

AMENDED MINUTES OF THE SPECIAL MEETING  
OF THE COUNCIL OF THE CITY OF NANAIMO  
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
ON THURSDAY, 2014-SEP-04 COMMENCING AT 7:00 P.M.

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PRESENT: His Worship Mayor J. R. Ruttan, Chair

Council: Councillor G. Anderson  
Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. E. Greves – Vacated at 8:10 p.m.  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor W. B. McKay  
Councillor J. F. K. Pattje

Staff: B. Anderson, Manager, Planning & Design Section, CD  
S. Herrera, Planner, Planning & Design Section, CD  
P. Masse, Planning Clerk, Planning & Design Section, CD

Public: There were approximately 100 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Special Meeting was called to order at 7:01 pm.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted as amended. The motion carried unanimously.

3. CALL THE PUBLIC HEARING TO ORDER:

Mayor Ruttan called the Public Hearing to order at 7:01 pm and advised that members of City Council, as established by provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Anderson explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. Mr. Anderson advised this is the final opportunity to provide input to Council prior to consideration of Third Reading of Bylaws No. 4500.070 and 4500.069, at this evening's Special Council meeting.

(a) Bylaw No. 4500.070 – RA000337 – 1985 Island Diesel Way

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject property from High Tech Industrial (I3) to Mixed Use Corridor (COR2) in order to facilitate construction of a mixed use development.

**Ms. Maureen Pilcher, Maureen Pilcher & Associates Ltd. – Applicant Representative**

- Ms. Pilcher's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4500.070".

**Mr. Will Melville, Delinea Design Consultants – Applicant Consultant**

- Noted his belief that the Corridor designation of the Official Community Plan (OCP) has helped evolve the planning and design process in Nanaimo and that the results are now evident; cited Bowen Road as an example (Country Grocer, Rexall, and Front Runners).
- This proposal fronts onto Bowen Road; all of the design elements that have been introduced in the proposal will marry with the existing Corridor uses very well and are in keeping with current planning principles and the OCP.
- Good pedestrian connectivity throughout the subject site, parking would be to the rear of the development, mixed use development and open plazas are all part of the proposal.

**Mr. Fred Taylor, 604 Emery Way – Opposed**

- Currently a member of the Western Neighbourhood Association noted that they were not notified of an open house meeting regarding this proposal.
- Noted a variance of 15 parking spaces is requested in the proposal and his belief that parking would occur in the parking lot at night as the businesses would be closed. Does not believe any development projects should be considered if a parking variance is requested.

Councillor McKay asked Staff to confirm which Neighbourhood Associations would be pertinent to the proposal.

Ms. Herrera confirmed the Neighbourhood Association for the subject area is the Western Neighbourhood Association.

There were three verbal and two written submissions received with regard to Bylaw No. 4500.070.

(b) **Bylaw No. 4500.069 – RA000335 – 10 and 28 Front Street**

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by permitting site specific text amendments to the existing Chapel Front (DT5) zone to increase the maximum allowable density to a Floor Area Ratio (FAR) of 12 and increase the maximum allowable height to 114.3 metres in order to facilitate a high-rise hotel development.

**Mr. John Steil, Stantech Architecture Inc. – Applicant Representative**

- Mr. Steil's presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4500.069".
- Noted there has been some misinformation regarding the proposal; clarified that there will be no net loss of public lands.

