A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF LADYSMITH AGENDA 6:00 P.M.

Monday, August 19, 2019
Council Chambers, City Hall

Pages

1. CALL TO ORDER

Call to Order at 6:00 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

In accordance with section 90 of the Community Charter, this section of the meeting will be held *In Camera* to consider the following matters, for the reasons as noted:

- Potential Land Sale - section 90(1)(e) and 90(2)(b)
- Strategic Planning - section 90(1)(l)

Recommendation
That, in accordance with section 90(1) of the *Community Charter,* Council retire into closed session in order to consider items related to the following:

- Potential Land Sale - section 90(1)(e) and 90(2)(b)
- Strategic Planning - section 90(1)(l)

3. REGULAR MEETING (7:00 p.m.)

4. AGENDA APPROVAL

Recommendation
That Council approve the agenda for this Regular Meeting of Council for August 19, 2019.

5. RISE AND REPORT- Items from Closed Session

6. MINUTES

6.1 Minutes of the Special Meeting of Council held August 12, 2019 9

Recommendation
That Council approve the minutes for the Special Council Meeting held August 12, 2019.

7. COUNCIL RECOGNITION

The Mayor and Council would like to recognize several citizens' outstanding accomplishments.

8. DELEGATIONS

8.1 Andrew Cornell, Senior Project Engineer, Athen Yuen, Program Officer, and Katie Ruttan, Regional Manager, Client Services - Small Craft Harbours, Fisheries and Oceans Canada

Wharf Construction Project at the Ladysmith Small Craft Harbour

8.2 Carmen Hildebrand - Ladysmith Resources Centre Association

Building Capacity and Partnerships for Restorative Justice Practices in Ladysmith.

8.3 Kelly Dunn

Removal and Replacement of Invasive Trees

9. DEVELOPMENT APPLICATIONS

9.1 Zoning Amendment Application 3360-19-05: 1134 Trans Canada Hwy. (L. & V. Hastings) 13

Recommendation
That Council:

1. Consider the application to amend the:

   a) Official Community Plan (OCP) by designating the property at 1134 Trans Canada Hwy. to ‘Institutional’ and by applying Development Permit Area 3 – Commercial to the property; and the

   b) Zoning Bylaw by rezoning the property at 1134 Trans Canada Hwy. to ‘Institutional (P-1)’, with site specific regulations to limit the

building height to 9 metres and to not permit the use ‘outdoor recreation facility’.

2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to refer OCP amendment application 3360-19-05 to the Stz’uminus First Nation, pursuant to the Town’s Memorandum of Understanding.

3. Direct that the applicant:

a) Provide a report from a professional Engineer that provides an assessment of the stability of the retaining wall structures on the property and a determination if the property at 1134 Trans Canada Hwy. is safe for the proposed uses in the P-1 zone (pursuant to Bylaw 1887);

b) Host a neighbourhood information meeting to advise the neighbourhood of the proposed OCP amendment and Zoning Bylaw amendment (pursuant to Bylaw 1667); and

c) Work with Town staff and the Ministry of Transportation and Infrastructure regarding the driveway access to the Trans Canada Highway.

4. Direct that staff report back to Council regarding land use matters, and commence the preparation of an OCP amendment bylaw and Zoning amendment bylaw for 1134 Trans Canada Hwy.

9.2 OCP & Zoning Bylaw Amendment Application – 336 Belaire Street (A. Quek) 18

Recommendation
That Council:

1. Receive summary reports for the March 8/19 and June 1/19 neighbourhood information meetings held by AYPQ Architecture and Fred Green regarding the property at 336 Belaire Street.

2. Receive the letters submitted to date regarding the property at 336 Belaire Street.

3. Consider the application to amend the:

a) Official Community Plan (OCP) by supporting residential use in combination with local commercial use in the ‘Local Commercial’ designation; and by adding the Multi-Unit Residential Development Permit Area (DPA 4) to the property at 336 Belaire Street; and

b) Zoning Bylaw by rezoning the property at 336 Belaire Street from 'Local Commercial (C-1)' to a new zone 'Comprehensive Development 6 (CD-6)' to accommodate the proposed three storey mixed use building;

4. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to:

a) Refer OCP amendment application 3360-19-07 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding; and

b) Refer application 3360-19-07 to the Community Planning Advisory Committee.

5. Direct that the applicant retain professional Engineer(s) to submit the following (pursuant to the Development Approval Information Bylaw 1887):

a) Concept drawings for Rigby Place and Belaire Street improvements, including proposed parking spaces, sidewalks, crosswalks, and cost estimates for work in Town streets; and

b) A traffic impact assessment that identifies the traffic impacts of the proposed development to the neighbourhood (including pedestrian and vehicle circulation, and safety considerations).

6. Direct that staff:

a) Remove DP 08-16 (FB248768) from the certificate of title of 336 Belaire Street (PID 002-221-349) as this development permit has expired.

b) Work with the applicant regarding an amenity contribution and/or land use matters (i.e. traffic impacts, parking matters, patio location, patio hours, and lighting) and report back to Council; and

c) Commence the preparation of an OCP amending bylaw and Zoning amending bylaw for the proposed mixed use development at 336 Belaire Street.

9.3 Development Permit 3060-19-09: 512 Kitchener Street (K Robins) 109

Recommendation
That Council:

1. Issue Development Permit 3060-19-09 to permit the issuance of a building permit for the construction of a two storey coach house on Lot 12, Block 127, Oyster District, Plan 703A (512

Kitchener Street).

2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-19-09.

9.4 Development Variance Permit 3090-19-07: Thrift Store 910 1st Avenue (J. Anderson) 117

Recommendation
That Council:

1. Issue Development Variance Permit 3090-19-07 to vary:
   i. the required number of off-street parking spaces such that seven off-street parking spaces shall be required, consisting of two small car and five standard spaces;
   ii. the rear parcel line setback for a principal building from 3.0m to 2.3m; and
   iii. the rear parcel line setback for a garbage and recycling enclosure from 1.0m to 0.25m.
2. Authorize Mayor and Corporate Officer to sign Development Variance Permit 3090-19-07.

10. REPORTS

10.1 2019 Outstanding Business Licences 128

Recommendation
That Council: receive for information purposes the listing of outstanding business licences for 2019.

10.2 Results of Survey on Retail Sale of Cannabis in Ladysmith 130

Recommendation
That Council:

1. Receive the report “Community Survey on Retail Sale of Cannabis” May 2019 (Mustel Group) and summary of social media and PlaceSpeak public engagement regarding the retail sale of cannabis; and
2. Direct staff to review best practices from other municipalities in B.C. and utilize the public engagement results, to report back to Council with recommendations to permit the retail sale of cannabis in Ladysmith.

10.3 Lot 108 Draft Site Plan 154

Recommendation

That Council receive the Draft Lot 108 Park Plan Report.

10.4 Davis Road School Proposal 181

Recommendation
That Council:

1. Authorize the Town to secure a license to occupy for up to 9 months with Nanaimo Ladysmith Public Schools for the use of the Ecole Davis Road School location (444 Parkhill Terrace) to temporarily house the Arts Council of Ladysmith & District's Waterfront Gallery and classes while renovations are completed in the current location at 610 Oyster Bay Road;
2. Direct staff to investigate and report back to Council the feasibility of long-term use of space at the Davis Road School (444 Parkhill Terrace).

10.5 Machine Shop – Windley Contracting Ltd. 195

Recommendation
That Council:

1. Waive the Purchasing Policy for up to $1,400,000 of construction costs relating to the Machine Shop restoration project, by authorizing Windley Contracting Ltd. to secure the contracts and services on the Town's behalf.

11. BYLAWS

11.1 Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No 1807 Amendment Bylaw 2019, No 2016 198

The purpose of Bylaw 2016 is to update the existing Revitalization Tax Exemption Bylaw to permit for a longer exemption time period for eligible applicants.

Recommendation
That Council give first, second and third readings to "Town of Ladysmith Revitalization Tax Exemption - Economic Revitalization Bylaw 2012, No. 1807 Amendment Bylaw 2019, No. 2016".

12. CORRESPONDENCE

12.1 Rotary Clubs of Ladysmith and Chemainus: 9th Annual Fundraising Golf Tournament 212

Recommendation
That Council consider:

1. Allocating $350 to sponsor a hole at the 9th Annual Rotary Club Fundraising Golf Tournament on September 21, 2019.
2. Entering a team in the tournament at their own cost.

3. Directing staff to donate a prize for the silent and/or live auctions.

12.2 Bill Drysdale: E & N Rail Station

Recommendation
That Council refer the letter from Bill Drysdale, dated August 15, 2019, regarding the E & N Rail Station to staff for comment.

13. NEW BUSINESS

13.1 Municipal Insurance Association of British Columbia (MIABC) Annual General Meeting

Recommendation
That Council appoint a delegate and two alternate delegates for the Municipal Insurance Association of British Columbia (MIABC) Annual General Meeting taking place at the Union of BC Municipalities Convention on September 24, 2019.

