

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2017-MAY-29, AT 7:00 P.M.

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor J. Hong
Councillor J. A. Kipp

Staff: V. Mema, Chief Financial Officer
B. Anderson, Manager of Community & Cultural Planning
T. Rogers, Planner
D. Stewart, Environmental Planner
J. Horn, Social Planner
S. Snelgrove, Deputy Corporate Officer
J. Vanderhoef, Steno
K. Gerard, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add - Agenda Item 8(f) – Covenant Amendment Application - CA000005 – 4951 Jordan Avenue for approval.
- (b) Agenda Item 8(d) - “Zoning Amendment Bylaw 2017 No. 4500.108” - Remove recommendation for adoption.

3. ADOPTION OF AGENDA:

14717 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 7:02 p.m.

5. PUBLIC HEARING AGENDA:

Bruce Anderson, Manager of Community & Cultural Planning, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*. Mr. Anderson advised that this is the final opportunity to provide input to Council prior to consideration of Covenant Amendment CA000005 and further readings of Bylaw Nos. 4500.103, 4500.106, 4500.108 and 6500.034 at the Special Council Meeting.

(a) Covenant Amendment CA000005

Covenant Amendment CA000005 – 4951 Jordan Avenue was introduced by Tamera Rogers, Planner.

Presentation:

1. Maureen Pilcher, Land Use Consultant and Applicant, spoke in support of the application for 4951 Jordan Avenue and stated:
 - Property is surrounded by other industrial properties,
 - 4950 and 4951 were previously consolidated and are now 4951 Jordan Avenue,
 - A community contribution of \$8000 will be paid when the property is developed,
 - Has not received feedback or concerns from the surrounding community,
 - Access to the property will be from Jordan Avenue.

14817 It was moved and seconded that the presentation from Maureen Pilcher be received for information. The motion carried unanimously.

Mayor McKay called for submissions from the public:

1. Ben Skarbo, 5107 Maureen Way, opposed, stated:
 - He is concerned about removing all restrictions,
 - He is concerned about a compost facility and loud noises.

14917 It was moved and seconded that Council receive the delegation from Ben Skarbo. The motion carried unanimously.

2. Mark Francescutto, 5100 Maureen Way, opposed, stated:
 - He is concerned about the noise level especially at night,
 - He is concerned that a type of composting facility and/or facility that creates fumes.

15017 It was moved and seconded that Council receive the delegation from Mark Francescutto. The motion carried unanimously.

3. Maureen Pilcher, Land Use Consultant and Applicant, spoke regarding development of property and advised that light use does not allow for business that are loud in nature, create excessive noise and/or any business that creates fumes.

Councillor Yoachim suggested incorporating a covenant for fencing or landscaping to ensure the development meets neighborhood standards.

Mayor McKay called for submissions from the public.

4. Gary Bray, 5006 Sedona Way, undecided, stated:
 - He is concerned about late night activity and increased traffic after regular business hours.

15117 It was moved and seconded that Council receive the delegation from Gary Bray. The motion carried unanimously.

Mayor McKay called for submissions from the public.

5. Joyce Francescutto, 5100 Maureen Way, undecided, stated:
 - She is concerned about bright lights late at night, excessive noise and after hours type store or business.

Mayor McKay asked staff for clarification regarding liquor stores hours and if the property could accommodate that.

Bruce Anderson, Manager of Community and Cultural Planning, noted that an application would have to be submitted and approved before a liquor store could occupy the property.

Tamera Rogers, Planner, stated because the lots are consolidated, the property can be developed using all Zoning uses listed in the covenant that pertained to both properties previously.

Councillor Fuller spoke regarding his concern about the zoning of the property, which includes the development of a production bakery and therefore could possibly include a restaurant or coffee shop.

15217 It was moved and seconded that Council receive the delegation from Joyce Francescutto. The motion carried unanimously.

Mayor McKay called for submissions from the public.

No one in attendance wished to speak regarding Covenant Amendment CA00005 – 4951 Jordan Avenue.

(b) Bylaw 6500.034 and Bylaw 4500.106

Bylaw 6500.034 – Official Community Plan No. 82 – 2020 Estevan Road and Bylaw 4500.106 – RA371 – 2020 Estevan Road were introduced by Tamera Rogers, Planner.

Presentation:

1. Terry Harrison, Member of the British Columbia Office of the United Church of Canada, spoke in favour and stated:
 - Rebuilding the church will better serve the community,
 - The redevelopment strategy will accommodate affordable housing for the general public and families of the congregation.
2. Marantha Coulas provided a presentation regarding RA371 – 2020 Estevan Road which stated:
 - The site has numerous residential areas surrounding it,
 - Mixed use development (COR2) would provide for religious and residential use,
 - 5 stories with 74 units of which 51% will be affordable housing,
 - Site is located within the Urban Containment Boundary,
 - Site supports the use of transit and is within walking distance to numerous amenities,
 - Proximity to commercial centre, retail and services, restaurants, schools, daycares with a wide range of social, recreational and cultural opportunities,
 - Site is serviced by 2 transit routes,
 - Meets or exceeds the Community Plan Goals for a Passive House design and energy efficiency,
 - Working on an agreement for use of parking at the adjacent businesses,
 - Setback increments exceed the requirements,
 - Public consultation has provided positive results to the development of this site,
 - An application must be presented and proof of annual income to meet the requirements of Affordable Housing. Bachelor type unit requires a maximum household income of \$24,000/year and a 1 bedroom unit requires a maximum household income of \$36,000/year,
 - Traffic consultant study concluded that there is ample parking for the development as renters of Affordable Housing units typically do not own a vehicle,
 - Provision of sidewalk and improvements to the pedestrian realm.

Councillor Bestwick spoke regarding his concerns, which included:

- Traffic circulation at this intersection
- Percentage of affordable units.

15317 It was moved and seconded that Council receive the delegation from Terry Harrison and Marantha Coulas. The motion carried unanimously.

Mayor McKay called for submissions from the public:

1. Ian Gartshore, 353 Seventh Street, in favour, stated:
 - Brechin Church reaches out the community in numerous ways,
 - There is a need for more social housing,
 - The development encourages more carpooling,
 - Parking should not be an issue as, on average lower income residents do not have cars.

Mayor McKay asked how less parking promotes carpooling and transit.

Mr. Gartshore replied that the master plan of the City of Nanaimo is moving towards more transit.

15417 It was moved and seconded that Council receive the delegation from Ian Gartshore. The motion carried unanimously.

2. Reverend Sally Bullas, 1170 Gilberry Avenue, in favour, stated:
 - Development would be a vibrant community hub.
 - Development provides a new purpose for the land.

15517 It was moved and seconded that Council receive the delegation from Reverend Sally Bullas. The motion carried unanimously.

3. Nick Lewis, 890 Beach Drive in favour, stated:
 - Development is too big and too high for this area,
 - 74 units is too many,
 - Landscaping is completed in the front of the property but the back of the property will just be a large rectangular building,
 - Street and pedestrian traffic is very busy,
 - Brechin Road will be un-walkable because of the amount of traffic due to emissions especially when ferry traffic is present,
 - He is not opposed to the use changes but opposed to the density.

15617 It was moved and seconded that Council receive the delegation from Nick Lewis. The motion carried unanimously.

Mayor McKay called for submissions from the public:

4. Steve Hill, 860 Malaspina Cres, opposed, stated:
 - Building is too high and density too high for this area,
 - Architecture could be a lot better and fit in better with the neighbourhood,
 - There are too many exceptions for parking and Floor Area Ratio in the city already,
 - Parking is very congested because of the proximity to BC Ferries.

15717 It was moved and seconded that Council receive the delegation from Steve Hill. The motion carried unanimously.

Bruce Anderson, Manager of Community and Cultural Planning, clarified the Floor Area Ratio for the development.

Mayor McKay called for submissions from the public:

5. Ken Lemmon, 1974 Estevan Road, in favour, stated:
 - density of building is too high
 - 74 units is too many,
 - parking is an issue especially when there is a occasion going on at the church,
 - School zone speed and ferry traffic increases are concerning,
 - Value of homes in the area will decrease.

15817 It was moved and seconded that Council receive the delegation from Ken Lemmon.
The motion carried unanimously.

6. Erin Rechisky, 1680 Estevan Road, in favour, stated:
 - Intersection and pedestrian traffic safety is an issue,
 - Surprised that there is not a need for a traffic upgrade,
 - Concerned if people are parking across the street are they going to run across the street instead of using the crosswalk,
 - A turning arrow on the road is needed to better direct traffic.

15917 It was moved and seconded that Council receive the delegation from Erin Rechisky.
The motion carried unanimously.

Mayor McKay called for submissions from the public:

No one in attendance wished to speak regarding “Zoning Amendment Bylaw 2017 No. 4500.106” or “Official Community Plan No. 82 Bylaw 6500.034 – 2020 Estevan Road”.

(c) Rezoning Amendment Bylaw 4500.108

Bylaw 4500.108– RA379 – 437 Wesley Street was introduced by Tamera Rogers, Planner.

Presentation:

1. John Horn, Social Planner, provided a presentation regarding RA379 – 437 Wesley Street which included:
 - Rezoning will allow an Overdose Prevention Service to change to a Supervised Consumption Service,
 - Rationale is minimize the amount of deaths in substance abuse,
 - This location will offer harm reduction and withdrawal support,
 - This location is managed by the Canadian Mental Health Association.
 - Based on 911 calls most overdoses happen in the downtown area which makes this location most feasible,
 - Two public meetings were held to gather input from the surrounding community and businesses,

- Downtown has seen an increase in the homeless population, increase in public intoxication, substance use and increase in anti-social activity,
- Proposed initial response includes enhanced security presence, Urban Clean-up program, additional safe disposal needle boxes and coordination of Bylaws, RCMP and Social Planning.

Councillor Thorpe spoke regarding this issue and stated:

- Public Safety Committee has done brainstorming on this issue,

Councillor Yoachim inquired if the public findings were also involved in the site selection decision?

1. Dr. Hasselback, Chief Medical Health Officer, Central Vancouver Island, in favour, stated:
 - This site was picked because it is in an area where overdoses occur,
 - After looking at other options 437 Wesley came forward as the best site,
 - Reasonable consideration was given to other options,
 - Health Canada also approved the site.

Councillor Fuller spoke and stated:

- Concerned the City is moving too quickly on this,
- Other supportive housing and any walk in clinic should also have safe injection site.

16017 It was moved and seconded that Council receive the delegation from Dr. Hasselbeck, Chief Medical Health Officer, Central Vancouver Island. The motion carried unanimously.

Mayor McKay called for submissions from the public:

2. Eric McLean, President, Old City Quarter Association, opposed, stated:
 - Concerned this decision was made too quickly with not enough consultation,
 - Services have become concentrated in this area,
 - Increase in violence, noise, defecation and crime,
 - A large amount of money was spent to re-vitalize downtown and feels that this site would diminish that,
 - Would like to see information and implementation of the Proposed Initial Response and see the results of the response before deciding on a permanent safe injection site.

16117 It was moved and seconded that Council receive the delegation from Eric McLean. The motion carried unanimously.

Mayor McKay called for submissions from the public:

3. Dee Klein, 320 Selby Street opposed, stated:
 - Concerns about the location of the site,
 - Losing customers/business because of drug addicts,
 - Increase in needles in the area,

- Spent years lobbying to make Wesley Street beautiful and it is now known as drug alley,
- Stakeholders and taxpayers should not have to deal with this anymore,
- Need for more security, clean-up plan and additional needle boxes.

Councillor Fuller inquired if Council should initiate the Proposed Initial Response regardless if the safe injection site is approved.

3. Dee Klein (continued) said yes.

16217 It was moved and seconded that Council receive the delegation from Dee Klein. The motion carried unanimously.

4. Wes Strickland, 358 Wesley Street, opposed, stated:
- Vancouver Island Health Authority is petitioning the Federal Government to get an exemption order under the "*Controlled Drugs and Substances Act*" in order for a safe injection site to be approved,
 - Owned a business for 27 years on Wesley Street,
 - Assisted in the beautification of Wesley Street and Wesley Street was once known as one of the most beautiful streets in Canada,
 - Problems with crime and violence, defecation, harassment of businesses, customers and staff,
 - Suggested a mobile unit instead of a permanent site and moved around to the hot spots.

16317 It was moved and seconded that Council receive the delegation from Wes Strickland. The motion carried unanimously.

5. Isabelle Flood, 110 Kennedy Street, opposed, stated:
- Volunteered at the pop up site,
 - Downtown is safe,
 - The issue is the cause of an explosion in homelessness and poverty,
 - The City of Nanaimo needs a standalone service not an embedded service,
 - Standalone services promote more health recovery and are safer
 - They can also travel to where people need the service such as the hot spots in Nanaimo.
 - In favour of harm reduction in the neighbourhood.

16417 It was moved and seconded that Council receive the delegation from Isabelle Flood. The motion carried unanimously.

Councillor Yoachim inquired what the difference is between a stand-alone service and an embedded service and if a mobile site was possible.

John Horn, Social Planner, stated:

- A stand-alone site is just a safe injection site, no other services are offered,
- An embedded site is adding another piece to an existing supportive housing and mental health location.

Councillor Yoachim stated that he would prefer if the City looked at other options including a Mobile/Pop up site.

6. Greg Evans, 46 Robarts Street, opposed, stated:
- Opposed because he wants the site to remain under a emergency order,
 - Be better if they could come to a site and get help legally,
 - Should have to get a prescription and may restore dignity to drug users,
 - In favour of people getting their injections through a prescription.

