

MINUTES OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT
STANDING COMMITTEE MEETING HELD IN THE BOARD ROOM, CITY HALL, ON MONDAY,
2004-DEC-06, COMMENCING AT 3:04 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor R. A. Cantelon
Councillor W. J. Holdom

Others: Councillor M. D. Brennan (3:12 p.m.)

Staff:	B. N. Mehaffey	G. Savage
	E. C. Swabey	K. L. Burley
	A. Tucker	K. King

1. RECEIVING OF DELEGATIONS:

It was moved and seconded that the Delegations be permitted to address the Committee. The motion carried unanimously.

- (a) Mr. Brian Chatwin, 1614 Morey Road, Nanaimo, B.C. regarding the stratification of recreation vehicle and mobile home parks.

Mr. Chatwin was previously authorized to address the Committee.

Mr. Chatwin stated that:

- he is speaking on behalf of Matterhorn Village Developments, the owner of the RV Resort on the Lake, local investors in this park, and members in the park who have purchased 200 year memberships, as well as the long term renters and tourists who stay in the park every year.
- he is here to request that the RV Resort on the Lake be permitted to convert its property to a bare land strata development.
- RV Resort on the Lake has invested over \$4,000,000. into this development, and until 1995, when the "Real Estate Act" was amended, they sold long term memberships in the park to recover the capital investment. This practice is no longer permitted under the Act unless a prospectus is provided and in order to provide a prospectus, stratification to bare land strata lots is required.
- renters at the Resort have expressed an interest in purchasing lots.
- families that have purchased memberships will have title to lots transferred to them without any further cost if stratification should be permitted.
- stratification will allow them to restructure capital, maintain long term financial stability and do much needed improvements to the park.
- he is of the opinion that Council's Policy restricting the stratification of rental properties if the vacancy rate falls below 4 percent should not apply to RV parks because RV parks are not factored into the vacancy rates quoted by CMHC.

It was moved and seconded that the presentation be received. The motion carried unanimously.

- (b) Mr. Deane Finlayson, 1614 Morey Road, Nanaimo, B.C. regarding the stratification of recreation vehicle and mobile home parks.

Mr. Finlayson was previously authorized to address the Committee.

Mr. Finlayson stated that:

- many people are looking at RV parks as a good alternative, low cost housing option, especially retirees.
- most RV park residents like the versatility of being able to use their RV's as a principle residence as well as being able to use them for travelling but have indicated a preference for owning a property to park their RV's on when not travelling.
- Nanaimo has a great climate to facilitate this type of lifestyle.

It was moved and seconded that the presentation be received. The motion carried unanimously.

2. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) Amendments to Zoning Bylaw - Downtown Zoning

In recognition of the impact of changing market conditions on Nanaimo's downtown, the area has been subject to many years of research and review that included extensive public consultation and resulted in the publication of numerous planning documents. For example, Downtown Design Guidelines were produced in the mid 1980's, followed by a Downtown Concept Plan in 1993 and a Height and Density Study in 1994.

Following publication of these reference documents, the Spaxman Consulting Group was involved with the creation of the Nanaimo Downtown Plan Reference Document, with the intent being that this document form the policy basis for the implementation of new Downtown zoning. This report addresses both minor refinements to the Nanaimo Downtown Plan, and the development of the proposed downtown zones.

With the completion of the Nanaimo Downtown Plan, the Spaxman Consulting Group was subsequently hired to prepare a draft of the new downtown zones. In order to assist in the review of the draft zoning, a Downtown Zoning Stakeholders Group was formed. This Stakeholders Group involved residents of Nanaimo, including the Nanaimo Old City Quarter Association, the Nanaimo City Centre Association, the Nanaimo Old City Neighbourhood Association, the Neighbours of

Nob Hill, the Downtown Nanaimo Partnership, the Southend Citizen's Association, the Neighbourhood Enhancement Action Team, as well as business and property owners, City Councillors, and the general public. The Spaxman Consulting Group met regularly with the Stakeholders Group to review the zoning and receive input. Following this, a public open house was held to receive input from the community at large. The initial public consultation phase ended October 2003, and since that time Staff have been working on refinements of the document itself.