14. UNFINISHED BUSINESS

15. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

16. ADJOURNMENT

LADYSMITH

MINUTES OF A SPECIAL MEETING OF COUNCIL

Monday, August 12, 2019
3:00 P.M.
Council Chambers, City Hall

Council Members Present:
Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay
Councillor Marsh Stevens

Council Members Absent:
Councillor Jeff Virtanen

Staff Present:
Guillermo Ferrero
Erin Anderson
Clayton Postings
Mike Gregory
Sue Bouma

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1. CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 3:00 p.m., recognizing the traditional territory of the Stz'uminus people.

2. AGENDA APPROVAL

CS 2019-259

That Council approve the agenda for this Special Meeting of Council for August 12, 2019.
Motion Carried

3. MINUTES

3.1 Minutes of the Special Meeting of Council held July 15, 2019

CS 2019-260

Subject to Adoption

That Council approve the minutes for the Special Meeting of Council held July 15, 2019.
Motion Carried

4. REPORTS

4.1 Council Attendance at Conferences and Training

CS 2019-261

That Council authorize Mayor Stone, Councillor Jacobson, Councillor McKay, Councillor Johnson and Councillor Stevens to attend the Vancouver Island Economic Alliance (VIEA) conference on October 23 and 24, 2019 in Nanaimo.
Motion Carried

4.2 Childcare BC New Spaces Fund Application

CS 2019-262

That Council:

1. Direct staff to submit an application to the Ministry of Children and Family Development under the Childcare New Space Fund for up to $1 million for additional child care space in the Town of Ladysmith at the Boys and Girls Club of Central Vancouver Island (BCCCVI) building at 220 High Street;
2. Authorize the Town to enter into a 15 year commitment with the Province of BC to provide child care spaces in the community if the Town is successful in receiving the grant;
3. Authorize staff to draft a partnership agreement for Council consideration, which defines the Town's and BGCCVI responsibilities and commitments relating to child care services at 220 High Street.

Motion Carried

4.3 Ladysmith Youth Task Group

CS 2019-263

That Council receive for information the update on the Ladysmith Youth Task Group.

Subject to Adoption

Motion Carried

4.4 Machine Shop Project Update - July

Clayton Postings, the Director of Parks, Recreation & Culture, made a presentation to Council illustrating the work being done on the Machine Shop, noting that priorities involved handling electrical issues, and focusing on seismic, structural and code issues. He thanked current tenants, such as the Ladysmith and District Arts Council, the Ladysmith Maritime Society, John Marston, and the Ladysmith and District Historical Society for their cooperation and help.

Mr. Postings responded to Council's questions regarding the time frame of the project as it relates to grant funding, alternative lease options and responsibilities for current tenants, efforts to protect the building's braces, doors and mural, and the plan for managing the slope of the land and the train tracks outside the building.

CS 2019-264

That Council receive for information the update on the Machine Shop Project as of July 31, 2019.
Motion Carried

5. BYLAWS

5.1 Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008

CS 2019-265

That Council adopt "Town of Ladysmith Development Cost Charges Bylaw 2019, No. 2008".
Motion Carried

6. QUESTION PERIOD

A member of the public enquired about how the Town manages and makes decisions regarding historical assets. Another member of the public asked for advice regarding approaching the Island Corridor Foundation to lease the train station.

Subject to Adoption

7. CLOSED SESSION

CS 2019-266

That, in accordance with section 90(1) of the *Community Charter,* Council retire into closed session at 3:51 p.m. in order to consider items related to the following:

- Potential Land Sale - section 90(1)(e) and 90(2)(b)
- A Third Party Business Matter - section 90(1)(j)
- Strategic Planning - section 90(1)(l)

Motion Carried

8. RISE AND REPORT- Items from Closed Session

Council rose at 7:08 p.m. without report.

9. ADJOURNMENT

CS 2019-267

That this Special Meeting of Council adjourn at 7:09 p.m.

_____ _____

Mayor (A. Stone) Deputy Corporate Officer (E. Anderson)

Subject to Adoption

STAFF REPORT TO COUNCIL

Report Prepared By: Lisa Brinkman, Senior Planner
Date: August 12, 2019
Report Reviewed By: Guillermo Ferrero, CAO
Meeting Date: August 19, 2019
File No: **3360-19-05**
RE: **Zoning Amendment Application – 1134 Trans Canada Hwy.**

RECOMMENDATION:

That Council:

1. Consider the application to amend the:
   a) Official Community Plan (OCP) by designating the property at 1134 Trans Canada Hwy. to 'Institutional' and by applying Development Permit Area 3 – Commercial to the property; and the
   b) Zoning Bylaw by rezoning the property at 1134 Trans Canada Hwy. to 'Institutional (P-1)', with site specific regulations to limit the building height to 9 metres and to not permit the use 'outdoor recreation facility'.

2. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to refer OCP amendment application 3360-19-05 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding.

3. Direct that the applicant:

   a) Provide a report from a professional Engineer that provides an assessment of the stability of the retaining wall structures on the property and a determination if the property at 1134 Trans Canada Hwy. is safe for the proposed uses in the P-1 zone (pursuant to Bylaw 1887);
   b) Host a neighbourhood information meeting to advise the neighbourhood of the proposed OCP amendment and Zoning Bylaw amendment (pursuant to Bylaw 1667); and
   c) Work with Town staff and the Ministry of Transportation and Infrastructure regarding the driveway access to the Trans Canada Highway.

4. Direct that staff report back to Council regarding land use matters, and commence the preparation of an OCP amendment bylaw and Zoning amendment bylaw for 1134 Trans Canada Hwy.

PURPOSE:

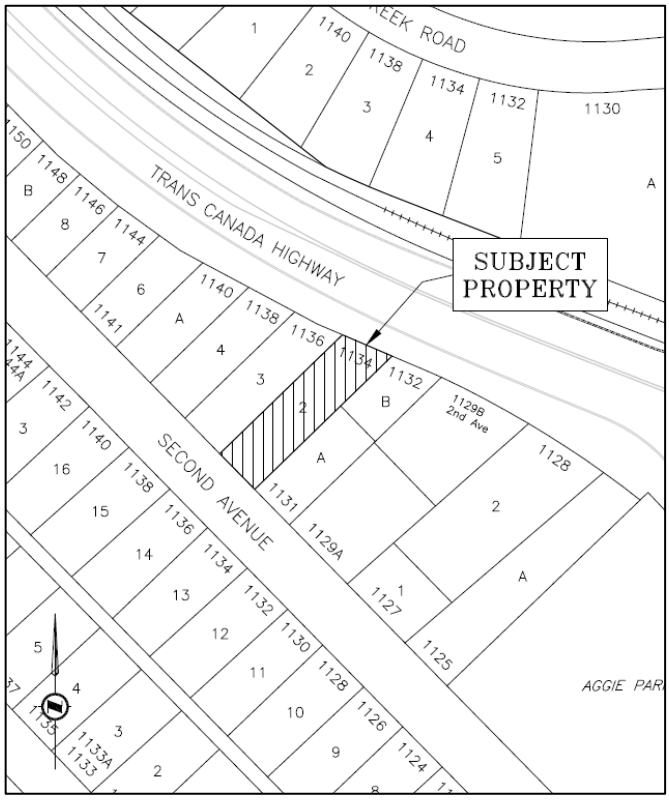
The purpose of this staff report is to provide an update and to report on consultation regarding the proposed rezoning of 1134 Trans Canada Highway.

PREVIOUS COUNCIL DIRECTION

Meeting Date and Resolution #	Resolution Details
June 17, 2019 **CS 2019-222**	That Council: 1. Consider the application (3360-19-05) to amend the Zoning Bylaw to allow a licenced childcare facility, as a principal use, to be located at 1134 Trans Canada Hwy. 2. Direct staff to: a. Refer application 3360-19-05 to the Community Planning Advisory Committee. b. Commence the preparation of a Zoning Amendment Bylaw for application 3360-19-05.

INTRODUCTION/BACKGROUND:

The purpose of this staff report is to report on consultation and to provide an update on the rezoning application. The applicant has requested that the property at 1134 Trans Canada Highway be zoned 'Institutional (P-1)' to allow a licenced childcare facility and indoor recreation facility (e.g. karate lessons). To accommodate this request an amendment to the Official Community Plan (OCP) and Zoning Bylaw is required. Thus, this staff report presents a different approach to the rezoning application than what was presented to Council on June 17, 2019.



The subject property is 1,380m^2 (14,854ft^2) in size and is currently accessed from both Second Avenue and the Trans Canada Highway. The property contains two level parking areas supported with retaining walls, and one vacant building that was recently updated with exterior and interior improvements.

