

MINUTES

DEVELOPMENT PROCESS REVIEW COMMITTEE

TUESDAY, 2013-FEB-26 AT 11:30 A.M.

BOARD ROOM, SERVICE & RESOURCE CENTRE, 411 DUNSMUIR STREET



PRESENT:

Committee Members:

Councillor Bill Bestwick, Chair

Councillor Jim Kipp

Councillor Bill McKay

Greg Constable, Island West Coast Developments

Ian Niamath, Ian Niamath Architects

Maureen Pilcher, Maureen Pilcher & Assoc.

Rod Smith, Newcastle Engineering

Absent:

Byron Gallant, Canadian Home Builders' Assoc - CVI

Bob Wall, RW Wall Ltd.

City Staff:

Ted Swabey, GM, Community Safety & Development

Andrew Tucker, Director of Planning

Toby Seward, Director of Development

Dale Lindsay, Manager, Building Inspections

Dean Mousseau, Manager, Engineering & Subdivision

Bruce Anderson, Manager, Planning & Design

Bob Prokopenko, Sr. Manager, Engineering Services

Doris Fournier, Municipal Infrastructure Engineer

Shawna Drinnan, Engineering Services Technologist

Nelda Richardson, Manager, Dev Support Services & Business Licensing

Gary Noble, Development Approvals Planner

Holly Pirozzini, Administrative Assistant

Guests:

Kevin Krastel, Chair, Design Advisory Committee

Councillor Fred Pattje, Chair, Nanaimo Advisory Planning Committee

1. CALL TO ORDER

The meeting was called to order at 11:37 a.m.

The Chair welcomed Councillor Fred Pattje and Mr. Kevin Krastel to the meeting.

2. ADOPTION OF MINUTES

It was MOVED and SECONDED that the minutes of 2013-Feb-12 be adopted.

CARRIED

UNFINISHED BUSINESS:

3. Development Permit Review

Andrew Tucker brought copies of all Development Guidelines that staff need to consider/refer to depending on the development permit application.

Bruce Anderson provided a ppt presentation respecting the Development Permit process review and stated that a pre-application meeting may occur between staff, applicant and consultants to identify issues and provide initial comment and feedback, prior to an application being submitted.

Committee's comments:

- Applicant needs to receive as much information as early as possible in the process; discuss the scope of the project.
- Give staff the ability to tell an applicant that their project will not work and reject it at the front counter.
- Staff needs to advise an applicant immediately when they require assistance from a professional (i.e. developer, planning consultant, Team Leader, etc.).
- Decide what type of quality in architecture/design Nanaimo wants to inherit. It's important to build something that we can all be proud of. The process should be rigorous and a pre-application meeting should be mandatory.
- Have an "initial meeting" that is mandatory and then a "pre-application meeting" a week or so later to follow up, as staff may have further requirements. Minimum two meetings with staff, prior to application submission.
- Staff could divide the applicants into a "two-stream process" based on their development experience or inexperience.
- The initial meeting (inquiry) could be for staff to determine which stream the applicant will fit into. Then a pre-application meeting could be held when the applicant is in the correct stream.
- Staff to bring other pertinent staff to the pre-application meeting (i.e. arborist, technical staff, etc.) because those staff may identify issues that determine whether the project will be viable.
- Staff to immediately advise the applicant of historical information on a property, which may affect viability of the project.
- Staff may determine at a pre-application meeting that a "development team" is necessary if the project is complex.
- Staff to invite applicants or any interested party, to attend a Design Advisory Panel (DAP) meeting for a better understanding of what staff is trying to accomplish with a development permit process, design guidelines and design review.
- Purchaser needs to do their due diligence before hand and not blame staff when they are presented with issues about a property which makes it difficult / impossible to develop.

Staff's comments:

- Staff's job is to review the application; not design the project.

- Staff deal with a variety of sophistication in applicants. It takes a lot of time and effort for staff to assist developers with their projects.
- Applicant needs to understand that more requirements may be required by staff after staff reviews the application.
- Council to determine what level of scrutiny it expects from staff.
- There are various levels of applicants, which will need to be fit into the correct stream process.
- Pre-application meetings could be mandatory for all processes (i.e. rezoning, development permit, building permit, etc.).
- Applicant does not want to spend any money up front, so may not bring a civil engineer into the process until later when it's realized he's needed and then it becomes an issue.
- Some applicants are aggressive and argue with staff over necessary requirements.
- There are standards in development that staff tries to achieve.
- Staff will advise the applicant when there is any negative history on a piece of property.
- Agreed that experienced staff need to be in front counter positions.

Kevin Krastel, Chair, Design Advisory Panel, made the following comments:

- A pre-application meeting should be mandatory, especially if the applicant has never developed a property before; a pre-application meeting will only improve the process and what goes forward to the Design Panel.
- After an initial meeting, the applicant will be able to decide if the project is viable.
- DAP members would be willing to attend a pre-application meeting between staff and the applicant (after an initial meeting), if this would be beneficial to the process.
- Councillors are welcome to attend a DAP meeting to attain a better understanding of the design process and prior to voting on a complex development.
- If DAP requests changes to a project, staff works with the applicant to make revisions; some applications return to DAP two or three times with revisions until DAP is able to support it.

Councillor Fred Pattje, Chair, Nanaimo Advisory Planning Committee (NAPC), stated that he has learned a lot more about the development permit process just by attending today's meeting and he agreed with a previous comment about the importance of quality in architecture/design in buildings.

Staff advised that NAPC is in the process in the beginning of a development (in the zoning stage). If the zoning is correct, then NAPC does not review the application.

The consensus of the Committee was to refer the Development Permit process back to staff for review and to bring back a process that includes a pre-application meeting.

Mr. Krastel and Councillor Pattje were invited to attend the next Development Process Review Committee meeting to continue discussion on this item. Mr. Krastel requested that Ms. Renee Lussier, Landscape Architect, also be invited to participate in discussion on the landscape component of the Development Permit process. Staff will invite Ms. Renee Lussier to the Mar. 12 meeting.

Mr. Krastel left the meeting at 12:45 p.m.

4. City Engineering Standards

Bob Prokopenko provided a ppt and discussed the proposed amendment item for review: Appendix D – Minimum required statutory right-of-way and temporary working easement widths for underground services through private property revised to include modifications to the widths of the right-of-way (ROW).

Reasons to change the existing ROW are:

- To provide sufficient ROW to allow adequate access and operation of equipment for maintenance and replacement of underground infrastructure.
- Houses are getting bigger and lot sizes smaller, which results in less flexibility for infrastructure replacement.
- As the City has to upgrade more of the aging and undersized pipes in side and rear yards, they are encountering difficulties completing the work in the existing ROW widths.

Tools to help reduce ROW impacts and changes to the development process were discussed.

Staff clarified that there are options for steeper, sloping properties under the Steep Slope Guidelines. There is a one year in-stream status protection for all projects.

Rod Smith stated that he has circulated this information within the community and has subsequently met several times with staff, which has resulted in the amended Appendix D.

This amendment will increase up-front time for some development approvals (i.e. pre-design/supplemental reports in the planning stage), but may reduce re-design costs and ensure concerns will be addressed earlier in the process (i.e. provides more certainty for lot yield, through the project life).

Bob Prokopenko advised of the following timeline:

Feb 26 – DPRC final comment and endorsement

Mar 11 – Information Report to Council to provide notice of the upcoming MoESS Bylaw Amendment

Mar 25 – Bylaw Amendment to Council

Apr 08 – Bylaw Adoption (60-day implementation)

Jun 07 – Implementation date of MoESS Edition No. 10

Staff advised that notification about this change will be provided to anyone who has a Preliminary Layout Application (PLA) in stream now. There is a one year in-stream status protection for all projects.

It was MOVED and SECONDED that the Committee recommend to Council to proceed with the timeline and endorse the amendments made to the bylaw as indicated.

CARRIED

5. Workplan 2013 – Proposed Amendments

Ted Swabey provided the following proposed additions to the 2013 Workplan:

- Duplex to Fourplex illegal conversions
- Toilet Rebates (to be handled by the Manager of Building Inspections)

Dale Lindsay advised that a *Water Conservation Strategy* was completed in 2008. Subsequent to this, a Toilet Rebate Program was created in 2009 with \$50,000/year put towards replacing residential 13 litre toilets with a low-flow model. The program has continued from 2009 to date with a budget of \$50,000 per year. The Toilet Rebate Program has been very successful with the funds being completely used in most years and cumulative water saving of approximately of 200 million litres of water per year. A consultant has been hired to review the 2008 *Water Conservation Strategy* for the City, and it is recommended that the Toilet Rebate Program be included in this review.

The consensus of the Committee was to recommend expansion of the Toilet Rebate Program to include commercial and multi-family properties.

It was MOVED and SECONDED that the Committee recommends to Council that the Toilet Rebate Program be included in the current review of the 2008 *Water Conservation Strategy*.

CARRIED

NEW BUSINESS:

6. Ted Swabey advised that Mr. Toby Gorman will be attending the next meeting on 2013-Mar-12 to discuss infill development and developer/City/resident communication.

7. NEXT MEETING

The next meeting will be held on Tuesday, 2013-Mar-12, 11:30 a.m., SARC Board Room.

8. ADJOURNMENT

The meeting adjourned at 1:20 p.m.

APPROVED:



Bill Bestwick, Chair

APPENDIX D

MINIMUM REQUIRED STATUTORY RIGHT-OF-WAY AND TEMPORARY WORKING EASEMENT WIDTHS FOR UNDERGROUND SERVICES THROUGH PRIVATE PROPERTY

Max. Pipe Size-Ø	Trench Depth	Right-of-way Width	Temporary Working Easement Widths
0-600 mm	0-2 m depth 2-3 m depth 3-4 m depth over 4 m depth	3 m 3 m 3 m 3 m	3 m 4 m 5 m negotiable
over 600-900 mm	0-2 m depth 2-3 m depth 3-4 m depth over 4 m depth	4 m 4 m 4 m 5 m	4 m 5 m 6 m negotiable
over 900 mm		5 m	negotiable

1. The minimum statutory right-of-way width for common trench installations (two utilities) shall be 4.5 m.

2. In sideyard right-of-ways where the slope of the pipe(s) exceeds 10%, the right-of-way shall be increased to 4.5 m for one pipe and 6.0 m for two pipes.

1.3. The above figures are to be used as a guideline for minimum widths only. Where location of a municipal utility in a statutory right-of-way is permitted by the City Engineer, the right-of-way widths shall be as follows:

(a) Single utility	R.O.W. width =	Twice the depth from surface to the crown of the pipe rounded up to nearest half meter [4.0 m minimum width]
(b) Two utilities within the same trench	R.O.W. width =	Twice the depth from surface to the crown of the deeper pipe rounded up to the nearest half meter [5.0 m minimum width]
(c) Two or more utilities adjacent to one another but in separate trenches	R.O.W. width =	Cumulative widths for single services PLUS any difference to provide the required separation rounded up to nearest half meter [6 m minimum width]
(d) For pipes 900 mm or larger, add an additional 2.0 m to R.O.W. width.		
(e) When the utility is within a Road allowance and the distance from the property line to the centre of the utility is less than half of the width indicated above for a single utility, the difference shall be provided as right-of-way on the adjacent property.		
(f) Modified right-of-ways will be considered where supported by design and/or supplemental report(s).		

4. ~~In areas of rock, steep ground, or other special situations, widths may have to be increased at the discretion of the City Engineer.~~
2. Rear and side yard utility right-of-ways are acceptable if appropriate access is provided to the utilities for maintenance and replacement by conventional open cut method.
3. In all cases, the width of rights-of-way shall be sufficient to permit an open excavation with side slopes and access for construction equipment in accordance with the Worksafe BC regulations, without impacting on or endangering adjacent structures. The *Consultant* shall provide cross sections indicating the minimum safe distances to adjacent building footings based on a safe angle of repose from the limits of the excavation.
4. Blanket access agreements are required on private property for the purpose of moving construction equipment and materials onto the utility right-of-way.
5. Right-of-way locations shall be selected to avoid environmentally sensitive areas such as watercourses and wetlands.

(REVISED MAY 2013)