The Nanaimo Downtown Plan Reference Document expresses a vision for the downtown area, which can be summarized into six guiding principles:

- Encourage living Downtown;
- Improve and stabilize the Downtown economy;
- Integrate and coordinate arts, culture and entertainment facilities and programs;
- Provide better linkages within Downtown and the Waterfront;
- Conserve and enhance the scale and historic character of Commercial Street; and
- Provide convenient public transportation.

As well, where the Downtown had previously been treated as a "blanket" area, this new Plan recognizes that the downtown is made up of unique character areas, and provides development guidelines to strengthen the special characteristics for each of these. For example, the Plan discusses the various uses, densities, and design guidelines that may be appropriate for each of the character areas in order to reflect the existing character and focus of each.

It should also be noted that, while the Nanaimo Downtown Plan remains a reference document, portions of this Plan have been incorporated into the City's Official Community Plan. Specifically, that portion of the Plan dealing with policies for: economic development; arts, culture and entertainment; housing and community development; transportation systems; parks, open space and recreation; historic preservation; natural environment; and urban design were adopted as Section 7.0 of the Official Community Plan in May of 2002.

Following completion of this Plan, work continued on developing new zones for the downtown area. During this review, it was noted that several refinements to the Plan were necessary in order to preserve the character of the area. Proposed amendments to the Plan include refinement of those areas identified for high rise development, and inclusion of development guidelines for these areas.

The Plan originally identified three locations for development of high rise buildings in the downtown area. These included Chapel Front, Harbour Park, and Quennell Square. Input received from the public and various agencies during initial development of the downtown zones has resulted in the Downtown Stakeholders Group recommending proposed revisions to the high rise areas. Specifically, it was recommended that no high rise area be identified for Quennell Square, and that the Chapel Front area be amended to include those properties adjacent to Front Street.

In addition to the above-noted amendments, the updates to the Downtown Plan are also intended to recognize the hotel tower that is to be constructed as part of the conference centre development.

The proposed development guidelines for the high rise areas, which are proposed to be included within the Downtown Reference Document, will further address minimum lot area, height and setbacks, separation between towers, and maximum floor plates.

A total of seven new zones (C-24 to C-30) are proposed for the downtown area and inclusion into the City's Zoning Bylaw. These new zones are a marked departure from existing regulations as they are designed to reflect the character of each individual area. Each of the seven new zones allows for a number of permitted uses that are considered to result in positive development and activities within a given area. At the same time, maximum heights and densities, conditions of use, and yard requirements are designed to reflect the character of an area. For those areas affected by the high rise zones, maximum heights have been set at six storeys. Any proposal for a building in excess of this limit would be required to make application for a zoning amendment.

It should also be noted that these proposed zones are subject to new formatting that is very distinct from the majority of the zoning bylaw. These zones are designed to include a location map for quick reference to the area in question, and to include a series of diagrams to visually assist in determining heights and setbacks. These maps and diagrams are not intended to be adopted as part of the regulatory aspect of the bylaw, but rather, to act as an informational tool. This new formatting is intended to enhance the Zoning Bylaw by creating a more efficient, effective document. This formatting will be incorporated into the remainder of the Bylaw as periodic amendments take place.

Finally, should these proposed downtown zones be adopted, the next stage of this process for enhancing the downtown area will be to create new design guidelines for the area. It is expected that this will take place over the next 12 months.

Recommendations: That the Planning, Environment and Development Standing Committee recommend that Council:

1. consider giving first and second readings to "ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.365"; and
2. approve the proposed amendments to the "Nanaimo Downtown Plan Reference Document, April 2002".

It was moved and seconded that the recommendation be adopted. The motion carried.

Opposed: *Councillor Sherry*

(2) Stratification of Recreational Vehicle and Mobile Home Parks

At the Regular Meeting of Council held 2004-SEP-27, Council received a Staff report regarding stratification of RV parks and the applicability of Council's existing strata policy. At the meeting, Council directed Staff to bring forward a further report to the PEDSC with options for revising this policy.

Council has had a long-standing policy (adopted August, 1990) that strata conversion will not be supported when the vacancy rate is below 4 percent. The primary purpose of this policy is to ensure an adequate stock of affordable rental accommodation within the community (Plan Nanaimo also contains policy for reviewing stratification of rental buildings however it differs in both wording and vacancy rate [3 percent]).

Plan Nanaimo refers to the conversion of "Rental Buildings" versus Council's policy as it relates to "Strata Conversion" in general. Staff believe these two policies need to be consolidated in wording and intent.

The purpose of Council's vacancy policies, which discourage stratification during times of low vacancy rates, is one tool used to encourage housing affordability. The vacancy rate in Nanaimo is approximately 1.2 percent (CMHC October, 2002 - 2004 rates are to be released end of December). As such, Council's policies discourage strata conversion at this time.

The vacancy rate is established based on vacancies within rental accommodations. The rate does not include vacancies in mobile homes or recreational vehicle parks.

As existing RV parks are either extensions of existing campgrounds or have evolved from previous campgrounds, vacancy rates are likely low in the summer tourist season with expected higher vacancies in the winter or off-season.

Staff believe the CMHC vacancy rate, although not specific to mobile home or recreational vehicle parks, does not provide a suitable snapshot to evaluate the availability of housing rental stock.

In addition to affordability, existing housing policies focus on providing housing options throughout the community. This includes options for both form and tenure. While there are a number of mobile home parks within Nanaimo, there are presently only three recreational vehicle parks in the community.

- Resort on the Lake, (150 sites)
- Westwood Lake RV Park (28 sites)
- Living Forest RV Park (200 sites)

Although all mobile home parks within Nanaimo are rental, the zoning does provide for the ability to stratify. Unlike the RM8 (Mobile Home Park Zone), the RV1 (Recreational Vehicle Park Zone) does not permit stratification. By maintaining the status quo in permitting strata in only mobile home parks, Council is able to ensure a long-term housing choice within the mobile housing form.

Campgrounds and RV parks have been historically treated as transitional uses or holding properties when included within municipal boundaries. As growth increases and areas densify, campgrounds are redeveloped in keeping with the surrounding land uses. However once stratified, ownership divided among strata members would become extremely unlikely that the use would discontinue in the foreseeable future. What was once a temporary or transitional use would now become a permanent fixture within the fabric of the community.

With respect to Council's original direction, there are three principal options:

- A. Amend the current Council policy to clarify that it does apply to mobile home and RV parks (no strata based on current vacancy rates).
- B. Amend current Council policy to clarify that it does not apply to mobile home or RV parks.
- C. Establish a new policy for stratification for mobile home and RV park applications requiring applications to be considered on their own merits with consideration given to
 - demonstrated availability of rental pads within the community,
 - ability to comply with the RV or Mobile Homes Parks Bylaw,
 - impact on surrounding community, and
 - compliance with goals and objectives of the Official Community Plan
- D. Clarify that Council does not support the stratification of recreational vehicle parks.

Staff recommend Option D and that the strata conversion policies be consolidated regarding the wording and intent.

Recommendations: That the Planning, Environment and Development Standing Committee recommend that Council:

1. amend Council's strata policy line to 3 percent as per the Official Community Plan (OCP);
2. amend the OCP Strata Conversion wording to include all residential development; and
3. adopt a new policy not supporting the stratification of recreational vehicle parks.

It was moved and seconded that Council amend Council's strata policy line to 3 percent as per the Official Community Plan. The motion carried.

Opposed: Councillor Cantelon

It was moved and seconded that Council establish a new policy for stratification for mobile home and RV park applications requiring applications to be considered on their own merits with consideration given to:

- demonstrated availability or rental pads within the community;
- ability to comply with the RV or Mobile Homes Parks Bylaw;
- impact on surrounding community, and
- compliance with goals and objectives of the Official Community Plan.

The motion carried.

Opposed: *Councillor Sherry*

3. ADJOURNMENT:

It was moved and seconded at 4:02 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

DEPUTY MANAGER,
CORPORATE ADMINISTRATION