DISCUSSION

Official Community Plan

The OCP designates the subject property as 'Multi-Family Residential'. To accommodate the P-1 zone request, the property would need to be designated as 'Institutional'. The Institutional designation is applied to properties with facilities offering civic, recreational, cultural, education, health, social and protective services. The property contains a building similar to a community hall and the proposed uses, licenced child care facility and indoor recreation facility, are consistent with the 'Institutional' designation. In Ladysmith, properties designated as 'Institutional' are located within residential neighbourhoods.

Since the proposed indoor recreation facility use, karate lessons, is a commercial use it is recommended to apply Development Permit Area 3 – Commercial (DPA 3) to the subject property. DPA 3 contains guidelines for the general character of the development, and guidelines to ensure neighbourhood compatability. If DPA 3 is applied to the subject property, a development permit would be required when improvements to the property are needed for a commercial use.

Zoning Bylaw

The applicant is requesting that the property be zoned to "Institutional (P-1)". The uses permitted in the P-1 zone include:

- cultural facility (e.g. museum),
- assembly (e.g. church, community hall),
- community care facility (e.g. licenced child care facility, seniors home),
- indoor recreation facility (e.g. karate lessons, yoga),
- school (education facilities as defined by the School Act),
- nature centre, and
- farmer's market.

While the P-1 zone allows for outdoor recreation facilities (e.g. mini-golf, batting cage), it is recommended that an outdoor recreation facility not be permitted on the subject property due to proximity to residential uses. The P-1 zone also allows for buildings that are 12 metres in height, and it is recommended that building height on the subject property be limited to 9 metres to ensure neighbourhood compatibility. The minimum parcel size in the P-1 zone is 892m^2. The required parking for a licenced child care facility is one parking space per employee, plus two spaces. Currently the property can accommodate at least eight parking spaces onsite. It is expected that the child care facility would have a maximum of four employees.

Table 1: Summary of Application 3360-19-05

	Current	Proposed
Official Community Plan	Multi-Family Residential	Institutional
Development Permit Area	Multi-Unit Residential (DPA 4)	Commercial (DPA 3)
Zoning Bylaw	Old Town Residential (R-2)	Institutional (P-1) With a site specific regulation for 1134 Trans Canada Highway to limit building height to 9m and to not permit the use 'outdoor recreation facility'.

The subject property was zoned P-1 from 1988 to 2014. In 2003 the OCP designated the subject property as "Multi-Family Residential". Thus, in 2014 when the new Zoning Bylaw was adopted, the subject property was zoned to R-2, similar to adjacent properties, to ensure that the Zoning Bylaw would be consistent with the OCP (as is required by the Local Government Act).

The Ministry of Transportation and Infrastructure (MOTI) has stated that they prefer the property's driveway access to be from Second Avenue and that direct access to the Trans Canada Highway is not supported. It is recommended that staff and the applicant work with MOTI staff regarding driveway access to the Trans Canada Highway.

ALTERNATIVES:

Council can choose to not proceed with rezoning application 3360-19-05.

FINANCIAL IMPLICATIONS;

N/A

LEGAL IMPLICATIONS;

The subject property is located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation and Infrastructure for approval following third reading of a zoning amendment bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Community Planning Advisory Committee (CPAC) passed the following motion at their meeting on June 3, 2019:

> "It was moved, seconded and carried that the Community Planning Advisory Committee recommends support for the proposal to allow a child care facility as a principal use at 1134 Trans Canada Highway."

Council may consider referring the revised rezoning proposal to CPAC.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department recommends that the applicant provide a report from a certified engineer that provides an assessment of the retaining wall structures on the subject property and a determination if the property is safe for the proposed institutional uses.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☒Complete Community Land Use
☐Green Buildings
☐Innovative Infrastructure
☐Healthy Community
☐ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐Employment & Tax Diversity
☐Watershed Protection & Water Management
☐Communications & Engagement
☐ Natural & Built Infrastructure
☐ Partnerships
☒ Not Applicable

SUMMARY:

This staff report presents a revised approach to the rezoning of 1134 Trans Canada Hwy. Recommendations are provided for the next steps in the application process.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

none

STAFF REPORT TO COUNCIL

Report Prepared By: Lisa Brinkman, Senior Planner
Date: August 12, 2019
Report Reviewed By: Guillermo Ferrero, CAO
Meeting Date: August 19, 2019
File No: 3360-19-07
RE: **OCP & Zoning Bylaw Amendment Application – A. Quek 336 Belaire Street**

RECOMMENDATION:

That Council:

1. Receive summary reports for the March 8/19 and June 1/19 neighbourhood information meetings held by AYPQ Architecture and Fred Green regarding the property at 336 Belaire Street.
2. Receive the letters submitted to date regarding the property at 336 Belaire Street.
3. Consider the application to amend the:
   a) Official Community Plan (OCP) by supporting residential use in combination with local commercial use in the 'Local Commercial' designation; and by adding the Multi-Unit Residential Development Permit Area (DPA 4) to the property at 336 Belaire Street; and
   b) Zoning Bylaw by rezoning the property at 336 Belaire Street from 'Local Commercial (C-1)' to a new zone 'Comprehensive Development 6 (CD-6)' to accommodate the proposed three storey mixed use building;
4. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to:
   a) Refer OCP amendment application 3360-19-07 to the Stz'uminus First Nation, pursuant to the Town's Memorandum of Understanding; and
   b) Refer application 3360-19-07 to the Community Planning Advisory Committee.
5. Direct that the applicant retain professional Engineer(s) to submit the following (pursuant to the Development Approval Information Bylaw 1887):
   a) Concept drawings for Rigby Place and Belaire Street improvements, including proposed parking spaces, sidewalks, crosswalks, and cost estimates for work in Town streets; and
   b) A traffic impact assessment that identifies the traffic impacts of the proposed development to the neighbourhood (including pedestrian and vehicle circulation, and safety considerations).

6. Direct that staff:

a) Remove DP 08-16 (FB248768) from the certificate of title of 336 Belaire Street (PID 002-221-349) as this development permit has expired.
b) Work with the applicant regarding an amenity contribution and/or land use matters (i.e. traffic impacts, parking matters, patio location, patio hours, and lighting) and report back to Council; and
c) Commence the preparation of an OCP amending bylaw and Zoning amending bylaw for the proposed mixed use development at 336 Belaire Street.

PURPOSE:

The purpose of this staff report is to introduce an application to amend the Official Community Plan (OCP) and Zoning Bylaw for a proposed mixed use building at 336 Belaire Street, and to seek direction from Council regarding consultation and next steps.

PREVIOUS COUNCIL DIRECTION

In January 2009 Development Permit 3060-08-16 was approved to permit a renovation of the existing building for commercial use. Development Permit 3060-08-16 has expired and it is recommended to remove this development permit from the title of the property.

INTRODUCTION/BACKGROUND:

An application has been received from Angela Quek (Architect) to amend the OCP and Zoning Bylaw for a proposed three storey mixed use building at 336 Belaire Street. The property is 1530m^2 in size and contains the vacant police station building. The applicant has expressed interest in utilizing the existing building in the short-term for commercial use, and the long term proposal is to remove the existing building and construct a new three storey building. The applicant is proposing commercial use for the first storey and residential units for the second and third stories. In particular, the applicant has expressed interest in a restaurant with a micro-brewery, and a coffee shop for the first storey. A maximum of eight residential units are proposed for the subject property.

The applicant submitted a proposed site plan and three storey building concept for the property (with 613m^2 per floor), shown in Figure 1 and 2. Attached to this staff report is the development concept submission from A. Quek showing elevations and explaining the rezoning rationale, neighbourhood context, design rationale, parking proposal, shadowing and overlook.

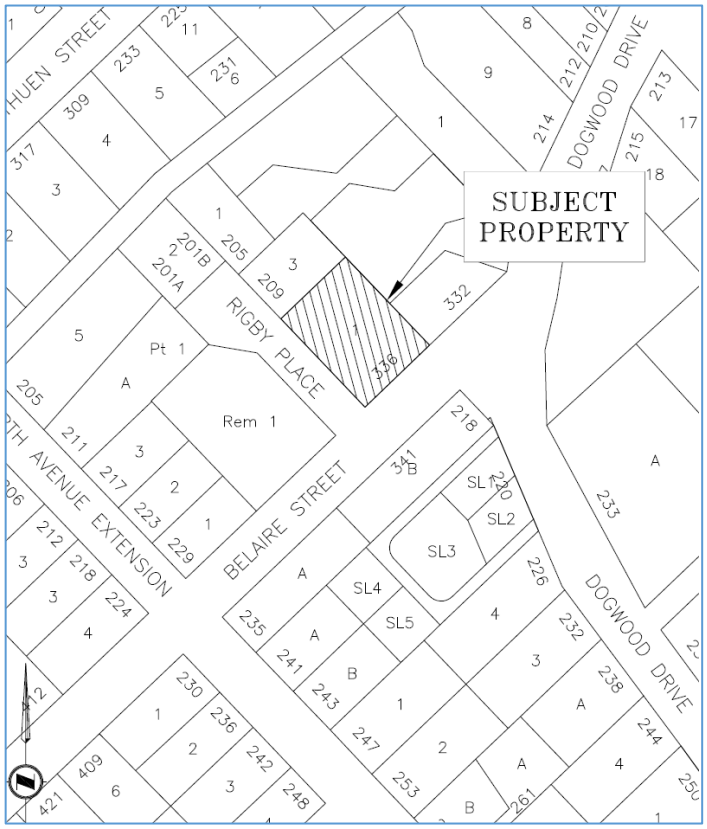
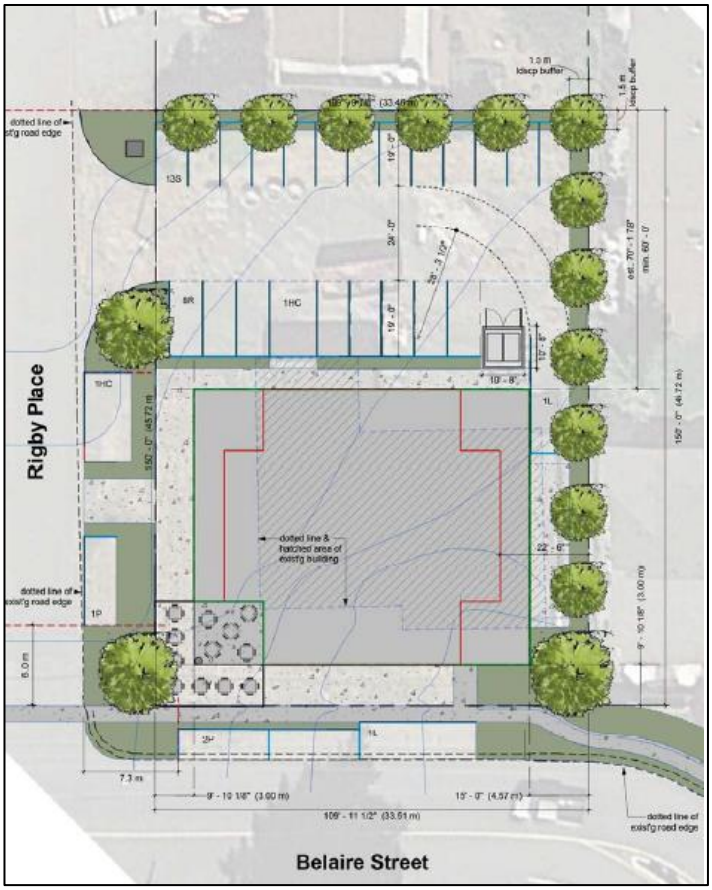


Figure 1: Proposed Building Concept – 336 Belaire St.

Figure 2: Proposed Site Plan Concept – 336 Belaire St.



Official Community Plan (OCP)

The property is designated as 'Local Commercial' in the Official Community Plan (OCP). The 'Local Commercial' designation supports:

> *"small scale commercial centres located within and serving the daily needs of the surrounding residential population in neighbourhoods. It provides for a limited range of retail, office, and service uses which do not compete with the commercial uses in the downtown core".*

If residential use is supported at 336 Belaire Street it is recommended to add a policy to the 'Local Commercial' designation to state that residential use is supported in combination with local commercial uses. A restaurant with a micro-brewery is not currently located in the downtown core.

The property falls within Development Permit Area 3 'Commercial' (DPA 3). The objective of DPA 3 is to ensure that commercial development is complementary to the existing character of Ladysmith and aligned with the Town's vision for future growth. If residential use is supported at 336 Belaire Street it is recommended to also apply Development Permit Area 4 'Multi-Unit Residential' (DPA 4) to the subject property. The objective of DPA 4 is to achieve a high level of design for multi-unit development, to enhance the Town's neighbourhoods, and to ensure that development is complementary to the existing character of Ladysmith. Prior to improvements to the existing building or construction of a new building, a development permit would be required.

Zoning Bylaw

The property is currently zoned Local Commercial (C-1), with a site specific amendment to limit commercial uses to coffee shop, personal service establishment (i.e. hairdresser, yoga studio, florist, aesthetician), office and artist studio. A dwelling and secondary suite are also permitted. The maximum permitted height in the C-1 zone is 9m.

To accommodate the proposed development a new zone would be required. *Table 1: Application Summary – 336 Belaire Street* outlines the details that could be included in a new zone for the subject property. The applicant is requesting zoning to allow a building that is 11m in height (3 storeys), with 613m^2 of commercial use on the first storey and residential units on the second and third stories. The applicant is proposing that the following commercial uses be permitted at 336 Belaire Street:

- Coffee shop
- Office (includes an office for medical and dental services)
- Personal service establishment (i.e. hairdresser, tailor, yoga studio, florist, laundromat)
- Retail sales
- Restaurant
- Neighbourhood pub (includes micro-brewery)
- Media production studio
- Community care facility
- Veterinary clinic

A maximum of eight residential units are proposed, the size of which would be approximately 80m^2 for one bedroom units and 160m^2 for two bedroom units. The remaining space on the residential floors would be used for exterior deck space, an elevator, stairway, hallways, and ventilation service shafts for rooftop equipment.

The setbacks proposed for the primary building are a minimum of 2m from the front (Belaire St.) and exterior side (Rigby Pl.) property lines, 4.5m from the interior side property line (332 Belaire St.), and 17m from the rear property line (209 Rigby Pl.). The setbacks proposed for an accessory structure (i.e. garbage enclosure) are a minimum of 6m from the front (Belaire St.) and 3m from the exterior side (Rigby Pl.) property lines, 4.5m from the interior side property line (332 Belaire St.), and 13m from the rear property line (209 Rigby Pl.). A 1.5m wide landscape buffer is proposed along the interior side and rear parcel line, which is consistent with the landscape buffer requirements in the Zoning Bylaw.

Table 1: 336 Belaire St. Application Summary (3360-19-07) July 23, 2019

	Current	**Proposed**
Official Community Plan	Local Commercial	Local Commercial Add policy that states that residential use is supported in combination with local commercial uses.
Development Permit Area	DPA 3 Commercial	DPA 3 Commercial and DPA 4 Multi-Unit Residential
Zoning	Local Commercial (C-1)	Comprehensive Development 6 (CD-6)
Commercial Uses	Coffee shop Office Artist studio Personal service establishment (i.e. hairdresser, tailor, yoga studio, florist, laundromat)	Coffee shop Office (includes an office for medical and dental services) Personal service establishment (i.e. hairdresser, tailor, yoga studio, florist, laundromat) Retail sales Restaurant Neighbourhood pub (includes micro-brewery) Media production studio Community care facility Veterinary clinic
Residential Use (density)	One dwelling unit and one secondary suite	8 dwelling units (maximum) 53 units per hectare
Max gross floor area for commercial use	100m^2 per commercial use	Commercial use on first storey (613m^2) The basement would be limited to accessory storage related to the commercial and residential uses within the building.
Floor Space Ratio	0.5	0.9
Parcel Coverage	40%	40%
Height	9m	11m – with a 1.5m projecting elevator shaft
Minimum building setbacks from property lines	Front 6m Exterior Side 3m Interior Side 1.5m Rear 3m	Front (Belaire St.) 2m Exterior side (Rigby Pl.) 2m Interior side (adjacent to 332 Belaire St.) 4.5m Rear (adjacent to 209 Rigby Pl.) 17m

Accessory structure setback (i.e. garbage enclosure)	Front 6m Exterior Side 1m Interior Side 1m Rear 1m	Front (Belaire St.) 6m Exterior Side (Rigby Pl.) 3m Interior Side 4.5m Rear 13m
Landscaping and Screening	3m or 1.5m wide landscape buffer along rear and interior side parcel line.	1.5m wide landscape buffer along rear parcel line. 1.5m wide landscape buffer along interior side parcel line.
Parking	One off-street space per 30m^2 of commercial gross floor area. One off-street space per residential unit.	22 off-street parking spaces (with a minimum of 8 spaces dedicated to residential uses).

Traffic and Parking

The proposed development would introduce new pedestrian and vehicle traffic patterns to both Belaire Street and Rigby Place. To assist with evaluating the impact and feasibility of the proposed development, it is recommended that pursuant to the Development Approval Information Bylaw 1887, the applicant be required to retain professional Engineer(s) to submit the following:

- Concept drawings for Rigby Place and Belaire Street including proposed parking spaces, vehicle turn-arounds, sidewalks, rainwater management, crosswalks and cost estimates for the work. Where variances to Town Engineering standards are proposed, these should be identified; and
- A traffic impact assessment that identifies the traffic impacts of the proposed development to the neighbourhood (including pedestrian and vehicle circulation, and safety considerations); and

At the time of building permit application, when the value of construction is greater than $50,000, the applicant would be required to complete street frontage improvements on that portion of Belaire Street and Rigby Place immediately adjacent to the property, such as public parking spaces, sidewalks, curbs (pursuant to Bylaw 1834).

Commercial Parking: The Zoning Bylaw requires one off-street parking space per 30m^2 of commercial space. 613m^2 of commercial space is proposed in the development, thus 21 off-street parking spaces would be required for commercial use(s). If a restaurant with a micro-brewery is located in the building, one off-street parking space is required per five restaurant seats. The 613m^2 space would allow for a total of 100 seats (restaurant/coffee shop), generating the requirement for 20 off-street parking spaces.

Residential Parking: The Zoning Bylaw requires one off-street parking space per one bedroom residential unit, and two off-street parking spaces for residential units with two bedrooms. One visitor off-street parking space is also required per 5 residential units. Given the potential combination of one bedroom units and two bedroom units in the proposed building, 9-10 off-street parking spaces would be required for residential use. Also required for the development are two loading spaces, two parking spaces for persons with disabilities, and bicycle parking.

Zoning Bylaw parking regulations indicate that the proposed building generates the requirement for 31 off-street parking spaces. A total of 22 off-street parking spaces are proposed, and would be located in the same general location as the existing parking area on the property. With the required street frontage improvements it is anticipated that approximately 5 public street parking spaces could be created adjacent to the property. A professional engineer design of the street parking would confirm possible public parking spaces on Belaire Street and Rigby Street. It is recommended that staff report back to Council regarding traffic and parking matters with the results of the engineer concept plan and traffic impact study.

ALTERNATIVES:

Council can choose to not proceed with OCP and Zoning amendment application 3360-19-07 (336 Belaire Street).

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS;

The subject property is located within 800 metres of a controlled access highway, thus must be referred to the Ministry of Transportation & Infrastructure for approval following third reading of a zoning amendment bylaw. Also, if the application proceeds a public hearing will be required to be held.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is recommended to refer the application to the Stz'uminus First Nation, pursuant to the Town's memorandum of understanding. It is also recommended to refer the application to the Community Planning Advisory Committee.

Prior to submitting the rezoning application the applicant hosted two neighbourhood information meetings on March 8/19 and June 1/19. The applicant's summary reports for these information meetings are attached to this staff report. Following the June 1/19 information meeting the applicant and the Town received letters from the neighbourhood regarding the proposal. The neighbourhood letters are attached to this staff report, and a summary of the comments with discussion is provided in Table 2.

Table 2: Summary of letters received (June to Aug. 12, 2019)

Comment	Discussion
Building height	The building is proposed to be 11m (three storeys). The elevator tower is also proposed to extend 1.5m from the roof of the third storey. Note that there is no covenant registered on the title of the land to restrict building height.
Building design, scale, character and fit in neighbourhood	Currently a building 9m in height is permitted and a building 11m in height is proposed. The adjacent parcels contain buildings that are one and two storeys. The proposed building introduces a three storey structure into the immediate neighbourhood.

	If the rezoning proceeds the building design would be required to comply with the DPA 3 Commercial and DPA 4 Multi-Unit Residential development permit guidelines. A development permit application for the building design would be reviewed by staff and presented to Council for consideration of approval.
Location of garbage enclosure	The proposed location of the garbage enclosure has been revised such that the proposed minimum setbacks are: 6m from the front property line (Belaire St.), 3m from the exterior side property line (Rigby Pl.), 4.5m from the interior side property line (332 Belaire St.), and 13m from the rear property line (209 Rigby Pl.).
Shadowing on adjacent property	The architect has provided a shadow study which shows that the proposed three storey building casts minimal shadow to adjacent residential property during summer and winter. See shadowing study in the attached Jailhouse: Application Submission from A. Quek.
Overlook and loss of privacy for adjacent residences	The building is proposed to be setback 4.5m (15ft) from the interior side parcel line (adjacent to 332 Belaire St.). The building face of the second and third storey is proposed to be setback 7.3m (24ft) from the interior parcel line. The balcony of the second storey is proposed to be 4.5m (15ft) from the interior side parcel line. The architect provided an overlook analysis, see the attached Jailhouse: Application Submission from A. Quek.
View impacts	After discussions with the affected residents, the applicant reduced the proposed building height from four stories to three stories. The architect provided a view analysis, see the attached Jailhouse: Application Submission from A. Quek.
Will the existing building be used or will the building be demolished and a new structure built?	The applicant may wish to use the existing building in the short-term for commercial use. The long term proposal is to remove the existing building and construct a new three storey building.
Traffic and Parking	It is recommended that the applicant be required to provide a professional engineer traffic impact assessment and street design showing parking, pedestrian and traffic circulation, and safety for Belaire Street and Rigby Place. This information will assist in determining the impact and feasibility of the proposed development in relation to traffic and parking matters.
Fire Protection for the proposed building	The proposed building would be required to meet B.C. Building Code standards regarding fire protection. The engineering studies will assess if other improvements are needed (i.e. firetruck turnaround, fire hydrants).
Is 'Air BnB' use permitted in the residential units?	No, the Zoning Bylaw does not permit temporary residential use of dwellings in apartment style buildings.
Are pets permitted in Wickham Park?	Dogs are permitted in Wickham Park if they are on-leash.
Loss of peace and quiet for residences in the neighbourhood.	If Council wishes to move forward with the rezoning application it is recommended to direct staff to work with the applicant regarding land-use matters that may be addressed through development permit guidelines, zoning, or in a Section 219 Covenant to be registered on the title of the land, such as: • Location/size of patio and patio hours of operation • Location of heating and cooling units • Building lighting

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

If the application proceeds, staff in the Infrastructure Services department are supportive of requiring that the applicant submit a professionally prepared traffic analysis and road concept plans for Belaire Street and Rigby Place to assist with evaluating the impact and feasibility of the proposed development. Prior to commencing it is recommended that the applicant's engineers meet with Town staff to review the scope of work.

As an amenity contribution the applicant has expressed interest in contributing to improvements to Wickham Park (e.g. parking, drainage, park amenities). The Director of Parks Recreation and Culture is supportive of this proposal. If the application proceeds it is recommended to direct staff to work with the applicant regarding an amenity contribution for Wickham Park.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☒Complete Community Land Use
☐Green Buildings
☐Innovative Infrastructure
☐Healthy Community
☐ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☒Employment & Tax Diversity
☐Watershed Protection & Water Management
☐Communications & Engagement
☐ Natural & Built Infrastructure
☐ Partnerships
☐ Not Applicable

SUMMARY:

An application has been received to amend the OCP and Zoning Bylaw for a proposed mixed-use development at 336 Belaire Street. Recommendations are provided for next steps in the application process.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

The Jailhouse: Application Submission from A. Quek
Neighbourhood Information Meeting Summary Report – March 8, 2019
Neighbourhood Information Meeting Summary Report – June 1, 2019
Letters received by the Town regarding 336 Belaire St. (June-Aug. 2019)

the Jailhouse

aka the Old RCMP Building @ 336 Belaire Street, Ladysmith BC

Owner: the Jailhouse Brewing Co. Ltd.

Rezoning Visioning Statements

June 18, 2019

Rev19.07.30

the JAILHOUSE
Public Information Meetings

The Jailhouse aka “the Old RCMP Building” is located on 336 Belaire Street at the corner of Rigby Place. The existing building has been unoccupied for numerous years and is in disrepair.

Initially, the C1 Zoned site was considered for a community brew business but with the site strategically located along a well-used gradual uphill walkable route connecting downtown/Transfer Beach to the Community Centre area as well as Coronation Square, it was felt that a residential component may be of benefit to the community.

To assess community sentiment regarding what use would be of a benefit in making a livable neighbourhood, two public information meetings were held.

The first meeting engaged the community in an interactive session to explore ideas for the Project’s purpose, configuration and use. It was well attended by over 70 people who contributed in an excellent discussion and survey comments.

Mixed-use was the overall preference with Community Brew and a family restaurant as favorable commercial uses. The residential component was also felt to be important in that it would provide affordable and quality living spaces.

The feedback from the first meeting was integral in developing the concept of the mixed-use four storey building which was presented at a second public meeting. The siting and design of the building was well received by over 50 attendees with a positive discussion that expressed general acceptance for the mixed-use project.

Two main topics of concerns were also expressed:

> Parking along Rigby Place dominated the discussion with conflicting comments. Some felt that parking would create too much traffic while others felt more parking was needed. There was also an inquiry regarding any plans to rectify the winter water overflow along the Wickham Park-side of Rigby Place.
>
> Building height and overlook was also a concern for immediate neighbours. Though there was general appreciation for the use and siting of the building, it was felt that four storeys would create too much overlook in to Belwood Village.