- Noted the subject property had previously been approved for high-rise development and a major portion of the site is zoned for a 25-storey development. Nanaimo's Downtown Plan recognizes that high-rises are appropriate for the subject area.
- Many studies and analysis have been completed for this proposal.
- The architectural design would result in an iconic building that makes a statement to Nanaimo's skyline. Pedestrian connectivity between Front Street and the waterfront is an important part of the proposal and would include improved walkways, a grand staircase, ramps, and elevators to the waterfront.
- Noted the Zoning Bylaw does not have parking requirements for this area of the downtown and that 59 stalls are included in the proposal. Although the target clientele for the hotel will mainly be international visitors without vehicles, they are aware more parking is needed. Off-site parking sites will be secured once the zoning process is complete as the cost of the additional parking site will be prohibitive until that time.
- Proponents have met with the Downtown Nanaimo Business Improvement Association, Neighbourhood Associations, the Chamber of Commerce, the Economic Development Corporation, the Hospitality Association, property owners and other stakeholders. A public open house was held on 2014-MAY-13; 210 people attended and the overall feedback was very positive.
- Noted some misconceptions exist regarding the use of public park in the hotel proposal; there are many examples of leased park space in cities all over the world. The intent is to offer a broader opportunity for the community to enjoy the public space and to significantly strengthen and increase pedestrian linkages between Front Street and the waterfront, which is critical to the overall design.
- The developer would spend approximately \$1,500,000.00 over and above the community contribution on improvements to the existing public space; there is no net loss of accessible public space for this proposal.
- The plaza on Front Street would accommodate truck loading and unloading; truck access to the site is challenging as trucks cannot back into the site from Front Street for obvious safety reasons. The intent is to construct a flat plaza that will allow a truck to drive in and then back into the loading docks. Trucks would be on the plaza for less than a minute so public use would not be infringed upon. The plaza would be a multi-purpose, urban, community space with viewpoint opportunities.

**Mr. Derek Lee, PWL Partnership – Applicant Landscape Architect**

- Mr. Lee's presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4500.069".
- Pleased to be working with the Hilton Hotel and Nanaimo to realize an open space that really serves the public.
- A development like this hotel proposal could result in a high amenity waterfront for Nanaimo and can become the connector between the downtown and Maffeo-Sutton Park.
- Georgia Park improvements would be a phased, long-term goal. There would be interim accesses and amenities until the long-term goals are achieved. The park improvement funds, on top of the community contribution, could see Georgia Park developed in tandem with the Hilton hotel construction.
- Amenities would include many access opportunities, tiered seating, water features, including an infinity pool, and a cascading edge, which would frame the grand staircase.
- Retail connections through the development would become a natural extension of the hotel, the waterfront and Front Street.

- The plaza, while utilized by trucks, will first and foremost be a publicly accessible space and will effectively be a green space. There will be special paving, seating opportunities, and an overlook with dramatic views to the water.
- Foreshore planting and trees, multi-tiered promenades, water access, creative seating opportunities and a cantilevered walkway are all a part of the future vision for the waterfront.

Councillor Pattje noted that the applicant representatives had presented to the Advisory Planning Committee (APC) on 2014-MAY-20 and the issue of leasing park space was not included in that presentation. Asked who initiated the idea of leasing park space and when the applicant knew that park space would be a part of the proposal.

Mr. Anderson stated that discussions regarding the community contribution took place after the May APC meeting and included a suggestion that the contribution be put towards parkland surrounding the proposed hotel site. Another alternative was to consider park improvements immediately adjacent to the proposed hotel, which would extend to the waterfront and be maintained and leased by the proponent. This alternative provided the city an opportunity to see improvements both to the hotel site as well as to the broader park area.

Councillor Pattje asked if the discussions included an awareness that leasing the park land would require the assent of the electors in the form of a referendum or Alternative Approval Process (AAP).

Mr. Anderson confirmed that Staff is aware that park leasing proposals would need to go to a referendum or AAP.

Councillor Pattje asked why the proposal to lease park land could not be added to the 2014-NOV-15 election ballot.

Mr. Anderson noted that the lease agreement and the associated approval would only occur after the approval of the rezoning bylaw, which has not yet taken place. Timing would preclude the park lease agreement from being included on the election ballot.

Councillor Pattje noted to the applicant representative that a submission was received from the Nanaimo Old City Association (NOCA) who claims they had not been consulted sufficiently.

Mr. Steil stated that numerous invitations were sent to neighbourhood associations; NOCA was invited to the public open house and there were attempts at scheduling a meeting with them but the timing never worked out, and they have not yet met with NOCA.

Councillor Pattje asked Mr. Lee how the hotel proposal could improve the pedestrian experience on Front Street as the existing views are already beautiful. Believes Pacifica is somewhat imposing to Front Street pedestrians.

Mr. Lee noted the relationship of the proposed hotel to the street would include a setback that would maintain consistency with Pacifica, adding that the developer is committed to creating a sense of permeability through the atrium space and accesses to the waterfront. The hope is to continue the sidewalk expression that is pervasive through the downtown, while adding a more lush boulevard landscape interspersed with seating. The introduction of the plaza is another opportunity for viewpoints and a connection to the park.

Councillor Johnstone asked Staff why the park lease issue cannot go to a referendum or AAP prior to Council consideration of the subject bylaw.

Mayor Ruttan asked Staff to clarify what the Hearing is to consider this evening and what is not applicable to the Hearing.

Mr. Anderson confirmed that this evening's Public Hearing is in regard to a rezoning to consider site specific height and Floor Area Ratio (FAR) amendments to the subject property. The associated community contribution for the subject proposal toward park improvements surrounding the site is a component of the rezoning application; however, the lease of the park is part of the concept, but it is not directly associated with the rezoning bylaw on this evening's agenda. The review of a lease agreement for the park occurs after Council consideration of the rezoning bylaw.

Mayor Ruttan asked Staff to clarify how many times the hotel proposal and all of its components would appear before Council before all processes are complete.

Mr. Anderson noted there are three components to this proposal; the road closure, this rezoning and the lease agreement for the park. The road closure will appear before Council an additional two times, the rezoning could potentially receive Third Reading this evening after the Public Hearing and would return to Council for Final Adoption, and the lease agreement would be brought before Council for its consideration and direction regarding the assent of the electors process, which would result in the lease agreement appearing before Council an additional two times.

Councillor Kipp asked Mr. Steil to confirm that although the developer is providing a community contribution of \$1,187,000.00, they are receiving a 40m uplift in height allowance.

Mr. Steil noted the community contribution calculation was based on current City policy.

Councillor Kipp noted his concern regarding a proliferation of waterfront high-rises in Nanaimo. Asked Mr. Steil how many iconic waterfront buildings are enough. Believes the plans show a beautiful structure; however, he has concerns about the footprint and the height and asked if the height is necessary to make it feasible.

Mr. Steil stated the height is the crux of the economics of the proposal. His use of the word 'icon' was in regard to the design features that make it an extremely attractive building; he was not referring to height. There are not many sites on the waterfront in Nanaimo where high-rises are feasible, as identified and defined in the Downtown Plan.

Councillor Kipp asked Mr. Steil if he thinks Nanaimo is a liveable, high density city.

Mr. Steil noted that liveability includes revitalization; which is what he believes will be the result for Nanaimo's downtown; there will be more activity, more tourist spending, current businesses will thrive and new businesses will open. Believes the proposal will have a positive impact on the downtown.

Councillor Bestwick asked Staff for clarification on when the park lease agreement would appear before Council for consideration.

Mr. Anderson noted that Council would be presented with a park lease agreement that would be negotiated between Staff and the proponent following the rezoning process. Council would then consider when the lease agreement would go through the process for the assent of the electors.

Councillor Bestwick asked for clarification on an estimated timeframe for when the process for the assent of the electors regarding the park lease agreement would occur.

Mr. Anderson stated the rezoning bylaw adoption could potentially occur in October, added that conditions related to the application would need to be satisfied prior to adoption. The park lease agreement process would start in October if Council so directed. The AAP process has a timeframe of approximately two months.

Councillor Bestwick asked for confirmation that the park lease agreement process would likely occur after the election.

Mr. Anderson confirmed the park lease agreement process would likely occur after the election.

Councillor Bestwick asked for clarification regarding the City policy for calculating community contribution when zoning uplift occurs.

Mr. Anderson noted the City has a policy in place that speaks to the basis for discussions regarding community contributions; in this case the policy used was \$34 per square metre for commercial development.

Councillor Bestwick asked for confirmation that the City policy rate for community contribution is the basis for discussion and it is therefore negotiable.

Mr. Anderson confirmed the City policy rate for community contributions is negotiable.

Councillor Bestwick asked for confirmation that the negotiated community contribution for this proposal of \$1,187,000.00 is for work to be done on park properties surrounding the proposed development.

Mr. Anderson confirmed that the community contribution of \$1,187,000.00 is slightly above the policy rate for commercial development; however, it should be noted the developer has also agreed, dependent upon Council approval, to fund improvements and maintenance to the A1 and A2 proposed park lease areas. From Staff's perspective, the community contribution package for this proposal includes the monetary community contribution, but it also includes the separate park improvements and maintenance.

Councillor Bestwick asked Mr. Steil for clarification regarding trucks entering the plaza / loading area of the proposal as there are no plans to widen Front Street.

