

PRESENTATION TO NANAIMO CITY COUNCIL
COMMITTEE OF THE WHOLE APRIL 11th 2016

Angela Chan

5471 Rutherford Road, Nanaimo

Your Worship and Councillors, my name is Angela Chan, I live at 5471 Rutherford Road, Nanaimo. I thank the City of Nanaimo for preparing the report on the proposed bakery at 5491 Rutherford Road in such a timely manner. I spoke previously at the Committee of the Whole meeting on March 14th 2016 expressing our neighbourhood concerns about this proposed bakery, requesting the Building Permit be withheld.

Today, I am asking Council to review the current Home Based Business Bylaws. According to the City's report the HBB bylaws were introduced in 1993. In the time since they were originally introduced there have been economic changes in Nanaimo and shifts in the expectations of citizens toward greater consultation and collaboration with their municipal government.

When the HBB guidelines were established, it seemed the original intent was to help small "mom and pop" operations to

provide family employment and income. The businesses would “complement the residential use of the neighbourhood”. By far the majority of HBB support families and live in harmony with their neighbours.

The intent of HBB was to move from a “small start to a larger commercial or industrial business while keeping overheads low”. How many HBB actually expand into larger premises? Does the city keep statistics? I want to suggest very few, rather the opposite is true, as with the production bakery at 5491 Rutherford Road. Current HBB bylaws have enabled this production/commercial business to move into our neighbourhood under the guise of an HBB. This proposed bakery does not complement the residential nature of our community, and reduces property values.

In the report the City states 41% of all business licenses are for HBB. Do these businesses help the City develop economically and provide employment? Typically they can employ one person. Does the City keep statistics as to what percentage of the 41% are start-ups versus established businesses moving into their homes? On March 14th I expressed fears that by allowing a production bakery into a residential neighbourhood this would set a precedence for other commercial businesses to follow. The City needs to vigorously defend and protect the residential nature of our neighbourhoods from commercial businesses, by revising HBB to include community input in the decision making process.

Under the current HBB guidelines the City is not required to notify the neighbourhood that a proposal for a HBB has been received. This is wrong. Home Base Businesses have a direct impact on local neighbourhoods, and sometimes far reaching. However, under the current bylaws local residents have no mechanism to have input unless they directly approach the City Council. The dogmatic application of the HBB bylaws precludes any decision on a case-by-case basis. In 2016, our society demands and expects our government to be open, transparent and inclusive.

Occasionally a proposal comes along that does not fit your typical quiet, unassuming HBB as in the case of this proposed bakery. This would suggest extra care and due diligence would be required on the part of the City. No one from the City informed us, even though there is no direct access to 5491 Rutherford Road. Access is through an easement 15.28 feet wide, and a single entry point shared by myself, Mr. Baker, and the proposed bakery. Mr. Baker could be subjected to ten extra vehicle trips daily going past his property. The City knew about the easement but did not consider it significant to notify us.

In the report, the City note the easement agreement does not prohibit use for business. The report states the easement does not directly involve the City. If that is the case, who is responsible for monitoring any violation. Our easement agreement clearly states : “ not to park any vehicle, or leave chattels upon the easement”. Already

easement violations have occurred such as parking and obstruction, who will resolve this?

We discovered the applicant had applied to the City for a building permit to build a production bakery from the City's "What 's building in my neighbourhood" website, six weeks after the application was received. I first contacted the City on February 1st and was asked "How did you find out?" Was this a secret to be kept from the neighbours? By the time we contacted the City it was too late for us. It seemed that a decision had already been made to approve BP121523, a production bakery, although the permit had not actually been issued. In our subsequent discussions with the City, officials from the Planning Department made it clear there was no room to have a discussion as the application met HBB guidelines. Why this production bakery meets HBB bylaws rather than I Zoning has never been explained to us. Our environmental concerns and a business moving into our RS1 neighbourhood, all dismissed "as it met HBB guidelines" This was recited to us on multiple occasions.

Under the present HBB guidelines there is no room to look at the scope, the intent, and the scale of the proposed business. Here we have a self-described commercial production bakery moving into our RS1 neighbourhood. When we first raised concerns no one had been to inspect the site but we were told it met HBB guidelines. A site inspection should have occurred before making the decision to grant a building permit.

Once the business is approved and licensed, who monitors the number of vehicle trips, food and waste disposal, disruptions at night and generally that the business is run according to the conditions on the license. There is a bylaw that controls business trips at night, but none that controls hours of operation. Bakeries traditionally bake at night, what about the light and noise? The report states the applicant will be required to state how they can meet HBB bylaws. Will it be made public and who will be responsible for enforcing the bylaws?

In today's tough economic climate it is quite feasible the City will be confronted again with a business that meets HBB guidelines but is in fact a commercial business. The City needs to do more to protect the residential nature of our neighbourhoods. Thirty people, taxpayers, within a block radius signed a petition opposing this proposed bakery. These people do not want a production bakery in our neighbourhood and they are concerned that the approval of this commercial business will allow others to follow.

In conclusion, we purchased our homes in our present RS1 neighbourhood believing its residential nature would be protected from encroaching commercialization. We are asking the City to review the current HBB bylaws and to establish a public consultation process to ensure this does not happen in another neighbourhood.