

AGENDA FOR THE MEETING OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT  
STANDING COMMITTEE, TO BE HELD IN THE BOARD ROOM, CITY HALL,  
ON THURSDAY, 2005-JUL-07, COMMENCING AT 3:30 P.M.

---

1. **ADOPTION OF MINUTES:**

- (a) Minutes of the Planning, Environment and Development Standing Committee Meeting held Thursday, 2005-MAY-19 at 3:15 p.m. in the Training Room, 3<sup>rd</sup> Floor, 238 Franklyn Street.

2. **INTRODUCTION OF LATE ITEMS:**

3. **RECEIVING OF DELEGATIONS:**

- (a) Mr. Klaus Richter, President, Country Club Centre Ltd., 406 – 4190 Lougheed Highway, Burnaby, BC, regarding a site-specific amendment to permit a liquor store at Country Club Centre.

*Pg. 1*

4. **REPORTS OF ADVISORY BODIES:**

- (a) Social Planning Advisory Committee - Annual Report for 2004 and Priorities for 2005

*Pg. 2-4*

As directed by Council's Committee Communication Protocol, this report summarizes the activities of the Social Planning Advisory Committee (SPAC) in 2004 and outlines its priorities for 2005.

Highlights of SPAC's activities in 2004 include:

- Continued to support SPAC's sub-committee, Social Development Strategy Steering Committee in their development of a Social Development Strategy for Nanaimo.
- Continued to support SPAC's sub-committee, Working Group on Downtown Social Issues (WGDSI), formerly Community Alliance for Social Action (CASA), and their safety audit project titled SAFER Downtown Nanaimo Project.
- Advised Council on the use of the \$90,000 Casino Revenue set aside for social purposes in Council's 2003 budget: \$25,000 for Social Development Strategy process, \$10,000 for Food Link Nanaimo's creation of an umbrella organization for the emergency food and food security sector, \$10,000 for SAFER Downtown Nanaimo Project and the remaining \$45,000 to an unnamed initiative of the federal homelessness program, Supporting Communities Partnership Initiative.
- Researched the impacts on the community of the provincial government changes to social welfare programs.
- Provided the following reports to Council: Time Limit to Welfare, Cuts to Women's Centre Funding, Annual Report for 2003 and Priorities for 2004, Allocations from Gaming Revenue for Social Purposes (Haven, Tillicum Haus, Food Link), Member Resignation, Recommended

Council Incorporate Crime Prevention Through Environmental Design Principles in Design Principles for New Nanaimo Centre, Excellence in Social Development Awards, SAFER Downtown Nanaimo Project,

- Completed a strategy to guide Committee communications, Reviewed 5 Liquor Retail Store rezoning applications.
- Represented SPAC on Secondary Suites Task Force, Liquor License Task Force, Grants Advisory Committee and Plan Nanaimo Advisory Committee.
- Responded in a timely fashion to issues referred by Council.

Activities proposed for 2005 include:

- Hosting the first annual Social Development Awards,
- Communicating emerging key social issues to Council and staff,
- Participate in a community housing forum, Fall 2005,
- Report to Council on Social Development Strategy,
- Participate with staff in the review and allocation of Social Development Grants,
- Respond to Council referrals,
- Review rezoning applications when requested,
- Participate on PNAC, Grants Advisory Committee etc.,
- Build relations with economic development groups in the community.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council endorse the Social Planning Advisory Committee's annual report for 2004 and priorities for 2005 as outlined in this report.

5. **CITY MANAGER'S REPORT:**

Synopsis.....	Pg. 5-10
(1) <i>Bed and Breakfast Operations</i> .....	Pg. 11-13
(2) <i>Bylaw Enforcement Procedures</i> .....	Pg. 14-16
(3) <i>Social Development Grant Program</i> .....	Pg. 17-22

6. **INFORMATION ONLY ITEMS:**

7. **CORRESPONDENCE:**

8. **CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:**

9. **ADJOURNMENT:**

## PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE

2005 JUL 07

TO: The Members of the Committee

(5) **CITY MANAGER'S REPORT:**

**DEVELOPMENT SERVICES:**

**PLANNING AND DEVELOPMENT:**

(1) **Bed and Breakfast Operations**

The City of Nanaimo has been receiving complaints regarding bed and breakfast operations. Specifically, concerns have been raised with respect to: (1) scale (the number of rooms available for rent); (2) length of stay; and (3) rental of self-contained units (which is not permitted under current bed and breakfast regulations).

Due to this series of complaints, Council requested Staff to meet with bed and breakfast operators to discuss existing regulations and to receive input on a process to ensure compliance. At its regular meeting of 2005-MAY-30, Staff subsequently brought forward a report to Council, indicating that Staff had met with local bed and breakfast operators to discuss compliance with existing zoning regulations. As a result of these discussions on 2005-MAY-11, for which 22 operators attended, Staff are proposing to implement business licensing for these operations in an effort to ensure consistency with similar uses, and to better enable Staff to monitor compliance with existing regulations.

During this meeting, the operators stated their business is an important aspect of Nanaimo tourism, and raised a number of issues they would like addressed. These included: extending the length of stay for their customers; increasing the number of permitted bedrooms to three; reducing the parking requirements; and prorating business licenses based upon the number of bedrooms utilized in the operation.

Conversely, ongoing discussions with hotel operators have resulted in a number of concerns raised, ranging from taxation and business licensing, to building code violations and number of bedrooms and kitchen facilities utilized in the bed and breakfast operations.

While both groups have identified similar issues, the proposed approaches vary with the issue and the operators of these two types of transient tourist accommodation.

A sampling of other BC municipalities indicates that the regulatory approach differs throughout the Province, with the City of Nanaimo generally consistent in some areas (i.e. length of stay), but not in others. For example, there is quite a range in the number of guests and/or bedrooms that a bed and breakfast operation can accommodate. However, the biggest discrepancy, as noted below, lies with business licensing in that the majority of communities surveyed, including the City of Kelowna, City of New Westminster and City of Vancouver, require business licensing for these operations.

Municipality	Number of Rooms / Persons	Length of Stay	Business License Required (Yes/No)
<b>City of Nanaimo</b>	<b>2-4* / 4-9*</b>	<b>14 days</b>	<b>No</b>
City of Abbotsford	4 / 8	30 days per year	Yes
City of Kamloops	n/a / 2**	Temporary	Yes
City of Kelowna	4 / 8	Temporary	Yes
City of New Westminster	n/a / 4-10	Temporary	Yes
City of Penticton	4 / 8	Temporary	Yes
Regional District of Nanaimo	2-4 / n/a	120 days per year	No***
City of Surrey	3 / 6	30 days per year	Yes
District of Ucluelet	3 / n/a	No Restriction	Yes
City of Vancouver	2 / 4	Temporary	Yes
City of Victoria	n/a n/a****	Temporary	Yes

\* Two bedrooms (four guests, excluding some children) for residential/rural/commercial zones; four bedrooms (9 guests, excluding some children) for multi-family zones.

\*\* Considered 'boarding and lodging' unless site specific zoning in place.

\*\*\* Mandatory Home Based Business Registry; RDN has no business license function.

\*\*\*\* Considered 'transient tourist accommodation'; density dependent upon specific zones.

Given that little is known about the number of bed and breakfast operations currently operating within City limits, or the size and extent of individual operations, Staff recommend that an interim step be taken to implement business licensing for the bed and breakfast operations. This would then assist in determining the number of facilities in operation, and whether the facilities are able to meet current zoning regulations.

The issue of licensing was discussed with bed and breakfast operators at the 2005-MAY-11 meeting. It is Staff's opinion that those in attendance were in general agreement with licensing, but raised concern regarding the cost of such licensing, and suggested that licenses for bed and breakfast facilities be prorated based upon the number of bedrooms utilized for the operation. As Council is aware, the annual City of Nanaimo business license fee is set at \$165.00. This flat rate, applied to the majority of businesses within the City, including home based businesses, was the result of a business license fee review, completed in 1998 with the assistance of the business community. As such, Staff do not recommend varying the standard business license fee for bed and breakfast operations, regardless of the scale of their operation.

It is not expected that there will be a significant increased cost to the City as a result of this licensing, but it is anticipated that additional time will be required for processing of applications by the Development Services Department and the Business License Section. Based on what is known of existing bed and breakfast operations, Staff anticipate that a portion of them do not, and possibly cannot, comply with the regulations of Zoning Bylaw No. 4000 and, as such, will likely result in bylaw enforcement action. The amount of resources that will be required is difficult to assess as the number and composition of bed and breakfast operations is largely unknown.

