

MINUTES OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT
STANDING COMMITTEE MEETING HELD IN THE BOARD ROOM, CITY HALL,
ON THURSDAY, 2003-NOV-06, COMMENCING AT 3:43 P.M.

PRESENT: Councillor L. J. Sherry, Chair

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

Staff:	A. C. Kenning	P. Thorkelsson
	B. N. Mehaffey	K. L. Burley
	T. P. Seward	C. Hambley
	P. Murphy	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2003-OCT-23 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall at 3:36 p.m.

Moved by Councillor Sherry, seconded by Councillor Cantelon that the Minutes be adopted as circulated. The motion carried.

2. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Sherry advised that Mr. George Hanson was in attendance and wished to address the Committee regarding temporary portable signs.

Moved by Councillor Sherry, seconded by Councillor Cantelon that Mr. Hanson be permitted to address the Committee as a late delegation with a five-minute time limitation. The motion carried.

3. RECEIVING OF DELEGATIONS:

- (a) Mr. George Hanson, Managing Director, Downtown Nanaimo Partnership, 150 Commercial Street, Nanaimo, B.C., regarding temporary portable signs.

Mr. Hanson was previously authorized to address the Committee.

Mr. Hanson stated that:

- he is a part of the Economic Development Group and Nanaimo Now!, but he is not speaking in an official capacity.
- the main focus of both groups is to enhance the reputation of Nanaimo.
- he believes that the signage bylaw should restrict portable temporary signs, especially along the Island Highway.

- there are reports that show that millions of people travel in and through Nanaimo on an annual basis.
- unfortunately, many people have the impression that Nanaimo is a large "strip mall" and not a place to stay or visit.
- he believes that portable signs are a form of visual pollution.
- due to his background in sales and marketing, he is aware that when one business uses temporary portable signs, every business will want to use them.
- once this happens, there is a proliferation of portable temporary signs where no one can distinguish one sign from another because all the signs are competing with each other.
- he believes that regulating temporary portable signs is a step in the right direction to continue to improve Nanaimo's image.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the presentation be received. The motion carried.

4. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PERMITS, BYLAW AND PROPERTY SERVICES:

(1) Temporary Portable Signage Review

Staff initiated a review of the provisions for Temporary Portable Signage in late 2002. The review was in response to increasing public complaints regarding the number of signs as well as the constant bylaw contravention issues associated with this form of signage. During the period from 1999 to 2002, the number of permits for temporary portable signage grew from 16 to 250 permits. Following the review, a number of options were provided for Council's consideration which subsequently resulted in Council passing an amendment to the Sign Bylaw on 2003-APR-14, to limit the use of temporary portable signage to new businesses only.

At the time amendments to the temporary signage provisions were being considered, there was a commitment made to undertake a review of its effectiveness after adoption. At the Regular Meeting of Council held 2003-SEP-29, Council instructed Staff to proceed with a six month review of the bylaw changes. The six month review involves both a review of Charter issues relating to temporary signage limitations and an invitation for the public to provide input.

Comments were sought via an Open House 2003-OCT-09. The public was also invited to comment by letter or email following notice in the newspaper, on the City's website and City Page. Staff also attempted to notify all sign companies in Nanaimo and professional organizations representing business interests such as the Greater Nanaimo Chamber of Commerce, Tourism Nanaimo, the Downtown Nanaimo Partnership, the Economic Development Group and the Vancouver Island Real Estate Board.

Staff received 17 responses via mail or email; 10 responses requesting less restriction and 7 responses in favour of restrictions. The Open House was attended by approximately 20 persons. The attendees were almost exclusively business owners that utilized the signs. Most were in favour of returning to the old bylaw as they did not see a problem with it. A few advocated less restrictive amendments to the portable sign provision. All the businesses that utilize the portable signage stressed their effectiveness in increasing traffic to their stores.

The responses received from the general public were in favour of a more restrictive approach to the signs. These responses stressed their unsightly nature and the detrimental effect on the City's image. It was also noted that the signs seemed to be permanent fixtures, not temporary in nature, when they were widely permitted. The question as to the effectiveness of a large number of these signs being visible at the same time was also raised. Attached to this report is a sampling of responses received from each side of the issue, although all responses will be available for the Committee's review at its Meeting 2003-NOV-06. Although a large volume of responses was not received, the issue is nevertheless well presented by the attached correspondence.

Staff have not received a response from all of the organizations it provided direct notification. The Downtown Nanaimo Partnership has responded and is firmly in favour of the more restrictive provisions. The letter from the Partnership provides a good summary of the broader community objective of improving the image of Nanaimo and establishing it as a city worth exploring.

With respect to the Charter issues associated with further restrictions whereby a business could challenge the bylaw amendments on the basis that it unreasonably restricts freedom of expression, the City solicitor advises that a Charter based challenge could occur at any time. However, if the restrictions are reasonable in light of the importance of other City objectives being compromised by this form of signage, a Charter based challenge is less likely to be successful. In Nanaimo portable signage is in conflict with other efforts to promote the City as evidenced by such existing policies to protect the aesthetic values of our urban landscape (and ultimately the overall image of Nanaimo) such as City form and character reviews, landscape standards, and Parkway protection.

In short, the temporary signage review indicates that the business benefits afforded by the temporary portable signage continues to be at odds with community concerns for Nanaimo's image. Businesses that utilize these signs continue to want to see access to portable signs. There continues to be others in the community that believe the signage to be offensive and contrary to other City-wide objectives.

In terms of possible action, the Committee can:

1. direct Staff to maintain the status quo and reconfirm the April 2003 bylaw amendment; or,
2. abandon the April 2003 amendment; or,

3. provide direction to Staff on a range of possible options to allow greater access to these signs without reverting to the previous bylaw.

Recommendation: The Committee's direction is sought.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Planning, Environment and Development Standing Committee recommend that Council direct Staff to maintain the status quo and reconfirm the April 2003 bylaw amendment. The motion carried.

BUILDING INSPECTION:

(2) Building Bylaw/Municipal Insurance Association Core Bylaw Report

Exposure to claims and liability risks associated with building inspection services has been increasing across the Province of British Columbia. In response to mounting claim costs the Municipal Insurance Association (MIA) issued in July of 2002 a report prepared by the law firm Barnes, Twinning and Short that examined at some depth the current status of Municipal Building Bylaw Regulations in BC Municipalities. The final report by Mr. Tom Barnes outlines a Core Building Bylaw with structure and wordings aimed at standardizing the risk undertaken by Municipalities across the Province.

The provisions of the MIA Core Bylaw have been reviewed by the City solicitor who confirms that the proposed Core Bylaw recommendations address issues raised in recent case law and liability claims.

The current Building Bylaw was written in 1988 and has been amended a number of times to address revised technical and procedural regulations. Staff have reviewed the bylaw prepared by MIA and is recommending that the current bylaw be repealed and replaced with a new bylaw that:

1. includes the majority of provisions of the Municipal Insurance Association (MIA) Core Bylaw; and,
2. retains bylaw provisions contained in the current bylaw that are specific to Nanaimo (i.e. works and services, sprinklers, relocated houses, Building Envelope Professionals, etc.)

The MIA Core Bylaw has not been adopted in its entirety, as the solicitor and Staff believe a small number of the Core Bylaw provisions are not required. The attached report outlines the key sections of the MIA Bylaw and provides Staff's justification why each section should or should not be included in the new bylaw.

Staff are recommending that the draft bylaw be forwarded to the Canadian Home Builders Association (CHBA) for comment. If the CHBA has concerns with adoption of the bylaw, their comments will be brought forward to Council at its Meeting of 2003-DEC-01.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council direct Staff to refer the draft Building Bylaw to the Nanaimo branch of the Canadian Home Builders Association for comment and consider giving first three readings to "BUILDING BYLAW 2003 NO. 5693" at the Regular Meeting of Council to be held 2003-DEC-01.

5. ADJOURNMENT:

Moved by Councillor Holdom, seconded by Councillor Cantelon at 4:45 p.m. that the meeting terminate. The motion carried.

C H A I R

CERTIFIED CORRECT:

DEPUTY MANAGER,
CORPORATE ADMINISTRATION