Mr. Steil noted that the Traffic Impact Study recommended that the crosswalk be moved and added that trucks will need to access and egress to the right of the proposed hotel.

Councillor Bestwick noted his concern that Front Street is narrow and a blind corner exists; he is hopeful there is not too much congestion.

Mr. Steil noted that the developer's Traffic Consultant has had numerous discussions with City Engineering Staff and they agreed on how Front Street can be improved in terms of its laning, turning requirements, and signalization markings.

Councillor Bestwick asked Mr. Steil if the developer believes there is opportunity for nearby ancillary parking capabilities for the proposal.

Mr. Steil confirmed he believes there are solutions for the additional parking that will work; however, he cannot commit to them at this time as it requires heavy investment.

Councillor Bestwick asked Mr. Steil if he would be seeking City Staff participation in accessing additional parking opportunities.

Mr. Steil confirmed he would be keen to discuss parking solutions with City Staff.

Councillor Brennan asked Mr. Steil for clarification regarding consultation with the Neighbourhood Associations that would be most affected by the proposal; the South End Community Association (SECA), the Nob Hill Neighbourhood Association (NHNA), and the Nanaimo Old City Association (NOCA).

Mr. Steil noted that one of the neighbourhood associations to the north of the proposal was in support of the proposal.

Councillor Brennan noted that Council received an email submission from the NHNA noting they had not been consulted with.

Mr. Steil noted they did not believe that the proposal would affect that specific area of Nanaimo.

Councillor Brennan noted that SECA had also commented that they had not received sufficient enough consultation.

Mr. Steil stated they contacted the neighbourhood associations they believed would be affected by the proposal and were in close proximity. They did not contact all neighbourhood associations; however, they did extensive advertising and contact information has been available on the site signage for several months; they have not been contacted by the noted neighbourhood associations. Believes the consultation that they carried out was reasonable and fair.

Mayor Ruttan asked Mr. Steil how many trucks would access the plaza / loading area of the hotel per week.

Mr. Steil noted his expectation is that the majority of delivery vehicles would not be trucks but would instead be smaller vans or single axle trucks.

**Mr. Grant Shaw, #313 - 1633 Dufferin Crescent – In Favour**

- Mr. Shaw's presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4500.069".

**Ms. Bruni Bruni, 1300 Stewart Avenue – Opposed**

- Believes the wording of the Public Hearing Notice is misleading and confusing. Does not believe the Zoning Bylaw should be amended for an American hotel company.
- Believes the proposed height is out of scale with the city. Nanaimo is a spiritual place, the waterfront and heritage lands should be protected and public spaces should remain public.
- Believes zoning amendment bylaws “hack away” at the OCP.
- Does not believe the amount of the proposed community contribution is high enough.
- Believes view corridors will be blocked.

**Mr. Gord Fuller, 604 Nicol Street – Opposed**

- Believes consideration of the park lease agreement should take place prior to consideration of this rezoning application. Believes the community contribution and park improvements are leveraging for the benefit of the Hilton hotel and not the residents of Nanaimo.
- Believes the park lease agreement should go to referendum, which should become part of the upcoming election. If the referendum does not become part of the election, the proponent should pay for the costs of the referendum. Does not think the AAP is an appropriate process for the park lease agreement elector assent.
- Designs are beautiful; however, the plans could be changed once approvals are in place.

Councillor Brennan asked Staff for clarification on whether or not submitted plans could be changed once approvals are in place.

Ms. Herrera noted the FAR of 12 would limit how much floor area could be built; also Design Guidelines would need to be met. The current design is generally supported by the Design Guidelines.

Councillor Brennan asked what process the proponent would have to undertake if they wished to substantially alter the design after approvals are in place.

Ms. Herrera noted that if the rezoning was approved they would have height and density restrictions that they would need to adhere to. Any other changes would need to be addressed through the Development Permit process and if a change to height or density were proposed it would need to return to the Public Hearing process.

Councillor Brennan noted that it is very important that the public hear the facts from all parties at a Public Hearing.

Councillor McKay asked Staff to confirm the purpose of this evening’s Public Hearing is to consider zoning and land use and it is not to consider the park lease agreement or elector assent.