By initiating a business license review Staff will inspect each operation and have a better understanding of the issues and size of Staff resources required. Staff will provide Council with a synopsis of our inspections when completed. If approved, business licensing will commence in January 2006.

The Fire Department has indicated a desire to inspect bed and breakfast operations. At present, the Department finds it difficult to initiate such a review given the lack of information on the location and status of these operations. Therefore, the Fire Department has indicated support for the implementation of a business licensing program.

Recommendations: The PEDSC recommends that Council:

1. direct Staff to take the necessary steps to implement business licensing requirements for bed and breakfast operations, commencing January 2006; and,
2. direct Staff to report back to Council approximately one year following the initiation of business licensing in order to report on any issues that may require further attention, including potential amendments to existing bylaws.

(2) Bylaw Enforcement Procedures

At the Regular Meeting of Council held 2005-MAY-09, Council received a report submitted by the Board of Variance to the Planning, Environment and Development Standing Committee. The report included a recommendation from the Board that Council amend its policy for dealing with Bylaw infractions, to respond only to complaints from property owners or occupants who live within 100 metres of the residence of the bylaw infraction. Council directed Staff to prepare a report evaluating the implications of these recommendations.

Council's current policy with respect to Bylaw enforcement procedures was adopted on 1995-SEP-25. The creation of a policy was in response to a letter of complaint that the City was using Staff time and tax dollars investigating complaints for minor violations from individuals who are not affected or who do not live in the area. At the time, Council considered an option of developing a policy regarding anonymous complaints, complaints from business competitors and absentee or "community watch-dog" complaints. The final outcome was that all complaints, regardless of origin, impact or motivation be dealt with in the same manner. Maintaining this status quo, of course, remains an option for Council, and is identified as Option 'A' for the purposes of this report.

As noted in the previous report from the Board of Variance, the Board is concerned that an increasing amount of time and effort has been spent reviewing variance requests that are a result of bylaw enforcement action. As such, the Board recommends that:

"Council review and amend its current policy regarding Bylaw enforcement procedures to respond only to complaints from property owners or occupants who live within 100 metres of the residence of the Bylaw infraction."

The wording of the policy is extremely broad and would encompass all complaints, not just those which would involve the Board of Variance. (Staff do not believe this to be the Board's intent however, and if this option is to be followed, some minimum wording changes should be included to limit the complaints involved to those which fall within the Board's purview.) Implementing such a policy is identified as Option 'B' within this report.

It is important to note that the vast majority of Bylaw enforcement complaints are not eligible for variance through the Board. The Board typically sees applications that are related to fence heights, building setbacks and building heights. There are numerous Bylaw enforcement complaint types which cannot be remedied through the Board of Variance.

Although Staff interpret the Board of Variance recommendation as applying to those types of complaints which result in Board of Variance applications (i.e.: heights and setbacks), such a proposed policy would apply to all complaints. While there may be some validity to the suggestion that Bylaw contravention for the issues such as building setbacks is primarily a neighbourhood concern, many of the other types of complaints such as graffiti, signage and unsightly property have the potential to impact those that reside more than 100 metres from the offence, and in many situations, the entire community. Given the potential to have a broader impact than what Staff believe was intended, Staff are not supportive of this option. Staff would also not be supportive of an amended version of this option which dealt only with fence and building heights and setbacks as there may be legitimate community impacts regarding these specific items such as an over-height fence at an intersection resulting in a community safety concern.

In order to respond to the specific concerns of the Board, Staff recommend that Council amend the existing policy of responding to all complaints to include an exception that "Given limited Staff resources and budget, Staff may not pursue a complaint regarding the height or siting of a structure where, in the opinion of the General Manager of Development Services, the complainant is not directly impacted by the violation. In those instances where a complaint is lodged anonymously, no action will be taken except where there is reason to believe that the situation involves life and / or safety issues".

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend its current policy regarding Bylaw Enforcement to include the following exception "Given limited Staff resources and budget, Staff may not pursue a complaint regarding the height or siting of a structure where, in the opinion of the General Manager of Development Services, the complainant is not directly impacted by the violation. In those instances where a complaint is lodged anonymously, no action will be taken except where there is reason to believe that the situation involves life and / or safety issues".

**COMMUNITY PLANNING:**

(3) Social Development Grant Program

In 2000, Council set aside \$180,000 for community-based projects that addressed the social impacts of gaming, and as Council will recall, the John Howard Society in partnership with the Salvation Army, Nanaimo Youth Services Association and Shore Counseling Services implemented a problem gambling awareness project.

Since then, Council has annually budgeted \$90,000 from gaming revenue for social purposes. Each year the Social Planning Advisory Committee (SPAC) has made recommendations to Council on the disposition of these funds. Funds have gone to support projects both from community agencies and Staff initiated projects.

SPAC has identified the need to develop a set of criteria to guide their recommendations to Council. This will formalize the disposition of funds through a grant program that makes funding available for social development projects. This report outlines the details of the proposed program, to be called the City of Nanaimo's Social Development Grant Program, that Staff developed in consultation with the Committee.

Until recently, SPAC has not made recommendations to Council from either its 2004 and 2005 budgets and as a result \$180,000 remained to be allocated. After allocations to Food Link Nanaimo (\$25,000 over 2 years 2003 and 2004), NADAC (\$20,000, April 2005), staff social planning initiatives (\$50,000 with report to follow), \$17,500 for Living Room (separate report to follow), \$80,000 remains for the 2005 Social Development Grant program. It is proposed that from the \$90,000 in Council's 2006 budget, Council assign \$60,000 to the new grant program with the remaining \$30,000 assigned to support Staff social planning initiatives.

Each year Staff, in consultation with the Social Planning Advisory Committee, would select one or more key social indicator(s) from the Social Status Report and request to address the issues highlighted by those indicator(s). A copy of the Social Status Report is available in the Councillor's Office. The Committee has chosen poverty, as articulated below, as the issue highlighted in the 2005 Grant Program.

Once the issue area is defined, Council would be advised of the choice and their endorsement sought. The Community Planning Department would solicit Letters of Intent through an open call administered by the Community Planning Department. Once reviewed, a short list of proponents would be generated and the proponents would be asked to complete a full application with appropriate documentation. The final selections from the applicant short list would be made by Staff in consultation with the Social Planning Advisory Committee. These selections would be sent to Council for their endorsement.

The Social Development Grant Program would be administered in the same fashion as other City grants with careful attention paid to applicant eligibility. Full program details are summarized in Schedule 1. Other key criterion used in reviewing proposals will be:

- The clear articulation of how the proposal addresses the social challenge identified by the current year's social indicator(s);
- The identification of anticipated short and long-term outcomes; and
- The level of community collaboration and partnership demonstrated.

Staff have already initiated discussions with community agencies in preparation for allocations in 2005. A deadline of July 15<sup>th</sup>, 2005 has been set for Letters of Intent with applications for those short-listed August 19<sup>th</sup>, 2005. In 2006 the Grant application deadline will be November 30<sup>th</sup> with grants awarded by Council the following January.

Organizations successful in obtaining a City grant will be asked to complete a final report on the funded year's activities or project which identifies objectives and short and long-term outcomes. The report must be submitted upon completion of the project or by January 31<sup>st</sup> of the following year.

All grant applications will be considered within the limitations of the Social Development Grant program budget, however, not all organizations meeting the criteria and the community priority will necessarily receive funding. The Social Planning Advisory Committee members feel strongly that any funds still remaining in the Grant Program budget at the end of the year should be carried over in the City's budget and continue to be used for social purposes. The Committee recommends Council establish a reserve account to be called the Housing Legacy Fund for any unspent grant funds. The Housing Legacy Fund as set out in Plan Nanaimo would make funds available to support the development of affordable housing.

The proposed Social Development Grant Program has been designed to foster a collaborative approach to addressing Nanaimo's social challenges and bring about positive change. Funding partnerships are stressed, as are the co-operative efforts of multiple agencies coming together to plan and act strategically. As this is a new Program, the Committee suggests that it be reviewed at the end of its second year of implementation.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council:

1. endorse the proposed Social Development Grant program; and,
2. direct the Finance Department to establish a reserve account to be known as the Housing Legacy fund.

Respectfully Submitted,

G. D. Berry  
CITY MANAGER