

**PRESENTATION TO NANAIMO  
CITY COUNCIL  
RE: PROPOSED PRODUCTION BAKERY  
AT 5491, RUTHERFORD ROAD, NANAIMO.  
MARCH 14<sup>TH</sup> 2016**

☐ Council  
☒ Committee *Of the Whole*  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: *2016-MAR-14*  
*Supplemental Items*

## **Presentation to Nanaimo City Council**

### **Re: Proposed Production Bakery at 5491 Rutherford Road.**

Your Worship and Councillors, my name is Angela Chan, I live at 5471 Rutherford Road. I am here today to ask you to review BP121523. In essence, this permit requests permission to build a production bakery in a designated RS1 neighbourhood at 5491 Rutherford Road under the current Home Based Business (H.B.B.) by laws.

Our community is extremely upset that a commercial business can invade our neighbourhood under the guise of a Home Based Business. Safety concerns have been expressed about the location of this business on Rutherford and the lack of transparency over this proposed bakery. Unlike re-zoning notices, H.B.B. proposals are not subject to public scrutiny; we were not notified or given an opportunity to address our concerns.

On December 17<sup>th</sup> 2015, Mr. Bill Clay, owner of 5491 Rutherford Road and Bodhi's Bakery at 5229 Rutherford applied for a building permit (BP121523) to build an accessory building on his property at 5491 Rutherford Road for the purpose of a Production Bakery (no retail). We understand this was rejected by the City "as being too big and commercial" and not meeting the requirements of a home based business. The application was later changed to "renovation to an existing accessory building, including the addition of 144s.ft, to be used as a production bakery, (no retail sales) and personal storage".

The revised application was designed to meet the current H.B.B. bylaws and therefore avoid the cost of operating in a business zoned area. The existing building is a stand-alone garage. See photo.

We believe the building permit process is nearing completion. On February 29<sup>th</sup> I requested it be delayed until we had an opportunity to appear before council.

As previously noted Mr. Clay currently owns and operates a commercial/ retail bakery at 5229 Rutherford Road, known as Bodhi's bakery. He is planning to move this business minus retail to his home at 5491 Rutherford Road.

When we discovered a bakery was moving into our RS1 neighbourhood, I contacted Mr. Topliffe and Mr. Stewart, City officials. I was told this was possible because the business was;

1. 42sq.metres or less.
2. No retail.
3. Business traffic would be restricted to an additional 5 in/out trips daily.
4. Met H.B.B. guidelines.

I was informed the "whole planning department" was involved in this decision. I am not sure whether everyone concurred or whether some had concerns. At that time, no one had visited the property.

In terms of safety, the location of this property is of great concern to our neighbourhood as it is situated on one of the most problematic

areas of Rutherford Road. At this location, Rutherford Road slopes steeply to the North West with a very sharp right angle turn to the left. This also intersects with Alder Way. See map.

There is no direct access to Mr. Clay's property from Rutherford. Access is through a single point and easement barely 15 ft. wide intended for residential use only. His property is one of three homes sharing the easement, together with Mr. Bill Baker at 5481 and myself at 5471. It was established twenty yrs. ago, long before Rutherford became the thoroughfare it is today. Even then, there were enough concerns about traffic to restrict access to our three homes to a single entry point.

Rutherford Road has experienced a dramatic increase in traffic flow from various developments in the area. It will only increase, as witnessed in the likely requirement of a light at Vanderneuk and the construction of a traffic circle near Nelson Road. Already exiting and entering our property is problematic due to traffic volume, speeding drivers and inattentiveness. Rain, snow and ice compound the problems, sometimes creating dangerous situations.

Bodhi's bakery is known throughout North Nanaimo, as such, I find it hard to believe the bakery will not attract potential customers and impact traffic.

Bakers need to start to work early, generally around 2 or 3 am to get the bread to market. With the lights, noise and smells this will be disruptive to the neighbourhood, akin to someone working early in their garage 5 days a week. The immediate neighbours of 5491 Rutherford have concerns about the property, as it is unkempt and an

eyesore. There are rats in the area, and we are fearful that this could be worsened with this development, particularly with food waste and leftovers. As residents, we are allowed one curb side garbage bag every 2 weeks, plus a green bin weekly. This bakery will generate far more waste than a residence; possibly necessitating food bank, commercial garbage bins and pick up, as at the current bakery.

There are currently 34 homebased baking/ catering businesses in Nanaimo. None call themselves a production bakery. I checked out 8 of these baking/catering businesses. They bear no resemblance whatsoever to what Mr. Clay is proposing. They are discreet, are not visible from the road and they complement the neighbourhood. I spoke to a couple of the operators who bake cookies, specialty cakes and cupcakes. They bake 1 or 2 days per week when they have an order to fill.

By contrast, Mr. Clay has applied to build a production bakery on his property in our RS1 neighbourhood. He will be moving his commercial business, i.e. commercial ovens, freezers, mixers and other equipment to the building on Rutherford, where the height will be increased to accommodate his freezers.

By the City's definition a production bakery means; "the use of a building for a large scale bakery for the purposes of production of baked goods for retail or wholesale..." According to Nanaimo Zoning requirements, Production Bakery is to be zoned I1, I2 or I3. This suggests Mr. Clay's bakery is subject to I zoning and should not be given the green light to set up in a RS1 zoned area.

We have been informed by several City officials that this is permissible because he meets the H.B.B. requirements. Does this mean that H.B.B. by-laws supersede Nanaimo Zoning Requirements? If this is indeed true, it will have an enormous impact on our City. What is there to stop other commercial businesses, who can define their business by H.B.B. bylaws from moving into our RS1 neighbourhoods, to reduce overheads? It is our belief; this self-described production bakery does not fit the intended definition of a H.B.B. A H.B.B. should not detract from the residential nature of a neighbourhood as this business surely will.

We do not believe that when the City developed the H.B.B. guidelines, they were intended to skirt commercial zoning requirements. The City was clearly hoping to encourage “start-up”, businesses that would expand and help the economy. In reality the opposite is true. The City intended for businesses to “complement the neighbourhood”. This production bakery will not complement our neighbourhood in any way, but rather seriously detract from it.

With this presentation we are submitting a petition signed by thirty people who live within a block radius of the proposed bakery. We are asking council not to approve the proposed bakery at 5491 Rutherford Road. To preserve our residential neighbourhoods, we ask the City to review the current bylaws concerning HBB's. Lastly we ask the City to consider independent oversight of H.B.B. to review the type of business activity, location and its impact on the neighbourhood. A H.B.B. should be subjected to local community input as well as the City H.B.B. bylaws.

If this proposed production bakery goes ahead it could set a precedent for the commercialisation of other neighbourhoods in Nanaimo. We purchased our homes in good faith, secure in our RS1 neighbourhood. We did not purchase our homes to live next to a production bakery. This bakery will downgrade our neighbourhood and lower our property values.

Submitted by: Angela Chan

5471, Rutherford Road, Nanaimo.

Tel No: ;

City of Nanaimo



## What's Building in my Neighbourhood?

Your online source for checking out development in your area ...learn  
more

### Subscriptions

[+ Show Filters](#)

1 applications

[Search](#)[Map](#)[List](#)[Subscribe](#)

BP121523

[\[x\]](#)

Interested in this application?

[Log In to subscribe to updates!](#)[Permanent link](#)

#### BP121523 - 5491 Rutherford Road

Neighbourhood: Rutherford

5491 Rutherford Road

Street Address: **Associated Properties** **Zone (s)**5491 RUTHERFORD  
ROAD

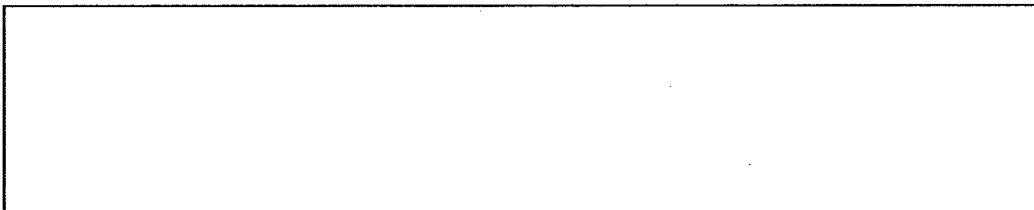
R1

[Property  
Report](#)Type of  
Application: Accessory Building

File Number: BP121523

Date Application  
Submitted: 2015-Dec-17Application  
Description: Renovation to an existing accessory building,  
including an addition of 144ft<sup>2</sup>. Building to be used as  
both a production bakery (no retail sales) and  
personal use storage space.Application  
Status: ACTIVE

#### Map















## STOP THE PROPOSED BAKERY AT 5491 RUTHERFORD ROAD

We, the undersigned, residents of North Nanaimo, object to the proposed production bakery at 5491 Rutherford Road, Nanaimo.

We call upon the Council to:

- 1 Reject this proposed plan.
- 2 Review the current regulations to ensure commercial businesses are not allowed to erode our residential neighbourhoods.
- 3 Establish independent oversight to review disputed home businesses.

Contact: Angela Chan,

NAME	PHONE	DATE
1 Angela Chan		Feb/26/16.
2 ED CHAN		26 feb 2016
3 Bill Baker		26 FEB 2016
4 Ruth Taylor		Feb 26, 2016
5 Douglas Jam Taylor		Feb 26, 2016
6 Jan Kenfeld		Feb 26 2016
7 Dawn Keefe		Feb 26, 2016
8 Rhonda Updegraff		Feb 26 2016
9 A. Holberg		Feb 26 2016
10 K. Peters		Feb 26, 2016
11 A. Bunkhalt		FEB 26/2016



## STOP THE PROPOSED BAKERY AT 5491 RUTHERFORD ROAD

We, the undersigned, residents of North Nanaimo, object to the proposed production bakery at 5491 Rutherford Road, Nanaimo.

We call upon the Council to:

- 1 Reject this proposed plan.
- 2 Review the current regulations to ensure commercial businesses are not allowed to erode our residential neighbourhoods.
- 3 Establish independent oversight to review disputed home businesses.

Contact: Angela Chan,

NAME	PHONE	DATE
12 J. Charles Scriven		Feb. 26, 2016
13 David Campbell		Feb. 26, 2016
14 BRAD DAVIES		FEB 27, 2016
15 LINDA DAVIES		FEB 27, 2016
16 Daniel Loch		Feb. 27, 2016
17 Michelle Loch		Feb 27, 2016
18 Aaron Westmacott		Feb 27, 2016
19 Kay Eastwood		Feb 27, 2016
20 Mr. Miller		" " "
21 [Signature]		" " "
22 Michelle Schley		Feb. 27 / 16

## STOP THE PROPOSED BAKERY AT 5491 RUTHERFORD ROAD

We, the undersigned, residents of North Nanaimo, object to the proposed production bakery at 5491 Rutherford Road, Nanaimo.

We call upon the Council to:

- 1 Reject this proposed plan.
- 2 Review the current regulations to ensure commercial businesses are not allowed to erode our residential neighbourhoods.
- 3 Establish independent oversight to review disputed home businesses.

Contact: Angela Chan,

NAME	PHONE	DATE
23 ALLAN SCHLEY		Feb 28/2016
24 <del>John GILLIS</del> <del>CHRYSTIE GILLIS</del>		FEB 28/2016
25 Ken Tate		Feb 28 2016
26 Meryl Calbreath		Feb 28
27 Ray Connell		Feb 28 2016
28 Susan Collett		March 2/16
29 Geil Tate		March 7 <sup>th</sup> 2016
30 Brooke Westmacott		March 13 <sup>th</sup> , 2016
31		
32		
33		