Ms. Herrera confirmed the purpose of this evening’s Public Hearing is to consider zoning and land use.

Councillor Bestwick asked Staff to confirm that the proponent would not be permitted to alter the design of the proposal by adhering to the density, but moving the FAR structurally to another area of the building, thereby changing the massing considerably.



Ms. Herrera noted that Staff would not support “moving” FAR as it would not be supported by the Design Guidelines.

**Mr. Jacques L’Artagne, 751 Dogwood Road - Opposed**

- There is not sufficient parking for the proposal, believes it is a concern.
- The waterfront is the most valuable part of Nanaimo and it should remain as it is.
- Believes the City community contribution policy should be changed as the amount offered in this proposal is not nearly enough.
- Reminded Council they are nearing the end of their tenure and they have to be careful with these decisions. Referendum should occur at the same time as the election.
- Believes Council should make a decision on this proposal now and not let the proposal gain inertia; is this hotel development good for Nanaimo or not?
- Believes the proposed height is preposterous.
- Believes traffic will be a problem and that this proposal will not aid in revitalization of the downtown.
- Believes this proposal should be considered by the newly elected Council.

Councillor Brennan assured the speaker that each Council member attends the Public Hearing with an open mind.

Councillor Kipp asked for confirmation on whether or not there is a speaker time limit at Public Hearings.

Mayor Ruttan noted he is attempting to ensure that everyone has a chance to speak.

**Mr. Tim Wait, 38 Front Street – In Favour**

- Believes many residents of Pacifica are in favour of this proposal. Georgia Park is a sloped bank that is underutilized and is not a typical park.
- This developer is a first-class proponent who will greatly improve the surrounding area and will help downtown businesses thrive.
- The business community and the residents of Pacifica support this development. Looking forward to being a good neighbour to the Hilton hotel.

**Ms. Catherine Davis, No Address Given, Nanaimo - Opposed**

- 30-year resident, has always loved and used the waterfront; it is the jewel of Nanaimo.
- Not opposed to high-rises; but does not believe they should be on the waterfront.
- The developer of Pacifica promised a walkway to the water from Front Street, this promise was broken. Asked what assurances we have that the developer of the Hilton hotel will not break promises.
- Public parks should remain public and a referendum is needed.

Councillor Johnstone asked Staff to confirm whether or not access to the waterfront from Front Street cannot be assured through a covenant.

Ms. Herrera confirmed that the access to the waterfront would be a condition of rezoning and would be secured prior to returning to Council.

**Mr. Brian St. Arnault, 38 Front Street – In Favour**

- Has lived in Pacifica for five years. The development of Pacifica finished the walkway to the park and greatly improved the waterfront. The residents of Pacifica funded these improvements and are proud of the results.
- The Hilton Corporation is respected all over the world, they have provided an extraordinary design and it will do nothing but enhance the downtown and Georgia Park, which is currently unusable and sloped.
- This would be a first-class proposal and all of Nanaimo should be in support of it. The required covenants should be in place to ensure concerns are addressed; however, there is no reason to deny a corporation who are willing to invest hundreds of millions of dollars to the city, not to mention the positive economic results once it is built.
- Local media has complained about the Vancouver Island Conference Centre not having enough delegates due to a lack of available hotel rooms, we now have a major proposal and some people want to deny it?
- All the citizens of Nanaimo will benefit from the positive effects of this proposal.
- \$40,000.00 per year is paid to the Port Authority for leasing the land in front of Pacifica by its residents.

Councillor Kipp clarified that park improvements are a long-term goal; immediate improvement plans would only include the staircase, the pond and the promenade.

Mr. St. Arnault noted that areas A1 and A2 will be completed and funded by the Hilton. Added that the Hilton will provide lease and property tax payments to the City, which can be utilized for other improvements.

Councillor Kipp stated taxes do not pay for themselves; user fees, DCC's or selling assets is still required to pay for services. A lot of costs are not covered by taxes.

