

**MINUTES
DEVELOPMENT PROCESS REVIEW COMMITTEE
MONDAY, 2011-OCT-13 AT NOON
BOARD ROOM, CITY HALL, 455 WALLACE STREET**



PRESENT:

Councillor Jim Kipp
Councillor Loyd Sherry
Councillor Merv Unger
Greg Constable, Island West Coast Developments
Byron Gallant, President, Nanaimo Homebuilders' Association
Ian Niamath, Ian Niamath Architects
Maureen Pilcher, Maureen Pilcher & Assoc.
Rod Smith, Newcastle Engineering
Bob Wall, RW Wall Ltd.

STAFF:

Ted Swabey, General Manager, Community Safety & Development
Toby Seward, Director of Development
Jason Kinch, Manager, Building Inspections
Holly Pirozzini, Administrative Assistant

REGRETS:

Mayor John Ruttan

OTHERS:

Keith Brown, Keith Brown Associates

1. CALL TO ORDER

The meeting was called to order at 12:00 noon.

2. ADOPTION OF MINUTES (2011-Sep-19)

MOVED by M. Unger, SECONDED by M. Pilcher that the minutes of 2011-Sep-19 be adopted. CARRIED

3. SINGLE FAMILY DWELLING BUILDING PERMIT PROCESS

The Chairman requested that Staff identify perceived problems with the current single family dwelling building permit process, so that the Committee can address specific issues.

T. Swabey advised the Committee that there is an outstanding Staff Report respecting "Renewal of Development Services Fees and Charges" which is proposed for an upcoming Council agenda. Building fees haven't been reviewed in years. He inquired whether the Committee would also like to review the Staff Report, which will be received by Council and referred to the Canadian Home Builders' Association for comment.

Consensus of the Committee: That Staff recommend to Council that the renewal of fees issue be referred to the Development Process Review Committee for review.

T. Seward, Director of Development, and J. Kinch, Manager of Building Inspections, distributed information on the "Single Family Dwelling Building Permit Process" (Attachment A) and also referred to handouts: Residential Building Permit Application Guide, Single Dwelling Residential Zone Building Permit Application Coversheet, the Inspection Policy, and the Professional Builder Application Form & Checklist.

T. Seward made the following comments:

- 250 – 350 single family applications are processed per year.
- 3-week turnaround for building permit issuance is the optimum target (currently at 4 weeks, but have been down to 2 weeks in some cases).

Common Problem Areas

- Applications are received from all types of builders (from experienced to first-time builders).
- Applications are sometimes submitted off at the Permit Centre counter without any discussion/review by a staff member.
- Developers often bring in incomplete applications.
The general rule is that only complete applications are reviewed.
- Anyone can be a contractor and make application for a building permit, as long as they have HPO (Homeowner Protection Office) registration.
- Applicants often don't understand that applications need to comply with the Building Code and Building Bylaw or the terminology (e.g. what is a *title search or covenant?*).
- City Staff are sometimes perceived as coordinating the approval process when the applicant or General Contractor is not hands on.

Comments/Suggestions from the Committee on Process Issues:

- Only the applicant for the building permit should be allowed to call for an inspection, so there is accountability.
- Require one staff person to be responsible for the file and also make it a rule that there is one point person for the applicant.
- Advise which staff person is responsible for the file, so the applicant knows who to contact.
- The General Contractor should be present when the Building Inspector attends the site, (especially important when the inspection fails).
- Often half of the issues are alleviated when the General Contractor meets with the Building Inspector on site.
- "Ma and Pa" builders may not understand the importance of being on site for all inspections, so this could be added to the handouts and highlighted.
- Inspections should be booked further in advance and could Saturday be an option?
- Why does it take a week for a building permit for a deck addition?
- Staff should be able to sign off on any permit.
- What's the percentage of homeowner (unlicensed) to professional builder (licensed) that applies for single family dwelling building permits?

T. Seward's further comments:

- We have an inspection phone-in line; therefore, anybody can call for an inspection, not just the applicant.
- Want to avoid being seen as adding another layer of bureaucracy by making additional rules, such as the applicant must provide a point person.
- There will always be more than one staff person involved in a file because there is the Plan Checker and the Building Inspector for every building permit, and often the application is initially received by a clerk in the Permit Centre.

- Building Inspectors are aware of the advantages of having the General Contractor present for the inspection, but the difficulty is coordinating both schedules.
- It takes the same length of time (3 – 4 weeks) for a single family dwelling building permit as it does for a deck, which avoids making smaller projects a priority.
- 30% of the applicants are homeowners vs. 70% that are professional builders.
- There is no standard for professional builders; therefore, the quality of construction varies significantly.

Comments/Suggestions from the Committee on Application Requirements:

- Suggest a disclaimer to highlight whether a geotechnical report is required, “If in a new subdivision, then it’s likely a report will not be required, but check with the City” and the alternative is “If in an older area, it’s more likely a report will be required, but check with the City” so there are no surprises.
- The handout could explain the most common reasons or types of projects where a geotechnical report will be required.
- Establish criteria for the level of the geotechnical report, to avoid the applicant needing to provide too much information and incurring huge costs.

T. Swabey stated that Council is accountable for everything (e.g. a building constructed one inch overheight) and this is how bureaucracy builds.

T. Seward’s comments on Plan Review (Building Code and Building Bylaw):

- A conservative approach to plan review is taken by staff to avoid liability.
- The complexity of the building permit review explains why there is a 3 – 4 week turnaround for issuance.
- Building Code issues only take a couple of hours to review by a Plan Checker, but non-Code issues (zoning, covenants, aquatic, geotechnical, etc.) may take an entire day.
- There is more public scrutiny by neighbours now, than in past.
- When the City discovers that a building is constructed overheight, the applicant can go before the Board of Variance and it may be questionable whether it’s a hardship.
- We rely on a surveyor, but we need to check on the calculations and often it’s necessary to go back to the builder because there are errors.
- There are some builders who like to have the City as another “set of eyes” on their drawings.

Comments/Suggestions from the Committee on Plan Review:

- It’s wrong to take the onus off of the builder and put it onto the City. When a builder submits a set of plans, he should be responsible for them meeting the Building Code requirements, the bylaw requirements, indicate the side yard setbacks and spatial separations, and stand behind his calculations, which is why a builder has liability insurance.
- When the builder has done his due diligence to meet the City’s requirements, then why does the City have to review everything again?
- The current policies are written to the lowest common denominator; the same rules apply for a builder with 30 years’ experience, as for a first-time builder.
- The City is named in the lawsuit regardless of how much due diligence occurs.
- Is it reasonable in the application to highlight the critical issues (e.g. height and setbacks) with a statement that, “The applicant will be responsible if there is an error?”
- Don’t reduce the building requirements to the lowest common denominator; instead let’s raise the standards for everyone.

T. Swabey stated that the City enforces restrictive covenants, but not building schemes. The question was asked, "Why is it necessary to keep checking how the guys on-site build a spec house?" The Committee's agreed response was because of "liability".

T. Seward's comments on Professional Builders Stream:

- Currently the Professional Builders Stream is not widely used, even though issuance of this type of permit usually takes half the turn-around time as a regular building permit.
- Would like to encourage more use, as it saves time for the builder.
- There is no fee, but it is only available for single family development and duplexes.
- Some builders believe there are too much extra work involved in carrying out the plan review themselves and often prefer to leave this to City staff.

Final Comments from the Committee:

- Ma and Pa builders need to understand what the Inspector is looking for and need to be treated differently by Staff, than experienced builders.
- A 3-week turnaround for building permit issuance is reasonable.
- The front counter staff who receives the application needs to understand the building inspection, subdivision and planning processes.
- The initial review needs to be done by an experienced staff person.
- There needs to be an action plan to alleviate the backlog that is created when there is increased building construction, so that the 3-week turnaround time is maintained.
- Staff is still not returning phone calls.
- Comox is tracking permits in each part of the review to expedite and improve the entire process.
- The two main issues are: how quickly can a single family building permit be issued; and how much of the job should be done for them by City Staff?
- Staff should do the least possible, so that they are accountable and liability is not taken away from them.
- Should be able to stop the process at any point when the builder is not living up to the development application.
- The next meeting should focus on the whole process, from bare land to a multi-family or commercial development.

T. Swabey stated that staff will bring back suggestions to the Committee of what we believe should be implemented.

4. NEXT MEETING

The next meeting date is Tuesday, November 15 at noon in the Board Room, City Hall.

5. ADJOURNMENT

The meeting adjourned at 1:40 p.m.

APPROVED:

Loyd Sherry, Chair

2011-NOV-15
Date