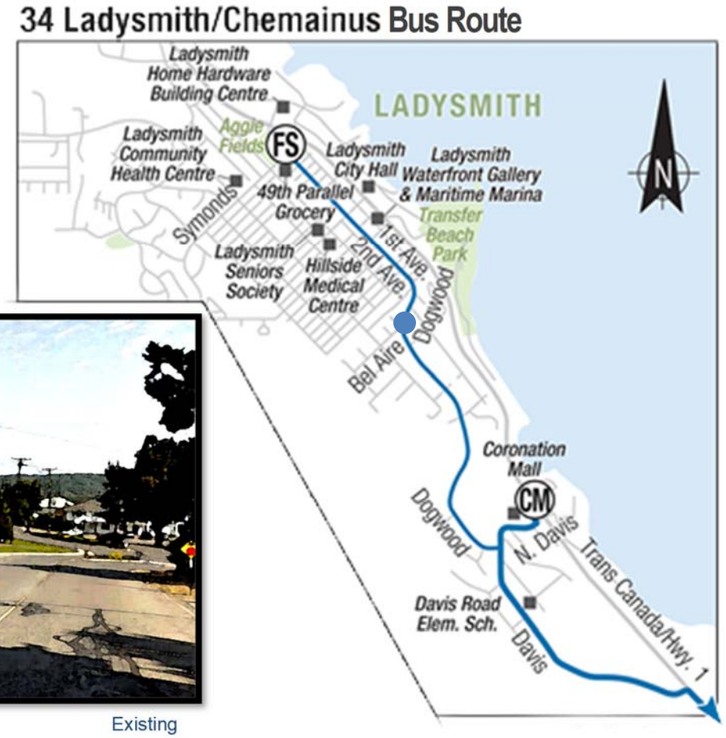
Subsequent private meetings were held, and consideration was given to overlook concerns. The building height will remain at three storeys, unfortunately lessening the residential contribution for the community.

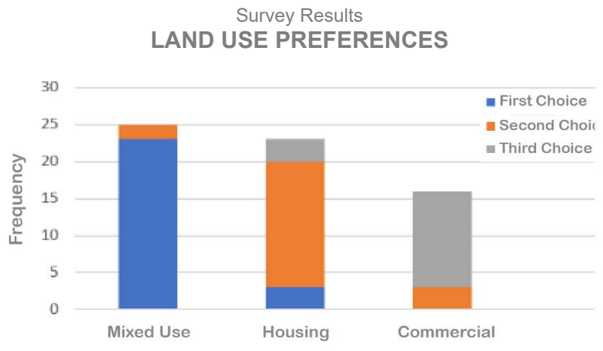
As for the Wickham Park/Rigby Place public parking, the walkability of the site and availability of public transit may alleviate the need for much additional parking. However, some parking would benefit those needing to use their own vehicles.

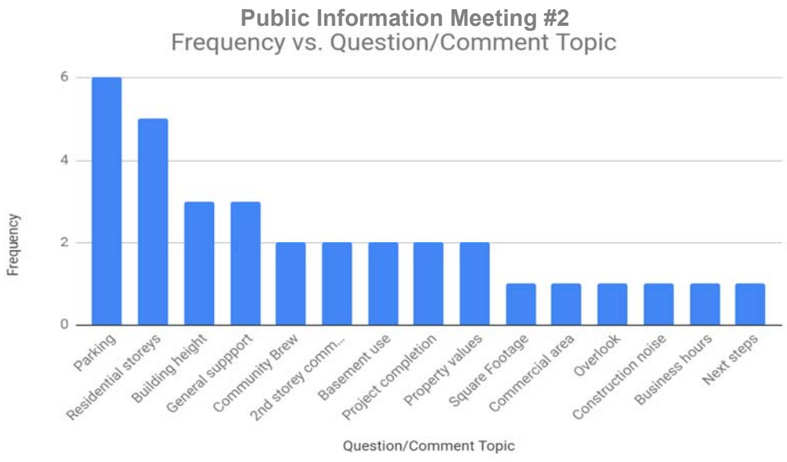
Sustainability Strategy #1
Complete Community Land Use

Self-reliance *with diversity of jobs :* ***Density increase*** *in neighbourhoods to support transit & local businesses :* ***Pedestrian-oriented*** *siting ;* ***Affordable housing***

Existing







Rezoning Rationale

The purpose of this rezoning application is to rezone the "Old RCMP" site, 336 Belaire Street, from a C1 commercial Zone to Mixed-use zone, permitting a project with an appropriate character that will "fit within the context" of an area, becoming a central node and adding vitality to the community.

"Love the idea of bringing life back into the neighborhood"
~ PIM01 Survey comment

Would love a community area near my house (Bayview Ave) to socialize and enjoy.
~ PIM01 Survey comment

"Developing an area for people to enjoy, accessible, and affordable."
~ Ladysmith's Visioning Public Preference Handbook

FB Comments:

"

Fern MacGillivary Hornett

Every time I drive past the old RCMP station I think there has to be a better use for this property. Considering the taxes I pay to live here I don't feel I get good value for the money however I would be very supportive of having my taxes used to pay for the safe removal of that appalling eyesore and the land donated to Habitat for Humanity to build multi family affordable housing on that site. I would be proud to know the great citizens of Ladysmith have helped hard working low income families to have homes of their own. If outside developers can bring in their own crews and equipment to build expensive houses purely for profit why can't something be done for those who will never afford them? If you agree with me please like and share.

Henny Vogelzang If you hate that building, try running a business right behind them, it is embarrassing...and every year someone has to complain about the mess, which makes no sense at all, if they know it is a problem property, they should just put it on the list for regular maintenance demands.

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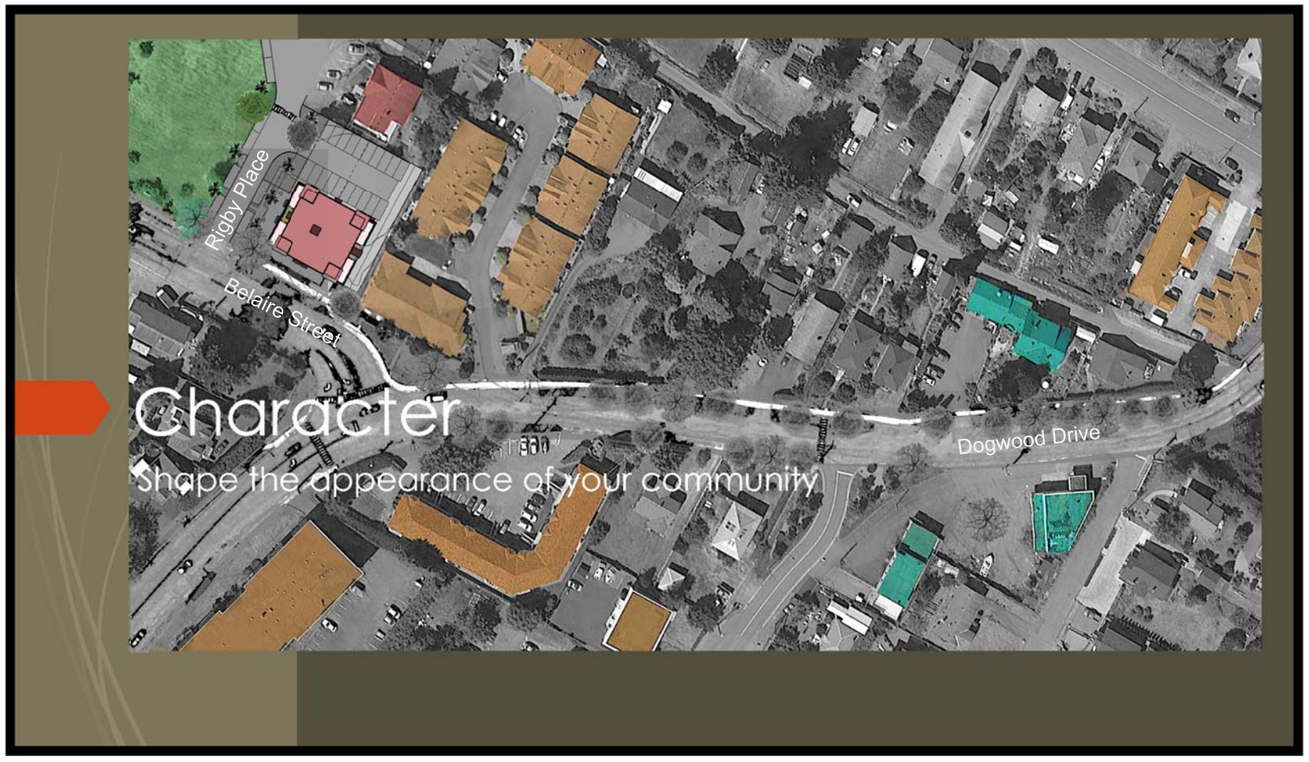


Mixed-Use Zoning

Mixed-use is the preferred model by the community.

The residential component was felt to be an important component which integrates strategically at the edge of a multifamily residential and an existing home-based commercial activity [*mixed-use*] immediately to the northeast.

The Jailhouse commercial component with a 5 min. walk to an existing neighbourhood commercial node along Dogwood Drive and 10 min. to Ladysmith downtown will begin to create a streetscape that becomes a pedestrian commercial network.

Regarding the purpose, the community was in support for a Community Brew and Coffee Shop/Family restaurant. These uses blend well with developing a connection across the Rigby Place to Wickham Park, enlivening the public space with accessibility for upper level residents and patrons of the community brew and family restaurant.

the **JAILHOUSE**

Mixed-Use

Multifamily

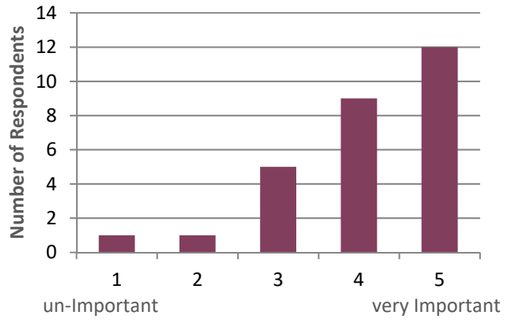
Commercial

Wickham Park

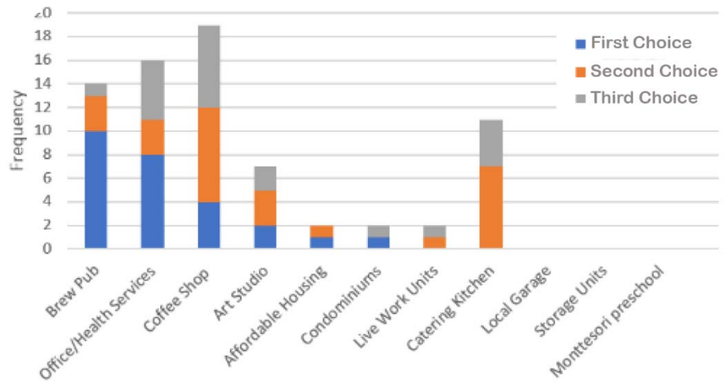
Sustainability Strategy #6
Local Food Systems

Promoting the purchase of locally-produced food through a buy / eat-local campaign; Supporting the connection of local restaurants to local food producers;

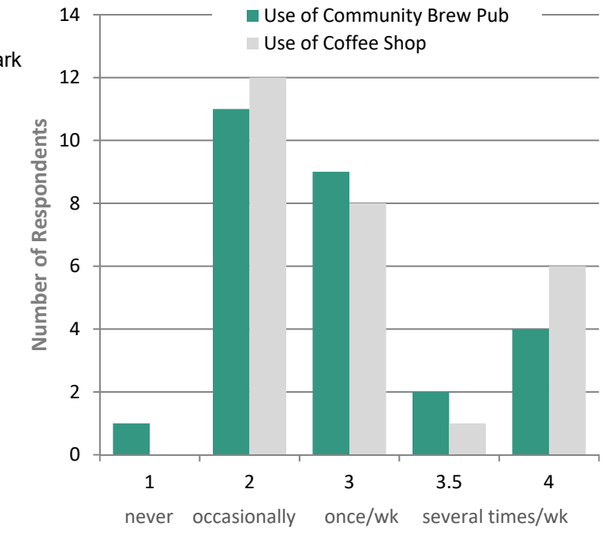
Survey Results
IMPORTANCE OF RESIDENTIAL COMPONENT



Survey Results
PURPOSE



Survey Results
PROPOSED BUILDING USE



Siting & our neighbours

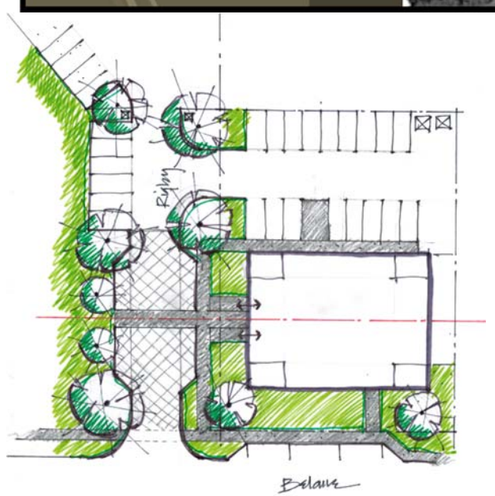
The Project has been sited primarily on the SW quadrant (**1**) bordered with Belaire Street and Rigby Place. This places on-site parking to the NE half the site (**2**) creating a 60ft x 110ft buffer to the NE neighbor and Belwood Village to the east, maximizing privacy.

Outdoor patios and entrances are focused around the Belaire Street/Rigby Place corner (**3**) where the building itself becomes a buffer between these activities and the adjacent residences.

A wide side-yard setback in combination with additional upper level setbacks (**4**) minimizes overlook while maximizing privacy for the adjacent neighbours.

Survey #2 Topic : BUILDING LOCATION ON SITE

How do you feel these fall within the scale of 1 to 5 ?	
1 **Overlook**	Configuration & location of the building on the site seeks to minimize overlook & maximize privacy for the neighbours.
2 **Mixed Use**	Optimization of the configuration and economics of the building.
3 **Streetscape**	Social places such as outdoor patios creates a community oriented street character.
4 **On-Site Parking**	On-site parking location gives greater spatial separation to neighbours.
5 **Public Parking**	Street parking for Wickham Park is enough.
6 **Activity**	Public activity is focused towards Rigby & Belaire corner to respect neighbours.



Public Parking

The site layout with parallel parking spaces along Rigby Place (**5**) and Belaire Street (**5**) was presented to the community. It received conflicting comments. Some expressed concerns there may not be enough public parking for Wickham Park and others felt parking invited more traffic. It was determined that either way, some public parking was needed for Wickham Park.

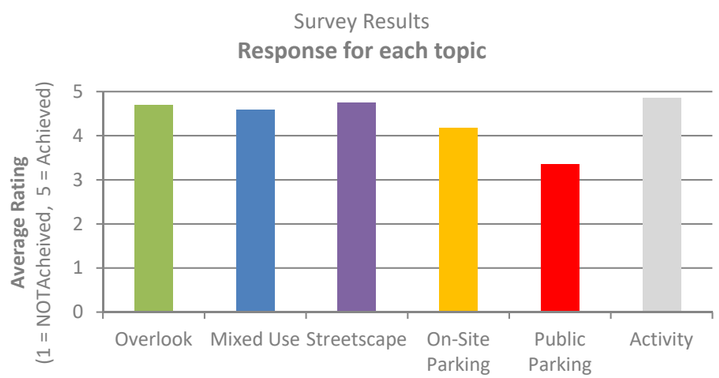
It is understood that parallel parking is preferable. However, with community comments received, alternate layouts could be considered to provide additional public parking which may alleviate these concerns. Street calming and textured surfaces could also be considered as possibilities for vehicles and pedestrians to share Rigby Place, increasing the connection and use of Wickham Park

"Cluster parking encouraged: 6-8 spaces with landscape buffering. If more than 10, provide landscape bays for division. Auto to pedestrian paths should include transitional elements, such as plantings, land forms, screens, and structures."

~ Ladysmith's Visioning Public Preference

Sustainability Strategy #2
Low Impact Transportation

Pursing innovative parking design strategies and exploring new street standards to make streets more environmentally & socially more friendly.



Design Rationale

The main floor at 40% site coverage with upper residential floors setback creates an impression of a one-storey tree lined street that fits with the scale of the neighbourhood.

The street level commercial will have a mix of storefront glazing and siding, materials that are generally in keeping with the historic character of Ladysmith.

Outdoor Patios of these commercial spaces along the Belair-Rigby corner will be sunny with views to Wickham Park making them attractive, vibrant, and safe public areas. They will enliven the streetscape of both Rigby Place and Belaire Street, becoming more than connectors but a place that is part of the walkable community and an on-going development of livable neighborhoods.

Sustainability Strategy #4
Multi-Use Open Space

Creating a network of parks and trails : Provide recreation opportunities to support healthy residents, and integrate heritage and art into the public realm experience.

Sustainability Strategy #7
A Healthy Community

Arts *- Continuing to support the arts, artists and artisans in the community;*
Public realm *- Continuing to enhance the quality of the public realm.*

Town Vision – Value & Themes
People

Public Spaces – Creating great spaces to be; Sidewalks into places of animation, conservation and colour; Parks for all ages; Great Streets that offer pedestrian experiences; Housing diversity that support residents at all stages of their lives to preserve friendships and relationships over the

"Roads form part of the transportation network. As part of a walkable community, vehicles share the road with other pedestrian activities, and form part of a vibrant community. Street calming techniques should be explored through the use of traffic islands, landscaped medians, curb extensions, raised street sections and textured pavement visual signals and messages."