**Mr. Frank Murphy, 360 Selby Street – Opposed**

- There is a difference between leasing out parkland and allowing permitted uses in parkland. Does not believe the City would ever allow the loss of parkland to a third party, commercial enterprise.
- The community contribution is created by uplift value; it is not a magnanimous contribution by the developer.
- Does not believe a loading zone area can be construed as a viewing platform.
- Understands this meeting is in regard to the rezoning application; however, he does not believe you can discuss the rezoning without reference to the sale of the laneway or leasing the park.
- Asked Council to consider the following questions: Why the rush? Why does the developer not see this as a long term business investment? **Insight** has made it clear they will sell ownership of the building to a new strata corporation made up of investors. Has the contract been reviewed by legal experts? Why is this proposal so incomplete? Details and plans are missing for a full review.

- Believes that Council would weaken its leverage to negotiate the outstanding elements of the proposal if they were to approve the rezoning this evening.

Councillor Johnstone noted there are instances of park land leases in Nanaimo; the golf course and driving range at Beban Park are two examples.

Mr. Murphy noted his interpretation is that those are permitted uses in Beban Park, not a lease of land.

**Mr. Lawrence Rieper, 990 Campbell Street – Opposed**

- The first proposal was approved at 25 storey's and was a thin building design. There is a hole in the ground as the condo market did not support the development being built.
- Many people spoke out against high-rise developments on the waterfront at the previous Public Hearing.
- Asked what the citizens of Nanaimo would get in return for the leased park if it is approved.
- The hydro substation for the property is already contained within the park.
- The waterfront has a storied history and is well-used, how much change is necessary to the park and who gains from it?
- A referendum needs to occur at the same time as the election.
- Wondered if either of the proposed hotels in the downtown will actually come to fruition.
- Big companies are in the development game for their own good, not the common good, which is Council's job.

**Ms. Michelle Travis, Unite Here Local 40 Union Representative, Vancouver - Opposed**

- Represents hospitality workers in Nanaimo and throughout the Province, including workers at the Coast Bastion Inn, the Howard Johnson Hotel and other local destinations.
- Would like to support Nanaimo's growing tourism sector; however, they have concerns about the proposal. Unionized hotel workers have fought hard to create living wage jobs to support themselves and their families to achieve good quality medical and retirement benefits and create workload standards. Non-unionized hotel workers are often paid minimum wage, have meager benefits, are unlikely to have retirement benefits and the workload standards tend to be considerably worse.
- Insight has no experience in the hotel industry. Insight has suggested there could be anywhere from 360 to 600 jobs created at the hotel, which raises questions as to the quality of those jobs.
- Urged the City to encourage the developer to incorporate better community benefits as part of the proposal to ensure that future workers have economically sustainable jobs.
- The footprint will be significantly bigger than the first proposal on the subject property. Every additional storey of the building could yield hundreds of thousands of dollars in revenues per year to the developer. Believes the City may be trading away valuable airspace for this proposal and that the City should be requiring more of the developer in return.

- Insight has valued their community contribution to be worth approximately \$3,000,000.00, including the park improvements and amenities, such as the infinity pool. How does building design, new restaurants and commercial space factor in as community benefits versus the developer's business plan?
- Although the park lease issue is to be considered at a future date, it is hard to review the entire project without discussing it, seeing that a loading bay will be considered on the public park land. Questioned why the APC or Parks Commission was not aware of the proposed private use of parkland. Believes the AAP process is not the correct process to undertake for the park lease issue.
- Believes the process has been rushed and that Council should delay approving the project until Insight addresses concerns about the scale and questions about proper consultation.

Councillor McKay asked for clarification regarding how many parking spaces are designated to the Coast Bastion in the VICC parking lot.

Mayor Ruttan noted there are approximately 300 parking spaces in the VICC parking lot that are designated for Coast Bastion use.

Councillor McKay noted that the Coast Bastion hotel is owned by the Operating Engineer's Pension Fund (OEPF). In Ms. Travis' presentation she questioned what experience Insight has in operating a hotel; asked Ms. Travis what experience the OEPF had in operating a hotel.

Ms. Travis noted the OEPF operates the Coast facilities; it is unknown if Hilton will operate the hotel or if it will be a franchise. There are questions as to Insight's expertise in the hotel industry.

Councillor McKay asked why the Hilton hotel operation could not fall under the same model as the Coast hotels. In Ms. Travis' presentation she questioned whether or not the community contribution was sufficient; asked the speaker if she was aware that the parking stalls for the Coast Bastion were funded and built by the City.

Ms. Travis noted she was not aware of that the City paid for and constructed the parking stalls in the VICC utilized by the Coast Bastion.

