

# MINUTES

## DEVELOPMENT PROCESS REVIEW COMMITTEE

TUESDAY, 2012-APR-10 AT 11:30 A.M.

FRANKLYN TRAINING ROOM, CITY HALL ANNEX, 238 FRANKLYN STREET

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### PRESENT:

#### Committee Members:

Councillor Bill Bestwick, Chair

Councillor Bill McKay

Greg Constable, Island West Coast Developments

Ian Niamath, Ian Niamath Architects

Bob Wall, RW Wall Ltd.

Rod Smith, Newcastle Engineering

Maureen Pilcher, Maureen Pilcher & Assoc.

Byron Gallant, President, Canadian Home Builders' Association - CVI

#### Absent:

Councillor Jim Kipp

#### City Staff:

Ted Swabey, GM, Community Safety & Development

Andrew Tucker, Director of Planning

Toby Seward, Director of Development

Holly Pirozzini, Administrative Assistant

#### Others:

Keith Brown, Keith Brown Assoc. Ltd.

### 1. CALL TO ORDER

The meeting was called to order at 11:35 a.m.

### 2. ADOPTION OF MINUTES (2012-MAR-27)

It was MOVED and SECONDED that the minutes of 2012-Mar-27 be adopted.

CARRIED

3. The Chair advised that Susan Cudahy, CEO, Nanaimo Economic Development Corporation would not be attending today's meeting to do a presentation respecting streamlining development applications. He requested that the following items be added to the agenda:

- (a) update on the *Residential Guide for Homeowners*; and
- (b) additions to existing commercial Buildings.

It was MOVED and SECONDED that the agenda be adopted as amended.

CARRIED

### OLD BUSINESS:

#### 4. Public Hearing process

Staff presented a report to the Committee regarding the option of waiving the requirement to hold a Public Hearing. The Staff Report was attached to the agenda for the previous meeting (March 27), but discussion was deferred to this meeting. The pros and cons were presented and it was noted that this proposal would be limited to smaller non-controversial

projects in the R1, R1a, R2, R4 and R5 zones only. The Committee considered the following three options:

1. Recommend that Council waive the Public Hearing requirement for all Ra, R1a, R2, R4 and R5 rezoning applications.
2. Recommend that all applications go to Public Hearing, but move into Open Council meetings immediately following the close of a Public Hearing to give Third Reading to any non-controversial items. If the application is controversial, the item would be tabled until the next regular meeting of Council.
3. Consider setting the Public Hearing date on a more flexible schedule (i.e.: not the first Thursday of each month) taking into account Council meeting dates and statutory holidays.

It was noted that a change to the Procedural Bylaw would be necessary to allow a Special Council meeting to be held immediately following a Public Hearing.

The Committee suggested the following changes to Option 2:

2. Recommend that all applications go to Public Hearing, but move into Open Council meetings immediately following the close of a Public Hearing to give Third Reading to any non-controversial items. ***If the application is controversial***, to be replaced with, ***If Council so wishes***, the item would be tabled until the next regular meeting of Council.

It was MOVED and SECONDED that Option 2, as amended, be recommended to Council.

CARRIED

5. Amenities – next steps

Staff Comments:

- Not supportive of formalizing a process because this may pigeon hole the applicant.
- The base line for development is different every time; land values, uses and servicing costs vary for every development.
- Nanaimo is not ready to request developers to submit a financial pro forma for projects.
- Staff identifies the need for a community contribution where rezoning results in an increase in land value. The developer may propose a community contribution or staff suggests a cash contribution using a rule of thumb \$1,000/door for multi-family development and \$34/m<sup>2</sup> for commercial and industrial development.
- Amenity contributions have become expected in neighbourhoods and in communities.
- Staff always needs to be cognizant of whether the contribution is enough for a community.
- The amenities are unknown until they are negotiated by the applicant with staff.
- Staff wants the developer to feel good about the amenity provided and that it benefits his/her development.
- Refunds for hardship are a possibility in situations where amenity contributions are negotiated and then the economy falls.
- See page 127 of the OCP, Section 7.3.

Committee's comments:

- Developers would like the ability to contribute to a specific amenity or item.

- Staff needs to be fair and flexible and have a reasonable starting point in negotiations.
- Staff should publicize the formula used for negotiating community contributions.
- Disagree with creating an amenity contribution policy across the board for all developments.
- Not in favour of refunds for negotiated amenity/community contributions.

Keith Brown, Keith Brown Associates Ltd., is opposed to a blanket approach for all developments, but suggested a “made in Nanaimo” amenity contribution policy or matrix.

The Chair was asked the question whether developers can decline paying amenities, and he responded that Council should only receive reports for projects that meet the City’s criteria or receive a rationale for why this is not possible.

Greg Constable left the meeting at 12:30 p.m.

Staff will provide a report to the Committee within 6 – 8 weeks, respecting amenity/community contribution options.

#### 6. Resident Worksheet

The Resident Worksheet for the *Residential Dwelling Construction Guide* was distributed, which has previously been reviewed by the Nanaimo Home Builders’ Association.

Committee’s comments:

- Create a test for builder’s to receive a license to build.
- Educating builders with a short course (i.e. taught at VIU by City staff) is not comprehensive enough to enable them to then build their own home.
- The Resident Worksheet should appear earlier, rather than later, in the *Construction Guide*.
- Add to the Worksheet: “Have you consulted with a Contractor?”

Staff will take into consideration the Committee’s comments to amend the Resident Worksheet and *Residential Dwelling Construction Guide* and finalize the document within 4 – 6 weeks, which will also be posted on the City’s web site.

#### 7. Additions to Commercial Buildings – Information Update

Staff advised that a minor addition often becomes a more complex project when it becomes known that the existing building is non-conforming. Both the existing building, as well as the addition need to be examined by staff, which then may trigger other regulations (i.e. Sprinkler Bylaw) or the parking ratio may be affected.

8. The Committee suggested that a staff “Team Leader” be appointed to the developer to assist with his/her project. Staff advised that this has been discussed and it is an objective when the City does business in the new Annex building. The Committee requested information and drawings, etc., respecting construction plans for the new Annex building. Staff advised that this information will be provided at the next meeting.

9. NEXT MEETING

The next meeting will be held on Tuesday, 2012-Apr-24 at 11:30 a.m. in the Board Room.

10. ADJOURNMENT

The meeting adjourned at 1:05 p.m.

APPROVED:

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Bill Bestwick, Chair  
Date: 2012-Apr-24