

2009-FEB-18

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2009-FEB-05
FOR BYLAW NO. 4000.446

STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2009-FEB-05.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2009-FEB-05, the subject of which was one item. Approximately 10 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.446:

This bylaw, if adopted, will amend "ZONING BYLAW 1993 NO.4000" by:

- (1) Creating a definition of 'Rooming House' as follows:

"ROOMING HOUSE" – means a residential building in which more than five (5) persons occupy sleeping units and typically share common areas, including kitchens and baths.

- (2) Amending Section 5.12 to clarify that secondary suites are permitted in all multiple family residential, commercial, and public institution zones where only a principal dwelling and no other use exists on the lot.

- (3) Adding 'Rooming House' as a permitted use in the following zones when no other use exists on the lot:

RM-3 Low Density Multiple Family Residential (Townhouse) Zone
RM-4 Low Density Multiple Family Residential (High-rise) Zone
RM-5 Medium Density Multiple Family Residential (Suburban) Zone
RM-6 Medium Density Multiple Family Residential (Urban) Zone
RM-7 High Density Multiple Family Residential (High-rise) Zone
RM-9 Old City Low Density (Fourplex) Residential Zone
RM-10 Old City Medium Density Multiple Family Residential Zone
RM-11 Old City Single Family/Duplex Zone

- C-4 Mixed Use Commercial Zone
- C-6 Tourist and Public House Commercial Zone
- C-7 Community Shopping Centre Commercial Zone
- C-9 Central Commercial Zone
- C-10 Tourist Commercial Zone
- C-11 Core Area Commercial Zone
- C-12 Highway Commercial Zone
- C-17 Old City Mixed Multiple Family/Commercial Zone
- C-18 Old City Central Commercial Zone
- C-19 Old City Infill Commercial Zone
- C-20 Old City Infill Service Commercial Zone
- C-21 Regional Shopping Town Centre Commercial Zone
- C-22 Mainstreet Commercial Zone
- C-23 Town Centre Commercial Zone
- C-24 Core Zone
- C-25 Fitzwilliam Zone
- C-26 Wallace Zone
- C-27 Terminal Avenue Zone
- C-28 Chapel Front Zone
- C-29 Harbour Park Zone
- C-30 Quennell Square Zone

- (4) Amending the general regulation (Section 5.16) in order to limit the number of occupants and sleeping units within a rooming house to 10.
- (5) Amending Section 5.16 to permit a rooming house to exceed 10 occupants or 10 sleeping units only where the owner has entered into a Housing Agreement.

This application appears before Council this evening for consideration of Third Reading.

Five verbal submissions and two written submissions were received for this bylaw.

Respectfully submitted,

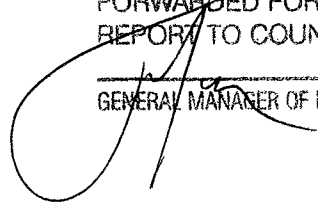


D. Lindsay
Manager, Planning Division
Development Services Department

for A. Tucker
Director, Planning & Development
Development Services Department

/pm
Council: 2009-FEB-23
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TO: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL



GENERAL MANAGER OF DEVELOPMENT SERVICES

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, VANCOUVER ISLAND CONFERENCE CENTRE,
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,
ON THURSDAY, 2009-FEB-05, TO CONSIDER AN AMENDMENT TO
THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor W.L. Bestwick
Councillor W.J. Holdom
Councillor D.K. Johnstone
Councillor L.D. McNabb
Councillor J.F. Pattje
Councillor L.J. Sherry
Councillor M.W. Unger

REGRETS: Councillor J.A. Kipp

STAFF: D. Lindsay, Manager, Planning Division, DSD
J. Horn, Social Planner, Community Planning, DSD
D. Stewart, Planner, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

PUBLIC: There were 10 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:00 p.m. Mr. Lindsay explained the required procedures in conducting a public hearing and the regulations contained within Section 892 of the *Local Government Act*. Mr. Lindsay read the item as it appeared on the agenda, adding that this is the final opportunity to provide input to Council before consideration of Third Reading of "ZONING BYLAW AMENDMENT 2009 BYLAW NO. 4000.446" at the next regularly scheduled Council meeting of 2009-FEB-23.

1. BYLAW NO. 4000.446:

This bylaw, if adopted, will amend "ZONING BYLAW 1993 NO.4000" by:

(1) Creating a definition of 'Rooming House' as follows:

"ROOMING HOUSE" – means a residential building in which more than five (5) persons occupy sleeping units and typically share common areas, including kitchens and baths.

(2) Amending Section 5.12 to clarify that secondary suites are permitted in all multiple family residential, commercial, and public institution zones where only a principal dwelling and no other use exists on the lot.

(3) Adding 'Rooming House' as a permitted use in the following zones when no other use exists on the lot:

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- C-30 Quennell Square Zone

- (4) Amending the general regulation (Section 5.16) in order to limit the number of occupants and sleeping units within a rooming house to 10.
- (5) Amending Section 5.16 to permit a rooming house to exceed 10 occupants or 10 sleeping units only where the owner has entered into a Housing Agreement.

Mr. Paul Gogo, 427 Milton Street – In Favour

- Home has been family owned for 50 years and would be perfect to operate a rooming house from; it is too big for his family, or for any one family, and would be ideal for 10 college students. Believes this bylaw would allow for that and the opportunity to update the home, as well as existing rooming houses, to safety measure standards, adding that this is a great opportunity to add density to the city.

Councillor Holdom asked for clarification on how the rooming house would be managed if the proposed bylaw were to be adopted.

- Mr. Gogo noted that his family would live in the home to manage it and would cook for the students ensuring a safe, quality environment.

Mr. Rob Humpherville, 451 Kennedy Street – Opposed

- Concerned that this bylaw, if adopted, would result in a large accumulation of rooming houses in the downtown. There are existing rooming houses that are poorly managed; he does not want to see the system abused.
- Would be in favour of the bylaw if all rooming houses were to have live-in management, as stated by the previous speaker. Asked for clarification on what standards and requirements would be in place if the bylaw were to be adopted.

Councillor Sherry asked Staff for clarification on where rooming houses would be permitted if the bylaw were approved.

Mr. Lindsay noted that rooming houses would be permitted in select, multi family zones and a majority of the commercial zones within the city, adding that a rooming house would not be permitted within any single family zones.

Councillor Bestwick asked for clarification on whether or not a rooming house could be permitted on one side of a street and not on the opposite side of that same street.

Mr. Lindsay confirmed that there are areas, due to existing zoning, where multi family zones are across from single family zones on the same street.

Councillor Pattje asked Staff to estimate the number of possible rooming houses, which could be established if the bylaw were to be adopted.

Mr. Horn noted that Staff could not estimate market reaction if the bylaw is adopted, but offered an estimate of six existing rooming houses, adding that he does not believe there would be a large number of new rooming houses.

Councillor Bestwick asked if rooming houses would be subject to specific regulations and standards, specifically inquiring about parking requirements if 10 students were to be in one rooming house.

Mr. Lindsay noted that because the bylaw would be applied to a variety of zones it would be restricted by the conditions in each of those zones, adding that the current bylaw states that five unrelated people living in a single family dwelling are allowed two parking stalls. For 10 unrelated people four parking stalls are permitted, although some relaxation of this could be considered.

Councillor Johnstone asked if rooming house rental rates would be legislated to ensure they are affordable.

Mr. Horn confirmed that rents would be regulated for rooming houses with more than ten units, as they would be expected to enter into a Housing Agreement with the city, which would have a provision that would cap the rental rates. If 10 or less units existed, rental rates would be up to the discretion of the owner or operator of the rooming house.

Ms. Lesley Clarke, 20 Acacia Avenue – In Favour

- Employed at the Women's Centre; sees the desperate need for housing that exists within the city. Owners and / or operators of current rooming houses need to be held accountable to a set of standards for living.

Mr. Gord Fuller – 504 Nicol Street – In Favour

- Asked for clarification on the number of existing rooming houses, citing a Staff report that noted there are 20 facilities that could be classified as a rooming house currently within the city.
- In favour of the proposed bylaw, however has a concern that a concentration of rooming houses could be in the downtown.
- Believes that a minimum standards of maintenance bylaw should be in place for rooming houses to ensure that slumlords can no longer prey on the needy within our community.

Mayor Ruttan noted that the bylaw, if adopted, might allow for more reputable operators, which would offer a choice to residents, thereby forcing substandard rooming houses to upgrade or close.

Mr. Fred Taylor – 204 Emery Way - Opposed

- Believes the advertising of the bylaw should have included a map.
- Stated his belief that the clarification to the wording of Section 5.12 of the Zoning Bylaw dealing with secondary suites had been “hidden” within the Notice.
- Believes that a regulation needs to be in place to efficiently control and maintain any existing or proposed rooming houses.

Councillor Unger asked Staff for clarification on whether or not a licensing process for a rooming house is being considered which would allow standards to be set and maintained.

Mr. Lindsay confirmed that there is expectation that the owner would require a yearly, renewable business license. Regulations are based on the Building Code; Building Inspectors, with the assistance of the Fire Department, are able to identify multiple tenancy buildings that are substandard. Currently, there is no ability to issue, and regulate, a building permit, as the use is not permitted. Staff believe this bylaw would be a significant step in legalizing the use; it would enable Staff to ensure rooming houses are safe, and well maintained.

Mayor Ruttan noted that enforcement is difficult, adding that existing maintenance issues are usually discovered only through complaint.

Ms. Lesley Clarke, 20 Acacia Avenue – In Favour - Redress

- Noted that people in need do not have the option of vacating substandard housing as there is no alternative housing available to them. Standards of maintenance is one thing, however, in her opinion creating new housing stock is also a pressing and important issue.

Mayor Ruttan stated that part of the intent of this bylaw is to create additional housing stock, adding that maintained and safe living environments with competitive rental rates would be available once people have a the option of a choice of one over another.

Councillor Sherry asked Staff to confirm that this bylaw would allow for accommodation for more than five persons.

Mr. Lindsay confirmed that the existing Zoning Bylaw allows up to five unrelated persons in any dwelling unit anywhere in the community, adding that this bylaw would allow for between five to ten unrelated persons in a dwelling unit within certain zones.

Councillor Pattje asked Staff for clarification on whether or not a rooming house that has live-in management who cook for the tenants would then be defined as a boarding house.

Mr. Lindsay noted that the bylaw would allow for both options.

Councillor Holdom asked for clarification if more than one person could reside in each sleeping unit.

Mr. Lindsay stated that there would be two specific clauses in the bylaw; 10 tenants and / or 10 rooms cannot be exceeded without entering into a Housing Agreement, which would require Council approval through a bylaw.

Two written submissions (Schedule 'A') were received and no further verbal submissions were received for this application.

MOVED by Councillor Unger, SECONDED by Councillor Sherry, that the meeting be adjourned at 7:52 p.m.

CARRIED

Certified Correct:



D. Lindsay
Manager, Planning Division
Development Services Department

Schedule “A”

Submissions

For

Bylaw No. 4000.446

Penny Masse

From: gogo [supergroovy@shaw.ca]
Sent: Monday, February 02, 2009 8:02 AM
To: Public Hearing
Subject: in support of bylaw #4000.446 --rooming houses

To whom it may concern,

We support the bylaw to bring rooming houses and higher density to the Old City of Nanaimo.

My Mother has passed away this winter, leaving a beautiful large older house....full of empty rooms. It was her idea, and ours as well, that this house serve the community.

I have since made an arrangement with the Malaspina High School, whereby International exchange students may be housed here. It is the perfect situation.

The passing of this bylaw would make the following possible:

- 1) Housing for Students, here, allowing the University to grow.
- 2) Promoting shopping in the inner city, all around economic benefits and cultural exchange.
- 3) For us, the opportunity to keep a house in a family (after 50 years) and to be in a position to update it to modern safety standards. It is too big, and expensive to run, to be a single family home at this point.

Thank you for your consideration.

Truly
Paul Gogo
Tracy-Lyn LeSire

Penny Masse

From: Dave Teichroeb [dave@davet.ca]
Sent: Thursday, February 05, 2009 8:41 AM
To: Public Hearing
Subject: Rooming Houses

Dear Hearing,

Please make this bylaw apply to the whole town and not 15-20% of it with the main focus on the areas zoned multi-family in the Old City Neighbourhoods. All residents , including R1 and R2, must shoulder the responsibility of providing homes in their neighbourhoods for rooming houses. This is an every neighbourhood issue and not one that only the Old City must deal with. Just as the 15% multifamily zone neighbourhoods are being asked to embrace having 10 + ultra poor living next door so must the the 80% zones single family. I feel this bylaw is very important and needed but ask that everyone pitch in. As it's written it smacks of NIMBY for R1 and R2. If the hope is to disperse services (John Horn has mentioned this is his plan) around the town to eliminate the need for the ultra poor to only live in or near the downtown than this is a step backwards

Dave Teichroeb - Kennedy Street

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ph: 250-802-2145