From:	
Sent:	Monday, September 19, 2022 5:22 PM
То:	Public Hearing
Subject:	Bylaw No.4500.204 & 7355
	ail originated from outside your organization. Exercise caution when opening attachments becially from unknown senders.
I live at, n	near the area that is in question. I have a question regarding all the construction that is
I presented a request	that residents be allowed to park our vehicles for longer than 24 hours and not have to the vehicles without being fined.
Mr. Krog made a sta	atement that the residents of moved into this building knowing that there were spaces available, but made the decision to move anyway.
I need to let you kno	w that when I moved in, there was space directly across the road from the building that the trees on after I was living there for a year. Also, there were not many vehicles that were
parked on Mill St.	tices on after I was fiving there for a year. Also, there were not many vehicles that were
Thanks to the efforts	, we have temporary parking on both sides of Mill St, and that seems to
have helped a great of	
1 0	many parking spaces are going to be made available for the new housing, as well as all the
	be built in this area? How will that impact those of us who already have very little parking
spaces available?	-

Subject: Public Hearing September 29/22

Date: Friday, September 23, 2022 7:25:34 PM

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We're very pleased about this development, but the walkway must be protected.

As a condition of development, the developer should be required to upgrade the walkway and dedicate it as a public walkway.



Sent from my iPad

Subject: Please reply "received"......Letter of support with question.....Sept. 29 2022....rezoning application- RA 000475

Date: Sunday, September 25, 2022 8:11:26 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Whom it may concern (City of Nanaimo),

We are in support the rezoning application RA000475.

We are excited about the development plan and wish to congratulate and encourage the developers. It is brave, brilliant and world-class.

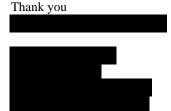
We have three requests:

- 1 —— Please, we wish to continue to have pedestrian (walking and cycling) access from Mill Street to Maffeo Sutton Park via the waterside (Trans Canada Trail) during construction (and in perpetuity).
- 2 We ask that the developers (and the city) collectively line-up a pathway connection path/trail with the Existing Underside pathway under the Pearson Street Bridge.
- 3 We ask that the City invest in an improved version of the underside of the Pearson Street Bridge.

This is the very important interface between the neighbourhood and our beautiful waterfront, and it will be getting a whole lot more foot and cycle traffic with the success of this beautiful development.

We ask that the City take a modern approach to redesign the lighting and general aesthetics (and safety features). Improvements should be in keeping with the scale, grandeur and beauty of this amazing development.

This will truly be the gateway to the city!



From:
To:
Public Hearing
Subject:
RA000475

Date: Monday, September 26, 2022 4:18:20 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Council,

In the staff report for decision it was said

"An existing parking lot at Maffeo Sutton Park will continue to provide parking for park users."

This collection of photos from nearly every event over the summer proves otherwise:

https://drive.google.com/drive/folders/1HSPT_Nnd8ZaLOlpjs51QkDCA-Cfimw8w?usp=sharing

Nearly every event this summer at Maffeo there was significant use of the proposed properties.

"The applicant has demonstrated that all required parking could be provided onsite with underground parking, under-the-building parking, or private garages in the case of the townhouse lot."

How many parking spots are dedicated for the proposed townhouse garages for example?

If you do an assessment of the 50 mill street building although they only have one garage spot, most units have two vehicles and some even more. That is the reality as more people fit into buildings, there are more vehicles.

Additionally if you come at night to the end of Mill street, you will usually find that there are many vehicles parked on the properties subject for development.

I really like what the city has done in creating parking on both sides of Mill and slowing down the traffic to make it a safer place for kids, but if all the vehicles that are usually parked at night (8+) in the current parking lot or next to the grass patch were parked on Mill street, there already would not be enough space.

The city of Nanaimo has already had a hand in creating a situation where there is not enough space for the people who live down there, please help create a better space.

Thank you,



Subject: [Lack Of Parking on Mill Street] New message received from

Date: Monday, September 26, 2022 8:14:19 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Sick and tired of broken glass, garbage , vandalism and the lack of parking and the lack of concern from lack of support from police and bylaw making this a safe place

Subject: [Lack Of Parking on Mill Street] New message received from

Date: Monday, September 26, 2022 8:29:48 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



I had to give up my car because lack of parking. No parking. No help.

Thank you

From:

Sent: Tuesday, September 27, 2022 8:02 PM

To: Public Hearing

Subject: <u>[Lack Of Parking on Mill Street]</u> New message received from

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Name: Company: Email:

Please read my extensive parking report that I submitted to Council for their review. The parking is already a nightmare in this neighborhood we can't put more pressure on this area.

Subject: Comments on bylaw # 4500.204 & 7355 (1 Terminal Project)

Date: Wednesday, September 28, 2022 11:36:39 PM

Attachments: comments-bylaw-4500.204 and

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Regarding bylaw # 4500.204 & 7355

Located at 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue Also known as the "1 Terminal" project.

See: https://www.nanaimo.ca/whatsbuilding/Folder/RA000475

I oppose the approval of the rezoning unless conditions are added to improve certain pedestrian & cycling connections (desire-lines), as well as necessary changes to enhance and better use the riverside portion of the site - including elimination of grade separation between the site and the riverside path. I believe these changes are sensible, reasonable, and will improve the site's functionality for the public benefit.

An additional suggestion is to have more of the ground-level units as commercial or live-work zoned, as well as redesigning the intersection facing corner to make the site more inviting to pedestrians.

Further details and illustrations are provided in the attached document. Thank you kindly.



Public-space improvements for "1-Terminal" project concept

This post has several suggestions regarding the "1 Terminal" project concept (and rezoning application), with particular focus on public space opportunities. This post does not address other, ever present, concerns such as affordability and carbon-negative targets.

As a local citizen with a long-standing interest in liveable public space, I am concerned about several aspects of the 1 Terminal project. Some simple changes would greatly improve the usability of the space and would not be onerous. I am presenting these suggestions for **improving** pedestrian & cycling connections, increasing the public space along the riverfront, and enhancing the site's most public edges.

References (City of Nanaimo):

<u>Rezoning Application (RA000475)</u>,

<u>Rezoning Application Report</u>,

<u>Public Hearings Info</u>

I request that the City of Nanaimo include the following conditions for approval of this rezoning application.

Probably the easiest to achieve, is the identification & realization of <u>desire-lines</u>. Two clear desire-lines on the subject property.

One of the significant desirelines is the connection from the main intersection, and the rest of downtown, to Mill Street – which is itself a connection to the E&N Trail. The project concept provided in the rezoning application already has an open

space that would easily allow for



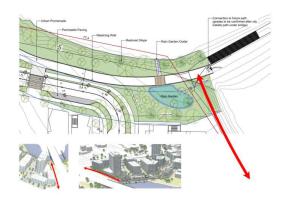
A pedestrian & cycling path connecting directly to Mill Street (and the E&N Trail that it connects to).

a pedestrian/cycling path along this axis.

The planned sidewalk and bike lane along Comox does not allow for a smooth and intuitive connection to Mill Street. Desire-lines are routes that pedestrians & cyclists will seek out whether or not designed for.

Designing for these desire-line paths creates a more intuitive network of connections that people will find easier to understand and make use of. Allowing visitors, and citizens unfamiliar with the area, the ability to intuitively find their way through the site.

Note that the City of Nanaimo has added a requirement for a path between Buildings D & E (as can be seen on the concept drawings, and mentioned in the report); similarly the City can require this additional path connecting Mill Street in the conditions for rezoning.



A natural desire-line exists along Terminal from the intersection down to the riverfront. This desire line should be accommodated for as it will be taken one way or another – and it makes sense.

Another very likely desire-line, that people will forge themselves if it isn't provided for, will be the connection from Terminal Ave down to the riverfront. This connection currently exists and is an obvious and direct path presented to anyone standing on Terminal (or at the intersection).

A path parallel to Terminal, connecting the street & intersection to the riverfront,

appears to fit easily into the existing plan. Much of the space between the 1-Terminal project's land and Terminal Ave is already a City owned right-of-way.

See also the active-frontage suggestion later in this document, regarding enhancing the ground-level use along the Terminal Ave frontage.

This path should be a direct connection from the intersection (and Terminal Ave) to the riverside path. The desire-line is a direct route to the riverside path and should not require a detour (west along the site to the currently proposed entrance point onto the riverside path). We should

be making pedestrian & cycling connections easy, not forcing people to take detours. The currently proposed site slope may create complications for this connection, in the worst case scenario I believe stairs would allow for this direct-connection, however a sloping interface would greatly improve the functionality of the path and site in general – especially for cyclists and the mobility-challenged.

The "1 Terminal" concept could be adjusted to allow for additional public park space, while also fixing the barrier presented by the grade separation between the site and the riverside path.

Removing the central portion of the Millstone Crescent street, along the river (as illustrated), would allow for a significant increase in public park space and allow for the landscape to roll gradually down to the riverside path rather than requiring a grade separation. This grade separation (as presented in the concept) creates a barrier to movement, reducing usable space, and allows for movement only along the designated route.



Removing the central portion of Millstone Crescent (along the riverfront) would remove through traffic, greatly increase public space, and fix the landscape barriers shown in the original concept.

The potential for this riverside site is much more. Removing the grade separations and creating a sloping gradient would open the space for use as a public place, more than just a transit route. It would also create a friendlier and safer pathway, with the removal of the grade separating wall.

The current grade separation also prevents people from connecting through the site as desired. As an example, a person who walks from Maffeo-Sutton Park under the overpass could not immediately head up into the site, but rather has to continue further to where the grade separation allows it. This also makes other connections more difficult,

including the desire-line from the north-east corner of the site up to the intersection of Terminal & Comox.

The elimination of through-traffic along the riverfront would not cause any issue with regards to connections, as there seems to be little need for traffic to flow through that section of street considering the neighbourhood layout and other streets available.

The resulting through-traffic reduction would create a calmer, safer, and more pleasant space for residents and visitors to enjoy.

I recommend changes to the project plan allowing for a gradual slope down to the riverfront path along the entire northern site, enabling increased public space as well as a safer and more useful riverfront pathway. In particular, the elimination of the grade separation between the riverside path and the rest of the site is important for connectivity and creating a comfortable public realm.

Notably, the City of Nanaimo is not applying the 30 meter riparian setback to this site; however we should be seeking to use this space for public and environmental benefit rather than non-integral automobile traffic.

This project could provide greater ground level opportunities, including commercial and live-work units, particularly along the site's most public edges.



Additional active ground level frontage (commercial or live-work zoning) would allow for more of an engaging and livable neighbourhood, plus a soft transition from downtown to residential areas.

The project concept does not make it clear what the ground level usage will be, but I am concerned about the lack of active-frontage on this site, particularly on the most public edges of the site.

The ground level units along Terminal, on Comox near the intersection, along the riverfront and possibly some inner corners,

could be a successful mix of commercial and live-work units. This would

allow for a better transition from the downtown district, as well as making use of this prime property along the river.

Furthermore, the intersection corner could be opened up to invite connection into the site rather than being a barrier to pedestrian traffic. The hotel might be designed as a component within a commercial corner leading people into the site and down to the river. Shops, restaurants, and the like would



Opening the buildings at the intersection to welcome pedestrians into the neighbourhood rather than creating a barrier.

create a more livable neighbourhood and a more interesting city.

Imagine walking down through a future downtown, into this site and having lunch from a shop on a riverside park.

"The City Plan identifies the subject properties as within the Downtown Primary Urban Centre include a mix of low-rise, mid-rise, and high-rise buildings typically in mixed-use form with **groundfloor**commercial and residential / office above."

From: City of Nanaimo
To: Public Hearing

Subject: New form entry is submitted - Public Hearing Submission

Date: Thursday, September 29, 2022 11:24:25 AM

Public Hearing Submission

Submitted on 29 September 2022, 11:24 AM

Your Name	
Your Address	
Bylaw Number or Subject Property Address Which You Are Addressing Your Comments	Rezoning Application 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
Comments	Excessive density threatens affordable housing I oppose the rezoning application. Obviously something has to be done with that area. It's a neglected space with lots of potential. But this proposal calls for density that's unnecessary for Nanaimo's organic population growth and detrimental to affordable housing. The proposal will continue a recent Nanaimo trend that repeats Vancouver's mistakes. There are a number of problems, but I'll focus on how excessive density inflates housing costs—both the cost of buying and renting a home. Developers and their supporters promote higher density through misinformation about Nanaimo's population growth and rental vacancy rate. In fact new development largely causes Nanaimo's population growth. It mostly results from affluent retirees attracted by real estate hype. Their spending power pushes rents and purchase prices beyond what local people can afford. That's very similar to the problem facing Vancouver and other cities. It's been documented by academics like Andy Yan of Simon Fraser University and Patrick Condon of the University of British Columbia. Both of them have 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." He has also 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 rental vacancies in the higher-price bracket. If you have the money, you have a choice of apartments today in the immediate vicinity of this rezoning proposal, as well as other parts of the city. Another problem is that a lot of so-called "apartments" end up being sold as condos. Some of the apartment-style condos aren't even being marketed as homes. They're mar

higher expectations from landlords. Developer-friendly councils decide that nearby streets and neighbourhoods are "under-developed." Modest three- and four-storey rental buildings get rezoned and demolished for higher-density buildings. They're much more expensive. That'll be one outcome of this rezoning proposal. And it'll be a city-wide problem. I'd like to briefly mention the environmental effects of higher-density development. Developers claim these projects respond to climate change. But studies done for Vancouver, Surrey, Victoria, Seattle and B.C. Hydro have found that lower-density housing results in fewer greenhouse gas emissions. Developers have been greenwashing their self-serving proposals. Additionally, this council isn't considering the cumulative effects of Nanaimo's development boom. It's unprecedented and it's happened entirely under the current council. You've fast-tracked two other rezoning applications that are huge by Nanaimo standards, Bowers/Green Thumb and Sandstone, as well as a lot of other significant proposals. You're also expressing interest in 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 of so much development on traffic and a host of city services, let alone affordable housing. Of course something has to be done with the Howard Johnson area. Right now it's nothing more than an overflow parking lot for Mill Street, which is already overcrowded due to bad council decisions. But this proposal is just plain wrong. It's unnecessary for Nanaimo's organic population growth and it threatens affordable housing. It only furthers the agenda of real estate speculators and developers.

Cc:
Subject: SFN Comments for public hearing Re: rezoning application comments for RA000475

Date: Thursday, September 29, 2022 11:24:58 AM

Attachments: Proposed Redevelopment of 444, 450, 500 Comox Rd, 55 Mill St, 1 Terminal ave, SFN comments for public

hearing.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

please see the attached document for tonight's public hearing. Sent on behalf of Acting Chief Bill Yoachim.

Lands Clerk

EMAIL:
PHONE:

Snuneymuxw First Nation

668 Centre Street, Nanaimo BC, V9R 4Z4 TEL: 250-740-2300/1-888-636-8789

Fax: 250-753-3492

Web: http://www.snuneymuxw.ca

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September 29, 2022

Jeremy Holm Director, Development Approvals City of Nanaimo 455 Wallace Street Nanaimo BC V9R 5J6

RE: The Proposed Redevelopment of 444, 450, 500 Comox Road, 55 Mill Street and 1 Terminal Avenue- Snuneymuxw First Nation Comments for Public Hearing

I am writing you to submit comments from Snuneymuxw First Nation ("SFN") about the proposed redevelopment of 444, 450, 500 Comox Road, and 55 Mill Street and 1 Terminal Avenue (the "Proposed Project"). These comments are intended for consideration at the Public Hearing on September 29, 2022, and part of the decision-making process of the Nanaimo City Council.

From the City Staff Report dated August 29, 2022, Snuneymuxw understands that the subject properties contain the following existing structures:

- 1 Terminal Ave: former site of the Howard Johnston hotel (AKA Tally Ho) that burned down in 2018. Former uses on the site include a fitness center, night club, grey hound bus terminal, and a place of worship and liquor store. In addition, a secondary building on site was most recently used as a home heating supply store and showroom.
- 444 & 500 Mill Street: contain small residential apartment buildings. The building at 500 Mill Street was partially burnt down in 1995.
- 55 Mill Street: a single residential dwelling.

We further understand that the Referral includes the following:

- The Proponent proposes to rezone subject properties not already zoned C D 7; and
- The proposed rezoning will support a 6-lot subdivision and mix use (commercial and residential) development
- Boundary adjustment subdivision

- Road dedication
- park dedication
- a new road to connect MillStreet to Comox Road and Wallace Street and a private road to connect Comox Road between Proposed Lots 1 & 2.
- multi-use trail from the proposed park and connecting to the existing Waterfront Walkway below the Pearson Bridge.

Snuneymuxw First Nation received a referral from the City of Nanaimo (the "City") on April 7, 2022, regarding a proposed rezoning application in support of the Proposed Project (the "Referral"). In subsequent Technical Working Group Meetings held between SFN and the City after April 7, including August 3, 2022, the SFN Lands Clerk raised the issues on behalf of SFN regarding the Referral. On August 29th, 2022, (the "Proponent") and his consultant, met with SFN for the first time prior to the City council meeting that evening. With the SFN Lands Clerk, they reviewed the Proposed Project at which time SFN communicated serious concerns regarding the impact of the Referral to Sxwayxum, a Snuneymuxw village site on top of which the Proposed Project is situated.

Sxwayxum is located on the heart of downtown Nanaimo and recorded as an archaeological site DhRx-1. Just nearby, at Xwsolexwel is where the Snuneymuxw Treaty of 1854 was signed, a treaty that is applicable to the Referral considerations and the Proposed Project. The site of the Proposed Project not only carries significant cultural, legal, and historical significance to the Snuneymuxw People, but in the past has also been the subject of shared visions between the City, SFN, stakeholders and other levels of government. Snuneymuxw First Nation has not been invited to participate in the development of shared visions regarding the Proposed Project as it relates to this Referral. This creates serious issues for the following reasons.

Firstly, the Snuneymuxw Treaty of 1854 preserves and protects Snuneymuxw villages, enclosed fields, waterways, and marine areas, harvesting and gathering, and the right to hunt and fisheries as formerly. This treaty relationship with you and the Proponent brings in the principles of recognition, reconciliation, respect, and cooperation between all of us. This is the framework through which SFN Council, and the City Mayor & Council ascribed our governments to when managing development in the City of Nanaimo and Snuneymuxw Traditional Territory. This approach is evidenced in the renewed SFN- Nanaimo Protocol Agreement and the Reimagine official community plan. In fact, SFN issued comments to the City Mayor and Council about the ReImagine Plan – draft OCP - and stated, "we suggest for the Draft Plan to also mention some of our key objectives listed in the Agreement, such as creating a shared vision for Nanaimo and promoting a common understanding for land use...and land use decision-making processes". The majority of City Mayor and Council

voted in favour of this approach and our Nation remains steadfast to our shared commitments. Our Nation along with the City and the Proponent have not begun this relevant and important process.

Secondly, the City and SFN have entered a process called the Snuneymuxw Referral Management Policy process which consists of three phases: 1) a review phase followed by; 2) a response phase, and then; 3) a decision. This is the process that the City has agreed to jointly implement with SFN for all referrals. As you know, all phases have prescribed timelines that is largely impacted by information sharing, completeness, and transparency. Progress is determined by the fulsome submissions of the proponents. At this time, the Referral for the Proposed Project is at the Response Phase, thus, remaining incomplete and without the free, prior and informed consent of the Snuneymuxw People. The September 2022 letter issued by the Proponent to SFN indicates to me that they wish to sideline our shared referral management process with you, disregard our progress to-date with respect to reconciliation and recognition, and if given the tools to do so, would proceed without respect for the Snuneymuxw People. This denial-based approach not only attempts to filibuster the process but realize ill-gotten gains under duress at the cost of residents and Snuneymuxw People.

Thirdly, it is clear that we must state this fact. The civil addresses that are the subject of the Referral and the Proposed Project, was unlawfully taken from our People without consent and without redress. It has progressed forward without the inclusion of or participation from the Snuneymuxw People. As we know from surrounding properties and the uncovering of archeological material during construction, it is inevitable that these subject properties will reveal the same. Our Nation takes this seriously and we are prepared to address these issues with the Proponent. In other words, the Proponents have not made meaningful effort to meet with Snuneymuxw to substantively address our issues and concerns. By approving the subdivision pre-maturely reinforces subservient treatment of the authority held by First Nations, including Snuneymuxw First Nation.

Despite several discussions regarding the Proposed Project at SFN/City of Nanaimo Technical Working Group (TWG) meetings, the Proponent, through the City staff, have characterized SFN's position incorrectly. Characterization and articulation of our Nation is demeaning, paternalistic and one of denial of our People. Nevertheless, and in the face of this, the SFN Lands Clerk has stated their position several times. Despite City staff directing the Proponent to engage directly with SFN, it wasn't until the mid-August 2022 that the Proponents agent, met with SFN staff.

In conclusion, it is clear that the standard of shared decision making between our governments have not been met in this case. There remain important, substantive, and material issues that remain outstanding, and without these issues addressed, it is clear that if

the City approves the rezoning application, the Proponent will effectively dismantle the reconciliation-based processes that we have worked hard to put in place. Moreover, it would be a decision made with an engagement process that is incomplete. These go to the heart of our protocol agreement with you and our shared commitments to one another in the ReImagine Plan. I believe that our hard work does not rise or fall on a developer or personal interests.

Snuneymuxw First Nation does not authorize the proposed rezoning being approved on top of our Sxwayxum village site and oppose it progressing any further through the City's development process. Snuneymuxw First Nation respectfully requests that the decision regarding the Proposed Project be deferred until such time that the Proponent and SFN reach consensus and support for one another. This is not and will not be unduly withheld by SFN.

I remain committed to work through these issues. Please contact

at

Thank you,

Acting Chief Bill Yoachim

Cc: Dale Lindsay, Deputy CAO/General Manager, Development Services, City of Nanaimo

Cc: Mayor Leonard Krog, Mayor, City of Nanaimo

Cc: Sheryl Armstrong, City of Nanaimo

Cc: Don Bonner, City of Nanaimo Cc: Tyler Brown, City of Nanaimo

Cc: Ben Geselbracht, City of Nanaimo

Cc: Erin Hemmens, City of Nanaimo

Cc: Zeni Maartman, City of Nanaimo

Cc: Ian Thrope, City of Nanaimo

Cc: Jim Turley, City of Nanaimo

From: City of Nanaimo
To: Public Hearing

Subject: New form entry is submitted - Public Hearing Submission

Date: Thursday, September 29, 2022 11:40:12 AM

Public Hearing Submission

Submitted on 29 September 2022, 11:40 AM

Your Name	
Your Address	
Bylaw Number or Subject Property Address Which You Are Addressing Your Comments	rezoning Application RA000475
Comments	I support the rezoning of this site to facilitate its proposed redevelopment. In the Development Permit application, the proponent proposes to invest \$1.4M in establishment/enhancement of the riverfront park/walking trails. I request that this include noise abatement along the Terminal Avenue side of Millstone River (either acoustic wall or vegetative plantings to block heavy traffic noise)