

AGENDA FOR THE 2004-MAY-06 MEETING
OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE,
TO BE HELD IN THE BOARD ROOM, CITY HALL, COMMENCING AT 3:30 P.M.

1. ADOPTION OF MINUTES:

Minutes of the 2004-MAR-25 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall at 3:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

3. RECEIVING OF DELEGATIONS: (*green*) (10 MINUTES)

4. REPORTS OF ADVISORY BODIES: (*tan*)

Social Planning Advisory Committee:

(a) Final 2003 Allocation of Gaming Revenue for Social Purposes

In its report dated 2004-MAR-09, the Social Planning Advisory Committee (SPAC) noted that it would follow up shortly with a report recommending the final allocation of \$25,000. from the 2003 Gaming Revenue. In today's report, SPAC recommends that it allocate the full \$25,000. to Food Link Nanaimo, the fledgling umbrella organization for the food security/emergency food services sector. The Committee recommends doing so over two years, \$12,500. now and \$12,500. in 2005 to encourage Food Link to secure additional funds from community donations and memberships. To date, the Food Link Steering Committee has raised \$10,500. (\$5,000. from United Way, \$3,000. from Daybreak Rotary and \$2,500. from Coastal Community Credit Union) towards the operation of the umbrella organization in the first year. As a condition of this allocation, Food Link will be required to submit two reports, June 2004 and 2005, outlining the organization's progress over the two years.

This allocation will support the organization's launch and administration during its start-up phase. Loaves and Fishes Food Bank Foundation, a non-profit society, is again willing to set up a separate account to administer the funds on behalf of Food Link as it will not be a non-profit society or have charitable status. Loaves and Fishes administered the earlier grant of \$10,000. (also Gaming Revenue) received by Food Link from the City of Nanaimo to complete the community development phase of setting up the organization.

This final allocation must address homelessness in Nanaimo. SPAC is confident that Food Link Nanaimo does directly address one of the main priorities identified by the Working Group on Homelessness Issues in their revised plan, *Reducing Homelessness: A Community Plan for Nanaimo, B.C., October, 2003*, specifically: Enhance community/agency capacity: coordination and collaboration, community education and communication.

Recommendation: That the Social Planning Advisory Committee's recommendation for the final allocation from the 2003 Gaming Revenue Budget be endorsed as follows:

<u>Agency</u>	<u>Amount</u>
Food Link Nanaimo	\$25,000. (over two years)

5. CITY MANAGER'S REPORT: (blue)

As attached.

6. INFORMATION ONLY ITEMS: (white)

- (a) Report from the Advisory Committee on the Environment re: Inventory of Environmentally Sensitive Areas Within the City of Nanaimo.
- (b) Report from the Advisory Committee on the Environment re: Annual Workplan.

7. CORRESPONDENCE: (pink)

8. NOTICE OF MOTION:

9. CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:

10. QUESTION PERIOD: (Agenda Items Only)

11. ADJOURNMENT:

PLANNING ENVIRONMENT DEVELOPMENT STANDING COMMITTEE

2004 MAY 06

TO: The Members of the Committee

(5) CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) Bed and Breakfasts

Recently, the City has been receiving an increased level of complaints from within the Hotel industry that Bed and Breakfasts (B & B's) in general are not complying with the regulations set out in the Zoning Bylaw and that as a result there is an "unfair playing field" for those in the industry.

Bed and Breakfasts are permitted within all single-family dwellings subject to the following:

1. The operator of the B & B must reside in the dwelling unit.
2. When located within a rural or single-family zone, the B & B shall not exceed two bedrooms, accommodating a maximum of four guests in addition to children under the age of 16.
3. When located within a zone which allows multi-family dwellings, the B & B shall not exceed four bedrooms, accommodating a maximum of nine guests in addition to children under the age of 16.
4. In addition to the two parking stalls required for the dwelling unit, one additional stall is required for each sleeping unit.

In the past the *Local Government Act* limited Municipalities ability to require a Business License for B & B's. As such, the City's Business License Bylaw does not currently require a Business License for B & B's. With the assistance of a Business License there is no opportunity to review individual B & B's in order to ensure that they comply with the Zoning and Parking Bylaws. With the creation of the Community Charter Municipalities now have the ability to require Business Licenses for these facilities.

In response to increased concerns, B.C. Assessment adopted a new policy for the assessment of B & B's in 1991. If a B & B is found to contain four or more rooms for rent, then that portion of the dwelling is classed as Commercial.

According to B.C. Assessment records, there are currently 38 identified B & B's in Nanaimo, none of which are currently classed with a portion as Commercial.

The Local Health Authority has advised that licensing of B & B's are dealt with differently by each Health Authority. At present, a Food Service License is not required for B & B's in Nanaimo.

As stated above, the City does not require Business Licenses for B & B's and as such, does not have an estimate on the number of B & B's within the City.

Based on a recent review of B & B's advertised in the City, Staff was able to identify 43. Based on the ads, it would appear that the majority are not in compliance with one or more of the regulations.

Approximately half of the known B & B's appeared to include self-contained units (units with kitchens) for rent. Self-contained units are considered as a separate dwelling unit and not permitted within the definition of B & B's. In addition to zoning violations, it would also be logical to assume that all of the self-contained units were constructed without Building Permits, as they are not a permitted use.

Approximately one third of these B & B's advertised three rooms for rent, where the Bylaw states a maximum of two rooms.

The absence of a Business License requirement makes the tracking of B & B's and the confirmation of compliance reliant completely on complaint and the subsequent investigation. Based on a preliminary review, it would appear that a significant portion of B & B's are not complying with one or more of the regulations.

Since the inception of B & B's and Provincial authorization, these businesses have been operating relatively independent of Municipal regulation. This has in part been caused by the lack of business licensing. If Council directs Staff to begin licensing B & B operations, this has implications for Building Code compliance. Notwithstanding this, the act of ensuring zoning compliance due to the complaints received will no doubt raise concerns from operators and therefore Staff believe we need to meet personally with the operators to reconfirm the existing regulations and possible Licensing of their businesses. Following the session with B & B operators, Staff will return to PEDSC for further direction on this issue.

Recommendation: That the Planning, Environment and Development Standing Committee (PEDSC) recommend that Council receive this report and direct Staff to meet with Bed and Breakfasts operators in order to discuss the existing regulations and to receive input on a process to ensure compliance. (Staff will report back to PEDSC following this consultation.)

Respectfully Submitted,

G. D. Berry
CITY MANAGER