

MINUTES OF THE 2001-JAN-25 MEETING OF THE PLANNING AND DEVELOPMENT
STANDING COMMITTEE, HELD IN THE BOARD ROOM, CITY HALL,
COMMENCING AT 4:00 P.M.

PRESENT: Members: Councillor L. J. Sherry, Chair
 Councillor W. J. Holdom
 Councillor L. D. McNabb

Staff:	A. C. Kenning	G. Savage
	B. N. Mehaffey	J. T. Bowden
	S. E. Fletcher	A. D. Archer

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2000-NOV-09 Meeting of the Planning and Development Standing Committee held in the Board Room, City Hall at 2:00 p.m.

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

2. RECEIVING OF DELEGATIONS:

Moved by Councillor Sherry, seconded by Councillor McNabb that Delegation (a) be permitted to address Council. The motion carried.

- (a) Mr. Bob Wall, 6040 Hammond Bay Road, Nanaimo regarding the proposed covenant amendment for 1125 Dufferin Crescent, Nanaimo.

Mr. Wall was previously authorized to address Council.

Mr. Wall stated that:

- his application to change two of the apartments on the top floor of the building from condominiums into medical offices is the result of ongoing problems of getting the building into the black.
- he has had a hard time renting the apartments out at \$635 a month, and with the owner paying the \$300 strata fees, they are subsidizing the apartments.
- in the first place he wanted to change the top floor to medical space as apartment tenants were hard to find, but was told that was not possible as it had to be mixed use.
- the biggest complication appears to be parking and that is what he mainly wished to address.
- the building has operating rooms and medical specialist services, and the facility is treated the same under the bylaw as if it housed general physicians.
- the difference is that the doctors do surgery in various other locations, and are not in their offices a lot of the time, whereas a general practitioner spends most of his time in his office seeing his patients.
- when medical space is being developed, they are charged the same as for people in every facility, and they can only be in one at a time.

- Dr. Bill Johnson is a good example; he has an office in the Seafield Medical Building, as well as a surgical office downstairs, and they are charged for both places.
- he has an office in Parksville and does surgery in Nanaimo Regional General Hospital and in Victoria, and is working in those places on a regular basis.
- parking spaces are provided for him even though he and his staff are at one of the other locations.
- they are sometimes present only a few hours out of the week, whereas a general practitioner would be there all day and all week long, with his staff.
- another example is a psychiatrist who also works in various other locations, as is the case with most of the specialists - they are at a lot of different places.
- when office space is built for them the specialists can afford and expect a better calibre office, as they make more money than a general practitioner.
- he bought a house and wanted to make it into a medical office for a doctor, but the City didn't want the doctors to be in houses around the hospital any more, they wanted proper medical offices built.
- they bought the property next door and built the building to the satisfaction of Staff and Council.
- only two complaints have been received regarding the building.
- one complaint is from a doctor down the street who has had several relaxations to the bylaw himself - he is too close to the side and the rear property lines, and does not have as many parking places as the bylaws require, but a relaxation was made because it is a great place for a service like that.
- the doctor writes in his letter that he did not think they should be granted a relaxation largely because he wasn't, but he was granted several and they have much better parking facilities and parking ratio than he has.
- between now and when it goes to a Public Hearing he will have someone count the cars all day long, to show the empty spots.
- he stopped on the way to the Meeting and there were ten empty spots in the middle of the afternoon in a 32 car space.
- the complainants say that is because he has the advantage of parking on the street and they do not have that.
- he paid to widen the streets and put in the sidewalks and street lighting, and so has that advantage, but he does not feel that they should be penalized because they have parking that the others do not, as they could put parking on the street themselves.
- the other complaint is from the property owner immediately behind them.
- the complainant has an illegal suite and is parking twice as many people as he is supposed to, while he is complaining that they will complicate the parking situation in the neighbourhood.
- they have a waiting list of doctors and want to build another building, but do not want to be subsidizing the present one before starting another, as they want it to carry itself.

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

3. CITY MANAGER'S REPORT

DEVELOPMENT SERVICES:

CURRENT PLANNING:

(1) Mainstreet Policies

The Planning and Development Standing Committee has previously determined that a major priority for 2001 should be a review of Plan Nanaimo. The timing of this review coincides with the five-year statutory review mandated by Provincial Legislation. Funding for the five-year review is included in the 2001 Development Services Department budget and Staff is currently reviewing options for the review. A report will be provided to the Committee on Staff's findings when this process is complete.

