

**MINUTES**  
SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO  
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
ON THURSDAY, 2015-OCT-01 COMMENCING AT 7:00 P.M.

---

PRESENT: His Worship 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 (7:05 p.m.)  
Councillor J. Hong (7:07 p.m.)  
Councillor W. L. Pratt

---

Absent: Councillor J. A. Kipp

Staff: B. Anderson, Manager, Planning & Design Section, CD  
D. Stewart, Planner  
S. Matthewman, Steno Planning

Public: There were 26 members in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

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

2. ADOPTION OF AGENDA:

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

3. CALL THE PUBLIC HEARING TO ORDER:

Mayor McKay called the Public Hearing to order at 7:00 p.m. and advised that members of City Council, as established by Provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Anderson explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. Mr. Anderson advised this is the final opportunity to provide input to Council prior to consideration of further Readings of Bylaw Nos. 4500.083 and 4500.085 at this evening's Special Council meeting.

- a) Bylaw No. 4500.083 – RA000355 – 2392 Barclay Road  
This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential –Small Lot (R2) in order to permit a two lot subdivision.

**Rawel Parmar - Applicant**

Owner of property at 2392 Barclay Road, application to rezone for a two lot subdivision.

There were no questions from Council or the public and no others came forward to speak.

There were no written or verbal submissions received with regard to Bylaw No. 4500.083.

b) **Bylaw No. 4500.085 – RA000344 – 901 / 925 Harbour View Street**

This bylaw, if adopted, will rezone 925 Harbour View Street and part of 901 Harbour View Street from Single Dwelling Residential (R1) and Medium Density Residential (R8) to Single Dwelling Residential-Small Lot (R2) and Row House Residential (R7) in order to subdivide and develop the majority of the site with small residential lots and row houses. A portion of the lot will retain the existing Medium Density Residential (R8) zone.

**David Hammond to present for Applicant Frank Basciano, on behalf of owner Hogler Enterprises Ltd**

We are here to represent the owner who is in attendance tonight. The designer, owner and traffic consultant are here to answer any questions that Council or the public may have.

Councillor Bestwick said he wants to be sure an emergency access is not going through the strata development.

**Mark Garrett, Garrett by Design**

This is a small lane that is not going through the strata, it is connecting up to an existing road that is in the strata already, strictly there for safety issues. The City required this for fire truck access with bollards at the end of it. Not a drive through lane as this is private property and it is necessary for the fire department.

Councillor Bestwick said we have a submission which relates to access in and out and safety elements, will you be addressing traffic and pedestrian safety related issues?

Mr. Garrett said this was done with the traffic study including road improvements that will address all these issues at the Design Stage Acceptance (DSA) process.

**Gerald Payne, 174 Bowlsby Street - Opposed**

- Speaking on behalf of Strata Council #1816, this is a private facility of owners 55+ on Petroglyph and Bowlsby.
- Our streets are narrow with no sidewalks and maintained by the Strata. Access to property has been limited mostly by residents and their guests.
- Some of our concerns and suggestions are as follows:
  - Concerned with privacy. Developer to provide fencing and shrubbery along property line at their cost.
  - Concerned with emergency access. If an emergency route is required by law, which limits vehicle and/or pedestrian traffic the maintenance would be responsible by the City of Nanaimo, not the Strata owners.

- Developer or City of Nanaimo to replace two existing visitor parking stalls which would be lost.
- Old growth trees (Douglas Fir) are to be protected and determined by a qualified arborist.

Councillor Bestwick asked Mr. Payne if he discussed the parking spaces with the developer.

Mr. Payne said the developer spoke at a March Planning Committee meeting, and he did suggest a fence or shrubbery along the property for privacy. The Strata would like some input into this. He received an email from Dave Stewart, Planning Department advising emergency access would not be put in unless agreed to by the Strata. The City has given us the impression that the emergency access is at our discretion, we hope the developer will work with the strata.

Councillor Thorpe asked staff to clarify the plans for the emergency access, is it to be constructed or not?

Mr. Stewart said the emergency access is recommended by staff to provide access to the proposed development and the strata. This is a private road so the City cannot force emergency access to go through, they can build up to the road with bollards at the end of the road. As applicant said, if Strata does not agree to it then cannot remove two parking stalls and make this a full proper emergency access.

Mr. Payne said we understand this is our final opportunity to speak and just wanted to be heard. We would like to partner with the developer and the City of Nanaimo in any discussions in regard to emergency access, privacy and ongoing maintenance of access roads. Will there be an opportunity at a later date for the Strata owners to participate on how the development proceeds along the property line? We have no problem with the rezoning, several of the owners backing on this development are here this evening who may want to speak.

Mayor McKay said this is a rezoning meeting not a development meeting and asked Mr. Anderson to explain the process on what happens next after the rezoning. The developer's representative can help you with answers to your questions moving forward as the development progresses.

Mr. Anderson said the requirement for emergency access for the proposed future subdivision is delivered at the subdivision approval stage of the process. This has been identified in this process as a more complex rezoning and is dependant on site design to determine where different zone boundaries will be.

For the emergency access requirement for the subdivision application, the onus is on the applicant who is making the subdivision application to satisfy the requirements of the Approving Officer to deliver that emergency access.

The perfect emergency access would involve some assurance that emergency vehicles can easily get through the strata road that is currently there. We always encourage the developer to talk to adjacent property owners, particularly if there is an issue like an emergency access needed. It's a good item to have some input and clarity before Council at this stage so that we are all aware and it becomes a record in the minutes, and carries through the subdivision process. As the Mayor indicated, the item before us is to modify the zoning on this property only.

Councillor Fuller asked if the developer has discussed plans with the Strata on the rezoning and how to make this work for the emergency access?

Mr. Payne said we attended a Planning Committee meeting in March. The planner's representative was there. March 17<sup>th</sup> sent an email to the developer's representative to ask for a meeting with the 60 property owners. The developer has not met with us as a strata. He looks forward to the opportunity to consult on the development as it proceeds.

Councillor Bestwick said the reason to have a Public Hearing meeting is to provide an opportunity to hear members of the community that are impacted. He wanted to hear a response from the developer on how they are going to respond to the delegation regarding the emergency access and parking.

Mr. Hammond said to the delegation, that through the consultation process he was not personally involved, but the applicant Mr. Basciano had been in touch with the president of the strata corporation to discuss the issues the delegation has raised. The emergency access recommendation came from City Staff. The proponents are happy to not have the emergency access, and because this is a private road on private property they don't have to have it. No other vehicle will go through and not sure how a gate will work. Applicant has no issue with eliminating that piece of road if needed for approval. Full road access will be up to City staff.

**Lea Ross, 212 Strickland Street - Opposed**

- Concerned about increased traffic with 57 units going in.
- No one stops at the stop sign right now.
- Concerned that there will be no improvements to Strickland Street, and damage to lane with construction traffic.
- Harbour View Street has sharp right angle turn so most vehicles go straight up Strickland which is a narrow street.
- Good, strong neighbourhood and would like to keep it that way.
- Has not been approached so tried to contact the developer.
- Talked to City staff and received some valuable information. It was mentioned 200 cars per day, would like to talk to the traffic engineer. Right now only 20 cars that pass house, if 57 units go in they will all be travelling past my house.

Councillor Hong asked Staff, do we still install speed bumps for control and safety issues?

Mr Stewart answered yes we do, not sure if they are going to be installed for this development. There are some offsite improvements required but speed bumps are not one of them.

Councillor Hong asked if the main access was off Eighth Street and are we building Eighth Street to the property?

Mr. Stewart said the sole access for the property will be through Harbour View Street. There is an access shown to Eighth Street but will not be constructed at this time. It could be constructed in the future triggered by further development.

Councillor Brennan asked Staff if we have seen a traffic study.

Mr. Stewart answered that, yes, a traffic study has been submitted and the author of the traffic study is in attendance to present.

**Michael Leong, Transportation Analyst, Bunt & Associates Engineering**

- We did submit a traffic impact assessment study to the City of Nanaimo and did receive feedback comments and updated reports regarding that.
- Attended a traffic advisory committee meeting.
- A two hour traffic study was done.
- During traffic count and site visit it was noted that the road was very narrow, and not in the best condition. Because of existing traffic flow around there we've also distributed traffic for the projected site traffic in the future to not use that road, because of the condition as well as the proposed change for the stop sign for the westbound approach to the northbound approach that facilitates the traffic flow.

Councillor Brennan asked if it was typical to only do a two hour traffic study.

Mr. Leong replied yes it is typical for a weekday; we can do a three to six hour traffic study. City Staff provided the information regarding the peak traffic hours based on a previous study.

Councillor Pratt wanted confirmation that the intent of the traffic study was for traffic to go down Harbour View Street. She was concerned with Strickland Street being used as a shortcut.

Mr. Leong confirmed the intent of the study. The stop signs for Strickland Street would not only be for the northbound approach at the South and Strickland intersection but also at the Harbour View and Strickland for the southbound approach which would make it less desirable. Installation of speed bumps on the lane can be explored as discussed earlier.

**George Galloway, 828 Harbour View Street - Opposed**

- Concerned about increased traffic.
- Concerned with damage to lane with construction traffic.
- Currently no sidewalks on Harbour View or Strickland Street.
- Will need sidewalks on Strickland for safety of children in the future.
- Worried about more development in the future with more traffic.

**Michel Lagasse, 814 Harbour View Street - Opposed**

- No problem with subdivision and rezoning application.
- Concerned about Strickland Street, should be double lane with sidewalk.
- Five Acres school has been sold to church which will create more parking issues.
- If traffic is going through Strickland, the road needs to be updated. An accident is likely to happen.
- Cement, dump trucks and construction traffic will destroy the road.

Councillor Brennan said the primary concerns are about safety and the lack of sidewalks on roads leading to subject property. Do we have any authority or measure to put into place at this time to deal with those fears if rezoning was approved?

Mr. Stewart replied that typically when developed through rezoning or subdivision we get works and service improvements in front of the property. In this case, due to the safety

concerns we are asking for some offsite work for improvements, and anything beyond that will come out of Development Cost Charges revenue (DCCs). The existing parcel is zoned for multifamily residential right now, they do have existing development rights to do a high density development where we would not be able to secure the same level of improvements as to what is proposed right now.

Councillor Pratt said the neighbours do have legitimate concerns, and she was concerned over the redevelopment of Five Acres School next door as a Muslim Culture Centre with parking for 40 cars. Is Staff aware of that?

Mr. Stewart replied yes they were aware of the Muslim Culture Centre use.

Councillor Pratt said with that added piece it is a problem, aside from that we are looking at rezoning a piece of land. I see a big concern with these roads coming and going out of this development. Glad developers are planning a much lower density for this area than what was originally planned, that would be a disaster. The proposed zoning is good zoning for the land.

Councillor Thorpe said he shares the same concerns with Councillor Pratt and Councillor Brennan. Delegation is not opposed to development but there are serious concerns about traffic volume, sidewalks and safety for children. Would feel more comfortable if we knew those concerns were being addressed before moving forward. Density is less than what could be proposed, they are not making a community contribution because of that. Would like to see more conversation between Staff and developer about improving vehicle and pedestrian safety.

Mayor McKay asked of the property at 901 Harbour View Street, this is the largest piece of the parcel zoned (R8), what is this density capable of?

Mr. Stewart replied that within (R8) Medium Density Residential zone, 125% of lot area can be used towards gross floor area which would be equivalent to a 4 storey apartment building.

Mayor McKay asked if it would exceed 50 units per hectare? With no rezoning that is what they can build there. This is one of the lowest density developments that this Council has seen. Designation on property for area on plan is 10-50 units per hectare.

Mr. Stewart replied that the Official Community Plan (OCP) supports the density of 10-50 units per hectare. The proposed density on the rezoning portion area only is 15 units per hectare.

Councillor Fuller said the (OCP) proposed density is 15-50 units, but it doesn't mean that is what can be built on that property. If they didn't want to rezone they could build a lot more. With the rezoning there can be over 100 units in the future. Safety issues of the roads are huge.

**Esther Germann, 210 Strickland Street - Opposed**

- Concerned with traffic and safety.
- At first part of Strickland an access centre with daycare with young parents and young children crossing the road.
- Only one lane and have to pull over for traffic.

Councillor Yoachim asked if there is a way to create a one way? Or speed bumps?

Mr. Stewart said this is something to review at the design stage of the subdivision. This is the sole access right now to the development. The applicant's traffic study on the entrance into Strickland, that the City supports, will put up sign 'No Thru Traffic' to discourage vehicle traffic.

Councillor Fuller concerned about the safety issues.

Councillor Thorpe commented that he hadn't heard any discussion regarding the look of the development, heard more on safety concerns. Who is responsible for addressing those concerns to a satisfactory level? Would it come under DCCs? Would it be a City responsibility?

Mr Anderson responded that this is typically a combination of the two. What we achieve through the development approval process is what we bring to Council for consideration, at this stage might need further improvements so it would then fall under a Capital Improvement Project which would be put up against any other Capital Improvement Projects for the rest of the City.

Councillor Bestwick said Strickland Street is ours, development doesn't affect property boundaries and access in and out is a concern. Safety issues are validated and real. Look forward to hearing balance of delegations that come to the floor.

**Lionel Cyr, 391 Petroglyph Crescent**

- Want to make sure that we can still discuss this with the developer.

**Tracey Lagasse, 814 Harbour View Street - Opposed**

- Backs onto Strickland, worried about construction vehicles using the lane.
- Would this all occur before or after development?
- Traffic should be rerouted.

Mayor McKay said there is no intention to make any improvements to Strickland Street and Harbour View Street, so yes, construction traffic would happen on those streets.

Mr. Garrett said road improvements will be done when we build the main road, speed bumps, etc, will all be done at once with road construction, not to be phased in.

Councillors Fuller and Bestwick wanted to know what improvements have been proposed.

Mr. Stewart said with the condition of rezoning they would have to do improvements as a condition of the subdivision. The traffic consultants and city engineers have identified these areas as the highest concern. The improvements proposed are:

- Stop signs at each end of Strickland Street south of South Street.

- A realignment of South Street to include sidewalks, a crosswalk and a centre line.
- A realignment of the site entrance intersection from Harbour View Street to improve north bound site lines.

There were 6 written and 7 verbal submissions received with regard to Bylaw No. 4500.085.

4. ADJOURNMENT OF THE PUBLIC HEARING

It was moved and seconded at 8:32 p.m. that the Public Hearing terminate. The motion carried unanimously.

5. BYLAWS:

- (a) That “ZONING AMENDMENT BYLAW 2015 NO. 4500.083” (RA355) - to amend “ZONING BYLAW 2011 NO. 4500,” by rezoning the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a two lot subdivision, be given Third Reading.

It was moved and seconded that “ZONING AMENDMENT BYLAW 2015 No. 4500.083” pass Third Reading. The motion was carried unanimously.

- (b) That “ZONING AMENDMENT BYLAW 2015 NO. 4500.085” (RA344) - to amend “ZONING BYLAW 2011 NO. 4500,” by rezoning 925 Harbour View Street and part of 901 Harbour View Street from Single Dwelling Residential (R1) and Medium Density Residential (R8) to Single Dwelling Residential – Small Lot (R2) and row House Residential (R7) in order to subdivide and develop the majority of the site with small residential lots and row houses. A portion of the lot will retain the existing Medium Density Residential (R8) zone, be given Third Reading.

Councillor Brennan said the density proposed here is less than what would be permitted, traffic could be higher. If we didn't rezone and the proponent went ahead on the old zoning the City would not be entitled to any additional requests for offsite works and services to accommodate the neighbour's concerns. There will be DCCs generated from this that we, as a Council, make decisions on where we are going to upgrade roads and where we are not. It goes into the queue for the 5 year plan. If we, as a Council, decide that the safety concerns that may be generated by this project are significant enough then we can make a decision to put that into our budget. This rezoning is better for the neighbourhood than if we left the rezoning as it was.

Councillor Fuller had a question for Staff; are the proponents obligated to discuss this with the neighbourhood?

Mr. Stewart said the proponents are not obligated to meet with the neighbourhood under legislation.

Councillor Fuller said the neighbours need to email Mayor and Council and City Staff to put Strickland Street on the map for improvements.



Councillor Hong said the improvements offered are pretty good, will help with Harbour View Street and the neighbourhood.

Councillor Yoachim said he has faith in the developer to converse with the strata. We have a duty, and that area deserves to have the work done. Expect collaborative team approach.

Councillor Pratt thanked delegations for speaking up and voicing their concerns to make Council aware of what these issues are. Liked the development, fewer homes than would have been possible under the present zoning. It will be a wonderful addition to the area, but that always comes with problems that can be dealt with in the future.

Councillor Bestwick said the neighbours support rezoning, and hope the applicant works with the neighbourhood, and to encourages that opportunity to take place. This is a good property. Would like to see Strickland Street taken care of for safety issues and hope to see work with the neighbourhood, Staff, developer and Council.

Councillor Thorpe said this development proposal is a good one, with a good mix of residential. The South End Community Association had no objection to development, we heard some valid concerns about safety from the neighbourhood.

It was moved and seconded that “ZONING AMENDMENT BYLAW 2015 No. 4500.085” pass Third Reading. The motion was carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 8:41 p.m. that the meeting terminate. The motion carried unanimously.

---

M A Y O R

CERTIFIED CORRECT:

---

CORPORATE OFFICER