**Ms. Lucy Oxman, 2556 Highland Boulevard – Opposed**

- Believes the footprint and height are far too large for the property and the city.
- Does not believe public land should be used for the development. Believes the developer is not offering a sufficient community contribution.
- Questioned why the APC or Parks Commission was not made aware of the park land leasing issue.
- Works as a server at the Coast Bastion; because it is a union there is low turn-over, jobs are stable and they are able to retain and attract a committed work force.
- Local workers should share in the prosperity of Nanaimo's growth and this proposal. If we do not add more quality jobs to our economy young people will continue to leave for larger cities with more job opportunities.
- Believes Council should reject the proposal as it stands and ask the developer to resubmit a plan that makes sense for Nanaimo and its citizens.

**Ms. Sharon Kofoed, 2322 Panorama View Drive – Opposed**

- Believes the additional height and massing will result in a “wall” of high-rises on the waterfront.
- Believes view corridors will be adversely affected.
- Vancouver Planning policies state that the height and the bulk of new development should decrease as it goes toward the water and they cannot be the tallest buildings in the area.
- The developer states that some of the shadows cast by their proposal in the summertime may be favorable to park users; she does not believe this to be true.
- Believes views and parkland will be taken from the citizen’s of Nanaimo if this proposal is approved.
- A referendum needs to occur for the park lease proposal.
- Believes this proposal is spot zoning as a way to generate benefits for others while giving away extraordinary and limited public resources, such as parks.
- Believes in visionary planning, not reactionary planning.

**Mr. Jeff Solomon, 655 6<sup>th</sup> Street - Opposed**

- The plans illustrate a beautiful building.
- The developer’s aim to make money; if you build higher and have more units, you make more money.
- The proposal is 120 feet higher than Pacifica and the footprint is massive. The subject property is a prime area and it could be a tremendous addition to our city; however, it would be an intrusion into the park with its immense height and massing. In support of a hotel on the property, just not that big.

**Mr. Ron Bolin, 3165 King Richard Drive – Opposed**

- Questioned why the developer did not discuss the park lease issue at the APC meeting. The park and laneway are connected to this rezoning proposal; therefore, they should be discussed this evening.
- Believes the hotel proposal should be subject to final approval through the referendum process, not the AAP process.
- Asked what the calculation of the DCC and tax exemptions are going to be over the life of the hotel if it is approved. The taxpayer’s have to make up for this lost incoming money.
- The lack of parking is a concern.

Councillor Johnstone asked Staff if it is a possible to make approval of this bylaw subject to final approval by the citizens of Nanaimo through a referendum.

Mr. Anderson noted that Council can direct that certain conditions need to be met prior to final adoption of a bylaw, added the proposal that relates to the lease of parkland is an alternative to a contribution being made to overall park improvements. Staff’s perspective on the lease of the parkland is that it is an issue associated with the park improvements and the method of having that achieved; therefore, it is an issue that can and should be done after the bylaw consideration.

Mr. Bolin noted that ‘subject to’s’ are very common in land transactions.

Mr. Anderson noted Third Reading conditions can be directed to Staff by Council that need to be met prior to the adoption of a bylaw; however, that is not a 'subject to'. Conditions occur prior to Third Reading, not adoption.

**Ms. Holly Bright, 210 St. George Street - Opposed**

- Believes it is important to have a level of development in our community; however, not in favour of the proposed height. Planning vision should protect our waterfront. We should create development that attracts people to the waterfront, not deter them from it.
- Plans only benefit the developer who creates them. Does not believe there is enough available waterfront land to fulfill the submitted plans.
- Would like an urban plan that speaks to the future for the citizen's of Nanaimo and not a high-rise that would take away from the beauty of the waterfront.

**Mr. Gunner Rasmussen, No Address Given – In Favour**

- In support of the proposal; however, he is concerned about the lack of parking. Concerned a parking lot could be created in the downtown area to handle the overflow parking. Suggested digging the existing hole deeper to allow for additional underground parking.

