

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2022-SEP-29, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong (joined electronically, disconnected at 9:28 p.m.)
Councillor D. Bonner (joined electronically)
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/Deputy Chief
Administrative Officer
J. Holm, Director, Development Approvals
L. Rowett, Manager, Current Planning
T. Webb, Manager, Communications (joined electronically)
C. Horn, Planner
P. Carter, Planning Assistant
S. Gurrie, Director, 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. ADOPTION OF AGENDA:

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

3. PUBLIC HEARING REQUIREMENTS:

Mayor Krog advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and outlined the purpose and protocols for the Public Hearing.

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

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

4. PUBLIC HEARING FOR REZONING APPLICATION NO. RA479 - 2086 & 2090 EAST WELLINGTON ROAD, ZONING AMENDMENT BYLAW 4500.200

(a) Rezoning Application No. RA479 - 2086 & 2090 East Wellington Road

Mayor Krog called the Public Hearing to order at 7:04 p.m.

Introduced by Caleb Horn, Planner, Current Planning. He noted that six (6) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

1. Scott Mack, Townsite Planning, Lantzville, spoke regarding the application. Highlights included:
 - Site is located on a larger block of lands designated as light industrial and these lands are an important hub for economic development
 - The site will facilitate a proposed data centre
 - It is anticipated that there will be no more than 20 employees onsite at any given time due to remote work opportunities
 - Development maintains 20% of the existing tree canopy
 - Two potential future road connection options have been identified
 - The operation of computers within the proposed data centre will generate heat and therefore the building will require fans that generate some noise
 - To address noise concerns, additional steps will be taken at the development permit stage to ensure noise is mitigated
 - The community amenity contribution will go towards the City's Housing Legacy Fund and City park improvements
 - The development will exceed the BC Energy Step Code Rezoning Policy by one step

Mayor Krog called for submissions from the Public:

1. Meg Rintoul, Nanaimo, spoke in opposition, stating that there was a lack of information provided at the community consultation meeting. She spoke regarding the neighbourhood being a rare pocket of greenspace and an active transportation route. She expressed concern for increase in pavement, noise and traffic.
2. Kathryn Barnwell, Nanaimo, spoke in opposition, stating concerns regarding the constant hum and heat generated by data centers, the use of power and underutilized data centres competing for customers. She requested careful planning for a streetscape compatible with the present neighbourhood, and she expressed concern regarding having another access road to East Wellington Road.
3. Ken Kaktins, Nanaimo, spoke in opposition, and expressed concerns regarding the building being set too close to the road, the level of noise and energy that comes out of these plants, lack of information provided at the

community consultation meeting, high traffic in the area, the height of the building, and requested an increased setback.

4. Jennifer Kaktins, Nanaimo, spoke in opposition and stated that there's been a lack of information. She expressed concerns for radiation, the removal the trees, the height of the building, and increase in traffic and requested that the building be set back on the property.
5. Sharon Kofoed, Nanaimo, spoke in opposition, and expressed concerns regarding a data centre not being contemplated in the Official Community Plan (OCP), the large size of the warehouse, the site not being in a desirable location for employees due to its location being far from bus routes and amenities, additional traffic and emissions, and requested the lands east of the parkway be used first.
6. Peter Helm, General Manager, East Wellington Developments, Nanaimo, spoke in opposition to the application in its current form. He stated concerns regarding the new road connector, as well as expressed geotechnical and environmental concerns. He requested that Council apply a Section 219 covenant to this application until a road network assessment is done.
7. Matt McMaster, Nanaimo, spoke via telephone, in support, stating that this is an area of the City that was always meant to be industrial land, and that there is a lack of industrial land in the City.
8. Eric (last name was not stated), Nanaimo, spoke in opposition, stating concern for the noise pollution and constant hum that would be generated from the building.
9. Wayne Bianchin, Nanaimo, spoke in opposition, stating challenges with the bridge, blind corner, and hill on East Wellington Road and concerns with increased traffic in the area.
10. Kathryn Barnwell, Nanaimo, spoke for a second time in opposition, and requested that consultation be done for alternative proposals to be put forward that could work for everyone.
11. Jennifer Kaktins, Nanaimo, spoke for a second time, in opposition, and requested that Council consider the future impact of their decision. She spoke regarding the current peaceful environment and encouraged consideration for safe lane ways for active transportation.
12. Shelley Serabryn, Nanaimo, spoke via telephone, in opposition, and acknowledged the Climate Emergency declared by the City in 2019 and expressed concerns that the rezoning will go against climate action and data centres not being green development. She spoke regarding the importance of protecting agricultural lands, especially when there are identified wetlands.

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

13. Ken Kaktins, Nanaimo, spoke for a second time, in opposition, and spoke regarding how there is very little additional noise to the neighbourhood at night and expressed concerns regarding adding 24/7 noise to the neighbourhood. He requested that the proposed building be moved further back.
14. Scott Mack, Townsite Planning, Lantzville, spoke for a second time, in favour, and explained the reasons for the future road connector, that set back options have been considered; however, the development is unable to be set back further in order to meet tree canopy requirement. He advised that they have been working extensively with Staff to ensure the neighbourhood's concerns are addressed.

Council requested clarification from the applicant regarding the anticipated level of noise, the location of the site, and the depth of top soil on the site.

15. Peter Helm, East Wellington Developments, Nanaimo, spoke regarding the proposed temporary and permanent site access of the plans and ensuring that the development does not create future problems.
16. Meg Rintoul, Nanaimo, spoke for a second time, in opposition, and stated concerns regarding the hum that will be generated by the building and its effect on wildlife in the area.
17. Eric (last name was not stated), Nanaimo, spoke regarding regenerative agriculture.
18. Jennifer Kaktins, Nanaimo, spoke for a third time, in opposition, and stated concerns for wildlife in the area.

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

No one wished to speak regarding Rezoning Application No. RA479 - 2086 & 2090 East Wellington Road.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA479 – 2086 & 2090 East Wellington Road. However, Meg Rintoul, Kathryn Barnwell, and Sharon Kofoed, provided the Corporate Officer with written copies of their presentations for the minutes.

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.

Council recessed the Special Council (Public Hearing) at 8:10 p.m.
Council reconvened the Special Council (Public Hearing) at 8:18 p.m.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA479 - 2086 & 2090 East Wellington Road be closed at 8:19 p.m.

It was moved and seconded that Council defer consideration of “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) until the next available Council meeting. The motion carried.

Opposed: Councillor Brown

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA455 - 5378 RUTHERFORD ROAD, ZONING AMENDMENT BYLAW 4500.203

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

Mayor Krog called the Public Hearing to order at 8:20 p.m.

Councillor Brown vacated the Shaw Auditorium at 8:21 p.m. declaring a conflict on interest as he shares a lot line with the parcel located at 5378 Rutherford Road.

Introduced by Caleb Horn, Planner, Current Planning. He noted that five (5) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

1. Steve Johnson, Nanaimo, spoke regarding the application. Highlights included:
 - The proposed rezoning is from Single Dwelling Residential (R1) to Low Density Residential (R6) which aligns with the future land use of the OCP
 - After community consultation, R6 zoning was chosen for its minimal impact on the neighbourhood
 - Concerns expressed by the neighbourhood included tree retention and protection, parking, traffic, density, view corridors and elevations
 - A community amenity contribution is proposed to go towards the City’s Housing Legacy Reserve Fund
 - Applicants are dedicated to addressing concerns from the community

Mayor Krog called for submissions from the Public:

1. Roberta Hatch, Nanaimo, expressed concern regarding the development blocking the ocean view which would devalue her property.

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

No one wished to speak regarding Rezoning Application No. RA455 - 5378 Rutherford Road.

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

No one wished to speak regarding Rezoning Application No. RA455 - 5378 Rutherford Road.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA455 - 5378 Rutherford 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 RA455 - 5378 Rutherford Road be closed at 8:28 p.m.

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 third reading. The motion carried unanimously.

Councillor Brown re-entered the Shaw auditorium at 8:29 p.m.

6. PUBLIC HEARING FOR REZONING APPLICATION NO. RA475 - 444, 450, 500 COMOX ROAD, 55 MILL STREET, and 1 TERMINAL AVENUE, LAND USE CONTRACT DISCHARGE BYLAW 7355 AND ZONING AMENDMENT BYLAW 4500.204

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

Mayor Krog called the Public Hearing to order at 8:29 p.m.

Introduced by Caleb Horn, Planner, Current Planning. He noted that eleven (11) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

1. Frank D’Ambrosio, Victoria, spoke regarding the application. Highlights included:

- The proposed development is on a prominent site deserving of a landmark plan, and is consistent with the City’s land use plan and objectives
- Worked with City Staff on the dedication of waterfront parkland space, shore line creation and restoration, public pathway and accessibility
- Significant community amenity contribution is proposed
- The hotel is included in one of the first phases of the development and will generate economic activity downtown
- Detailed plans will be developed for each phase of the project and each will have its own design and consultation process

2. Deane Strongitharm, Victoria, spoke via Zoom. Highlights included:
 - Conducted archaeological impact assessment of the site, which included obtaining permits from the Province and notification to Snuneymuxw First Nation (SFN)
 - Archaeologist's report outlined all of the required steps and procedures to follow to ensure compliance with regulations
 - Notification had been sent to SFN and no response had been received
 - River restoration has been addressed with the City, consulting biologists and landscape architects
 - Met with SFN representatives and SFN did not convey opposition to the development
 - Believe that the proposed development would be a significant asset to the community

Mayor Krog called for submissions from the Public:

1. Chris Dubinsky, Nanaimo, spoke in opposition, stating concerns for those being displaced by the development. He spoke regarding the unaffordability of the high cost of rent, and he would like reassurance that there will be something available for those residents.
2. Greg Klein, Nanaimo, spoke in opposition, and expressed concerns regarding increased density, increase in rent and purchase prices beyond what people can afford, Nanaimo's low vacancy rate, and apartment style condos being marketed as investments to out-of-town buyers.
3. Wendy Payne, Nanaimo, spoke in opposition, stating concerns regarding significant increase in rent prices in the area.
4. Eric (last name was not stated), Nanaimo, spoke in opposition, stating concerns regarding the effect of big buildings on mental health, lack of parking at Maffeo Sutton Park, lack of areas to accommodate dogs, high density and requested that Council defer consideration of the bylaw to allow for more public consultation.
5. Greg Klein, Nanaimo, spoke for a second time, in opposition, stating concerns regarding the environmental impact, and that there has not been enough attention towards the impact this application will have on traffic and City services.
6. Bill Manners, Nanaimo, spoke via telephone, in favour, stating there is a need for a hotel in downtown Nanaimo and that downtown Nanaimo should be a focal point of the city.
7. Amish Kia, Nanaimo, spoke in favour, and spoke regarding the increase in housing prices and stated concerns for students having a place to live while attending university. He expressed that Nanaimo is underdeveloped and there is a need for downtown to grow in density.

8. Matt McMaster, Nanaimo, spoke via telephone, in favour, and expressed support for development in this area as it is focal point for downtown Nanaimo. He spoke regarding the allowances for park land and road dedication, and that it is a great addition for active transportation connections.

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

No one wished to speak regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

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

No one wished to speak regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal 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 RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue be closed at 9:05 p.m.

It was moved and seconded that Council defer consideration of “Land Use Contract Discharge Bylaw 2022 No. 7355” (to discharge an existing Land Use Contract from the property title of 500 Comox Road) until the next available Council Meeting. The motion carried.

Opposed: *Councillors Brown and Turley*

It was moved and seconded that Council defer consideration of “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) until the next available Council Meeting. The motion carried.

Opposed: *Councillors Brown and Turley*

Council recessed the Special Council (Public Hearing) at 9:13 p.m.
Council reconvened the Special Council (Public Hearing) at 9:25 p.m.

7. PUBLIC HEARING FOR REZONING APPLICATION NO. RA476 AND RA480 - 560, 604 FOURTH STREET, AND 361 HOWARD AVENUE - ZONING AMENDMENT BYLAW 4500.202

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

Mayor Krog called the Public Hearing to order at 9:26 p.m.

Introduced by Caleb Horn, Planner, Current Planning. He noted that twenty-six (26) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2022-SEP-29.

Mayor Krog called for submissions from the Applicant:

Councillor Armstrong disconnected from the meeting at 9:28 p.m.

1. Marc MacCaull, spoke regarding the application. Highlights included:
 - Strand Development is a family-owned developer, based in Vancouver with more than 40 years of experience
 - The proposal is a result of many discussions with Council, City Staff and community members
 - Development plans for this site include family oriented townhomes
 - This project is ideally situated to serve both future residents and current neighbours
 - Proposed development includes 168 family sized homes, all with a two-car garage, balcony and yard
 - An amenity building, and park with children's play area will also be provided
 - Improvements such as additional parking, bike lanes, sidewalks will be provided with the new road connection

Mayor Krog called for submissions from the Public:

1. Adrienne Iverson, Nanaimo, spoke in favour, stating that the Harewood neighbourhood has grown increasingly unaffordable, and this project will bring in homes at an attainable price point. Development is geared to young families and is in a desired location in close proximity to the University, schools, University Village Mall and Downtown Nanaimo. She added that the nearby amenities are in walking distance, and the park will be a great addition.
2. Gavin (did not state last name), Nanaimo, spoke via telephone, in favour, and stated that it is difficult for young families to afford a home. The development is in a great location close to the University and schools and believes the sizable park in the plan would be highly used.

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

3. Marinus De Jong, Nanaimo, spoke via telephone, in opposition, and expressed concerns regarding the multifamily dwelling creating strain on the infrastructure in the area. He spoke regarding the difficulty with traffic specifically during school start and end times.

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

4. Travis Briggs, Nanaimo, spoke in favour, and spoke regarding the housing crisis and how this development provides a good middle ground between a townhome and a single family home. He added that this is needed and that the development would be good for the area.
5. Amish Kia, Nanaimo, spoke in opposition, and stated concerns for lack of guest and street parking, and the need for student housing specifically for that area. He proposed considering an apartment building with underground parking.
6. Christine Fernando, Nanaimo, spoke via telephone, in favour, stating that the development is a great addition to the Harewood neighbourhood. She spoke in support of the location, and increasing housing supply in the area.
7. Sean McIntock, Nanaimo, spoke in favour, stating that there is a need for diverse housing inventory in our community. He spoke regarding the development being a fantastic addition to the neighbourhood, and expressed support for the dedicated park, amenities, and location, which allows walkability to surrounding amenities.
8. Jesse Miller, Nanaimo, spoke in favour, and stated that due to housing affordability, this development is a good option moving forward.

No written submissions were received at the Public Hearing with respect to Rezoning Application RA476 and RA480 - 560, 604 Fourth Street, and 361 Howard 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 RA476 and RA480 - 560, 604 Fourth Street, and 361 Howard Avenue be closed at 9:52 p.m.

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 third reading. The motion carried unanimously.

8. ADJOURNMENT:

It was moved and seconded at 9:58 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER