

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2023-JUL-27, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. Armstrong (vacated 7:06 p.m.; returned 7:38 p.m.)
Councillor T. Brown (joined electronically)
Councillor H. Eastmure
Councillor B. Geselbracht
Councillor P. Manly
Councillor J. Perrino

Absent: Councillor E. Hemmens
Councillor I. Thorpe

Staff: J. Holm, Director, Development Approvals
D. Fox, Manager, Building Inspections
P. Carter, Planner
C. Horn, Planner
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.

Mayor Krog explained the requirements for conducting a Public Hearing.

4. PUBLIC HEARING FOR REZONING APPLICATION NO. RA481 - 1224 MANZANITA PLACE - ZONING AMENDMENT BYLAW 4500.210

(a) Rezoning Application No. RA481 - 1224 Manzanita Place

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

Caleb Horn, Planner, introduced the application and noted that three (3) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-JUL-27 with respect to Rezoning Application RA481 - 1224 Manzanita Place.

Councillor Armstrong vacated the Shaw Auditorium at 7:06 p.m. declaring a conflict of interest as she is a family friend of the owners of Hazelwood Construction.

Mayor Krog called for submissions from the Applicant:

1. Hazen Fowler, VP Property Development, Hazelwood Holdings Ltd., outlined the application. Highlights included:
 - The proposal is designed to work within the natural characteristics of the area;
 - The rezoning does not allow for more density than the original R6 zoning, but rather accommodates a more compact building form to minimize site disruption;
 - All parking requirements are met on site; and,
 - A neighbourhood information session was held June of 2022, and the applicants have worked to address vehicle and traffic related questions through the design of the project.

Mayor Krog called for submissions from the Public:

1. Dr. Amelia Horsburgh, spoke in opposition. She noted appreciation for the proposed aesthetics of the development; however, spoke regarding concerns with traffic, noise and safety for pedestrians. She stated that vehicles parked along the narrow street block school busses and expressed concern for emergency vehicle access if needed.

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

2. Bob Duong, spoke in opposition, noting the narrow entrance to Amphion Terrace and stating that the proposed development will increase density in one corner which disproportionately places all the noise and impact to that area. He expressed that there is an overall concern in the neighbourhood regarding the development and noted the neighbourhood's desire to establish a neighbourhood association. He also noted concerns with vehicles such as visitors, delivery drivers and taxis blocking Amphion Terrace.
3. Blake Murphy, via telephone, spoke in opposition, stating concerns with traffic, densification, and the lack of transit and amenities in the area. He also noted concerns with a secondary entrance of the development leading onto Amphion Terrace.
4. Terje Lovoy, spoke in opposition, stating concerns regarding ongoing difficulty getting through the area, and expressed concern regarding an unofficial entrance to the development through Amphion Terrace and the amount of traffic/parking that entrance will bring to Amphion Terrace. He requested that

if the proposal is approved, the only entrance be on Manzanita Place. He also noted concerns with other properties in the area potentially also being rezoned to R8.

5. Teri Palynchuk, spoke in opposition, stating concerns regarding parking and the amount of increased traffic on Manzanita Place during construction. She noted that Manzanita Place is a dead-end street which causes concern for access in and out of the area. She also noted the importance of the protected rock bluff area on the property.

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

No one wished to speak regarding Rezoning Application No. RA481 - 1224 Manzanita Place.

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 RA481 - 1224 Manzanita Place be closed at 7:30 p.m.

Councillor Perrino asked Staff for clarification regarding the anticipated entrances for the development.

Caleb Horn, Planner, confirmed that the conceptual drawings show all vehicle access come in and out on Manzanita Place, and there are pedestrian entrances facing Amphion Terrace and Ocean Pearl Terrace.

Councillor Manly asked Staff for clarification regarding the covenant on the property and the review of the on-site design.

Caleb Horn, Planner, confirmed that the covenant on the property is not intended to be removed and noted that Staff have heard the concerns expressed by the neighbourhood and on-site design will be addressed at the time of the development permit.

It was moved and seconded that “Zoning Amendment Bylaw 2023 No. 4500.210” (to rezone 1224 Manzanita Place from Low Density Residential [R6] to Medium Density Residential [R8] with site-specific density) pass third reading. The motion carried unanimously.

Councillor Armstrong returned to the Shaw Auditorium at 7:38 p.m.

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA489 - 355 NICOL STREET - ZONING AMENDMENT BYLAW 4500.209

- (a) Rezoning Application No. RA489 - 355 Nicol Street

Mayor Krog called the Public Hearing to order at 7:38 p.m.

Caleb Horn, Planner, introduced the application and noted that five (5) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-JUL-27 with respect to Rezoning Application RA489 - 355 Nicol Street.

Mayor Krog called for submissions from the Applicant:

1. Andrew Sutherland, Snuneymuxw First Nation (SFN), introduced those in attendance who are partnerships in the proposed development.
2. Joan Brown, Snuneymuxw First Nation, spoke regarding the intent of the development. She spoke regarding building on an ancestral knowledge and way of being, honouring both the natural world and family, integration with the whole community, and all working together to provide support and drawing on each other's strengths.
3. Maris MacDonald, MHArchitect, noted the building was developed in partnership with Snuneymuxw First Nation, and the goal of the development is to establish a living and healing space connected to the land and community. The small courtyard incorporates native and traditional plants, and provides a sensory experience. He spoke regarding how the design fosters connection to the land and greater community. He noted that the proposed development includes 35 studio units and shared laundry, and further engagement and exploration is still needed in regards to the right-of-way and parking.

Mayor Krog called for submissions from the Public:

1. Hugo Tarko, spoke in opposition, stating concerns regarding the height of the building with windows facing adjacent properties. He expressed concerns regarding safety and privacy noting an ongoing problem with drugs, homelessness and garbage in the area as well as concerns regarding noise coming from the right-of-way.

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

No one wished to speak regarding Rezoning Application No. RA489 - 355 Nicol Street.

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

2. Violet Hayes, Island Crisis Care Society, spoke in support. She spoke regarding the success of the Samaritan Place at 702 Nicol Street and noted opportunity to share resources and programs. She expressed confidence that Snuneymuxw First Nation will do great job at operating the housing development.

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 RA489 - 355 Nicol Street be closed at 8:00 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2023 No. 4500.209” (to rezone 355 Nicol Street with site-specific density and height provisions within the Community Service One [CS1] zone) pass third reading. The motion carried unanimously.

6. REPORTS:

(a) Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 450 Wentworth Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 450 Wentworth 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 450 Wentworth Street for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started without a Building Permit - 2232 Wilgress Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started without a Building Permit - 2232 Wilgress Road.

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 2232 Wilgress Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started without a Building Permit - 2-2210 Wilgress Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

Xiyang Yu, property owner, informed Council that prior to this notification, he was unaware of the bylaw contravention. He expressed intention to ensure that the workplace is safe, and noted the difficulties he's faced in obtaining a building permit.

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 Unit 2, 2210 Wilgress Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Started without a Building Permit - 5353 Dewar Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started without a Building Permit - 5353 Dewar Road.

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 5353 Dewar Road 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 - 847 Victoria Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started without a Building Permit - 847 Victoria Road.

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

7. ADJOURNMENT:

It was moved and seconded at 8:28 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

C O R P O R A T E O F F I C E R