In the interim, it is Staff's understanding that the Committee has a particular interest in current Official Community Plan (OCP) policies which address the location and design elements of "Mainstreets". Towards this end, Staff has provided a summary of the current OCP policies which address this element.

Given the number of policies dealing with Mainstreets, the issue is relatively complicated and the review of this issue includes a number of considerations. From Staff's perspective, the Committee may wish to base its review of current policies within the following framework:

1. Review rationale for Mainstreet provisions in:
 - (a) Town Centres
 - (b) Other areas
2. Review design criteria in:
 - (a) Neighbourhood Villages
 - (b) Town Centres
 - (c) Regional Town Centres
3. Review Mainstreet locations identified in the OCP
4. Review technical requirements:
 - (a) Road standards
 - (b) Parking requests
5. Develop policies for implementation of guidelines

A summary of Plan Nanaimo's Mainstreet Policies was attached to the report.

Recommendation: That the Planning and Development Standing Committee initiate a discussion on Mainstreet policies based on the information provided.

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received and that the report be further discussed at the next Planning and Development Standing Committee Meeting. The motion carried.

(2) Covenant Amendment Application No. RA000054 and Development Permit
No. DP000116 - 1125 Dufferin Crescent

The Canadian Cache Development Corporation, which owns the commercial/residential building at 1125 Dufferin Crescent, has applied to convert two of four existing third floor residential units to office. The applicant advises that the ratio of residential to commercial is not viable under current market conditions. In order to do this, Council will have to authorize an amendment to the development permit and the Restrictive Covenant which was registered on title as a condition of the rezoning which authorized the development. The property in question was the subject of a rezoning several years ago which resulted in the change of two single family lots to C-4.

Given the location of the site, current policies encourage mixed-use development and provide for greater allowable building height when developments meet the objective. As the developer took advantage of this incentive to increase the building height, a covenant was registered to ensure that the mix of uses remained as proposed. A further consideration was a parking variance which was supported on the basis of the location of the site in a Town Centre and the opportunity for shared parking which typically occurs in mixed-use developments.

In order to permit the above noted changes, on site parking requirements would have to be varied from 44 to 32 stalls. As well, the requirement that permits commercial uses on only the first two floors of a mixed-use building will have to be varied; and Section 1.(b) of the Restrictive Covenant, which states "The third floor of any building constructed on the Land shall be used for Residential Use only" would have to be deleted.

While the conversion of two residential units to office may not appear to raise major concerns, there are some issues that need to be considered during the decision making process, as they will have an impact on how Staff reviews these types of projects in the future. These include:

1. What constitutes a mixed use building?
2. Height bonusing for mixed use projects.
3. Parking reductions in Town Centres

Staff has brought this application to the Committee because it involves the relaxation of the City's bylaw requirements. Although this report poses more questions than answers, it is hoped that this will generate discussions and provide both Council and Staff with rationale for the decision to assist in dealing with future applications of a similar nature.

If the Committee supports the proposal and Council directs Staff to proceed with this application, all adjacent property owners would be notified and a Public Hearing would be held. The application would then return to Council for direction. Staff also propose to have the Development Permit amendment and Covenant amendment applications run concurrently.

Recommendation: That the Committee determine if it wishes to:

1. recommend that Council support the covenant amendment application and parking variance for 1125 Dufferin Crescent and
2. identify any other recommendation regarding the revision of existing regulations dealing with mixed use.

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received and that the Committee recommend that Council support the covenant amendment application and parking variance for 1125 Dufferin Crescent, and that Staff be requested to bring back a list of options regarding revisions to regulations dealing with mixed use for consideration. The motion carried.

4. RECEIVING OF INFORMATION ONLY REPORTS:

- (a) Memo regarding Planning Committee meeting dates.

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

5. ADJOURNMENT:

Moved by Councillor McNabb, seconded by Councillor Sherry at 5:00 p.m. that the meeting terminate. The motion carried.

CHAIR

CERTIFIED CORRECT

CITY CLERK