

AGENDA

AGENDA FOR THE SPECIAL MEETING OF
THE COUNCIL OF THE CITY OF NANAIMO,
TO BE HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON THURSDAY, 2016-JUN-02 COMMENCING AT 7:00 P.M.

CHAIR: MAYOR MCKAY

1. **CALL TO ORDER THE SPECIAL MEETING OF COUNCIL:**
2. **ADOPTION OF AGENDA:**
3. **CALL TO ORDER THE PUBLIC HEARING:**
4. **PUBLIC HEARING AGENDA:**

Mr. Bruce Anderson, Manager, Planning & Design Section 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 Application No. CA000004 – 1406 Bowen Road - to be introduced by Ms. Karin Kronstal, Planner, Planning & Design Section. Pg. 3-14

The covenant amendment, if approved, will remove the covenant (CA2050042) registered on title of the municipally-owned property located at 1406 Bowen Road in order to facilitate the disposition of this property to the Nanaimo Aboriginal Centre for the purpose of constructing affordable housing.

- (b) Bylaw No. 4500.094 – RA000346 – 3801 & 3789 Shenton Road – to be introduced by Mr. Dave Stewart, Planner, Planning & Design Section. Pg. 15-23

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use multiple family/office development.

- (c) Bylaw No. 4500.098 – RA000365 – 1515 Dufferin Crescent / 69 Lorne Place – to be introduced by Mr. Dave Stewart, Planner, Planning & Design Section. Pg. 24-37

This bylaw, if adopted, will rezone a portion of the subject properties from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5) and a separate portion from Hospital Urban Centre (CC5) to Parks, Recreation and Culture Two (PRC2) in order to facilitate a land exchange and construct a parking garage.

5. **ADJOURNMENT OF THE PUBLIC HEARING:**

6. **BYLAWS:**

- (a) That "COVENANT AMENDMENT APPLICATION" (CA004) - to remove Covenant CA2050042 currently registered on title for 1406 Bowen Road be approved. *Pg. 7-13*
- (b) That "ZONING AMENDMENT BYLAW 2015 NO. 4500.094" (RA346) - to amend "ZONING BYLAW 2011 NO. 4500," by rezoning the subject property from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development pass Third Reading. *Pg. 22-23*
- (c) That "ZONING AMENDMENT BYLAW 2015 NO. 4500.098" (RA365) - to amend "ZONING BYLAW 2011 NO. 4500," by rezoning a portion of the subject properties from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5) and a separate portion from Hospital Urban Centre (CC5) to Parks, Recreation and Culture Two (PRC2) in order to facilitate a land exchange and construct a parking garage pass Third Reading. *Pg. 36-37*

7. **PUBLIC MEETING:**

- (a) Liquor License Application No. 120 (LA120)- 1890 Boxwood Road – to be introduced by Mr. Dave Stewart, Planner, Planning & Design. *Pg. 38-46*

Application to permit a 30 person manufacturer's lounge within the existing Arbutus Distillery building located at 1890 Boxwood Road

8. **ADJOURNMENT OF THE SPECIAL COUNCIL MEETING**

NOTICE OF PUBLIC HEARING

June 2nd 2016 at 7:00 pm



There will be a Public Hearing on Thursday, June 2nd 2016, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider the adoption of a resolution to remove the existing Section 219 Covenant on 1406 Bowen Road.

All persons who believe their interest in property is affected by the proposed covenant amendment will be given the opportunity to be heard in person, by a representative, or by written submission, at the Public Hearing.

COVENANT AMENDMENT APPLICATION – CA000004

Purpose: To remove Covenant CA2050042 currently registered on title for 1406 Bowen Road.

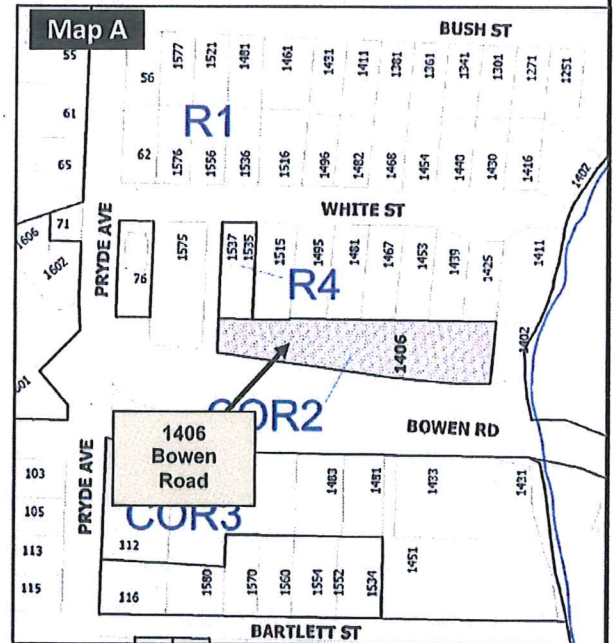
Location(s): 1406 Bowen Road, as shown on Map A

File No.: Covenant Amendment Application – CA000004



This covenant amendment application, if approved, will remove the Section 219 Covenant registered on the title of the subject property (Covenant CA2050042) that permits the development of 36 supportive housing units.

The subject property is legally described as LOT A, SUBURBAN LOTS 8, 9 AND 10, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN EPP7820, EXCEPT PART IN PLAN EPP 8336 AND EPP7821.



WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 20th 2016 to June 2nd 2016, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Access the covenant amendment application information on the City's webpage:

What's Building In My Neighbourhood?
www.nanaimo.ca/whatsbuilding

QR CODE: Use this QR code on your mobile device to go directly to the online information.

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

City of Nanaimo
Community Development Department
Service and Resource Centre
411 Dunsmuir Street
Phone: (250) 755-4429 Fax: (250) 755-4439
www.nanaimo.ca

WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, June 2nd 2016, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

IN PERSON: Drop off at the Service and Resource Centre, located at 411 Dunsmuir Street

EMAIL: Email should be sent to public.hearing@nanaimo.ca

WEBSITE: Submit comments directly through the City's website at www.nanaimo.ca/publichearing

MAIL: City of Nanaimo, Community Development Department, 455 Wallace Street, Nanaimo, BC, V9R 5J6

If you would like more information about Public Hearings please go to the City website at www.nanaimo.ca and use the search function to find the '**Public Hearing Information Sheet**', which contains many frequently asked questions.

This Notice is published in accordance with Section 892 of the Local Government Act. Notice given by the Corporate Officer.

DATE OF MEETING May 16, 2016

AUTHORED BY KARIN KRONSTAL, PLANNER, PLANNING AND DESIGN

SUBJECT COVENANT AMENDMENT APPLICATION NO. CA04 – 1406 BOWEN ROAD

OVERVIEW

Purpose of Report

To present Council with an application to remove the covenant on title of the municipally-owned property located at 1406 Bowen Road in order to facilitate the disposition of this property to the Nanaimo Aboriginal Centre for the purpose of constructing affordable housing.

Recommendation

That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA04 at 1406 Bowen Road.

BACKGROUND

1406 Bowen Road was originally identified in a 2008 Memorandum of Understanding (MOU) with the Province of British Columbia (BC) as a potential site for the development of a 36-unit supportive housing project. As the site was zoned for single-family development, the City of Nanaimo initiated an application to rezone the property to allow the supportive housing project.

On 2011-MAY-30, Council adopted Bylaw No. 4000.506 associated with Rezoning Application No. RA270 to rezone 1406 Bowen Road from Single Family Residential Zone (RS-1) to Corridor Zone (C-31). The conditions of approval required that a Section 219 covenant be registered on title to limit the number of supportive housing units to a maximum of 36. This covenant (CA2050042) was registered on 2011-JUN-16.

As part of the rezoning discussion on 2011-MAY-30, Council also passed a motion to delay the provision for supportive housing at 1406 Bowen Road until all other sites subject to the MOU are complete and in operation, and only if necessary, to address homelessness in Nanaimo. Consequently, the City prioritized other supportive housing projects and the subject property remained undeveloped.

On 2015-FEB-02, Council passed a motion directing Staff to prepare a feasibility report exploring options for a partnership with the Nanaimo Aboriginal Centre (NAC) to develop 1406 Bowen Road as an affordable rental facility addressing the needs of urban aboriginals living off reserve in Nanaimo. On 2015-JUN-22, Council passed a motion to make 1406 Bowen Road available for this type of affordable housing and to seek the necessary financial support from BC Housing.

On 2016-APR-04, Council directed Staff to prepare an Offer to Purchase with NAC for the disposition of the subject property for the purpose of constructing affordable housing. As NAC does not intend to use the site for supportive housing, one of the conditions of the land purchase is the removal of the Section 219 covenant from the title.

DISCUSSION

The purpose of registering a covenant on the subject property title was to define the terms and conditions of a supportive housing development, and to limit the number of units. Supportive housing is distinct from affordable housing as it is designated for occupation by persons who were previously homeless; persons who are at risk of homelessness; and persons affected by mental illness, or persons who have or are recovering from drug or alcohol addictions.

This covenant is not relevant to the proposed development of the site as a 25-unit multi-family townhouse offering affordable housing for urban aboriginals and their families. This type of development is considered a multiple family dwelling use and is permitted under the existing zoning of Mixed-Use Corridor (COR2).

The City's policy requires that applications to amend covenant conditions, secured through rezoning, follow the same public process as a rezoning application. Staff requests Council direction to proceed with public notification and a Public Hearing for this application.

SUMMARY POINTS

- The covenant that is currently registered on the subject property was in response to a rezoning application for a supportive housing project that was not developed.
- As NAC proposes to use the site for a multi-family development that does not include supportive housing units, the covenant is no longer required.
- The removal of the covenant is a condition of the land purchase agreement between the City of Nanaimo and the Nanaimo Aboriginal Centre.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Registered Covenant (CA2050042)


ATTACHMENT C: Aerial Photo

Submitted by:

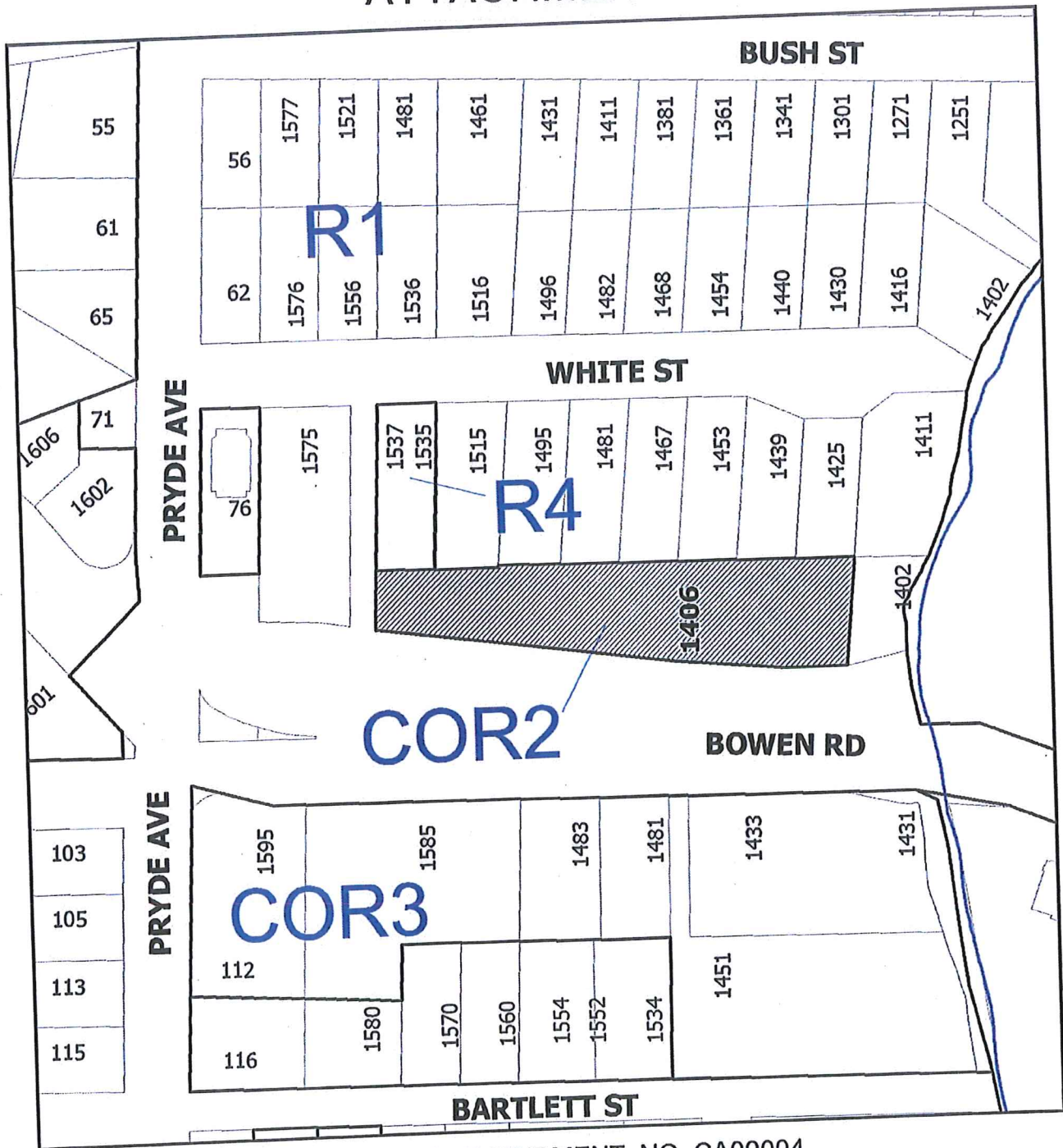


B. Anderson
Manager, Planning and Design

Concurrence by:


D. Lindsay
Director, Community Development

ATTACHMENT A



COVENANT AMENDMENT NO. CA00004

LOCATION PLAN

 **Subject Property**



Civic: 1406 Bowen Road
 Lot A, Suburban Lots 8, 9 and 10, Newcastle Townsite,
 Section 1, Nanaimo District, Plan EPP7820, Except
 Parts in Plans EPP8336 and EPP7821

FORM C_V17 (Charge)

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Jun-09-2011 15:24:36.001

CA2050042

PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Michael John
Hargraves
LRN2WN

c=CA, cn=Michael John
Hargraves LRN2WN,
o=Lawyer, ou=Verify ID at
www.juricert.com/
LKUP.cfm?id=LRN2WN

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

STAPLES McDANNOLD STEWART

Barristers & Solicitors

2nd Floor, 837 Burdett Avenue

Victoria

BC V8W 1B3

Tel: (250) 380-7744

Fax: (250) 380-3008

File: 194 1202/MH/ca Client: RA270

Document Fees: \$71.90

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

028-341-198

LOT A, SUBURBAN LOTS 8, 9 AND 10, NEWCASTLE TOWNSITE, SECTION 1,
NANAIMO DISTRICT, PLAN EPP7820, EXCEPT PART IN PLAN EPP8336 AND
EPP7821

STC? YES ☐

3. NATURE OF INTEREST

Covenant

CHARGE NO.

