

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,
ON THURSDAY, 2002-SEP-19, COMMENCING AT 4:00 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor W. J. Holdom
Councillor L. D. McNabb

Staff:	B. N. Mehaffey	J. T. Bowden
	S. Fletcher	L. Mitchell
	R. Lawrance	T. Wilkinson
	D. Lindsay	C. Hambley
	C. Sholberg	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2002-AUG-13 Meeting of the Planning and Development Standing Committee held in Conference Room 1, City Hall Annex at 4:00 p.m.

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

2. RECEIVING OF DELEGATIONS:

- (a) Ms. Roxanne MacNeil, Vice Chair, *Community Alliance for Social Action*, requested permission to address the Committee regarding the new group working on downtown social issues: the *Community Alliance for Social Action (CASA)* – a Sub-Committee of SPAC.

Moved by Councillor McNabb, seconded by Councillor Holdom that Ms. MacNeil be permitted to address the Committee as a late delegation with a five minute time limitation. The motion carried.

Ms. MacNeil stated that:

- she was speaking to the Information Report regarding the new sub-committee of the Social Planning Advisory Committee, and was in attendance to answer questions.
- the report contains the list of members on the Committee, and she brought along the terms of reference.
- she has only been in Nanaimo for one year, working at AIDS Vancouver Island, and she works with many other people besides her clients.
- she likes the idea of developing the downtown core, and has a good understanding and comfort level with the area.
- a sense of ownership is important for safety and cooperation.
- they take responsibility for the wonderful things that are happening and encourage people to feel part of it.

- she spent time in Yaletown and likes the culture and residential development of downtown areas.
- their first goal is to make a positive image of downtown.
- more understanding decreases fear.

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

3. REPORTS OF ADVISORY COMMITTEES:

(a) Nanaimo Community Heritage Commission - Heritage Register

The City's Heritage Action Plan was endorsed by Council at its 2001-AUG-30 meeting. One of the key goals of this plan is the creation of a Heritage Register.

A Heritage Register is an official listing of properties identified by the City as having heritage value or character. Adoption of a register ensures that building owners and prospective buyers are aware of the building's heritage status in the community. In addition, creation of a Heritage Register will permit Council, through a Heritage Procedures Bylaw, to implement temporary protection measures for buildings threatened with demolition or alteration. These temporary protection measures allow Council to:

- temporarily withhold approval for an action that would lead to alteration of a listed heritage property;
- temporarily withhold a demolition permit; and
- require an impact assessment to determine the effect of a proposed development on a heritage resource, before the development takes place.

Buildings on a Heritage Register can also take advantage of special "equivalency" provisions contained in the BC Building Code Heritage Building Supplement and can be used as a criterion for municipal grants, tax exemption, and non-monetary incentives, such as zoning relaxation or development bonuses.

As directed by Council, a Heritage Register consultation process was initiated in December, 2001 and was completed in April, 2002.

Staff received generally favorable responses from property owners through the consultation process. Of most concern to property owners was the effect the Register would have on their property's development potential. In all cases, Staff and the Heritage Commission clarified the objectives of the Register and ensured that the property owner understood how and when the Register would be used by the City.

In some cases, the property owner was not convinced that listing his/her property on the Register was desirable, primarily due to the perception that "heritage status" would lessen the property's future sales potential. As a result, the owners of eight properties formally requested that their properties be removed from the proposed Heritage Register. The Commission recommends that these properties be left off the register for the time being and that Staff initiate further discussion with the property owners regarding the possibility of placing the properties on the register at some point in the future.

In order for the City to exercise the temporary protection measures permitted under a Heritage Register, a Heritage Procedures Bylaw must be adopted. The bylaw must outline the conditions under which the Heritage Register's temporary protection powers may be used by the City. In addition to these temporary protection powers, the Commission recommends that the bylaw also outline procedures for:

- issuance of Heritage Alteration Permits affecting external changes to buildings contained in the City's Downtown Heritage Conservation Area;
- Heritage Revitalization Agreements affecting comprehensive development of heritage properties;
- placement of Heritage Designation protection on a property; and
- future amendments to the Heritage Register.

Finally, the Commission recommends that the Heritage Procedures Bylaw contain provisions which would, in most cases, allow the General Manager of Development Services to approve Heritage Alteration Permits. In keeping with Council's earlier decision to delegate limited authority to Staff for issuance of Development Permits, Council approval of Heritage Alteration Permits would still be required in the following circumstances:

- where a requirement contained in the Zoning Bylaw is varied by more than 50 percent; notwithstanding, variances to site coverage and conditions of use shall be subject to Council approval; height variances more than 1 metre and watercourse leave strip variances greater than 20 percent shall also be subject to Council approval;
- where an off-street parking requirement contained in the Development Parking Regulations Bylaw is varied by more than 50 percent;
- where construction of a proposed development exceeds 4,600 square metres (49,515.61 square feet);
- where more than 50 dwelling units are being constructed; and
- variances for signs which are not considered by the General Manager to be an integral part of a building's design.

The new Heritage Procedures Bylaw will contain application fee requirements for both Heritage Alteration Permits and Heritage Revitalization Agreements. In order to specify the fee amount, the City's existing Development Services Fees and Charges Bylaw must be amended. The proposed amendment bylaw will delete the reference to Development Permit Area #14 contained in Schedule "A" and in its place, list a \$500 application fee for Heritage Alteration Permits, Heritage Revitalization Agreements and Development Permit applications for DP Area #20 (Old City).

Recommendations: The Planning and Development Standing Committee recommends that Council:

1. pass a resolution adopting Schedule "A" as the City's Official Community Heritage Register,
2. direct Staff to draft a Heritage Procedures Bylaw as outlined in this report; and,
3. direct Staff to draft the required amendment to "DEVELOPMENT SERVICES DEPARTMENT FEES AND CHARGES BYLAW 1999 NO. 5357".

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received and the recommendation be adopted. The motion carried.

4. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

COMMUNITY PLANNING:

(1) Regional District's Growth Management Plan Amendment Bylaw

The Regional District of Nanaimo (RDN) has just completed a year-long review of the Growth Management Plan (GMP) policies resulting in a number of proposed amendments. The new bylaw has been to a public hearing and is currently before member municipalities and adjacent regional districts for consideration. A resolution accepting the plan amendments is required of Council prior to adoption.

A number of the proposed amendments deal with securing densities on Resource Lands and Rural Residential Land by tying them to Official Community Plan (OCP) densities at the time the GMP was adopted. This amendment is critical for ensuring that all board members will be part of decisions which will increase rural densities and affect services. With the loss of member municipal input into rural planning issues, this amendment will require all proposals to increase density above that determined in the existing OCP to require an amendment to the GMP with full board participation.

It is also important that amendments to secure densities are in place prior to the Lantzville incorporation decision. The GMP will protect Lantzville the same way as

other municipal members were protected if they are incorporated and provide for a review of the GMP within two years of incorporation. Policy 7C also clarifies the existing development and servicing rights in the area.

The recent amendment regarding Block 564, Nanoose Land District also makes consideration of this bylaw urgent since there is a sense that a delay will result in land uses that will be detrimental to the environment, as the proposal provides an opportunity to negotiate for significant protection along the Englishman River and create an important recreational opportunity.

All three issues noted above set a decision-making context that results in a need to accept the amendment while some issues remain outstanding.

The process that resulted in the proposed bylaw was a complex series of public workshops, consultant reports, public meetings and Board direction. However member municipal staff felt that there was insufficient opportunity to have an in-depth discussion about key issues related to current growth management approaches, interpretation of existing policies and the proposed policies. The proposed policies went to the Board prior to a City and Regional staff meeting making it too late to make any suggestions or reach a compromise on sensitive rural/urban issues.

It is important, given the context above, for the issues that remain unresolved to be dealt with and not be lost with the completion of the current review process.

The following is a brief overview of policies and issues that have raised concerns throughout the review of the GMP. The new Growth Management Plan bylaw is considerably more clear and concise. It includes policies encouraging the Federal and Provincial Governments to support GMP policy implementation through their policies and decisions.

The new bylaw also protects member municipalities from density increases occurring without their input. Prior to the development of this bylaw, the vague wording regarding lot size and density of lots on Resource Lands left the interpretation of lot size very vague. The new bylaw ties the lot size to the OCPs that existed at the time the Regional Growth Management Plan was adopted. Since Municipal Regional Board representatives do not participate in land use decisions outside of their boundaries, this policy change is very important given the potential impact on density and servicing issues.

Also, the following is a summary of specific policies that clarify existing development and servicing rights:

Policy 1C Issue:
UCB amendment policy

Staff Comment:
Okay until next review

Policy 1E Issue:

Extension - change from Resource Lands to Rural Residential with no change in density above that allowed in OCP (18 units/hectare). This amendment allows clustering to be considered as part of an OCP review.

Staff Comment:

The Regional Board provided direction on this issue with a resolution to proceed. Servicing is a separate decision where Nanaimo reps. have the ability to choose whether servicing could be provided through Nanaimo's infrastructure.

Policy 3A

Issues:

- Ties minimum lot size in Resource Lands to OCP densities
- Nanoose Land District proposal for increased density in exchange for open space

Staff Comment:

Okay - important protection for municipalities around Rural densities. May be an opportunity to secure protection for the currently unprotected Englishman River

Policy 3B & 3C

Issue:

Province assesses Resource Land for long-term agriculture and forest use

Staff Comment: Okay

Policy 7A

Issue:

Enables servicing inside the UCB and outside on Sub-urban Lands

Staff Comment: Okay

Policy 7B

Issue:

Does not support servicing outside the UCB except for health and environmental reasons

Staff Comment:

Okay – policy directs the development of a criteria for assessing health and environmental reasons for servicing

Policy 7C

Issue:

Encourages the Lantzville Improvement District to service inside the UCB only; however recognizes their right to service anywhere within their servicing area

Staff Comment: Okay

Recommendation: The Planning and Development Standing Committee recommends that Council support the proposed amendments to the Regional District Growth Management Plan.

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received and the recommendation be adopted. The motion carried.

(2) Steep Slope OCP Bylaw and Zone

In an effort to ensure that the new Steep Slope Development Permit Area Policies can be implemented the PDSC directed staff to organize a meeting where proposed solutions being considered by Council could be discussed. The meeting was held 2002-JUN-13 and was well attended by property owners, developers and neighbourhood representatives who provided comment on the draft Steep Slopes Bylaw. Five issues were discussed as well as a presentation about how, where and when the Steep Slope Development Permit Area Policies and Guidelines would be applied (minutes attached). Participants left the meeting with greater clarification about the impact of the Steep Slopes policies. More importantly, the meeting resulted in finding common ground on several outstanding issues.

There was general agreement at the meeting for the following proposed approaches for dealing with the issues raised:

1. Incorporate flexible Engineering Standards and setback variability: Since changes to the Engineering Standards, Subdivision Control Bylaw and other bylaws affected by the Steep Slopes Guidelines are not part of the proposed steep slopes policies, it is recommended that Council streamline the process and decrease concerns about long delays in the approval process, if flexibility is being sought.
2. Avoid multiple permit approvals and duplication of assessment requirements: The approach currently followed when multiple permits and duplicate assessment requirements occur is to use a comprehensive approval process.
3. Set the base density for clustered units without a rezoning higher than 10 units per hectare (upha): Council directed staff to include a density cap of 10 upha for the clustering option. The 10 upha represents current single family neighbourhood densities that would not be achieved without the clustering option on many steeper sloped properties. At the meeting, it was suggested that this figure is too low to provide sufficient incentive for clustering the development.

It was also mentioned that there seems to be an increasing market for small lot units that are not part of a strata development. While the cluster option currently allows for single family clusters, it does not result in a small lot fee simple development. Some technical issues related to this issue need to be worked out as the bylaw is being developed.

Council may wish to increase the base density cap of 10 upha to 12 upha as a way of providing a bonus to developers for sensitive development on steep

slopes through clustering. If a higher cap is considered, Council should consider increasing the percentage of open space provided and ensure public access options.

4. Revise the method for calculating building height: An additional policy in the steep slope zone will allow down grade heights to be measured 5.5 metres from the curb.
5. Set a maximum lot size for steep slopes not included in the lot size calculation: In an effort to deal with very large lots that will result on properties with a high proportion of the property with slopes over 30 percent, the addition of a larger minimum lot size (1200 m²) for portions of the property with slopes greater than or equal to 30 percent.

Along with the changes proposed above an OCP amendment will be needed to create a Steep Slope Development Permit Area and attach the Steep Slope Development Permit Area Guidelines to the Plan. As well, Council would need to direct Staff to consider variances to the City Engineering Standards, Subdivision Control Bylaw and other affected bylaws, to support the implementation of the new zone and Development Permit Area Guidelines, on a priority basis for site specific applications. Following a 1-year trial, Council may want to consider amending the Engineering Standards to include a standard for steep slope development.

Recommendation: That the Planning and Development Standing Committee recommends that Council direct Staff to bring forward the following bylaw amendments and policy statements necessary to implement Steep Slopes policies:

- a new Steep Slopes Zone that includes a density cap of 12 upha, clustered housing forms that can be either strata or fee simple developments, a revised method for calculating building height and two minimum lot sizes (600 m² and 1200 m²) that addresses concerns about large lots with little or no area with slopes less than 30 percent;
- an OCP bylaw amendment that attaches the Steep Slopes Guidelines to the Plan using a Steep Slopes Development Permit Area and appropriate amendments to the Neighbourhood Section and Schedule B of the OCP;
- a policy statement regarding flexibility in interpreting Engineering Standards and other applicable policies and bylaws; and,
- a policy statement for improving the approval process for permits in an effort to streamline the process.

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received and the recommendation be adopted. The motion carried.

5. RECEIVING OF INFORMATION ONLY ITEMS:

- (a) Report from Ms. S. Fletcher, Manager, Community Planning, re: Correction of Mapping Error on Official Community Plan Schedule A-7.1 Old City Neighbourhood.
- (b) Report from Ms. K. Torhjem, Chair, Social Planning Advisory Committee, re: New Group Working on Downtown Social Issues: the *Community Alliance for Social Action (CASA)* - A Sub-Committee of SPAC.

Moved by Councillor McNabb, seconded by Councillor Holdom that the Information Only Reports be received. The motion carried.

6. ADJOURNMENT:

Moved by Councillor Holdom, seconded by Councillor McNabb at 4:50 p.m. that the meeting terminate. The motion carried.

CHAIR

CERTIFIED CORRECT:

CITY CLERK