**Mr. Dana Wagg, 525 Selby Street - Opposed**

- Believes City Staff should prepare comprehensive cost benefit reports for Council and the public when they are considering development proposals. The cost benefit report should cover tangibles and intangibles that could be reviewed for at least a month prior to consideration.
- Believes City Staff should calculate the estimated value to the proponents of any given upzoning.
- Believes a modest density bonus levy be applied in all upzoning to offset tax increases, building up the city's contingency fund, buying parkland, providing affordable housing or extending bike lanes from Rutherford Mall to Woodgrove Mall.
- The waterfront is a gem, which is why the developer is interested in building there.

**Ms. Sandra Lindquist, 645 Townsite Road - Opposed**

- Nanaimo is branded as the harbour city, the harbour is the heart and soul of Nanaimo and she utilizes it and enjoys it constantly.
- She would not put any dollar value on Georgia Park or the surrounding area.
- Our waterfront is special and it should be treasured and great care should be taken in its development to ensure generations to come can enjoy it as much as she does.
- Has heard that some residents of Pacifica have some reservations about the public being in their "front yard".
- Asked if the patrons of the hotel would want the public using the lobby and grounds as public space.
- Not in favour of leasing parkland to the developer.

**Mr. Tim Wait, 38 Front Street – Redress**

- Noted that most of the speakers tonight do not live in the direct area; the new residents of the sold out Aqua development chose to live downtown with full knowledge of this hotel proposal.
- Georgia Park is sloped land and is not a traditional park.

**Mr. Jacques L'Artaigne, 751 Dogwood Road - Redress**

- Investment in the city is a good thing; however, questioned what the value of the investment is and what the value is to the citizen's of Nanaimo versus the proponent of the project.

**Ms. Bruni Bruni, 1300 Stewart Avenue – Redress**

- Believes that real revitalization for the downtown occurs when businesses are owned by residents of the city, not foreign investors.

**Ms. Sandra Lindquist, 645 Townsite Road - Redress**

- Asked for clarification regarding the difference between a referendum and an AAP.

Mr. Anderson noted that both processes are designed to achieve the assent of the electors. The AAP asks the public to indicate to the City, through a form, they are not in favour of a given proposal; if more than 10% of the public who submit forms are not in favour of a proposal, it would then be for Council to consider whether to reject the proposal or move forward to a referendum. The referendum process seeks to gain approval from the community at large through a voting process.

Ms. Lindquist asked if the AAP process would not necessarily preclude a referendum.

Mr. Anderson agreed that the AAP process would not preclude a referendum.

Councillor Pattje asked Staff for confirmation that there is not enough time to add a referendum to the election in November.

Mr. Anderson noted he cannot speak to the exact process that would need to be undertaken for a referendum; however, his understanding is that there would not be enough time to prepare for it and add it to the election ballot.

**Mr. Ron Bolin, 3165 King Richard Drive – Redress**

- Noted his belief that the responsibility of getting the proposal onto the election ballot should fall to the proponent.
- Believes the AAP is a form of negative billing and in almost any other context it is illegal.

There were 20 verbal and 36 written submissions received with regard to Bylaw No. 4500.068.

The Public Hearing was adjourned at 9:55 pm.

4. BYLAWS:

- (a) “ZONING AMENDMENT BYLAW 2014 NO. 4500.070” (RA000337 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property from High Tech Industrial (I3) to Mixed Use Corridor (COR2) in order to facilitate construction of a mixed use development) pass third reading.

It was moved and seconded that “ZONING BYLAW 2014 NO. 4500.070” pass third reading. The motion carried unanimously.

- (b) “ZONING AMENDMENT BYLAW 2014 NO. 4500.069” (RA000335 – to permit site specific text amendments to the existing Chapel Front (DT5) zone to increase the maximum allowable density to a Floor Area Ratio (FAR) of 12 and increase the maximum allowable height to 114.3 metres in order to facilitate a high-rise hotel development) pass third reading.

It was moved and seconded that “ZONING BYLAW 2014 NO. 4500.069” be deferred and that Council direct Staff to work with the applicant to provide further opportunity for public review, input and revision. The motion failed.

*Opposed: Mayor Ruttan, Councillors Anderson, Bestwick, Johnstone and McKay.*

It was moved and seconded that “ZONING BYLAW 2014 NO. 4500.069” pass Third Reading. The motion carried.

*Opposed: Councillors Brennan, Kipp and Pattje.*

5. ADJOURNMENT:

It was moved and seconded at 10:29 pm that the meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER