

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2019-OCT-09, AT 7:00 P.M.

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Present: Mayor L. Krog, Chair  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, General Manager, Development Services  
J. Holm, Director, Development Approvals  
L. Rowett, Manager, Current Planning (vacated 10:57 p.m.)  
D. Laberge, Manager, Bylaw Services  
C. Horn, Planner, Current Planning (vacated 10:57 p.m.)  
S. Gurrie, Director, Legislative Services  
S. Snelgrove, Deputy Corporate Officer  
K. Gerard, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Meeting was called to order at 7:04 p.m.

2. ADOPTION OF AGENDA:

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

3. RECONVENE THE PUBLIC HEARING OF 2019-SEP-19:

The Public Hearing Meeting of 2019-SEP-19 was reconvened at 7:05 p.m., 2019-OCT-09. Mayor Krog spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

- (a) OCP Amendment Application – OCP89 and Rezoning Application RA395 – 388 Machleary Street

Lainya Rowett, Manager, Current Planning, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

Mayor Krog called for submissions from the Public from those who hadn't spoken previously:

1. Bruce Marx, 407 Machleary Street, spoke in opposition and stated he has concerns regarding parking, traffic, design of the development and the precedent this proposal, if approved, could set for future Official Community Plan (OCP) amendment applications.
2. Norm Shokal, 335 Kennedy Street, spoke in opposition and stated his concerns regarding traffic, potential increase in vehicle and pedestrian accidents, lack of green space, lack of environmentally friendly development options such as installation of solar panels and that the outlined process for OCP amendments was neglected.
3. Meredith Dean, 425 Kennedy Street, spoke in opposition and stated that the objectives of the OCP do not match this development, this development does not architecturally match the neighbourhood, assessed values of the homes in area will decrease and there was a lack of public consultation regarding the design and density.
4. Joy Adams-Bauer, 108 Milton Street, spoke in opposition and stated that the development is out of character and scale for this neighbourhood, proposal sets a precedent for spot zoning for future applications, the proposed development does not fit with the affordable housing strategy. The developer, area residents and City of Nanaimo Staff should meet to discuss a proposal that better reflects the needs and character of the area.
5. Irena Chmielowicz, on behalf of Cresswell Walker, 416 Pine Street, spoke in opposition and stated that the design is out of character for the area, height and floor area ratio concerns, the precedent that this proposal could set if approved, affordability of the units, potential for the sale of the property if the amendments are approved and the OCP guidelines.
6. Dak Molnar, Developer, Molnar Group, 1272 Seymour Street, Vancouver, BC, spoke in favour and stated that there is no plan to sell the property if the amendments are approved and development is completed, attempting to create a mix-use development with various housing options for all ages the development promotes walkability and biking due to it's close proximity to shopping, entertainment and transit.
7. Kathryn Milliser, 461 Selby Street and 382 Selby Street, spoke in opposition and stated that the development is not attractive and does not fit with this neighbourhood, concerns regarding traffic and parking and would like to see a proposal that enhances the neighbourhood.
8. Alan Carroll, 320 Machleary Street, spoke in opposition and stated this application could set a precedent for future applications in this area, the heritage of this area will be destroyed and concerns regarding pedestrian safety due to an increase in traffic.

9. Nancy Mitchell, 403 - 225 Cypress Street, spoke in opposition and stated the proposed amendment is not consistent with the OCP, corridor designation is designed for major roadways not no-thru roads. Concerns regarding the consultation process and development of this property should be put on hold until after the review of the OCP and a new plan is adopted.
10. Rob Watson, 704 Railway Avenue, spoke in favour and stated that the proposed development is good for this area, allows people of all ages to have housing options and is within walking distance to Vancouver Island University (VIU) and downtown amenities.
11. Josh Fayerman, Linley Valley Road, spoke in favour and stated that rising housing and rental costs are making it harder for younger people to find housing. New developments, close to amenities, are needed for the younger demographic and this development offers a variety of housing options for all ages and incomes.
12. Lawrence Rieper, 990 Campbell Street, spoke in opposition and stated that Old City Plan was incorporated into the OCP and was created to protect the heritage of the area, these rentals units will not be affordable for most without government subsidies, design is not appropriate for this area and should be limited to single family dwelling and/or a height of three stories.
13. Todd Trimble, 824 Fitzwilliam Street, spoke in opposition and stated that the Old City is walkable, historical and provides residents easy access to shopping, entertainment and other amenities. Tourists and visitors request to see the Old City Quarter during guided walking tours. Concerns regarding the potential increase in traffic and accidents and an extended care facility for seniors is a better fit for this area.
14. Sharon Kofoed, 2322 Panorama Drive, spoke in opposition and stated that the OCP should not be altered based on the needs of one developer and this amendment application conflicts with the OCP, community plan and the heritage of the neighbourhood. Concerns regarding the potential tax exemption for the owner and affordability of rental units.
15. Becky Teason, 471 Hillcrest Avenue, spoke in favour and stated that the younger demographic needs affordable rentals units. Density provides more opportunities for housing options and encourages a more dynamic community while growing the neighbourhood.
16. Shelley Serebin, 389 Machleary Street, spoke in opposition and stated that she attended workshops and engagement sessions regarding the OCP. The developer, City of Nanaimo Staff and the neighbourhood should work together to create a proposal that would be suitable for all stakeholders, concerns regarding the affordability of the units, density proposed is excessive and lack of green space.

17. Margo Clemins, 602 Kennedy Street, spoke in favour and stated that this area needs more residents which will increase vibrancy, proposed development will provide accessibility to shopping and amenities for people without vehicles and will encourage walking and biking.
18. Ann Pawlowski, 678 Franklyn Street, spoke in opposition and stated that she purchased a home in this area due to its heritage and essence, large developments erode the character of heritage areas and the developer compared housing trends to those in Vancouver which is a much larger city.
19. Nadine King, Senior Transportation Engineer, Watts Consulting, 740 Hillside Drive, Victoria, BC, spoke in favour and stated the proposal provides more parking spaces than what is required, the traffic study was completed based on industry standards using best practices across BC and there is potential for the developer and City of Nanaimo to address the traffic issues in the area.
20. David McGrath, Architect, WA Architects, Vancouver, BC, spoke in favour and stated that this proposal meets the density requirements for this area, Molnar Group held a total of 5 community engagement/information sessions, development will provide housing for a large demographic of people and the community contribution will be approximately \$117,000. Molnar Group will work with the community to ensure the design fits with the neighbourhood and the development will bring more density, larger tax base to Nanaimo and supports local businesses.

The Special Council Meeting (Public Hearing) recessed at 9:05 p.m.

The Special Council Meeting (Public Hearing) reconvened at 9:17 p.m.

Mayor Krog called for submissions from the Public for a second time from those who hadn't spoken previously:

21. Wendy Neander, 327 Machleary Street, spoke in opposition and stated that residents of this neighbourhood volunteer to ensure this community stays clean and safe. Development of this land should be on hold until a review of the OCP is completed.
22. Hans Coon, Campbell River, spoke in favour and stated that growth is good for this area.
23. Rod MacDonald, 446 Milton Street, spoke in opposition and stated that the OCP needs to be adhered to regarding amendment applications and Council needs to respect the hours of work that went into creating the OCP and the views of each speaker.
24. Elizabeth Lorenz, 351 Machleary Street, spoke on behalf of Imogene Lim, 304 Kennedy Street, in opposition and stated there is support for a modern increase in density and residential use of the land, concerns regarding the increase in traffic and parking, traffic study was flawed and seniors housing would be a good fit for this neighbourhood.

25. Elizabeth Lorenz, 351 Machleary Street, spoke on behalf of Dr. Eric Norman, 351 Machleary Street, in opposition and stated that neighbourhood volunteers completed their own traffic study and found the main problem areas are Fitzwilliam and Machleary and Fitzwilliam and Kennedy and during Sunday Service at St. Peter's Roman Catholic Church.
26. Elizabeth Lorenz, 351 Machleary Street, spoke in opposition and stated that the site is not suitable for this proposal, the OCP allows for an increase to residential infill but this area is excluded from this and the proposal conflicts with many of the Nanaimo Affordable Housing Strategy goals.

Mayor Krog called for submissions from the Public for a third time from those who hadn't spoken previously:

27. Dave Bartolloni, 5719 Brookwood Drive, spoke in favour and stated that he recently moved from 407 Milton Street, more rentals units are needed in the downtown area and a younger demographic living in the area could assist in revitalizing downtown.

Mayor Krog called for submissions from the Public for those wishing to speak for a second time:

28. Kelsea Shadlock, 602 Kennedy street, spoke in favour and stated that the OCP needs to be updated to reflect the growth in Nanaimo, traffic problem areas could be improved through the collaboration of the City of Nanaimo and the developer, housing is needed for the younger demographic which would be a positive addition to the neighbourhood.
29. Janet Wright, 387 Machleary Street, spoke in opposition and stated she supports an increase in housing and diversity but not on such a large scale, concerns regarding the height and density of the development and a community consultation process needs to be completed if a new application is received for this area.

Mayor Krog called for submissions from the Public for a second time, for those wishing to speak again for a second time:

30. Janet Wright, 387 Machleary Street, spoke in opposition and stated appropriate developments for this area could include duplex, townhouses, four-plexes and single family dwellings.

Mayor Krog called for submissions from the Public for a third time, for those wishing to speak again.

No one else in attendance wished to speak regarding OCP Amendment Application – OCP89 and Rezoning Application RA395 – 388 Machleary Street.

81 written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-OCT-09, and 6 written submissions were received at the Public Hearing with respect to Rezoning Application OCP89 and Rezoning Application RA395 – 388 Machleary Street from:

1. Janet Wright (two submissions), 387 Machleary Street
2. Dr. Eric Norman, 351 Machleary Street
3. David Murchie, 3922 Corunna Avenue, on behalf of the Wellington Community Association
4. Photos of property before demolition and showing proposed development inserted (Name and address missing from the submission)
5. Dennis McMahon, 388 Machleary Street
6. Mayta Ryn, 201 461 Machleary Street

4. FINAL CALL FOR SUBMISSIONS REGARDING OCP AMENDMENT APPLICATION – OCP89 AND REZONING APPLICATION RA395 – 388 MACHLEARY STREET:

Mayor Krog announced that following the close of a Public Hearing, no further submissions 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.

5. ADJOURNMENT OF THE 2019-SEP-19 PUBLIC HEARING:

It was moved and seconded that the 2019-SEP-19 Public Hearing adjourn at 9:55 p.m. The motion carried unanimously.

6. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order at 9:54 p.m.

7. PUBLIC HEARING AGENDA:

(a) Zoning Bylaw Schedule D Amendments – Step Code Implementation

Lainya Rowett, Manager, Current Planning, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding Zoning Bylaw Schedule D Amendments – Step Code Implementation.

Mayor Krog called for submissions from the Public for a second time.

No one in attendance wished to speak regarding Zoning Bylaw Schedule D Amendments – Step Code Implementation.

Mayor Krog called for submissions from the Public for a third time.

No one in attendance wished to speak regarding Zoning Bylaw Schedule D Amendments – Step Code Implementation.

No written submission were received during the Public Hearing with respect to Zoning Amendment Bylaw Schedule D Amendments – Step Code Implementation.

8. FINAL CALL FOR SUBMISSIONS:

Mayor Krog announced that following the close of a Public Hearing, no further submissions 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.

9. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 9:59 p.m. The motion carried unanimously.

It was moved and seconded that the Special Council Meeting (Public Hearing) recess at 10:04 p.m. for 15 minutes to allow Council to review the written submissions that were received at the meeting. The motion carried unanimously

The Special Council Meeting (Public Hearing) recessed at 10:04 p.m.

The Special Council Meeting (Public Hearing) reconvened at 10:13 p.m.

10. BYLAWS:

(a) “Official Community Plan Amendment Bylaw 2019 No. 6500.040”

It was moved and seconded that "Official Community Plan Amendment Bylaw 2019 No. 6500.040" be deferred to the next scheduled Regular Council Meeting to be held on 2019-OCT-21. The motion was defeated.

Opposed: Mayor Krog, Councillors Armstrong, Bonner, Brown, Geselbracht, Hemmens, Maartman and Thorpe

It was moved and seconded that "Official Community Plan Amendment Bylaw 2019 No. 6500.040" (To re-designate 388 Machleary Street on the Future Land Use Plan [Map 1] 'Neighbourhood' to 'Corridor', and to amend the text of Section 4.1.2 'Land Use Designations' of the Old City Neighbourhood Concept Plan) pass third reading. The motion was defeated.

Opposed: Councillors Bonner, Brown, Geselbracht, Hemmens, Maartman, and Thorpe

(b) “Zoning Amendment Bylaw 2019 No. 4500.124”

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.124" (To rezone 388 Machleary Street from Community service One [CS1] to Comprehensive Development Eleven [CD11]) be abandoned. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2019 No. 4500.154"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.154" (To amend Schedule D of the Zoning Bylaw to modify Category 5 - Energy Management to include reference to the BC Energy Step Code) pass third reading.  
The motion carried unanimously.

C. Horn and L. Rowett vacated the Shaw Auditorium at 10:57 p.m.

11. REPORTS:

(a) Unauthorized Structure – 479 Park Avenue

Introduced by Dave Laberge, Manager, Bylaw Services.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Unauthorized Structure – 479 Park Avenue.

No one in attendance wished to speak to Unauthorized Structure – 479 Park Avenue.

It was moved and seconded that Council:

1. issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
4. direct that the remedial action consist of removal of the unauthorized lean-to structure.

The motion carried unanimously.

(b) Unauthorized Structure – 3440 Shenton Road

Introduced by Dave Laberge, Manager, Bylaw Services.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Unauthorized Structure – 3440 Shenton Road.

No one in attendance wished to speak to Unauthorized Structure – 3440 Shenton Road.



It was moved and seconded that Council:

1. issue a Remedial Action Order at 3440 Shenton Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
4. direct that the remedial action consist of removal of the temporary fabric-covered structure.

The motion carried unanimously.

It was moved and seconded that the Special Council Meeting (Public Hearing) proceed past 11:00 p.m. The motion carried unanimously.

(c) Bylaw Contravention Notice – Secondary Suite

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw contravention Notice – Secondary Suite – 432 Stable Place.

No one in attendance with to speak to Bylaw Contravention Notice – Secondary Suite – 432 Stable Place.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following property:

1. 432 Stable Place – illegal secondary suite.

The motion carried unanimously.

(d) Bylaw Contravention Notice – Construction Started Without a Building Permit – 2805/2817/2829 Glenayr Drive

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Construction Started Without a Building Permit 2805/2817/2829 Glenayr Drive.

No one in attendance wished to speak to Bylaw Contravention Notice – Construction Started Without a Building Permit – 2805/2817/2829 Glenayr Drive.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2805/2817/2829 Glenayr Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (e) Bylaw Contravention Notice – Construction Started Without a Building Permit – 337 Ninth Street

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Construction Started Without a Building Permit – 337 Ninth Street.

No one in attendance wished to speak to Bylaw Contravention Notice – Construction Started Without a Building Permit – 337 Ninth Street.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 337 Ninth Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

- (f) Bylaw Contravention Notice – Construction Started Without a Building Permit – 4663 Lost Lake Road

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Construction Started Without a Building Permit – 4663 Lost Lake Road.

James McLeod and Donna Hartstaff, owner, spoke and stated that the outbuildings were never meant to be permanent and were built so they could be removed, they were not aware they were not in compliance and were unaware that the outbuildings were encroaching into the setback area.

It was moved and seconded that Council refer Bylaw Contravention Notice – Construction Started Without a Building Permit – 4663 Lost Lake Road, to Staff for a 30 day period to allow the owner to bring the property into compliance. The motion was defeated. Opposed: *Councillors Bonner, Brown, Geselbracht, Hemmens, Maartman, Thorpe and Turley*

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 4663 Lost Lake Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

12. ADJOURNMENT:

It was moved and seconded at 11:16 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER