

DATE OF MEETING NOVEMBER 20, 2023

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BUILDING BYLAW AMENDMENTS – INTRODUCTION OF THE CERTIFIED PROFESSIONAL PROGRAM

OVERVIEW

Purpose of Report

To introduce amendments to “Building Bylaw 2016 No. 7224” for Council’s consideration, including the introduction of the Certified Professional Program and other housekeeping amendments.

Recommendation

That:

1. “Building Amendment Bylaw 2023 No. 7224.06” (to implement a Certified Professional Program; alignment of Professional Practice Guidelines for Retaining Walls; and minor housekeeping items) pass first reading;
2. “Building Amendment Bylaw 2023 No. 7224.06” pass second reading;
3. “Building Amendment Bylaw 2023 No. 7224.06” pass third reading.

BACKGROUND

The report brings forward several Building Bylaw items for Council’s consideration, including:

- The introduction and implementation of the Certified Professionals Program;
- Alignment of the Building Bylaw with the Engineers and Geoscientists of BC professional practice guidelines as it relates to the height of retaining structures; and,
- Minor housekeeping items such as, to remove an unreferenced fee schedule, changes implemented through the transition from paper-based permit applications to digital applications, alignment of terms used in the zoning bylaw and other minor changes to align with current practice.

DISCUSSION

The Certified Professional Program

The Certified Professional (CP) Program, which is jointly administered by the Engineers and Geoscientists of BC (EGBC) and the Architectural Institute of BC (AIBC), is an alternative to the conventional Authority Having Jurisdiction (AHJ) process for building permitting and monitoring of construction. The CP program, which provides certification to engineers and architects with specialized training, is intended to give municipalities an extra level of confidence in the professionals’ work, over and above the assurances provided through the BC Building Code’s Professional Assurance Schedules.

As part of this alternative process the CP provides their professional assurance to the AHJ that they will take all appropriate steps to ascertain that the design will substantially comply and the construction of the project will substantially conform in all material respects with the fire and life safety, and accessibility aspects of the building code, other applicable safety enactments, and the related development permit. The Building Official of an AHJ relies upon the CP's assurances in issuing Building Permits and Occupancy Permits for a project constructed under the CP Program.

The CP program offers an opportunity to supplement the building permit process in a way that benefits applicants and the construction industry, while maintaining the required level of rigor and building code compliance. The CP, much like a building official, is not meant to be an expert in all aspects of building code, however, they are expected to have a working knowledge of the codes and referenced standards. The CP provides an independent review of the design and field review process as a check and balance to the services provided by the registered professionals of record and the coordinating registered professional. The introduction of a CP into a project is expected to substantially reduce the monitoring and review activities of the City's building inspectors. While a limited number of projects are anticipated to utilize the CP program, use of the program for some complex projects will help to free up building inspectors to support design and field review on other projects.

While adoption of the CP program was not recommended through the 2021 Building Permit Function Review due to limited uptake of the Program by AHJs and the limited number of CPs practicing at that time, the Program has been expanding in recent years and development activity and the complexity and scale of development projects in Nanaimo have also been increasing significantly. The CP program is well-suited for significant, multi-phased, complex building projects and would support the issuance of staged building permits for these large-scale projects. Nanaimo has been experiencing and is anticipating more projects of the scale and complexity that could benefit from the CP program, such as the Nanaimo Correctional Centre, anticipated Nanaimo Regional General Hospital Cancer Centre and the anticipated Vancouver Island University nine-storey mass-timber student housing project.

Given potential of the CP program to support more efficient review and approvals of complex building projects, it is recommended that the CP Program be implemented by adopting proposed amendments to the City's Building Bylaw.

The Height of Retaining Structures

The EGBC developed Professional Practice Guidelines for Retaining Wall Design with the support of the City of Nanaimo. These guidelines require oversight for the design and construction of retaining walls by a professional engineer when the height of a wall is greater than 1.2m. The current Building Bylaw requires a building permit for retaining walls of 1.5 m in height and greater. An amendment to the Building Bylaw is proposed to require a building permit for retaining walls of 1.2m. in height and greater. This aligns the Building Bylaw and the EGBC professional practice guidelines, which will help ensure retaining walls are constructed safely and in compliance with the EGBC guidelines.

Other Changes

The penalties and enforcement have been revised to align with the other regulatory bylaws for the City of Nanaimo.

The removal of the fine schedule in Schedule A addresses the duplication of this information that is now contained within the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

Minor housekeeping items to address changes implemented through the transition from paper-based permit applications to digital applications, alignment of terms used in zoning bylaw and minor changes to align with current practice.

OPTIONS

1. That:
 1. “Building Amendment Bylaw 2023 No. 7224.06” (to implement a Certified Professional Program; alignment of Professional Practice Guidelines for Retaining Walls; and minor housekeeping items) pass first reading;
 2. “Building Amendment Bylaw 2023 No. 7224.06” pass second reading;
 3. “Building Amendment Bylaw 2023 No. 7224.06” pass third reading
 - The advantages of this option:
 - The CP Program Provides an alternative Building Permit Process for significant commercial projects. This should improve permit timelines for projects submitted under the CP Program as well as freeing up staff resources that can be utilized in the regular stream.
 - Alignment of the Building Bylaw and the Professional Practice Guidelines for retaining walls will ensure that retaining walls that should have professional oversight will.
 - The disadvantages of this option:
 - There are no foreseeable disadvantages to either the City or the Participants in offering the CP Program as an option.
 - There may be slightly more retaining wall permit applications to process however it is expected to be insignificant.
 - Financial Implications: Project timelines are critical especially for more complex projects, although there is a cost to the owner, the CP program provides more certainty as the CP is involved much earlier than a building official would be. The review and coordination are completed by the CP before application.
2. That Council deny first, second and third reading of “Building Amendment Bylaw 2023 No. 7224.06” and provide alternate direction.
 - The advantages of this option: There are no expected advantages.
 - Financial Implications: Leaving the code review and coordination check for staff to complete at the building permit review stage, typical requires amendments to the application. This can cause delays in the issuance of the permit and increase costs.

SUMMARY POINTS

- The Certified Professional (CP) Program is an alternative to the conventional Authority Having Jurisdiction (AHJ) process for building permitting and monitoring of construction.
- The Program has been expanding in recent years and is well-suited for significant, multi-phased, complex building projects and would support the issuance of staged building permits for these large-scale projects.
- The introduction of a CP into a project has the potential to substantially reduce the monitoring and review activities of the City’s building inspectors.
- Retaining Wall height in the bylaw would align with the Professional Practice Guidelines that EGBC published with the support of the City of Nanaimo.
- Alignment of penalties and enforcement language consistent with other City of Nanaimo bylaws.
- Removal of the fine schedule as that it is a duplication of information now contained in the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.
- Minor housekeeping items.

ATTACHMENTS:

ATTACHMENT A: B7224.06 – Building Amendment Bylaw

ATTACHMENT B: B7224 – Red Lined Version |

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development |