ADDITIONAL INFORMATION

Entire Document

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

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

CITY OF NANAIMO

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

CITY OF NANAIMO

455 WALLACE STREET

NANAIMO

V9R 5J6

BRITISH COLUMBIA

CANADA

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)

Nelda Louanne Richardson
Commissioner for taking
Affidavits for British Columbia
455 Wallace Street
Nanaimo, BC V9R 5J6

(as to both signatures)

Execution Date		
Y	M	D
11	05	19

Transferor(s) Signature(s)

CITY OF NANAIMO by its
authorized signatories

Ted Swabey, General Manager,
Community Safety and Dev.

Joan Harrison,
Manager, Legislative Services

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.

FORM D_V17

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 OF 7 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

 Nelda Louanne Richardson
 Commissioner for taking
 Affidavits for British Columbia
 455 Wallace Street
 Nanaimo, BC V9R 5J6

Y	M	D
11	05	19

 CITY OF NANAIMO by its authorized
 signatories

 Ted Swabey, General Manager,
 Community Safety and Development

(as to both signatures)

 Joan Harrison,
 Manager, Legislative Services

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 Transferor is the registered owner in fee-simple of those lands and premises located within the City of Nanaimo, in the Province of British Columbia, more particularly described as:

PID: 028-341-198
Lot A, Suburban Lots 8, 9 & 10, Newcastle Townsite, Section 1,
Nanaimo District, Plan EPP7820, except part in Plan EPP8336 and EPP7821
(the "Lands")

- B. The Transferee is the City of Nanaimo;
- C. The Transferor acknowledges that it is in the public interest that the development and use of the Lands be limited and wishes to grant this covenant to the Transferee;
- D. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of:
- the use of land or the use of a building on or to be erected on land;
 - that land is to be built on in accordance with the covenant;
 - that land is not to be built on or subdivided except in accordance with the covenant;
 - that land is not to be used, built on or subdivided;
 - that separate parcels of land are not to be sold or transferred separately;
 - that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state;

may be granted in favour of the municipality and may be registered as a charge against the title to that land.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Transferor by the Transferee (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

Definitions

1. In this Agreement, unless otherwise defined words have the same meanings as in the Zoning Bylaw, and the following words have the following meanings:

194 1202/Rezoning Covenant v2/Apr 21-11/MH-ca

"Agreement" means this Section 219 Covenant Agreement, including its recitals;

"Council" means the municipal council of the City of Nanaimo;

"Housing Unit" means residential sleeping accommodation where the resident:

- (i) controls access to the room or rooms the resident or resident's family sleeps in;
- (ii) has access to private or shared bathroom facilities; and
- (iii) has access to private or shared cooking facilities;

"On-Site Support Services" means support services physically offered on the Lands, including but not limited to the following:

- (i) health and mental health services;
- (ii) health and community support referrals;
- (iii) addiction services;
- (iv) employment and education services;
- (v) job and life skills training;
- (vi) assistance with meal preparation and housekeeping; or
- (vii) counselling and outreach services;

"Supportive Housing Unit" means a Housing Unit with On-Site Support Services available to residents of the Housing Unit, that is designated for occupation by:

- (i) persons who were previously homeless;
- (ii) persons who are at risk of homelessness;
- (iii) persons affected by mental illness; or
- (iv) persons who have or are recovering from drug or alcohol addictions;

but does not include a Housing Unit intended primarily for seniors;

"Zoning Amendment Bylaw" means the proposed Zoning Bylaw No. 4000.506, 2011, rezoning part of the Lands from RS-1 Single Family Residential Zone to C-31 Corridor Zone;

"Zoning Bylaw" means the Grantee's Zoning Bylaw No. 4000, 1993, as amended from time to time, and any enactment that may replace it.

Use, Building and Subdivision Restricted

2. The Transferor covenants and agrees with the Transferee that it must not use or permit the use of the Lands or any building on the Lands for any purpose, construct any building on the Lands or subdivide the Lands except in strict accordance with this Agreement.

Density Restricted

3. The Transferor covenants and agrees that no more than thirty-six (36) Supportive Housing Units shall be permitted on the Lands.

General Provisions

4. The Transferor must indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
5. The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
6. At the Transferor's expense, the Transferor 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 of a financial nature against the Lands.
7. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee 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 Transferor.
8. The Transferor acknowledges that neither the Transferee, nor its officials, employees or agents, have stated, held out or implied any expectation or requirement that the covenants in this Agreement must be provided in order for the Transferor's rezoning application to be approved, but rather the Transferor hereby expresses intention to voluntarily donate the covenants in this Agreement to the Transferee, and to be bound by them, without any expectation of payment or reward of any kind. The Transferor further releases, waives and forever discharges the Transferee from and against any claims, actions or causes of action, whether based in contract, tort or equity, for damages, deprivation or losses, or for the recovery of costs incurred, whether known or

unknown, arising out of or in connection with the provision of the covenants in this Agreement. The Transferee agrees that if the Zoning Amendment Bylaw is not adopted by Council and development applications for the Lands are abandoned, the Transferee will execute a discharge of this Agreement from title to the Lands.

9. The Transferor covenants and agrees that the Transferee may withhold development permits, building permits and occupancy permits as necessary to ensure compliance with the covenants in this Agreement, and that the issuance of a development permit, building permit or occupancy permit does not act as a representation or warranty by the Transferee that the covenants in this Agreement have been satisfied.
10. Time is of the essence of this Agreement.
11. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it shall at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.
12. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
13. The Transferor must pay the legal fees of the Transferee in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
14. The waiver by a party of any breach of this Agreement or 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, and no waiver shall be effective unless it is in writing signed by both parties.
15. The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or the breach of any provision of this Agreement.
16. 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.
17. The headings in this Agreement are included for ease of reference only and shall not affect the interpretation of this Agreement or any provision of this Agreement.
18. All of the provisions of this Agreement shall be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph.

19. No remedy under this Agreement is to be deemed exclusive but shall, where possible, be cumulative with all other remedies at law or in equity.
20. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a charge against the Lands in priority to all charges of a financial nature.
21. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
22. If any part of this Agreement is found to be illegal or unenforceable, that part shall be considered separate and severable and the remaining parts shall not be affected thereby and shall be enforceable to the fullest extent permitted by law.
23. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

ATTACHMENT C



COVENANT AMENDMENT NO. CA00004



NOTICE OF PUBLIC HEARING

June 2nd 2016 at 7:00 pm



There will be a Public Hearing on Thursday, June 2nd, 2016, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.094 at the Public Hearing.

BYLAW NO. 4500.094

Purpose: To rezone 3789 Shenton Road and part of 3801 Shenton Road from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development. The rezoning also includes a portion of road dedication to be closed and rezoned to COR2.

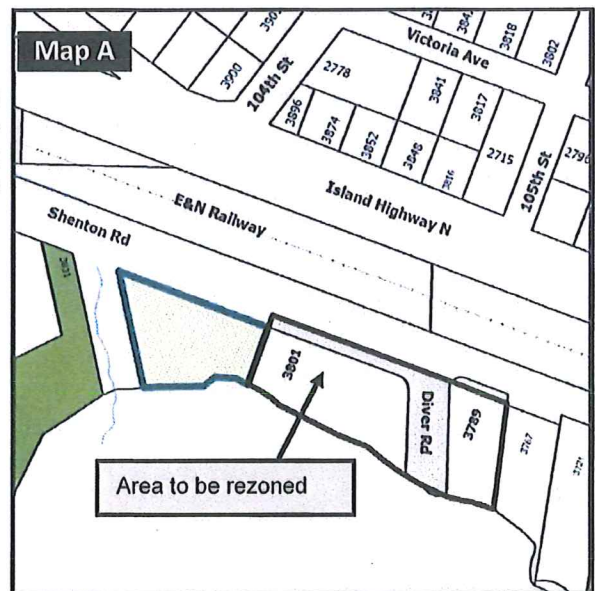
Location(s): 3789 and part of 3801 Shenton Road, as shown on Map A

File No.: Rezoning Application - RA000346



The rezoning bylaw if adopted, will rezone the subject properties and road closure area in order to permit a mixed use development.

The subject properties are legally described as LOT A, SECTION 3, WELLINGTON DISTRICT, PLAN 16387 AND LOT A, SECTION 4, WELLINGTON DISTRICT, PLAN 43809.



WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 20th 2016 to June 2nd 2016, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Access the rezoning application information on the City's webpage:

What's Building In My Neighbourhood?
www.nanaimo.ca/whatsbuilding

QR CODE: Use this QR code on your mobile device to go directly to the online information.

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

City of Nanaimo
Community Development Department
Service and Resource Centre
411 Dunsmuir Street
Phone: (250) 755-4429 Fax: (250) 755-4439
www.nanaimo.ca

WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, June 2nd 2016, to ensure their availability to Council at

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-DEC-14

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA000346 – 3789 AND 3801 SHENTON ROAD

STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2015 NO. 4500.094"; and
2. direct Staff to secure a covenant for frontage works and services (including the park area), riparian restoration, and a blanket trail right of way prior to the adoption of the bylaw, should Council support the bylaw at Third Reading.

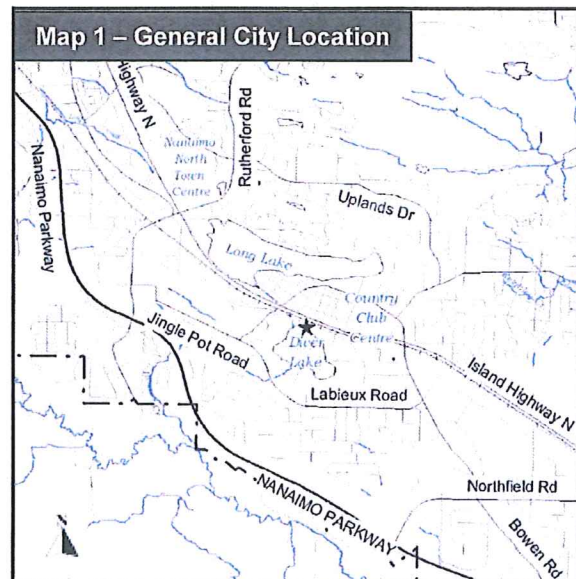
PURPOSE:

The purpose of this report is to present a rezoning application for properties located at 3789 and 3801 Shenton Road to rezone the subject area from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development.

BACKGROUND:

The City has received a rezoning application from Mr. Glenn Hill (de Hoog & Kierulf Architects) on behalf of Ms. Faith Lam (Goodview Holding Ltd.) to rezone the subject area from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development consisting of multiple family residential and commercial office space.

The development also involves a land exchange process to close a portion of Shenton Road and a section of Diver Road, and include some road dedication along the site frontages in exchange for park dedication. The land exchange received approval-in-principle from Council at their Regular meeting 2013-OCT-07. The rezoning and land exchange processes are happening concurrently, however the land exchange process is required to be completed prior to the completion of the rezoning. The land exchange bylaw is also included on this evening's Council agenda for consideration.



☒ Council Special
☐ Committee.....
☒ Open Meeting
☐ Camera Meeting
City of Nanaimo 2015 DEC 14

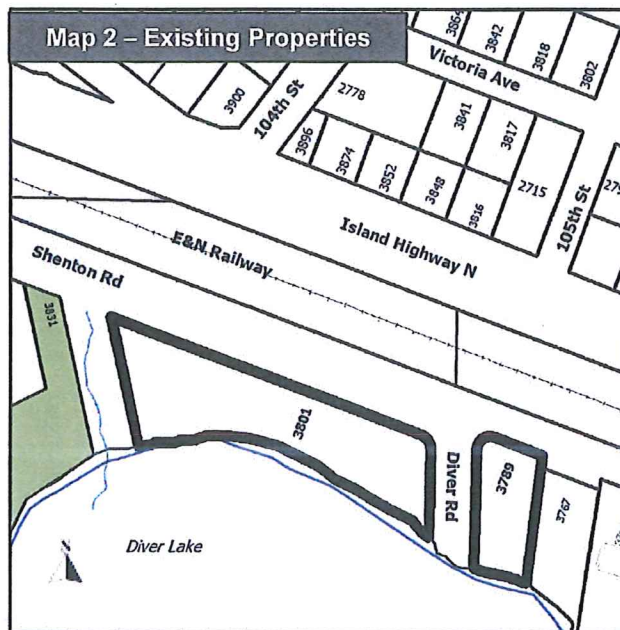
Subject Property

Current Zone:	Single Dwelling Residential (R1)
OCP Designation:	Corridor
Proposed Zone:	Mixed Use Corridor (COR2)
Purpose:	To permit a mixed use development
Location:	Shenton Road, north end of Diver Lake
Existing Lot Sizes	3801 Shenton Road - 5,252m ² 3789 Shenton Road - 1,480m ² Diver Road Right of Way - 1,420m ²
Total Area:	Total - 6,727m
Proposed Lot Area	Development Site – 5,215m ² City Park dedicated - 2,441m ²

DISCUSSION:

Site and Surrounding Area

The subject properties are located on the north end of Diver Lake and accessed from Shenton Road which runs parallel to the Island Highway, E&N trail and railway tracks immediately to the north. The surrounding area contains a range of land uses including commercial and low density residential uses on the opposite (northern) side of the Island Highway. A number of existing office uses are located to the east of the subject area. The subject property is separated from the Steve Marshall Ford dealership to the west by a park and nature trail. Country Club Mall is opposite the Island Highway approximately 300m to the northeast.



The subject area includes two separate properties and an existing road right of way (Diver Road). Part of Shenton Road and Diver Road (1,420m²) right of way will be closed and consolidated with the development property as part of the proposed land exchange.

The larger of the two properties (3801 Shenton Road) is a long narrow property. The 5,252m² lot has a frontage of 143m² and a lot depth ranging from approximately 57m at the deepest point to 26m at the narrowest point.

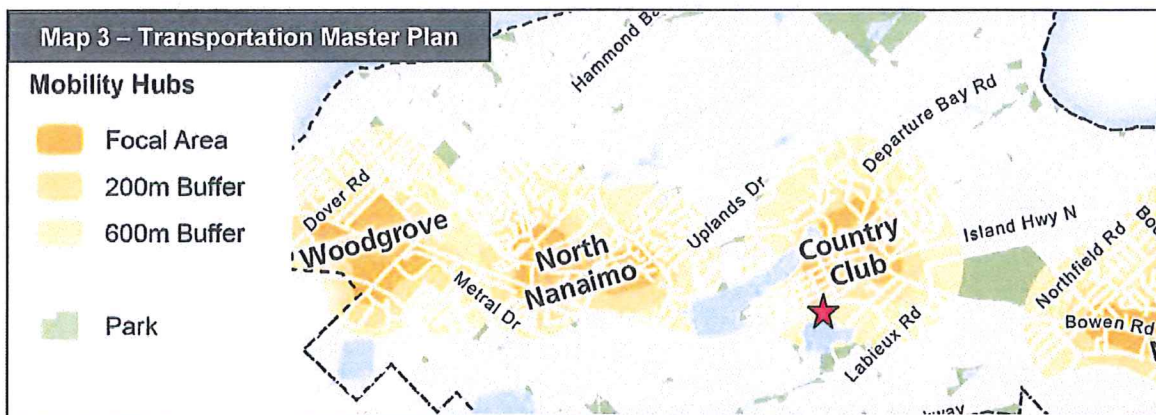
The second property (3789 Shenton Road) is a 1,480m² lot separated from the other parcel by the Diver Road dedication to the west. The parcel includes an existing dwelling which will be removed prior to the development of the subject properties. Both properties directly abut Diver Lake to the south.

Official Community Plan

The subject property is located within the Corridor designation of the Official Community Plan (OCP). Development in Corridors is characterized by a mix of residential, commercial, professional, and service uses, with residential development at medium to high level densities. Within mixed use developments, ground floor uses will be retail, office, or community uses that invite public activity. Residential densities of 50-150 units per hectare, in two to six storey buildings are supported within the Corridor designation. The application includes a residential density of 28 units per hectare, plus 1,587m² of office space. Staff is of the opinion that the proposed development meets the intent of the OCP.

Nanaimo Transportation Master Plan Considerations

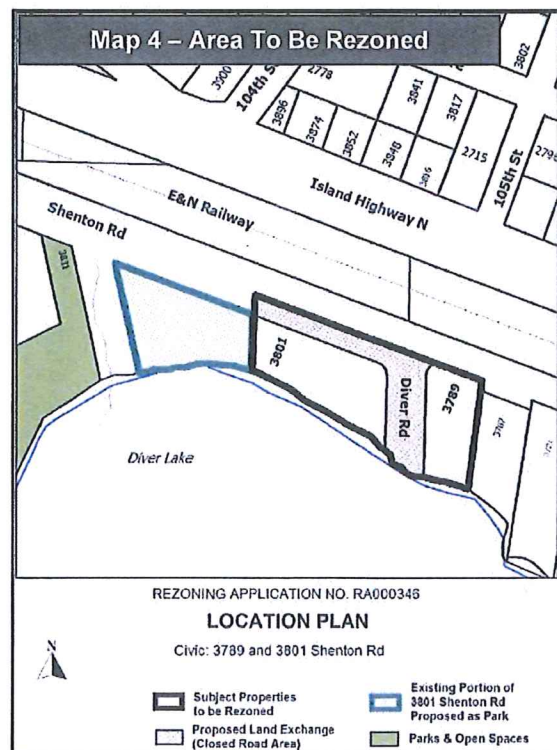
The subject property is located within the 600m buffer area of the Country Club Mobility Hub. Due to its central location within the city, and access to transit, residents near Country Club are more likely to drive less than in other parts of the city.



The E&N trail is located north of the subject area opposite Shenton Road and a nature trail which connects Shenton Road to Labieux Road, Ardoon Place is located immediately to the west of the subject area. A right of way to permit an extension to the existing nature trail is included within the proposed development application. The proposed trail addition will further extend the existing pedestrian trail network within the area.

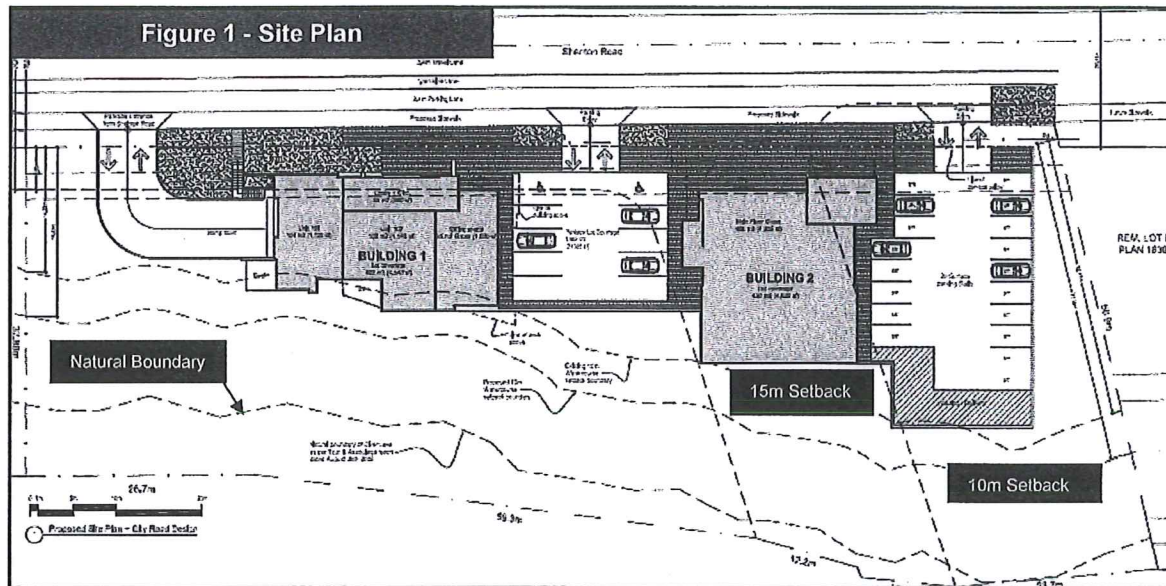
Proposed Development

The applicant proposes to rezone the subject area from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development. The area to be rezoned includes a 2,746m² portion of 3801 Shenton Road, the road dedication area to be closed and all of 3789 Shenton Road. As part of the land exchange process the applicant has agreed to dedicate the remaining 2,441m² of 3801 Shenton Road as park area plus 65m² of aquatic area to be returned to the Crown. The area to be rezoned and developed, and the



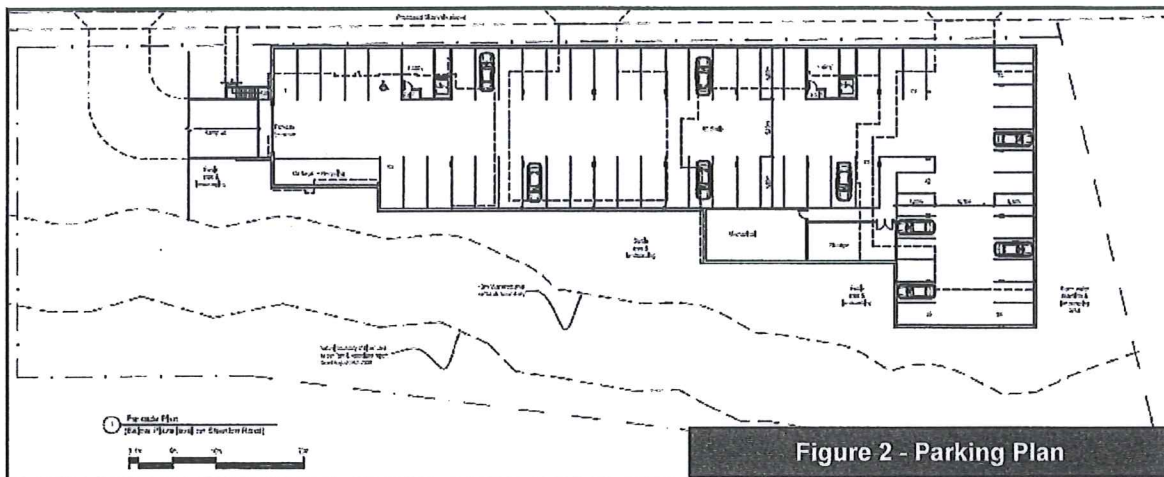
proposed park area are shown on 'Map 4 - Area To Be Rezoned'.

The proposed development includes two separate buildings. Building 1 is proposed as a five storey building with 95m² of office space on the ground floor and 14 residential units above. Building 2 will be an office building with a total of 1,492m² of office space on four floors. The total floor area for both buildings is 3,380m². A site plan showing the location of the buildings is included as 'Figure 1 - Site Plan'.

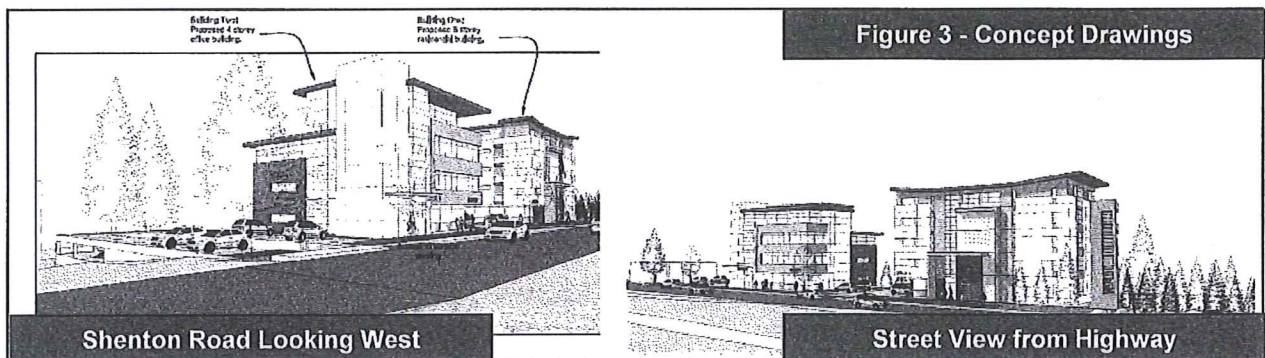


Given the entire rear portion of the development property abuts Diver Lake, a 15m aquatic setback from the wetland boundary is required. Due to the narrow depth of the lot and the City's required road dedication, the aquatic setback compromises a substantial portion of the property, leaving a limited area for development. As such, the applicant will be requesting during the Development Permit stage that the setback be reduced to 10m in order to permit a small portion of the building extend into the aquatic area as shown on the Site Plan in Figure 1. A riparian restoration plan for invasive species removal and restoration works will be required through the Development Permit process, for both the development site and the dedicated park area. A blanket trail right of way will also be required in order to secure land area for a trail adjacent to the lake to be constructed in the future.

In order to meet the City's off-street parking requirements, the proposed development will include 91 parking spaces. Of those 91 spaces, 63 (69%) will be located underground with the remaining 26 provided as surface parking. The applicant's parking plan is shown as 'Figure 2 - Parking Plan'.



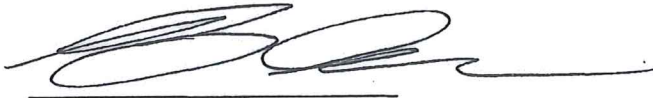
The (COR2) zone has a maximum building height requirement of 14m, plus an additional 4m where at least 75% of the required parking is underground. The proposed building height for Building 1 is 18m, as the underground parking provided falls just short of the required 75%, a height variance will be required as part of the Development Permit application process to follow. Concept drawings of the proposed buildings are included as 'Figure 3 - Concept Drawings'.



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 applicant is dedicating more land for park than the amount of land they are receiving through the land exchange process, park improvements and restoration will occur through the development process. The addition of park land is considered a community contribution. The applicant has also agreed to construct works and services in front of the park property. Based on the assessed value of the land, Staff is satisfied that the value of the additional park dedication and improvements is generally consistent with the typical contribution values as they relate to a development proposal of this scale.

Respectfully submitted,

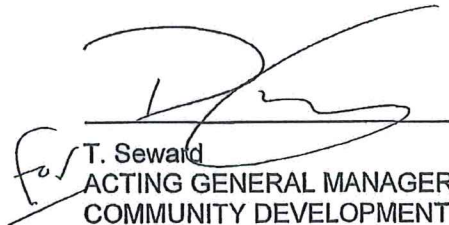


B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

DS/sm
Prospero File: RA000346
Drafted: 2015-Nov-23

CITY OF NANAIMO

BYLAW NO. 4500.094

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

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 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 2015 NO. 4500.094".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT A, SECTION 3, WELLINGTON DISTRICT, PLAN 16387 (3789 Shenton Road) and a portion of LOT A, SECTION 4, WELLINGTON DISTRICT, PLAN 43809 (3801 Shenton Road) from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) as shown on Schedule A.

PASSED FIRST READING 2015-DEC-14

PASSED SECOND READING 2015-DEC-14

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

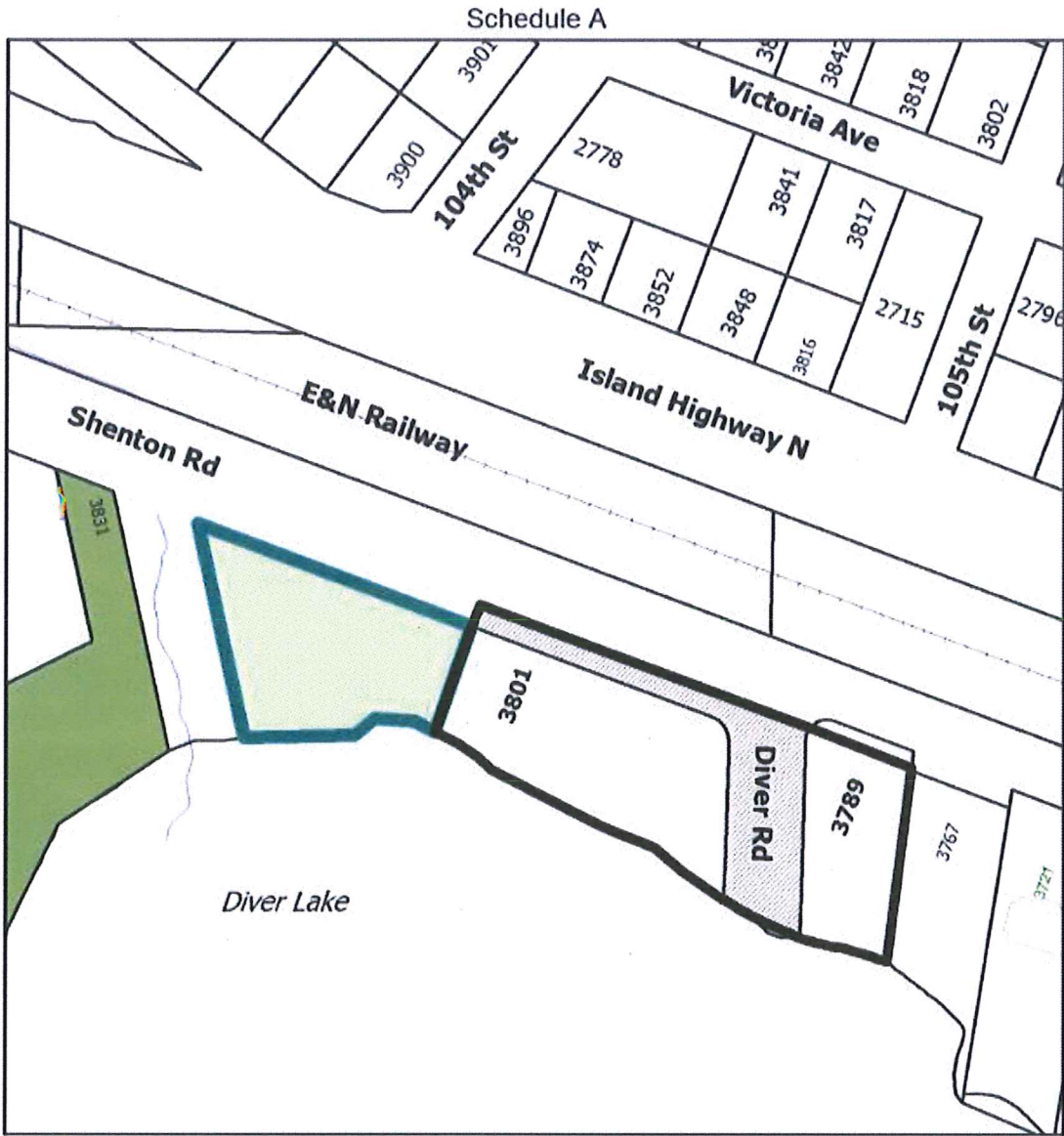
COVENANT REGISTERED _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000346
Address: 3801 and 3789 Shenton Road



REZONING APPLICATION NO. RA000346

LOCATION PLAN

Civic: 3789 and 3801 Shenton Rd



- | | |
|---|--|
|  Subject Properties to be Rezoned |  Proposed Park |
|  Proposed Land Exchange (Closed Road Area) |  Parks & Open Spaces |

NOTICE OF PUBLIC HEARING

June 2nd 2016 at 7:00 pm



There will be a Public Hearing on Thursday, June 2nd, 2016, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.098 at the Public Hearing.

BYLAW NO. 4500.098

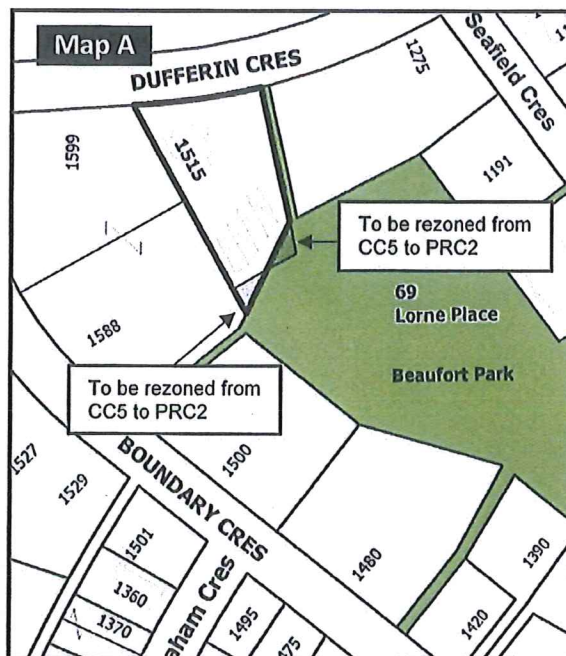
Purpose: To rezone a portion of 69 Lorne Place from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5) and to rezone a portion of 1515 Dufferin Crescent from Hospital Urban Centre (CC5) to Parks, Recreation and Culture Two (PRC2). The purpose of the rezoning application is to facilitate a land exchange in order to construct a parking garage and medical facility.

Location(s): part of 69 Lorne Place and part of 1515 Dufferin Crescent, as shown on Map A

File No.: Rezoning Application - RA000365

The rezoning bylaw if adopted, will rezone the subject properties in order to permit a land exchange and construction of a parking garage and medical facility.

The subject properties are legally described as LOT A DISTRICT LOT 97-G NEWCASTLE RESERVE SECTION 1 NANAIMO DISTRICT PLAN EPP59668 and PARCEL BETWEEN DUFFERIN AND BOUNDARY CRESCENT, SECTION 1, NANAIMO DISTRICT, PLAN 18612 AND 18936, PARK



WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 20th 2016 to June 2nd 2016, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Access the rezoning application information on the City's webpage:

What's Building In My Neighbourhood?
www.nanaimo.ca/whatsbuilding

QR CODE: Use this QR code on your mobile device to go directly to the online information.

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

City of Nanaimo
Community Development Department
Service and Resource Centre
411 Dunsmuir Street
Phone: (250) 755-4429 Fax: (250) 755-4439
www.nanaimo.ca



WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, June 2nd 2016, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

IN PERSON: Drop off at the Service and Resource Centre, located at 411 Dunsmuir Street

EMAIL: Email should be sent to public.hearing@nanaimo.ca

WEBSITE: Submit comments directly through the City's website at www.nanaimo.ca/publichearing

MAIL: City of Nanaimo, Community Development Department, 455 Wallace Street, Nanaimo, BC, V9R 5J6

If you would like more information about Public Hearings please go to the City website at www.nanaimo.ca and use the search function to find the '**Public Hearing Information Sheet**', which contains many frequently asked questions.

This Notice is published in accordance with Section 466 of the Local Government Act. Notice given by the Corporate Officer.

DATE OF MEETING May 2, 2016

AUTHORED BY DAVID STEWART, PLANNER, PLANNING AND DESIGN

SUBJECT REZONING APPLICATION NO. RA365 – 1515 DUFFERIN CRESCENT AND 69 LORNE PLACE

OVERVIEW

Purpose of Report

To present Council with a rezoning application to rezone a portion of the lands at 1515 Dufferin Crescent from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5); and a portion of the lands at 69 Lorne Place from CC5 to PRC2 in order to facilitate a land exchange and development of 1515 Dufferin Crescent.

Recommendation

That Council receive the report pertaining to the City of Nanaimo "Zoning Amendment Bylaw 2016 No. 4500.098".

BACKGROUND

The City has received a rezoning application (RA365) from Canadian Cache Development Corporation (Ms. Donna Hais) to rezone a portion of 69 Lorne Place from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5) and to rezone a portion of 1515 Dufferin Crescent from Hospital Urban Centre (CC5) to Parks, Recreation and Culture Two (PRC2). The purpose of the rezoning application is to facilitate a land exchange in order to construct a parking garage and medical facility.

The applicant also submitted an application for a land exchange requesting to swap a portion of Beaufort Park (69 Lorne Place) with 1515 Dufferin Crescent. The exchange will reconfigure the owner's property facilitating the construction of the proposed development. During its meeting of 2016-MAR-07, Council gave first, second and third reading to the "Beaufort Park Dedication Removal and Disposal Bylaw 2016 No. 7225". Council also determined that disposal of park land would be subject to an Alternate Approval Process (AAP). The deadline for receiving elector responses to the AAP was 2016-APR-25, and the results of that process are included in a separate staff report on this evenings agenda.

Subject Properties

1515 Dufferin Crescent and 69 Lorne Place

Location:	The subject properties are located south of the Nanaimo Regional General Hospital
Total Lot Size:	1515 Dufferin Crescent: 2,874m ² 69 Lorne Place (Beaufort Park): 39,260m ²
Subject Area Size:	1515 Dufferin Crescent: 82.7m ² 69 Lorne Place: 82.7m ²
Current Zones:	1515 Dufferin Crescent: Hospital Urban Centre (CC5) 69 Lorne Place: Parks, Recreation and Culture Two (PRC2)

Regular Council Agenda
2016-MAY-02

Proposed Zone (area to be rezoned):	1515 Dufferin Crescent: Parks, Recreation and Culture Two (PRC2) 69 Lorne Place: Hospital Urban Centre (CC5)
Official Community Plan Designation:	1515 Dufferin Crescent: Hospital Urban Node 69 Lorne Place: Parks and Open Space

1515 Dufferin Crescent is the site of a recently demolished medical office complex located behind the Beaufort Centre and Beaufort Park (69 Lorne Place). Beaufort Park borders 1515 Dufferin Crescent to the rear. The areas to be rezoned are each 82.7m² in area and are located to the rear of 1515 Dufferin Crescent.

DISCUSSION

Proposed Development

The application is to rezone an 82.7m² portion of the subject property from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5) and from Hospital Urban Centre (CC5) to Parks, Recreation and Culture Two (PRC2) which will facilitate a land exchange, allow for development of a five-storey medical office building and a four-storey 177-space parking garage. The office building and majority of the parking garage will be constructed within the existing boundaries for 1515 Dufferin Crescent. An 82.7m² area of the existing park is required to accommodate the parking garage as the rear lot line is not straight. The rezoning is required to allow this small portion of land to be included in the larger redevelopment of the site.

Staff Review

Official Community Plan

The Official Community Plan (OCP) designates 1515 Dufferin Crescent as 'Hospital Urban Node'. The Hospital Urban Node provides for "city-wide and regional centre for health services, seniors housing, professional offices, and higher density residential". The OCP recognizes "parking and traffic issues in the Hospital Urban Node", however, it encourages new development or redevelopment of lands within the Hospital Urban Node to contain measures to minimize traffic impact on neighbourhoods and local roads.

In addition to accommodating parking for the medical office onsite, the proposed parking garage will provide additional parking for surrounding offices and other commercial uses. The addition of a four-storey parking garage will help address the high level of parking demand in the neighbourhood and reduce the need for on-street parking. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

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. Given the area to be rezoned for development is 87.2m² and equal in size to the park area acquired, a community contribution was not requested. In addition to dedicating an equal portion of the property back as new park area, the applicant/owner will construct the undeveloped park access between 1515 Dufferin Crescent and 1275 Dufferin Crescent. Paving of the path, lighting, and improvements to the landscaping will be constructed by the owner.

SUMMARY POINTS

- The application is to rezone an 87.2m² portion of each of the subject properties.
- The rezoning is required in order to facilitate a land exchange and construct a parking garage.
- The proposed development meets the policy objectives of the OCP.

ATTACHMENTS

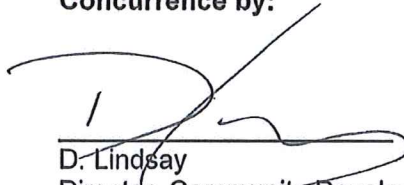
ATTACHMENT A: Location Plan
ATTACHMENT B: Park Land Exchange Area
ATTACHMENT C: Aerial Photo
ATTACHMENT D: Site Plan
ATTACHMENT E: Elevations
ATTACHMENT F: Building Section
ATTACHMENT G: Applicant's Letter of Rationale
ATTACHMENT H: "Zoning Amendment Bylaw 2016 No. 4500.098"

Submitted by:



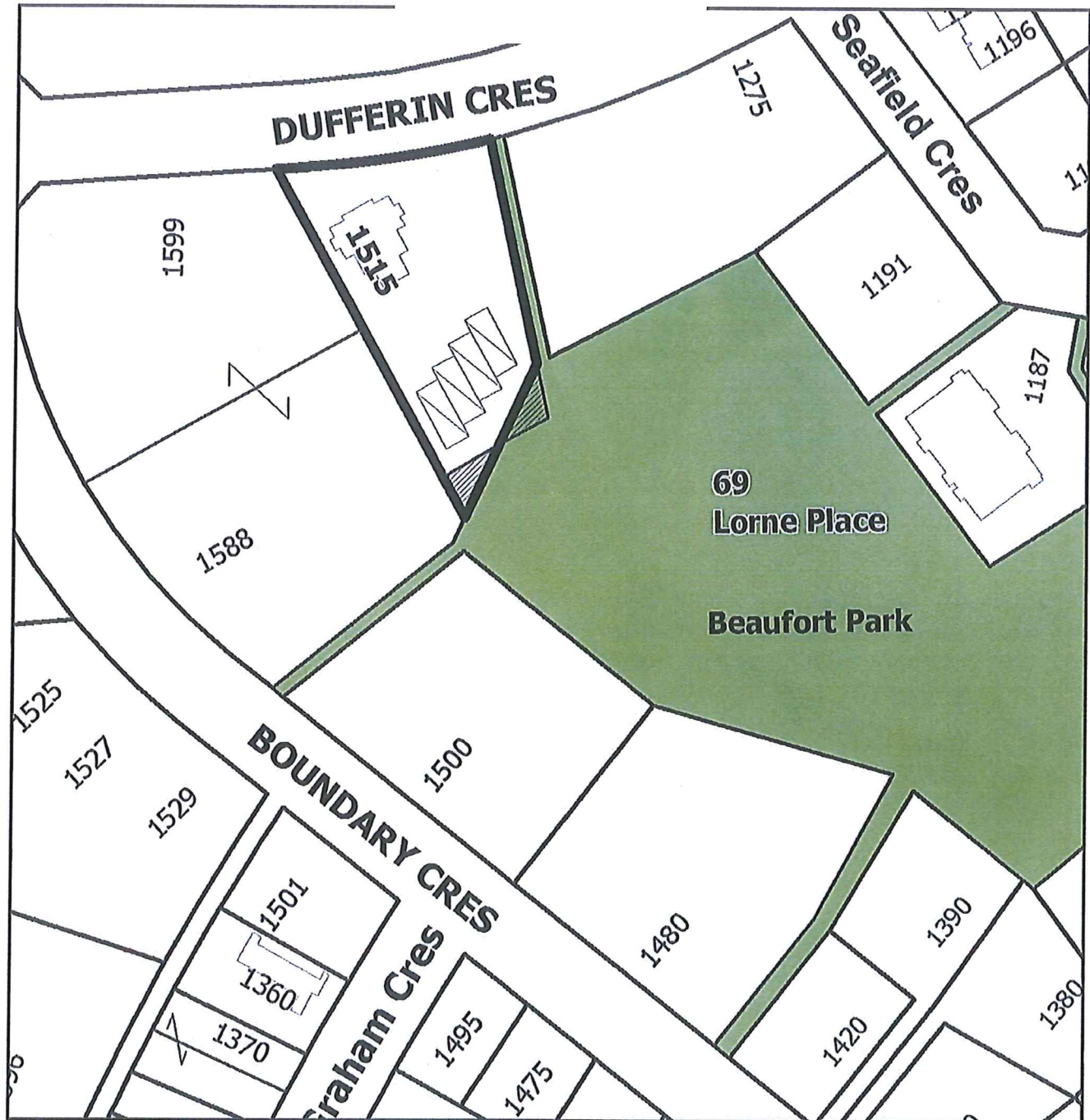
B. Anderson
Manager, Planning and Design

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A






REZONING APPLICATION NO. RA000365

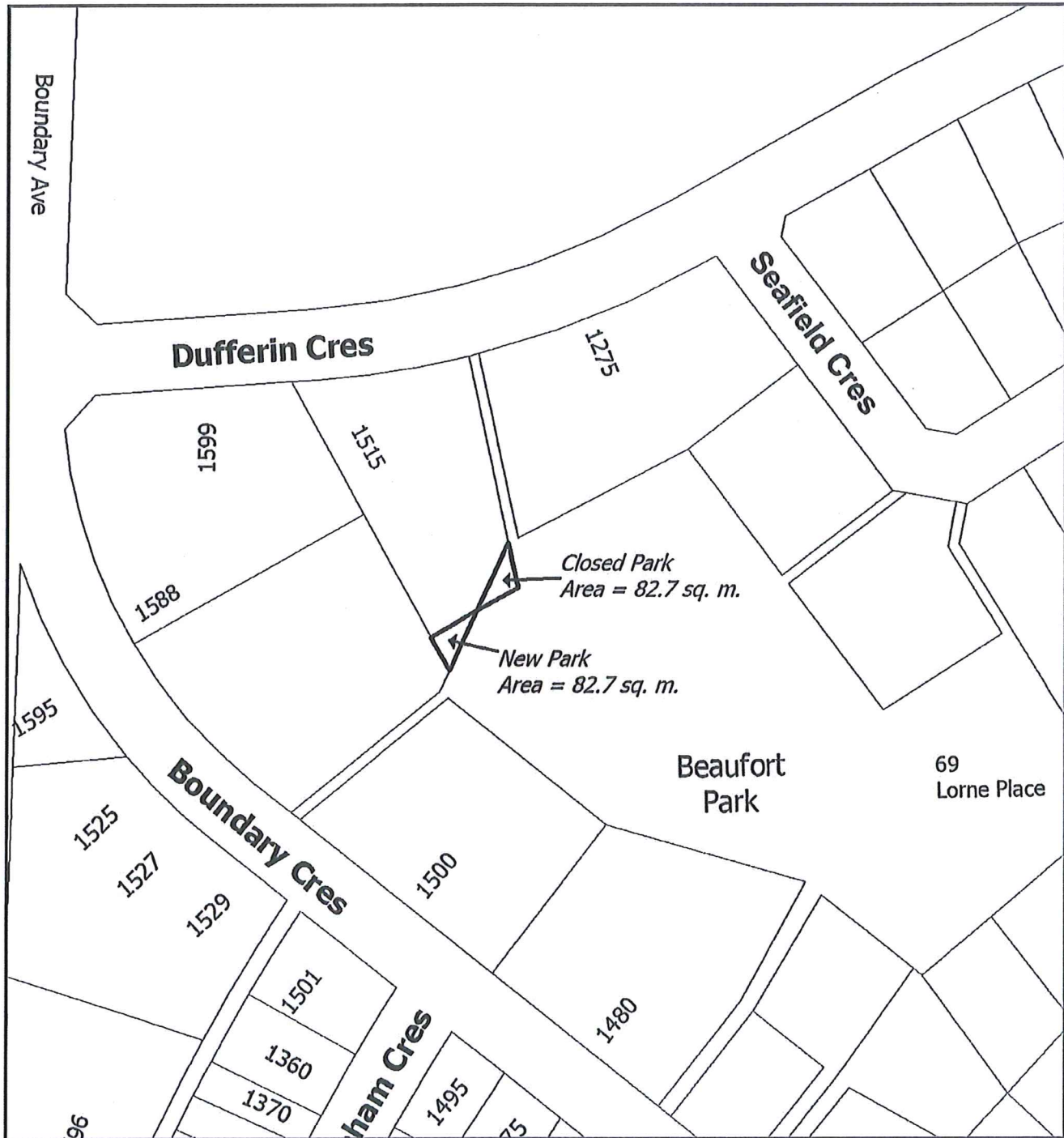
LOCATION PLAN

Civic: 1515 Dufferin Crescent and
69 Lorne Place



-  Subject Properties
-  Portions to be Rezoned
-  Parks & Open Spaces

ATTACHMENT B



LOCATION PLAN

Civic: 1515 Dufferin Crescent
and 69 Lorne Place

Park Land Exchange

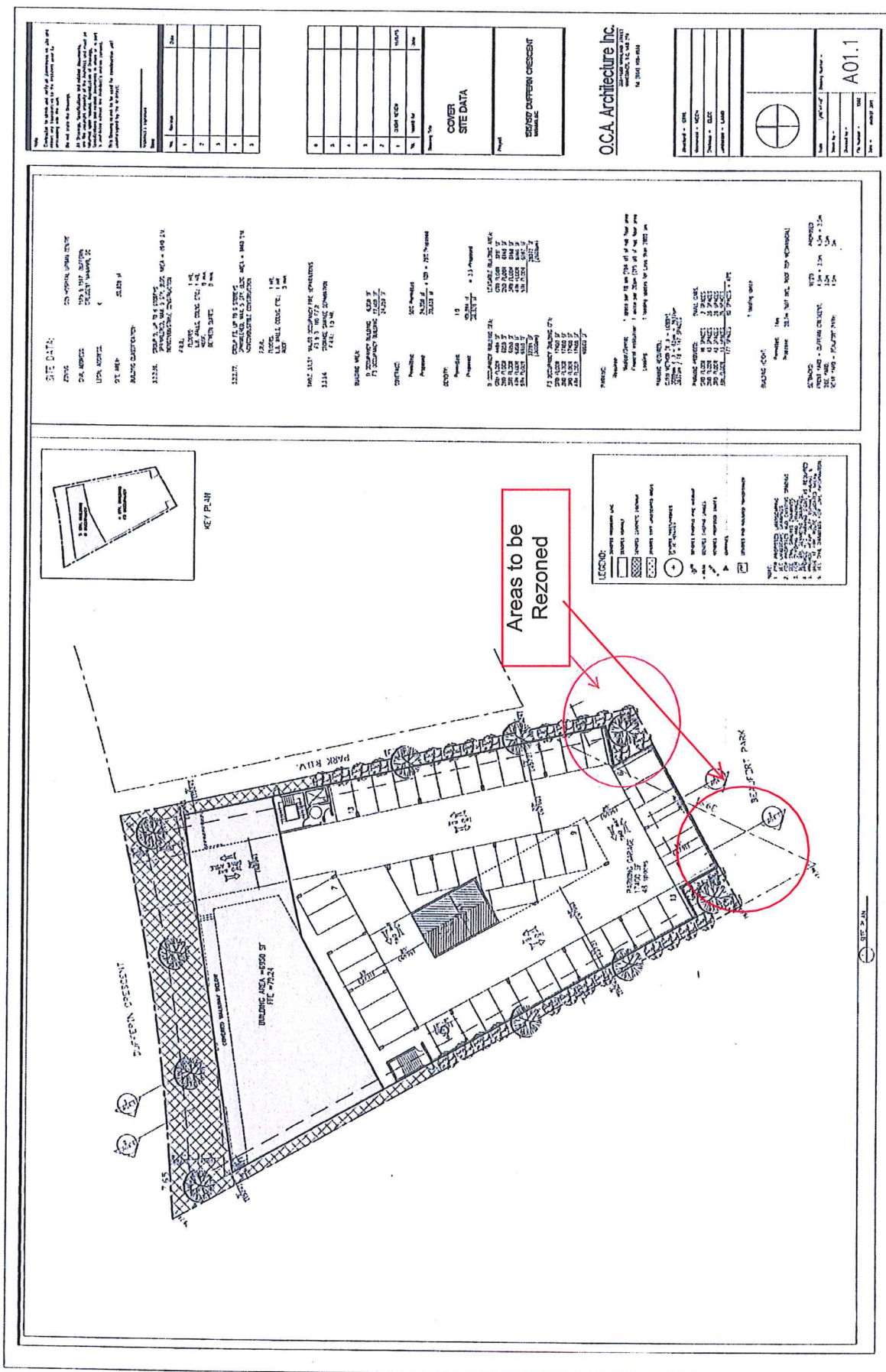
ATTACHMENT C



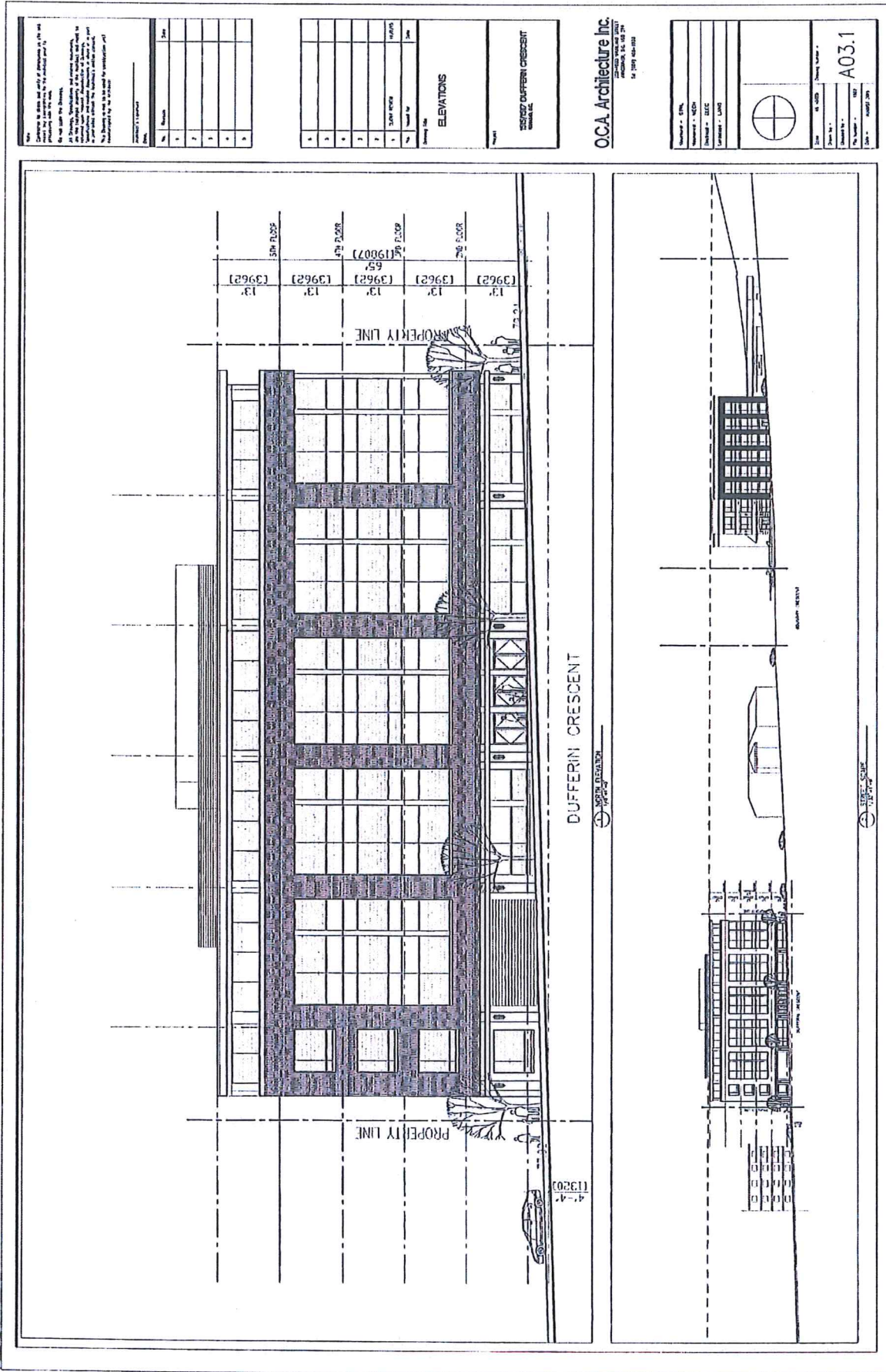
REZONING APPLICATION NO. RA000365



ATTACHMENT D



ATTACHMENT E



NOTES:

1. All dimensions are given in feet and inches, rounded to the nearest 1/8".
2. All elevations are given in feet and inches, rounded to the nearest 1/8".
3. All materials are to be as specified in the schedule.
4. All work is to be in accordance with the latest edition of the International Building Code.
5. All work is to be in accordance with the latest edition of the International Mechanical Code.
6. All work is to be in accordance with the latest edition of the International Plumbing Code.
7. All work is to be in accordance with the latest edition of the International Fire Code.
8. All work is to be in accordance with the latest edition of the International Electrical Code.
9. All work is to be in accordance with the latest edition of the International Energy Conservation Code.
10. All work is to be in accordance with the latest edition of the International Green Building Code.

REVISIONS:

No.	Description	Date
1	Initial	
2		
3		
4		
5		

ELEVATIONS:

No.	Description	Date
1	Initial	
2		
3		
4		
5		

PROJECT:

3200 DUFFIN CREEK

10000

ARCHITECT:

OCA Architecture Inc.

10000

DATE:

10/10/2020

OWNER:

10000

DESIGNER:

10000

DATE:

10/10/2020

PROJECT:

3200 DUFFIN CREEK

10000

ARCHITECT:

OCA Architecture Inc.

10000

DATE:

10/10/2020

OWNER:

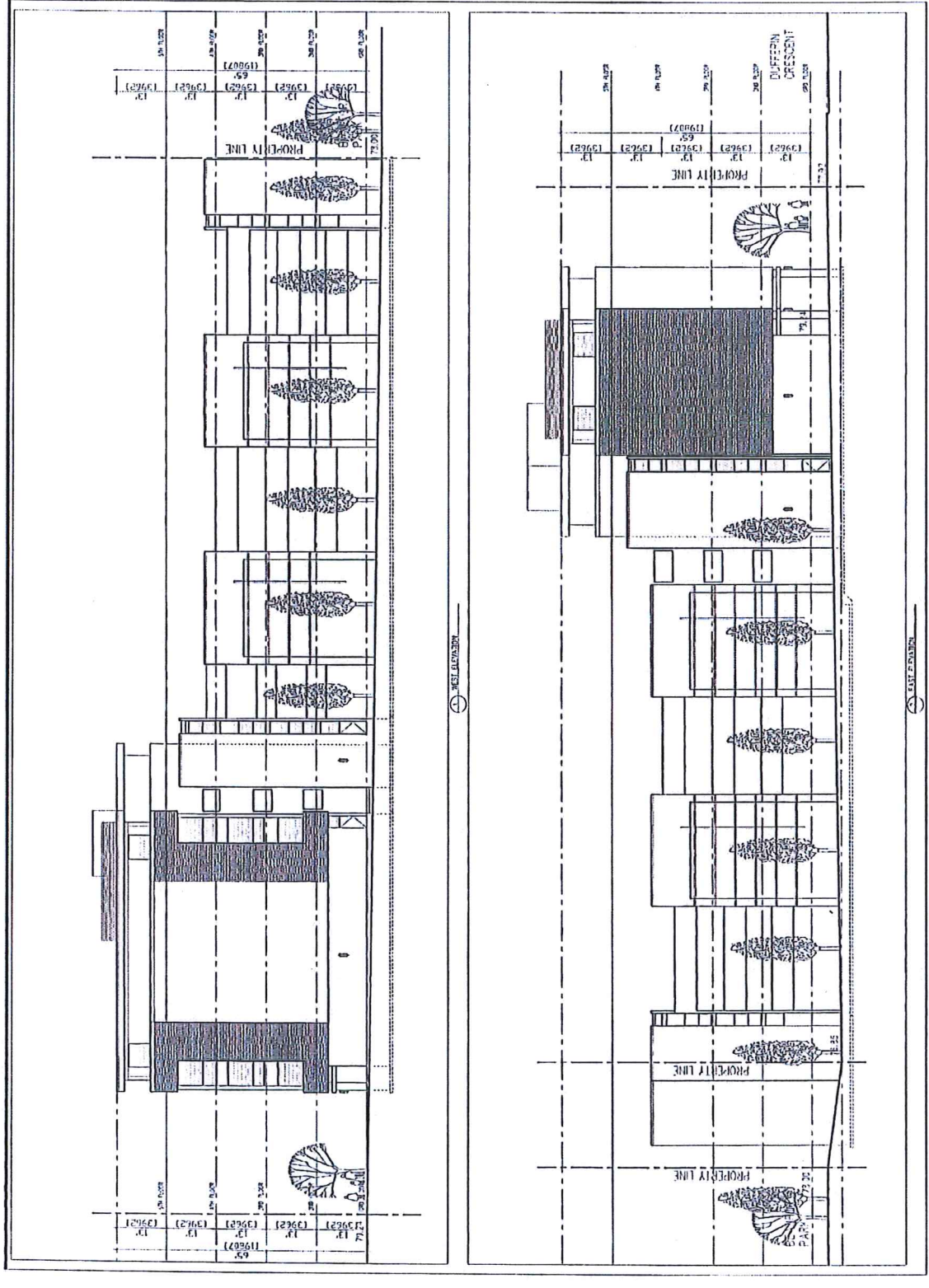
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DESIGNER:

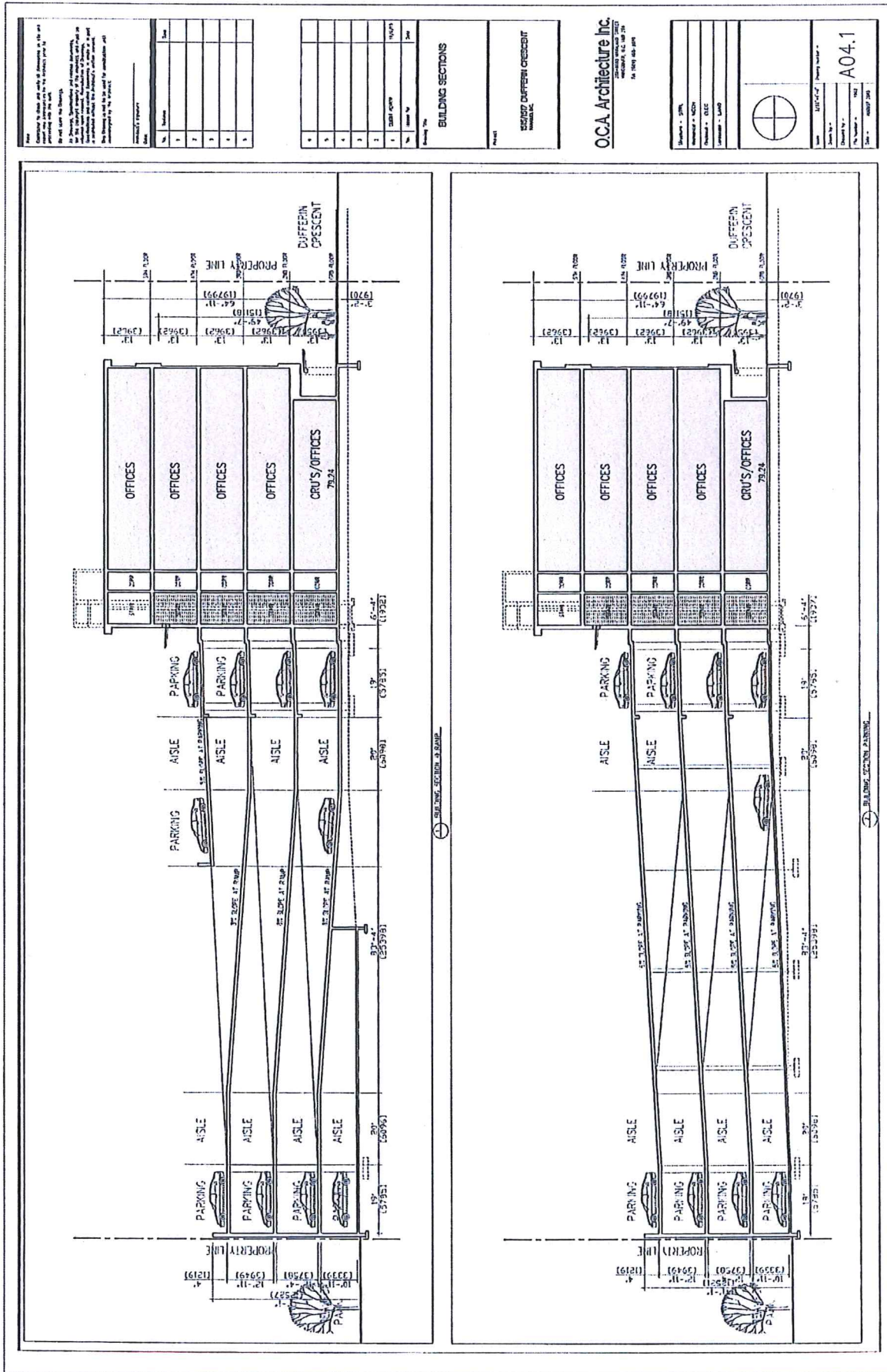
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DATE:

10/10/2020



ATTACHMENT F



ATTACHMENT G

CANADIAN CACHE DEVELOPMENT CORPORATION

6040 Hammond Bay Road
Nanaimo, B.C. V9T 5M4
Telephone: (250) 756-9479

To: City of Nanaimo
Attention: Mr. Dave Stewart
Date: March 17, 2016

Rezoning Rationale: 1515 Dufferin Crescent

This rezoning rationale is in support of our application to rezone a small portion of parkland that is the subject of a land exchange at 1515 Dufferin Crescent and Beaufort Park.

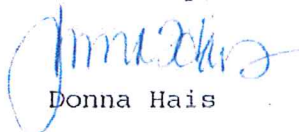
The application is to rezone a small portion of land (89.7 sq m) which is part of a land exchange at the rear of the property to CC5, thus making this piece consistent zoning with the rest of the parcel. Currently 1515 Dufferin Crescent is zoned CC5 and we wish to retain that zoning.

The request to rezone this parcel is to allow it to become part of the larger development at this site. The purpose of the land exchange was to square up the property to allow for the development of a medical building and adjacent parkade structure.

The community contribution component of this project is the development of a new trail connection to Beaufort Park and the construction of the parkade itself. The Hospital area is in desperate need of additional parking and this development proposes some solutions to that problem.

Thank you for your consideration. Please feel free to contact us for any further information or clarification.

Sincerely,



Donna Hais

CITY OF NANAIMO

BYLAW NO. 4500.098

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 2016 NO. 4500.098".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning a portion of the lands legally described as STRATA LOT 1 OF LOT 97-G, NEWCASTLE RESERVE, OF SECTION 1, NANAIMO DISTRICT, STRATA PLAN 145, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1. (1515 Dufferin Crescent) from Hospital Urban Centre (CC5) to Parks, Recreation and Culture Two (PRC2) and rezoning a portion of the lands legally described as PARCEL BETWEEN DUFFERIN AND BOUNDARY CRESCENT, SECTION 1, NANAIMO DISTRICT, PLAN 18612 AND 18936, PARK (69 Lorne Place) from Parks, Recreation and Culture Two (PRC2) to Hospital Urban Centre (CC5) as shown on Schedule A.

PASSED FIRST READING 2016-MAY-02

PASSED SECOND READING 2016-MAY-02

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

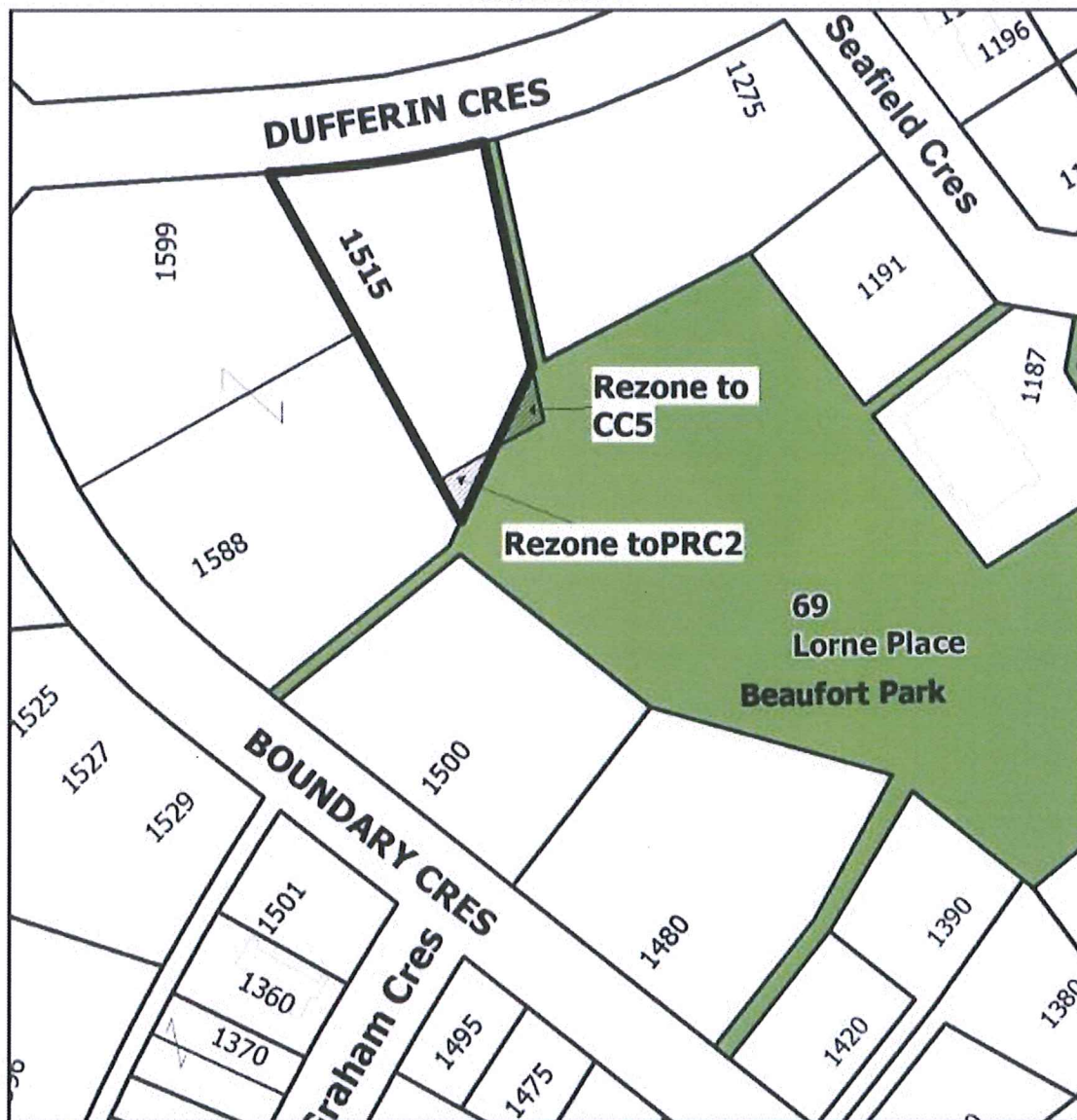
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000365
Address: 1515 Dufferin Crescent/ 69 Lorne Place

Schedule A






REZONING APPLICATION NO. RA000365

LOCATION PLAN

Civic: 1515 Dufferin Crescent and
69 Lorne Place



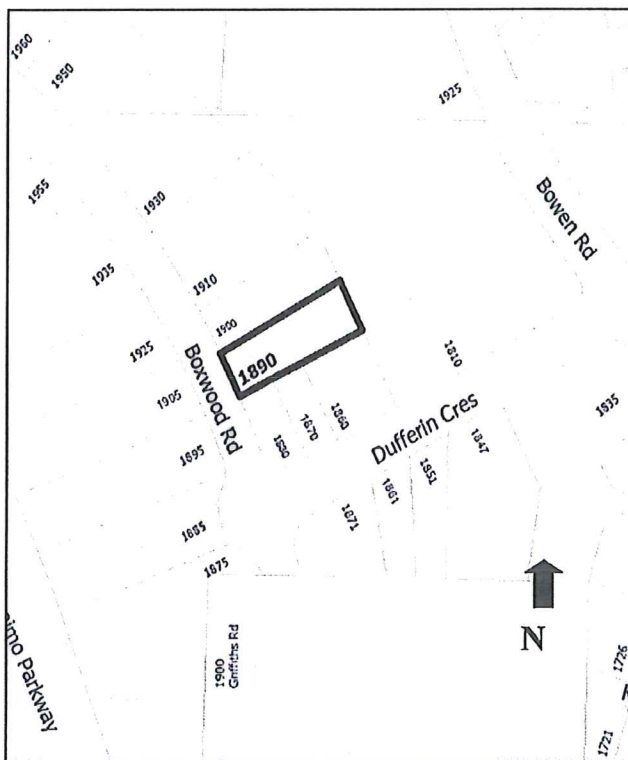
-  Subject Properties
-  Portions to be Rezoned
-  Parks & Open Spaces



NOTICE OF PUBLIC MEETING 2016-JUN-02

ARBUTUS DISTILLERY – 1890 BOXWOOD ROAD

MANUFACTURES LOUNGE ENDORSEMENT



The City of Nanaimo has received notice of an application to the Provincial Liquor Control and Licensing Branch (LCLB) to permit a lounge endorsement for the existing distillery at 1890 Boxwood Road. The applicant is proposing to add a 30 person manufacturer's lounge within the existing Arbutus Distillery building located at 1890 Boxwood Road. The proposed hours of liquor service are from 11am to 11pm.

If approved, the lounge endorsement will allow the licensed distillery to sell and serve their products by the glass (or other single serving) in a designated interior lounge area onsite. Sales and service may also include other kinds of liquor for consumption onsite, provided that the sales of products not distilled or brewed onsite do not exceed 20% of the total product sales in any given quarter. Food and non-alcoholic beverages must be available during all hours of liquor service.

As part of the review process, the City is responsible to gather the views of local residents and business operators and forward this information, along with recommendations, to the LCLB in Victoria.

The application will appear before Council at a public meeting immediately following the close of the City of Nanaimo Public Hearing which will be held on Thursday, 2015-AUG-06 at 7pm in Shaw Auditorium of the Vancouver Island Conference Centre, located at 80 Commercial Street. You are welcome to attend the public meeting and speak to this application.

For more information regarding the liquor primary license application please contact David Stewart, Planner, at 250-755-4460 x 4332 or by email at david.stewart@nanaimo.ca

DATE OF MEETING May 2, 2016

AUTHORED BY DAVID STEWART, PLANNER, PLANNING AND DESIGN SECTION

SUBJECT LIQUOR LICENCE APPLICATION NO. LA120 – 1890 BOXWOOD ROAD

OVERVIEW

Purpose of Report

To inform Council of a liquor licence application to permit a lounge endorsement for an existing distillery manufacturing business located at 1890 Boxwood Road prior to proceeding with the public input process.

DISCUSSION

A notice of an application was received from Mr. Michael Pizzitelli requesting a local government resolution in support of his application to the Provincial Liquor Control and Licensing Branch (LCLB) to permit a lounge endorsement for the existing distillery at 1890 Boxwood Road. If approved, the lounge endorsement will allow the licensed distillery to sell and serve their products by the glass (or other single serving) in a designated interior lounge area onsite. Sales and service may also include other kinds of liquor for consumption onsite, provided that the sales of products not distilled or brewed onsite do not exceed 20% of the total product sales in any given quarter. Food and non-alcoholic beverages must be available during all hours of liquor service.

Hours of service and capacity are subject to local government consideration and comment. A municipal resolution is required before the province will consider the application further.

The applicant is proposing to add a 30 person manufacturer's lounge within the existing Arbutus Distillery building located at 1890 Boxwood Road. The proposed hours of liquor service are from 11am to 11pm. The lounge is to be located within an existing portion of the distillery that includes a retail area, tasting room, and a small office area. The proposed lounge use requires 10 parking spaces, plus an additional 5 spaces for the remaining distillery area, 16 parking spaces are currently provided onsite.

The subject property is located in the Greenrock Industrial Park and is zoned Light Industrial (I2). While a lounge is not listed as a permitted use within the I2 zone, given the LCLB restrictions tie the lounge to the distillery use, Staff is of the opinion a manufacturer's lounge is permitted as an ancillary use.

Provincial and Municipal Application Review and Requirements

The LCLB has requested distillery lounge endorsements be reviewed in terms of the following criteria:

- The location of the lounge;
- The proximity of the lounge to other social or recreational facilities;

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- The person capacity and hours of service of the lounge;
- The impact of noise on the community in the immediate vicinity of the lounge; and,
- The impact on the community if the application is approved.

Staff will comment on each of these factors in a future report, after a public meeting has been held and referral responses have been received.

Further, the LCLB asks the local government to gather the views of nearby residents and business owners. The City requires all new liquor licence applications include a public meeting. A public meeting regarding the application is tentatively scheduled to occur immediately following the 2016-JUN-02 Public Hearing (Special Council meeting). A public notice and comment sheet will be sent to all owners and occupants within 500m of the subject property. The public notice sheet will advise residents of the public meeting date and request comment. Once the responses have been returned, they will be summarized and attached to a future report.

SUMMARY POINTS

- An application for a manufacturer's lounge has been received for the distillery located at 1890 Boxwood Road.
- Public notices will be delivered and a public meeting will be held, following the close of the Special Council meeting.

ATTACHMENTS

ATTACHMENT A: Location Plan


ATTACHMENT B: Applicant's Letter of Rationale

Submitted by:



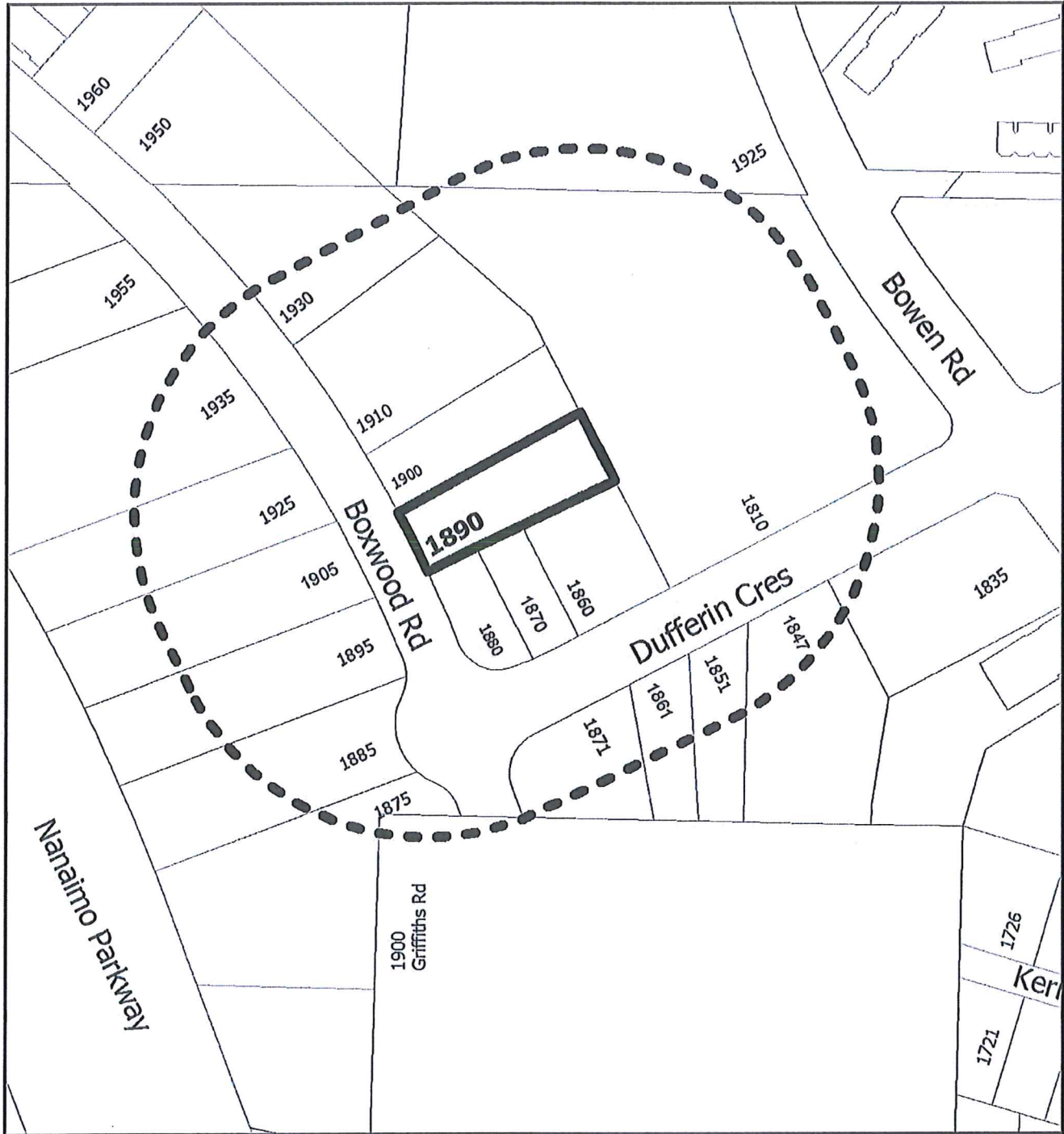
B. Anderson
Manager, Planning and Design

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A



LIQUOR LICENCE APPLICATION NO. LA000120

LOCATION PLAN

Civic: 1890 Boxwood Road



ATTACHMENT B

Letter of Rationale

Arbutus Distillery – Lounge Endorsement Proposal

Background.

Arbutus Distillery is classified under the BC Liquor Board as a 'Craft Distillery', where the facility must use entirely BC raw agricultural inputs for the production of its spirits. Under recent amendments initiated in 2013 updating the BC provincial Liquor Control and Licensing act, distilleries meeting the 'craft' criteria are permitted to hold 'Lounge Endorsements' in a similar manner granted to all BC wineries several decades ago. A lounge endorsement, essentially allows the distillery to serve beverages/cocktails made from its manufactured spirits within its already licensed sampling area.

Notably, more restricted than the common 'liquor primary license', a lounge endorsement must be held on-site attached to the manufacturing facility, must have 80% of alcohol beverage sales made from it's own spirits.

Currently, Arbutus Distillery holds licenses and operates an on-site retail and tasting bar, where patrons may sample legally allocated capped amounts of straight spirits, purchase bottles if desired along with tour offerings. The nature of this application seeks for the addition of a Lounge Endorsement in the current distillery licensed tasting bar.

To date there are approximately 27 licensed distilleries in BC, many of which already possess lounges within their respective distilleries. While the BC Liquor Licensing Control Board's (LCLB) new initiatives permits lounges as discussed, one of the issues commonly encountered has been that on a municipal level this new type of license does exist under municipal definitions. In other instances, this has been circumvented by permitting a lounge endorsement as an ancillary use to the distillery, which the City of Nanaimo has proposed as acceptable.

To date the LCLB has assessed and deemed Arbutus Distillery eligible to hold a lounge endorsement, pending Site and Community Assessment (CSA) from the City of Nanaimo.

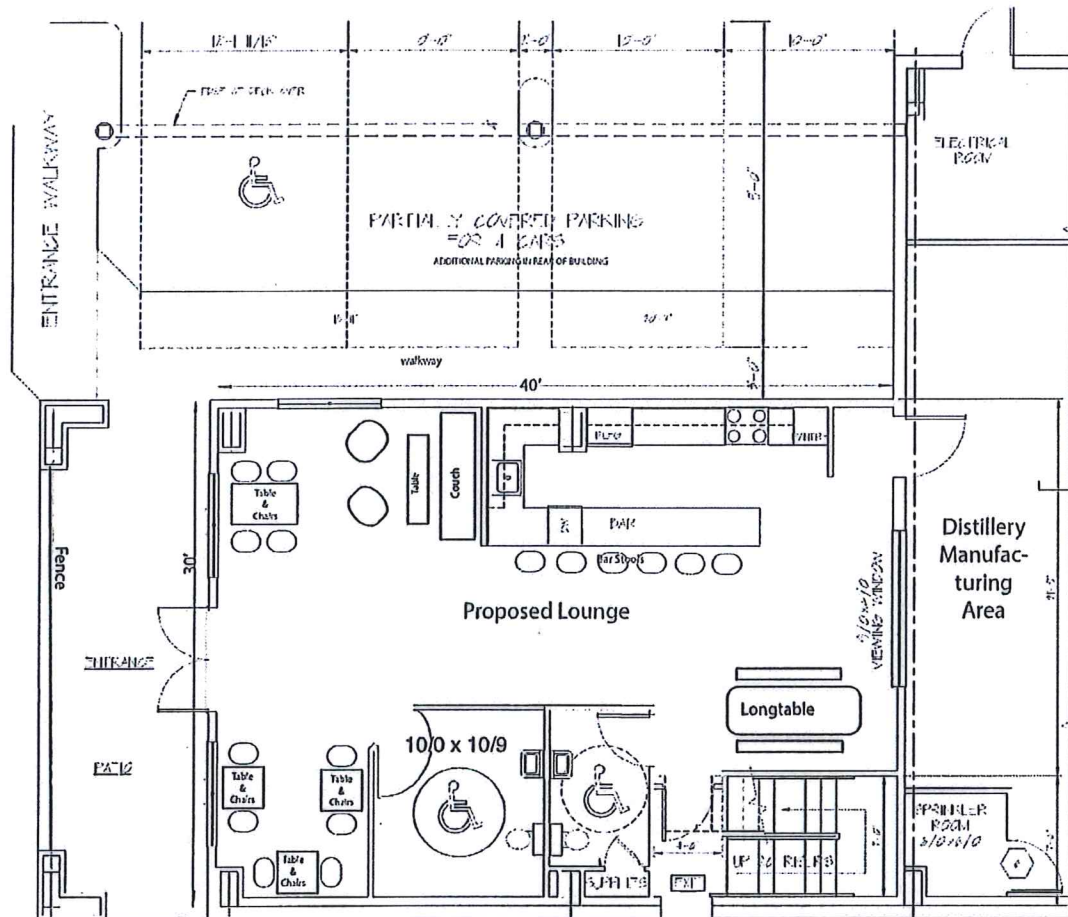
Nature of Proposed Lounge

The intent of Arbutus Distillery's proposed lounge is to enhance the nature of our current tasting room/retail area, where customers are limited to the legal allocated straight samplings and may purchase our manufactured spirits on-site, to additionally providing seating and the option to purchase signature cocktails tailored around our spirits in a small lounge setting. As required, non-alcoholic beverages and food options will also be available. We aim to provide a comfortable space, with relaxed music, and furniture to seat patrons within our limited 30

person occupant load. We aim to showcase our spirits in their intended cocktail form providing a truly unique beverage service. Our current space and tasting bar with the addition of furniture and enhanced décor will be more than sufficient to accomplish this. Our goal is NOT to be a primary bar location (see 'Patron Capacity & hours of liquor service' section).



Partial view of current retail and tasting bar area.



Proposed lounge space. Floor Plan Schematic

Benefits to the Community

There are currently no licensed establishments, beyond a food-primary setting, in the immediate area as it has been a relatively new developed region of the city. In addition to providing a safe and close setting for nearby residing patrons, the unique aspect of the service we wish to provide in the form of a small lounge that focuses on high end cocktails does not exist anywhere else in Nanaimo presently. Additionally, this lounge endorsement would support additional tourism activities at the distillery, such as specific distillery related events/special tastings, whisky club, cocktail making classes, and related educational/culinary events. One

of our most common complaints from tourists is that they are not permitted to enjoy our products in cocktail form when visiting and are instead limited to small neat samples. We feel the addition on this service would greatly enhance the distillery as a tourism location. Furthermore, we would be able to host small private functions such as company parties (ie. Christmas parties), art exhibitions, and other community events.

Additionally, as food options are required for the lounge by the LCLB, with the intent to minimize alcohol consumption, we aim to showcase a wide range of local options to accomplish this.

Patron Capacity and Hours of Liquor Service.

Currently our retail and tasting room hours are 11-6pm Tuesday through Friday and noon-5pm Saturday. With the addition of a lounge endorsement, full beverage offerings would begin from 6pm until close Thursday-Saturday evenings, with limited service available during normal tasting room hours. In essence, the lounge would be operating primarily part-time Thurs-Saturday evenings. In our application to the LCLB, we have indicated our lounge operational hours from 11am-11pm everyday with the intent to accommodate potential special events that may arise outside of normal beverage service as previously discussed.

The size of the lounge will be limited by a 30 person max. occupant load, pending the installation of an additional washroom as required. Currently, there is already ample parking available at the rear and front (16 spaces total, plus designated space for works vehicles) of the distillery to accommodate the occupant load.

Intended Demographic

Our intended demographic includes Nanaimo locals with interest in the culinary arts as well as tourists.

Responsible Service & Mitigation of Negative Effects

Under its current licenses Arbutus Distillery already implements the Liquor Board's requirements for the responsible service of alcoholic beverages. All our staff have undergone the required 'Serving it Right' certifications, not only for our own tasting room but as we routinely participate in several festivals and events throughout the province on a regular basis. Staff members who will be providing service in the proposed lounge are already experienced bartenders/mixologists in other establishments in addition to currently working at the distillery with involvement in production. Above and beyond this, with the addition of a lounge, Arbutus Distillery will implement further measures such as providing incentives for designated drivers by providing complementary non-alcoholic beverages and snacks, encouraging use of public transit as we are in very close proximity to local bus routes, as well as arranging for taxis. In addition, lounge hours will be staggered from retail sales hours to prevent overlap.

Impact of Noise on the Surrounding Community

Given the small size and nature of the lounge proposed excessive noise will not be produced. We will have a low occupant load as well as any live music will be acoustic in nature without amplification. Adjacent neighbours to our property are businesses that generally close around 5pm before peak hours expected from the lounge. Furthermore nearby residents are far enough away for this not to be an issue.