



AGENDA
REGULAR COUNCIL MEETING

Monday, March 18, 2024

4:30 p.m. To Proceed In Camera, Reconvene Regular Council Meeting 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:

2. PROCEDURAL MOTION:

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of the Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(c) labour relations or other employee relations;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

3. INTRODUCTION OF LATE ITEMS:

4. APPROVAL OF THE AGENDA:

5. ADOPTION OF THE MINUTES:

a. Minutes

8 - 18

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2024-FEB-26 at 4:30 p.m.

- b. Minutes 19 - 24

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2024-MAR-04 at 4:30 p.m.

6. MAYOR'S REPORT:

7. RISE AND REPORT:

8. PRESENTATIONS:

9. COMMITTEE MINUTES:

- a. Minutes 25 - 34

Minutes of the Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2023-DEC-15 at 9:00 a.m.

- b. Minutes 35 - 42

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2024-FEB-12 at 1:00 p.m.

- c. Minutes 43 - 50

Minutes of the Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2024-MAR-08 at 8:31 a.m.

10. CONSENT ITEMS:

- a. Mayor's Leaders' Table Meeting 2024-MAR-08 51

[Note: a link to the 2024-MAR-08 Mayor's Leaders' Table Meeting agenda is provided for information.]

- 1. Healthcare Ecosystem Advocacy Group

That Council invite Donna Hais to present to Council regarding the Healthcare Ecosystem Advocacy Group.

- b. Governance and Priorities Committee Meeting 2024-MAR-11 52

[Note: a link to the 2024-MAR-11 Governance and Priorities Committee Meeting agenda is provided for information.]

1. Development Procedures and Notification Bylaw Update

That Council require a one hundred (100) metre notification distance for amendments to the Official Community Plan and/or Zoning Bylaw, in the Development Procedures and Notification Bylaw.

That Council include a public information meeting requirement for amendments to the Official Community Plan and/or Zoning Bylaw, and significant Development Permits with associated variances that cannot be delegated for approval, in the Development Procedures and Notification Bylaw.

2. Council Procedure Amendment Bylaw

Section 9.1 – Order of Proceedings and Business

That Council direct Staff to add a “Correspondence” section to Section 9.1 - Order of Proceedings and Business within Council’s Procedure Bylaw.

Section 19.4(c) - Delegations Pertaining to Council Agenda Items

That Council direct Staff to add the words “been acted upon by Council” in Section 19.4(c) of Council’s Procedure Bylaw.

Section 19.4(d) – Delegations Pertaining to Council Agenda Items

That Council add the following as Section 19(d) to Council’s Procedure Bylaw:

1. Refuse to place a Delegation on the agenda if the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given; or
2. Refuse to place a Delegation on the agenda if the matter relates to a bylaw in respect of which a public or statutory hearing is:
 - i) prohibited in accordance with Section 464 of the *Local Government Act*,
 - ii) notice of first reading has been given where Council has decided not to hold a public hearing; or
 - iii) has already been held.

Section 19.9(b) – Delegations Pertaining to Council Agenda Items

That Council retain the status quo of 5 minutes for delegations in Section 19.9 of Council’s Procedure Bylaw.

Section 19.14 - Delegations Unrelated to Agenda Items (Page 59)

That Council retain the status quo of 5 minutes for delegations in Section

19.9 of Council's Procedure Bylaw and that Section 19.10 be removed.

Section 19.15(a) – Delegations unrelated to Agenda Items

That Council add the following Section 19.15 (a) to Council's Procedure Bylaw:

1. if the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given; or
2. if the matter relates to a bylaw in respect of which a public or statutory hearing is:
 - i) prohibited in accordance with Section 464 of the *Local Government Act*;
 - ii) notice of first reading has been given where Council has decided not to hold a public hearing; or
 - iii) has already been held.

Section 19.15(k) – Delegations Unrelated to Agenda Items

That Council direct Staff to add a Section 19.15(k) to Council's Procedure Bylaw which states: "if the Delegation has already spoken to Council on the same matter and no new significant information is provided."

Section 19.17(c) – Delegations Unrelated to Agenda Items

That Council direct Staff to add a Section 19.17(c) to Council's Procedure Bylaw which states: "not act on a request from a delegation following the presentation unless consent by a two-thirds vote of Council present is given."

Section 23.1 – Question Period

That Council retain question period in Section 23.1 at 5 minutes.

Section 50.4 and 50.5

That Council direct Staff to make the necessary housekeeping amendments to Section 50.4 and 50.5 of Council's Procedure Bylaw as outlined in Attachment 1 to the 2024-MAR-11 staff report by the Deputy Corporate Officer.

Section 51.9, 51.10, and 51.11

That Council direct Staff to add the following Sections 51.9, 51.10, and 51.11 to Council's Procedure Bylaw:

Motion to Amend Minutes

51.9 A Council member may make a motion requesting that the

minutes be amended to correct an inaccuracy or omission; however, the Corporate Officer should be advised of the challenge to the minutes at least one hour before the Council meeting at which the minutes are to be officially confirmed, to allow the Corporate Officer to review the recording of that meeting.

Meeting Recording to Determine Accuracy of Minutes

51.10 If a Council member questions the accuracy of a portion of the minutes of a Council meeting, Committee meeting, Court of Revision or Special Council meeting, the recording of that meeting, if available, shall be used to decide the question.

Adoption of Minutes

51.11 If there are no errors or omissions, Council must adopt the minutes as circulated.

Section 55.5 – Public Hearings

That Council direct Staff to make the necessary housekeeping amendments to Section 55.5 of Council's Procedure Bylaw as outlined in Attachment 1 to the 2024-MAR-11 staff report by the Deputy Corporate Officer.

11. DELEGATIONS:

- a. Dan Hula re: City of Nanaimo Decision Making 53

12. REPORTS:

- a. Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road 54 - 59

To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To present for Council's consideration a development variance permit application to vary the conditions of use in the COR3 zone to increase the maximum permitted gross floor area for an individual retail use within an existing building at 2517 Bowen Road.

It is requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road.

Recommendation: That Council issue Development Variance Permit No. DVP00462 to increase the maximum permitted gross floor area for an individual retail use within an existing building at 2517 Bowen Road as outlined in the "Proposed Variance" section of the Staff Report titled "Development Variance Permit Application No. DVP462 - Unit 102 & Unit 104 - 2517 Bowen Road" dated 2024-MAR-18.

b. Short-Term Rental Review

60 - 82

To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To provide Council with an update on the City of Nanaimo's Short-Term Rental program, the new provincial and federal short-term rental legislation, and proposed regulatory amendments.

Presentation:

1. Kasia Biegun, Planner, Community Planning

Recommendation: That Council direct Staff to review the "Business Licence Bylaw 2021 No. 7318"; the "Bylaw Notice Enforcement Bylaw 2012 No. 7159"; and, the "Zoning Bylaw 2022 No. 4500"; and present amendments to these bylaws to improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day.

c. Housing Legacy Reserve Fund Review

83 - 94

To be introduced by Laura Mercer, General Manager, Corporate Services.

Purpose: The purpose of this report is to present a proposed amendment to the "Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299" to clarify the purpose for which the fund may be used.

Recommendation: That:

1. "Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01" (to clarify the purpose for which the fund was established) pass first reading;
2. "Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01" pass second reading;
3. "Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01" pass third reading; and,
4. Council rescind the January 2011 Policy (COU-187) "Housing Legacy Reserve – Funding Allocation Criteria".

d. Online Accommodation Platform Reserve Fund

95 - 98

To be introduced by Laura Mercer, General Manager, Corporate Services.

Purpose: To introduce "Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374 for first, second and third readings.

Recommendation:

1. That "Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374" (to establish an Online Accommodation Platform Reserve Fund) pass first reading;

2. That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass second reading; and
3. That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass third reading.

13. **BYLAWS:**

14. **NOTICE OF MOTION:**

15. **OTHER BUSINESS:**

16. **CORRESPONDENCE:**

- a. Correspondence dated 2024-MAR-05 from the Nanaimo Brain Injury Society re: The National Strategy on Brain Injuries Act 99 - 104
- b. Surfrider Foundation Canada Request for Letter of Support re: Clean Coast Clean Waters Initiative 105 - 108

17. **QUESTION PERIOD:**

18. **ADJOURNMENT:**



MINUTES
REGULAR COUNCIL MEETING

Monday, February 26, 2024, 4:30 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

- Members:
- Mayor L. Krog, Chair
 - Councillor S. Armstrong (vacated 7:31 p.m.; returned 7:33 p.m.)
 - Councillor T. Brown*
 - Councillor H. Eastmure
 - Councillor B. Geselbracht
 - Councillor E. Hemmens
 - Councillor P. Manly
 - Councillor J. Perrino
 - Councillor I. Thorpe
- Staff:
- D. Lindsay, Chief Administrative Officer
 - R. Harding, General Manager, Community Services/Deputy CAO
 - L. Mercer, General Manager, Corporate Services
 - B. Sims, General Manager, Engineering and Public Works
 - B. Corsan, Director, Corporate and Business Development
 - S. Gurrie, Director, Legislative Services
 - J. Holm, Director, Planning and Development
 - D. Burgos, Manager, Corporate Communications and Community Relation Communications
 - J. McAskill, Manager, Facility Asset Planning
 - N. Sponaule, Communications Advisor
 - K. Lundgren, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality; and,
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

The motion carried unanimously.

Council moved In Camera at 4:30 p.m.

Council moved out of In Camera at 6:25 p.m.

Council recessed the Open Meeting at 6:25 p.m.

Council reconvened the Open Meeting at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 9 Committee Minutes – add minutes of the Public Safety Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2024-FEB-21, at 4:00 p.m.
- (b) Agenda Item 10 Consent Items – add recommendation from the Public Safety Committee Meeting 2024-FEB-21

4. APPROVAL OF THE AGENDA:

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

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, on Monday, 2024-FEB-05 at 2:30 p.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2024-FEB-15 at 7:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised of the following:

- The City unveiled the new utility covers, integrating traditional Snuneymuxw art into the urban landscape. These new designs will be used for new installations and when old covers need to be replaced. The City anticipates that 20-40 will be installed on Nanaimo's streets each year
- The City launched new environmental project grants for watershed restoration and other environmental sustainability projects. Applications are being accepted for two separate grants providing funding for community environmental projects that will help implement goals of the City Plan and improve livability in our community. The Community Watershed Restoration grant will provide up to \$20,000 in grant funds. The deadline for submitting applications is 4:00 p.m. on Tuesday, April 2, 2024
- The City of Nanaimo selection of art projects for the 2024 Temporary Public Art program includes projects from Robert Turriff and Eliot White-Hill, Kwulasultun

7. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Center, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2023-NOV-22 at 9:00 a.m.
- Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Center, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2023-NOV-29 at 9:00 a.m.

- Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Center, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2023-DEC-01 at 9:00 a.m.
- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Center, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2023-DEC-13 at 9:00 a.m.
- Minutes of the Special Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2024-JAN-22 at 7:00 p.m.
- Minutes of the Public Safety Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2024-FEB-21, at 4:00 p.m.

8. CONSENT ITEMS:

It was moved and seconded that the following items be adopted by consent:

Prior to the vote, Mayor Krog requested that Agenda Item 10(a)(1) and 10(c) be removed to be voted on separately.

(a) Governance and Priorities Committee Meeting 2024-FEB-12

1. Micromobility Update

That Council direct Staff to bring for Council's consideration an amendment to the "Traffic and Highways Regulation Bylaw 1993 No. 5000" to regulate micromobility devices.

(b) Finance and Audit Committee Meeting 2024-FEB-21

1. Central Vancouver Island Japanese Canadian Legacies Society, Heritage and Reconciliation Grants Social Centre - Room 6

That Council approve a five-year Licence of Use Agreement (with option for three subsequent renewals) with 7 Potatoes for use of Room 6 in the Beban Social Centre, conditional upon approval of the Japanese Canadian Legacies Society grant application and subsequent renovation.

2. Japanese Canadian Heritage Site Proposal for the Nanaimo Waterfront

That Council support a joint grant application between the City of Nanaimo and the Central Vancouver Island Japanese Canadian

Heritage Society for funding up to \$400,000 from the Japanese Canadian Legacies Society to create a Japanese Canadian Heritage Site along the Nanaimo waterfront.

3. Funding for Assistive Hearing Devices

That Council approve the Assistive Hearing Devices pilot project to be funded up to \$10,000 from the Parks/Facility Accessibility and Inclusivity project budget.

4. Seventh Street Pump Station

That Council increase the budget for the Seventh Street Pump Station project in 2024 by \$450,000 from \$573,887 to \$1,023,887 funded by \$288,000 from the Sewer DCC Reserve Fund and \$162,000 from the Sewer Asset Management Reserve Fund.

5. Heritage Façade Grant - 200 Commercial Street

That Council approve a \$7,770 Heritage Façade Grant for the Halse Block building located at 200 Commercial Street to repaint the building's exterior.

6. Heritage Façade Grant - 403 Fitzwilliam Street

That Council approve a \$12,230 Heritage Façade Grant for the S&W Apartments building located at 403 Fitzwilliam Street to install replicated wood siding on the upper portion (parapet) of the building's exterior facing onto Fitzwilliam Street and replace the building's roof.

7. Permissive Tax Exemption Application and Other Grant Request

That Council:

1. Award a Permissive Tax Exemption commencing with the 2025 taxation year to the Nanaimo Men's Centre for the property that it leases at 418D Fitzwilliam Street; and
2. Award a 2024 Cash Grant to the Nanaimo Men's Centre to a maximum amount of \$3,600 for the 2024 property taxation year for the portion of the property that it leases at 418D Fitzwilliam Street.

8. 2023 Surplus Allocation

1. Approve the allocation of the 2023 operating surplus as follows:

General Fund

a.	RCMP Contract Reserve	1,700,000
b.	General Financial Stability Reserve	1,200,000
c.	Special Initiatives Reserve	2,870,000
d.	Property Acquisition Reserve	500,000
e.	General Capital Reserve	<u>2,443,706</u>
Total:		\$ 8,713,706

Sewer Fund

a.	Sewer Reserve	419,078
b.	Sewer Financial Stability Reserve	<u>100,000</u>
Total:		\$ 519,078

Water Fund

a.	Water Reserve	345,639
b.	Water Financial Stability Reserve	<u>48,945</u>
Total:		\$ 394,584

2. Amend the 2024-2028 Financial Plan for final to increase the 2024 budget for the South End Community Centre Land project by \$1,500,000.

The motion carried.

Opposed: *Councillors Armstrong and Brown*

(c) Separately Addressed Consent Items

1. Governance and Priorities Committee Meeting 2024-FEB-12

School Zone Policy Update

Bill Sims, General Manager, Engineering and Public Works, provided an explanation for the new School Zone Signing Policy.

It was moved and seconded that Council direct Staff to present options at a Governance and Priorities Committee Meeting to make enforceable 30km/h speed limit signs in high-risk pedestrian areas such as near schools. The motion carried.

Opposed: *Mayor Krog and Councillors Armstrong, Perrino and Thorpe*

It was moved and seconded that the topic related to enforceable 30km/h speed limit signs in high-risk pedestrian areas be referred to the Public Safety Committee for input. The motion carried unanimously.

2. Public Safety Committee Meeting 2024-FEB-21

Future Meeting Items

It was moved and seconded that Council refer the following consent item back to Staff to ensure the item fits within City policy or to provide other options:

“That Council add the Nanaimo Neighbourhood Network as a standing presentation item on Public Safety Committee Agendas for up to ten minutes at each Public Safety Committee Meeting.”

The motion carried unanimously.

9. REPORTS:

a. Development Variance Permit Application No. DVP460 – 900 Fifth Street (Vancouver Island University)

Introduced by Jeremy Holm, Director, Planning & Development.

The Mayor requested to hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP460 – 900 Fifth Street (Vancouver Island University).

No one wished to speak regarding Development Variance Permit Application No. DVP460 – 900 Fifth Street (Vancouver Island University).

It was moved and seconded that Council issue Development Variance Permit No. DVP460 to allow a student housing development and retaining wall with variances, as outlined in the “Proposed Variances” section of the Staff Report titled “Development Variance Permit Application No. DVP460 – 900 Fifth Street (Vancouver Island University)” dated 2024-FEB-26. The motion carried unanimously.

Councillor Armstrong vacated the Shaw Auditorium at 7:31 p.m. declaring a conflict of interest as she sits on a board that currently rents the building at 880 Hecate Street.

b. Development Permit Application No. DP1299 – 880 Hecate Street

Introduced by Jeremy Holm, Director, Planning & Development.

It was moved and seconded that Council issue Development Permit No. DP1299 for a multi-family development at 880 Hecate Street with variances as outlined in the “Proposed Variances” section of the Staff Report titled “Development Permit Application No. DP1299 – 880 Hecate Street” dated 2024-FEB-26. The motion carried unanimously.

Councillor Armstrong returned to the Shaw Auditorium at 7:33 p.m.

- c. Development Permit Application No. DP1321 – 345 Newcastle Avenue and 360 Stewart Avenue

Introduced by Jeremy Holm, Director, Planning & Development.

It was moved and seconded that Council issue Development Permit No. DP1321 at 345 Newcastle Avenue and 360 Stewart Avenue with variances as outlined in the “Proposed Variances” section of the Staff Report titled “Development Permit Application No. DP1321 – 345 Newcastle Avenue and 360 Stewart Avenue” dated 2024-FEB-26. The motion carried unanimously.

- d. Development Permit Application No. DP1294 – 6004 Nelson Road

Introduced by Jeremy Holm, Director, Planning & Development.

It was moved and seconded that Council issue Development Permit No. DP1294 for a multi-family townhouse development at 6004 Nelson Road with variances as outlined in the “Proposed Variances” section of the Staff Report titled “Development Permit Application No. DP1294 – 6004 Nelson Road” dated 2024-FEB-26. The motion carried unanimously.

- e. Electric Vehicle Supply Equipment Cost Recovery Bylaw

Introduced by Bill Sims, General Manager, Engineering and Public Works.

Jennifer McAskill, Manager, Facility Asset Planning, spoke regarding the “Electric Vehicle Recharging Bylaw 2024 No. 7365” as well as the amendments to existing bylaws.

Electric Vehicle Recharging Bylaw

It was moved and seconded that Council give first reading to “Electric Vehicle Recharging Bylaw 2024 No. 7365” (a bylaw to collect electric vehicle supply equipment and energy cost charges within the City of Nanaimo). The motion carried unanimously.

It was moved and seconded that Council give second reading to “Electric Vehicle Recharging Bylaw 2024 No. 7365”. The motion carried unanimously.

It was moved and seconded that Council give third reading to “Electric Vehicle Recharging Bylaw 2024 No. 7365”. The motion carried unanimously.

Fees and Charges Amendment Bylaw

It was moved and seconded that Council give first reading to “Fees and Charges Amendment Bylaw 2024 No. 7336.07” (a bylaw to add electric vehicle charging connection fees). The motion carried unanimously.

It was moved and seconded that Council give second reading to “Fees and Charges Amendment Bylaw 2024 No. 7336.07”. The motion carried unanimously.

It was moved and seconded that Council give third reading to “Fees and Charges Amendment Bylaw 2024 No. 7336.07”. The motion carried unanimously.

Bylaw Notice Enforcement Amendment Bylaw

It was moved and seconded that Council give first reading to “Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.19” (a bylaw to assign fines associated with electric vehicle charging). The motion carried unanimously.

It was moved and seconded that Council give second reading to “Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.19”. The motion carried unanimously.

It was moved and seconded that Council give third reading to “Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.19”. The motion carried unanimously.

f. Property Disposition - District Lot 9 Lands

Introduced by Bill Corsan, Director, Corporate & Business Development.

It was moved and seconded that Council:

1. approve the disposition of District Lot 9 to the Province of British Columbia as represented by the Ministry of Indigenous Relations and Reconciliation for \$1,455,000; and
2. direct the Mayor and Corporate Officer to execute the necessary documents to affect the transaction.

The motion carried unanimously.

g. 421 Prideaux Street - Acceptance of Project Under Revitalization Tax Exemption Bylaw 2018 No. 7261

Introduced by Bill Corsan, Corporate & Business Development.

It was moved and seconded that Council approve the Revitalization Tax Exemption Agreement for a proposed 16-unit, multi-family development at 421 Prideaux Street. The motion carried.

Opposed: *Councillors Brown, Eastmure, Geselbracht and Manly*

10. BYLAWS:

- a. “Financial Plan Amendment Bylaw 2024 No. 7359.02”

It was moved and seconded that “Financial Plan Amendment Bylaw 2024 No. 7359.02” (To amend the 2023 – 2027 Financial Plan) be adopted. The motion carried unanimously.

11. NOTICE OF MOTION:

- a. Councillor Manly Notice of Motion re: Harewood Plains

Councillor Manly advised that he will be bringing forward the following motions for consideration at a future Council Meeting:

"That the City of Nanaimo request that the Province of British Columbia work with the City of Nanaimo, the Regional District of Nanaimo, Snuneymuxw First Nation, Nanaimo and Area Land Trust and the Federal Government to protect the ecologically and culturally sensitive areas within the area known as the Harewood Plains including the protection of identified species at risk."

"That the City of Nanaimo request that the Federal Government work with the City of Nanaimo, the Regional District of Nanaimo, Snuneymuxw First Nation, Nanaimo and Area Land Trust and the Province of British Columbia to protect the ecologically and culturally sensitive areas within the area known as the Harewood Plains including the protection of identified species at risk."

12. OTHER BUSINESS:

- (a) Radio Malaspina Society/CHLY 101.7FM Request for Letter of Support re: Grant Application to the Community Radio Fund of Canada's Radiometres Program

It was moved and seconded that the Mayor provide a letter of support to Radio Malaspina Society/CHLY 101.7 regarding a grant application to the Community Radio Fund of Canada's Radiometres Program. The motion carried unanimously.

13. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

14. ADJOURNMENT:

It was moved and seconded at 7:55 p.m. that the meeting adjourn. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER



MINUTES
REGULAR COUNCIL MEETING

Monday, March 4, 2024, 4:30 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

- Members:
- Mayor L. Krog, Chair
 - Councillor S. Armstrong (entered 4:56 p.m.)
 - Councillor T. Brown*
 - Councillor H. Eastmure
 - Councillor B. Geselbracht
 - Councillor E. Hemmens (vacated 7:17 p.m., returned 7:20 p.m.)
 - Councillor P. Manly
 - Councillor J. Perrino
 - Councillor I. Thorpe
- Staff:
- D. Lindsay, Chief Administrative Officer
 - R. Harding, General Manager, Community Services/Deputy CAO
 - S. Gurrie, Director, Legislative Services
 - J. Holm, Director, Planning and Development
 - N. Sponaugle, Communications Advisor
 - A. Chanakos, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 p.m.

2. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations; and,
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.

Council moved In Camera at 4:31 p.m.

Council moved out of In Camera at 5:56 p.m.

Council recessed the Open Meeting at 5:56 p.m.

Council reconvened the Open Meeting at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 15(a) Councillor Manly Motion re: Harewood Plains – Add the following delegations:

1. Bo Staffan Lindgren, Nature Nanaimo
2. Hunter Jarratt, Kiki Nursery

4. APPROVAL OF THE AGENDA:

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

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2024-FEB-12, at 3:00 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised of the following:

- The City has approved the disposition of District Lot 9, land located behind Mount Benson, to Snuneymuxw First Nation under the BC Land Transfer Agreement. The City will receive \$1,455,000 from the transfer to use towards the purchase of other lands, or undertake tasks under City funding
- Watermain flushing begins 2024-MAR-10, and will use fresh water to remove sediment and refresh water pipes

- The Spring/Summer activity guide is available for viewing on the City website, and registration opens at 6:00 a.m. on 2024-MAR-06 online, by phone, and in person at various Parks and Recreation facilities
- Programs include a free roving playground program, summer camps, and concerts in the park, and approximately 50 summer students will be hired to run summer programs
- The City has received a subdivision application and development permit application for 103 Lotus Pinnatus Way. The property has many environmental restrictions, and any proposed development must meet all Development Permit Area guidelines

7. RISE AND REPORT:

a. Letter of Credit for Peoples Bank of Canada

The Mayor advised that at the 2024-FEB-05 In Camera Council Meeting, Council passed a motion to make an exception to the City's Investment Policy as it relates to Letters of Credit, and accept a Letter of Credit from People's Trust for a development project located at 388 Machleary Street.

8. REPORTS:

a. Regional Growth Strategy: Shaping Our Future 2040

Introduced by Jeremy Holm, Director, Planning and Development.

- The Regional District of Nanaimo developed a draft Regional Growth Strategy (RGS) to replace the 2011 RGS
- As a member municipality, the City was provided an opportunity to accept the proposed RGS Bylaw
- The City Plan includes a regional context statement to confirm its alignment with the RGS

It was moved and seconded that Council:

1. Accept the proposed "Regional Growth Strategy Bylaw No. 1874, 2023" as presented pursuant to Section 436 of the *Local Government Act*; and,
2. Direct Staff to forward a copy of the Council Resolution to the Regional District of Nanaimo.

The motion carried unanimously.

b. Development Permit Application No. DP1289 - 337 Robson Street

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No. DP1289 for a multi-family residential development at 337 Robson Street with variances as outlined in the "Proposed Variances" section of the Staff Report titled "Development Permit Application No. DP1289 - 337 Robson Street", dated 2024-MAR-04. The motion carried unanimously.

Councillor Hemmens vacated the Shaw Auditorium at 7:17 p.m. declaring a conflict of interest as she lives in the immediate area of 450 & 460 Irwin Street.

c. Development Permit Application No. DP1296 - 450 & 460 Irwin Street

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No. DP126 for a mixed-use development at 450 and 460 Irwin Street with variances as outlined in the "Proposed Variances" section of the Staff Report titled "Development Permit Application No. DP1296 - 450 & 460 Irwin Street", dated 2024-MAR-04. The motion carried unanimously.

Councillor Hemmens returned to the Shaw Auditorium at 7:20 p.m.

9. BYLAWS:

a. "Zoning Bylaw Amendment Bylaw 2023 No. 4500.219"

It was moved and seconded that "Zoning Bylaw Amendment Bylaw 2023 No. 4500.219" (general text and mapping amendments to "City of Nanaimo Zoning Bylaw 2011 No. 4500") be adopted. The motion carried unanimously.

b. "Electric Vehicle Recharging Bylaw 2024 No. 7365"

It was moved and seconded that "Electric Vehicle Recharging Bylaw 2024 No. 7365" (a bylaw to collect electric vehicle supply equipment and energy cost charges within the City of Nanaimo) be adopted. The motion carried unanimously.

c. "Fees and Charges Amendment Bylaw 2024 No. 7336.07"

It was moved and seconded that "Fees and Charges Amendment Bylaw 2024 No. 7336.07" (a bylaw to add electric vehicle charging connection fees) be adopted. The motion carried unanimously.

d. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.19"

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.19" (a bylaw to assign fines associated with electric vehicle charging) be adopted. The motion carried unanimously.

10. OTHER BUSINESS:

a. Councillor Manly Motion re: Harewood Plains

Delegations:

1. Paul Chapman, Nanaimo Area Land Trust, spoke regarding Harewood Plains. Highlights included:

- The Hosackia Pinnata, formerly known as Lotus Pinnatus, is an endangered species under the Federal *Species at Risk Act*
- Hosackia Pinnata grows in a few areas of Lotus Pinnatus Park and the section of Harewood Plains protected by a covenant; however, most grows in the developable area
- In Canada, 85-98% of the population of this flower grows in Harewood Plains

Council discussion took place. Highlights included:

- Concern regarding lack of signages marking protected areas for off-road vehicles
 - Ministry of Environment and Climate Change Canada is conducting a Critical Threat Assessment for critical habitat of Hosackia Pinnata
2. Bo Staffan Lindgren, Nature Nanaimo, noted concerns regarding the negative impacts development would have on the Harewood Plains, and the many rare and endangered plant species the land supports.
3. Hunter Jarratt, Kiki Nursery, noted the Gary Oak ecosystem that supports the many rare plant species existing in the Harewood Plains, and expressed concern regarding the negative effects development would have on the hydrology in the area.

It was moved and seconded that the City of Nanaimo request that the Province of British Columbia work with the City of Nanaimo, the Regional District of Nanaimo, Snuneymuxw First Nation, Nanaimo and Area Land Trust and the Federal Government to protect the ecologically and culturally sensitive areas within the area known as the Harewood Plains including the protection of identified species at risk. The motion carried unanimously.

It was moved and seconded that the City of Nanaimo request that the Federal Government work with the City of Nanaimo, the Regional District of Nanaimo, Snuneymuxw First Nation, Nanaimo and Area Land Trust and the Province of British Columbia to protect the ecologically and culturally sensitive areas within the area known as the Harewood Plains including the protection of identified species at risk. The motion carried unanimously.

11. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

12. ADJOURNMENT:

It was moved and seconded at 7:56 p.m. that the meeting adjourn. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER



MINUTES

MAYOR'S LEADERS' TABLE MEETING

Friday, December 15, 2023, 9:00 A.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

- Present: Mayor L. Krog, Chair
Donna Hais, Chair of Board of Nanaimo Port Authority
Richard Horbachewski, Chief Advancement Officer and AVP
External Relations, Vancouver Island University
Bob Moss, Tectonica Management
Mark Walsh, Secretary-Treasurer at Nanaimo Ladysmith Public
School District 68
Dave Witty, Past Chair Nanaimo Airport Commission
- Absent: Erralyn Joseph, Councillor, and Assistant Negotiator, for
Snuneymuxw First Nation
- Staff: D. Lindsay, Chief Administrative Officer
R. Harding, General Manager, Community Services/Deputy
CAO*
B. Sims, General Manager, Engineering and Public Works
J. Holm, Director, Planning and Development
K. Ing, Director, IT/CIO
D. LaBerge, Director, Public Safety
L. Brinkman, Manager, Community Planning
C. Wood, Manager, Social Planning
K. Biegun, Planner
N. Sponaugle, Communications Advisor
J. Vanderhoef, Deputy Corporate Officer/Recording Secretary

1. CALL THE MEETING TO ORDER:

The Mayor's Leaders' Table Meeting was called to order at 9:00 a.m.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the following Minutes be adopted as amended to update Richard Horbachewski's title to Chief Advancement Officer and AVP External Relations, Vancouver Island University:

- Minutes of the Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2023-JUL-27, at 8:34 a.m.
- Minutes of the Special Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2023-SEP-14, at 12:04 p.m.

The motion carried unanimously.

4. AGENDA ITEMS:

a. Health and Housing Completion

Introduced by Lisa Brinkman, Manager, Community Planning.

Presentation:

1. Kasia Biegun, Planner, provided a presentation. Highlights included:
 - Explained the downstream, midstream and upstream initiatives and programs related to health and housing
 - Reviewed affordable housing initiatives and programs: increasing housing options, family friendly and adaptable housing, pre-zoning urban centres and corridors for affordable housing, review increasing delegation of development permits for affordable housing projects, create a tenant relocation policy and explore land acquisition and partnership opportunities for affordable and supportive housing
 - Noted that some of the initiatives are impacted by recent changes to Provincial legislation

Committee and Staff discussion took place. Highlights included:

- Clarification regarding increasing the delegation of development permits in accordance with the City's "Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353" which allows the Director of Development Approvals to review and approve specific types of

development permits. There may be an opportunity for more items to be delegated instead of needing to go before Council

- The City is looking for additional opportunities to build more affordable housing

Kasia Biegun, Planner, continued the presentation. Highlights included:

- The Integrated Action Plan lists priority actions as identified by Council and directs Staff on what they should prioritize related to housing

Committee and Staff discussion took place. Highlights included:

- Considering other partnerships beyond BC Housing and challenges related to the speed at which BC Housing can operate
- Methodology used to determine housing numbers needed and the shortfall in non-market housing
- The tool available currently to promote non-market housing is density bonusing. There is not currently inclusionary zoning which is the model used in the United States frequently to require a certain percentage of developments to be non-market housing

Kasia Biegun, Planner, continued the presentation. Highlights included:

- Reviewed amendments to the Memorandum of Understanding (MOU) with BC Housing made through an Addendum in 2019
- The City advocated for Provincial Support during the 2023 Union of British Columbia Municipalities Convention (UBCM) and provided handouts and made requests to Ministers for support
- Four new bills implementing provincial housing legislation:
 - Bill 35 is regarding short-term rental accommodations
 - The City has regulations in place regarding short-term rental accommodations; however, this bill provides more access and enforcement authority to municipalities

Committee and Staff discussion took place regarding what the current requirements are for short-term rentals.

Kasia Biegun, Planner, continued the presentation. Highlights included:

- Bill 44 is regarding small scale multi-unit housing
 - Will allow three to four units on lots currently zoned for single family or duplex use depending on size. Six units permitted on larger lots currently zoned for single family or duplex use close to transit stops with frequent service

Committee and Staff discussion took place. Highlights included:

- Unintended consequences regarding Bill 44
- Potential issues regarding infrastructure not being able to meet the needs of the increased density
- Downstream consequences for municipalities and potential costs to taxpayers
- Concerns regarding access to water and power supply needed for the increased density and also increasing building requirements
- Concerns regarding school capacities for the additional children resulting from increased density
- Oregon has been tracking density over the past year following the removal of single family zoning and has seen minimal impact so far
- The Province held a question and answer session recently regarding many of the concerns mentioned

Kasia Biegun, Planner, continued the presentation. Highlights included:

- Bill 46 is regarding development financing
 - New amenity cost charge with the intent to pay for capital costs such as community centres, recreation centres and libraries
 - Expanding Development Cost Charges (DCCs) to include fire-protection facilities, police facilities, and solid-waste facilities
- Bill 47 is regarding transit-oriented development areas
 - Provincial standard for a minimum allowable height and density within a certain distance of a transit hub

- Remove parking minimums with some exemptions
- Woodgrove Centre, Country Club Centre, and Vancouver Island University have been noted as potential development areas

Committee and Staff discussion took place. Highlights included:

- New information is evolving everyday on these subjects
- The new transit exchange planned for downtown will not be moving to a new location and will the location impact the downtown
- Local governments understand context but the Province is not listening
- Discussion regarding the impact on current developments like the Sandstone Project where it's no longer clear what Council would be approving at this point with large implications
- The Mayor's Caucus has requested that the Province review the context of these requirements
- Opportunities to encourage the private sector to build smaller units
- Based on the housing needs study, the City needs to build 1,100 units per year to keep up with demand and 525 of those units need to be affordable housing units. The City will need consistent investment from the Province and Federal Government
- Staff do not foresee these changes increasing the unit count in Nanaimo, but rather spreading the units in different ways that were not anticipated or encouraged
- Homelessness has increased by 136% in the last two years in British Columbia
- Estimate that 935 people are homeless in Nanaimo and 70% are from Nanaimo
- There are not many resources available to assist municipalities and non-profits to add to the current housing inventory. Rental Protection Fund could be productive in bringing in some affordable housing
- Contacting the Municipal Finance Authority to discuss options for additional funding for housing

- In the City of Vancouver 2,400 people are estimated to be homeless but only 30% are unsheltered. In Nanaimo, over 80% of homeless people are unsheltered

b. Kerry Ing, Director, IT/CIO, Presentation re: City Fibre Strategy

Kerry Ing, Director, IT/CIO, provided a PowerPoint presentation. Highlights included:

- Presentation is in response to the 2023-AUG-28 motion from Council to consult with community partners regarding options for expanding and integrating the City's fibre network
- Reviewed the timeline leading up to this discussion and particularly a report regarding telecommunications strategy to review existing fibre coverage already in place and potential options moving forward
- Have been communicating with peers in other municipalities regarding their experiences
- Options include:
 - Expanding Existing City Fibre
 - Potentially Pursue Cost-Sharing with Regional Partners
 - Becoming a Fibre Optic Utility
 - Status Quo
- Reviewed existing current City fibre optic coverage:
 - Approximately seven kilometers of fiber optics are connecting the City's priority facilities
 - Each site is a single point of failure because all roads lead to the Service and Resource Centre (SARC) which is significant as more servers are going cloud based
 - If there is an outage some sites can be unable to access the internet
 - Need to have redundancies in place
- Telco broadband (Telus and Rogers/Shaw) provides coverage for 95% of all City addresses
- Option One: Expand
 - Doubles capacity and removes single point of failure due to loops
 - Going this route is future proofing and would provide full control over the network and reduces reliance on Telcos
 - Potential opportunities for partnerships
 - Could sell excess capacity in the future
 - Cost recovery for 17 kms of fiber is to be determined

- Option Two: Partnership
 - Pursue agreements with regional partners for cost sharing of fibre optic assets, including Regional District of Nanaimo (RDN), Vancouver Island University (VIU), and the Nanaimo Regional General Hospital (NRGH)
 - Having redundancy between priority facilities
 - Mutual connections may not improve redundancy among priority facilities
- Option Three: Becoming a Utility
 - Expanding fibre optics coverage and resell services to regional partners and private sector
 - Opportunity for revenue generation through partnering and reselling services
 - Significant investment required
 - Other municipalities have gone this route but there is overhead and staffing implications
 - Become a direct competitor with Telcos
- Option Four: Status Quo
 - The 2024-2033 budget currently includes \$789,000 for five kms of fibre optic expansion and upgrades over the next 10 years
 - Doesn't resolve the issue of a single fault point
 - Missing opportunities to include fibre optics in civic projects
- Staff recommend investing to build redundant fibre connectivity to all or most of the City's priority facilities and minimize costs by:
 - Including telecommunications with civic projects
 - Establishing relationships with regional partners and seeking opportunities for cost sharing to assist with the expansion
- Increased control and scalability of network communications, reduced reliance on Telcos
- Requires increases to 5-10 year budgets

Committee and Staff discussion took place. Highlights included:

- Satellite based communication to provide a redundant backup system at key locations like the dam and fire station
- Marketing Nanaimo as fully integrated in order to grow the economy
- Potential risk to reduce incentives for the Telcos to provide better services in the area
- Challenges related to becoming a utility provider

- Expanding outside of priority locations to include locations like NRGH and VIU

It was moved and seconded that the Mayor's Leaders' Table recommend that Council direct Staff to prepare a report with options and costs for expanding the City's fibre network, based on the City Fibre Strategy presentation made during the 2023-DEC-15 Mayor's Leaders' Table meeting. The motion carried unanimously.

c. Verbal Update re: Nanaimo Regional General Hospital Advocacy

Donna Hais, provided a verbal update regarding the Nanaimo Regional Hospital Advocacy. Highlights included:

- Recently received a report from MNP regarding health care for Nanaimo
- RDN is currently running a campaign and doing filming with key stakeholders in the health care community
- "YES" Committee will hold rallies and get on the chamber docket with a six point strategy to run a comprehensive campaign
- Efforts planned to reach doctors, nurses and healthcare providers north of the Malahat for their support
- Preparing a health care economic impact study to partner with the report prepared by MNP
- Hoping the status of NRGH will become a topic of the upcoming election
- First Nations Health Authority are now part of the discussion and were not previously involved. Excited about opportunities that could come from these conversations
- Now a member on the Hospital Foundation Board and attended first board meeting
- Met with Senior Capital Planning for Island Health regarding the cancer centre with proposed opening date of 2028
- A current focus of the hospital foundation is a new modular expansion to increase the current pharmacy's ability to make chemo treatment drugs
- High-acuity unit (HAU) beds are being delayed until 2025 due to issues related to the request for proposals on the construction proposal
- The Province and RDN have announced 350 long-term care beds are coming to Lantzville. However, Minister of Health and Minister of Francophone Affairs, Adrian Dix says this is why Nanaimo will not get

a new patient tower because the long-term care beds will take people out of the hospital and free up care beds

- Senior Capital Planning has been trying to find a temporary facility within the hospital to provide a catheterization laboratory without the need for a new tower and a study has been commissioned to review this in January
- Recent conversation with Senior Capital Planning regarding the services needed at NRGH. The Hospital Board requested that Royal Jubilee Hospital be used as the ideal example for what Nanaimo needs
- A new cardiologist has recently started in Nanaimo and hoping to recruit more
- Heart Health Centre is expanding to include a pacemaker clinic
- Island Health is contemplating running their own daycare programs to attract doctors
- Two doctors have signed up for the Hospital Foundation Program to receive funds to relocate their practices to the community area and there are now options available through the Hospital Foundation for separate funding for equipment
- Hoping to set a timeline to provide doctors to 50% of the current unattached patients in the community
- Hullo Ferry providing passes to help entice potential new doctors to come to Nanaimo
- New family practice opening inside of the emergency room for unattached patients in the hospital system

Committee and Staff discussion took place. Highlights included:

- VIU working with Island Health to review options for adding medical school seats at VIU
- VIU also provides childcare and has started construction on a new facility that will provide an additional 75 spots for childcare
- Housing concerns for doctors coming to Nanaimo for short-term stays

d. Verbal Update re: South End Community Centre

Richard Harding, General Manager, Community Services/Deputy CAO, provided a verbal update regarding the South End Community Centre. Highlights included:

- Current plan is for approximately 60,000 sq ft building

- Currently have an MOU in place for a potential property and hoping to secure the site in the new year
- Have been working with potential groups and organizations who would like to use the site to fill some of the cultural voids in the community
- Potentially making one of the two gymnasiums into more of a flexible space
- Also have an MOU with family practitioners looking at ways to include health care in the facility

Committee and Staff discussion took place. Highlights included:

- Potentially 5,000 sq ft of the building being allocated for primary care which was previously allocated for library space
- Project of this scale will require long-term borrowing and therefore will require either an Alternative Approval Process or Referendum
- Need to focus on the services that will be provided at the facility

5. OTHER BUSINESS:

a. Next Meeting Date 2024-MAR-08

The Committee received the 2024 Mayor's Leaders' Table Key Date Calendar.

Dave Witty will attend a future Governance and Priorities Committee meeting to discuss homelessness.

6. ADJOURNMENT:

It was moved and seconded at 11:01 a.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

DEPUTY CORPORATE OFFICER



MINUTES

GOVERNANCE AND PRIORITIES COMMITTEE MEETING

Monday, February 12, 2024, 1:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Members: Councillor S. Armstrong, Chair
Mayor L. Krog
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor P. Manly
Councillor J. Perrino
Councillor I. Thorpe

Absent: Councillor T. Brown
Councillor H. Eastmure

Staff: D. Lindsay, Chief Administrative Officer
L. Mercer, General Manager, Corporate Services
B. Sims, General Manager, Engineering and Public Works
T. Doyle, Fire Chief
B. Corsan, Director, Corporate and Business Development
W. Fulla, Director, Finance
S. Gurrie, Director, Legislative Services
P. Rosen, Director, Engineering
D. Burgos, Manager, Corporate Communications and
Community Relation
J. McAskill, Manager, Facility Asset Planning
J. Rose, Manager, Transportation
S. Robinson, Active Transportation Project Specialist
B. Thomas, Assistant Manager, Transportation
N. Sponaule, Communications Advisor
K. Lundgren, Recording Secretary

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

1. CALL THE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 7(b)(2)(4) Update on Primary and Secondary Active Transportation – add a PowerPoint presentation titled "Active Transportation Overview 2024".

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2024-JAN-22 at 1:00 p.m.
- Minutes of the Special Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2024-JAN-22 at 7:00 p.m.

The motion carried unanimously.

5. AGENDA PLANNING:

(a) Upcoming Topics and Initiatives

Sheila Gurrie, Director, Legislative Services, spoke regarding topics and initiatives scheduled for the upcoming Governance and Priorities Committee (GPC) meetings.

6. PRESENTATIONS:

(a) 1 Port Drive - Background Information

Bill Corsan, Director, Corporate and Business Development, provided a PowerPoint presentation and an overview of 1 Port Drive. Highlights included:

- The City purchased the property in March 2013 for \$3.4 million

- The site did not have much development potential, and various steps have been taken to make it ready for development
- The South Downtown Waterfront Area has mixed ownership

Committee and Staff discussion took place regarding the opportunities with the City-owned water lot.

Bill Corsan, Director, Corporate and Business Development, continued the presentation:

- Snuneymuxw First Nation (SFN) village site
- Overview of the history of the industrialization of the waterfront
- The City's rationale for acquisition included: waterfront redevelopment, access, and a long-term vision for the community
- Large amount of work has been done since purchasing the property including the waterfront walkway, demolition of derelict docks, termination of leases and licenses, demolition of Seaspan Wharf, archaeological impact assessment, and Seaspan right-of-way transfer agreement
- The Port Drive Waterfront Master Plan was adopted in 2018 and has been embedded into the City Plan

Committee discussion took place regarding community feedback on 1 Port Drive and the community consultation done in 2018.

Bill Corsan, Director, Corporate and Business Development, continued the presentation:

- The Port Drive Waterfront Master Plan objective and Dr. Witty's guiding framework
- Draft concept plans were done as part of the Master Plan which have since evolved
- A geotechnical study, detailed site investigation, and environmental investigation were undertaken
- The Regional District of Nanaimo sewer line runs through the property and would need to be taken into consideration for the area design
- The Interim transit exchange will be relocated
- Next steps include preparing a rezoning application, continuing discussions with SFN, and returning to Council with options

Committee and Staff discussion took place. Highlights included:

- Cruise ships will continue to dock at the cruise ship pier

- Housing units anticipated for the site
- Significant community consultation was done in 2018 for the Port Drive Waterfront Master Plan
- Timeline for Council to receive the report with options on next steps would depend on conversations with SFN
- Staff suggest continuing with the rezoning application
- Dedicated SFN square is a piece of land that will be preserved and will not be a development site

7. REPORTS:

(a) Green Nanaimo:

1. Electric Vehicle Supply Equipment Cost Recovery Bylaw

Introduced by Bill Sims, General Manager, Engineering and Public Works.

Jennifer McAskill, Manager, Facility Asset Planning, spoke regarding the new public charging infrastructure. Highlights included:

- Currently the City's electric vehicle charging infrastructure is for use by anyone, free of charge
- Initial costs were supported through partnership with RDN through the CleanBC Communities fund
- Staff have seen an increased uptake in usage, and the demand is expected to continue to increase
- Proposed bylaw transitions funding to a fee-for-service model
- Penalties are included in the bylaw to encourage equitable use of the charging stations

Committee and Staff discussion took place. Highlights included:

- Consideration for generating funding towards infrastructure to help maintain roadways
- Municipalities around Vancouver Island predominantly offer free use for municipal chargers, and many private businesses charge for use
- The City is required to maintain the operation of the chargers for at least five years

(b) Connected Nanaimo:

1. Speed Limit Reduction Motion Update

Bill Sims, General Manager, Engineering and Public Works, informed the Committee that the provincial pilot project for the Speed Limit Reduction project has not materialized; and therefore Staff cannot action on a previous motion passed by Council 2020-SEP-28 directing Staff to participate.

2. Active Transportation:

1. Update on Primary and Secondary Active Transportation

Introduced by Bill Sims, General Manager, Engineering and Public Works.

Presentation:

1. Jamie Rose, Manager, Transportation, provided a PowerPoint presentation and an update on primary and secondary active transportation networks. Highlights included:

- The City is at capacity limits to build a more robust road system; therefore, the City Plan accommodates an increase in trips by walking, biking and transit
- Active transportation data collection helps identify areas of need and pattern changes
- Provided an overview of the level of completion for primary and secondary active transportation routes and identified pedestrian and cycling gaps
- Identified the areas of Nanaimo where future projects that are already in the plan will fill gaps

Committee and Staff discussion took place regarding consideration around designing streets with sidewalks built only on one side.

2. E-Bike Share

Sadie Robinson, Active Transportation Project Specialist, continued the presentation. Highlights included:

- In 2023 Evolve E-Bike Share approached the City with an opportunity to establish their electric-bike (e-bike) share program

- Once established, the E-Bike Share program will be trialed for the remainder of the year
- E-Bike Share locations are being considered at transit exchanges, primary active mobility routes and urban centers
- Evolve has a companion app for payment and providing the location of available bikes
- Evolve monitors the fleet and undertakes the maintenance of the bikes
- At the end of year, Staff will report back to Council on the project

Committee and Staff discussion took place. Highlights included:

- Received feedback from similar companies that theft has not been a big issue in these programs
- Ensuring all connections are done, even if in an interim way, to allow these bikes to be effective and used safely
- Bike trips can only start and end inside the e-bike parking stations
- Evolve's staff will maintain the e-bikes including ensuring the batteries remain charged

3. School Zone Policy Update

Jamie Rose, Manager, Transportation, continued the presentation and spoke regarding the School Zone Policy Update. Highlights included:

- Staff recommend adopting a new policy that will allow for consistency with the *Motor Vehicle Act*
- School zones are the speed reduced area and have definitions on how they relate to the school; while school areas are areas near schools but outside the school zone
- Certain roads are not school zones and 30km/h speed limit signs cannot be enforced
- Suggest a systemic approach to removing the speed limit signs in school areas

Committee and Staff discussion took place. Highlights included:

- Ensuring that there is a good communication plan in place
- Staff seeking suggestions on how to approach the sign change
- Preference that people slow down around school areas
- Staff have not heard any recent complaints regarding the school zone speed limit signs that are not enforceable
- Concern for children's safety around schools, but also a need to be in alignment with the *Motor Vehicle Act*
- The School District would have an important role to play in notifying the school neighbourhood
- Opportunity to look at traffic calming on City roads

It was moved and seconded that the Governance and Priorities Committee recommend that Council repeal the existing School Zone Signing Guidelines Policy COU-118 and adopt the new School Zone Signing Policy COU-240 as detailed in Attachment B of the report titled "School Zone Policy Update" dated 2024-FEB-12. The motion carried.
Opposed: *Councillor Geselbracht*

4. Micromobility Update

Jamie Rose, Manager, Transportation, continued the presentation and spoke regarding the Provincial Electric Kick Scooter Pilot Project. Highlights included:

- Staff received Council support to join the provincial eScooter pilot project in 2021
- To continue to be part of the pilot project, the City is required to update the "Traffic and Highways Regulation Bylaw 1993 No. 5000" to regulate electric scooters

Committee and Staff discussion took place. Highlights included:

- The Province has drafted preliminary recommendations that include personal protection equipment, education and training

- That the draft bylaw be reviewed Advisory Committee on Accessibility and Inclusiveness

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to bring for Council's consideration an amendment to the "Traffic and Highways Regulation Bylaw 1993 No. 5000" to regulate micromobility devices. The motion carried unanimously.

8. QUESTION PERIOD:

The Committee received four questions from the public regarding agenda items.

9. ADJOURNMENT:

It was moved and seconded at 2:30 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER



MINUTES

MAYOR'S LEADERS' TABLE MEETING

Friday, March 8, 2024, 8:31 A.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Present: Mayor L. Krog, Chair
Donna Hais, Chair of Board of Nanaimo Port Authority
Richard Horbachewski, Chief Advancement Officer and AVP
External Relations, Vancouver Island University
Bob Moss, Tectonica Management
Mark Walsh, Secretary-Treasurer at Nanaimo Ladysmith Public
School District 68
Dave Witty, Past Chair Nanaimo Airport Commission

Absent: Erralyn Joseph, Councillor, and Assistant Negotiator, for
Snuneymuxw First Nation

Staff: D. Lindsay, Chief Administrative Officer
B. Sims, General Manager, Engineering and Public Works
J. Holm, Director, Planning and Development
D. LaBerge, Director, Public Safety
L. Brinkman, Manager, Community Planning
C. Wood, Manager, Social Planning
K. Robertson, Deputy Corporate Officer
N. Sponaule, Communications Advisor
J. Vanderhoef, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Mayor's Leaders' Table Meeting was called to order at 8:31 a.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(d) City of Nanaimo's Response to Homelessness and Community Impacts - Add document titled "City of Nanaimo's Response to Homelessness and Community Impacts".

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Mayor's Leaders' Table Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, December 15, 2023, at 9:00 a.m. be adopted. The motion carried unanimously.

5. AGENDA ITEMS:

a. Update re: Healthcare Ecosystem Advocacy Group

Donna Hais provided a PowerPoint presentation. Highlights included:

- The community advocacy group is calling themselves Fair Care Alliance
- Raising \$75,000 to fund their advocacy campaign targeting the upcoming provincial election
- Hired a media consultant and plan for billboards and a televised video
- Mission to ensure that all people north of the Malahat have access to culturally appropriate and comprehensive, tertiary healthcare in Nanaimo on the traditional territory of the Snuneymuxw First Nation (SFN)
- Vision is to expand Nanaimo Regional General Hospital (NRGH) to become a comprehensive, tertiary hospital with an integrated approach to care and wellness that benefits all people north of the Malahat
- Provided statistics regarding the growth rates in the central and north island region
- Nanaimo is anticipated to grow by 55-60% over the next 20 years and NRGH is not ready for that growth
- NRGH is not currently meeting the Canadian care standards, there is no catheterization laboratory, there are not enough beds, and the over 60-year-old building is not up to seismic testing
- An Island Health report issued in 2010 noted at that time that NRGH was failing
- Provided statistics for services provided at NRGH compared to other municipalities

- NRGH needs a full-service hospital tower with necessary programs serving as both a diagnostic and treatment center, and it needs a catheterization laboratory
- The catheterization laboratory would serve over half the islands population. Victoria is only able to address 45% of the current cases and having a catheterization laboratory in NRGH would increase that number to 95%
- The advocacy group is demanding a standard of care change for people residing north of the Malahat, campaigning through news, radio, rallies and social media
- Noted the ways that people can support the campaign and help make healthcare fair for all with the primary method being to share the message and participate in the next provincial election

Table discussion took place. Highlights included:

- NRGH is a tertiary hospital and should be providing the programs noted
- Island Health cannot lend their voice to this campaign, but are working hard towards the same goals
- Potentially bringing in doctors from Vancouver instead of Victoria
- Potentially advocating for a central island health region

It was moved and seconded that the Mayor's Leaders' Table recommend that Council invite Donna Hais to present to Council regarding the Healthcare Ecosystem Advocacy Group. The motion carried unanimously.

b. Overview of Mayor's Leaders' Table Work to Date

Bill Sims, General Manager, Engineering and Public Works, provided a PowerPoint presentation and summarized the work done thus far by the Mayor's Leaders' Table:

- Inaugural meeting 2023-JUN-08. Central theme was partnerships, collaboration and community advocacy
- Presentations from Donna Hais regarding NRGH public relations campaign
- Some of the topics reviewed: community fiber optic network, south end community centre, and advocacy strategy development
- Equitable Housing presentation from Dave Witty and Staff presentation regarding housing
- Staff presentation regarding coordinating health and housing and the implications of provincial housing bills

c. Provincial Housing Legislation Overview

Introduced by Jeremy Holm, Director, Planning and Development.

Presentation:

1. Lisa Brinkman, Manager, Community Planning, provided a PowerPoint presentation. Highlights included:
 - Four housing related bills were passed by the Province in November 2023
 - Bill 35 *Short-Term Rental Accommodation Act* is intended to return short-term rentals to the long-term housing market
 - 2024-MAR-11 Governance and Priorities Committee Meeting (GPC) will include a report reviewing the City's short-term rentals regulations within the Zoning Bylaw. There will be recommendations to increase fines and revise wording to assist bylaw enforcement. There will also be a report regarding changes to the Public Hearing process
 - Bill 44 *Residential Development*:
 - Requires Official Community Plans (OCPs) to plan for 20 years of housing supply rather than 10 years
 - Prohibits holding a public hearing for zoning amendment bylaws for housing that are consistent with the OCP
 - Requires local governments to permit dwelling units on land zoned for single-families or duplex
 - Staff will need to complete a new housing needs report by the end of 2024 and update the OCP by the end of 2025
 - Bill 44 also requires permitting six units on larger lots in proximity to transit stops with frequent services; however, currently the City's bus services do not meet the frequency thresholds
 - Bill 46 *Development Financing*:
 - Provides an improved structure to pay for infrastructure and community amenities
 - Amenity Cost Charges (ACC) introduced to pay for capital costs
 - Development Cost Charges (DCC) were expanded to include fire protection facilities, police facilities and solid waste facilities

- Bill 47 *Transit Oriented Areas* requires municipalities to designate transit oriented areas (TOAs) and establish minimum allowable height and density within those TOAs
- There are three TOAs within Nanaimo: Woodgrove Exchange, Country Club Exchange, and Vancouver Island University Exchange. There are some conflicts with the circumference of these TOAs and the current City Plan; therefore, some adjustments to the City Plan will be required
- A TOA designation bylaw and an updated City parking bylaw will need to be adopted by 2024-JUN-30

Table discussion took place. Highlights included:

- Implications related to school district catchment areas
- The development community appears to be waiting to see what the implications of these changes will be, and Staff anticipate that the market will change, but they do not anticipate an immediate change in where development is expected to occur based on the City Plan
- SFN have expressed concerns regarding the lack of consultation on the legislative changes and land use approvals
- Concerns regarding additional costs for developers with more building code changes anticipated in the near future which will reduce the feasibility of affordable housing
- Increasing demands on aging capital infrastructure, such as water and power, cannot keep up with growth and new building requirements

d. City of Nanaimo's Response to Homelessness and Community Impacts

Introduced by Christy Wood, Manager, Social Planning.

- Midstream initiatives:
 - Risk intervention strategies aimed at mitigating harm typically targeted towards specific segments of the population such as: Health and Housing Action Plan, Nanaimo Systems Planning Organization, Community Policing Program, and the Nanaimo Acute Response Table
- Downstream initiatives:
 - Focus on the City's ability to respond to emergencies
 - Examples include: Heart and Hearth Memorandum of Understanding (MOU) with the Ministry of Housing, Downtown Nanaimo Community Safety Action Plan, Warming

Centres, Shower Program, Police Services, Nanaimo Fire Rescue, and the Breakfast Meal Program

- BC Housing took over social housing administration in the early 90's and has focused on a centralized model for social housing
- A national study was done in 2014 regarding housing and following that the Province adopted a Housing First approach
- The City works with BC housing to facilitate and implement housing initiatives
- Noted sometimes the terminology can become confusing; however, the approach overall is a Housing First approach
- The primary challenge being faced is a lack of available units
- Some of the steps being implemented include: prioritizing the use of City owned land for affordable and supportive housing, working to ensure that regardless of people's background they are able to navigate and access a full spectrum of services, supporting the development of housing and accommodation options to rapidly rehouse, supporting and coordinating the implementation of the health and housing action plan

Lisa Brinkman, Manager, Community Planning, spoke regarding housing. Highlights included:

- The housing needs report notes that of the 1,200 units needed in Nanaimo each year, 40% need to be non-market units
- Four projects for supportive housing were included in the 2019 MOU with BC Housing, and Staff are working towards another MOU with BC Housing for additional sites for supportive housing
- A priority action from Council in 2023 was to pre-zone areas in Nanaimo for supportive housing; however, this was sidelined slightly due to the provincial legislative changes
- As part of the necessary updates related to the provincial changes, Staff will be updating the Zoning Bylaw and aligning it with the City Plan which will address pre-zoning areas

Jeremy Holm, Director, Planning and Development, noted that the provincial changes are targeting the supply side of housing but not necessarily the affordability side. Staff are hoping for more tools to potentially encourage more affordable housing as some of the recent legislative changes interfere with the tools municipalities have used in the past to encourage affordable housing.

Table discussion took place. Highlights included:

- The majority of people on the street in Nanaimo can't afford to stay in their homes and a key piece of the solution is keeping people housed
- Housing without supports does not provide a long-term solution and creates a revolving cycle
- The City is not able to address addiction, medical or mental health issues
- Enhancing prevention work and addressing the correlation between youth in the foster care system and future homelessness
- Medicine Hat, Alberta, has had success reducing homelessness using the Housing Plus model
- Preventative systems to support at risk groups such as a local informal women's group that attempts to help young pregnant women in the community
- Community partners are providing some focused programs but definitely not enough
- The City received funds from Public Safety Canada to deliver programs to at risk youth, many of which are targeted to young females who are at high risk of sex trafficking
- Nanaimo has been identified to receive a Youth Foundry which will help the sustainability of programs being funded and provide social supports
- Focusing on more preventative pieces because the City cannot address provincial issues but can support people earlier in the process

e. Roundtable Discussion and Next Steps

Table discussion took place. Highlights included:

- Affordable housing issue is becoming an economic issue as businesses cannot bring in workers due to a lack of housing
- Coming up with some creative solutions and pushing them forward
- The public is most upset about the crisis that is being seen everywhere in our community and are not thinking about preventative measures
- Scheduling a special meeting to brainstorm solutions prior to the 2024-JUN-14 Mayor's Leaders' Table (MLT) meeting

- Interested in uncovering why there is no interest in building 12 story housing units in Nanaimo and how/why people are losing their homes
- Potential discussions between the School District 68 and the City to establish pilots together such as seniors or workers housing on school facilities
- Inviting topic experts to attend the special meeting
- In Alberta the faith groups are very prominent in supporting the homelessness issues
- Each member of the MLT may invite a topic expert to the special MLT meeting

6. OTHER BUSINESS:

a. Next Meeting Date

The next scheduled meeting date for the Mayor's Leaders' Table is Friday, 2024-JUN-14.

7. ADJOURNMENT:

It was moved and seconded at 10:25 a.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

DEPUTY CORPORATE OFFICER

Please click the link below to access the 2024-MAR-08 Mayor's Leaders' Table Meeting agenda:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=fed6ee7b-3e74-4fe4-b895-3b05caa61ac5&Agenda=Merged&lang=English>

Please click the link below to access the 2024-MAR-11 Governance and Priorities Committee Meeting agenda:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?id=d56a6bdc-d808-4b72-a198-56f7d4e075ce&Agenda=Agenda&lang=English>

Delegation Request

Delegation's Information:

Dan Hula has requested an appearance before Council

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2024-MAR-18

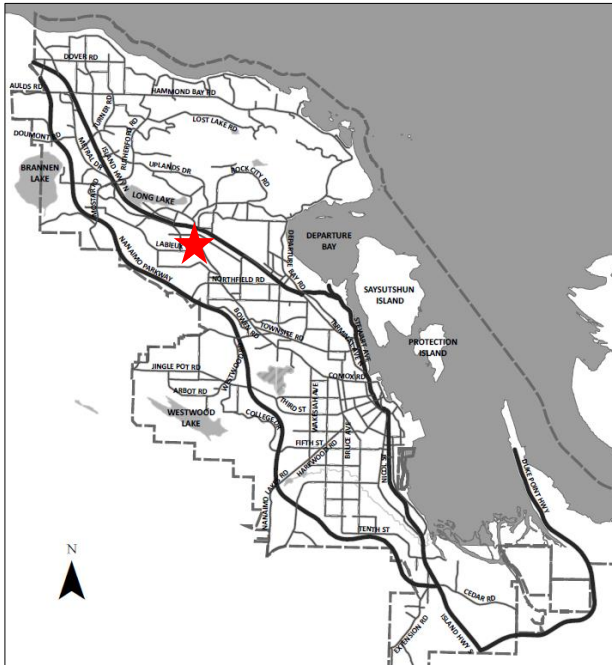
Bringing a presentation: Yes

Details of the Presentation: Citizen concerns about City of Nanaimo sovereignty in decision making - Very brief presentation on concerns of degree of Global Covenant of Mayors influence.

DATE OF MEETING | March 18, 2024 |

AUTHORED BY | ALEXA O'HANLEY, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP462 – UNIT 102 & UNIT 104 – 2517 BOWEN ROAD** |



Proposal:

Variance to increase the maximum permitted gross floor area for an individual retail use within an existing building.



Zoning:

COR3 – Community Corridor

City Plan Land Use Designation:

Mixed-Use Corridor

Lot Area:

2.39ha



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to vary the conditions of use in the COR3 zone to increase the maximum permitted gross floor area for an individual retail use within an existing building at 2517 Bowen Road.

Recommendation

That Council issue Development Variance Permit No. DVP00462 to increase the maximum permitted gross floor area for an individual retail use within an existing building at 2517 Bowen Road as outlined in the "Proposed Variance" section of the Staff Report dated 2024-MAR-18.

BACKGROUND

A development variance permit application, DVP462, was received from BJK Architecture Inc., on behalf of Mid Island Consumer Services Co-operative, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to increase the maximum permitted gross floor area for an individual retail use from 750m² to 2,458m², within Unit 102 & Unit 104 (combined) at 2517 Bowen Road.

Subject Property and Site Context

The subject property contains an existing shopping centre with a mix of retail and service uses. The property fronts onto Labieux Road (south) and Bowen Road (east). Surrounding uses include a duplex residential strata to the west, car dealerships to the north, commercial services to the east, and single family residential lots to the south across Labieux Road.

Statutory notification has taken place prior to Council's consideration of the variance.

DISCUSSION

The subject commercial units were previously occupied by a daycare facility from 2004 to 2022 (Unit 102), and a furniture and mattress store from 2016 to 2023 (Unit 104). The proposed use across both units is to be occupied by a single retail tenant. Retail use in the COR3 zone has a restriction on gross floor area. The intent of the floor area limit is to promote a pedestrian-friendly scale of development and discourage large-format retailers from operating within the Corridor zones. The potential retail tenant's business model requires the use of the entire space and therefore necessitates a variance.

Proposed Development

A retail store is proposed to occupy vacant Units 102 and 104, which total 2,485m² in gross floor area and as such, requires a variance to allow the retail use as proposed. The applicant proposes to increase the maximum permitted gross floor area from 750m² to 2,458m² to allow retail use in the existing units.

Proposed Variance

Maximum Gross Floor Area

The maximum permitted gross floor area in the COR3 zone for an individual retail use is 750m². The proposed gross floor area is 2,485m², a requested variance of 1,735m². The proposed gross floor area would allow a potential retail tenant to occupy an existing vacant portion of the building (Unit 102 and Unit 104 combined), which was originally designed for a single tenant (grocery store).

The applicant has provided the following rationale in support of the variance:

- Given the existing internal layout the space cannot be easily demised into smaller retail units;
- If demised, the storefronts would be too narrow for most tenancies. An interior ‘mall’ could be explored but is not desirable as it would have limited visibility and exposure;
- While the proposed variance would allow a larger retail space, it would be keeping the scale of the existing shopping centre; and
- All required parking is provided onsite.

If approved, the variance would allow the potential retail tenant to proceed with licensing and alteration permits.

Staff support the proposed variance as it would allow a tenant to fill the existing vacant space and no negative impacts to the site are anticipated. |

SUMMARY POINTS

- Development Variance Permit Application No. DVP462 proposes a variance to increase the maximum permitted gross floor area for an individual retail use from 750m² to 2,485m² at the subject property.
- The proposed variance would accommodate a potential retail store in Unit 102 and Unit 104 (combined).
- Staff support the proposed variance as no negative impact to the site is anticipated. |

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Plan |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Planning & Development |

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

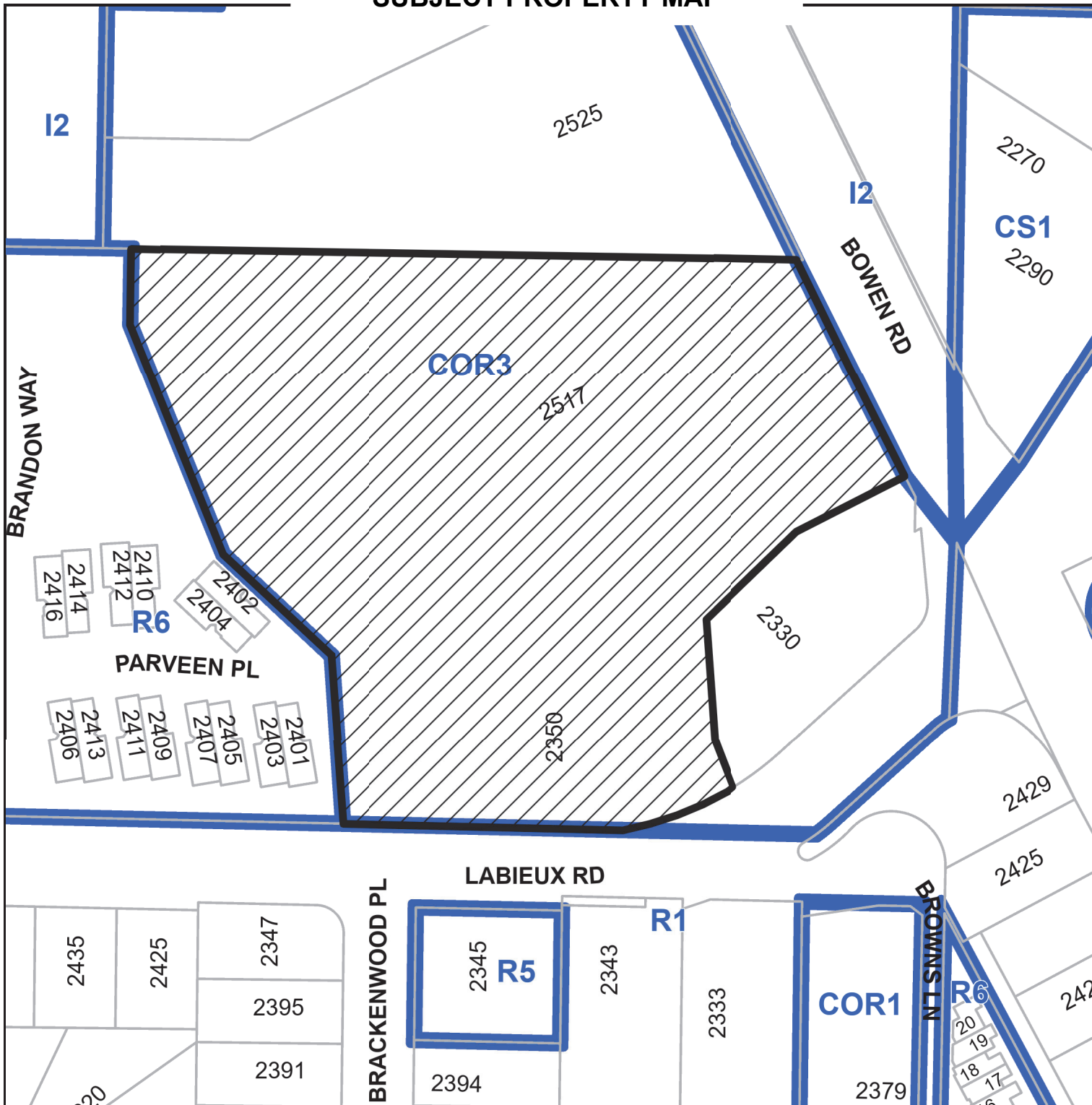
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:


1. *Section 9.2.1 Conditions of Use* – to increase the maximum permitted gross floor area of an individual retail use from 750m² to 2,485m² as shown on the Site Plan in Attachment C.

CONDITIONS OF PERMIT

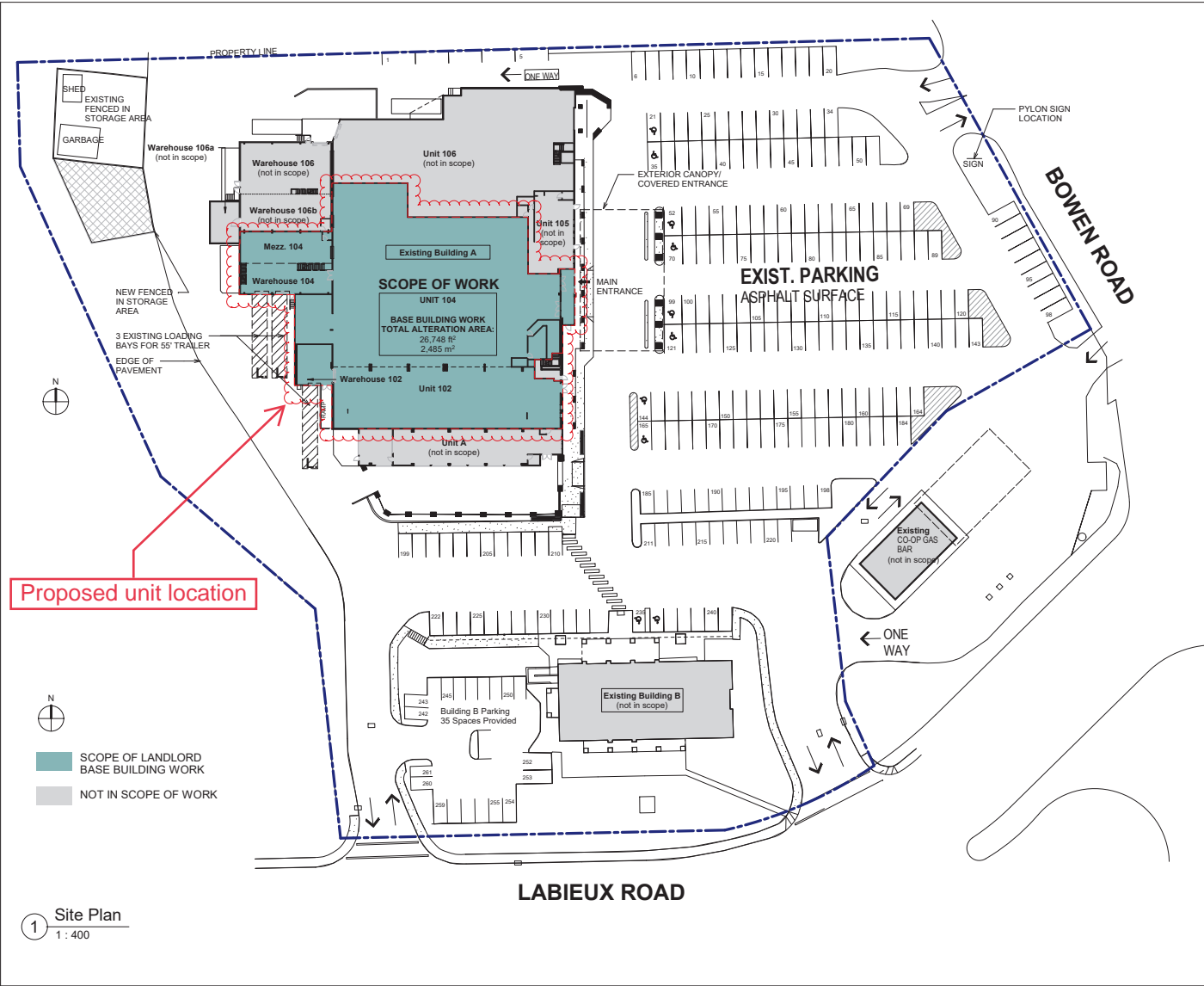
1. The subject property shall be developed in accordance with the Site Plan, prepared by BJK Architecture Inc., dated 2024-JAN-10 as shown in Attachment C.

**ATTACHMENT B
SUBJECT PROPERTY MAP**



 2517 Bowen Road

ATTACHMENT C SITE PLAN



Key Plan
1 : 2000

SITE INFORMATION

LEGAL DESCRIPTION: PID 026-631-431
LOT B, SECTION 20, RANGE 6,
MOUNTAIN DISTRICT
CIVIC ADDRESS: UNIT 102 & UNIT 104, 2517 BOWEN ROAD, NANAIMO, BC, V9T 3L2
EXISTING ZONING: COR3 (COMMUNITY CORRIDOR)

SITE STATISTICS

TOTAL SITE AREA:	23,926 m² (5.9 ACRES)
TOTAL BUILDING AREA:	EXISTING BUILDING A - 4,225 m² (45,480 sq ft)
LOT COVERAGE:	EXISTING = 4,225 m² / 23,926 m² X 100 = 17.7% PERMITTED = 7%

TOTAL BUILDING GFA (EXISTING BUILDING A & B)

BUILDING A -	4,441 m² (47,800 sq ft)
BUILDING B -	1,050 m² (11,300 sq ft)
TOTAL EXISTING GFA:	5,491 m² (59,100 ft²)

GFA FOR UNIT 102 & 104

EXTNG CRU & WAREHOUSE & MEZZ 104 -	1,876.8 m² (20,201 sq ft)
EXTNG CRU & WAREHOUSE 102 -	608.2 m² (6,547 sq ft)
TOTAL GROSS FLOOR AREA:	2,485 m² (26,748 ft²)
TOTAL NET FLOOR AREA:	2,485 m² x 90% = 2,236.5m² (24,073.2 ft²)

PARKING

REQUIRED PARKING:
SHOPPING CENTRE:
1 SPACE PER 30m² OF GROSS FLOOR AREA =
5,491 m² / 30m² = 183 SPACES REQUIRED FOR BLDG A & BLDG B

REQUIRED PARKING FOR UNIT 102 & 104:
2,485m² / 30m² = (82.83 ROUND UP) 83 SPACES REQ. FOR UNIT 102 & 104
1 ACCESSIBLE SPACE PER 33 SPACES = 2 ACCESSIBLE SPACES REQ. OUT OF 83 SPACES TOTAL

LOADING REQUIRED FOR UNIT 102 & 104:
TOTAL GROSS FLOOR AREA 2,325m² TO 4,650m² = 3 SPACES REQUIRED FOR UNIT 102 & 104

PROVIDED PARKING FOR UNIT 102 & 104:
REGULAR CAR PROVIDED = 77 SPACES
ACCESSIBLE PARKING PROVIDED = 2 SPACES
EV STALLS PROVIDED (5% - 4 REQUIRED) = 4 SPACES

TOTAL PARKING PROVIDED = 83 SPACES
TOTAL LOADING PROVIDED = 3 SPACES

NUMBER OF SHORT TERM BICYCLE PARKING SPACES:
0.2 spaces per 100m² for the first 5000m² (with a minimum of 6 spaces required) Plus 0.04 spaces for each additional 100m²
REQUIRED: 6 SPACES PROVIDED: 6 SPACES

NUMBER OF LONG TERM BICYCLE PARKING SPACES:
0.1 space per 100m² gross floor area for the first 5000m² plus 0.02 spaces for each additional 100m²
REQUIRED: 3 SPACES PROVIDED: 3 SPACES

1 Site Plan
1 : 400



Base Building Landlord Work - Unit 102 & 104

2517 Bowen Rd
Nanaimo, BC V9T 3L2

Site Plan & Site Data

SCALE: As indicated
DRAWN BY: SD
CHECKED BY: BJK
DATE: 2024-01-10

A.1

RECEIVED
DVP462
2024-JAN-23
Contract Planning

DATE OF MEETING March 18, 2024

AUTHORED BY KASIA BIEGUN, PLANNER, COMMUNITY PLANNING

SUBJECT SHORT-TERM RENTAL REVIEW

OVERVIEW

Purpose of Report

To provide Council with an update on the City of Nanaimo's Short-Term Rental program, the new provincial and federal short-term rental legislation, and proposed regulatory amendments.

Recommendation

That Council direct Staff to review the "Business Licence Bylaw 2021 No. 7318"; the "Bylaw Notice Enforcement Bylaw 2012 No. 7159"; and, the "Zoning Bylaw 2022 No. 4500"; and present amendments to these bylaws to improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day.

BACKGROUND

The City of Nanaimo's short-term rental (STR) regulations were adopted by Council on 2022-FEB-07. The changes included amending the City's "Zoning Bylaw 2011 No. 4500", and "Off-Street Parking Regulations Bylaw 2018 No. 7266" in order to:

- a) Require that all STR operators obtain a business licence;
- b) Permit STR in residential, commercial, or mixed-use zones;
- c) Permit STR in all housing types (e.g. residential dwelling unit, multi-dwelling unit, secondary suite, coach house);
- d) Permit STR only in a principal residence where the operator lives at least eight months in a calendar year;
- e) Limit stays to less than 30 consecutive days;
- f) Limit the maximum number of bedrooms and guests that may be rented to:
 - a. no more than two guest rooms and four guests (inclusive of secondary suite guests rooms) in most residential zones; and,
 - b. no more than four guest rooms and six guests in commercial and multi-family zones;
- g) Require an additional off-street parking space for each short-term rental booking;
- h) Require rental tenants to obtain permission from the registered property owner to be a STR host; and,
- i) Require strata owner to obtain permission from the strata council to be a STR host.

The regulations are intended to restrict short-term rental uses of residential housing to increase the supply of residential units available for long-term rental. The regulations were informed by the *Affordable Housing Strategy*, best practice research, and input from residents and stakeholders. With the regulatory framework now in place for close to two years, the *Integrated Action Plan*

(action C3.2.6) calls on the ongoing monitoring of the short-term rental program to understand what impacts it may be having on the long-term rental supply.

Housing Needs Report 2023

Based on the City’s recent *Housing Needs Report (2023)*, rental housing continues to be in high demand. Although the number of secured or purpose-built rental units increased by 687 between 2016 and 2021, the rental population increased by 1,665 overall. This means only 40% of new renter households were accommodated by the purpose-built rental market. This ongoing shortage of rental housing is evident by the vacancy rate of 2.6% in 2023, remaining below healthy levels since 2015. Median rents also increased by 86% over the past ten years, from \$725 (2012) to \$1,305 (2022). The shortfall in purpose-built rentals places additional pressure on the secondary rental market. The secondary market includes the type of housing that is not considered purpose-built, such as secondary suites, detached suites, rented single-detached houses, duplexes and/or rented freehold townhomes, or condos.

DISCUSSION

This section focuses on an evaluation of the City’s STR program, the new provincial and federal STR regulations, key findings on the status of other local government STR programs, and proposed regulatory amendments to improve the program.

Review of the Short-Term Rental Program

This section details the licensing, complaints, violations, enforcement, and hospitality data as they relate to the STR program. Overall, the review has found the program to be working adequately, with areas of concerns. These include the number of unlicensed STRs, the City’s capacity to regulate, and the impact on the long-term rental housing.

Licensed Short-Term Rentals

As of 2024-MAR-01, there were 291 STRs approved for a business licence in Nanaimo. The uptake in the number of licensed operators has been steady since the program was implemented on 2022-APR-01. Of the licensed STRs, 60% are within a primary residence, 35% are within a secondary suite, and 5% are within a detached suite (e.g. coach house) [see Table 1].

Table 1 – Approved STR business licences

Year	Approved STR within a Primary Residence	Approved STR within a Secondary Suite	Approved STR within a Detached Suite	Total Approved STR
2022 (as of April 1)	68	55	7	130
2023	88	37	5	130
2024 (as of March 1)	19	10	2	31
Total	175 (60%)	102 (35%)	14 (5%)	291

Accessing data on the number and types of STRs operating is challenging due to platforms such as Airbnb’s and VRBO’s reluctance to share data. Using one source, AirDNA, a STR marketing

tool, on 2024-MAR-01, there were 980 active listings within Nanaimo's city limits. As the data from AirDNA is based solely on Airbnb and VRBO listings, the data represents the lowest number of possible listings operating at any given time in Nanaimo. Other platforms, private property management websites, high season listings, or other social media advertising are not included. If we compare the number of STR listings on AirDNA, 980 units, to our internal records of 291 licensed STR's as of 2024-MAR-01, Nanaimo has an estimated compliance rate of 30%. Data from AirDNA also shows that the number of available listings increased by 24.5% from 2022 to 2023.

Complaints, Violations, & Enforcement

There were 62 complaints connected to STRs since the inception of the program. Of those, 67% were for unlicensed STRs and 2% for too many rooms and guests. Less than 1% of calls were concerning parking and noise. Two violation tickets were issued to the same STR business, one for operating without a business licence, and one for failing to comply with licence terms and conditions (e.g. renting too many guestrooms).

Hospitality Data

Data from the Nanaimo Hospitality Association (NHA) shows average occupancy rates for hotels and motels in Nanaimo have remained below 70% since 2020. The average occupancy rate in 2023 was 68.5% and 65.8% in 2022, a change of 2.7%. There does not appear to be a significant change in occupancy rates since the STR program was enacted. The NHA is working on gathering additional data to fully understand the impacts STRs may be having on the hospitality sector.

Provincial & Federal Short-Term Rental Legislation

This section provides an overview of the new provincial and federal legislation governing STRs.

Provincial Legislation | Bill 35 – Short-Term Rental Accommodation Act

The provincial government has introduced legislation to restrict STRs and help municipalities further regulate STRs to improve housing supply and affordability across BC. The new Short-Term Rental Accommodation Act, Bill 35, adopted in October 2023, provides stronger tools to help increase compliance within the City of Nanaimo. The changes, which will be brought through a phased-in approach, include:

Effective as of 2023-OCT-26 |

- **Increased Fines and Tickets:** Municipal ticketing fine maximum increased to \$3,000 (from \$1,000) per infraction, per day, in accordance with the *Community Charter Bylaw Enforcement Ticket Regulation*.

Staff Comment: The City typically issues fines under the Local Government Bylaw Notice Enforcement Act. Under the Act, the maximum fine is \$500 and remains unchanged. Currently, the maximum fine for operating without a business licence is \$250. Staff have the option of using the Enforcement Ticket Regulation for ticketing if it is appropriate to seek penalties greater than \$500. However, this comes at a substantially greater expense to prosecute in Provincial Court and at a greater burden of proof to obtain a conviction. To align with the maximum fine currently permitted per the Bylaw Notice Enforcement Act, Staff are recommending that the Business Licence

Bylaw, the Bylaw Notice Enforcement Bylaw, the Zoning Bylaw and the Off-Street Parking Regulation Bylaw be amended to increase the fine to \$500 per infraction, per day along with other minor amendments to improve clarity for bylaw enforcement purposes. Often the strength of bylaw enforcement lies with clear bylaw wording.

Effective 2024-MAY-01 |

- **Definition of Short-Term Rental:** The Provincial definition includes the service of accommodation for less than 90 consecutive days or another prescribed period, if any.

Staff Comment: The City of Nanaimo defines STRs as less than 30 consecutive days. The STR Accommodations Act does not prevent local governments from continuing to enforce the stricter time frame of 30 consecutive days.

- **Provincial Principal Residence Requirements:** STRs will be limited to the host's principal residence and either a secondary suite or accessory dwelling units (i.e. coach house). Principal residency requirement will be enforced at the provincial level. Hotels, motels, RVs, tents, or other temporary shelters are exempt from the *Short-Term Rental Accommodations Act*. Strata hotels or motels, timeshares, home exchanges, lodges, guest suites in stratas, and formal student accommodations are exempt from the principal residence requirement.

Staff Comment: The provincial principal residence requirement is intended to be a "floor" or minimum standard for regulating STRs. The City of Nanaimo's regulations are more restrictive, by only permitting one STR either within the primary dwelling, secondary suite, or coach house. It is the local government's responsibility to enforce bylaws that are more restrictive than the Act.

- **Business Licence & Display Requirement:** STR hosts must display a valid City of Nanaimo business licence number on their listing. STR platforms will be required to enable the posting of the business licence number.

Staff Comment: Obtaining a business licence is already a requirement. Displaying the business licence number on the listing will be a new requirement and is expected to improve compliance rates and address the concerns of unlicensed STRs.

- **End of Legal Non-Conforming Use for Short-Term Rentals:** Non-conforming use of a property under section 528 of the *Local Government Act* will not longer apply to STRs.

Staff Comment: This is consistent with the City of Nanaimo's approach. No change to City practice required.

Spring 2024

- **Provincial Compliance & Enforcement:** The Province is introducing a provincial STR compliance and enforcement unit within the Ministry of Housing to support implementation of the new legislation. The unit will comprise various teams, including those that will act as a conduit between the platforms and local governments for data-sharing, facilitate the removal of short-term rental listings that do not have valid local government business licence from platforms, host the upcoming STR registry, and undertake enforcement actions related to the provincial STR regulatory regime. Future

regulations are expected to be introduced to provide added support for local government regulations.

Staff Comment: Local governments will continue to be responsible for enforcing their bylaws, while the provincial compliance unit will be responsible for enforcing the provincial STR Accommodations Act. The provincial unit is intended to complement local government's bylaw enforcement and become a key provincial contact for local governments on STR regulation.

Summer 2024

- **Data Sharing:** The Province will be launching a new data sharing system, requiring platforms to submit STR data to the Province. The system will receive STR listing data directly from platforms and then share it with local governments. Data sharing is expected to include information such as names, addresses, and booking information, along with other host information.

Staff comment: Staff have had several meetings with provincial staff on the functionality and process by which the data sharing platform will be employed. As accessing reliable data on STRs has been a challenge for the City, the new data sharing system will be beneficial.

Late 2024/Early 2025

- **Provincial Registry:** The Province will establish a STR registry and make it mandatory for short-term rental hosts and platforms to register with the Province. The registry will help ensure that all hosts and platforms are following the regulations. Hosts will also be required to display a provincial registry number on their listing and platforms will need to validate those numbers against the Province's registry data.

Staff Comment: Further information on how local government business licensing and the provincial registration requirement will work in unison will be communicated by the Province by fall 2024.

- **Platform accountability:** As of mid-2025, hosting platforms like Airbnb will be accountable for removing listings that are not compliant with provincial and municipal regulations.

The timelines and changes are summarized in Attachment A. Local governments are obligated to align municipal processes with provincial legislation and not grant zoning (or other permission) to STR hosts where inconsistent with the provincial legislation.

Federal Legislation

Effective 2024-JAN-01, STRs not abiding by provincial and municipal STR regulations will no longer be able to claim their rental expenses against the income they generate.

Jurisdictional Review of STR Programs

Staff reviewed the approach of seven other BC municipalities regulating STRs, including, New Westminister, District of North Vancouver, Victoria, Burnaby, Kelowna, and Tofino (see Attachment B). Similar to the jurisdictional review conducted in 2020, there continues to be a spectrum of regulatory approaches used. New Westminister and the District of North Vancouver

have maintained bed and breakfasts as a permitted use and not enacted any STR regulations. Whereas jurisdictions like Burnaby, Victoria, and Tofino continue to permit STRs, but with varying degrees of restrictions. Of note, are the restrictions on the types of residences STRs are permitted (see Attachment C). Burnaby and Victoria have opted to prohibit STRs in secondary suites and detached suites, whereas Tofino prohibits STRs in duplexes and multi-family dwellings. Kelowna on the other hand has opted to amend their existing STR regulations and begin prohibiting all new STRs as of 2024-JAN-22. Only existing STRs with a valid business licence that meet the provincial principal residency requirements will be grandfathered. One commonality to these restrictions is the need to protect existing long-term rental housing.

All other restrictions imposed by local government including business licensing, principal residency, maximum number of guests, rooms, consecutive stays, and parking generally align with Nanaimo's regulatory program. There is one notable exception, which are fines for STR infractions. Jurisdictions that use the same ticketing system set a maximum fine of \$500 per infraction per day, compared to Nanaimo's \$250 fine per infraction per day.

Proposed Regulatory Amendment

In light of the new provincial rules, Staff have reviewed the City's STR program to determine whether any updates may be warranted. As outlined above, Staff have concerns about the potential impacts of the STR program. However, until such time as accurate data is available to understand the scope of STRs in Nanaimo and Staff have the tools and resources to achieve compliance, Staff recommend increasing the fines for infractions and monitoring what impacts the new provincial and federal STR regulations have on Nanaimo's STR program. Increasing the fines is recommended to improve enforcement action where warranted and align with the provincial regulatory rollout. The increased fine would be exclusively imposed for a STR operating without a valid business licence, as well as violating the conditions of the STR business licence. In addition, Staff recommend that minor bylaw amendments be considered to the Business Licence Bylaw, the Bylaw Notice Enforcement Bylaw and the Zoning Bylaw to facilitate the higher fines and to expand the ability to ticket for violating the conditions of the STR business licence. Staff can present these bylaw amendments at a future meeting. Continuing to monitor the STR program will provide Staff time to apply the new tools and report back to Council within a year with a status update.

Future Considerations

Enforcement and regulatory amendments that the City may wish to consider in the future includes more proactively seeking compliance of STRs currently operating without a business licence and further restricting the types of housing units STRs are permitted, such as secondary suites and detached suites. Proactively seeking compliance will address STRs operating in contravention of the STR regulations and increase revenues generated from business licensing that can be directed to enforcement efforts. Staff have been successful in bringing a number of unlicensed operators into compliance through a complaints-based approach. However, additional staffing resources and data from the Province will be necessary for a proactive enforcement approach.

Restricting the types of housing units STRs are permitted would help address concerns of STRs eroding the long-term housing rental stock, notably the secondary rental market. As outlined in Table 1, 40% of licensed STRs were located within secondary suites and detached suites. There is a concern about the impacts this may be having on the availability of rental housing, but limited data is available at this time to support this. Unlike the purpose-built rental housing, units in the

secondary rental market tend to be more easily transferred to STRs or taken out of the rental pool entirely. Once the effect of the provincial enforcement program is fully realized, a future consideration may be to explore these two options.

Communication Strategy

To support the public's understanding of the provincial regulatory roll out, staff recommend the following communication strategy which includes both digital and print tools:

Digital Tools:

1. Website: Updating the City's STR webpage to include an overview and links to the provincial STR regulation roll out (Completed 2024-MAR-01.)
2. E-Notifications: Notifying the general public via My Nanaimo This Week, Chamber of Commerce, Canadian Home Builders Association – Vancouver Island, Nanaimo Hospitality Association, and Tourism Nanaimo.
3. Press Releases: Preparing press releases outlining any changes proposed to the STR program.
4. Social Media: Utilizing the various social media platforms and cross-promotion opportunities.

Print Tools:

1. Handout: Creating a handout that directs the general public to the City's STR webpage.
2. Operator's Guide: Updating the operator's guide to align with the provincial regulations.

OPTIONS

1. That Council direct Staff to review the "Business Licence Bylaw 2021 No. 7318"; the "Bylaw Notice Enforcement Bylaw 2012 No. 7159"; and, the "Zoning Bylaw 2022 No. 4500"; and present amendments to these bylaws to improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day.
 - Advantages: This option would improve the ability to take enforcement action where warranted and align with the provincial regulatory rollout, while maintaining the existing framework.
 - Disadvantages: Impacts on the secondary rental market, as 40% of licensed STRs were located within secondary suites and detached suites
 - Financial Implications: The increase fine will generate additional revenue to aid with compliance and enforcement.
2. That Council provide alternate direction to Staff. |

SUMMARY POINTS

- As of 2024-MAR-01, there were 291 STRs approved for a business licence in Nanaimo. Of the 291 licensed STRs, 60% are within a primary residence, 35% are within a secondary suite, and 5% are within a detached suite (e.g. coach house).
- Nanaimo’s short-term rental program is working adequately, with areas of concern, including the number of unlicensed short-term rentals, the City’s capacity to enforce, and the impacts on the rental housing market.
- The new provincial and the federal short-term rental legislative is anticipated to assist local governments with monitoring, compliance, and enforcement.

ATTACHMENTS:

ATTACHMENT A – Provincial Short-Term Rental Accommodation Act Timeline

ATTACHMENT B – Jurisdictional Review of Short-Term Rental Regulations

ATTACHMENT C – Short-Term Rental Regulatory Approach to Housing Types

Submitted by:

Lisa Brinkman
Manager, Community Planning

Concurrence by:

Heidi Davidson
Manager, Permit Centre & Business Licensing

David LaBerge
Director, Public Safety

Jeremy Holm
Director, Planning & Development

PROVINCIAL SHORT-TERM RENTAL ACCOMODATION ACT TIMELINE

Provincial changes are to be brought in through a phased-in approach:

Immediately On Royal Assent	May 1, 2024	Summer 2024	Late 2024
<ul style="list-style-type: none">■ Increase fines for municipal bylaw infractions■ Regional district business licensing	<ul style="list-style-type: none">■ Principal Residence Requirement■ Removing legal non-conforming use clause■ Require business licences to be displayed on platforms	<ul style="list-style-type: none">■ Data sharing from short-term rental platforms	<ul style="list-style-type: none">■ Provincial registry

ATTACHMENT B

JURISDICTIONAL REVIEW OF SHORT-TERM RENTAL REGULATIONS

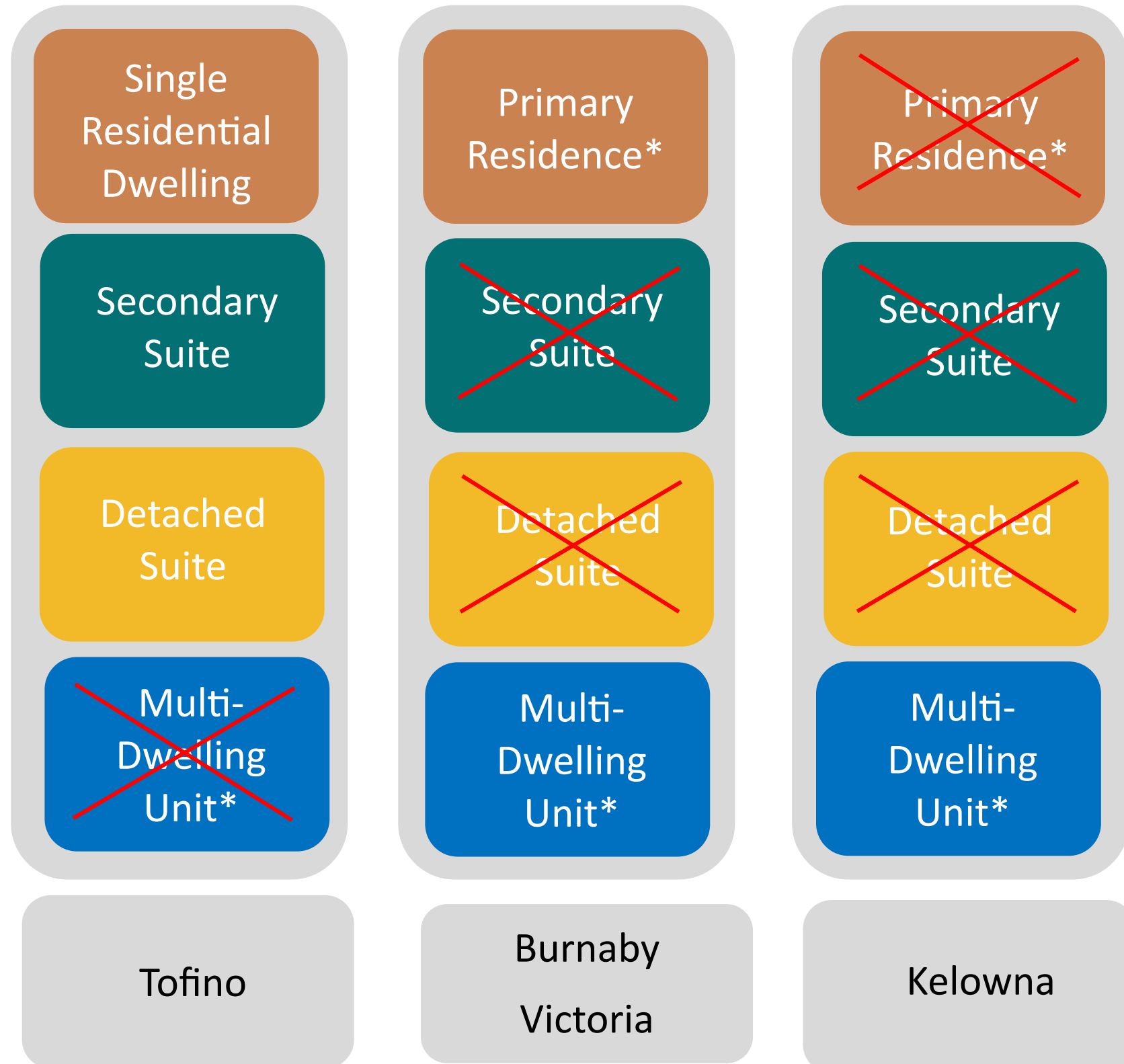
Municipality	Business Licence Required	Principal Residency Requirement	Housing Type STRs are Permitted	Housing Types STR Are <u>Not</u> Permitted	# of STRs Permitted	# of Guest Rooms Permitted	# of Guests Permitted	Maximum # of Consecutive Days per Stay	Parking Requirements	Fines for Infractions
City of Nanaimo	Yes	Yes	Any residential dwelling unit provided it's the operator's primary residence	N/A	One --- Primary Residence or Secondary Suite or Coach House	2-4 rooms	4-6 guests	Less than 30 consecutive days	1 off-street parking stall	Up to \$250
City of Burnaby	Yes	Yes	An accessory use to a single family dwelling, two family dwelling, row housing dwelling, town house dwelling, and multiple family dwelling	(i) a rental unit; (ii) a single family dwelling or semi-detached dwelling unit containing a secondary suite, including within the secondary suite; (iii) a multi-family flex unit, including within the flex-unit; (iv) a dwelling unit that is primarily used for a caretaker, watchman, or other persons employed for similar purposes; (v) a dwelling unit that contains a boarding use, a boarding, lodging or rooming house, a child care facility, a home-based child care facility, a group home, a private hospital, a supportive housing facility, or a home occupation that includes on-site client services; (vi) an accessory building or structure; and (vii) a laneway home.	One	N/A	4 – 6 guests	28 days or less & no more than 90 days per calendar year	1 off-street parking stall	Up to \$500

Municipality	Business Licence Required	Principal Residency Requirement	Housing Type STRs are Permitted	Housing Types STR Are <u>Not</u> Permitted	# of STRs Permitted	# of Guest Rooms Permitted	# of Guests Permitted	Maximum # of Consecutive Days per Stay	Parking Requirements	Fines for Infractions
District of North Vancouver <i>(No STR regulations)</i>	--	--	--	--	--	--	--	--	--	--
City of Kelowna*	--	--	--	--	--	--	--	--	--	--
District of Tofino	Yes	Yes	Single Family Dwelling with a Secondary Suite or Detached Suite.	Duplex, Multi-Family, Accessory Building.	One	3 rooms	6 guests	N/A	One off-street parking space per room	\$250** advertising without a business licence. \$500** operating without a business licence. \$1000** operating a STR in contrary to zoning requirements
City of Victoria	Yes	Yes	Primary Dwelling unit	Secondary Suites & Detached Suites	One	2 rooms	N/A	Less than 30 days and up to 4 bookings for the year you booked the entire unit.	No parking requirement	Up to \$500 operating without a licence. Up to \$250 failure to include business licence # in listing. Up to \$350 for contravention to the STR zoning regulations.

*As of January 22, 2024, the City of Kelowna has removed short-term rental accommodation as a permitted use from all zones in the City's Zoning Bylaw. Only existing short-term rentals with a valid business licence and meet provincial principal residency requirements will be permitted. Prior to this date, short-term rentals were a permitted use in specific zones.

**The District of Tofino and the City of Victoria use the Municipal Ticketing Information system under the *Community Charter Bylaw Enforcement Ticket Regulation*. This regulation permits fines up to a maximum of \$3,000 per infraction, per day. The City of Nanaimo uses bylaw notice penalty under the *Local Government Bylaw Notice Enforcement Act*, which set a maximum fine of \$500.

SHORT-TERM RENTAL REGULATORY APPROACH TO HOUSING TYPES



* Multiple family dwelling is defined as 2 or more dwelling units.

Municipality	Regulatory Restrictions
Tofino	STRs are prohibited in multi-family dwellings and accessory buildings.
Burnaby	STRs are prohibited in (i) a rental unit; (ii) a single family dwelling or semi-detached dwelling unit containing a secondary suite, including within the secondary suite; (iii) a multi-family flex unit, including within the flex-unit; (iv) a dwelling unit that is primarily used for a caretaker, watchman, or other persons employed for similar purposes; (v) a dwelling unit that contains a boarding use, a boarding, lodging or rooming house, a child care facility, a home-based child care facility, a group home, a private hospital, a supportive housing facility, or a home occupation that includes on-site client services; and (vi) an accessory building or structure.
Victoria	STRs are prohibited in secondary suites and detached suites.
Kelowna	As of January 22, 2024, all STRs are prohibited, except for existing STRs that have a valid business license, and meet provincial principal residency requirements.

Short-Term Rental Review

2024-MAR-18

SHORT-TERM RENTAL

PROGRAM OVERVIEW



Business
Licence



Primary Dwelling
Secondary Suite
Detached Suite



Principal
Residency



< 30 Consecutive
Stays, Max Guests, &
Rooms



Residential
Commercial
Mixed Use



1 Off-Street Parking
Stall

SHORT-TERM RENTAL

HOUSING NEEDS REPORT 2023



Between 2016 – 2021:

- 40% renters housed in purpose-built rental
- 60% renters housed in secondary rental
- 2023 | 2.6% vacancy rate

SHORT-TERM RENTAL

LICENSED SHORT-TERM RENTALS



291

Business Licences as of 2024-MAR-01



60% within a Primary Residence (single dwelling unit & multi-residential dwelling)



35% within a Secondary Suite



5% within a Detached Suite

SHORT-TERM RENTAL

UNLICENSED SHORT-TERM RENTALS



980

Active STRs as of
2024-MAR-01 on
AirDNA

- AirDNA data pulled from AirBnB & VRBO
- ~30% compliance rate

SHORT-TERM RENTAL

COMPLAINTS, VIOLATIONS, & ENFORCEMENT

62

Short-Term Rental
Complaints



67% Unlicensed STRs



2% Too Many
Rooms & Guests



>1% Parking & Noise

SHORT-TERM RENTAL

HOTEL & MOTEL OCCUPANCY RATES

<70% occupancy since 2020



- 2023 | 68.5%
- 2022 | 65.8%
- Change of 2.7%

SHORT-TERM RENTAL LEGISLATION

BILL 35

PROVINCIAL RATIONALE

Turn more short-term rentals back into homes for people through three key responses

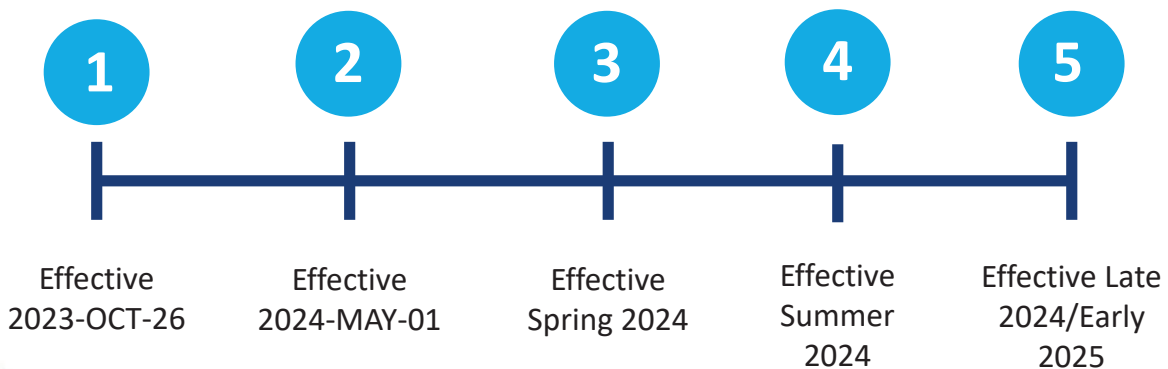


SHORT-TERM RENTAL LEGISLATION



SHORT-TERM RENTAL LEGISLATION

PHASED PROVINCIAL STR ROLE-OUT



SHORT-TERM RENTAL LEGISLATION

EFFECTIVE 2023-OCT-26

1

Increased fines and tickets

Municipal ticketing fine maximum increased to \$3,000 (from \$1,000) per infraction, per day.

- No increase in fines to *Local Government Bylaw Notice Enforcement Act* at this time.
- Nanaimo's maximum fine set at \$250 per infraction, per day.

SHORT-TERM RENTAL LEGISLATION

2 EFFECTIVE 2024-MAY-01

STR DEFINITION	PRINCIPAL RESIDENCY	BUSINESS LICENCE DISPLAY	LEGAL NON-CONFORMING USE
STR stays must be < 90 consecutive days	STR must be within host's principal residence & <u>either</u> a SS <u>or</u> detached suite	Host must display valid City of Nanaimo business licence on their listing	End of legal non-conforming use for STRs

SHORT-TERM RENTAL LEGISLATION

3 EFFECTIVE SPRING 2024

PROVINCIAL COMPLIANCE & ENFORCEMENT

New provincial compliance & enforcement unit that will track compliance, issue orders, & administer penalties for violations.

4 EFFECTIVE SUMMER 2024

DATA SHARING

New provincial data sharing system, requiring platforms to submit STR data to the province. Data will be sharing with local governments.

SHORT-TERM RENTAL LEGISLATION

EFFECTIVE LATE 2024/EARLY 2025

5

PROVINCIAL REGISTRY

Hosts and platforms must register with the province & host must display provincial registry # on listing & platform validate # against registry.

PLATFORM ACCOUNTABILITY

Hosting platforms will be accountable for removing listings that are not compliant with provincial & municipal regulations.

SHORT-TERM RENTAL

JURISDICTIONAL REVIEW

REGULATORY APPROACH TO HOUSING TYPES

Single Residential Dwelling	Primary Residence*	Primary Residence*
Secondary Suite	Secondary Suite	Secondary Suite
Detached Suite	Detached Suite	Detached Suite
Multi-Residential Dwelling*	Multi-Residential Dwelling*	Multi-Residential Dwelling*
Tofino	Burnaby Victoria	Kelowna

SHORT-TERM RENTAL

JURISDICTIONAL REVIEW

SHORT-TERM RENTAL FINES



- Nanaimo's maximum fine set at \$250 per infraction, per day.
- Other jurisdictions set maximum fines at \$500.

SHORT-TERM RENTAL

PROPOSED REGULATORY AMENDMENT

1. Minor bylaw amendments to Business Licence Bylaw, Bylaw Notice Enforcement Bylaw, and Zoning Bylaw to:
 - increase short-term rental fines to \$500
 - improve compliance and enforcement
2. Monitor impacts of new provincial regulatory rollout

SHORT-TERM RENTAL

FUTURE CONSIDERATIONS

- 1) Seeking compliance of STRs currently operating without a business license.
- 2) Further restricting the types of housing units STRs are permitted.

Implications: Need for additional staffing resources, accurate data and tools.

SHORT-TERM RENTAL

COMMUNICATION STRATEGY

PRINT TOOLS



Handout



Update to Operator's Guide

DIGITAL TOOLS



City website update



E-Notifications



Press Releases



Social Media

PROPOSED REGULATORY AMENDMENT

That Council direct Staff to **review** the “Business Licence Bylaw 2021 No. 7318”, the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”, and the “Zoning Bylaw 2022 No. 4500” and **present amendments** to these bylaws to **improve short-term rental compliance and enforcement tools, including increasing the fines from \$250 to \$500 per infraction, per day.**

Short-Term Rental Review

Thank you!

DATE OF MEETING March 18, 2024

AUTHORED BY LISA BRINKMAN, MANAGER, COMMUNITY PLANNING
WENDY FULLA, DIRECTOR, FINANCE

SUBJECT HOUSING LEGACY RESERVE FUND REVIEW

OVERVIEW

Purpose of Report

The purpose of this report is to present a proposed amendment to the “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” to clarify the purpose for which the fund may be used.

Recommendation

That:

1. “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” (to clarify the purpose for which the fund was established) pass first reading;
2. “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” pass second reading;
3. “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” pass third reading; and,
4. That Council rescind the January 2011 Policy (COU-187) “Housing Legacy Reserve – Funding Allocation Criteria”.

BACKGROUND

City Plan policy directs that the Housing Legacy Reserve (HLR) Fund be reviewed on a regular basis, and states that the City of Nanaimo: “Maintain a Housing Legacy Reserve Fund for cash-in lieu contributions negotiated with developers through rezoning and make funds available for affordable and supportive housing across all areas of the city (C3.2.11)”. The Integrated Action Plan directs that the HLR Bylaw be reviewed and updated with clear articulation of criteria for use of funds (C3.2.17).

The HLR was created in 2005 by a transfer from the Casino Reserve to support affordable housing initiatives in Nanaimo. Since 2005, the contributions to the HLR have been primarily from monetary community amenity contributions (CACs) negotiated at the time of a rezoning application, and annual allocations from property taxation (see Attachment A). As well, the Online Accommodation Platform (OAP) portion of the Municipal and Regional District Tax (MRDT) is being allocated to the HLR, however, a separate report will bring forward a bylaw to establish a separate statutory reserve for this funding as allocation of the OAP funding is governed by the City’s approved tactical plan.

Between 2005 and 2019, the HLR was an operating reserve. In November 2019, taking effect 2020-JAN-01, the City adopted “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” (Attachment B) establishing a statutory reserve fund. As of 2023-DEC-31, the HLR Fund had a balance of \$4,178,221.57 consisting of \$3,326,732.08 in general funding and \$851,489.49 of OAP funding from the MRDT.

In addition, Council has a Housing Legacy Reserve – Funding Allocation Criteria Policy – COU-187, effective January 2011 that has provided guidance for how the funds may be used (Attachment C). As a housekeeping item, and to improve transparency, it is recommended that Council rescind policy COU-187, and amend the “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” with updated criteria to guide the use of the funds.

As part of the suite of changes proposed by the Province in their ‘Homes for People Action Plan’, including Bill 44, 46, and 47, Staff anticipate fewer rezoning applications and less opportunity to negotiate for monetary amenity contributions. Also, Bill 46 introduces an opportunity for the City to create an Amenity Cost Charge Bylaw which will allow the City to collect funds for specified amenities at the time of building permit or subdivision application, similar to a development cost charge. The project to create an Amenity Cost Charge Bylaw will trigger the need to review the City’s Community Amenity Contribution (CAC) Policy, which is one of the primary sources of funding to the HLR fund. For this reason, Staff are recommending more of a housekeeping review of the HLR Fund Bylaw at this time, rather than a full review. Once we understand more about the implications for the new provincial housing bills to the HLR fund, a full review could be completed.]

DISCUSSION

Section 188 of the *Community Charter* states that: “A council may, by bylaw, establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund.” The money in a reserve fund, and interest earned on it, must be used only for the purpose for which the fund was established. As a housekeeping item, and to improve transparency, Staff are proposing that the “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” be amended to more accurately reflect how HLR funds have historically been used.

The following outlines more specifically how HLR funds have been allocated since 2005:

- HLR funds have been used for the purchase of land and building improvement costs related to supportive housing, emergency shelters, and below market housing. The HLR fund was used to assist with renovation costs for an emergency shelter at 870 Victoria Road, and to assist with fire suppression renovations for non-market rental units at 126 Haliburton Street.
- HLR funds have been used for development cost charge (DCCs) and servicing reductions for roads, drainage, sanitary sewer, water, and parkland improvements directly related to the development of new supportive housing and below market housing developments. These developments are typically partnerships between the province and a non-profit organization, and are often related to proposed developments in a memorandum of understanding (MOU) between the City and BC Housing. For example, HLR funds have been used to cover a portion of DCCs for non-market rental units or supportive housing units at 2104 Bowen Road, 477 Tenth Street, 1406 Bowen Road,

437 Wesley Street, 1597 Boundary Crescent, 6025 Uplands Drive, and 2360 Extension Road.

- HLR funds have been directed to support the rent bank program. A rent bank is a short-term or temporary homelessness prevention tool that helps to provide housing stability for low to moderate income renters who are unable to pay their rent or utilities due to life circumstances. The City partners with a local non-profit to deliver this program.
- HLR funds have been used to support the rent supplement program. Rent supplements are government-funded payments that bridge the gap between what an individual or family can afford to pay, and what the actual cost of housing is. They are geared at reducing the cost to the rate of affordability wherever possible. The City partners with a local non-profit to deliver this program.
- HLR funds have been used for the provision of humanitarian basic needs services to the City's unsheltered population, including a shower program, outreach services, emergency shelters, and warming centre spaces and related operations.
- HLR funds have been used for the development of strategies, plans, and solutions to address, and create more affordable housing in the city (i.e. Affordable Housing Strategy – 2018).

Currently Section 3 of the HLR Fund Establishing Bylaw states that: "The accumulated funds in the Housing Legacy Reserve Fund will be used to support affordable housing in the community including but not limited to property acquisition and capital investment." As shown above, prior to the creation of the statutory reserve, the HLR funds were allocated to a more diverse spectrum of uses. Staff have considered the past, and future use of HLR funds, and are recommending that Section 3 of the "Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299" be replaced to state:

3. The accumulated funds in the Housing Legacy Reserve Fund will be used for:
 - a) The purchase, and acquisition, of land and buildings, as well as land and building improvement costs, related to supportive housing, emergency shelters, and below market housing (including costs related to project planning, legal, land surveying, subdivision, site investigation, development approvals, and engineering design);
 - b) Development cost charges, as well as works and servicing reductions (i.e. for roads, drainage, sanitary sewer, water, and parkland improvements) directly related to supportive housing, emergency shelters, and below market housing developments;
 - c) Rent Bank programs;
 - d) Rent supplement programs;
 - e) The provision of humanitarian basic needs services to the City's unsheltered population; and
 - f) The development of strategies, plans, and solutions to address and create more affordable housing in the City of Nanaimo.

These proposed amendments to Bylaw 7299 better reflect how HLR funds have historically been used, and clearly establishes updated criteria for future uses of HLR funds. A full review of the HLR fund bylaw can be completed once the implications of the new provincial housing

legislation changes are better understood in relation to the impact to monetary amenity contributions to the HLR. |

OPTIONS

1. That:
 - a) “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” (to clarify the purpose for which the fund was established) pass first reading;
 - b) “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” pass second reading;
 - c) “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01” pass third reading; and,
 - d) That Council rescind the January 2011 Policy (COU-187) “Housing Legacy Reserve – Funding Allocation Criteria”.
 - The advantages of this option: The criteria for use of HLR funds will reflect how the funds have been used in recent years, and will be located in one updated bylaw document. The outdated January 2011 HLR Policy will be rescinded to eliminate duplication and confusion.
 - The disadvantages of this option: none
 - Financial Implications: The proposed amendment to Bylaw 7299 will offer greater transparency for use of City reserve funds. The City’s Reserve Policy will be updated to reflect the changes. A bylaw to establish a new statutory reserve for the Online Accommodation Platform funding will be brought forward as approval of the City’s tactical plan by the province is required prior to allocation of funding.
2. That Council provide alternative direction to Staff. |

SUMMARY POINTS

- Staff are recommending a proposed amendment to the “Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299” to clarify the purpose for which the fund may be used, and to rescind an outdated HLR Policy.
- The improved criteria in Bylaw 7299 will ensure transparency for the use of HLR funds.

ATTACHMENTS:

ATTACHMENT A: HLR Contributions

ATTACHMENT B: Housing Legacy Reserve Fund Establishing Bylaw 2019 No. 7299

ATTACHMENT C: Housing Legacy Reserve Funding Allocation Criteria Policy (COU-187)

BYLAW 7299.01

Submitted by:

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Manager, Community Planning

Wendy Fulla
Director, Finance |

Concurrence by:

Jeremy Holm
Director, Planning & Development

Laura Mercer
General Manager, Corporate Services |

ATTACHMENT A

Housing Legacy Reserve Fund Contributions (2005 To 2023)

Housing Legacy Reserve Fund Contributions (2005 To 2023)		
Contributions	Contribution Explanation	YTD 2023-DEC-31*
Developer Monetary Community Amenity Contributions	In accordance with the City’s Community Amenity Contribution (CAC) Policy, an applicant/developer typically provides an amenity as a condition of a rezoning application. The CAC is typically provided to the City at the time of building permit, and a portion or all of the monetary CAC contribution is placed in the housing legacy reserve fund. From 2010 to 2019 approximately 20% of monetary CACs were directed to the HLR fund. The 2021 CAC policy increased the CAC rates, and directs that 40% of monetary CACs be directed to the HLR fund.	\$622,649
Transfer from General Capital Reserve	As per Council direction \$2,000,000 was transferred to the HRL in 2008	\$2,135,891
Return of Unspent Funding	Unspent extreme weather shelter funding returned to City	\$5,126
Annual Allocation to Housing Legacy Reserve Fund	Allocations budgeted by Council to support the Housing Legacy Reserve Fund from property taxation funds. This funding is used to support Housing Legacy Reserve Fund projects during the year and any remaining funds are transferred to the reserve at year end.	\$2,263,008
Online accommodation Platform	Municipal and Regional District Tax (MRDT) collected through online accommodation platform providers or short-term rental platforms.	\$888,889
Total		\$5,915,663

*Includes interest earned on contributions

ATTACHMENT B

CITY OF NANAIMO

BYLAW NO. 7299

A BYLAW AUTHORIZING THE CITY OF NANAIMO TO ESTABLISH THE HOUSING LEGACY RESERVE FUND

WHEREAS the City of Nanaimo has a strategy to address the need to fund the support of affordable housing in the community;

AND WHEREAS Section 188 of the *Community Charter* authorizes Council to establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund;

AND WHEREAS money in this reserve fund, and interest earned on it, must be used only for the purpose for which the fund was established;

AND WHEREAS monies received through budget transfers or other Council approved allocations and interest earnings on those proceeds have been segregated in a reserve fund.

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

1. This Bylaw may be cited as "HOUSING LEGACY RESERVE FUND ESTABLISHING BYLAW 2019 NO. 7299".
2. Amounts included in the financial plan adopted under Section 165 of the *Community Charter* or other allocations approved by Council, may from time to time be paid into this reserve fund.
3. The accumulated funds in the Housing Legacy Reserve Fund will be used to support affordable housing in the community including but not limited to property acquisition and capital investment.
4. This Bylaw shall take effect on 2020-JAN-01.

PASSED FIRST READING: 2019-NOV-04
PASSED SECOND READING: 2019-NOV-04
PASSED THIRD READING: 2019-NOV-04
ADOPTED: 2019-NOV-18

L. E. KROG
MAYOR

S. GURRIE
CORPORATE OFFICER

ATTACHMENT C



RCRS Secondary:	GOV-02	Effective Date:	2011-JAN-10
Policy Number:	COU-187	Amendment Date/s:	
Title:	Housing Legacy Reserve – Funding Allocation Criteria	Repeal Date:	
Department:	Finance	Approval Date:	2011-JAN-10

PURPOSE:

To establish a policy for the use of the Housing Legacy Reserve for affordable housing.

DEFINITIONS:

N/A

SCOPE:

The intent of the Housing Legacy Reserve (HLR) is for use as a resource for municipal support to affordable housing initiatives in Nanaimo.

POLICY:

- (a) Municipal support and assistance for affordable housing projects will be directed primarily to the provision of social housing in Nanaimo, and secondarily to non-market housing, as represented on the housing continuum below.

<i>The Housing Continuum</i>							
Emergency Shelters	Low Barrier Housing	Transitional Housing	Supported Housing	Affordable Rental Housing	Assisted Home Ownership	Rental Housing	Home Ownership
<i>Social Housing</i>				<i>Non-Market Housing</i>		<i>Market Housing</i>	

The housing continuum is widely accepted as a model of housing needs and affordability. This model describes both housing need (and affordability) and the degree of government intervention that decreases as one moves from the left to right along the continuum. The continuum distinguishes three broad categories for housing:

- Social Housing, which involves some form of government funding and/or operation, as well as support services to tenants who are homeless, or in transition to housing, with support services (emergency shelters, low barrier, transitional, and supported housing);
- Non-Market Housing, which may be provided by non-profit or private for-profit entities and is either affordable rental for low income individuals or families, or affordable ownership below market rates for low to moderate income households (affordable rental, assisted home ownership); and,
- Market Housing, which is provided by the private sector and includes market rental and home ownership directed toward middle and higher income residents (rental housing, home ownership).

- (b) The following are categories of funding to be applied for the use of reserve:
- Land and building acquisition costs related to affordable housing projects.
 - Project planning costs (including legal, land surveying, subdivision, site investigation, development approvals, engineering design).
 - Project capital costs (including construction of works and services, building components).
 - Financial support (including relief from payment of DCC's) for affordable housing.
- (c) Funds from the HLR for municipal affordable housing projects are a priority and are applied for purposes of the following:
- Land and building acquisition related to affordable housing projects.
 - Project planning costs (including legal, land surveying, subdivision, site investigation, development approvals, engineering design).
 - Project capital costs (including construction of works and services, building components).
- (d) Funds from the HLR for assistance to non-profit organizations may be provided and are applied for purposes of the following:
- Project capital costs (including construction of works and services, building components).
 - Financial support (including relief from payment of DCC's) for affordable housing.

PROCESS:

N/A

RELATED DOCUMENTS:

N/A

REPEAL/AMENDS:

N/A

CITY OF NANAIMO

BYLAW NO. 7299.01

A BYLAW TO AMEND THE “CITY OF NANAIMO HOUSING LEGACY RESERVE FUND
ESTABLISHING BYLAW 2019 NO. 7299”

WHEREAS the City of Nanaimo has a strategy to address the need to fund the support of affordable housing in the community;

AND WHEREAS Section 188 of the *Community Charter* authorizes Council to establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund;

AND WHEREAS it is necessary to clarify the purpose for which the fund was established;

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

1. Title

This Bylaw may be cited as the “Housing Legacy Reserve Fund Establishing Bylaw Amendment Bylaw 2024 No. 7299.01”.

2. Amendments

The “City of Nanaimo Housing Legacy Reserve Establishing Bylaw 2019 No. 7299” is hereby amended as follows:

By deleting Section 3 in its entirety and replacing it with the following:

“3. The accumulated funds in the Housing Legacy Reserve Fund will be used for:

- a) The purchase and acquisition of land and buildings, as well as land and building improvement costs, related to supportive housing, emergency shelters, and below market housing (including costs related to project planning, legal, land surveying, subdivision, site investigation, development approvals, and engineering design);
- b) Development cost charges, as well as works and servicing reductions (i.e. for roads, drainage, sanitary sewer, water, and parkland improvements) directly related to supportive housing, emergency shelters, and below market housing developments;
- c) Rent bank programs;
- d) Rent supplement programs;

- e) The provision of humanitarian basic needs services to the City's unsheltered population; and
- f) The development of strategies, plans and solutions to address and create more affordable housing in the City of Nanaimo."

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

DATE OF MEETING MARCH 18, 2024

AUTHORED BY WENDY FULLA, DIRECTOR, FINANCE

SUBJECT ONLINE ACCOMMODATION PLATFORM RESERVE FUND

OVERVIEW

Purpose of Report

To introduce “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374 for first, second and third readings. |

Recommendation

1. That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” (To establish an Online Accommodation Platform Reserve Fund) pass first reading;
2. That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass second reading; and
3. That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass third reading.

BACKGROUND

The Municipal and Regional District Tax (MRDT) is an up-to three percent tax applied to the sales of short-term accommodation provided in participating areas of British Columbia on behalf of municipalities, regional districts, and eligible entities. The MRDT is jointly administered by the Province through the Ministry of Finance, Ministry of Tourism, Arts and Culture, and Destination BC. The City currently distributes all MRDT revenues to the Nanaimo Hospitality Association through a service agreement, except for the portion collected through Online Accommodation Platform (OAP) providers or short-term rental platforms.

In 2018, affordable housing was added as a permissible use of OAP revenues, to help address local housing needs. Online Accommodation Platform revenue from the MRDT program is currently placed in the Housing Legacy Reserve Fund until allocated to an approved project. At 2023-DEC-31 the OAP balance in the Housing Legacy Reserve Fund was \$851,489. |

DISCUSSION

The Housing Legacy Reserve Fund is a statutory reserve with a bylaw that governs how the funds may be allocated. Council has the ability to amend the bylaw to align the purpose of the reserve

fund to support their strategy to address affordable housing. For OAP funding, the Province's *Designated Accommodation Area Tax Regulation* sets out the authorized purposes for the funds. Provincial guidelines for OAP funds state that the City has the flexibility to define, identify, and fund affordable housing initiatives that they deem appropriate to meet local needs, with the following criteria for the use:

- Acquiring, constructing, maintaining, or renovating housing or shelter;
- Acquiring or improving land used for, or intended to be used for, housing or shelter;
- Supporting the acquisition, construction, maintenance, renovation, or retention of housing or shelter, or the acquisition or improvement of land intended to be used for housing or shelter;
- Supporting housing, rental, or shelter programs; or
- Paying expenses related to the administration or disposal of housing, shelter, or land acquired with money paid out of MRDT revenues.

As part of the MRDT program requirements each year the City must submit an Affordable Housing MRDT Plan prior to implementation of affordable housing initiatives. The 2024 plan for allocation of OAP funding includes \$438,986 for land acquisition for affordable housing, \$200,000 for rent bank and rent supplement programs, and \$300,000 for infrastructure and land improvements for BC Housing and City Memorandum of Understanding (MOU) projects.

As allocation of OAP funds must comply with the provincial guidelines which may vary from the permitted uses of the Housing Legacy Reserve Fund it is recommended that a separate reserve fund be created. This will ensure there is no conflict between the bylaw governing the Housing Legacy Reserve Fund and the allocation of OAP funds. |

OPTIONS

1. | That Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” (To establish an Online Accommodation Platform Reserve Fund) pass first reading:

That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass second reading; and

That “Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374” pass third reading.

- The advantages of this option: Creation of the reserve improves the transparency of funds allocated to support affordable housing initiatives and the permitted uses, and ensures there is no conflicts between the Housing Legacy Reserve Fund bylaw and permitted uses of the OAP funding as per provincial guidelines.
- Financial Implications: The balance of OAP funding in the Housing Legacy Reserve Fund at 2023-DEC-31 was \$851,489. This balance plus any OAP funding received and interest earned between January 1 – March 31, 2024 will be transferred to the new reserve fund.

2. That Council table the report and request more information from Staff.

|

SUMMARY POINTS

- OAP funding from the MRDT program can be used for affordable housing initiatives.
- Allocation of OAP funding is based on provincial guidelines.
- The City's Housing Legacy Reserve Fund supports affordable housing initiatives with allocation governed by the applicable bylaw.

ATTACHMENTS:

"Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374". |

Submitted by:

Wendy Fulla
Director, Finance |

Concurrence by:

Lisa Brinkman
Manager, Community Planning

Jeremy Holm
Director, Planning & Development

Laura Mercer
General Manager, Corporate Services

CITY OF NANAIMO

BYLAW NO. 7374

A BYLAW AUTHORIZING THE CITY OF NANAIMO TO ESTABLISH THE ONLINE ACCOMMODATION PLATFORM RESERVE FUND

WHEREAS the City of Nanaimo has a strategy to address the need to fund the support of affordable housing in the community;

AND WHEREAS Section 188 of the *Community Charter* authorizes Council to establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund;

AND WHEREAS money in this reserve fund, and interest earned on it, must be used in accordance with the authorized purposes as defined by the Municipal and Regional District Tax program;

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

1. Title:

This Bylaw may be cited as "Online Accommodation Platform Reserve Fund Bylaw 2024 No. 7374".

2. Administration

2.1 Funds received from Online Accommodation Platforms through the Municipal and Regional District Tax program shall be placed in this reserve.

2.2 The accumulated Online Accommodation Platform funding currently held in the Housing Legacy Reserve Fund will be transferred to the Online Accommodation Platform Reserve Fund.

2.3 Money in this Reserve Fund, and the interest earned on it, will be used only for the purpose for which the fund was established.

3. Effective Date

This Bylaw shall take effect on 2024-APR-01.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

March 5, 2024

Re: The National Strategy on Brain Injuries Act

Dear Mayor Krog and Nanaimo City Council,

Acquired Brain Injury (ABI), both traumatic and non-traumatic, profoundly impacts the cognition, personality, and overall well-being of British Columbians. With over 1.5 million Canadians grappling with this condition, including more than 180,000 individuals in British Columbia alone, brain injuries often catalyze mental health challenges, substance abuse, homelessness, incarceration, violence, and suicide. A staggering sixty people in British Columbia will acquire a brain injury today.

In Canada, the annual incidence of acquired brain injury (ABI) is forty-four times more common than spinal cord injuries, thirty times more common than breast cancer, and 400 times more common than HIV/AIDS. The incidence and prevalence of brain injury surpasses that of HIV/AIDS, spinal cord injury, breast cancer, and multiple sclerosis combined.

Despite meeting healthcare criteria, the current state of brain injury services and supports across the country is characterized by fragmentation, isolation, and chronic underfunding. The existing framework for post-acute acquired brain injury support either lacks existence or presents formidable barriers to essential wrap-around assistance. Implementing an early intervention system holds the promise of preserving support networks, reducing overdose fatalities, mitigating mental health issues, and enabling governments to reallocate resources.

The critical need for a comprehensive national strategy to include brain injury awareness, prevention, treatment, and the holistic recovery of Canadians struggling with brain injuries is paramount to addressing this pressing national crisis.

In June 2022, Member of Parliament Alistair MacGregor introduced Private Members' Bill C-277, calling for the establishment of a national strategy for brain injury. A national strategy for brain injury would mean greater unification and commitments to building supports for people with brain injury and their families/caregivers.

Like other communities across Canada who have been hit hard by the toxic drug crisis, we must do more to reduce the number of deaths and incidents of brain injury caused by the unregulated drug supply. On November 1, 2023, the Chief Coroner of British Columbia released the report: [An Urgent Response to a Continuing Crisis](#). The report states more than 13,000 (200 per month / 6 per day) British Columbians have died since a public health emergency was first declared on April 14, 2016 in response to drug-related emergencies and deaths. From that date through to September 30, 2023, more than thirteen thousand preventable deaths occurred.

Dr. Elizabeth Plant, BA MD CCFP (AM), DISAM, B.C. addiction specialist
presented: [Context of the Opioid Crisis: Hypoxic/Anoxic Brain Injury & the Cumulative Impact of Nonfatal Overdose](#). Dr. Plant states there are an estimated 20-30 non-fatal overdoses to every one death.

In considering the Chief Coroner's report and applying Dr. Plant's knowledge, this means that in British Columbia, there are now, to date, approximately 260,000 – 390,000 individuals who have survived drug poisoning. Furthermore, Dr. Plant states: *Any overdose which causes a loss of consciousness is, by definition, a hypoxic event (brain injury); a non-fatal overdose is a risk for repeat or fatal overdose.*

A National Strategy on Brain Injury would focus the Minister of Health, in consultation with representatives of the provincial governments responsible for health, Indigenous groups, and relevant stakeholders (including individuals and families living with the effects of brain injury), to develop a national strategy to support and improve brain injury awareness, prevention, and treatment as well as the rehabilitation and recovery of persons living with a brain injury.

Request:

That Council endorse the content of, and support, the federal private member's Bill C-277 – National Strategy on Brain Injuries Act.

That Council requests the mayor to write to other municipalities in BC urging them to endorse the content of, and support, the federal private member's Bill C-277 – National Strategy on Brain Injuries Act, and express that support to their local Members of Parliament, provincial MLAs, and municipal council members.

That Council request the mayor to write to MP Alistair MacGregor, Prime Minister Justin Trudeau, federal Minister of Health Mark Holland, and Nanaimo MP Lisa Marie Baron, noting the City of Nanaimo's support for Bill C-277 – National Strategy on Brain Injuries Act.

Respectfully submitted,



Kix Citton
Executive Director
Nanaimo Brain Injury Society.

Attachment A: Bill C-277 – An Act to Establish a National Strategy on Brain Injuries

First Session, Forty-fourth Parliament,
70-71 Elizabeth II, 2021-2022

HOUSE OF COMMONS OF CANADA

BILL C-277

An Act to establish a national strategy on brain injuries

FIRST READING, JUNE 2, 2022

Mr. MacGregor

441120

SUMMARY

This enactment provides for the development of a national strategy to support and improve brain injury awareness, prevention and treatment as well as the rehabilitation and recovery of persons living with a brain injury.

Available on the House of Commons website at the following address:

www.ourcommons.ca

1st Session, 44th Parliament,
70-71 Elizabeth II, 2021-2022

HOUSE OF COMMONS OF CANADA

BILL C-277

An Act to establish a national strategy on brain injuries

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *National Strategy on Brain Injuries Act*.

National Strategy

Development

2 (1) The Minister of Health must, in consultation with representatives of the provincial governments responsible for health, Indigenous groups and relevant stakeholders, develop a national strategy to support and improve brain injury awareness, prevention and treatment as well as the rehabilitation and recovery of persons living with a brain injury.

Content

(2) The strategy must include measures designed to

- (a)** promote the implementation of preventive measures to reduce the risk of brain injuries;
- (b)** identify the training, education and guidance needs of health care and other professionals related to brain injury prevention and treatment and the rehabilitation and recovery of persons living with a brain injury;
- (c)** promote research and improve data collection on the incidence and treatment of brain injuries and on the rehabilitation and recovery of persons living with a brain injury;
- (d)** promote information and knowledge sharing with respect to brain injury prevention, diagnosis and treatment and the rehabilitation and recovery of persons living with a brain injury;
- (e)** create national guidelines on the prevention, diagnosis and management of brain injuries in all communities, including

recommended standards of care that reflect best methodological, medical and psychosocial practices;

- (f) promote awareness and education with particular emphasis on improving public understanding and protecting the rights of persons living with a brain injury;
- (g) foster collaboration with and provide financial support to national, provincial and local brain injury associations and brain injury service providers to develop and provide enhanced and integrated mental health resources for persons living with a brain injury and for their families;
- (h) encourage consultation with mental health professionals, particularly in educational institutions, sports organizations and workplaces, to provide persons who are suffering from the effects of a brain injury, including mental health and addiction problems, with a support system within the community;
- (i) identify challenges resulting from brain injury, such as mental health problems, addiction, housing and homelessness issues and criminality, including intimate partner violence, and work to develop solutions in collaboration with stakeholders;
- (j) maintain, in collaboration with Brain Injury Canada, a national information website providing current facts, research and best practices related to the diagnosis and management of brain injuries, as well as other relevant resources; and
- (k) establish a task force to include policy makers, stakeholders, community agencies, brain injury associations and Indigenous groups, as well as persons who have experienced a brain injury and their families, to make recommendations in relation to the national strategy.

Reports to Parliament

Tabling of strategy

3 (1) Within one year after the day on which this Act comes into force, the Minister of Health must prepare a report setting out the strategy and cause the report to be tabled before each House of Parliament on any of the first 15 days on which that House is sitting after the report is completed.

Publication

(2) The Minister must publish the report on the website of the Department of Health within 10 days after the day on which the report is tabled in both Houses of Parliament.

Report

4 (1) Within five years after the day on which the report referred to in section 3 has been tabled in both Houses of Parliament, the Minister of Health must, in consultation with the parties referred to in subsection 2(1), evaluate the effectiveness of the strategy and the situation with respect to brain injury awareness, prevention and treatment, and to the rehabilitation and recovery of persons living with a brain injury, and prepare a report setting out conclusions and recommendations regarding the strategy.

Tabling of report

(2) The Minister must cause the report to be tabled before each House of Parliament on any of the first 15 days on which that House is sitting after it is completed.

From: [Katie Keats](#)
To: [Legislative Services Office](#)
Subject: Surfrider - Letter of Support for Grant Application
Date: Thursday, March 7, 2024 5:23:43 PM
Attachments: [SFC-Council-Support-Policy-COU-237.pdf](#)
[CCCW 2024 Letter of Support Template LG.docx](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

My name is Katie Keats, and I am the Beach Cleanup Manager for Surfrider Foundation Canada (SFC). SFC is the Canadian headquarters that supports Surfrider community chapters and student clubs operating in Canada. Our mission is the protection and enjoyment of the ocean, beaches and waves, for all people, which is enacted through a dedicated volunteer activist network. For the last 15 years in British Columbia, we have made significant strides to create cleaner waterways, address the sources of plastic pollution, support safe beach access, restore local and remote shorelines from litter and marine debris, as well as support the shift to a circular economy for all plastic materials and products.

We are working with the [Ocean Legacy Foundation](#) to apply for funding to support our shoreline cleanup work in B.C., through the provincial governments [Clean Coast Clean Waters Initiative](#). This funding will go to support our entire network of chapters and clubs in B.C., including the Vancouver Island University Club, which operates in the City of Nanaimo. The club will host their inaugural cleanup on March 23 from 11:00AM-1:00PM, and will launch a full school-year's 2024-25 schedule in the fall to clean the beaches and shoreline walkways throughout Nanaimo. These shoreline cleanups are open to the public, and may see as many as 100 volunteer participants at any given event. Over the last several years, Surfrider Canada has received multiple of requests from Nanaimo residents to host cleanups in their community, and we are very excited to be able to have a dedicated group of volunteers based in Nanaimo to help grow our network.

This funding will be critical in enhancing the coordination of our cleanups, improving our data collection and the management of materials, ensuring that the majority of debris collected is managed through recycling instead of landfilling. Applications for the fund close on April 15th, with an anticipated start date of July 1st, 2024. This is the second time that we will be applying for funding through the initiative, and Surfrider is the first and only community-based organization to receive funding from Clean Coast Clean Waters, starting in 2023.

I am reaching out to you today to request a letter of support for our application. I have attached our request for support application form and template letter to assist you.

Please let me know if you are able to help provide a letter, and if you have any questions.

Thank you very much,
Katie

--

Katie Keats, M.Sc. (she/her)

Beach Cleanup Manager

[Surfrider Foundation Canada](#)

204-299-9222

Stoked about the work that we do? Sign up to [become a member](#) today!

I respectfully acknowledge the unceded and ancestral territory of the T'Sou-ke peoples, on which I live and work.



REQUEST FOR SUPPORT APPLICATION FORM

Date of Request	March 7, 2024
Organization/Group making the request	Surfrider Foundation Canada
Contact Person	Katie Keats
Address	PO BOX 35015 HILLSIDE AVE VICTORIA BC, V8T 5G2
Telephone	204-299-9222
Email Address:	beachcleanups@canada.surfrider.org
Type of Support Requested (Select one)	<input checked="" type="radio"/> Letter of Support in Principle <input type="radio"/> In-Kind Contribution <input type="radio"/> Partnership <i>Note: This policy is not applicable to requests for grant funding by the City, including Permissive Tax Exemption requests, or in-kind funding for facility rentals (see Grants Policy and Guidelines for further details)</i>

IF APPLICABLE:

Name of grant or program for which you are applying:

Clean Coast Clean Waters Initiative

Amount of Funding Requested: _____ Grant Due Date: April 15, 2024

Grant Organization: Province of British Columbia c/o PricewaterhouseCoopers

Address: 525 Fort Street

City: Victoria Postal Code: V8W 1E8

Telephone: (250) 298-5260

Please provide an executive summary or short narrative that addresses each of the points outlined in the "Council Support policy". Include any supporting documents or materials and a detailed list of other funding partners (if applicable).

Please submit this form, with accompanying materials, to the attention of the Corporate Officer, Legislative Services, City of Nanaimo, 455 Wallace St. Nanaimo, BC V9R 5J6, or by email to: legislative.servicesoffice@nanaimo.ca.

Respecting Your Privacy

Freedom of Information and Protection of Privacy Act (FOIPPA) – Information collected on this form is done so under the general authority of the *Community Charter* and FOIPPA, and is protected in accordance with FOIPPA. Personal information will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose. For more information, please visit the Legislative Services Department at 455 Wallace Street, call 250-755-4405, or email foi@nanaimo.ca.

DATE

Lucas Harris
Executive Director
Surfrider Foundation Canada

Re: Letter of Support for the Clean Coast Clean Waters Initiative

This letter confirms support for Surfrider Foundation Canada and the Ocean Legacy Foundation as they complete the Clean Coast Clean Waters Initiative. We are thrilled to know that a key part of the initiative will be to support the cleanup of local shorelines that community members visit on a regular basis. We are also excited to know that materials collected in the clean-ups will be diverted from landfills, and instead ensure that materials are properly sorted and sent to the appropriate recycling facilities.

The local [Chapter Name] of Surfrider Foundation Canada has been a consistent presence in the community over the years, helping to clean up local shorelines. The [name of local government] recognizes the tremendous benefits Surfrider Foundation Canada and the Ocean Legacy Foundation brings to the community and residents as they work to ensure the shorelines remain clean of debris throughout Southern Vancouver Island.

Yours truly,

[SIGNATURE]

Name

Title

Organization