16517 It was moved and seconded that Council receive the delegation from Greg Evans. The motion carried unanimously.

7. Sydney Robinson, South End Community Association, opposed, read a letter from the South End Community Association, which stated:
- Supports the establishment but neighbourhood needs to come first,
 - Would like to sit down with staff and come up with solutions and be evaluated with a neighborhood perspective,
 - Increased lighting, increased RCMP and a baseline study needs to be done to the impact on the neighbourhood,
 - Continue operation on a temporary basis until the needs of the neighbourhood have been thoroughly addressed.

16617 It was moved and seconded that Council receive the delegation from Sydney Robertson, South End Community Association. The motion carried unanimously.

8. Jacqueline Howardson, 650 Prideaux Street, opposed, stated:
- She is speaking on behalf of the Nob Hill Neighborhood Association,
 - Concerned of the oversaturation of services in this area,
 - Nob Hill has embraced many services over the years and wants to see people improve but families, children and elders need to be safe,
 - Concerned of the speed of how this all happened,
 - No studies have been completed on the impact this will have on the neighbourhood and asked Council to consider the neighborhood when voting.

16717 It was moved and seconded that Council receive delegation from Jacqueline Howardson. The motion carried unanimously.

Mayor McKay called for submissions from the public:

9. Dianna King, 154 Black Powder Trail, opposed, stated:
- Business owner in Heritage Mews,
 - Ambulance and RCMP attend almost every week,
 - Abuse and assault against staff and public/customers is increasing,
 - Safety and security are a major concern,
 - Businesses are taking turns checking the parking lot and asking drug users to leave the area.

16817 It was moved and seconded that Council receive the delegation from Dianna King.
The motion carried unanimously.

10. Tereza Bajan, Director of the Neighbours of Nob Hill Society, 621 Prideaux Street, opposed, stated:
- Feels the safe injection site will destroy the neighborhood,
 - Her family has lived in Nob Hill for 60 years and always felt that the area was safe and family orientated,
 - Used to work in Vancouver and has seen what can happen to an area if safe injection sites locations are set up quickly and without consultation and proper studies,
 - In favour of safe injection sites in different parts of the city or a mobile unit,
 - Crime in this area has increased and she has found needles in her yard,
 - Feels that the neighborhood has not been listened to,
 - Community has not been consulted and there was very little notice (72 hours) of when and where the public consultation was happening,
 - Asked is there any reports or surveys that will describe the impact is on the neighborhood,
 - Asked if this is the beginning steps of an addiction service at 437 Wesley Street,
 - Too many services in one area including Harris House, rooming houses, a methadone clinic and a safe injection site,
 - Drug users and politicians are looking for a quick fix instead of looking at the real impact this location could have on the downtown area,
 - Maybe we can find the model that everyone else will follow.

16917 It was moved and seconded that Council receive the delegation from Tereza Bajan.
The motion carried unanimously.

11. Jodi Sancehm, 512 Selby Street, in favour, stated:
- Works as a nurse in Mental Health,
 - Feel safe in the downtown area,
 - Safe injection sites give health workers access to drug users in hopes of getting them into treatment and recovery.

17017 It was moved and seconded that Council receive the delegation from Jodi Sancehm.
The motion carried unanimously.

12. Lorelie Rozzano, 147 June Avenue, opposed, stated:
- Works in addiction and mental health and is a recovering addict,
 - Feels scared and hopeless for addicts, feels people are in desperate need for help,
 - Need to stop opening more injection sites but need to focus on helping the addiction,
 - Safe injection sites are a small portion of the problem,
 - Need to put more money into addiction services and helping addicts get clean by promoting health and treatment,
 - Do more for people who are so sick as they are unable to make the choice to get better,

- Funding for treatment.

17117 It was moved and seconded that Council receive the delegation from Lorelie Rozzano. The motion carried unanimously.

13. Sandra Magnuson of 673 Selby Street, opposed, stated:

- Needles are everywhere, all the time,
- Her and her kids cannot even go outside,
- Every night the streets are filled with people.

17217 It was moved and seconded that Council receive the delegation from Sandra Magnuson. The motion carried unanimously.

(d) Bylaw 4500.103

Bylaw 4500.103 – ZA1-23 – Schedule D Amendment was introduced by Dave Stewart, Environmental Planner.

Presentation:

1. Dave Stewart, Environmental Planner, provided a presentation regarding Bylaw 4500.103 ZA1-23, Schedule D Amendment changes which included:
 - Developers do not need to meet all categories/total points,
 - 8-10 Points needed for each category, double the amount needed available,
 - New amenities added, others removed,
 - Total points current version is 138, new version 124,
 - There are 7 categories each with it's own point system these include Site Selection, Retention and Restoration of Natural Features, Parking and Sustainable Transportation, Building Materials, Energy Management, Water Management and Social and Cultural Sustainability,
 - Extra points can be awarded in each category such as following environmental standards, on site Community Gardens and Energy Standards such as ASHRAE 104 2010,
 - Developers and staff agreed this point system is much more achievable,
 - Changes are endorsed by the Design Advisory Panel,

17317 It was moved and seconded that Council receive for information the presentation from Dave Stewart, Environmental Planner regarding "Zoning Amendment Bylaw 2017 No. 4500.103" Schedule D Amendments. The motion carried unanimously.

Mayor McKay called for submissions from the public.

No one in attendance wished to speak regarding "Zoning Amendment Bylaw 2017 No. 4500.103" Schedule D Amendments.

6. FINAL CALL FOR SUBMISSIONS:

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

7. ADJOURNMENT OF THE PUBLIC HEARING:

The Public Hearing adjourned at 10:26 p.m.

8. BYLAWS:

(a) "Zoning Amendment Bylaw 2017 No. 4500.103"

17417 It was moved and seconded that "Zoning Amendment Bylaw 2017 No. 4500.103" (To revise Schedule D - Amenity Requirements for Additional Density) pass third reading. The motion carried unanimously.

(b) "Official Community Plan Amendment Bylaw 2017 No. 6500.034"

17517 It was moved and seconded that "Official Community Plan Amendment Bylaw 2017 No. 6500.034" (To redesignate 2020 Estevan Road on the Future Land Use Plan [Map 1] from 'Neighbourhood' to Corridor' and to redesignate 2020 Estevan Road on the Neighbourhood Land Use [Map 1] from 'Neighbourhood' to 'Mixed Use Corridor') pass third reading. The motion carried.

Opposed: Councillor Bestwick

(c) "Zoning Amendment Bylaw 2017 No. 4500.106"

17617 It was moved and seconded that "Zoning Amendment Bylaw 2017 No. 4500.106" (To rezone 2020 Estevan Road from Community Service One [CS1] to Mixed-Use Corridor [COR2]) pass third reading. The motion carried.

Opposed: Councillor Bestwick

(d) "Zoning Amendment Bylaw 2017 No. 4500.108"

17717 It was moved and seconded that "Zoning Amendment Bylaw 2017 No. 4500.108" (To permit a site specific text amendment to the existing Quennell Square [DT7] zone to allow a supervised consumption service as a permitted use at 437 Wesley Street) pass third reading. The motion was defeated.

Opposed: Councillors Bestwick, Brennan, Fuller, Thorpe and Yoachim.

17817 It was moved and seconded that the Special Council Meeting proceed past 11:00p.m. The motion carried. Opposed: Councillor Bestwick

- (e) "Highway Closure and Dedication Removal (A Portion of Cliff Street Adjacent to 194 Cliff Street) Bylaw 2017 No. 7239"

17917 It was moved and seconded that "Highway Closure and Dedication Removal (Portion of Cliff Street Adjacent to 194 Cliff Street) Bylaw 2017 No. 7239" pass third reading. The motion carried unanimously.

- (f) "Covenant Amendment Application - CA000005"

18017 It was moved and seconded that "Covenant Amendment Application" (CA000005), to amend the conditions of the Section 219 covenant (EX26297) registered on the title of 4951 Jordan Avenue, be approved. The motion carried unanimously.

18117 It was moved and seconded that Council suspend "Council Procedure Bylaw 2011 No. 7060" in order to approve the Broader Community Context document for Rezoning Application No. RA379 - 437 Wesley Street as follows:

- Enhanced security presence, daytime and early evening patrollers;
- Urban Clean-up program – downtown focus;
- Additional safe disposal needle boxes; and,
- Coordination of Bylaws, RCMP and Social Planning response over the summer months.

The motion carried unanimously.

18217 It was moved and seconded that Council approve the Broader Community Context document for Rezoning Application No. RA379 - 437 Wesley Street as follows:

- Enhanced security presence, daytime and early evening patrollers;
- Urban Clean-up program – downtown focus;
- Additional safe disposal needle boxes; and,
- Coordination of Bylaws, RCMP and Social Planning response over the summer months.

The motion carried unanimously.

9. ADJOURNMENT:

18317 It was moved and seconded at 11:11 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER