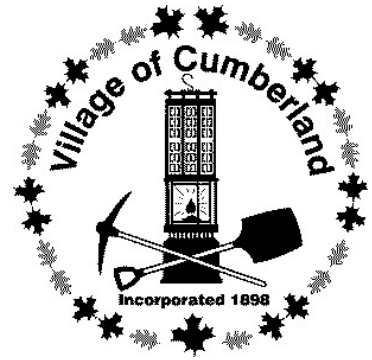


COUNCIL REPORT



REPORT DATE: 3/18/2022
MEETING DATE: 3/28/2022

File No. 6700

TO: Mayor and Councillors
FROM: Karin Albert, Senior Planner
SUBJECT: Vacation Rentals – Public Engagement Summary and Analysis

RECOMMENDATION

- i. THAT Council receive the March 18, 2022 report “Vacation Rental Regulations - Public Engagement Summary and Analysis” report.
- ii. THAT Council refer the report to the Advisory Planning Commission, Homelessness and Affordable Housing Committee and Economic Steering Committee for comment.

PURPOSE

This report presents the Public Engagement Summary Report and Analysis – Vacation Rental Regulations Review. The first part of the report summarizes public and stakeholder input received during engagement activities in January and February of this year. The second part discusses the different regulatory options and makes recommendations for updates to vacation rental regulations based on:

- a. level of public support;
- b. the Village’s ability to enforce the regulations;
- c. potential to protect long term rental housing supply.

PREVIOUS COUNCIL DIRECTION

| Date | Resolution |
|---------------|--|
| June 28, 2021 | THAT Council endorse the Vacation Rental Regulations Review Resident and Stakeholder Engagement Plan; THAT Council approve the expenditure of up to \$10,000, to be funded by the general financial stabilization reserve, for the Vacation Rental Regulations Review project and amend the adopted 2021-2025 Financial Plan bylaw to reflect this expenditure; and further that Council investigate an agreement with AirBnB to recoup the hotel tax that is currently being collected by the company |
| June 22, 2020 | THAT Council accept the “Village of Cumberland Housing Needs Report Data Results, May 2020. |

| | |
|-------------------|--|
| | THAT the “Cumberland Housing Needs Report Data Results May 2020” be referred to the Advisory Planning Commission and the Homelessness and Affordable Housing Committee for information. |
| June 10, 2019 | THAT vacation rental regulations be reviewed upon completion of the 2019/2020 Housing Needs Assessment and in conjunction with the review of the Official Community Plan in 2020. THAT the June 5, 2019 staff report on vacation rental regulations be referred to the Homelessness and Affordable Housing Committee, the Economic Development Steering Committee and the Advisory Planning Commission for comment. |
| December 10, 2018 | That staff review the Zoning Bylaw in regard to vacation rentals and report back to Council as soon as possible. |
| November 14, 2016 | THAT Council adopt the Affordable Housing Implementation Framework. Action 9: Develop regulation to protect existing rental market housing stock by bringing protections to purpose-built rental and mobile homes, as well as limiting short-term vacation rentals in existing rental stock, can ensure that existing rental housing is protected |

BACKGROUND

The Village issued and promoted an on-line survey and held two on-line workshops to review regulatory options for vacation rentals with local residents and stakeholders. Overall, the participation rate was high, with 658 survey responses and 21 on-line workshop participants.

Both survey respondents and workshop participants came from a variety of backgrounds. Homeowners, renters, full-time and part-time residents, as well as people who do not live in the Village responded to the survey. Survey respondents included business owners, vacation rental owners, and residents who live near a vacation rental or have had guests who used a vacation rental in the Village. Workshop participants included developers, business owners, vacation rental operators and residents with no business interest.

At the outset of this regulatory review process, staff identified the wide range of tools available to municipalities to regulate vacation rentals ([June 10, 2019](#) Council meeting, agenda item 6.3). Those regulatory tools were explored with the public through the survey and during the on-line workshops. The Public Engagement Summary and Analysis report presents the input received (Attachment 1 – Public Engagement Summary and Analysis).

There was a high level of support for some regulatory options while views diverged on others. The level of public support is one of several criteria considered in the analysis section of the Public Engagement report to evaluate the regulatory options. Two other key criteria are the Village’s ability (effort and cost) to enforce the regulations, and the potential to protect long term rental housing supply. Further criteria, such as reducing the potential impact of vacation rentals on neighbourhoods are also considered where applicable. Each regulatory option is discussed and recommendations and/or next steps for further review and possible bylaw amendments to the vacation rental regulations are provided.

An overview of the regulatory options and the recommendations in the attached Report is provided below.

1. Parking requirement

Recommendation: Retain the current requirement of one space per bedroom. Further, explore under what circumstances a reduction in parking may be warranted based on the likelihood that units may be rented by families who use a single vehicle requiring less parking.

2. Business license number on advertisements

Recommendation: Make the listing of the business license number on advertisements a requirement in the updated vacation rental regulations.

3. Distinguish between year-round and occasional vacation rentals

Recommendations:

Change the definition of vacation rentals in the Zoning Bylaw to distinguish between the commercial use of a home as a year-round vacation rental, occasional use for less than a month per year, and home-sharing of a principal residence.

4. Caretaker requirement

Recommendation: Require a caretaker/principal resident to live on property with vacation rentals.

5. Limit on number of bedrooms that can be rented and/or on number of guests

Recommendation: Review and present a possible limit on the total number of bedrooms and guests for further discussion.

6. Type of dwellings where vacation rentals should be permitted

Recommendation: Do not restrict the type of dwelling that can be rented as a vacation rental unit.

7. Cap on total number of vacation rentals permitted

Recommendation: Pursuing a cap on total number of vacation rentals is not recommended until decisions have been made with respect to other regulatory options that will restrict vacation rentals.

8. Cap on number of vacation rentals per block

Recommendation: Do not pursue a cap on the number of vacation rentals per block.

9. Sign at vacation rental

Recommendation: If a principal residency requirement is introduced, require posting a sign with contact information at the property.

10. Zones where vacation rentals should be permitted

Recommendations:

Continue to permit vacation rentals in the R1-A zone only.

ALTERNATIVES

1. THAT Council direct staff to draft amendment bylaws to implement the above recommendations and present the bylaws to Council for referral to Committees.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

If the Village’s vacation rental regulations change as a result of this review process, financial and staff resources will be required to communicate the changes and enforce the regulations. A review of the financial impact will be provided when staff present specific regulatory changes and proposed amendment bylaws to Council.

OPERATIONAL IMPLICATIONS

Policy planning and regulatory reviews are part of the services provided by Development Services. To ensure effective implementation, communication and enforcement of updated regulations will be required, drawing staff resources and impacting other work.

CLIMATE CHANGE IMPLICATIONS

An update to the vacation rental regulations does not have an easily quantifiable impact on factors contributing to climate change.

ATTACHMENTS

1. Existing Vacation Rental Regulations
2. Public Submissions
3. Public Engagement Summary Report and Analysis

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

K. Albert

Karin Albert
Senior Planner

C. Postings

Clayton Postings
Chief Administrative Officer

Attachment 1: Existing Vacation Rental Regulations

4.15 Vacation Rental

- a) No noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance detectable beyond the property boundary shall be produced by the *vacation rental*.
- b) The use of a principal *dwelling unit* and *accessory dwelling units* are permitted to operate as *vacation rental* instead of the principal *residential use*.
- c) Meals may be provided to customers of a *vacation rental* operation only and not the public.
- d) Any person intending to operate a *vacation rental* shall hold a valid business license from the *Village*.

From Zoning Bylaw 1027, 2016

Attachment 2: Public Submissions

From: _____
Sent: Wednesday, February 02, 2022 9:06 AM
To: Karin Albert <kalbert@cumberland.ca>
Subject: Link for February 3 on-line meeting on vacation rentals

Hi Karin,

Thank you for the good zoom discussion on vacation rentals last Thursday.

I want to highlight that my wife and I are happy with the R1-A zoning bylaw for vacation rentals.

If the vacation rental zoning bylaw is expanded into R1 it will have the unintended consequences of making housing in our community less affordable. Increased revenue from a vacation rental allows you to pay for a larger mortgage making housing prices increase. I think it would also increase the price of rentals as owners would want to get a price less than but comparable to a vacation rental.

Anyone who has purchased or renovated a house in R1 recently to add a suit was aware that R1 zoning did not allow vacation rentals and should have budgeted accordingly.

Having an owner or caretaker on site is also important.

One solution to increase overnight stays in the village would be to increase camping spaces available. Or adding a new campground.

Having biking, camping and access to a fun downtown that does not require driving makes a very desirable destination.

Thank you for your time

From: _____
Sent: February 7, 2022 2:59 PM
To: Planning <Planning@cumberland.ca>
Subject: comments regarding short-term rentals

Hi Planning Department,
I completed the survey, but after further consideration realized that I had more I wanted to share.

Overall, I believe that the struggle between short-term and long-term rentals is, in large part, a result of zoning that does not allow for a variety of housing stock in Cumberland.

Rather than focusing exclusively on regulating short-term rentals, I hope you will consider and call for new zoning that permits a greater variety of housing stock.

I'm sure you are all better educated in this area than me, but I will point to the book, Missing Middle Housing, by Daniel Parolek (<https://missingmiddlehousing.com/>) as an interesting read. He describes missing middle housing as house-scale buildings that fit seamlessly into existing residential neighborhoods and support walkability, locally-serving retail, and public transportation options (stacked duplex, stacked fourplex, cottage court). He has spent considerable time figuring out how to add a variety of housing stock while maintaining the form and character of our neighbourhoods. This includes zoning, not just for density, but also zoning for form (max building width, depth, height and character to match single family homes in the area). As a community, we would need to determine parking requirements that allow parking but don't make the density impossible as well as where these types of housing would go (often in transition areas between commercial and single family or on corner lots).

Many communities have made the addition of 'Missing Middle Housing' a priority for increasing both attainable housing and rental units. For example, the State of Oregon and the City of Minneapolis have both eliminated single family zoning. Planning scholar Jake Wegmann of the University of Texas-Austin writes “for members of the planning profession to make headway against the climate and inequality crises, they must cease defending the indefensible concept of single-family zoning.”

Thanks so much for taking the time to read my email!
Cheers,

Village of Cumberland
2673 DunsmuirAve
Cumberland, B.C.
VOR ISO

January 26,2022

Dear Members of Council, Re: Vacation Rentals in Cumberland

I am a ___year old senior who is single and trying to maintain a reasonable quality of life in my retirement years. The government pensions and my small savings leaves money tight with the increasing cost of living. I was fortunate to be able to buy a home here in Cumberland in 2017. As time progressed, the influx of people into the Comox Valley increased and accommodations became hard to find. Then Covid-19 reared its ugly head, the cost of living increased and we were locked down for extended periods of time. I thought it would be a reasonable solution to share my home with someone to help solve these challenges.

The Bylaws of _____ do not restrict owners from having someone stay in their home or to restrict the length of time they are there as long as the owner is there also.

Whether they help to pay for expenses or not is not anyone's concern except the owner. Rentals of the entire home is limited to 8 units and there is a waiting list for who is permitted to rent out their home. Airbnb offers many benefits in this situation. They screen the people looking for accommodations by requesting 2 pieces of Government issued ID. They also collect payment from the guests and transfer into the owner's bank account, which eliminates a lot of problems up front. Airbnb also provides an insurance policy of \$100,000.00. They are a great company and offer good support to us Hosts.

My home is at _____. My guests do not cause extra traffic through the complex. They park their vehicles on my driveway, so are not using Visitor Parking and they are required to follow my house rules which are: no pets, no smoking, no vaping, no alcohol and no drugs. My noise curfew is from 11:00 pm. to 7:00 am. So, there are no parties and they do not use or alter the common property in any way.

Most of my guests have come here for business purposes. I have had people who come for banking and relocation purposes, to work on the new Water Treatment Plant, inspect the firewalls in new buildings, do a medical internship at the hospital, be in a quiet place to record music, work short term at The Views and for new employment. I have also had people come to visit family who have stayed for weekends (less than 10). All of my guests have willingly followed my house rules and were happy to be in a home rather than a Motel room while they were here to work in the Comox Valley.

I exhibit 'Pride of Ownership' and keep my place tastefully attended to, so most often my guests are not even noticeable. Given the present situation of many people looking for accommodations, would you possibly consider rezoning areas that can offer this kind of service? Proper rental restrictions could be put in place so that rentals do not become a challenge to the community, but rather an asset of financial contribution. If I am not allowed to continue with my Airbnb, I will be forced to sell and join the multitude of people looking for accommodations.

I have nothing against paying for a Business Licence. Back in October of 2019, I spoke to one of the Councillors regarding this issue and was informed that the issue of Airbnbs in the community would be addressed and I would be contacted.

Thank you for taking the time to make great decisions on behalf of all of us who live in this community. You are all doing a great job!

Attachment 3: Public Engagement Summary Report