

DATE OF MEETING July 5, 2021

AUTHORED BY LISA BRINKMAN, PLANNER, CURRENT PLANNING

SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1212 AND HOUSING AGREEMENT HA000006 - 285 PRIDEAUX STREET

OVERVIEW

Purpose of Report

To present for Council's consideration, a development permit application and housing agreement for a proposed personal care facility with 51 supportive housing units to be located at 285 Prideaux Street.

Recommendation

That Council issue Development Permit No. DP1212 at 285 Prideaux Street, with the following variances:

- increase the maximum permitted building height from 12m to 16m;
- reduce the minimum required landscape buffer width from 1.8m to 0m on the front (east) property line, and to 0.75m on the north property line;
- reduce the minimum required setback for the garbage and recycling enclosure from 3.0m to 0.75m;
- reduce the minimum required landscape buffer on three sides of the garbage and recycling enclosure from 1.8m to 0m; and
- reduce the minimum number of required parking spaces from ten spaces to six spaces.

And that:

1. "Housing Agreement Bylaw 2021 No. 7327" (To secure unit affordability) pass first reading;
2. "Housing Agreement Bylaw 2021 No. 7327" pass second reading;
3. "Housing Agreement Bylaw 2021 No. 7327" pass third reading; and
4. Council direct Staff to register a covenant on the title of the land to reinforce the terms of the housing agreement.

BACKGROUND

A development permit application, DP1212, was received from S2 Architecture Interior Design on behalf of the Provincial Rental Housing Corporation (BC Housing) in conjunction with the property owner, the City of Nanaimo, for a four-storey personal care facility with 51 supportive housing units to be located at 285 Prideaux Street.

Subject Property and Site Context:

<i>Zoning</i>	Fitzwilliam Zone (DT2) and Old City Mixed Use (DT8)
<i>Location</i>	The subject property is located on the corner of Prideaux Street and Fitzwilliam Street.

<i>Total Area</i>	1,796m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Neighbourhood Map 3 – Development Permit Area No. 8 – Old City Neighbourhood; Development Permit Area No. 9 - Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development; and Heritage Conservation Area (HCA 1)
<i>Downtown Nanaimo Plan</i>	Old City Commercial and Fitzwilliam Character Area #8
<i>Relevant Design Guidelines</i>	Nanaimo Downtown Urban Design Plan and Guidelines (Fitzwilliam precinct) General Development Permit Area Design Guidelines

The subject property is located in the Old City neighbourhood on Fitzwilliam Street, which is a gateway to downtown Nanaimo. The existing community services building will be demolished to allow for redevelopment of the site. The property is located in a civic hub of community services with access to transit and public amenities. The adjacent property to the west is under construction with the redevelopment of Fire Station #1. The Nanaimo detachment of the RCMP is located across Fitzwilliam Street to the south. The surrounding neighbourhood is a transitional area between more intensive commercial uses to the east and residential uses to the west. Nearby properties include single residential dwellings, low-density commercial uses, multi-family residential buildings, and commercial services.

DISCUSSION

Proposed Development

The applicant is proposing a four-storey personal care facility with 51 supportive housing units and accessory onsite office space at 285 Prideaux Street. This development is one of the supportive housing projects proposed in the memorandum of understanding with BC Housing and the City of Nanaimo.

Site Design

The front elevation of the building and primary building entrance face Prideaux Street. The grade of the property slopes down towards the northeast corner, causing the entrances to the building to be raised, with steps and/or a wheelchair ramp to provide access. The building is set back 6m from the Fitzwilliam Street property line, and a raised patio with outdoor seating is proposed for this area. Driveway access to the property is provided on both Fitzwilliam Street and Prideaux Street. The driveway located along the west side of the property is shared with the fire station. The parking area and the garbage and recycling enclosure are located on the north side of the property and are screened by landscaping from the street and from the adjacent property to the north. A concrete sidewalk is provided around the perimeter of the building. The proposed building will have a Floor Area Ratio (FAR) of 1.48, less than the maximum permitted FAR of 2.3.

Building Design

A four-storey modular wood-frame building is proposed. The main floor of the building will contain accessory administrative offices, staff room, kitchen, laundry, lounge, dining area and

6 residential units. The upper three storeys of the building contains 45 residential units. Generous glazing is proposed for the first storey facing Prideaux Street, and a canopy with wood detailing extends along the length of the raised entry area, which defines the ground floor and provides interest and weather protection for the primary building entrances. The exterior façade materials consist of fibre cement paneling and wood like fibre cement plank. The arrangement of the white fibre cement panel on the south and east façade helps break the massing of the building. The building elevation facing Fitzwilliam Street contains windows and a canopy for weather protection in the amenity area. The proposed design addresses the City's development permit area guidelines.

Landscape Design

The raised patio on the south elevation is programmed with picnic tables and benches and is located on a curved concrete retaining wall that is 0.45m in height. A curved wrought iron decorative fence is proposed to be located on the retaining wall to define the patio edge. Trees and shrubs are proposed between the public sidewalk and the retaining wall to provide a landscape buffer. Also, a landscape buffer and wood fence are proposed along the north property line to screen the garbage and parking areas from the adjacent property. Trees and shrub plantings are also proposed along Prideaux Street within the road right-of-way. Exterior lighting will be placed to illuminate the entrances, outdoor patio area, and the pedestrian walkways.

Design Advisory Panel

The Design Advisory Panel, at its meeting held on 2021-FEB-25, accepted DP001212 as presented with support for the proposed building height variance. The following recommendations were provided:

- Consider incorporating ways for the building to complement the adjacent neighbourhood character;
- Consider alternative treatments on the south elevation to enhance the building's form and character;
- Consider ways to better screen the garbage and recycling storage area; and
- Consider opportunities to increase the openness and transparency on the southeast corner.

The applicant responded to the DAP recommendations and modified the development plans as follows:

- To better relate to the character of adjacent buildings, and to improve the building presence at the corner of Prideaux Street and Fitzwilliam Street (southeast elevation), the length and scale of the raised wheelchair ramp and stairs leading to the primary building entrance on Prideaux Street was reduced.
- To improve openness and transparency, and to improve building character, several windows were added to the south elevation of the building.
- A wider area for shrubs was created along the property line to better screen the garbage enclosure and parking area from public view.

Proposed Variances

Building Height

The maximum allowable building height is 12m, the proposed building height is 16m; a proposed variance of 4m.

The subject property falls within the 'Old City Commercial and Fitzwilliam Character Area #8' in the 'Downtown Urban Design Plan and Guidelines' and this plan supports up to six storeys at the corner of Prideaux Street and Fitzwilliam Street. In addition, due to the structural requirements of the individual modular units and their assembly, a modular building is generally slightly taller than a similar building using traditional construction methods.

The proposed building height will help frame the view corridor along Fitzwilliam Street similarly to Fire Station #1, which is currently under construction on the neighbouring property, and no negative impacts are anticipated to public view corridors.

Minimum Landscape Treatment Level

The "City of Nanaimo Zoning Bylaw 2011 No. 4500" requires a minimum landscape buffer width of 1.8m along the front and north side property line; a variance from 1.8m to 0m is proposed along the front property line (Prideaux Street), and a variance from 1.8m to 0.75m is proposed along the north side property line.

In lieu of the required onsite landscaping along the front property line (Prideaux Street), the landscaping is proposed to be located between the property line and the public sidewalk within the road right-of-way area. This variance allows the building envelope to be maximized on a constrained site, while meeting the intention for landscape screening.

A landscape buffer variance is requested along the north side property line from 1.8m in width to 0.75m in width; however, screening of the parking spaces and garbage enclosure will be achieved along the north property line with shrub plantings and a wooden fence (1.5m in height) with vines.

Minimum Setback for Garbage Enclosure

The minimum required setback for the garbage and recycling enclosure is 3m from the north side property line, and the proposed setback is 0.75m; a proposed variance of 2.25m.

Due to the constraints of the site, including two driveway accesses, there is limited area for siting the garbage and recycling enclosure. The proposed location will provide functional access and screening.

Off-Street Parking

The minimum required off-street parking for the proposed development is ten parking spaces (0.2 spaces per sleeping unit). The proposed number of parking spaces is six; a proposed variance of four parking spaces.

In accordance with Council's 'Policy for Consideration of a Parking Variance', the proposed parking variance is supportable given the following justifications:

- The subject property is located in the Downtown Mobility Hub area (Nanaimo Transportation Master Plan), and several bus stops to various bus routes are located in the vicinity of the property to serve the transportation needs of the residents.
- There is limited space available on the property to provide more parking spaces due to the required driveway accesses, thus compliance with "Off-Street Parking Regulations Bylaw 2018 No. 7266" would unreasonably hinder the development.
- The proposed development has been discussed with the neighbourhood through the BC Housing community consultation process (described below).
- The proposed development is consistent with the Nanaimo Downtown Urban Design Plan and Guidelines (Fitzwilliam precinct).
- BC Housing has advised the proposed supportive housing development at 285 Prideaux Street will require two full-time staff and two to four visiting staff/professionals, and six parking spaces are provided on site.
- BC Housing also advises that the residents will not typically have the resources to own, insure, and operate a vehicle.

Staff support the proposed variances.

Community Consultation

Although not required, BC Housing provided several engagement opportunities for the neighbourhood in 2020 which included:

- i) Sending invitations to the neighbours of 285 Prideaux Street to participate in dialogue sessions and to complete an online survey; and
- ii) Hosting meetings with the Nanaimo Old City Association and the Old City Quarter Business Association to discuss development design options.

In response, the applicant revised the development plans for 285 Prideaux Street by selecting a horizontal wood-like siding as one of the primary exterior façade materials, and selecting a semi-circular shaped raised patio with wrought iron fence for the Fitzwilliam Street side yard area.

Housing Agreement Bylaw 2021, No. 7327

The applicant is proposing to enter into a housing agreement with the City to ensure that 100% of the units will be occupied by low-income individuals and that if, in the future, rent is charged to those individuals, the rent shall not exceed 30% of the tenant's annual income. This agreement aligns with the BC Housing Memorandum of Understanding to provide supportive housing on this site. Meeting this criteria is one of the steps required for eligibility for a development cost charge reduction in accordance with the "City of Nanaimo Development Cost Charge Bylaw 2017 No. 7252". The attached "Housing Agreement Bylaw 2021 No. 7327" would authorize the City of Nanaimo to enter into a housing agreement with the property owner to ensure the above-mentioned commitment. The housing agreement will be bound to the property once it is registered on the property title.

