

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2022-AUG-29, AT 5:30 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: R. Harding, A/Chief Administrative Officer  
B. Sims, General Manager, Engineering and Public Works  
J. Holm, Director, Development Approvals  
P. Rosen, Director, Engineering  
L. Wark, Director, Recreation & Culture  
J. Rose, Manager, Transportation  
L. Rowett, Manager, Current Planning  
J. Slater, Manager, Revenue Services.  
C. Horn, Planner  
S. Gurrie, Director, Legislative Services  
K. Robertson, Deputy City Clerk  
N. Sponaugle, Legislative Communications Clerk  
K. Lundgren, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:30 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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 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;

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

The motion carried unanimously.

Council moved In Camera at 5:30 p.m.  
Council moved out of In Camera at 5:55 p.m.

Council recessed the Open Meeting 5:55 p.m.  
Council reconvened the Open Meeting at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 12(f) Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue – Add delegation from Deane Strongitharm, Brad Martin and Franc D'Ambrosio
- (b) Add Agenda Item 14(a) Councillor Armstrong - Notice of Motion re: Boxwood Road Walkway.

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, Nanaimo, BC, on Monday, 2022-JUL-18, at 4:30 p.m.
- Minutes of the Special Council Meeting (Public Hearing) held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2022-JUL-21, at 7:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

The mayor spoke regarding the following:

- Building permit values this year are on track to surpass the 2019 record
- Reminded the community that the City of Nanaimo's ban on open fires has been in effect since August 4<sup>th</sup>
- An accessibility mat has been installed at Departure Bay beach to allow easier access to the beach area. The mat will be in place for the remainder of the summer season
- Encouraged the community to vote in the upcoming election

7. RISE AND REPORT:

The mayor conveyed there were no items to report from the In Camera Meeting.

8. PRESENTATIONS:

(a) Nanaimo Art Gallery Feasibility Study

Carolyn Holmes, Executive Director, Nanaimo Art Gallery, provided a PowerPoint presentation. Highlights included:

- Nanaimo Art Gallery's (the Gallery) programming numbers are up 164% over pre-pandemic numbers
- In June 2013, Council approved a phased development plan for the Gallery
- Phase 3 includes the expansion of the Gallery and the creation of a Class A gallery

Louisa Plant, Senior Consultant, Nordicity, continued the presentation and shared the results of the Nanaimo Art Gallery Feasibility Study. Highlights included:

- Nordicity worked with Iredale Architecture to complete the exploratory feasibility study
- The aim of the study is to answer how the Gallery should grow to meet the needs of the community
- After an environmental scan and comparative review, it was found that the Gallery is much smaller than comparators
- Over 150 community members were engaged, and expanding the size of the gallery was found to be a key priority for the community
- Iredale Architecture provided the feasibility of three routes
  1. renovating the existing building;
  2. creating a new build on the current site; or
  3. creating new build at a greenfield site.
- The Gallery would support the goals of the Nanaimo Reimagined City Plan

Carolyn Holmes, Executive Director, Nanaimo Art Gallery, continued the presentation. Highlights included:

- The Gallery has been successful in accessing grant funding for the next phase of the feasibility study
- The Gallery plans to return to Council next year to share the findings of the next phase

(b) Mosaic Forest Management

Molly Hudson, Mosaic Forest Management, provided Council with a PowerPoint presentation. Highlights included:

- Mosaic is Canada's largest private timberland producer and a big contributor to the local economy
- Certifications include silver level certification in progressive aboriginal relations as well as sustainable forestry certification
- Mosaic has provided over 100 years of sustainable forest management on BC's coast
- Big Coast Forest Climate Initiative is a project that defers the harvesting of 40,000 hectares for 40 years
- Two project extension partners include Indigenous Protected and Conserved Areas (IPCA) and the Pacific Salmon Foundation
- Mosaic has collaborated with the City and the Regional District of Nanaimo (RDN) to expand local parks
- Mosaic has a number of collaboration projects with Vancouver Island University, the Mountain Bike Club, and ATV clubs
- Next steps include continued work with the City water resources' staff, posting educational signs at Harewood Plains and new scholarships at VIU

9. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Design Advisory Panel Meeting held electronically on Thursday, 2022-MAY-12 at 5:00 p.m.
- Minutes of the Design Advisory Panel Meeting held electronically on Thursday, 2022-MAY-26, at 5:08 p.m.
- Minutes of the Design Advisory Panel Meeting held electronically on Thursday, 2022-JUN-23, at 5:01 p.m.
- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2022-JUL-20, at 9:00 a.m.
- Minutes of the Environment Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2022-JUL-27 at 5:02 p.m.

