

# MINUTES

## DEVELOPMENT PROCESS REVIEW COMMITTEE

TUESDAY, 2012-MAR-13 AT 11:30 A.M.

BOARD ROOM, CITY HALL, 455 WALLACE STREET

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### PRESENT:

#### Committee Members:

Councillor Bill Bestwick, Chair

Councillor Jim Kipp

Councilor Bill McKay

Ian Niamath, Ian Niamath Architects

Rod Smith, Newcastle Engineering

Maureen Pilcher, Maureen Pilcher & Assoc.

Byron Gallant, President, Canadian Homebuilders' Association - CVI

#### Absent:

Greg Constable, Island West Coast Developments

Bob Wall, RW Wall Ltd.

#### City Staff:

Ted Swabey, General Manager, Community Safety & Development

Andrew Tucker, Director of Planning

Dale Lindsay, Manager, Building Inspections

Dean Mousseau, Manager, Engineering & Subdivision

Thomas Knight, Manager, Current Planning

Holly Pirozzini, Administrative Assistant

#### Others:

Keith Brown, Keith Brown Associates Ltd.

### 1. CALL TO ORDER

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

### 2. ADOPTION OF MINUTES (2012-FEB-28)

It was MOVED and SECONDED that the minutes of 2012-Feb-28 be adopted.

CARRIED

### 3. DEVELOPMENT COST CHARGES POLICY – SUBDIVISION TO INCREASE LOT YIELD

Dean Mousseau distributed a draft Subdivision Policy for *Development Cost Charges for Subdivision at Final Approval*, which may replace the original policy dated 2004-May. He explained that the new policy is to provide clarity for various potential subdivision and development scenarios to determine if the subdivision of land will impose any additional capital cost burden.

He compared five different examples as follows:

#### Example A:

An owner/applicant proposes to subdivide vacant land (parent parcel) into five (5) lots. The Approving Officer searches records and finds no evidence of any past payments of DCCs for the land. The owner/applicant is required to pay an amount equal to five (5) DCCs prior to issuance of Final Approval.

Example B:

An owner/applicant proposes to subdivide vacant land (parent parcel) into five (5) lots. The Approving Officer searches records and finds evidence of past payment of one (1) DCC for the land (and/or the applicant provides proof of payment of DCCs). The owner/applicant is required to pay an amount equal to four (4) DCCs prior to the issuance of Final Approval.

Example C:

An owner/applicant has two single family dwellings on an existing lot and is proposing a subdivision that will create four (4) new lots for a total of a five (5) lot subdivision. As DCCs would have been payable on the two (2) existing single family dwellings, the owner/applicant is required to pay an amount equal to three (3) DCCs prior to issuance of the Final Approval.

Example D:

There are three (3) existing, vacant lots in which the owner/applicant is proposing to subdivide to create five (5) new lots. As the three (3) lots were vacant at time of subdivision, and there is no record of any past DCCs paid for the lots, the owner/applicant is required to pay an amount equal to five (5) DCCs prior to the issuance of Final Approval.

Example E:

There are three (3) existing parcels, each with existing single family dwellings on each of the three (3) lots. The owner/applicant is proposing to subdivide the lands to create thirty-three (33) lots on the lands. As there are three (3) existing single family dwellings, regardless if they are to be maintained and incorporated into the proposed structure, the owner/applicant is required to pay an amount equal to thirty (30) DCCs prior to the issuance of Final Approval.

Committee's comments:

- When proposing a new policy, include the original policy and the new version in the Policy Manual, as well as an explanation of what changes and why these changes are required.

It was MOVED and SECONDED that the new *Development Cost Charges Payable for Subdivision at Final Approval* policy be forwarded to Council for endorsement.

CARRIED

4. PRESENTATION FROM MAUREEN PILCHER – PUBLIC HEARING PROCESS

Maureen Pilcher made a presentation respecting Public Hearings and suggested that it may be feasible to waive the Public Hearing requirement for 'minor' rezoning applications. She compared the current Public Hearing process with the process for waiving a Public Hearing and added that a waiver would only be used for single-family, duplex and triplex applications where no neighbourhood concerns have been received by staff. The following considerations were presented:

- May result in fewer Public Hearings and a reduction in administration costs.
- Zoning Bylaw amendments may proceed faster.
- Surrounding property owners will still have an opportunity to be heard.

- May encourage neighbours to attend City Hall to obtain more information from Planning Staff.
- May need Council or Staff policy to decide which zone categories could waive the Public Hearing.
- Need to determine if a waiver policy is more labour intensive than sending all rezoning applications to a Public Hearing.
- Determination of a fee for newspaper ad and notification of waiver.
- May encourage more input from Neighbourhood Associations on rezoning applications.
- May encourage applicants to engage surrounding neighbours early in the process.
- Implement a Public Hearing Waiver for a trial period.
- Update the "DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW 1991 NO. 3892" to reflect new Zoning Bylaw and application forms.

Staff Comments:

- Do not want to deny the public an opportunity to speak at a Public Hearing.
- There will still be the requirement for newspaper advertising and surrounding neighbourhood notification, as well as a fee to the developer for the waiver process.
- Instead of waiving the Public Hearing for minor rezoning applications, Council could give Third Reading to the bylaw in an Open Council meeting, immediately following a Public Hearing.

Committee's Comments:

- There will be no time for Council and neighbours to reflect on the application if Third Reading of the bylaw occurs on the same night as the Public Hearing.
- Minor projects can be as complex as a larger one.
- Can go into an Open Council meeting immediately following a Public Hearing to pass Third Reading on only the non-controversial items on the Public Hearing agenda.

It was MOVED and SECONDED that the presentation be received and that staff review the option of Council considering Third Reading of a Rezoning Application Bylaw at an Open Council meeting, immediately following the Public Hearing.

CARRIED

The consensus of the Committee was to discuss Item 6 before Item 5 on the agenda.

5. PRESENTATION FROM KEITH BROWN, KEITH BROWN ASSOCIATES LTD. – AMENITIES/COMMUNITY CONTRIBUTIONS

Keith Brown submitted a brief stating that in his opinion, the *Local Government Act* Regulations respecting amenities/community contributions are being applied arbitrarily to zoning amendment and subdivision applications. He stated that staff is reluctant to recommend an amenity/dollar value, so it is negotiated back and forth between staff and the developer (increasing the length of time for this matter to be resolved, delaying the application process and frustrating the developer). He added that Nanaimo should not be compared with lower mainland municipalities when considering the development's

perceived value for the uplift (\$ value per door). He requested that the Committee consider a made in Nanaimo policy which recognizes the local economy of this geographical area and is not based on other jurisdictions or provincial averages.

Committee's Comments:

- The developer takes the risk associated with development of land.
- Does not agree with 50% of the perceived increase in value for the uplifting of a rezoning application, which is occurring in lower mainland municipalities.
- It's difficult to put a value on a community contribution, such as a fountain or bus stop.
- The City uses amenity/community contributions as a mechanism to pay for other items that the community needs. The question is "what is a reasonable amount for the developer to pay?"
- Developers want consistency and an explanation when staff negotiates amenities/community contributions.
- Developers don't understand when their contribution is not applied to their specific development.
- Developers want to know what their contribution is applied to (i.e. Affordable Housing Legacy Fund) and receive recognition when money is used from this fund, such as for capital costs associated with low barrier housing.

Staff Comments:

- Staff negotiates amenities and then it is Council's decision to determine if they are adequate.
- This Committee may wish to review a policy written by G.P. Rollo, a consultant who was contracted to prepare an Amenity Contribution Analysis for the Sandstone development.

The Chair left the meeting at 12:55 p.m.

The consensus of the Committee was to continue this discussion on amenity/community contributions at the next regular meeting.

6. SPRINKLER BYLAW AMENDMENT

Dale Lindsay stated that there is no requirement in any part of the city for sprinklers in single family homes or duplexes. He added that the Fire Department staff has been involved in discussions respecting fire safety in detached units in multi-family developments and is in favour of an amendment to the Building Bylaw to omit the requirement for sprinklers.

Rod Smith left the meeting at 1:10 p.m.

It was MOVED and SECONDED to recommend that Council consider an amendment to the Building Bylaw to exempt multi-family developments comprised only of detached dwellings from the requirement to install fire sprinklers.

CARRIED

7. NEXT MEETING

The next meeting will be held on Tuesday, 2012-Mar-27 at 11:30 a.m.

9. ADJOURNMENT

The meeting adjourned at 1:15 p.m.

APPROVED:



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Bill Bestwick, Chair

Date: 2012-Mar-27

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