required and has been provided on the ground level. The required size of the loading space must be dimensioned at 6.7m x 3m according to Section 14.11 and the size of the loading parking space provided is 7.6m x 3.0m, which exceeds the bylaw requirement and provides additional flexibility for loading in terms of accommodating larger vehicles.

Fire trucks will not be required to enter and turn around on the site; they will park on the street on would either Brechin or Estevan and use the fire hydrants in the public right of way to fight a fire.

Conclusions & Recommendations

1. The PM Peak Hour at the adjacent Estevan/Brechin intersection is from 4:15pm – 5:15pm.
2. The existing traffic operational analysis for this period indicated spare capacity at the intersection of Estevan/Brechin, even during peak ferry discharge periods.
3. The net additional PM Peak Hour traffic generation of the future site is expected to be very modest, representing an addition of only 5% in traffic volume on the two approaches of the intersection.
4. Therefore, only very minor traffic impacts are expected, even at the 10 year forecast horizon after opening day.
5. No off-site roadway or traffic control improvements are required to support the site redevelopment, other than the frontage improvements.
6. The site developer proposes to provide 24 stalls for the new Church, 6 stalls more than the bylaw requirement.
7. A parking variance for the residential component of the site is required, to allow the proposed 1.0 stall per unit ratio.
8. Bunt has presented a rationale for reduced residential parking supply that in our view supports even lower auto ownership levels than 1.0 stall per unit.
9. It is recommended that the United Church monitor actual parking demand at the site and allocate the parking supply to optimize use of the on-site parking.
10. It is recommended that the United Church implement the TDM measures identified in this report.

ATTACHMENT I
APPLICANT'S OPEN HOUSE SUMMARY



March 8, 2017

Jill Collinson
Current Planning & Subdivision
City of Nanaimo

Re: 2020 Estevan Road Open House Summary
OCP00082/ RA000371

Dear Jill:

An open house presenting the proposed development for 2020 Estevan road was held on Monday March 6th 2017, from 4:00 pm until 8:00 pm at Brechin United Church. Please find the attached summary of the attendance and comments received.

Sincerely,

A handwritten signature in black ink, reading 'Maranatha Coulas'.

Maranatha Coulas
Architect AIBC

Cc: Karin Kronstal, Terry Harrison, Mike Redmond

Attachments: Open House Summary

Alan Hart
Architect AIBC, AIA, AAA

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2020 Estevan Road Open House Summary

Date/Location: Monday March 6th 2017; 4:00 pm - 8:00 pm; Brechin United Church

Attendees: 107 individuals (signed-in at the reception desk)

Total comment forms received: 37

Comment forms which indicated -

Support the proposal: 31

Non-support of the proposal: 4

Undecided: 2

Non-supportive comments provided:

- Too large, too high
- Not enough parking, too many cars
- Blocking the view
- Need housing for seniors/assisted living

Other comments provided:

- Concern about added traffic to Estevan/Brechin, Departure Bay, Terminal intersections
- Concern about development precedent
- Concern about lack of greenspace/outdoor area and play areas for children
- Concern about shadows
- Concern about sidewalks during/after construction
- Disappointed daycare is not staying
- Concern re: public transit, improving slowly with great potential

Supportive comments provided:

- Hoping this will set precedent for housing/future development in Nanaimo (including housing for families 4+)
- Like the proposal, good addition to neighbourhood
- Fills need for affordable housing in Nanaimo
- Nice initiative and design
- Like blend of affordable and market housing
- Great plans for community use of church space
- Like layouts, plans and affordable housing component
- Like potential re-use of materials
- Fantastic concept that has worked in other Canadian Cities. Why not Nanaimo?
- Like that the church will remain
- Like the underground parking
- Good landscaping
- Great improvement for the community/neighbourhood
- Ideal location
- Good use of space
- 5 stories is the right height limit, not too high
- Like development in walking distance of amenities
- Benefit to the neighbourhood and the church
- Right project for the area/time
- Positive concept: use of land, addition to community, affordable housing for families

Alan Hart
Architect AIBC, AIA, AAA

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ATTACHEMENT J

CITY OF NANAIMO

BYLAW NO. 6500.034

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 "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2017 NO. 6500.034".
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: OCP00082
Address: 2020 Estevan

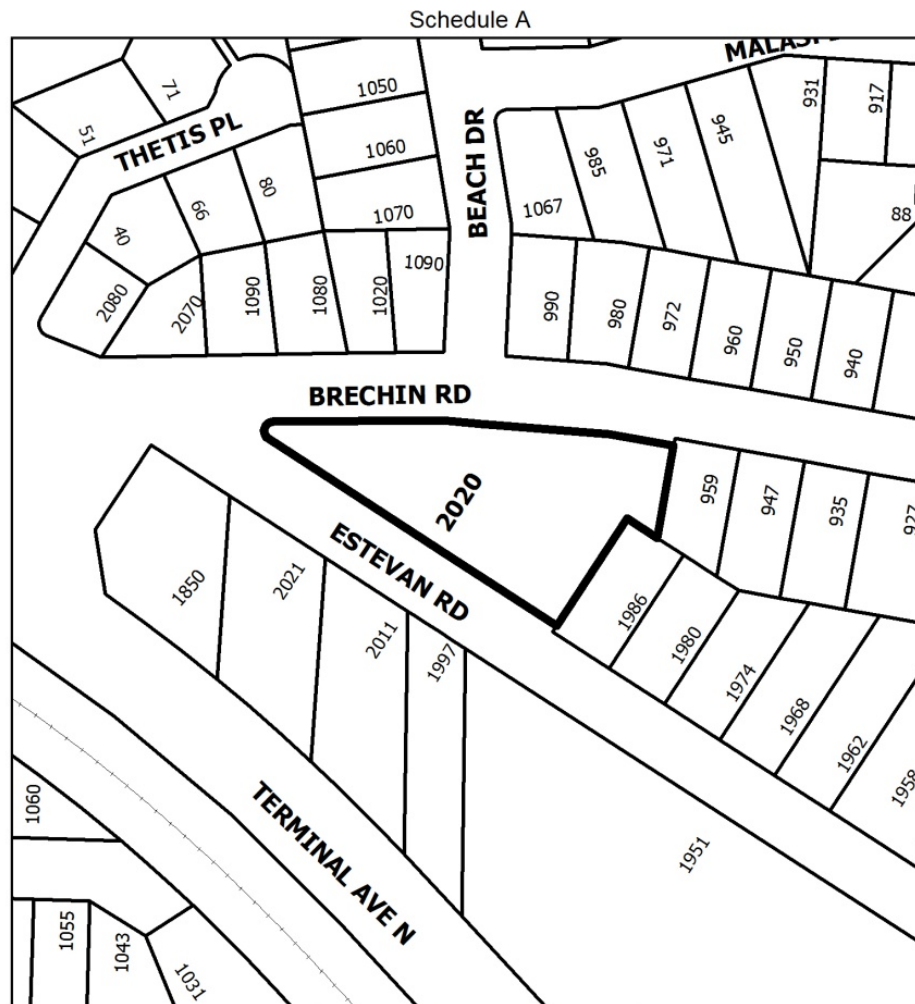
SCHEDULE A

1. Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” is amended as follows:

a) Redesignate the subject area known as LOT A SECTION 1 NANAIMO DISTRICT PLAN EPP35387 (2020 Estevan Road) from ‘Neighbourhood’ to ‘Corridor’.

2. Map 1 (Neighbourhood Land Use) of “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO 6500 SCHEDULE I” is amended as follows:

a) Redesignate the subject area known as LOT A SECTION 1 NANAIMO DISTRICT PLAN EPP35387 (2020 Estevan Road) from ‘Neighbourhood’ to ‘Mixed Use Corridor’.





OFFICIAL COMMUNITY PLAN NO. OCP00082
REZONING APPLICATION NO. RA000371



LOCATION PLAN

Civic: 2020 Estevan Road
Lot A, Section 1, Nanaimo District,
Plan EPP35387

-  Redesignate from
Neighbourhood
to Corridor
-  Rezone from
CS1 to COR2

ATTACHEMENT K

CITY OF NANAIMO

BYLAW NO. 4500.106

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2017 NO. 4500.106".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described LOT A SECTION 1 NANAIMO DISTRICT PLAN EPP35387 (2020 Estevan Road) Community Service One (CS1) to Mixed-Use Corridor (COR2) as shown on Schedule A.

PASSED FIRST READING _____

PASSED SECOND READING _____

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

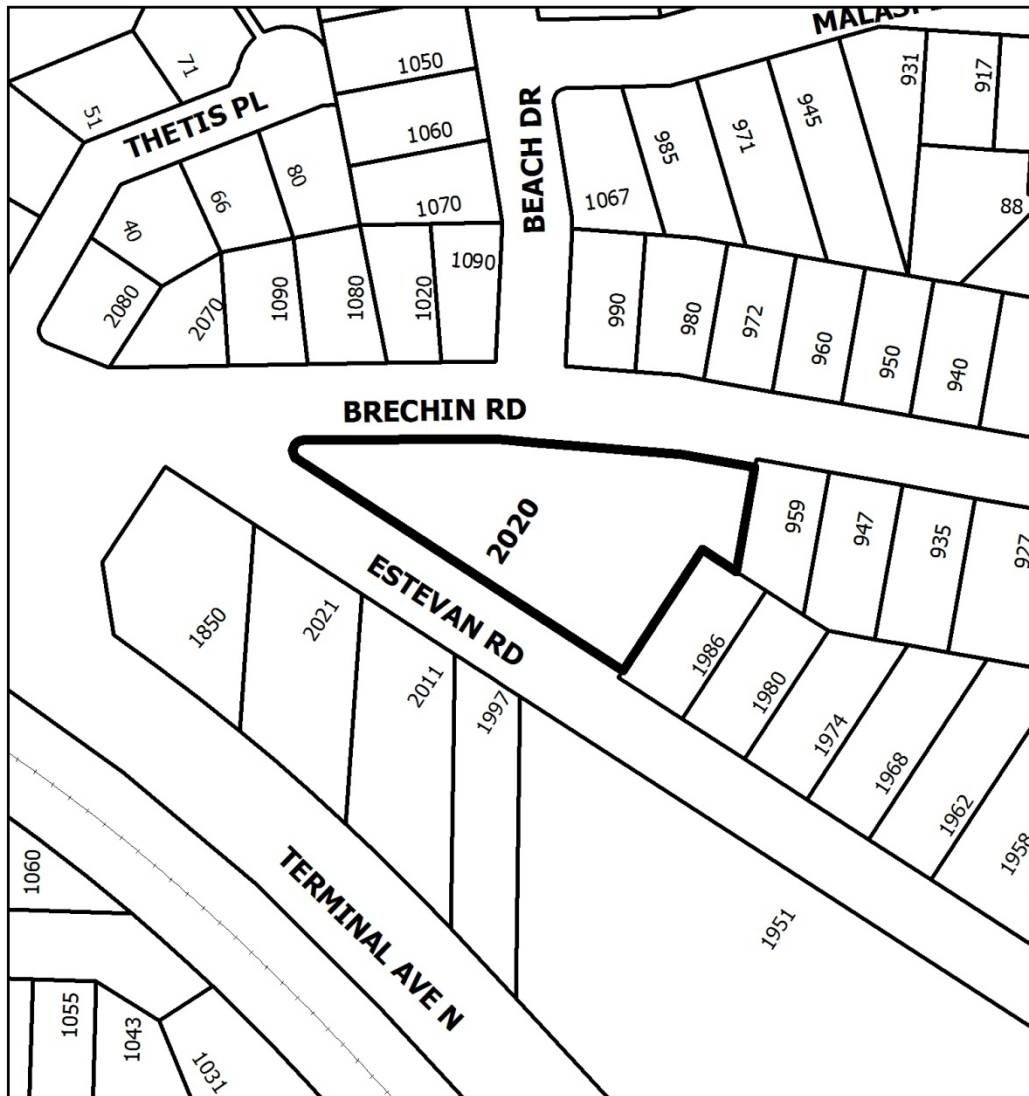
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000371
Address: 2020 Estevan

Schedule A



REZONING APPLICATION NO. RA000371

LOCATION PLAN

Civic: 2020 Estevan Road
Lot A, Section 1, Nanaimo District,
Plan EPP35387



**Rezone from
CS1 to COR2**

DATE OF MEETING May 15, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND
SUBDIVISION

SUBJECT REZONING APPLICATION NO. RA379 - 437 WESLEY STREET

OVERVIEW

Purpose of Report

To present Council with a rezoning application for a site specific text amendment to the existing Quennell Square (DT7) zone to allow a supervised consumption service as a permitted use at 437 Wesley Street.

Recommendation

That Council:

1. give first reading to "Zoning Amendment Bylaw 2017 No. 4500.108" (to permit a site specific text amendment to the existing Quennell Square [DT7] zone to allow a supervised consumption service as a permitted use at 437 Wesley Street); and,
2. give second reading to "Zoning Amendment Bylaw 2017 No. 4500.108".

BACKGROUND

The City of Nanaimo has submitted a rezoning application, RA379, for a site specific text amendment to the existing Quennell Square (DT7) zone to permit a supervised consumption service (SCS) at 437 Wesley Street.

The subject property currently hosts a temporary overdose prevention service (OPS) which was established due to a public health emergency declared by the BC Chief Medical Health Officer in April of 2016 and enabled by Ministerial Order M488, issued 2016-DEC-09. OPSs and SCSs are both health services that monitor persons who are at risk of opioid overdose and provide rapid intervention as necessary. An OPS is intended to provide immediate emergency response, whereas an SCS is intended to provide permanent and sustained harm reduction intervention.

Island Health has identified three main goals of SCSs:

1. Reduce the number of drug overdoses;
2. Engage people who use drugs in health services that can enhance treatment for substance use and mental health, and potentially reduce transmission of diseases; and,
3. Reduce community impacts, such as public drug use and improperly discarded needles.

SCSs are part of a broad overdose response strategy which also includes: education, prevention, counselling, substance use treatment and supports, and access to mental health services.

Legal Framework

The federal government permits the establishment of SCSs through an exemption under Section 56 of the *Controlled Drugs and Substances Act* (CDSA) where the twenty-six required criteria are met in accordance with the *Respect for Communities Act*, an amendment to the CDSA. Island Health is making an application to the federal government for an exemption to permit a permanent supervised consumption service at 437 Wesley Street.

At the Special Council Meeting of 2017-JAN-12, Council passed a motion to direct Staff to assist Island Health in a joint public engagement process regarding the establishment of a temporary OPS and the subsequent establishment of a permanent service to address this public health issue. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" does not define "supervised consumption service" or permit this use in the existing zoning (DT7) of the subject property. Therefore, a rezoning application is required to allow this use within the property.

Subject Property

<i>Location:</i>	The subject property is located at the end of Wesley Street, south of the Franklyn Street/Wesley Street intersection
<i>Total Lot Area:</i>	1,446m ²
<i>Current Zone:</i>	DT7 – Quennell Square
<i>Official Community Plan Designation:</i>	Downtown Centre Urban Node

The subject property is owned by the City of Nanaimo and contains an existing four-storey, 36 unit supportive housing building leased by BC Housing and operated by Canadian Mental Health Association (CMHA). The surrounding area is primarily comprised of commercial uses with large parking lots adjacent to the subject property. The Nob Hill and Old City residential neighbourhoods are located to the south and west, respectively.

DISCUSSION

Proposed Amendment

The City of Nanaimo "Zoning Bylaw 2011 No. 4500" currently contemplates the use ("safe injection site") within the context of a "Drug Treatment Facility"; however, due to the public health issue, this use is now being considered beyond the confines of a treatment facility.

The purpose of the rezoning application is to include a site specific text amendment to the Quennell Square (DT7) zone to allow an SCS use to replace the temporary OPS at 437 Wesley Street, and to add the following definition for “supervised consumption service” to the City of Nanaimo “Zoning Bylaw 2011 No. 4500”:

“means a health service provided for individuals to inject or otherwise consume illicit drugs within a supervised and controlled environment at a location specified in the terms and conditions of an exemption granted in accordance with the provisions of the Controlled Drugs and Substances Act”.

Site Rationale

The 437 Wesley Street location was identified by a working group established with representatives from Island Health, City of Nanaimo, RCMP, and the Canadian Mental Health Association - Mid Island (CMHA) and in consultation with service providers and substance users. The following site benefits were identified:

- A central location within a geographical area experiencing the highest rate of overdoses in Nanaimo;
- Co-located with complementary services including supportive housing and social and clinical supports;
- Located in the same building as the existing OPS, providing consistency to service users; and,
- Existing onsite security with building support and property management.

Additionally, there is an existing Good Neighbour Agreement between CMHA (operator of 437 Wesley Street), City of Nanaimo, RCMP, Nanaimo Old City Association, Neighbours of Nob Hill Society, and the Old City Quarter Association with monthly meetings to discuss and resolve any issues generated from uses on the site.

Operational Plan

The proposed SCS will be funded by Island Health and operated by CMHA. CMHA will enter into a contractual arrangement with Island Health to deliver the SCS in a manner similar to the provision of the OPS currently offered at 437 Wesley Street.

As with the existing OPS, the SCS will be open 7 days a week, between 10:30 a.m. and midnight. Staffing will include a mix of Island Health clinical outreach professionals who will work with onsite staff to deliver services including supervision, education about safer consumption practices, overdose prevention and intervention, sterile injection equipment, and medical and counseling services.

The majority of the existing building will continue to be used by CMHA as supportive housing, with a small portion of the building used as a SCS. Depending on the need, the location will be sized to manage between two to five clients at the same time.

Minor renovations are anticipated including a separate entrance off of Wesley Street, reception area and new ventilation system for the health and wellness of staff and clients.

Public Consultation

In accordance with Council direction, Staff has assisted Island Health in a joint public engagement process, including communication releases and three public information meetings (between November 2016 and April 2017) regarding the establishment of a temporary OPS and the subsequent establishment of a permanent SCS. The consultation process was intended to engage a wide range of community groups and residents of Nanaimo, and seek public input on the proposal to provide a supervised consumption service in Nanaimo.

Public Safety Committee

Dr. Paul Hasselback, Vancouver Island Health Authority, and Bruce Anderson, Manager of Community and Cultural Planning, presented on the proposed SCS at the Public Safety Committee meeting of 2017-APR-06. The committee accepted the information.

Staff Review

Official Community Plan

The Official Community Plan (OCP) designates 437 Wesley Street as "Downtown Centre Urban Node". The Downtown Centre Urban Node land use designation is intended to contain an appropriate mix and range of services oriented toward the social and health needs of residents both in the Urban Node and in the surrounding community. Community services are to be developed in consultation with both residents and the people who use them, and will be located where they are easy to access and close to their target populations.

Staff is of the opinion that locating this proposed use on the subject property addresses the intent of the OCP by locating this health service in an area with the highest need.

SUMMARY POINTS

- The application is for a site specific text amendment to the existing Quennell Square (DT7) zone to allow a supervised consumption service as a permitted use at 437 Wesley Street.
- Three public information sessions have been offered jointly by the City of Nanaimo and Island Health between November 2016 and April 2017.
- The proposed rezoning meets the policy objectives of the Urban Node designation of the OCP and responds to address this public health issue.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Rezoning Rationale Letter

ATTACHMENT C: Aerial Photo

ATTACHMENT D: "Zoning Amendment Bylaw 2017 No. 4500.108"

Submitted by:



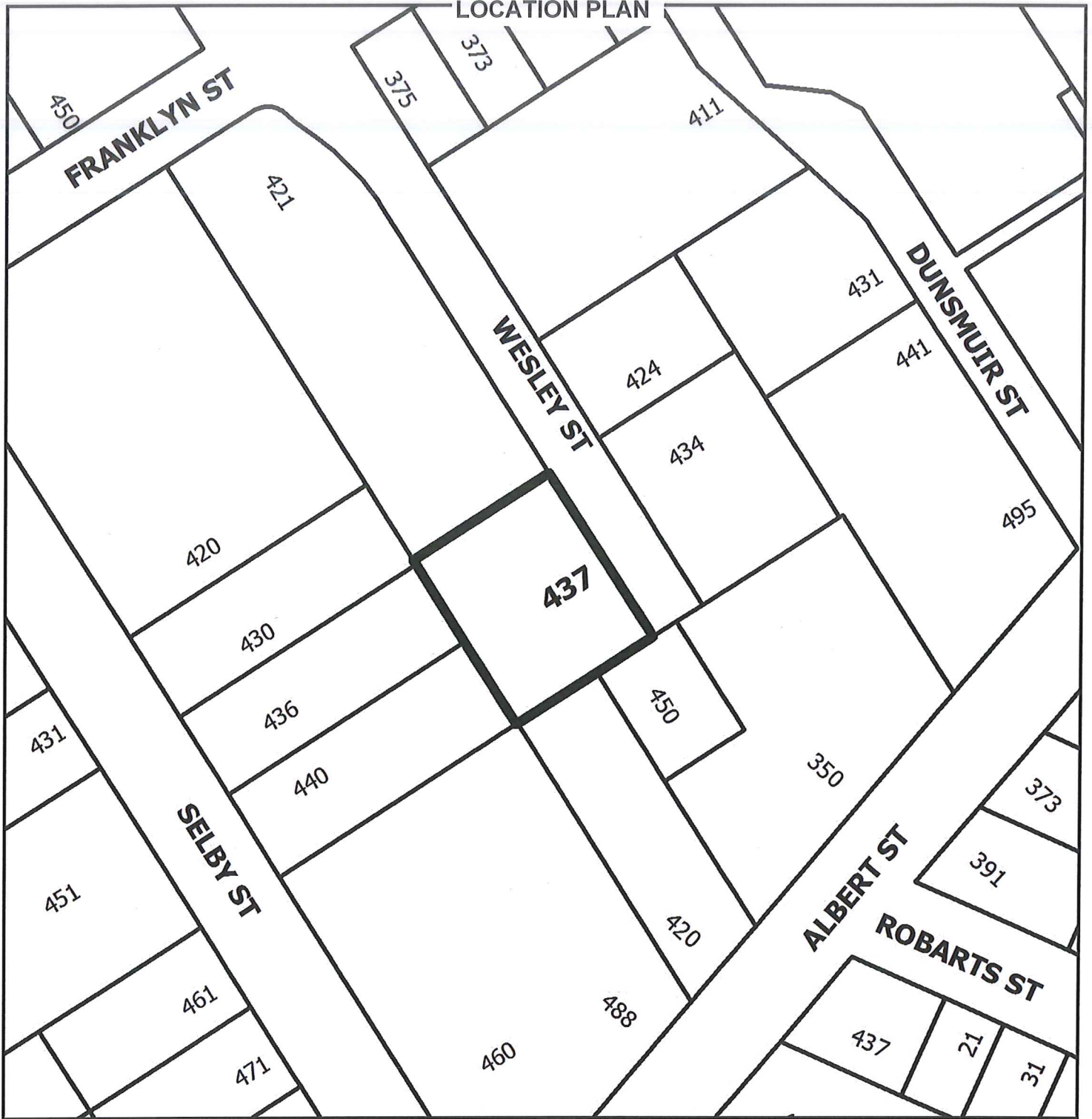
L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000379

LOCATION PLAN



Civic: 437 Wesley Street
Lot 1, Section 1, Nanaimo District,
Plan VIP88017, Except Part in Plan EPP11593



Subject Property

ATTACHMENT B REZONING RATIONALE LETTER

Rezoning rationale – 437 Wesley Street

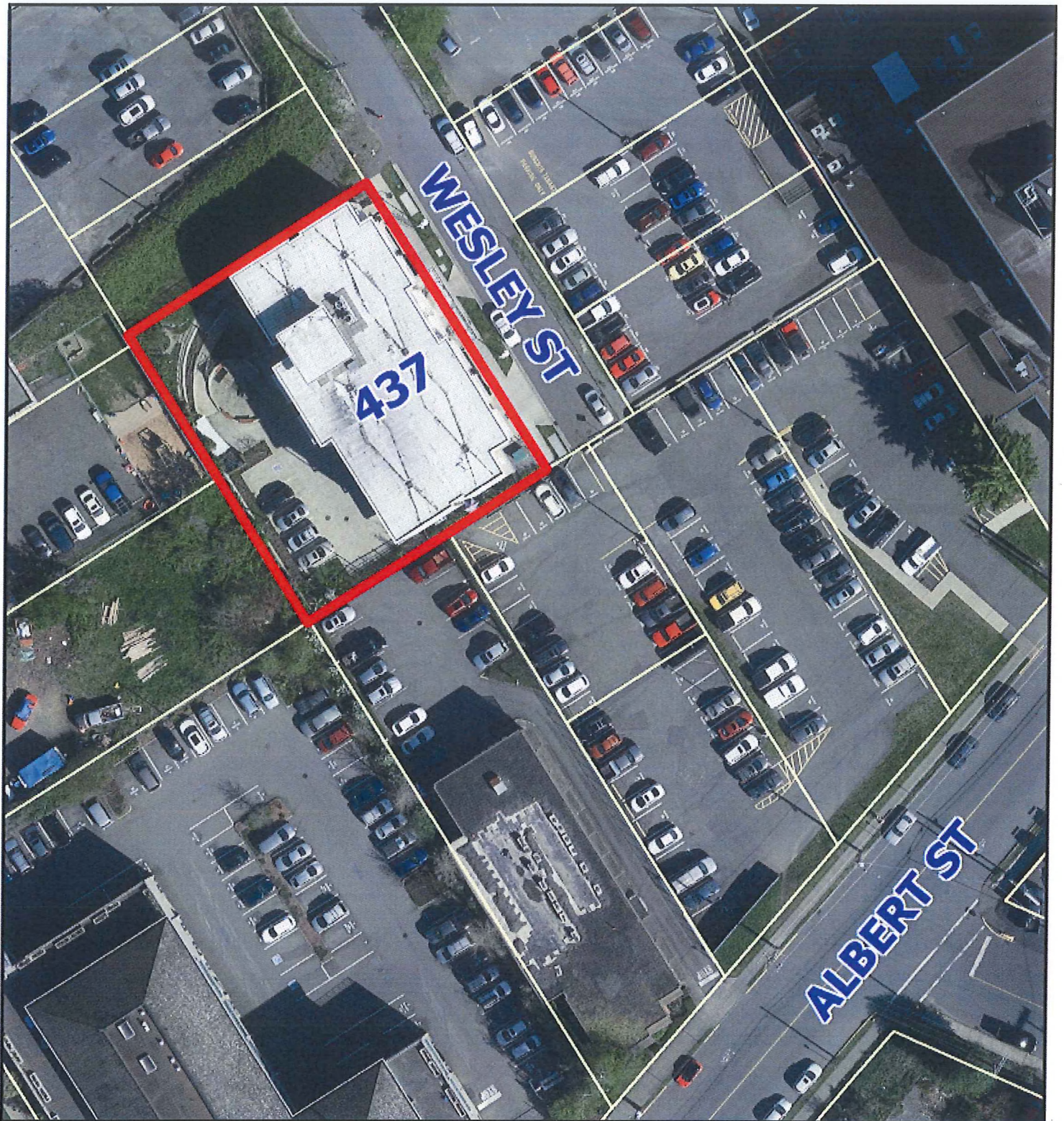
The applicant is seeking a zoning amendment of the subject property to allow for a “Supervised Consumption Service” (SCS) as a site specific permitted use at 437 Wesley Street. The site currently hosts a temporary “Overdose Prevention Service” (OPS) which was established arising from a Public Health Emergency declared by the BC Chief Medical Health Officer in April of 2016 and enabled by Ministerial Order M488, issued 2016-DEC-09. Both the OPS and the SCS are services that monitor persons who are risk of opioid overdose and provide rapid intervention as and when necessary.

The Federal government permits the establishment of Safe Consumption Services by offering an exemption to the *Controlled Drugs and Substances Act (CDSA)*. Vancouver Island Health Authority, operating as Island Health, is making application to the Federal Government for an exemption to the “CDSA S 52” so as to conform with the legal requirements for the provision of a permanent Supervised Consumption Service at the subject property. The application for an exemption will run parallel to the zoning amendment process for the subject property.

Similar sites are being established in other BC communities; the Nanaimo overdose prevention site and 18 sites in other communities around the province are one aspect of the provincial government’s response to the increasing number of fatalities associated with illicit substance mis-use in communities like Nanaimo. According to the BC Coroners Service between January 2016 and February 2017 there have been 36 fatalities associated with illicit drug overdoses in Nanaimo, a significant increase over previous years. This increase is in part due to the presence of Fentanyl and other opiate analogs that are becoming increasingly prevalent in heroin and other injectable drugs used by intravenous drug users.

The *Supervised Consumption Services* will be funded by Island Health and will be delivered at the site by Canadian Mental Health Association – Mid Island branch. The subject property is owned by the City of Nanaimo and leased to BC Housing, BC Housing owns the building and has entered into an operating agreement with CMHA – Mid Island to manage the 36 units of supported housing that constitute the primary use on the site. CMHA – Mid Island will enter into a contractual arrangement with Island Health to deliver the Supervised Consumption Service in a manner similar to the provision of Overdose Prevention Services currently offered at 437 Wesley Street.

ATTACHMENT C
AERIAL PHOTO



REZONING APPLICATION NO. RA000379



ATTACHMENT D

CITY OF NANAIMO

BYLAW NO. 4500.108

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2017 NO. 4500.108".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
 - (1) By adding the definition of "Supervised Consumption Service" in Part 5 – Definitions after the definition of "Subdivision Control Bylaw" as follows:

"means a health service provided for individuals to inject or otherwise consume illicit drugs within a supervised and controlled environment at a location specified in the terms and conditions of an exemption granted in accordance with the provisions of the Controlled Drugs and Substances Act".

- (2) By amending the table in subsection 11.2.4 by adding "437 Wesley Street" as a permitted location for the site specific use of "Supervised Consumption Service" as follows:

Supervised Consumption Service	437 Wesley Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP88017 EXCEPT PART IN PLAN EPP11593
--------------------------------	-------------------	--

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000379
Address: 437 Wesley Street

Schedule A



REZONING APPLICATION NO. RA000379

LOCATION PLAN



Civic: 437 Wesley Street
Lot 1, Section 1, Nanaimo District,
Plan VIP88017, Except Part in Plan EPP11593

 Subject Property

DATE OF MEETING April 24, 2017

AUTHORED BY DAVID STEWART, ENVIRONMENTAL PLANNER, ENGINEERING
AND ENVIRONMENT SECTION

SUBJECT SCHEDULE D – DENSITY BONUS REVIEW

OVERVIEW

Purpose of Report

To provide Council with information regarding the proposed revisions to Schedule D of the City of Nanaimo "Zoning Bylaw 2011 No. 4500".

Recommendation

1. That "Zoning Amendment Bylaw 2017 No. 4500.103" (To revise Schedule D - Amenity Requirements for Additional Density) pass first reading; and,
2. That "Zoning Amendment Bylaw 2017 No. 4500.103" pass second reading.

BACKGROUND

Schedule D of Zoning Bylaw 4500 was created to promote sustainable building practices by rewarding developers who meet or exceed the City's sustainable amenity criteria with additional density. The current schedule was adopted as part of Zoning Bylaw 4500 on 2011-AUG-08. In part, due to the density bonus schedule, the Zoning Bylaw was recognized with an Award of Excellence in Planning Practice (Cities) by the Planning Institute of British Columbia in 2012. To date, Schedule D has been used to award additional density for ten separate residential and mixed use developments.

The density bonus schedule currently contains seven different categories and two tiers. Each category contains a list of desirable amenity features, each with a weighted point value and a minimum amount of points needed to achieve the category. The existing categories are:

1. Site Selection and Connectivity
2. Retention of Natural Features
3. Parking and Pedestrian Connectivity
4. Building Materials
5. Energy Management
6. Water Management
7. Social Sustainability

Additional density is awarded within a number of residential and mixed use zones in two separate tiers. Staff has reviewed the existing Schedule and identified changes which are needed to ensure the amenities listed are both achievable and desirable. The amount of additional density awarded within the aforementioned zones will remain unchanged.

Currently, in order to achieve the second available density tier, an applicant needs to meet the minimum point values for all seven categories. Some of the categories are more easily achieved for certain development types and locations than others. It is difficult or impossible for some applicants to achieve Tier 2 despite exceeding the amenity requirements in other categories. For example, Category 7 is focused on rental, small unit or non-market housing and, as such, a market condominium or mixed use development would have difficulty meeting this category. In order to permit more flexibility within the existing program, Staff propose to revise the Schedule D requirements so that applicants will no longer need to meet minimum point totals in every category but instead must achieve an overall total of 60 points (as is currently required) using any of the categories.

Other proposed changes for Schedule D include:

- The addition of new amenities and the removal of other amenities
- The requirement of 8 to 10 points to achieve each category
- Providing double the amount of points needed to achieve a category within that category
- Reduction of the total available points from 138 to 125 points
- Rename Category 2 to Retention and Restoration of Natural Features
- Rename Category 3 to Parking and Sustainable Transportation
- Amend Category 7 to include Cultural and Social Sustainability. Points have been added for public art, heritage protection, children's play space, and community gardens

Category 5 (Energy Management) would remain largely unchanged and continue to reference the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard. However, it is proposed that the amenity requirement be changed to include the current standards in the BC Building Code and require new development to exceed those standards by at least five percent. It is also proposed that additional points be added to this category for a building which meets the Passive House Standard and for educational signage.

BC Hydro, in partnership with the Province of British Columbia, the Urban Development Institute and a number of lower mainland municipalities are currently working on developing a 'Step Code' to be used by BC municipalities for energy performance and modeling. The 'Step Code' is a provincially endorsed process that could be integrated into local government incentive programs such as density bonusing. Once the 'Step Code' is finalized, Staff anticipates further amending Category 5 to include additional amenity rewards for achieving 'Step Code' standards.

The proposed changes to the Schedule D requirements are intended to ensure the amenities are achievable, desirable and can be more easily secured. On 2016-JUN-23, the Design Advisory Panel (DAP), as well as a number of guest architects and developers, received a presentation regarding the proposed changes to Schedule D and voted to support the proposed amendments.

The Community Planning and Development Committee (CPDC) received a report and presentation regarding the proposed changes on 2016-NOV-15. The committee recommended that the points awarded for providing accessible residential units, Category 7 (B), be increased

from two to three, and that Category 3 (Parking and Sustainable Transportation) be amended to include plug-ins for electric bicycles. Staff has incorporated these changes in the proposed Schedule D amendments. The committee endorsed the changes to Schedule D as amended.

OPTIONS

1. That Council receive the report and give first and second reading to “Zoning Amendment Bylaw 2017 No. 4500.103.”
 - **Budget Implication:** Schedule D rewards developers with additional density in exchange for sustainable building and site design or providing desirable amenities at no cost to the City.
 - **Legal Implication:** Section 482 of the *Local Government Act* permits a local government to establish conditions within a zoning bylaw that will entitle an owner to higher density where conditions relating to the conservation or provision of amenities are met.
 - **Policy Implication:** Section 7.3 of the Official Community Plan (OCP) encourages the development of public amenities in conjunction with development. Section 3.2 (10) of the OCP encourages the development of affordable housing through density bonusing. Finally, Section 5.1 (3) of the OCP supports the creation of a sustainability “checklist” as part of the development permit process. Many items suggested to be included within the sustainability checklist are included as amenities within Schedule D.
 - **Engagement Implication:** A number of local industry professionals and developers were consulted regarding the proposed changes to Schedule D. The revised schedule was endorsed by DAP on 2016-JUN-23, and CPDC on 2016-NOV-15. A public hearing will be required following first and second reading of the Zoning Amendment Bylaw.
 - **Strategic Priorities Implication:** The categories and amenities included within Schedule D address the four pillars of sustainability within the City of Nanaimo Strategic Plan Update (2016-2019). The balance of amenities included, such as protection of natural features and water and energy management, reflect the objective of the City’s community value of environmental responsibility. Category 7 of the revised schedule has been updated to include cultural amenities while maintaining the social amenities currently included. By rewarding developers with additional density, the schedule also addresses the economic pillar included within the Strategic Plan.
2. That Council defer the proposed Zoning Bylaw amendment to Schedule D until the ‘Step Code’ has been adopted and incorporated into the proposed amendments.
 - **Budget Implication:** Schedule D rewards developers with additional density in exchange for sustainable building and site design or providing desirable amenities at no cost to the City.
 - **Legal Implication:** Section 482 of the *Local Government Act* permits a local government to establish conditions within a zoning bylaw that will entitle an owner to higher density where conditions relating to the conservation or provision of amenities are met.

- **Policy Implication:** Section 7.3 of the OCP encourages the development of public amenities in conjunction with development. Section 3.2 (10) of the OCP encourages the development of affordable housing through density bonusing. Finally, Section 5.1 (3) of the OCP supports the creation of a sustainability “checklist” as part of the development permit process. Many of the items suggested to be included within the sustainability checklist are included as amenities within Schedule D.
- **Engagement Implication:** A number of local industry professionals and developers were consulted regarding the proposed changes to Schedule D. The revised schedule was endorsed by DAP on 2016-JUN-23 and CPDC on 2016-NOV-13. Deferring the bylaw amendment could allow for more opportunities for public engagement should Council feel this is necessary.
- **Strategic Priorities Implication:** Deferring the bylaw amendment would allow Staff to more comprehensively address the energy management objectives of the City’s community value of environmental responsibility goals within the Strategic Plan but would delay the inclusion of other improvements to the schedule which are proposed within the amendment bylaw.

SUMMARY POINTS

- Schedule D is included within the City’s Zoning Bylaw in order to reward developers who meet or exceed the City’s sustainable amenity criteria with additional density.
- Proposed changes are intended to provide more flexibility in achieving the second density tier and ensure the amenities are achievable, desirable and can be more easily secured.
- DAP and CPDC recommended Council support the proposed revisions to Schedule D.


ATTACHMENTS

ATTACHMENT A - Schedule D (current version)

ATTACHMENT B - Schedule D (proposed version)

ATTACHMENT C - City of Nanaimo “Zoning Amendment Bylaw 2017 No. 4500.103”

Submitted by:



L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A

SCHEDULE D (Current Version)

Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in all of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

Category 1: Site selection and Connectivity (10 points required)	
Amenity	Points
The proposed development is located on a brownfield site.	7
The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	2
The proposed development is located within 200m of a park or trail network.	2
The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> • retail store; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; and / or • a CS-1 (Community Service One) zoned property. 	1 point each
The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art. 	1 point each, in addition to the above.
A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way. (RELOCATED TO CATEGORY 3)	2

Category 2: Retention of Natural Features (10 points required)	
Amenity	Points
The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	3
The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
The proposed development includes at least 50% retention of natural soils.	2
The proposed development includes 100% retention of natural soils.	An additional 2 points
The proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Tree Protection Bylaw.	2
After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	3
After re-planting the total amount of trees on the property, or adjacent road-right-of way or public space, post development is at least 20% more than the number of trees on the property before development.	4
Site disturbance is limited to all of the following parameters: <ul style="list-style-type: none"> • 12m beyond the building perimeter; • 3m beyond surface walkways, patios, surface parking and utilities less than 30cm in diameter; • 4.5m beyond primary roadway curbs and main utility branch trenches; and • 7.5m beyond constructed areas with permeable surfaces (such as pervious paving areas, storm water detention facilities and playing fields) that requires additional staging areas to limit compaction in the constructed area. 	5
Site disturbance is further limited to meet all of the following parameters: <ul style="list-style-type: none"> • 3m beyond the building perimeter; • 3m beyond surface walkways, patios, surface parking and utilities less than 30cm in diameter; • 3m beyond primary roadway curbs and main utility branch trenches; and • 3m beyond constructed areas with permeable surfaces (such as pervious paving areas, storm water detention facilities and playing fields) that requires additional staging areas to limit compaction in the constructed area. 	An additional 3 points

Category 3: Parking and Pedestrian Connectivity (6 points required)	
Amenity	Points
<p>Covered and secure bicycle storage is provide to accommodate the following number of spaces:</p> <ul style="list-style-type: none"> a) multiple family residential developments: 1 bicycle space per 2 dwelling units; and b) non-residential uses: 1 bicycle space per 250m² of Gross Floor Area for the first 5000m², plus one bicycle space per 500m² of additional Gross Floor Area. 	4
At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	2
The parking area within the proposed development includes at least one electric vehicle charging station.	<p>2</p> <p>+1 point for each additional electric vehicle charge station</p>
Where the proposed development includes a place of employment, up to 5% of the parking spaces required by the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" are designated as a carpool parking space and are not located more than 50m from a building entrance.	2
A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
<p>The proposed development includes covered and designated parking spaces for a motorized scooter to accommodate the following number of spaces:</p> <ul style="list-style-type: none"> c) multiple family residential developments: 1 motorized scooter space per 15 dwelling units; and a) non-residential uses: 1 motorized scooter space per 600m² of Gross Floor Area for the first 5000m² plus one space per 1500m² of additional Gross Floor Area. 	2

Category 4: Building Materials (6 points required)	
Amenity	Points
Wood is the primary building material.	2
The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 5%, of the total value of materials on the project.	3
At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC) Canada.	4
The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 205%, based on costs, of the total value of the materials in the project.	3
The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on site or comingled.	1
At least 75% of the materials used in construction are renewable resources.	2

Category 5: Energy Management (5 points required)	
Amenity	Points
<p>The project developer has provided all of the following:</p> <ul style="list-style-type: none"> a) the City with an energy model in compliance with the ASHRAE 140-2007 Standard for Energy Modeling, specifying carbon emissions per kilowatt hour and minimum ASHRAE 90.1 2007 Energy Standard; and b) letter from an electrical or mechanical engineer stating that the project has complied to the ASHRAE 90.1 2007 Energy Standard; and c) letter of credit for 1% of construction costs, prior to the issuance of a building permit, to be returned upon successful provision of all of the above to the satisfaction of the Manager of Building Inspections or designate. (UPDATED AS NOTED IN THE REPORT) 	5

Category 6: Water Management (10 points minimum)	
Amenity	Points
At least 75% (changed to 50%) of the property is covered with a permeable surface area which may include a green roof	3
The proposed buildings on the property include plumbing features which will use 35% less water than the maximum BC Building Code standard.	3
A green roof is installed to a minimum 30% of the roof area.	5 +1 point for each additional 10% of green roof coverage. +2 additional points if the green roof can be safely accessed by the building tenants.
A living wall is installed to cover at least 20% (changed to 10%) of the total available wall area for the proposed project.	3
A non-potable irrigation system is installed and used for all on-site irrigation.	5
The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2

Category 7: Social Sustainability (5 points minimum)	
Amenity	Points
At least 10% of the residential dwelling units within a building are no greater than 30m ² in area.	3
At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2006 (BCBC.)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	2
The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 25% of all residential units shall not be subdivided under the Strata Property Act or sold for at least ten years after the building receives final occupancy.	3
The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	5
The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 30m ² in area.	5
The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of all rental units are rented at a rate of at least 10% less than the most recently published Canadian Mortgage and Housing Corporation 'average rents in privately initiated rental apartment structures of three units and over' by unit type for a period for at least five years.	3
The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of all rental units are rented at a rate of at least 20% less than the most recently published Canadian Mortgage and Housing Corporation 'average rents in privately initiated rental apartment structures of three units and over' by unit type for a period for at least five years.	5
The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the Strata Property Act or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2

Definitions

~~**ASHRAE 90.1 2007 Energy Standard:** means the energy standard for buildings except low rise residential buildings, created and standardized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), to provide minimum requirements for energy efficient design of buildings.~~ (UPDATED TO CURRENT STANDARD)

~~**ASHRAE 14 2007 Standard for Energy Modeling:** means the Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs, created and standardized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).~~

Brownfield Site: means a previously commercial or industrial property which is an abandoned, idled, or underused due where expansion or redevelopment is complicated by environmental contamination.

~~**Carpool Parking Space:** means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.~~

Electric Vehicle Charging Station: means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Non-potable Irrigation System: means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

Pedestrian Network: means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

Permeable Surface Area: means any surface consisting of a material that can provide for storm water infiltration.

ATTACHMENT B

SCHEDULE D (Proposed Version)

Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 60 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> • retail store; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; and / or • a CS-1 (Community Service One) zoned property. 	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art. 	1 point each
Total		20

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

Amenity		Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	Long term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable.	3
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	The parking area within the proposed development includes at least one electric vehicle charging station.	1
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	The proposed development includes covered and designated parking spaces for a motorized scooter or motorcycle to accommodate the following number of spaces: a) multiple family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and a) non-residential uses: 1 motorized scooter or motorcycle space per 600m ² of Gross Floor Area for the first 5000m ² plus one space per 1500m ² of additional Gross Floor Area.	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way. (MOVED FROM CATEGORY 1)	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC) Canada.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

Category 5: Energy Management (6 points required)

Amenity		Points
A	The project developer has provided all of the following: a) letter from an mechanical engineer or equivalent consultant stating that the project exceeds the ASHRAE 90.1 2010 Energy Standard by 5% or more; and b) letter of credit for 1% of construction costs, prior to the issuance of a building permit, to be returned upon successful provision of all of the above to the satisfaction of the Manager of Building Inspections or designate.	5
B	The proposed developed is certified as a Passive House by the Passive House Institute and meets the following standards: <ul style="list-style-type: none"> yearly heating demand ≤ 15 kWh or peak heat demand ≤ 10 W/m² yearly cooling demand ≤ 15 kWh building air tightness ≤ 0.6 ACH @50 excess temp frequency $\leq 10\%$ primary energy demand ≤ 120 kWh 	10
B	The development includes permanent education signage or display(s) regarding sustainable energy management practices used on site.	1
Total		16

Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16

Category 7: Social and Cultural Sustainability (10 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m ² in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	2
C	The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	3
D	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 29m ² in area.	4
E	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		20

124 points total

Definitions

ASHRAE 90.1 2010 Energy Standard: means the energy standard for buildings except low rise residential buildings, created and standardized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), to provide minimum requirements for energy-efficient design of buildings. (UPDATED THE STANDARD)

Brownfield Site: means a previously commercial or industrial property which is an abandoned, idled, or underused where expansion or redevelopment is complicated by environmental contamination.

Electric Vehicle Charging Station: means a public or private parking space that is served by battery charging station equipment that has as its primary purpose, the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Non-potable Irrigation System: means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

Pedestrian Network: means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

Permeable Surface Area: means any surface consisting of a material that can provide for storm water infiltration.

ATTACHEMENT C

CITY OF NANAIMO

BYLAW NO. 4500.103

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 2016 NO. 4500.103".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By deleting "Schedule D - Amenity Requirements for Additional Density" and replacing it with the Schedule '1' attached to this Bylaw.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: ZA1-23
Address: N/A

Schedule D

Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 60 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> • retail store; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; and / or • a CS-1 (Community Service One) zoned property. 	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art. 	1 point each
Total		20

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

Amenity		Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	Long term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable.	3
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	The parking area within the proposed development includes at least one electric vehicle charging station.	1
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	<p>The proposed development includes covered and designated parking spaces for a motorized scooter or plug-in for an electronic bicycle or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces:</p> <ul style="list-style-type: none"> a) multiple family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and b) non-residential uses: 1 motorized scooter or motorcycle space per 600m² of Gross Floor Area for the first 5000m² plus one space per 1500m² of additional Gross Floor Area.; and a) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle. 	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC) Canada.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

Category 5: Energy Management (6 points required)

Amenity		Points
A	The project developer has provided all of the following: a) letter from an mechanical engineer or equivalent consultant stating that the project exceeds the ASHRAE 90.1 2010 Energy Standard by 5% or more; and b) letter of credit for 1% of construction costs, prior to the issuance of a building permit, to be returned upon successful provision of all of the above to the satisfaction of the Manager of Building Inspections or designate.	5
B	The proposed developed is certified as a PassiveHouse by the Passive House Institute and meets the following standards: <ul style="list-style-type: none"> yearly heating demand ≤ 15 kWh or peak heat demand ≤ 10 W/m² yearly cooling demand ≤ 15 kWh building air tightness ≤ 0.6 ACH @50 excess temp frequency $\leq 10\%$ primary energy demand ≤ 120 kWh 	10
B	The development includes permanent education signage or display(s) regarding sustainable energy management practices used on site.	1
Total		16

Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16

Category 7: Social and Cultural Sustainability (10 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m ² in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	3
C	The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	3
D	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 29m ² in area.	4
E	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		21

125 points total

Definitions

ASHRAE 90.1 2010 Energy Standard: means the energy standard for buildings except low rise residential buildings, created and standardized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), to provide minimum requirements for energy-efficient design of buildings.

Brownfield Site: means a previously commercial or industrial property which is an abandoned, idled, or underused where expansion or redevelopment is complicated by environmental contamination.

Carpool Parking Space: means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

Electric Vehicle Charging Station: means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Non-potable Irrigation System: means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

Pedestrian Network: means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

Permeable Surface Area: means any surface consisting of a material that can provide for storm water infiltration.

CITY OF NANAIMO

BYLAW NO. 4500.103

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 2017 NO. 4500.103".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By deleting "Schedule D - Amenity Requirements for Additional Density" and replacing it with the Schedule '1' attached to this Bylaw.

PASSED FIRST READING: 2017-APR-24

PASSED SECOND READING: 2017-APR-24

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: ZA1-23

Address: N/A

Schedule D

Amenity Requirements for Additional Density

In order for a development to include the additional Tier 1 density provided for within this Bylaw, the proposed development must achieve sufficient minimum points required in at least three of the categories set out in the following table which allocates points for amenities, affordable housing and the location of the development.

In order for a development to include the additional Tier 2 density provided for within this Bylaw, the proposed development must achieve at total of 60 or more points set out in the following table which allocates points for amenities, affordable housing and the location of the development.

Category 1: Site Selection (10 points required)

Amenity		Points
A	The proposed development is located on a brownfield site.	5
B	The proposed development is located on an existing street where the location does not require any new infrastructure such as storms drains, curbs or sidewalks.	3
C	The proposed development is located within 200m of a park or trail network.	1
D	The proposed development is located within 400m of any of the following: <ul style="list-style-type: none"> • retail store; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; and / or • a CS-1 (Community Service One) zoned property. 	1 point each
E	The proposed development will add any of the following amenities on the site, or immediately adjacent to the site, as part of the proposed development: <ul style="list-style-type: none"> • retail store or public market; • daycare facility; • Nanaimo Regional District transit bus stop; • any PRC (Parks, Recreation and Culture) Zoned property; • a CS-1 (Community Service One) zoned property; and / or • public art. 	1 point each
Total		20

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

Amenity		Points
A	The proposed development includes an Environmentally Sensitive Area (ESA), as identified on Map 2 of the City's Official Community Plan and includes at least a 15m natural area buffer around the ESA.	2
B	The property includes the retention of natural vegetation, trees, shrubs, and under storey for a contiguous area that is equal to or greater than 15% of the property area, exclusive of the required watercourse leavestrip or environmentally sensitive area buffer.	3
C	The proposed development includes at least 50% retention of natural soils.	1
D	The subject property includes at least one significant tree and the proposed development will not result in the loss of any trees included on the list of significant trees within the City of Nanaimo's Management and Protection of Trees Bylaw.	2
E	The proposed development includes street trees.	1
F	After re-planting, the proposed development does not result in a net loss of trees with a caliper greater than 6cm.	1
G	Post development, the total amount of trees on the property, or adjacent road right-of-way or public space is at least 20% more than the number of trees on the property before development.	2
H	Restore a minimum of 50% of the site area (excluding the building footprint) by maintaining pervious surfaces.	3
I	The development includes permanent educational signage or display(s) regarding the protected or planted plants, trees, animal habitat or other natural features on the site.	1
Total		16

Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	Long term protected bicycle storage is provided and shower and change room facilities are provided to accommodate building employees where applicable.	3
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	The parking area within the proposed development includes at least one electric vehicle charging station.	1
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	<p>The proposed development includes covered and designated parking spaces for a motorized scooter or plug-in for an electronic bicycle or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces:</p> <ul style="list-style-type: none"> a) multiple family residential developments: 1 motorized scooter or motorcycle space per 15 dwelling units; and b) non-residential uses: 1 motorized scooter or motorcycle space per 600m² of Gross Floor Area for the first 5000m² plus one space per 1500m² of additional Gross Floor Area.; and a) a minimum of one electronic plug-in is provided to accommodate at least one electric scooter or electronic bicycle. 	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City's Development Parking Regulations Bylaw.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

Category 4: Building Materials (8 points required)

Amenity		Points
A	Wood is the primary building material.	1
B	The proposed development uses salvaged, refurbished or reused materials; the sum of which constitutes at least 10% of the total value of materials on the project.	2
C	At least 50% of all wood products used in construction are certified by the Forest Stewardship Council (FSC) Canada.	3
D	The proposed development uses materials with recycled content such that the sum of the postconsumer recycled material constitutes at least 25%, based on costs, of the total value of the materials in the project.	2
E	The project developer has submitted a construction and waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted onsite or comingled.	2
F	At least 75% of the materials used in construction are renewable resources.	2
G	The property includes an existing building and at least 75% of existing building structure or shell is retained.	3
H	The development includes permanent educational signage or display(s) regarding the sustainable use of building materials used during construction of the project.	1
Total		16

Category 5: Energy Management (6 points required)

Amenity		Points
A	The project developer has provided all of the following: a) letter from an mechanical engineer or equivalent consultant stating that the project exceeds the ASHRAE 90.1 2010 Energy Standard by 5% or more; and b) letter of credit for 1% of construction costs, prior to the issuance of a building permit, to be returned upon successful provision of all of the above to the satisfaction of the Manager of Building Inspections or designate.	5
B	The proposed developed is certified as a PassiveHouse by the Passive House Institute and meets the following standards: <ul style="list-style-type: none"> yearly heating demand ≤ 15 kWh or peak heat demand ≤ 10 W/m² yearly cooling demand ≤ 15 kWh building air tightness ≤ 0.6 ACH @50 excess temp frequency $\leq 10\%$ primary energy demand ≤ 120 kWh 	10
B	The development includes permanent education signage or display(s) regarding sustainable energy management practices used on site.	1
Total		16

Category 6: Water Management (8 points required)

Amenity		Points
A	At least 50% of the property is covered with a permeable surface area which may include a green roof.	2
B	The proposed buildings on the property include plumbing features which will use 35% less water than the BC Building Code standard.	2
C	A green roof is installed to a minimum 30% of the roof area.	3
D	A living wall is installed to cover at least 10% of the total available wall area for the proposed project.	2
E	A non-potable irrigation system is installed and used for all on-site irrigation.	3
F	A water efficient irrigation system (such as drip) is installed.	1
G	The proposed development includes a rain garden, cistern, bioswale or storm water retention pond on the property.	2
H	The development site includes permanent educational signage or a display(s) regarding sustainable water management practices used on site.	1
Total		16

Category 7: Social and Cultural Sustainability (10 points required)

Amenity		Points
A	At least 10% of the residential dwelling units within a building are no greater than 29m ² in area.	1
B	At least 10% of the residential dwelling units meet all the accessibility requirements within the <i>British Columbia Building Code 2012 (BCBC)</i> or any subsequent Act or Acts which may be enacted in substitution therefore.	3
C	The developer agrees to enter into a Housing Agreement with the City of Nanaimo to ensure that at least 50% of all residential units shall not be stratified or sold independently for at least ten years after the building receives final occupancy.	3
D	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that at least 10% of residential units sold will be sold for at least 20% less than the medium sell price for condos (apartment), as provided by the Vancouver Island Real Estate Board for the current year, and cannot be sold for greater than the original sale price for a period of ten years. The Gross Floor Area of the units provided for within the Housing Agreement must be greater than 29m ² in area.	4
E	The developer enters into a Housing Agreement with the City of Nanaimo to ensure that where the residential units are subdivided under the <i>Strata Property Act</i> or otherwise sold separately, the strata corporation will not place restrictions which prevent the rental of individual residential units.	2
F	A permanent public art feature is included on the site in accordance with the City's Community Plan for Public Art.	2
G	A children's play area is provided.	1
H	A dedicated garden space is provided to building residents and/or members of the community in which users are given the opportunity to garden.	1
I	The development site includes permanent heritage interpretive signage or heritage building elements where relevant.	1
J	The development protects and rehabilitates heritage buildings or structures, archaeological resources and cultural landscapes considered to have historical value by the City.	3
Total		21

125 points total

Definitions

ASHRAE 90.1 2010 Energy Standard: means the energy standard for buildings except low rise residential buildings, created and standardized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), to provide minimum requirements for energy-efficient design of buildings.

Brownfield Site: means a previously commercial or industrial property which is an abandoned, idled, or underused where expansion or redevelopment is complicated by environmental contamination.

Carpool Parking Space: means a parking space clearly marked and designated for the exclusive use of a vehicle used to carry two or more people commuting to the same location.

Electric Vehicle Charging Station: means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Non-potable Irrigation System: means a system used for providing water to plants which uses water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

Pedestrian Network: means a pedestrian trail or series of pedestrian trails that connect a developed property with an adjacent property.

Permeable Surface Area: means any surface consisting of a material that can provide for storm water infiltration.

CITY OF NANAIMO

BYLAW NO. 6500.034

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 "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2017 NO. 6500.034".
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 2017-APR-03
PASSED SECOND READING 2017-APR-03
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: OCP00082
Address: 2020 Estevan

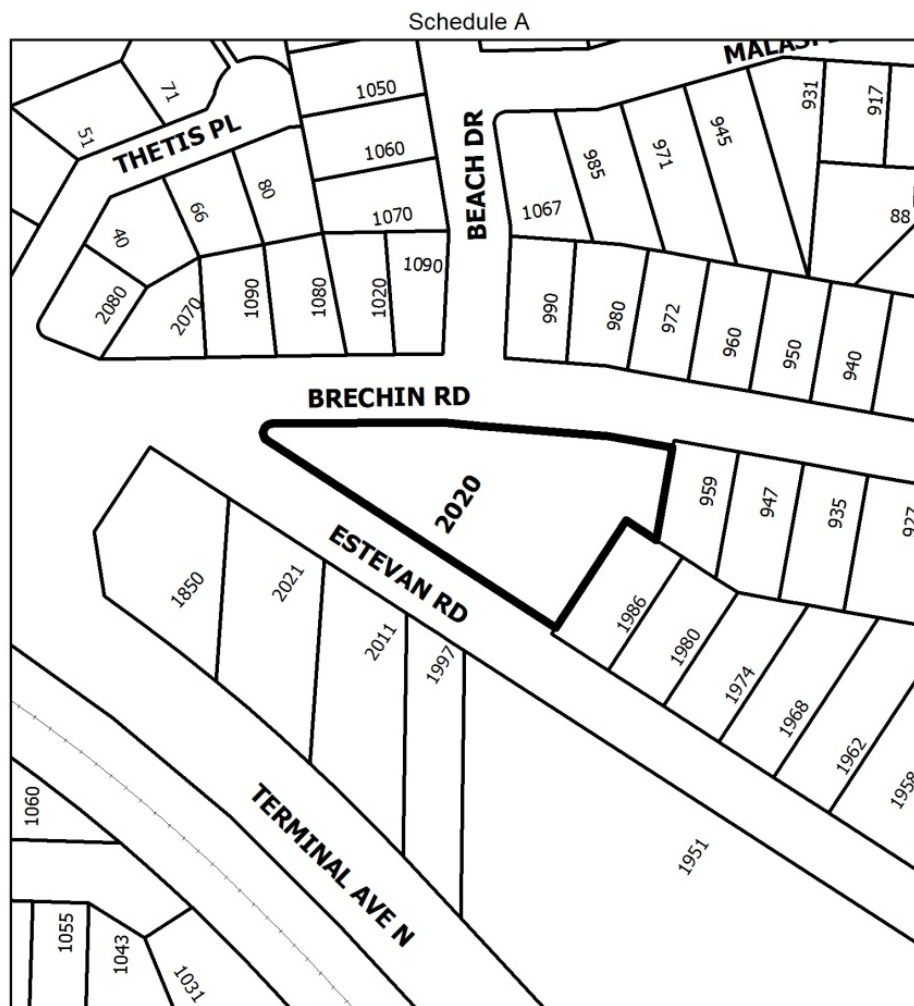
SCHEDULE A

1. Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” is amended as follows:

a) Redesignate the subject area known as LOT A SECTION 1 NANAIMO DISTRICT PLAN EPP35387 (2020 Estevan Road) from ‘Neighbourhood’ to ‘Corridor’.

2. Map 1 (Neighbourhood Land Use) of “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO 6500 SCHEDULE I” is amended as follows:

a) Redesignate the subject area known as LOT A SECTION 1 NANAIMO DISTRICT PLAN EPP35387 (2020 Estevan Road) from ‘Neighbourhood’ to ‘Mixed Use Corridor’.





OFFICIAL COMMUNITY PLAN NO. OCP00082
REZONING APPLICATION NO. RA000371



LOCATION PLAN

Civic: 2020 Estevan Road
Lot A, Section 1, Nanaimo District,
Plan EPP35387

-  Redesignate from
Neighbourhood
to Corridor
-  Rezone from
CS1 to COR2

CITY OF NANAIMO

BYLAW NO. 4500.106

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2017 NO. 4500.106".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described LOT A SECTION 1 NANAIMO DISTRICT PLAN EPP35387 (2020 Estevan Road) Community Service One (CS1) to Mixed-Use Corridor (COR2) as shown on Schedule A.

PASSED FIRST READING 2017-APR-03

PASSED SECOND READING 2017-APR-03

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000371
Address: 2020 Estevan

Schedule A



REZONING APPLICATION NO. RA000371

LOCATION PLAN

Civic: 2020 Estevan Road
Lot A, Section 1, Nanaimo District,
Plan EPP35387



**Rezone from
CS1 to COR2**

CITY OF NANAIMO

BYLAW NO. 4500.108

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2017 NO. 4500.108".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
 - (1) By adding the definition of "Supervised Consumption Service" in Part 5 – Definitions after the definition of "Subdivision Control Bylaw" as follows:

"means a health service provided for individuals to inject or otherwise consume illicit drugs within a supervised and controlled environment at a location specified in the terms and conditions of an exemption granted in accordance with the provisions of the Controlled Drugs and Substances Act".

- (2) By amending the table in subsection 11.2.4 by adding "437 Wesley Street" as a permitted location for the site specific use of "Supervised Consumption Service" as follows:

Supervised Consumption Service	437 Wesley Street	LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP88017 EXCEPT PART IN PLAN EPP11593
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PASSED FIRST READING: 2017-MAY-15

PASSED SECOND READING: 2017-MAY-15

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000379
Address: 437 Wesley Street



REZONING APPLICATION NO. RA000379

LOCATION PLAN



Civic: 437 Wesley Street
Lot 1, Section 1, Nanaimo District,
Plan VIP88017, Except Part in Plan EPP11593

 Subject Property

CITY OF NANAIMO

BYLAW NO. 7239

A BYLAW TO PROVIDE FOR HIGHWAY CLOSURE AND DEDICATION REMOVAL

WHEREAS Council has deemed it expedient to stop up and close to traffic and remove highway dedication of a portion Cliff Street adjacent to 194 Cliff Street for the purpose of disposing of the land to the adjacent landowner for consolidation with the adjacent landowner's lands; and

WHEREAS all lands and premises immediately adjoining, and in the vicinity of the portion of highway that is stopped up and closed are adequately serviced by well-established highways giving convenient access to all such premises; and

WHEREAS pursuant to Sections 40(3) and (4) and Section 94 of the *Community Charter* the City of Nanaimo has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

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

1. This Bylaw may be cited for all purposes as "HIGHWAY CLOSURE AND DEDICATION REMOVAL (A PORTION OF CLIFF STREET ADJACENT TO 194 CLIFF STREET) BYLAW 2017 NO. 7239 "
2. That portion Cliff Street adjacent to 194 Cliff Street comprising 95.5 m², more or less shown as "Closed Road" on plan EPP71398 prepared by Douglas Holme, B.C.L.S., a reduced copy of which is attached as Schedule A hereto, is hereby closed to all traffic.
3. The highway dedication of that portion Cliff Street adjacent to 194 Cliff Street referred to in Section 2 is hereby removed.
4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

PASSED FIRST READING 2017-APR-24
PASSED SECOND READING 2017-APR-24

Notice of intention to proceed with this bylaw was published on the 4th day of May, 2017 and the 11th day of May, 2017 in the Nanaimo News Bulletin newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

PASSED THIRD _____
APPROVED BY MINISTRY OF TRANSPORTATION _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