10. CONSENT ITEMS:

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

Prior to the vote Councillor Thorpe requested that Agenda Item 10(a)(3) Metral Drive Complete Streets Phase 2 be removed to be voted on separately.

(a) Finance and Audit Committee Recommendations 2022-JUL-20

[Note: A link to the 2022-JUL-20 Finance and Audit Committee Meeting agenda is attached for information]

1. Travel Assistance Grant - Nanaimo District Lacrosse Association U16 A2 Timbermen

That Council approve a Travel Assistance Grant for the Nanaimo District Lacrosse Association (NDLA) U16 A2 Timbermen team in the amount of \$750 for fifteen (15) Nanaimo players to attend the 2022 BCLA Minor Box Lacrosse Provincial Championships held from 2022-JUL-07 through 2022-JUL-10 in Coquitlam, BC.

2. Consideration of Security Check Grant

That Council award a Security Check Grant for \$500 to the Nanaimo District Senior Citizens Housing Development Society.

(b) Environment Committee Meeting 2022-JUL-27

[Note: A link to the 2022-JUL-27 Environment Committee Meeting agenda is attached for information.]

1. BC Step Code Low Carbon Energy System Implementation

That Council direct Staff to begin preparation for industry consultation on the implementation of the upper steps of the BC Energy Step Code and greenhouse gas emissions targets for new buildings.

The motion carried unanimously.

(c) Separately Addressed Consent Items

Metral Drive Complete Streets Phase 2

That Council direct Staff to increase the budget for Metral Drive Complete Street Project Phase 2 by \$1,400,000 funded by \$875,000 from the Community Works Reserve Fund, \$35,000 from the Sewer Reserve and \$490,000 from the Water Reserve.

The motion carried.

Opposed: Councillor Thorpe

11. DELEGATIONS:

(a) Nanaimo Youth Services Association's (NYSA) Roughing It Event

Amy Worth, Nanaimo Youth Services Association, provided a PowerPoint presentation and spoke regarding the upcoming NYSA Roughing It Event. Highlights included:

- “Roughing It” is a fundraising and public awareness campaign where participants will spend a night on the street and raise awareness for youth homelessness
- Proceeds will be donated to NYSA’s housing centre with an overall goal to raise \$50,000
- Event will kick off September 23<sup>rd</sup> at Harewood Centennial Park
- During the event there will be live entertainment, a national guest speaker, youth testimonials, additional food items and silent auctions
- There are a number of ways for the community support including registering, pledging, donating, sponsoring, volunteering, and following the event on social media

12. REPORTS:

(a) Consideration of New Permissive Tax Exemptions

Councillor Armstrong vacated the Shaw Auditorium at 8:05 p.m. declaring a conflict of interest as she sits on the Nexus Patient and Community Care Society Board.

Introduced by Jamie Slater, Manager, Revenue Services.

It was moved and seconded that Council Award a Permissive Tax Exemption effective for the 2023 taxation year to Habitat for Humanity Mid-Vancouver Island Society for the property that it owns at 474 Pine Street. The motion carried unanimously.

It was moved and seconded that Council Award a Permissive Tax Exemption effective for the 2023 taxation year to Nexus Patient and Community Care Society for the portion of the property that it leases at #3-1273 Island Highway South. The motion carried unanimously.

It was moved and seconded that Council award a Permissive Tax Exemption for the 2023 taxation year to the Canadian Mental Health Association Mid Island Branch for the portion of the property at 250 Albert Street that is not leased to a third party (5.3% for 2023), to be reviewed annually until the long-term use of the building has been determined. The motion carried unanimously.

It was moved and seconded that Council deny a Permissive Tax Exemption for the 2023 taxation year to the Nanaimo Christian School (1988) Society for the property that it owns at 2308 Jingle Pot Road. The motion carried.

Opposed: *Councillors Bonner and Turley.*

Councillor Armstrong re-entered the Shaw Auditorium at 8:12 p.m.

(b) Boxwood Road Multi-Purpose Facility

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

Poul Rosen, Director, Engineering, provided a verbal update regarding the multi-purpose path on Boxwood Road.

(c) Fees and Charges Housekeeping Amendment Bylaws

Introduced by Karen Robertson, Deputy City Clerk, Legislative Services.

Fees and Charges Amendment Bylaw

It was moved and seconded that “Fees and Charges Bylaw 2022 No. 7336.03” (a bylaw to include Development Services fees within the Fees and Charges Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Bylaw 2022 No. 7336.03” pass second reading. The motion carried unanimously.

It was moved and seconded that “Fees and Charges Bylaw 2022 No. 7336.03” pass third reading. The motion carried unanimously.

Development Approval Procedures and Notification Bylaw Amendment

It was moved and seconded that “Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356” (a bylaw to update the reference to the Fees and Charges Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that “Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356” pass second reading. The motion carried unanimously.

It was moved and seconded that “Development Approval Procedures and Notification Bylaw Amendment Bylaw 2022 No. 7356” pass third reading. The motion carried unanimously.

Building Bylaw Amendment Bylaw

It was moved and seconded that “Building Bylaw Amendment Bylaw 2022 No. 7224.04” (a bylaw to update the reference to the Fees and Charges Bylaw) pass first reading. The motion carried unanimously.

It was moved and seconded that “Building Bylaw Amendment Bylaw 2022 No. 7224.04” pass second reading. The motion carried unanimously.

It was moved and seconded that “Building Bylaw Amendment Bylaw 2022 No. 7224.04” pass third reading. The motion carried unanimously.

Subdivision Control Amendment Bylaw

It was moved and seconded that “Subdivision Control Amendment Bylaw 2022 No.3260.07” (a bylaw to remove Schedules G and H) pass first reading. The motion carried unanimously.

It was moved and seconded that “Subdivision Control Amendment Bylaw 2022 No. 3260.07” pass second reading. The motion carried unanimously.

It was moved and seconded that “Subdivision Control Amendment Bylaw 2022 No. 3260.07” pass third reading. The motion carried unanimously.

(d) Development Variance Permit Application No. DVP435 - 740 Haliburton Street

Introduced by Jeremy Holm, Director, Development Approvals.

Mayor Krog requested that Council hear anyone wishing to speak with respect to DVP No. DVP435 - 740 Haliburton Street.

No one in attendance wished to speak with respect to DVP No. DVP435 - 740 Haliburton Street.

It was moved and seconded that Council issue Development Variance Permit No. DVP435 at 740 Haliburton Street to reduce the minimum required side yard setback on the south property line from 1.5m to 0.5m. The motion carried unanimously.

(e) Rezoning Application No. RA479 - 2086 and 2090 East Wellington Road

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.200” (to rezone 2086 and 2090 East Wellington Road from Rural Resource [AR1] to High Tech Industrial [I3] with an additional site-specific use to allow a proposed data centre) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.200” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2022 No. 4500.200” as outlined in the “Conditions of Rezoning” section of the Staff report dated 2022-AUG-29, should Council support the bylaws at third reading. The motion carried unanimously.



- (f) Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

Introduced by Jeremy Holm, Director, Development Approvals.

Delegation:

1. Deane Strongitharm, Brad Martin, and Franc D'Ambrosio, spoke regarding the proposal and highlighted the importance of the site, the site's historical context, the urban design principles and the project's connection to the Nanaimo waterfront.

It was moved and seconded that "Land Use Contract Discharge Bylaw 2022 No. 7355" (to discharge an existing Land Use Contract from the property title of 500 Comox Road) pass first reading. The motion carried unanimously.

It was moved and seconded that "Land Use Contract Discharge Bylaw 2022 No. 7355" pass second reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2022 No. 4500.204" (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2022 No. 4500.204" pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2022 No. 4500.204" as outlined in the "Conditions of Rezoning" section of the Staff report dated 2022-AUG-29, should Council support the bylaws at third reading. The motion carried unanimously.

Council recessed the meeting at 9:01 p.m.  
Council reconvened the meeting at 9:16 p.m.

- (g) Rezoning Application No. RA476 and RA480 - 560, 604 Fourth Street and 361 Howard Avenue

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that "Zoning Amendment Bylaw 2022 No. 4500.202" (to rezone 560, 604 Fourth Street and 361 Howard Avenue from Single Dwelling Residential [R1] and Community Service One [CS1] to Comprehensive Development District Zone Eleven [CD11] to facilitate a multi-family residential development) pass first reading. The motion carried unanimously.

It was moved and seconded that "Zoning Amendment Bylaw 2022 No. 4500.202" pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2022 No. 4500.202” as outlined in the “Conditions of Rezoning” section of the Staff report dated 2022-AUG-29, should Council support the bylaws at third reading. The motion carried unanimously.

(h) Rezoning Application No. RA455 - 5378 Rutherford Road

Councillor Brown vacated the Shaw Auditorium at 9:27 p.m. declaring a conflict of interest as he shares a lot line with the parcel located at 5378 Rutherford Road.

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.203” (To rezone 5378 Rutherford Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.203” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2022 No. 4500.203” as outlined in the “Conditions of Rezoning” section of the staff report dated 2022-AUG-29 should Council support the bylaw at third reading. The motion carried unanimously.

Councillor Brown re-entered the Shaw Auditorium at 9:30 p.m.

(i) Liquor Licence Application No. LA149 - 11 Cliff Street

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council recommend the Liquor and Cannabis Regulation Branch approve the liquor licence amendment for 11 Cliff Street (Cliffside Brewing Company) to permit a permanent 17.7m<sup>2</sup> extension to the existing outdoor patio area. The motion carried unanimously.

(j) Development Permit Application No. DP1248 - 6985 Island Highway North

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1248 for a multi-family residential development at 6985 Island Highway North with variances to:

1. reduce the minimum required front yard setback from the Nanaimo Parkway from 20.0m to 7.5m; and,
2. increase the maximum permitted building height from 14.0m to 17.7m.

The motion carried unanimously.

(k) Development Permit Application No. DP1251 - 2355 Kenworth Road

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1251 (2355 Kenworth Road) with the following variances:

- increase the maximum front yard setback from 6.0m to 21.79m and allow 100% of the building face to be set back more than 6.0m from the front yard lot line;
- permit parking in front of the building, and within the maximum front yard setback;
- to waive the minimum required building height of two storeys above grade;
- reduce the minimum landscape buffer along the west side yard lot line from 1.8m to 0.9m; and,
- reduce the Minimum Landscape Treatment Level 2 along the west side yard lot line to the proposed landscape treatment.

The motion carried unanimously.

(l) Development Permit Application No. DP1264 - 2358 Kenworth Road

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council issue Development Permit No. DP1264 (2358 Kenworth Road) with the following variances:

- increase the maximum front yard setback from 6.0m to 17.1m and to allow 100% of the building face to be set back more than 6.0m from the front yard lot line;
- permit parking in front of the building, and within the maximum front yard setback; and,
- to waive the minimum required building height of two storeys above grade.

The motion carried unanimously.

(m) 340 Campbell Street - Acceptance of Project Under "Revitalization Tax Exemption Bylaw 2018 No. 7261"

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council approve the Revitalization Tax Exemption Agreement for a proposed 163-unit multi-family development at 340 Campbell Street. The motion carried.

Opposed: *Councillors Armstrong, Brown and Geselbracht*

(n) 100 Gordon Street - Amendment of Project under the Revitalization Tax Exemption Bylaw

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council approve the amended Revitalization Tax Exemption Agreement for the 172 room hotel development at 100 Gordon Street. The motion carried.

Opposed: *Councillor Brown*

(o) Appointment of Bylaw Enforcement Officers

Introduced by Jeremy Holm, Director, Development Approvals.

It was moved and seconded that Council appoint the following individuals as Bylaw Enforcement Officers to enforce the provisions of the City of Nanaimo's Regulatory Bylaws:

- Cheryl Smith;
- Adam Collishaw;
- Ronald Litzenberger;
- Mike Leiding;
- Kris Joseffson;
- Gino Pagliericci;
- Shannon Moore;
- Troy Sterling;
- Andrew James;
- Mark Aussenegg;
- Tabitha McPhail; and,
- Leah Howroyd.

The motion carried unanimously.

13. BYLAWS:

(a) "Zoning Amendment Bylaw 2022 No. 4500.201"

It was moved and seconded that "Zoning Amendment Bylaw 2022 No. 4500.201" (To rezone 2980 Island Highway North to allow "Cannabis Retail Store" as a site-specific use in the City Commercial Centre [CC3] zone) be adopted. The motion carried unanimously.

(b) "Highway Closure and Dedication Removal Bylaw 2022 No. 7341"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2022 No. 7341" (to provide for highway closure and dedication removal of a portion of Lake Road adjacent to 4295 Victoria Avenue) be adopted. The motion carried unanimously.

14. NOTICE OF MOTION:

(a) Councillor Armstrong Notice of Motion re: Boxwood Road Walkway

Councillor Armstrong advised that she would be bringing forward the following notice of motion for consideration at a future Council Meeting:

1. That Council direct Staff to:
  - a. work in consultation with affected businesses on Boxwood Road to remove barricades erected for the two-way bike lanes/walkway that are impeding the ability for trucks' safe access;

- b. proceed with Council's direction to create a buffered walkway as previously adopted; and,
  - c. consult with the cyclist community, truck drivers, WorkSafe, ICBC, RCMP Traffic Services and the City's liability insurer MIABC to ensure the viability of a buffered walkway.
2. That Council direct Staff to report back to Council with options and costs for an alternative paved walkway over the Midtown Watermain project next to Boxwood Road instead of the buffered walkway.

15. QUESTION PERIOD:

Council received one question from the public regarding agenda items.

16. ADJOURNMENT:

It was moved and seconded at 9:56 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER