

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2021-NOV-18, AT 7:00 P.M.

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

Absent: Councillor B. Geselbracht

Staff: J. Holm, Director, Development Approvals
D. Fox, Manager, Building Inspections
L. Rowett, Manager, Current Planning
L. Brinkman, Planner, Current Planning
C. Horn, Planner, Current Planning
B. Zurek, Planner, Community Planning
M. Rempel, Planning Assistant
S. Robinson, Planning Assistant
K. Robertson, Deputy City Clerk
K. Gerard, Steno, Legislative Services
K Lundgren, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 10(a) Bylaw Contravention Notice – Construction Started Without a Building Permit – 4376 Boban Drive.
- (b) Agenda Item 10(b) Bylaw Contravention Notice - Construction Started Without a Permit - 5941 Nelson Road - Add delegation Jade Dawson.
- (c) Agenda Item 10(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 61 Twelfth Street - Add delegations John Willam Berger and Daryl Baratta.

3. ADOPTION OF AGENDA:

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

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.

4. PUBLIC HEARING REQUIREMENTS:

Mayor Krog outlined the process to accommodate members of the public who were attending in person and for those who wanted to call in to participate by phone.

Lainya Rowett, Manager, Current Planning, explained the requirements for conducting a Public Hearing.

5. PUBLIC HEARING FOR OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP93, OCP AMENDMENT BYLAW 2021 NO. 6500.042 - 54, 55, 65, 66, 69, 70, AND 73 PRIDEAUX STREET; AND 503, 531, 605, 619, AND 685 COMOX ROAD

- (a) Official Community Plan Amendment Application No. OCP93 - 54, 55, 65, 66, 69, 70, and 73 Prideaux Street; and 503, 531, 605, 619, and 685 Comox Road

Mayor Krog called the Public Hearing to order at 7:05 p.m.

Introduced by Brian Zurek, Planner, Community Planning.

Mayor Krog called for submissions from the Applicant and the Public.

No one wished to speak regarding Official Community Plan (OCP) Amendment Application No. OCP93 - 54, 55, 65, 66, 69, 70, and 73 Prideaux Street; and 503, 531, 605, 619, and 685 Comox Road.

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

1. Selena Kwok, Low Hammond Rowe Road Architects, Applicant spoke in favor via telephone, on behalf of the Nanaimo Affordable Housing Society (NAHS) and stated:
 - Working with the Nanaimo Affordable Housing Society (NAHS) to provide affordable rental housing in the community
 - Several of NAHS' existing buildings are nearing end-of-life
 - The vision is to consolidate and redevelop the properties
 - They will be designed to energy efficient standards
 - Meeting a number of the OCP policy objectives by increasing the supply of rental housing
 - The goal is to increase density and provide for more affordable housing near the downtown core
2. Scott Lescak, Carbon Safety Solutions, Nanaimo, requested clarification and further information on the proposed project plans.

Mayor Krog called for submissions from the Public for a third and final time:

3. Barbara Newman, Nanaimo, spoke in opposition and stated concerns regarding accommodating existing tenants that reside in the building as well as a lack of information received regarding the proposed redevelopment.
4. Andrea Blakeman, CEO, Nanaimo Affordable Housing Society, Nanaimo, spoke regarding the process in supporting existing tenants to find temporary or long term housing elsewhere as well as options for moving back into the redevelopment.
5. Barbara Newman, Nanaimo, spoke for a second time regarding difficulties related to her current tenancy.

Four (4) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2021-NOV-18, and no written submissions were received at the Public Hearing with respect to Official Community Plan Amendment Application No. OCP93 - 54, 55, 65, 66, 69, 70, and 73 Prideaux Street; and 503, 531, 605, 619, and 685 Comox Road.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for OCP93 - 54, 55, 65, 66, 69, 70, and 73 Prideaux Street; and 503, 531, 605, 619, and 685 Comox Road be closed at 7:33 p.m.

It was moved and seconded that “Official Community Plan Amendment Bylaw 2021 No. 6500.042” (To re-designate 54, 55, 65, 66, 69, 70, and 73 Prideaux Street; and 503, 531, 605, 619, and 685 Comox Road on the Future Land Use Plan [Map 1] from Neighbourhood to Urban Node, and the text amendment of Section 4.1.2 Land Use Designations of the Old City Neighbourhood Concept Plan) pass third reading. The motion carried unanimously.

6. PUBLIC HEARING FOR REZONING APPLICATION NO. RA463 - 55, 65, 66, 69, AND 73 PRIDEAUX STREET, ZONING AMENDMENT BYLAW 2021 NO. 4500.188

(a) Rezoning Application No. RA463 - 55, 65, 66, 69, and 73 Prideaux Street

Mayor Krog called the Public Hearing to order at 7:34 p.m.

Introduced by Brian Zurek, Planner, Community Planning.

Mayor Krog called for submissions from the Applicant and Public.

1. Andrea Blakeman, CEO, Nanaimo Affordable Housing Society, advised Council that she was in attendance to answer any questions.

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

No one wished to speak regarding Rezoning Application No. RA463 - 55, 65, 66, 69, and 73 Prideaux Street.

Mayor Krog called for submissions from the Public for a third and final time:

2. Greg Klein, Nanaimo, spoke via telephone, in opposition, stating concerns regarding a lack of communication in respect to the proposed redevelopment, and the effect that high-density housing will have on the prices of rental accommodation throughout Nanaimo.

Three (3) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2021-NOV-18, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA463 - 55, 65, 66, 69, and 73 Prideaux Street.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA463 - 55, 65, 66, 69, and 73 Prideaux Street be closed at 7:51 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.188” (To rezone 55, 65, 66, 69, and 73 Prideaux Street by increasing the maximum permitted building height and floor area ratio regulations in the Old City Mixed Use [DT8] zone) pass third reading. The motion carried unanimously.

7. PUBLIC HEARING FOR REZONING APPLICATION NO. RA468 - 6004 NELSON ROAD - ZONING AMENDMENT BYLAW 2021 NO. 4500.192

(a) Rezoning Application No. RA468 - 6004 Nelson Road

Mayor Krog called the Public Hearing to order at 7:52 p.m.

Introduced by Lisa Brinkman, Planner, Current Planning.

Mayor Krog called for submissions from the Applicant and the Public

1. Toby Seward, Seward Developments Inc., Nanaimo, via telephone, spoke in favor of Rezoning Application No. RA468 - 6004 Nelson Road, and stated:
 - The property is 1.5 acres
 - Proposal is compatible with other housing units in the area
 - Nearby amenities include Randerson Ridge Elementary School, bus routes and trails
 - Proposed development will consist of 16 townhouse residential units
 - Each unit proposed to be two stories with three to four bedrooms
 - Several concerns raised at a public information meeting have been noted such as school traffic congestion, parking spaces, and seeking similar designs to what is in the neighbourhood

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

No one wished to speak regarding Rezoning Application No. RA468 - 6004 Nelson Road.

Mayor Krog called for submissions from the Public for a third and final time:

No one wished to speak regarding Rezoning Application No. RA468 - 6004 Nelson Road.

Four (4) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2021-NOV-18, and no written submissions were received at the Public Hearing with respect to Rezoning Application RA468 - 6004 Nelson Road.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA468 - 6004 Nelson Road be closed at 8:01 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2021 No. 4500.192” (To rezone 6004 Nelson Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass third reading. The motion carried unanimously.

8. PUBLIC HEARING FOR GENERAL AMENDMENTS TO CITY OF NANAIMO ZONING BYLAW AND PARKING BYLAW - ZONING AMENDMENT BYLAW 2021 NO. 4500.182 AND OFF-STREET PARKING REGULATIONS AMENDMENT BYLAW 2021 NO. 7266.02

- (a) General Amendments to City of Nanaimo Zoning Bylaw and Parking Bylaw - Zoning Amendment Bylaw 2021 No. 4500.182 and Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02

Mayor Krog called the Public Hearing to order at 8:02 p.m.

Introduced by Caleb Horn, Planner, Current Planning.

Mayor Krog called for submissions from the Public:

No one wished to speak regarding General Amendments to City of Nanaimo Zoning Bylaw and Parking Bylaw - “Zoning Amendment Bylaw 2021 No. 4500.182” and “Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02”.

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

No one wished to speak regarding General Amendments to City of Nanaimo Zoning Bylaw and Parking Bylaw - “Zoning Amendment Bylaw 2021 No. 4500.182” and “Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02”.

Mayor Krog called for submissions from the Public for a third and final time:

No one wished to speak regarding General Amendments to City of Nanaimo Zoning Bylaw and Parking Bylaw - "Zoning Amendment Bylaw 2021 No. 4500.182" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02".

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2021-NOV-18, and no written submissions were received at the Public Hearing with respect to General Amendments to City of Nanaimo Zoning Bylaw and Parking Bylaw – "Zoning Amendment Bylaw 2021 No. 4500.182" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02".

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for "Zoning Amendment Bylaw 2021 No. 4500.182" and "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02" be closed at 8:07 p.m.

It was moved and seconded that "Zoning Amendment Bylaw 2021 No. 4500.182" (To make general text and mapping amendments to "City of Nanaimo Zoning Bylaw 2011 No. 4500") pass third reading. The motion carried unanimously.

It was moved and seconded that "Off-Street Parking Regulations Amendment Bylaw 2021 No. 7266.02" (To make general text amendments to "Off-Street Parking Regulation Bylaw 2018 No. 7266") pass third reading. The motion carried unanimously.

9. PUBLIC HEARING FOR COVENANT AMENDMENT APPLICATION NO. CA15 - 416 WAKESIAH AVENUE

(a) Covenant Amendment Application No. CA15 - 416 Wakesiah Avenue

Mayor Krog called the Public Hearing to order at 8:08 p.m.

Introduced by Caleb Horn, Planner, Current Planning.

Mayor Krog called for submissions from the Applicant and the Public:

No one wished to speak regarding Covenant Amendment Application No. CA15 - 416 Wakesiah Avenue.

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

No one wished to speak regarding Covenant Amendment Application No. CA15 - 416 Wakesiah Avenue.

Mayor Krog called for submissions from the Public for a third and final time:

No one wished to speak regarding Covenant Amendment Application No. CA15 - 416 Wakesiah Avenue.

Three (3) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2021-NOV-18, and no written submissions were received at the Public Hearing with respect to Covenant Amendment Application No. CA15 - 416 Wakesiah Avenue.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for CA15 - 416 Wakesiah Avenue be closed at 8:13 p.m.

It was moved and seconded that “Housing Agreement Bylaw 2021 No. 7334” (To authorize a housing agreement for a student housing development at 416 Wakesiah Avenue) be adopted. The motion carried unanimously.

It was moved and seconded that Council direct Staff to:

- a. discharge the section 219 covenant (CA5052723) and notice on title (CA5214792) associated with the existing housing agreement;
- b. register a covenant to reinforce the terms of the new housing agreement which limits the number of student housing beds; and
- c. secure the community amenity contribution.

The motion carried unanimously.

10. REPORTS:

- (a) Bylaw Contravention Notice - Construction Started Without a Permit - 5941 Nelson Road

Introduced by Darcy Fox, Manager, Building Inspections.

Delegation:

1. Jade Dawson spoke regarding taking possession of the property and unaware of the work being done without a permit. She spoke of the lengthy time for building inspections, complying to the City's requirements, difficulties with attaining contractors during the pandemic, and advised that this was not done intentionally.

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 5941 Nelson Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried.

Opposed: *Councillors Bonner and Turley*

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit - 61 Twelfth Street

Introduced by Darcy Fox, Manager, Building Inspections.

Delegations:

1. John William Berger spoke regarding the frustration and difficulties regarding attaining a contractor to supply preliminary drawings for the project. He advised that he has received the drawings and requested additional time to submit.
2. Daryl Baratta, Manager of the mobile home park, spoke in support of the property owner, regarding the owner's valid efforts and difficulties in finding contractors. He requested that Council grant the owner more time.

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 61 Twelfth Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried.

Opposed: Councillors Armstrong, Bonner, and Turley

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 3411 Shenton Road

Introduced by Darcy Fox, Manager, Building Inspections.

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 3411 Shenton Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

11. ADJOURNMENT:

It was moved and seconded at 8:34 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER