

From: [REDACTED]
To: [REDACTED]
Subject: Rezoning of the Howard Johnson hotel
Date: Thursday, April 4, 2024 6:26:52 PM

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Hello,

The old Howard Johnson hotel is a fire hazard and it should be demolished.

Sincerely

Gail Loggie



Snuneymuxw

First Nation

www.snuneymuxw.ca

Dec 4, 2023

Dale Lindsay
Chief Administrative Officer
City of Nanaimo
455 Wallace Street,
Nanaimo, BC V9R 5J6

Dear Dale,

**Re: Rezoning Application RA000475 Sxwayxum Village Site,
1 Terminal Avenue, 55 Mill Street, and 444, 450 and 500 Comox Road
(the “Subject Property”)**

I write today to provide further comments from Snuneymuxw First Nation (“SFN”) on the Rezoning Application RA000475 (the “Rezoning Application”). As you know, we have provided you with substantive arguments in prior correspondence from our legal counsel as to why the Rezoning Application should be denied. We continue to stand by the positions we have taken in that prior correspondence which are based upon the rights enshrined in our 1854 Saarlequn Snuneymuxw Treaty with the Crown. In this letter, however, in recognition of the limitations you’ve identified in your decision-making process, we have chosen to provide you with additional perspectives on why the Rezoning Application should be denied, including specific commentary on the nature of the proposed development.

The Rezoning Application contemplates a mixed-use residential, commercial, and hotel development and subdivision, with a potential for 760 dwelling units on the overall site. Concerns that SFN has identified with the proposal include:

1. Failure to satisfactorily address the environmentally sensitive area at the mouth of the Millstone River.

The Millstone River is identified on the Nanaimo *City Plan* as an Environmentally Sensitive Area (“ESA”), including the river bed and all area within 30m from the top of bank, and as such is subject to the Development Permit Area (“DPA”) guidelines for form and character, watercourse protection, and sea level rise. The August 29, 2022 Staff Report for Decision (the “Aug 22 Staff Report”) relating to the Rezoning Application indicates that “for the purposes of rezoning the applicant has demonstrated the suitability of the conceptual site plan as it relates to the relevant DPAs”, which would normally require compliance with the Provincial Riparian Areas Regulation (“RAPR”). The Aug 22 Staff Report goes on to say, however, that in this case of this Rezoning Application the 30m setback from the top of bank would not be required because “this portion of the

Millstone River is an estuary with marine and riparian characteristics; and the RAPR is not applicable to this section of the river.” As such, “At the time of subdivision, a development permit application and variance to the watercourse setback is anticipated for the siting of the proposed street and multi-use trail based on the plans provided (approximately 15m and 10m from top-of-bank, respectively).”

SFN does not feel that there is sufficient justification to avoid the application of the Provincial RAPR to the Subject Property. The 30m setback is the minimum required, in SFN’s view, to ensure that the purpose of the RAPR is met, i.e. to protect the many and varied features, functions and conditions that are vital for maintaining river health and productivity. By reducing the setback to 15m and 10m, the Rezoning Application will reduce the functions and conditions that are vital for the river’s health, including:

- Sources of large organic debris, such as fallen trees and tree roots
- Areas for stream channel migration
- Vegetative cover to help moderate water temperature
- Provision of food, nutrients and organic matter to the stream
- Stream bank stabilization
- Buffers for streams from excessive silt and surface run-off pollution

We have found no support in the RIPR for the exclusion of the mouth of the Millstone River and the subject property from the RIPR’s requirement for a 30m setback. The area falls within the definition of a “stream” or “wetland” in the RIPR, and the setback requirement applies. In the event of any discretion available in the application of the RIPR to the Subject Property, we feel that the Applicant has made insufficient efforts to pursue alternative proposals, including a resiting of the street, such that the 30m setback requirement could be met. In our view, the proposed conceptual park plan (Attachment E of the Rezoning Application) will **fail** to provide a net environmental improvement from the current stream condition, and will significantly damage a sensitive area of the stream. The finding of a net environmental improvement is unsupported by any professional assessment, and is frankly absurd in light of the heavy proposed use of the park space, including a proposed pedestrian walkway and lighting. The suggestion that the mouth of the Millstone River is an urban coastal environment that is less worthy of protection than the riparian areas upstream is, in our view, incorrect. The mouth of the Millstone River is not a typical urban area, but rather is bordered by the Maffeo-Sutton park and has benefitted from limited development on both sides. The Rezoning Application represents a significant shift and downgrade in its protection, and the Aug 22 Staff Report is erroneous in its decision that the RIPR can be avoided and that the Rezoning Application represents a net environmental improvement.

2. Failure to satisfactorily address the site’s archaeological significance.

The Applicant has provided a Stantec Archaeological Impact Assessment (“AIA”) for Rezoning Application. SFN engaged Landmark Resource Management Ltd. to review the AIA. The Landmark review identified the following significant concerns, which SFN supports and reiterates here:

- The assessment of low archaeological potential in Test Area 3, the western parking lot and surroundings, and the subsequent recommendation for a chance

find procedure in lieu of a monitoring or concurrent inspection program is not appropriate given the high frequency of significant archaeological components in close proximity to this location. We believe that there is high probability that an archaeological site was missed in this area given the shallow depth machine tests in Test Area 4. The AIA fails to include a quantitative evaluation of their trenching program's effectiveness, which is a requirement of an archaeological assessment report.

- Additionally, Test Area 4 (and the untested portions of the Subject Property surrounding it) area less than 50m from site DhRx-104, where two ancestral burials and a small shell midden deposit were identified. Ground alternations, such as machine stripping or trenching, have the potential to expose deposits such as intact, isolated midden remnants (pocket middens), hearth features, and cut-and-fill features associated with habitation structures such as post mounds, as were observed at DhRx-101 nearby. Two intact burials were identified at DhRx-104 and the remains of as many as 10 individuals were recovered at site DhRx-101. A petroglyph at DhRx-31 is reported to have been unearthed during bridge construction when workers were exposing bedrock for the installation of footings. As such, Landmark has recommended that the western area of the parking lot of the Subject Property, and the areas between the parking lot and the project area boundary to the north and the east, area also included in the archaeological monitoring program, and subject to carefully controlled machine-stripping under the direction of a qualified archeologist. The AIA provided by the Applicant is deficient in dealing with these matters appropriately.
- SFN is particularly concerned given that the Rezoning Application contemplates construction of underground parking.

3. Failure to adequately address neighbourhood and historical context.

The Subject Property sites squarely upon the historical Sxwayxum Village site, as clearly identified by SFN and recognized in the Nanaimo *City Plan*. Nevertheless, nowhere in the Applicant's application does there appear to be a reference to the history of the Swayxum Village and as such, it fails to recognize the site's cultural and historical importance which are so central to the ideas presented in the Nanaimo *City Plan*.

Incredibly, the Applicant's Mission Statement for the Subject Property ignores the pre-colonial history of the site entirely: "*The Millstone Riverfront Project is a comprehensive urban design plan for the redevelopment of a 7.2 acre property at the north-west edge of Downtown Nanaimo. Situated in the Millstone River Valley and adjacent to Maffeo-Sutton Park, the land has seen a number of historic uses come and go. From the earliest colonial times, the river has been the source of power and water for sawmills, and the upland areas served as one of the early electrical power generation facilities for the City. In the last few decades the site has been mainly the site of a motor inn, an inter-city bus terminal and surface parking. This plan projects into the future and envisions a mixed-use, multi-building neighbourhood that will complete the northern edge of Downtown as well as provide connection to the river and related amenities for the adjacent existing residential neighbourhood.*" (from Rezoning Application Support Documents dated July 22, 2021, Mission Statement).

The City of Nanaimo has recognized the richness of its pre-colonial history, not least by including reference to that history in its *City Plan*. The Rezoning Application, by failing to recognize this history and incorporate it into its ideas for the Subject Property, is failing to meet the basic requirements of the *City Plan*. For example, the proposed Zoning Bylaw creates sub-zones within the Subject Property with its own provisions for permitted uses, density and building height. No provision has been made in those sub-zones for the built forms and density to be connected in any way to the history of the site. On the contrary, the Applicant is being provided with total flexibility as to how the site may be developed, taking into account only the Applicant's commercial interests. There are much better ways in which a development on this site could address and incorporate the site's indigenous history in ways that would improve the residential and commercial character, which would properly recognize and foreground the unique nature of Nanaimo's heritage, and which would still permit a commercially-viable development to be built. Unfortunately, the Rezoning Application fails on this ground and, as such, represents a lost opportunity for the City and its residents.

4. Inadequate Community Amenity Contribution.

The Applicant has proposed a Community Amenity Contribution ("CAC") value of \$2,282,778. For a project of this scale and size, where over 700 residential units are contemplated, this proposed CAC is comparatively miniscule. Furthermore, in light of the RAPR relief provided to the Applicant (see above), it is SFN's view that the Applicant has inappropriately benefitted from "double-counting" of the proposed park improvements. The apparent intent of the park improvements alongside the riverbank is to provide for a "net environmental benefit," which justified (in the City's view) a departure from the RIPR. In another section of the Aug 22 Staff Report, however, the City has indicated that the park improvements (with a public walkway, seating, lighting, etc.) are to be counted as a CAC. Putting aside how the supposed "improvements" to the park are in fact causes of negative environmental impact, it would seem that the Applicant has succeeded in dictating an absurd situation: i.e. justifying a detrimental environmental impact by calling it a CAC.

The CAC should be much more significant in light of the size of the proposed development and its commercial value, even at this rezoning stage. The Applicant has failed to show any proportionality of the proposed CAC to the scale of the proposed development.

SFN has additional specific concerns relating to the Rezoning Application, but in the interests of time and as we raise the above in advance of your next Council meeting on this matter. We also maintain our objections with respect to our Treaty rights as outlined in prior communications from our legal counsel.

We feel that the comments above are sufficient to support a **denial** of the Rezoning Application at this time. We urge Council to consider these comments in the constructive spirit with which they have been provided, a spirit which considers not only the interests of SFN but also the interests of our community at large, and which is offered in the larger context of reconciliation between our governments.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Wyse', written in a cursive style.

Chief Michael Wyse

From: [REDACTED]
To: [REDACTED]
Subject: Public Hearing on Thursday, April 18th
Date: Monday, April 15, 2024 11:32:48 AM

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I wish to submit two questions/concerns about the above public hearing for the City Of Nanaimo Zoning Bylaw 2011 No. 4500.

My name is Ms. P. A. Giovando and I reside at [REDACTED] and my home phone number is [REDACTED].

First question is in regards to the upkeep and maintenance of the Trans-Canada Trail - "The Great Trail. Who will be taking on the responsibility to maintain this route from the end of Mill Street, under the bridge to the Maffeo Sutton Park . This walkway is well used with many pulling grocery carts or pushing buggies or riding bikes.

And the second question goes to the concern of the use of this area for overflow parking when any major event is hosted at the Maffeo Sutton Park. Often large trailers off-load at the park and then drive over and park during the event at the old bus parking area or by the Howard Johnson parking lot itself. And of course many families attending these wonderful events park their vehicles there when the actual parking places are full in the park itself. Will this type of necessary parking area still be available...has it been written into the future layout plans?

Thank-you for considering my concerns, Patricia Giovando

From: [REDACTED]
To: [REDACTED]
Subject: New form entry is submitted - Public Hearing Submission
Date: Wednesday, April 17, 2024 7:47:56 AM

[Public Hearing Submission](#)

Submitted on 17 April 2024, 07:47 AM

Your Name	Paul Roland Gogo
Your Address	[REDACTED]
Bylaw Number or Subject Property Address Which You Are Addressing Your Comments	444, 450 and 500 Comox road
Comments	We have Nanaimo homes on Protection Island, [REDACTED], and also a [REDACTED]. This development will connect us between locations. We think it is great! Along with this development, we have one suggestion: The path (trail) under the Pearson Bridge (Under the highway) receive some attention towards upgrades. It would need to be as beautiful as the rest of the development. It could be well-lighted at dusk, giving it a better feeling of security. This is a very important section because it is the main pedestrian interface to the waterfront section of town. It is already well-travelled and has the potential to be a true gem of the town. It is nice to see Nanaimo become more modern. Congratulations to all involved. Thank you Paul and Dawn Gogo

From: [REDACTED]
To: [REDACTED]
Subject: Input for RA000475
Date: Thursday, April 18, 2024 10:46:26 AM

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My address [REDACTED] and I oppose the development.

Do you know that estuaries can have more bio diversity than tropical rainforests?

The environmental report although good, missed that owls inhabit the area as well as if we really think about how far the estuary environment would naturally go, it would be much farther than the parking lot.

Also the estimated carbon capture for estuaries is at least twice if not much more than forested areas.

Lastly the houses and apartments that would be demolished serve a certain type of population that certainly could not afford the new housing, you would be making a good deal of them homeless.

And the province has yet to rule.

This is for bylaw # 4500.204

Subject property:

LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318 EXCEPT THAT PART IN PLAN 48701 [P.I.D. 001-456-202] LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW [P.I.D. 001-456-156] AND LOTS A & B, SECTION 1, NANAIMO DISTRICT, PLAN 3360 (1 Terminal Avenue);

LOT 5, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THAT PART IN PLAN 15275 (444 Comox Road);

LOT C, SECTION 1, NANAIMO DISTRICT, PLAN 15272 (450 Comox Road);

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 15272, EXCEPT IN PART PLAN 49116 (500 Comox Road); and,

LOT 25, BLOCK 48, SECTION 1, NANAIMO DISTRICT, PLAN 584 (55 Mill Street)

From: [REDACTED]
To: [REDACTED]
Subject: Re: Bylaw number 4500.204; rezoning application RA000475; bylaw number 7355
Date: Thursday, April 18, 2024 1:08:17 PM

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Higher density benefits developers but threatens affordable housing

Re: Bylaw number 4500.204 for 444, 450 and 500 Comox Road; 55 Mill Street; and 1 Terminal Avenue. Rezoning Application RA000475.

And bylaw number 7355; Land Use Contract for 500 Comox Road.

I oppose the rezoning application and related Land Use Contract alteration.

The former Howard Johnson area has lots of potential to benefit Nanaimo. But this proposal has none. The call for higher density would inflate housing costs, pushing rents and purchase prices beyond what most Nanaimo incomes can afford. The proposal would repeat mistakes made by Vancouver and other cities, benefiting only developers and speculators.

This kind of development doesn't serve the local population. Instead, it attracts a growing population of affluent retirees and others from across Canada and elsewhere who can afford prices that local people can't.

That's similar to the problem facing Vancouver, Toronto and other cities big and small. It's been documented by many North American and other academics, including Andy Yan of Simon Fraser University and Patrick Condon of the University of British Columbia. They've both analyzed how higher-density rezoning inflates property prices, assessments and rents, often beyond what local people can pay.

Condon points out that Vancouver “has added more housing units per capita than any city in North America over the last 30 years, yet housing prices have increased faster in Vancouver than any other North American city.”

Housing prices include rents. Vancouver has Canada’s highest.

Condon has further stated that the main beneficiaries of higher-density rezoning “are the land owners and speculators.”

As for rental vacancies, Nanaimo does have a low vacancy rate overall. But we have a surplus of vacancies in the higher-priced bracket. That’s been the case for years, showing what’s recognized in other cities: There are separate rental markets for separate income brackets. There’s no trickle-down benefit.

Today you can quickly buy or rent within just a few minutes’ walk from the rezoning proposal—if you have the money. The building at 20 Barsby Avenue opened in 2021 yet always seems to have vacancies for those who can afford the prices. Local real estate agents have even resorted to marketing these units to out-of-town buyers, not as places to live but as speculative investments.

Barsby Avenue is just one example. Higher-priced developments in many parts of Nanaimo currently have homes for sale or rent, offering immediate or quick possession. They’re readily available, to people who have that kind of money.

Those prices don't just freeze out lower-income and fixed-income people. Middle-income people are increasingly struggling, whether as renters, mortgage-burdened owners or would-be buyers.

Furthermore higher-density rezoning is contagious. It’s used to justify the demolition and redevelopment of nearby neighbourhoods. Again, this has been demonstrated in

Vancouver and other cities where renters live in apprehension of rezoning and subsequent eviction prior to demolition. Higher-density becomes the standard, driven partly by higher property assessments, and by higher expectations from landlords or from speculators who buy up these properties. Developer-friendly councils claim that nearby streets and neighbourhoods are “under-developed.” Affordable three- and four-storey rental buildings get rezoned and demolished for higher-density, higher-priced buildings.

Another point briefly, higher-density development also brings environmental problems. Developers claim these projects respond to climate change. But studies conducted for Vancouver, Surrey, Victoria, Seattle and B.C. Hydro have found that lower-density housing results in fewer greenhouse gas emissions.

Additionally, council hasn't considered the cumulative effects of Nanaimo's unprecedented development boom. The city has already fast-tracked two other very large rezoning applications, Bowers/Green Thumb and Sandstone, as well as lots of other significant projects. Some council members talk about demolishing and redeveloping downtown. Most of these projects and proposals take place along a north-south route on or near Terminal Avenue. You're not giving nearly enough consideration to the effects on traffic and a host of city services, let alone affordable housing.

Another aspect of the developers' agenda should be considered. This proposal has gone through unusual, probably unprecedented procedures for the number of times it's come to a public hearing and “final” reading. According to a media report, this third public hearing resulted from a developer's request. That raises the question of why council acquiesced, and why the developer asked. Will we see a choreographed display of astroturf support?

Also on the topic of the developers' agenda, this is an issue which politicians at all levels of government spin to the developers' advantage. That political unanimity has disenfranchised

lower- and middle-income Canadians.

What's stopping Nanaimo city council from taking a contrary approach? You can consider the many academic reports, the troubling scenarios of other large and small Canadian cities, and the opportunity to present Nanaimo as an inspiring example.

You can insist on development that actually benefits people with local incomes.