SUMMARY POINTS

- Development Permit Application No. DP1212 and “Housing Agreement Bylaw 2021 No. 7327” is for a personal care facility with 51 supportive housing units at 285 Prideaux Street.
- Variances are requested to allow an increased building height, a reduction in the garbage enclosure setback and landscape buffer widths, and reduced parking.
- The proposed development addresses the City’s design guidelines and Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site and Parking Plan
ATTACHMENT E: Building Elevations and Details
ATTACHMENT F: Building Renderings
ATTACHMENT G: Landscape Plan and Details
ATTACHMENT H: Aerial Photo
“Housing Agreement Bylaw 2021 No. 7327”

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 11.7.1 Size of Buildings* – to increase the maximum allowable building height from 12m to 16m.
2. *Section 17.2.1 Required Landscaping* – to reduce the minimum required landscape buffer width from 1.8m to 0m on the front property line along Prideaux Street, and to 0.75m on the north side property line.
3. *Section 17.3.3 Required Landscaping* – to reduce the minimum required landscape buffer width around the garbage and recycling enclosure from 1.8m to 0m.
4. *Section 17.3.4 Refuse Receptacles* – to reduce the minimum required setback from the north property line for the garbage and recycling enclosure from 3m to 0.75m.

The City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” is varied as follows:

1. *Section 7.2 All Other Uses Parking Table* – to reduce the minimum required number of off-street parking spaces from 10 to 6.

CONDITIONS OF PERMIT

1. The subject property is developed generally in accordance with the Site and Parking Plan prepared by S2 Architecture and Design, dated 2021-MAY-14, as shown on Attachment D.
2. The development is in substantial compliance with the Building Elevations and Details prepared by S2 Architecture and Design, dated 2021-MAY-14, as shown on Attachment E.
3. The development is in substantial compliance with the Landscape Plan and Details prepared by WSP Landscape Architecture, dated 2021-MAY-14, as shown on Attachment G.

ATTACHMENT B
CONTEXT MAP

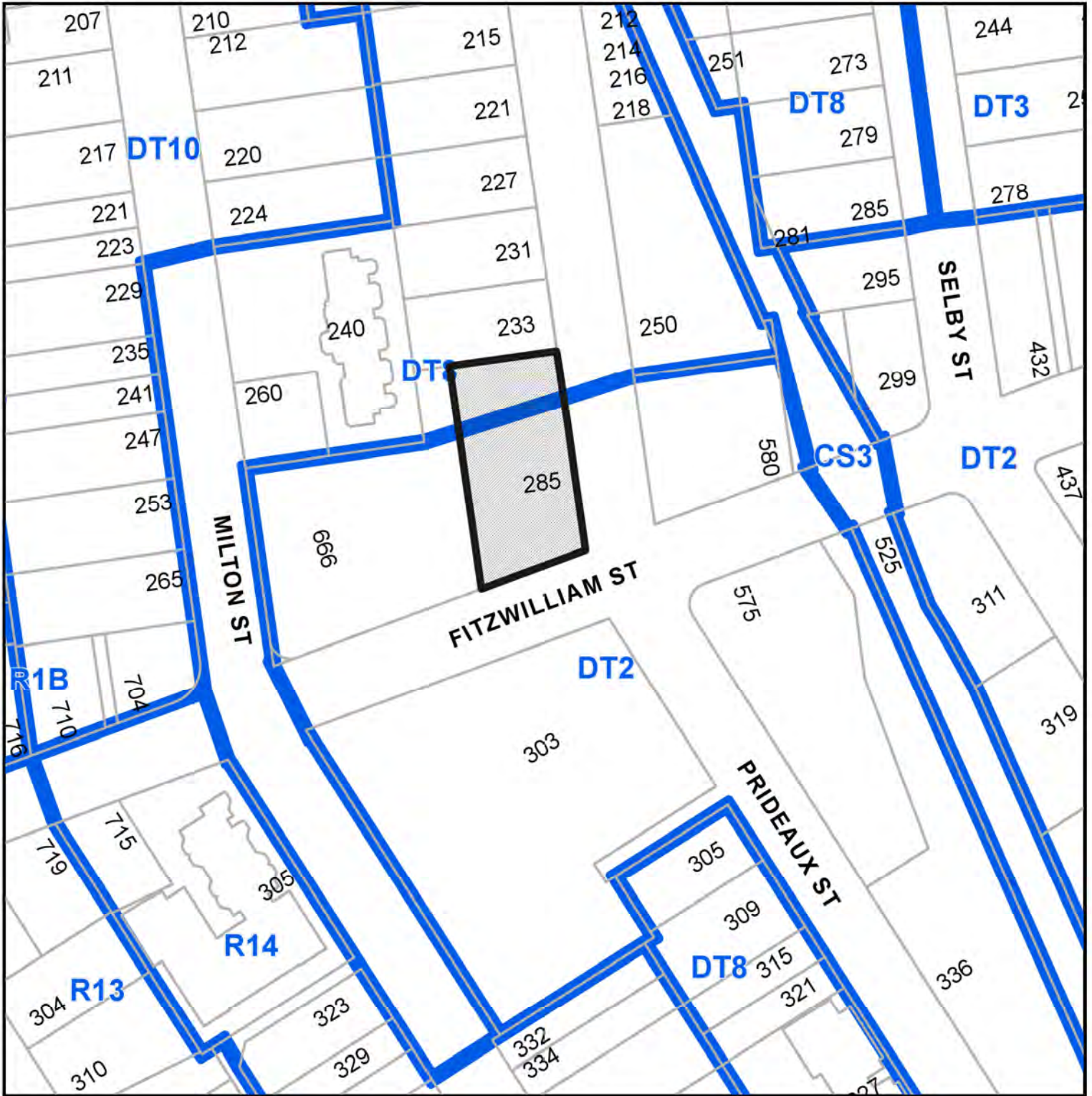


DEVELOPMENT PERMIT APPLICATION NO. DP001212



285 PRIDEAUX STREET

ATTACHMENT C
LOCATION PLAN

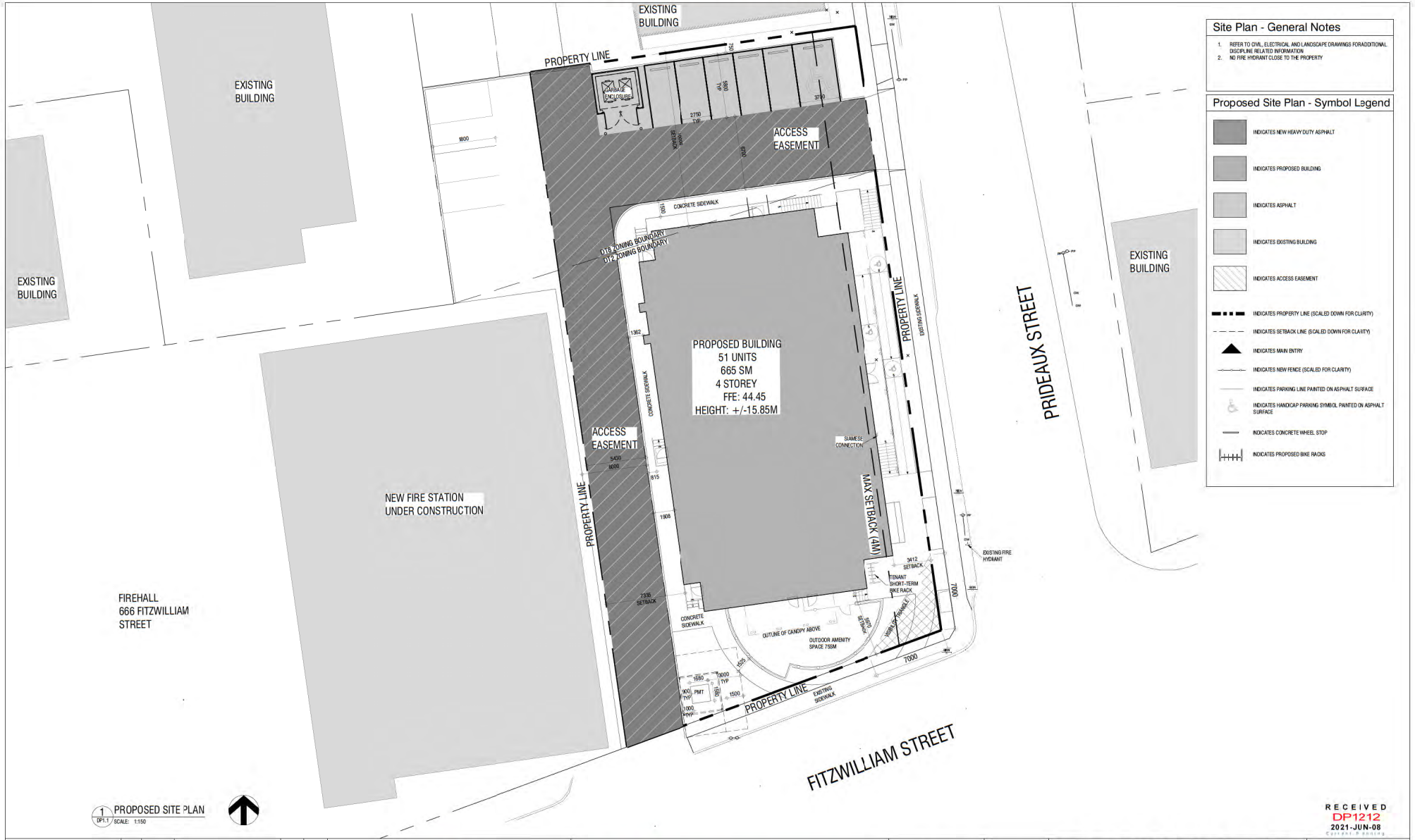


DEVELOPMENT PERMIT NO. DP001212

 **Subject Property**

CIVIC: 285 PRIDEAUX STREET
LEGAL: LOT B, SECTION 1, NANAIMO DISTRICT, PLAN EPP95349

ATTACHMENT D SITE AND PARKING PLAN



Site Plan - General Notes

- REFER TO CIVIL, ELECTRICAL AND LANDSCAPE DRAWINGS FOR ADDITIONAL DISCIPLINE RELATED INFORMATION
- NO FIRE HYDRANT CLOSE TO THE PROPERTY

Proposed Site Plan - Symbol Legend

- [Dark Grey Box] INDICATES NEW HEAVY DUTY ASPHALT
- [Medium Grey Box] INDICATES PROPOSED BUILDING
- [Light Grey Box] INDICATES ASPHALT
- [Lightest Grey Box] INDICATES EXISTING BUILDING
- [Hatched Box] INDICATES ACCESS EASEMENT
- [Dashed Line] INDICATES PROPERTY LINE (SCALED DOWN FOR CLARITY)
- [Dotted Line] INDICATES SETBACK LINE (SCALED DOWN FOR CLARITY)
- [Triangle] INDICATES MAIN ENTRY
- [Line with Dashes] INDICATES NEW FENCE (SCALED FOR CLARITY)
- [Line with Dots] INDICATES PARKING LINE PAINTED ON ASPHALT SURFACE
- [Wheelchair Symbol] INDICATES HANDICAP PARKING SYMBOL PAINTED ON ASPHALT SURFACE
- [Circle with X] INDICATES CONCRETE WHEEL STOP
- [Hatched Line] INDICATES PROPOSED BIKE RACKS

1 PROPOSED SITE PLAN
DATE: 2021-06-14
SCALE: 1:150

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DP12.12
2021-JUN-08

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1	2021	06	14	ISSUED FOR REVIEW	OP	CZ
2	2021	06	14	ISSUED FOR REVIEW	MEH	CZ
3	2021	06	14	DESIGN PANEL COMMENTS	MEH	CZ
4	2021	06	14	ISSUED FOR REVIEW	OP	CZ

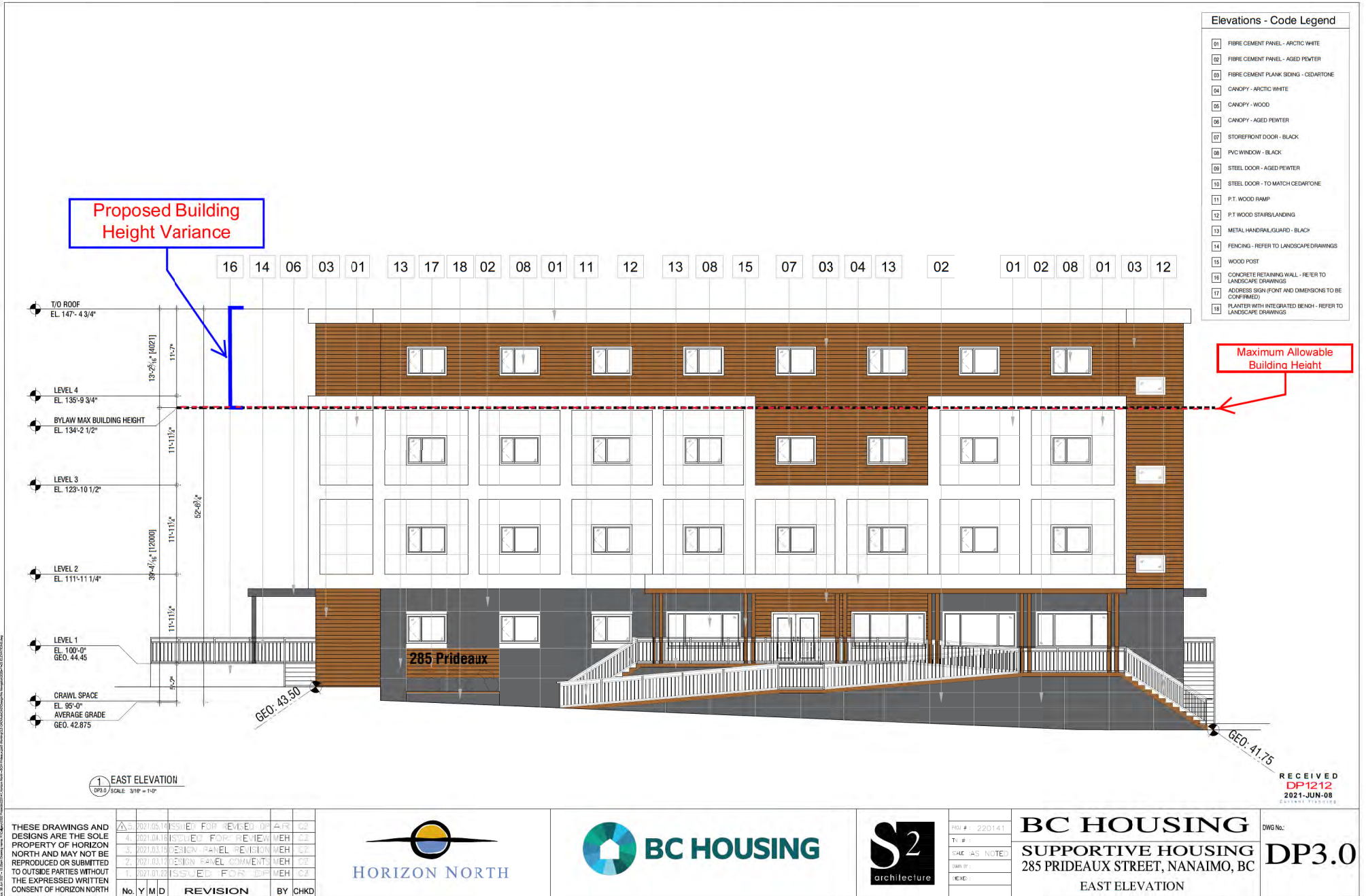


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DATE AS NOTED	
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BC HOUSING
SUPPORTIVE HOUSING
285 PRIDEAUX STREET, NANAIMO, BC
PROPOSED SITE PLAN

DWG No:
DP1.1

ATTACHMENT E BUILDING ELEVATIONS AND DETAILS



Elevations - Code Legend

- 01 FIBRE CEMENT PANEL - ARCTIC WHITE
- 02 FIBRE CEMENT PANEL - AGED PEWTER
- 03 FIBRE CEMENT PLANK SIDING - CEDARTONE
- 04 CANOPY - ARCTIC WHITE
- 05 CANOPY - WOOD
- 06 CANOPY - AGED PEWTER
- 07 STOREFRONT DOOR - BLACK
- 08 PVC WINDOW - BLACK
- 09 STEEL DOOR - AGED PEWTER
- 10 STEEL DOOR - TO MATCH CEDARTONE
- 11 P.T. WOOD RAMP
- 12 P.T. WOOD STAIRSLANDING
- 13 METAL HANDRAIL/GLAZD - BLACK
- 14 FENCING - REFER TO LANDSCAPE DRAWINGS
- 15 WOOD POST
- 16 CONCRETE RETAINING WALL - REFER TO LANDSCAPE DRAWINGS
- 17 ADDRESS SIGN FONT AND DIMENSIONS TO BE CONFIRMED
- 18 PLANTER WITH INTEGRATED BENCH - REFER TO LANDSCAPE DRAWINGS



Maximum Allowable Building Height

1 NORTH ELEVATION
DP3.1 SCALE: 3/16" = 1'-0"

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1	2021	05	14	ISSUED FOR REVISED DP	APR	02
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3	2021	03	13	DESIGN PANEL REVISION	MEH	02
4	2021	03	13	DESIGN PANEL COMMENTS	MEH	02
5	2021	01	22	ISSUED FOR DP	MEH	02



PROJ #	220141
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DATE AS NOTED	
DATE OF	
DATE	

BC HOUSING
SUPPORTIVE HOUSING
285 PRIDEAUX STREET, NANAIMO, BC
NORTH ELEVATION

DWG No.: **DP3.1**

Elevations - Code Legend

- 01 FIBRE CEMENT PANEL - ARCTIC WHITE
- 02 FIBRE CEMENT PANEL - AGED PEWTER
- 03 FIBRE CEMENT PLANK SIDING - CEDARTONE
- 04 CANOPY - ARCTIC WHITE
- 05 CANOPY - WOOD
- 06 CANOPY - AGED PEWTER
- 07 STOREFRONT DOOR - BLACK
- 08 PVC WINDOW - BLACK
- 09 STEEL DOOR - AGED PEWTER
- 10 STEEL DOOR - TO MATCH CEDARTONE
- 11 P.T. WOOD RAMP
- 12 P.T. WOOD STAIRSLANDING
- 13 METAL HANDRAIL/GUARD - BLACK
- 14 FENCING - REFER TO LANDSCAPE DRAWINGS
- 15 WOOD POST
- 16 CONCRETE RETAINING WALL - REFER TO LANDSCAPE DRAWINGS
- 17 ADDRESS SIGN FRONT AND DIMENSIONS TO BE CONFIRMED
- 18 PLANTER WITH INTEGRATED BENCH - REFER TO LANDSCAPE DRAWINGS

Maximum Allowable Building Height



1 WEST ELEVATION
DP3.2 SCALE: 3/16" = 1'-0"

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4	2021	04	19	ISSUED FOR REVIEW	MEH	02
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2	2021	03	19	DESIGN PANEL COMMENTS	MEH	02
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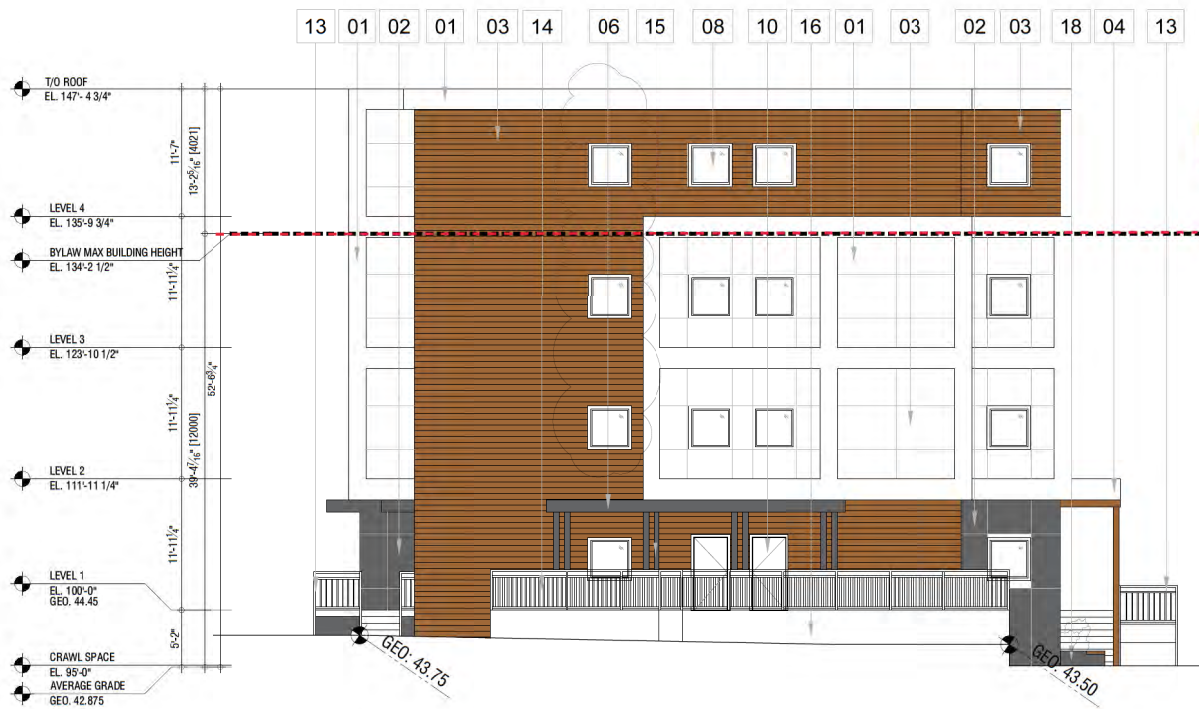
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BC HOUSING
SUPPORTIVE HOUSING
285 PRIDEAUX STREET, NANAIMO, BC
WEST ELEVATION

DWG No:
DP3.2

Elevations - Code Legend

- 01 FIBRE CEMENT PANEL - ARCTIC WHITE
- 02 FIBRE CEMENT PANEL - AGED PEWTER
- 03 FIBRE CEMENT PLANK SIDING - CEDARTONE
- 04 CANOPY - ARCTIC WHITE
- 05 CANOPY - WOOD
- 06 CANOPY - AGED PEWTER
- 07 STOREFRONT DOOR - BLACK
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- 13 METAL HANDRAIL/GUARD - BLACK
- 14 FENCING - REFER TO LANDSCAPE DRAWINGS
- 15 WOOD POST
- 16 CONCRETE RETAINING WALL - REFER TO LANDSCAPE DRAWINGS
- 17 ADDRESS SIGN FONT AND DIMENSIONS TO BE CONFIRMED
- 18 PLANTER WITH INTEGRATED BENCH - REFER TO LANDSCAPE DRAWINGS



1 SOUTH ELEVATION
DP3.3 SCALE: 3/16" = 1'-0"

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2	2021	01	13	DESIGN PANEL COMMENTS	MEH	02
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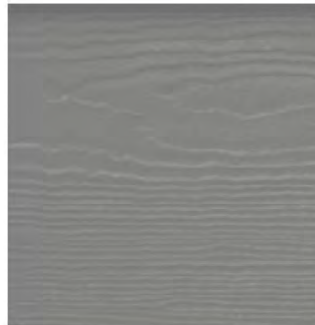
BC HOUSING
SUPPORTIVE HOUSING
285 PRIDEAUX STREET, NANAIMO, BC
SOUTH ELEVATION

DWG No:
DP3.3

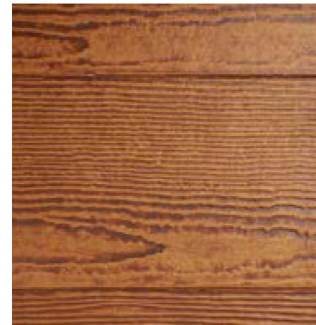
MATERIAL BOARD



1. Fibre Cement Panel White



2. Fibre Cement Panel Dark Grey



3. Fibre Cement Plank Siding Wood Look



4. PVC Window Black



Renderings provided by S2 Architecture.
Renderings are artistic representations and are subject to change.



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2021-JAN-22
Current Planning

**ATTACHMENT F
BUILDING RENDERINGS**



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2021-JUN-03

Renderings provided by S2 Architecture.
Renderings are artistic representations and are subject to change.



View from the corner of Fitzwilliam Street and Prideaux Street



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DP1212
2021-JUN-03

Renderings provided by S2 Architecture.
Renderings are artistic representations and are subject to change.



View from Fitzwilliam Street and adjacent to Fire Hall



Renderings provided by S2 Architecture.
Renderings are artistic representations and are subject to change.

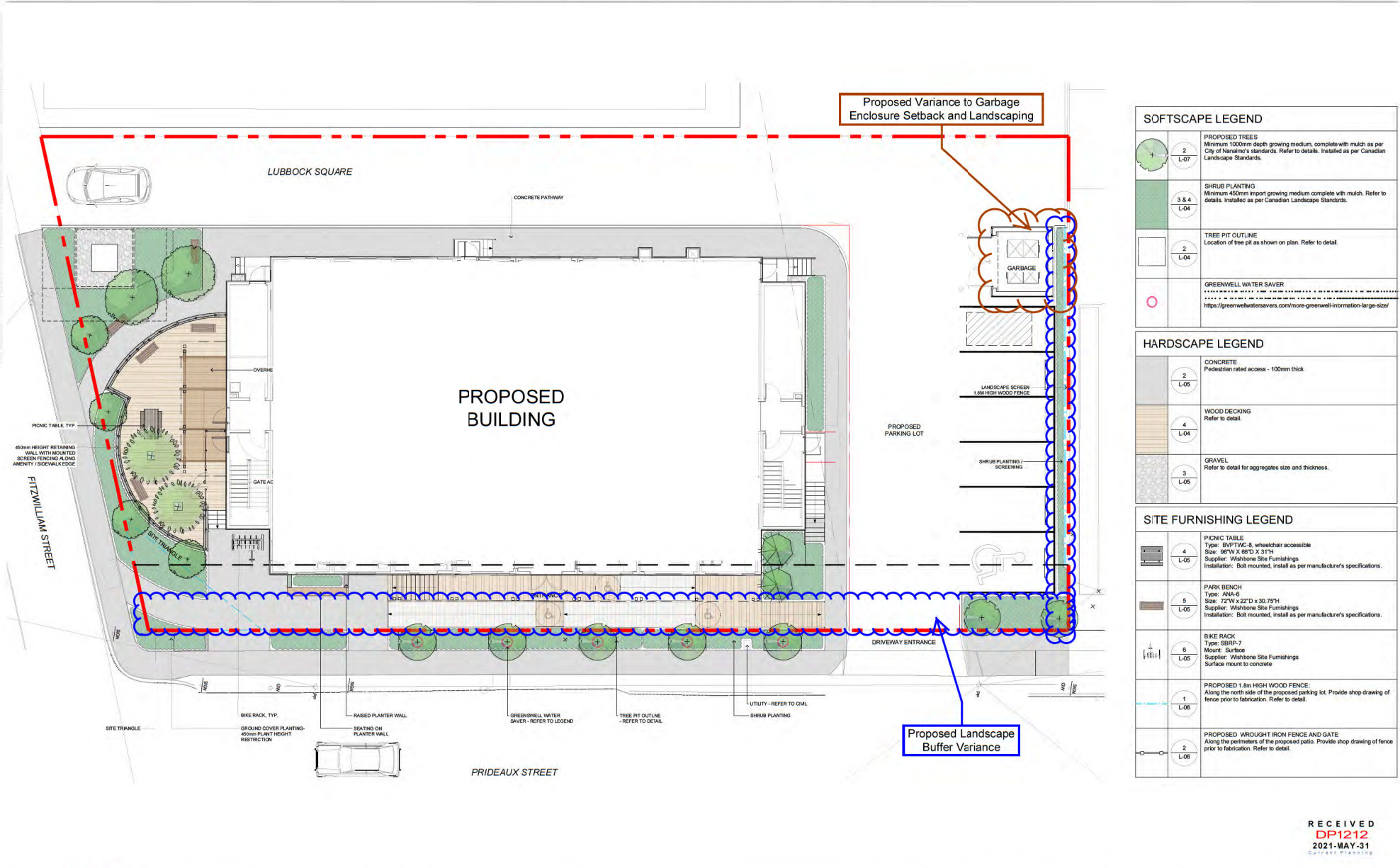
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View from Prideaux Street



View from Fitzwilliam Street at Prideaux Street

ATTACHMENT G LANDSCAPE PLAN AND DETAILS



SOFTSCAPE LEGEND	
	PROPOSED TREES 2 L-07 Minimum 1000mm depth growing medium, complete with mulch as per City of Nanaimo's standards. Refer to details. Installed as per Canadian Landscape Standards.
	SHRUB PLANTING 3 & 4 L-04 Minimum 450mm import growing medium complete with mulch. Refer to details. Installed as per Canadian Landscape Standards.
	TREE PIT OUTLINE 2 L-04 Location of tree pit as shown on plan. Refer to detail.
	GREENWELL WATER SAVER 2 L-04 Location of tree pit as shown on plan. Refer to detail. https://greenwellwatersavers.com/more-greenwell-information-large-size/

HARDSCAPE LEGEND	
	CONCRETE 2 L-05 Pedestrian rated access - 100mm thick
	WOOD DECKING 4 L-04 Refer to detail.
	GRAVEL 3 L-05 Refer to detail for aggregates size and thickness.

SITE FURNISHING LEGEND	
	PICNIC TABLE 4 L-05 Type: 6VPTVC-8, wheelchair accessible Size: 90"W x 66"D x 31"H Supplier: Washbone Site Furnishings Installation: Bolt mounted, install as per manufacturer's specifications.
	PARK BENCH 5 L-05 Type: ANA-6 Size: 72"W x 22"D x 30.75"H Supplier: Washbone Site Furnishings Installation: Bolt mounted, install as per manufacturer's specifications.
	BIKE RACK 6 L-05 Type: SBRP-7 Mount: Surface Supplier: Washbone Site Furnishings Surface mount to concrete
	PROPOSED 1.8m HIGH WOOD FENCE: 1 L-06 Along the north side of the proposed parking lot. Provide shop drawing of fence prior to fabrication. Refer to detail.
	PROPOSED WROUGHT IRON FENCE AND GATE: 2 L-06 Along the perimeter of the proposed patio. Provide shop drawing of fence prior to fabrication. Refer to detail.

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DP1212
2021-MAY-31
CITY OF NANAIMO

<p>LANDSCAPE ARCHITECTURE URBAN DESIGN PLANNING ENGINEERING 300 - 800 BOWEN STREET, VANCOUVER, B.C. V6Z 2J1</p>	<p>PROJECT BCH 285 PRIDEAUX STREET NANAIMO, B.C.</p> <p>CLIENT BC REKINDING</p> <p>CONSULTANT WSP</p>	<p>0 1:100 5</p>	ORIGINAL SIZE: 60.96cm x 91.44cm (24" x 36")	SEALED	DESIGN BY: MH DRAWN BY: LN CHECKED BY: MH PROJECT # : 204-GE25-00 SCALE: 1:100	SHEET TITLE LANDSCAPE PLAN SHEET NO.:											
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NO.	DATE	DESCRIPTION	BY														
4	2021/05/14	ISSUED FOR REVIEW	MH														
3	2021/04/16	ISSUED FOR REVIEW	MH														
2	2021/03/23	DESIGN PANEL COMMENTS	MH														



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	<p>SHRUB PLANTING 3 & 4 L-04 Minimum 450mm import growing medium complete with mulch. Refer to details. Installed as per Canadian Landscape Standards.</p>
	<p>TREE PIT OUTLINE 2 L-04 Location of tree pit as shown on plan. Refer to detail.</p>
	<p>GREENWELL WATER SAVER 2 L-04 Location of tree pit as shown on plan. Refer to detail. https://greenwellwatersavers.com/more-greenwell-information-large-size/</p>

HARDSCAPE LEGEND	
	<p>CONCRETE 2 L-05 Pedestrian rated access - 100mm thick</p>
	<p>WOOD DECKING 4 L-04 Refer to detail.</p>
	<p>GRAVEL 3 L-05 Refer to detail for aggregates size and thickness.</p>

SITE FURNISHING LEGEND	
	<p>PICNIC TABLE 4 L-05 Type: 6VPTVC-8, wheelchair accessible Size: 90"W x 66"D x 31"H Supplier: Washbone Site Furnishings Installation: Bolt mounted, install as per manufacturer's specifications.</p>
	<p>PARK BENCH 5 L-05 Type: ANA-6 Size: 72"W x 22"D x 30.75"H Supplier: Washbone Site Furnishings Installation: Bolt mounted, install as per manufacturer's specifications.</p>
	<p>BIKE RACK 6 L-05 Type: SBRP-7 Mount: Surface Supplier: Washbone Site Furnishings Surface mount to concrete</p>
	<p>PROPOSED 1.8m HIGH WOOD FENCE: 1 L-06 Along the north side of the proposed parking lot. Provide shop drawing of fence prior to fabrication. Refer to detail.</p>
	<p>PROPOSED WROUGHT IRON FENCE AND GATE: 2 L-06 Along the perimeter of the proposed patio. Provide shop drawing of fence prior to fabrication. Refer to detail.</p>

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 DP1212
 2021-MAY-31
 COMMUNITY PLANNING



LANDSCAPE ARCHITECTURE | URBAN DESIGN | PLANNING | ENGINEERING
 300 - 800 BOWEN STREET, VANCOUVER, B.C. V6C 2M1

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF WSP AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, DISSEMINATED, OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF WSP. WSP AND ITS CONSULTANTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.

PROJECT
 BCH 285 PRIDEAUX STREET | NANAIMO, B.C.
 CLIENT
 BC RESIDING
 CONSULTANT
 WSP



ORIGINAL SIZE: 60396cm x 9146cm (24" x 36")			
4	2020/05/14	ISSUED FOR REVIEW	MH
3	2020/04/16	ISSUED FOR REVIEW	MH
2	2020/02/23	DESIGN PANEL COMMENTS	MH
NO.	DATE	DESCRIPTION	BY

DESIGN BY		SHEET TITLE	
MH	LN	LANDSCAPE PLAN	
DRAWN BY		SHEET NO.	
MH	LN		
CHECKED BY			
MH	LN		
PROJECT #			
SCALE			
1:100			



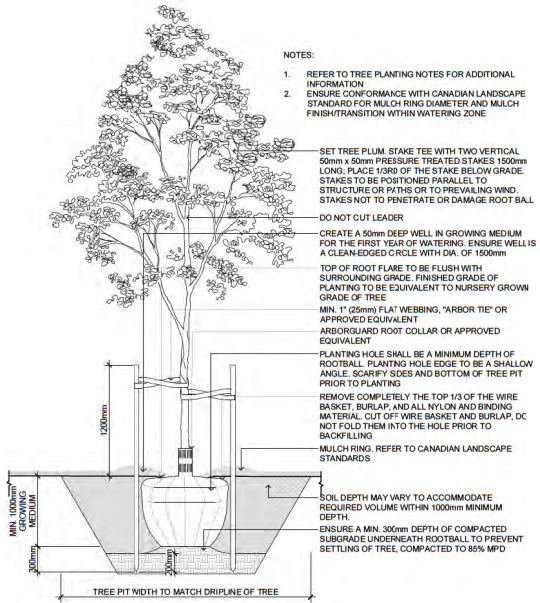
TREE SCHEDULE					
SYM	QTY	BOTANTICAL NAME	COMMON NAME	SIZE	SPACING
	2	Cornus florida	Red flowering dogwood	B&B, 4cm cal., 1.8m ht standard	As shown
	7	Malus 'Ivory Spear'	'Ivory Spear' crabapple	B&B, 4cm cal., 1.8m ht standard	As shown
	6	Malus 'Raspberry Spear'	'Raspberry Spear' crabapple	B&B, 4cm cal., 1.8m ht standard	As shown
	2	Picea omorika 'Bruns'	'Bruns' Serbian spruce	B&B, 4cm cal., 1.8m ht standard	As shown

SHRUB SCHEDULE					
SYM	QTY	BOTANTICAL NAME	COMMON NAME	SIZE	SPACING
K	117	Arctostaphylos uva-ursi	Kinnikinnick	#1 Fot, full	600mm o.c.
BG	44	Buxus 'Green Velvet'	'Green Velvet' boxwood	#2 Fot, full	900mm o.c.
O	36	Corvus sericea 'Flaviramea'	'Flaviramea' dogwood	#2 Fot, full	900mm o.c.
D	35	Erica carnea 'Springwood Pink'	'Springwood Pink' heath	#2 Fot, full	600mm o.c.
E	7	Euonymus alatus	Winged burning bush	#2 Fot, full	1200mm o.c.
P	34	Parthenocissus quinquefolia	Virginia creeper	#2 Fot, full	600mm o.c.
X	8	Salix purpurea	Arctic willow	#2 Fot, full	1500mm o.c.
SJ	22	Spirea japonica 'Goldmound'	'Goldmound' spirea	#2 Fot, full	900mm o.c.
TM	17	Taxus x media 'Hilli'	'Hilli' yew	#2 Fot, full	900mm o.c.

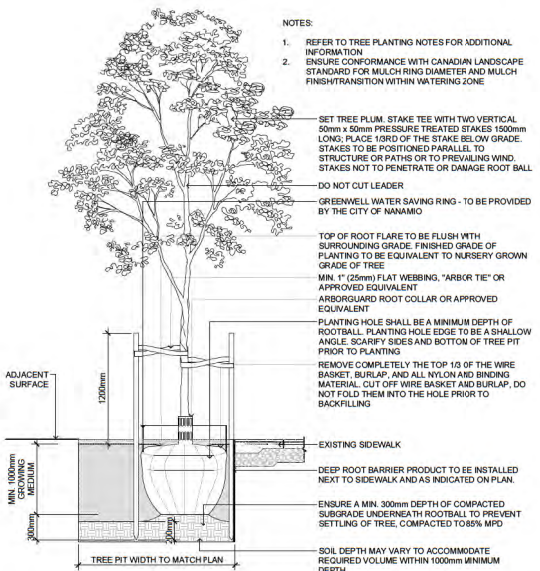
- PLANTING NOTES:**
- All work of the contractor shall meet or exceed all standards and specifications established in the latest edition of the Canadian Landscape Standard.
 - All plant material must be certified to be free of sudden oak death (phytophthora ramorum), according to the Canadian Food Inspector Agency (C.F.I.A.), or C.S.L.A. standards, plant material to be made available for optional inspection by the Contract Administrator at source of supply.
 - The contractor shall provide a (1) year replacement warranty on all plant material to the owner from the date of substantial completion.
 - The quantities shown on the plan shall take precedence over the quantities shown on the plant list. The contractor shall notify the Contract Administrator of any discrepancies prior to ordering and installing plant material.
 - The contractor shall not substitute plant material or products without written consent of the Contract Administrator. The contractor shall be responsible for the removal and replacement of any unapproved substitutions.
 - Arrange plants in containers for consultant's review and approval of placement prior to installation.
 - All trees are to be planted with trunk flare at finished grade to match original nursery grade. contractor to obtain consultant's approval of final tree depth prior to placement of finished material. Trees planted at improper depth and without final approval may be subject to removal at contractor's expense.
 - Growing medium shall meet the following Canadian Landscape Standards:
 Planting beds:
 2"p
 The contractor shall provide a soil sample and test to the contract administrator demonstrating that the growing medium meets these specifications prior to delivery to the site. The contractor will be responsible for the removal and replacement of any untested / non specification growing medium at their own expense.
 Placement - the contractor shall place the growing medium at the following minimum depths
 Trees:
 6000mm
 Planting beds:
 450mm
 9. Contractor shall supply and place composted bark mulch 50mm deep. Mulch is not to bury tree trunk flare. Accommodate for mulch depth when planting trees. Sample of mulch to be provided to consultant for approval prior to placement.

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 2021-MAY-31
 CLIFF CONSULTANTS

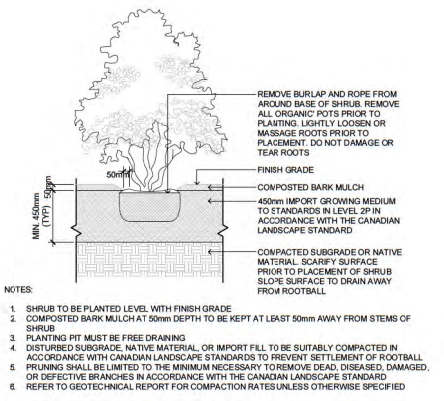
<p>LANDSCAPE ARCHITECTURE URBAN DESIGN PLANNING ENGINEERING 3000 - 800 BOWEN STREET, VANCOUVER, B.C. V6Z 2J1</p>	<p>PROJECT BCH 285 PRIDEAUX STREET NANAIMO, B.C.</p> <p>CLIENT BC HOUSING</p> <p>CONSULTANT WSP</p>	<p>0 1:100 5</p>	ORIGINAL SIZE 6039cm x 9146cm (24" x 36")	SEALED	DESIGN BY MH DRAWN BY LN CHECKED BY MH PROJECT # 204-0225-00 SCALE	SHEET TITLE PLANTING												
			<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>2021/05/11</td> <td>ISSUED FOR REVIEW</td> <td>MH</td> </tr> <tr> <td>3</td> <td>2021/04/16</td> <td>ISSUED FOR REVIEW</td> <td>MH</td> </tr> <tr> <td>2</td> <td>2021/03/23</td> <td>DESIGN PANEL COMMENTS</td> <td>MH</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	4	2021/05/11	ISSUED FOR REVIEW	MH	3	2021/04/16	ISSUED FOR REVIEW	MH	2	2021/03/23	DESIGN PANEL COMMENTS
NO.	DATE	DESCRIPTION	BY															
4	2021/05/11	ISSUED FOR REVIEW	MH															
3	2021/04/16	ISSUED FOR REVIEW	MH															
2	2021/03/23	DESIGN PANEL COMMENTS	MH															



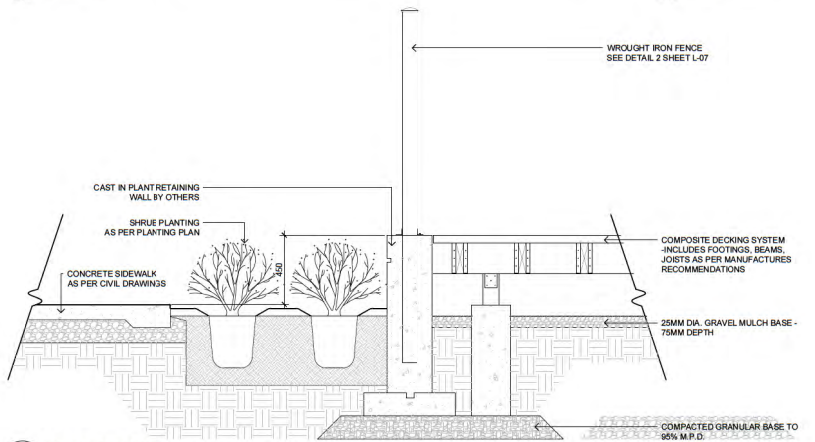
1 TREE PLANTING
L-04 SCALE: 1:25



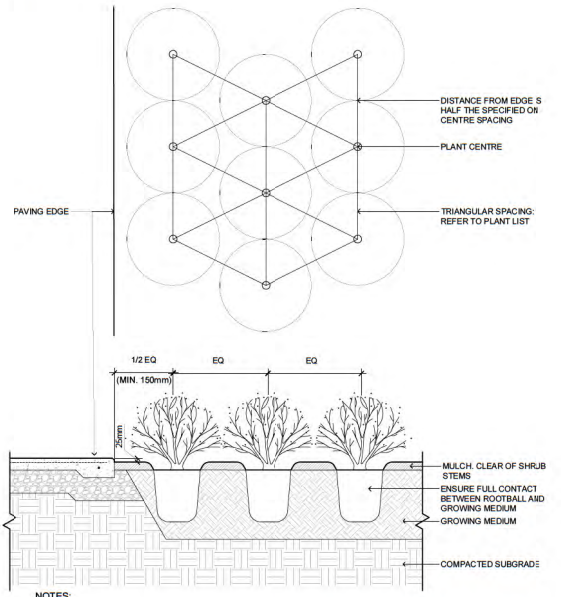
2 TREE PLANTING - ADJACENT TO SIDEWALK
L-04 SCALE: 1:25



3 SHRUB PLANTING DETAIL
L-04 SCALE: 1:20



5 PLANTER AND FENCE SECTION
L-04 SCALE: 1:15



4 SHRUB SPACING
L-04 SCALE: 1:15

- NOTES:
- REFER TO CANADIAN LANDSCAPE STANDARD FOR COMPACTION AND PREPARATION REQUIREMENTS FOR PLANTING BEDS
 - REFER TO TYPICAL SHRUB PLANTING DETAILS FOR INFORMATION ON MULCH AND GROWING MEDIUM
 - ENSURE MATURE SHRUB FORM WILL NOT OVERHANG WALKWAY
 - COMPACTION RATE TO BE 95% MPD UNLESS OTHERWISE SPECIFIED IN GEOTECHNICAL REPORT

RECEIVED
DP1212
2021-MAY-31
CURRENT PLANNING



LANDSCAPE ARCHITECTURE (URBAN DESIGN | PLANNING | ENGINEERING)
3000 - 840 BOWEN STREET, VANCOUVER, BC, V6Z 2J4

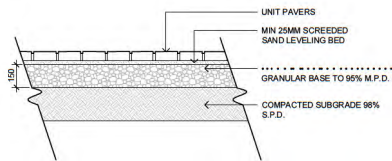
PROJECT
BCH 285 PRIDEAUX STREET | NANAIMO, B.C.

CLIENT
BC HOUSING

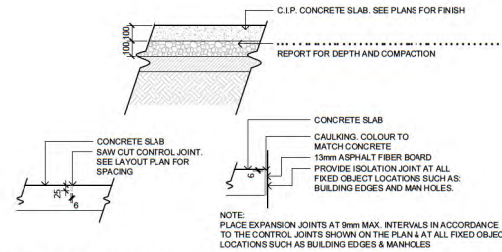
CONSULTANT
WSP

NO	DATE	DESCRIPTION	BY
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3	2021/04/06	ISSUED FOR REVIEW	M81
2	2021/03/23	DESIGN PANEL COMMENTS	M81

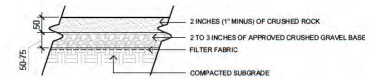
DESIGN BY	M81	SHEET TITLE	DETAILS
DRAWN BY	DN		
CHECKED BY	M81		
PROJECT #	2034-0023-00	SHEET NO.	
SCALE	AS SHOWN		



1 UNIT PAVER
L-05 SCALE: H5



2 C.I.P. CONCRETE
L-05 SCALE: H5



3 GRAVEL
L-05 SCALE: H5

RUTHERFORD PICNIC TABLE
Model Number: RPT-6



PRODUCT SPECIFICATIONS

- 100% Recycled Plastic Slab
- 25 Year Limited Warranty
- Disable Powder Coated Aluminum Frame
- Standard Colors: Black, Grey, Teal, Bronze, Redwood, Brown, Cardinal Red, Blue, Cedar, Teal, Orange, Gold, Bronze, Brown, Cardinal Red, Black, C.I.P. Recycled Concrete, Powder Bronze, Cardinal Red
- Long Lasting Stainless Steel Hardware

CUSTOMIZED SOLUTIONS

- Custom Powder Coating (Color Changes May Apply)
- Wheel Chair Accessible one side (RPTWC-B)
- Compatible with sand
- Skate blocks
- Seawater steel bolt down kit

DESIGNER NOTES

The Rutherford Picnic Table was the first picnic table designed by Wishbone. Practical and functional, this was also the first model that incorporated the low maintenance components found in almost all of our products today: powder coated aluminum frame, 100% recycled plastic lumber, and stainless steel fasteners. Developed specifically to address the challenges of working with plastic lumber specifically expansion, contraction, and non-structural the Rutherford Picnic Table is tried and true. In fact, it has become the standard in many municipalities, colleges and universities. Over the years many different versions have been created for various applications, wheelchair accessible, a reinforced portable model, and umbrella compatible (see Installation Gallery).

PRODUCT DIMENSIONS

Table Height	30 inches / 762mm
Seat Height	18 inches / 457mm
Seat Depth	17 inches / 430mm
Total Length	6 feet / 183cm
Weight	250lbs / 113kg

RECYCLED CONTENT

70% RECYCLED CONTENT BY WEIGHT
100% RECYCLABLE



100% Canadian Made | Wishbone Ltd. provides an extended 10 year limited warranty from the date of finish. | Visit us online at www.WishboneLtd.com
Wishbone Site Furnishings | #109-27090 Gloucester Way | Langley, BC CANADA V4W 3Y5 | 1.866.626.0476 sales@wishboneLtd.com

4 RUTHERFORD PICNIC TABLE
L-05 SCALE: n.t.s.

BAYVIEW PARK BENCH
Model Number: BPC-6



DESIGNER NOTES

Style and ergonomics describe the Bayview bench. The 'strapped' design has redefined the functionality of a standard bench look with a sleek, angled leg giving it a very unique appearance. The wide timber configuration on the backrest accommodates a wide variety of uses and makes for an extremely comfortable sitting experience. Also intentional by design, this bench is perfect for a commemorative plaque. This bench is available in a variety of lengths with or without armrests.

PRODUCT SPECIFICATIONS

- Plastic Re-Seat Advantage™ - Recycled Plastic Slab
- 25 Year Limited Warranty
- Disable Powder Coated Aluminum Frame
- Standard Colors: Brown, Slate, Teal, Red, Blue, Bronze, Teal, Orange, Gold, Bronze, Brown, Cardinal Red, Blue, Cedar, Teal, Orange, Gold, Bronze, Brown, Cardinal Red, Black, C.I.P. Recycled Concrete, Powder Bronze, Cardinal Red
- Long Lasting Stainless Steel Hardware

CUSTOMIZED SOLUTIONS

- Custom Powder Coating (Color Changes May Apply)
- Lighting Program (Custom, Insect Repellent, Warmth)
- LED Lighting built into the seat
- With armrest (BPC-6A)
- Optional 30" Table Model BPT-30
- Center arm
- 4 Flange PL lengths
- Skate blocks
- Stainless steel bolt down kit

PRODUCT DIMENSIONS

Total Height	33 inches / 838mm
Total Depth	26 inches / 660mm
Seat Height	17.5 inches / 445mm
Seat Depth	18.5 inches / 470mm
Total Length	6 feet / 183cm
Weight	140lbs / 64kg

RECYCLED CONTENT

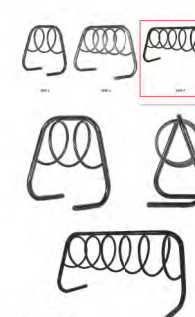
75% RECYCLED CONTENT BY WEIGHT
100% RECYCLABLE



100% Canadian Made | Wishbone Ltd. provides an extended 10 year limited warranty from the date of finish. | Visit us online at www.WishboneLtd.com
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5 BAYVIEW PARK BENCH
L-05 SCALE: n.t.s.

SPIRAL BIKE RACK
Model Number: SBPR-2 (2 spaces) SBPR-4 (4 spaces) SBPR-7 (7 spaces)



DESIGNER NOTES

This four to seven space traditional design adds an extra security feature for those concerned about theft. A stainless steel aircraft cable is woven through the spirals making it impossible to cut completely through them. Like most take a lot of abuse and are susceptible to rust. To minimize this the complete unit is hot dipped galvanized with a further option top powder coat.

PRODUCT SPECIFICATIONS

- Hot Dipped Galvanized Steel Frame
- Super Durable Powder Coating
- Standard Colors: Brown, Slate, Teal, Red, Blue, Bronze, Teal, Orange, Gold, Bronze, Brown, Cardinal Red, Blue, Cedar, Teal, Orange, Gold, Bronze, Brown, Cardinal Red, Black, C.I.P. Recycled Concrete, Powder Bronze, Cardinal Red
- Surface Mount
- Anti-theft Design. Stainless steel aircraft cable is woven through the spirals to restrict cutting through the spirals.

CUSTOMIZED SOLUTIONS

- Custom Powder Coating (Color Changes May Apply)
- Galvanized Frame Only SBPR-7
- Stainless Steel
- R53-3 Stainless steel bolt down kit

PRODUCT DIMENSIONS

2 Space	30 inches / 762mm
4 Space	36 inches / 914mm
7 Space	54 inches / 1371mm
Weight	150 lbs / 68 kg
Table Height	30 inches / 762mm
Seat Height	18 inches / 457mm
Seat Depth	17 inches / 430mm
Total Length	6 feet / 183cm
Weight	150 lbs / 68 kg

RECYCLED CONTENT

100% RECYCLABLE

100% Canadian Made | Wishbone Ltd. provides an extended 10 year limited warranty from the date of finish. | Visit us online at www.WishboneLtd.com
Wishbone Site Furnishings | #121-27090 Gloucester Way | Langley, BC CANADA V4W 3Y5 | 1.866.626.0476 sales@wishboneLtd.com

6 SPIRAL BIKE RACK
L-05 SCALE: n.t.s.

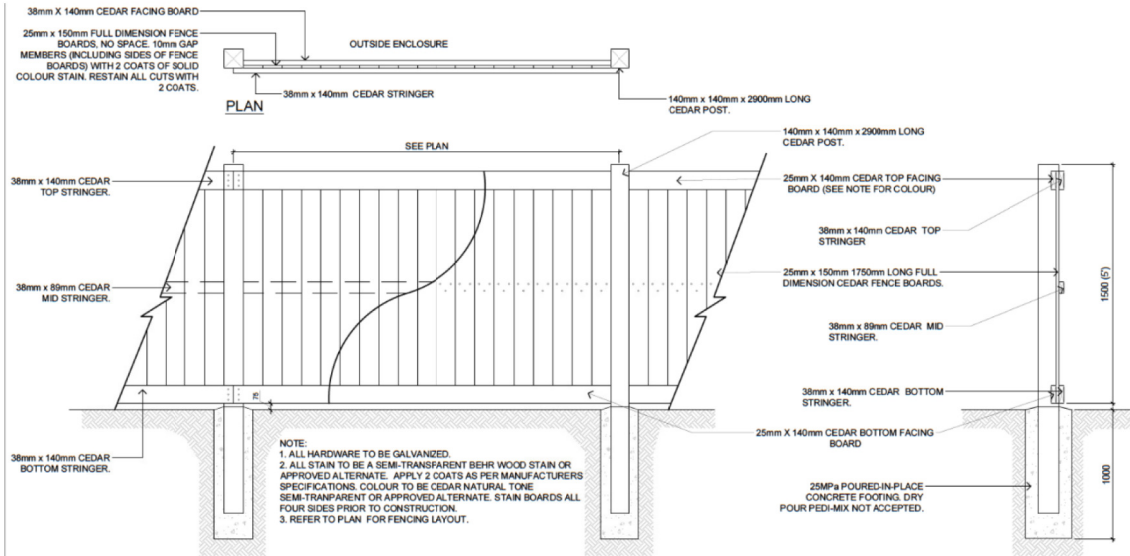
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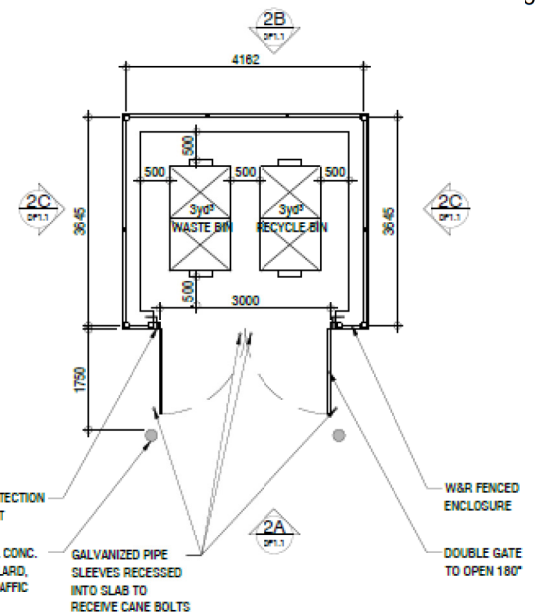
LANDSCAPE ARCHITECTURE URBAN DESIGN PLANNING ENGINEERING
3006 - 840 BROWN STREET, VANCOUVER, BC, V6Z 2M4

PROJECT
BCH 285 PRIDEAUX STREET | NANAIMO, B.C.
CLIENT
BC REZONING
CONSULTANT
WSP

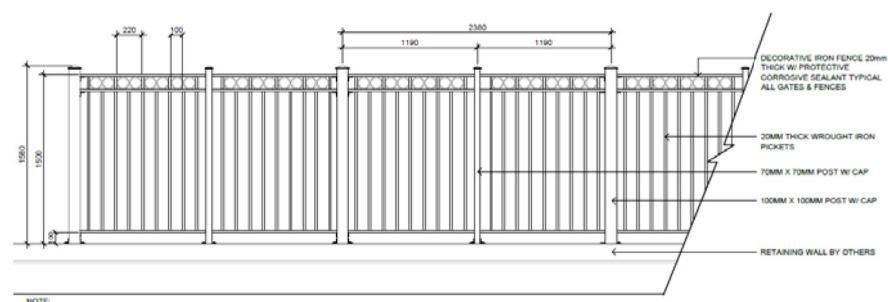
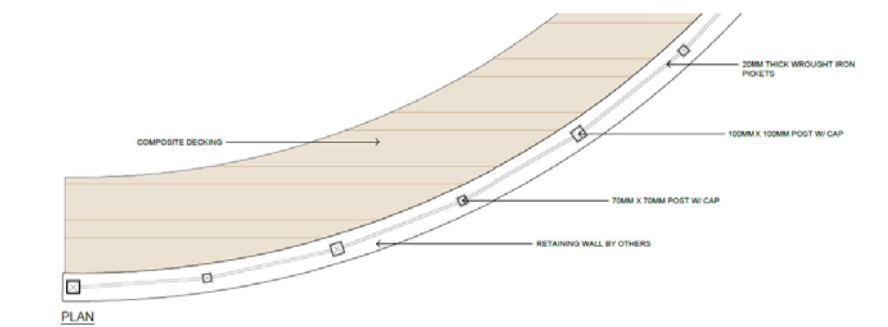
ORIGINAL SIZE: 60.96cm x 91.44cm (24" x 36")	SEALED	DESIGN BY	MRI	SHEET TITLE	DETAILS
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3 20210416	ISSUED FOR REVIEW	CHECKED BY	MRI		
2 20210323	DESIGN PANEL COMMENTS	PROJECT #	2024-0023-000	SHEET NO.	
NO	DATE	DESCRIPTION	BY	AS SHOWN	L-05



1 WOOD SCREEN FENCE - NORTH OF PARKING LOT
L-06 / SCALE: 1:20



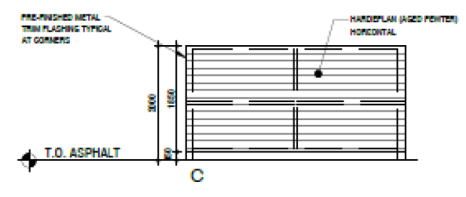
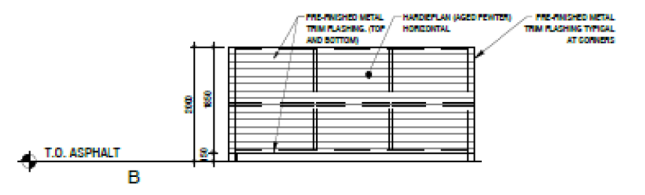
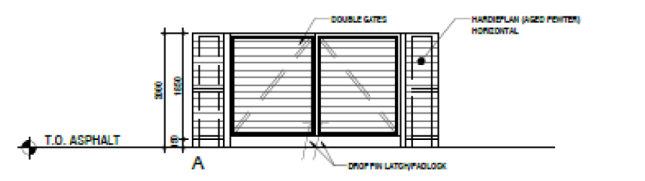
2 W&R ENCLOSURE PLAN
DP1.2 / SCALE: 1:50



NOTE:

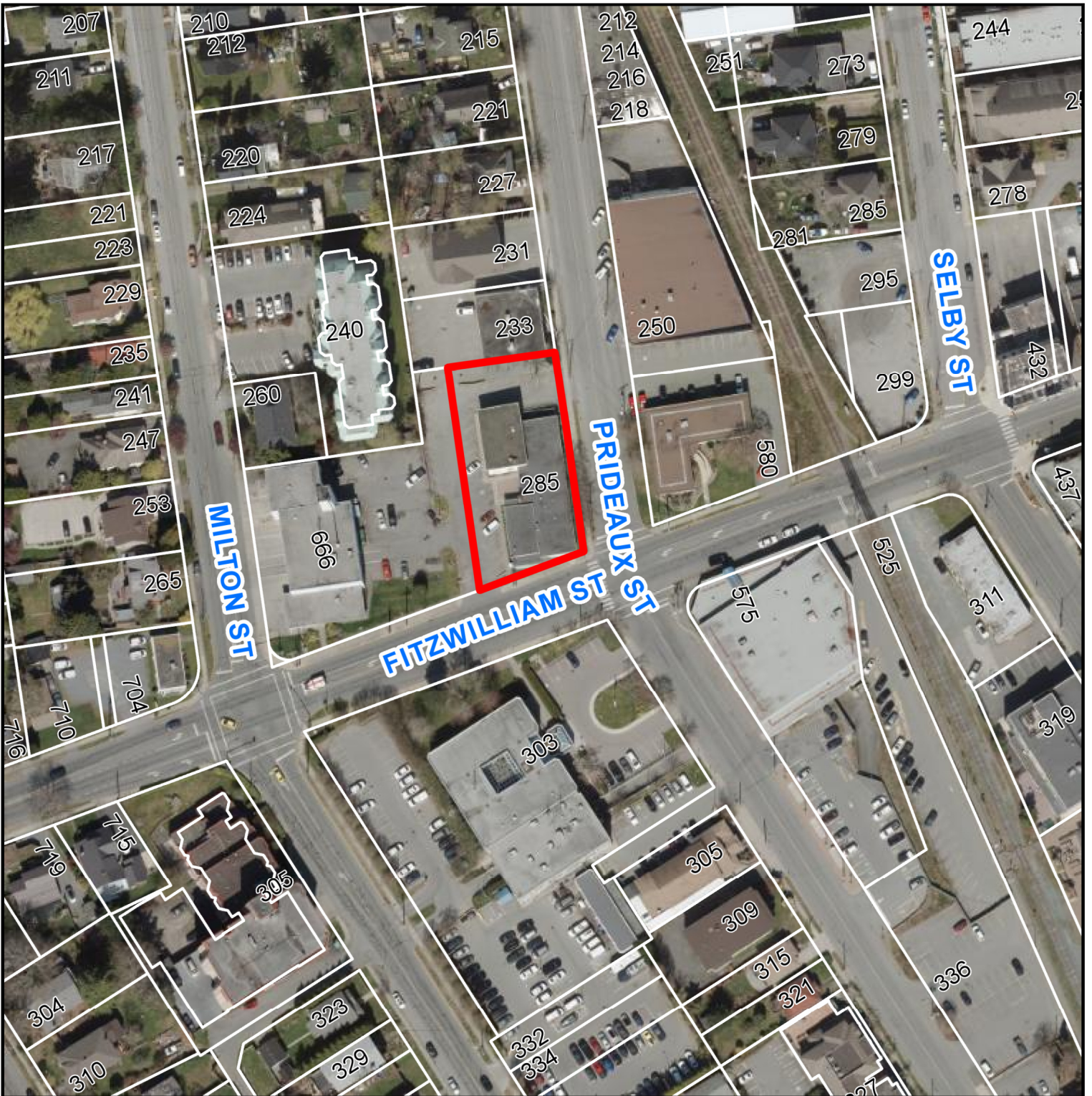
1. ALL HARDWARE TO BE GALVANIZED.
2. REFER TO PLAN FOR FENCING LAYOUT
3. ALL EXPOSED METAL SHOULD BE CLEANED, PRIMED, & COATED PRIOR TO ATTACHMENT

2 WROUGHT IRON FENCE - PERIMETER OF DECKING
L-06 / SCALE: 1:20




3 W&R ENCLOSURE ELEVATIONS
DP1.2 / SCALE: 1:50

**ATTACHMENT H
AERIAL PHOTO**



DEVELOPMENT PERMIT NO. DP001212

 285 PRIDEAUX STREET

CITY OF NANAIMO

BYLAW NO. 7327

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

WHEREAS Section 483 of the *Local Government Act* provides that Council may enter into a Housing Agreement, which may include terms and conditions agreed to regarding the occupancy of the housing units identified in the Agreement;

AND WHEREAS, Council wishes to enter into such an Agreement with respect to certain housing units located in the City of Nanaimo;

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

1. This Bylaw may be cited for all purposes as the City of Nanaimo "Housing Agreement Bylaw 2021 No. 7327".
2. The Council of the City of Nanaimo hereby authorizes the Mayor and Corporate Officer to enter into an Agreement, on behalf of the City of Nanaimo, in substantially the form attached hereto as Schedule 'A', which sets out the terms and conditions of the occupancy of the housing units identified in the Agreement. The land identified in the Agreement is legally described as PID 031-027-962, LOT B, SECTION 1, NANAIMO DISTRICT, PLAN EPP95349, CIVIC ADDRESS: 285 PRIDEAUX STREET, NANAIMO, BC.
3. Upon execution of the Agreement by the Mayor and Corporate Officer and application of the seal of the City of Nanaimo, this Agreement shall be validly entered into as authorized by this Bylaw.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A
SECTION 219 COVENANT AND
AFFORDABLE HOUSING AGREEMENT

THIS AGREEMENT made this ____th day of _____ 20XX

BETWEEN:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC
V9R 5J6

(the “**City**”)

OF THE FIRST PART

AND:

PROVINCIAL RENTAL HOUSING CORPORATION
1701-4555 Kingsway
Burnaby, BC
V5H 4V8

(the “**Grantor**”)

OF THE SECOND PART

WHEREAS:

- A. The City may, by agreement under Section 483 of the *Local Government Act*, enter into a housing agreement with an Owner regarding the use and occupancy of the dwelling units identified in the agreement, including but not limited to terms and conditions referred to in Section 483(2) of the *Local Government Act*;
- B. The Grantor is the registered owner in fee-simple of the lands described as:
PID 031-027-962; Lot B, Section 1, Nanaimo District, Plan EPP95349 (the “**Land**”);
- C. The Grantor wishes to develop 51 units (dwelling units, sleeping units or combination) (the “**Development**”) and has applied for a Development Permit (DP1212).
- D. Section 483 of the Local Government Act (British Columbia) authorizes the City, by bylaw, to enter into a Housing Agreement;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the subdivision of land, use of land or construction on the Land;

- F. The City and the Grantor wish to enter into this agreement (“**Agreement**”) to restrict the use of, and construction on, the Land on the terms and conditions of this Agreement, to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 483 of the *Local Government Act* and Section 219 of the *Land Title Act* and in consideration of the premises and covenants contained in this Agreement, the parties hereto covenant and agree with the other as follows:

1.0 INTERPRETATION

- 1.1 The City and the Grantor agree that the definitions in the City of Nanaimo’s Zoning Bylaw 2011 No. 4500, as amended or replaced from time to time, (“**Zoning Bylaw**”) apply to the interpretation of the terms in this Agreement.
- 1.2 In addition to the definitions of the Zoning Bylaw, the following words and terms have the following meanings:
- (a) "Affordable Units" means 100% of the Sleeping Units or Dwelling Units located on the land described as PID 031-027-962; Lot B, Section 1, Nanaimo District, Plan EPP95349; and the Affordable Units will only be occupied by one or more Eligible Tenants ;
 - (b) “Development” refers to the totality of all Dwelling Units and Sleeping Units and ancillary spaces constructed on that part of the Land;
 - (c) "Dwelling Unit" means a habitable room consisting of a self-contained unit with a separate entrance for the residential accommodation of only one family and which contains a cooking facility but excludes all accommodation for the travelling public; and
 - (d) “Eligible Tenant” means a tenant or tenants of an Affordable Unit whose collective annual before-tax income does not exceed the most current Housing Income Limits, as amended from time to time, published by British Columbia Housing Management Commission or its successors in function that is in effect at the time the Eligible Tenant takes occupancy of the Affordable Unit;
 - (e) “Final Occupancy Date” means the date upon which the entirety of the Development has been approved for occupancy by the building inspector for the City of Nanaimo;
 - (f) “Grantor” means the current owner of the Land or any person who acquires an interest in the Land;
 - (g) “Permitted Rent” means the monthly rent that the Grantor may charge an Eligible Tenant for an Affordable Unit, which monthly rent shall not exceed 1/12 of 30% of the Eligible Tenant(s) collective before-tax annual income;
 - (h) “Rent Charge” means the rent charge referred to in Section 7.6;
 - (i) “Sleeping Unit” shall have the meaning set out in the Zoning Bylaw;

- (j) "Term" is perpetual.

2.0 OCCUPANCY and USE OF AFFORDABLE UNITS

- 2.1 The Grantor covenants and agrees with the City that from and after the Final Occupancy Date and for the Term, all Affordable Units within the Development are and shall remain Affordable Units for the Term and shall only be occupied by an Eligible Tenant.
- 2.2 The Grantor covenants and agrees with the City that the Land shall not be subdivided by any means whatsoever.

3.0 DEVELOPMENT COST CHARGES

- 3.1 If the number of Affordable Units in the Development is at least 30% of the total number of Dwelling Units, the City agrees to reduce development cost charges for the Development, in accordance with Section 6 of CITY OF NANAIMO DEVELOPMENT COST CHARGE BYLAW 2017 NO. 7252.

4.0 ANNUAL REPORT

- 4.1 The Grantor further covenants and agrees that during the term of this Agreement, it will, commencing on the first anniversary of the Final Occupancy Date is issued for the Development on the Land, and on that anniversary date annually thereafter, provide to the City's General Manager of Development Services a report in writing and in a form acceptable to the City's General Manager of Development Services confirming that the Affordable Units continue to be used and occupied as required under this Agreement.

5.0 ADMINISTRATION, MANAGEMENT AND NUISANCE

- 5.1 The Grantor shall ensure that the Development is managed according to the following rules:
 - (a) The Grantor, or a non-profit entity approved by the Grantor, will operate the Development as a good neighbour ensuring that the operation of the Development does not substantially and unreasonably interfere with the right of surrounding residents to peaceful enjoyment of their homes.
 - (b) The Grantor will give due consideration to complaints or feedback if received from the City or surrounding residents as to the operation and impact of the Development.
 - (c) The Grantor shall, upon request by the City, meet with City representatives and neighbourhood representatives to discuss any concerns about the operation of the Development.
 - (d) The Grantor will comply with all laws and regulations that apply to the operation of the Development.

6.0 BINDING EFFECT

- 6.1 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, administrators and permitted assignees.

7.0 ENFORCEMENT AND WAIVER

- 7.1 Nothing contained or implied herein shall prejudice or affect the rights and powers of the City 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 Land as if this Agreement had not been executed and delivered by the Grantor. 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 shall not be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.2 The parties agree that the City is not obligated to inspect the Land or to otherwise ensure compliance with this Agreement, nor is the City obligated to remedy any default of this Agreement. A failure by the City to enforce this Agreement shall not constitute a waiver of any of the City's rights hereunder.
- 7.3 No remedy under this Agreement is deemed to be exclusive but will, where possible, be cumulative with all other remedies available at law or in equity.
- 7.4 The Grantor covenants and agrees that, in addition to any remedies that are available under this Agreement or at law, the City is entitled to all equitable remedies, including specific performance, injunction and declarative relief to enforce its rights under this Agreement. The Grantor acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Grantor under this Agreement.
- 7.5 The Grantor acknowledges that the City requires the Affordable Units for the benefit of the community. The Grantor therefore agrees that for each day the Land is occupied in breach of this Agreement, the Grantor must pay the City \$100.00 (the "**Daily Amount**") as liquidated damages and not as a penalty, due and payable at the offices of the City on the last day of the calendar month in which the breach occurred. The Daily Amount is increased on January 1 of each year by the amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase between that previous January 1 and the immediately preceding December 31 in the Consumer Price Index. The Grantor agrees that payment may be enforced by the City in a court of competent jurisdiction as a contract debt.
- 7.6 By this section, the Grantor grants to the City a rent charge under section 219 of the *Land Title Act*, and at common law, securing payment by the Grantor to the City of the Daily Amount as described in section 7.5. The City agrees that enforcement of the rent charge granted by this section is suspended until the date that is thirty (30) days after the date on which any amount due under section 7.5 is due and payable to the City in accordance with section 7.5. The City may enforce the rent charge granted by this section by an action for an order for sale or by proceedings for the appointment of a receiver.

8.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

Notice of this Agreement shall be registered in the Land Title Office by the City at the cost of the Grantor in accordance with Section 483 of the *Local Government Act*, and as a covenant in accordance with Section 219 of the Land Title Act.

9.0 TERMINOLOGY

Wherever the singular, masculine or neuter are used throughout this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic as the context requires.

10.0 BC LAWS GOVERN

This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

CITY OF NANAIMO by its authorized signatories

_____)
 _____)
 Mayor, Leonard Krog)
 _____)
 _____)
 _____)
 Corporate Officer

PROVINCIAL RENTAL HOUSING CORPORATION by its authorized signatories:

_____)
 _____)
 _____)
 _____)
 _____)
 _____)

Delegation Request

Delegation's Information:

Chad Zyla has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is July 5, 2021.

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:

To provide information about Development Permit application DP 001212 and HA000006 – 285 Prideaux Street.