~ Ladysmith's Vision Public Preference Handbook

Height

Ladysmith's Visioning Public Preference Handbook indicates instances where a four storey commercial-residential building is the preferred model for a mixed-use project.

"A four storey (12.7m) commercial and residential building type forming part of a street wall is the preferred model when integrating mix use."

~ Visioning Public Preference Handbook

For this project, the four-storey model would have provided the needed economic advantage to make a viable project. This model was presented at the public information meeting and received acceptance from the general audience.

However, subsequent private meetings with the immediate neighbours were held and with great consideration for their comments, the Owner has decided to forgo the fourth floor, limiting the height of the project to three stories.

Town Vision – Value & Themes
A Small Town Feel

New buildings – need to visibly respect and fit with the existing heritage rhythm, massing and forms;

Community Benefits

1. Removing of an existing eyesore with a high demolition/remedial cost, then replacing it with a three (vs four) storey mixed use project with a reduced economic return, is a generous benefit to the immediate neighbours at the expense of the greater community for more affordable housing.

2. During the public information meetings, there was some inquiry as to whether the water overflow situation along the Wickham Park side of Rigby Place would be rectified. Works and services is only required at the site property line, however, the Owner is willing to develop parking spaces on the Wickham Park side of Rigby Place and rectify this situation, with the understanding that the additional public parking spaces be applied to the project's commercial parking requirements.

3. Consideration given to providing street trees, outdoor furniture, and parking treatments to make Rigby Place and Wickham Park a place where Ladysmith residents can walk to and bring their family.

4. A commitment to the best sustainable building practices.

FB Comments:

"

John R Vincent I'm guessing that the old police station on the site is built like a fortress out of reinforced concrete right down to the jail cells in the basement. Demolition is going to be extraordinarily expensive; probably more than the value of the lot. Now if the Town was to offer the sale of the small park adjacent to the old RCMP station as a sweetener to a developer, that might encourage redevelopment of the whole.

Henny Vogelzang I dread the asbestos in that place, not to mention the black mold, I for one will be standing very strongly against blatant wrecking crews coming in when the time comes, my guess is it will require some hazardous waste removal systems.

1

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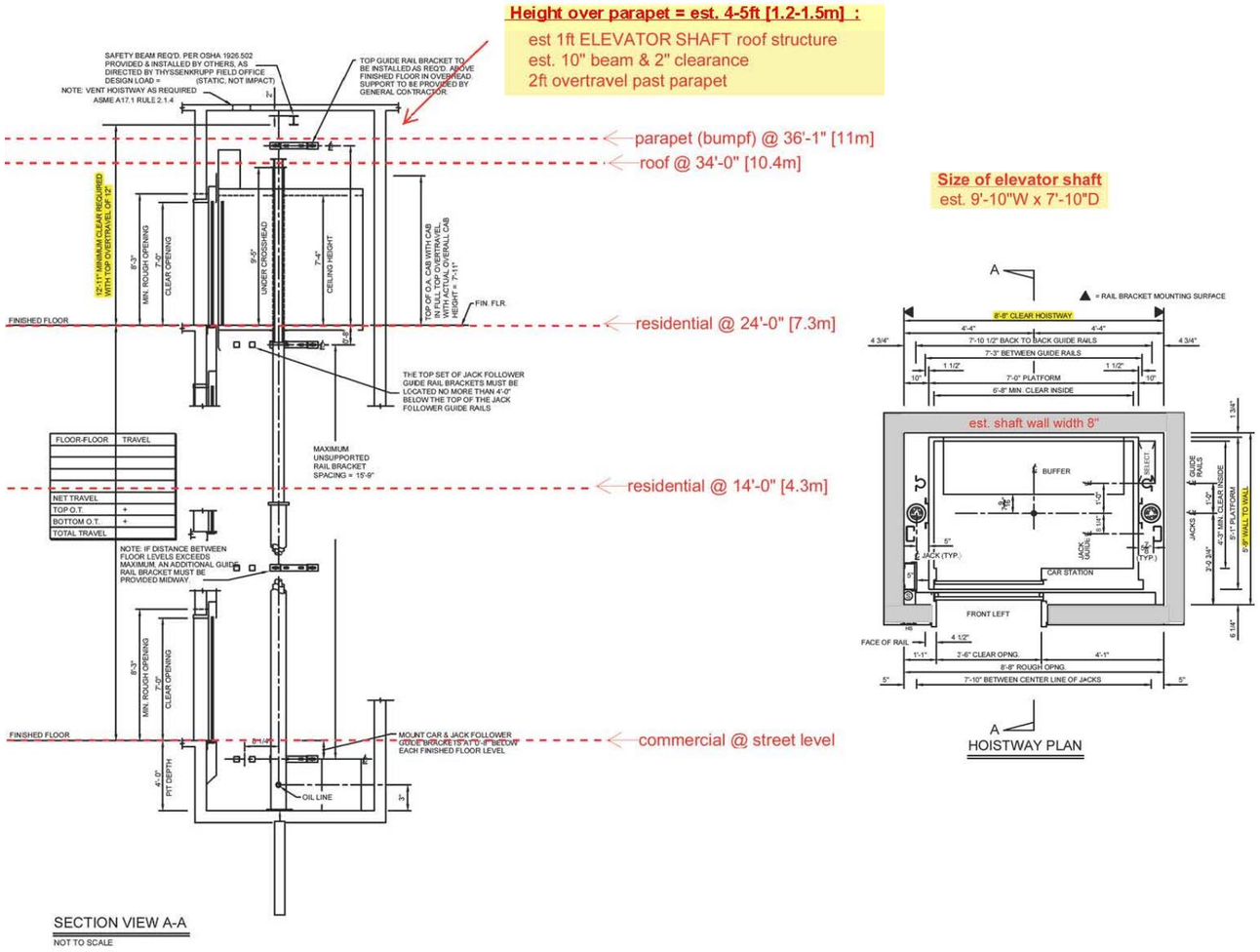
Sustainability Strategy #5
Innovative Infrastructure

Water management of stormwater : Provision of recycling and composting systems.

Elevator Shaft General information

There are options that will limit the elevator shaft to approximated 1.2-1.5m over the top of the roof parapet.

It will be generally not perceivable from the street level and will be unobtrusive for those with overlook views.



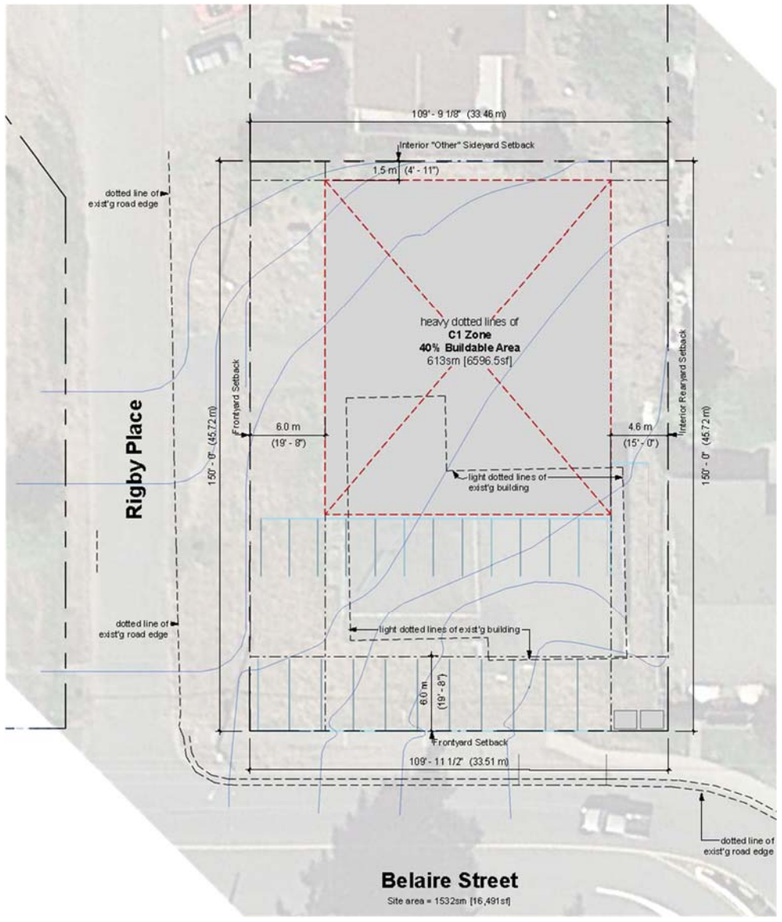
Existing C1 Zone

The existing C1 zoning allows for a commercial building with a 613sm footprint (40% site coverage) and a maximum of three storeys.

Due to the setback requirements, the building would have to be located to the northern property line such that adequate area is available to accommodate parking requirements.

This siting would have the greatest impact on the immediate neighbour to the north with Belwood Village experiencing some shadowing and overlook.

The streetscape along Belaire Street as well as the entrance to Rigby Place would be primarily of a parking area.

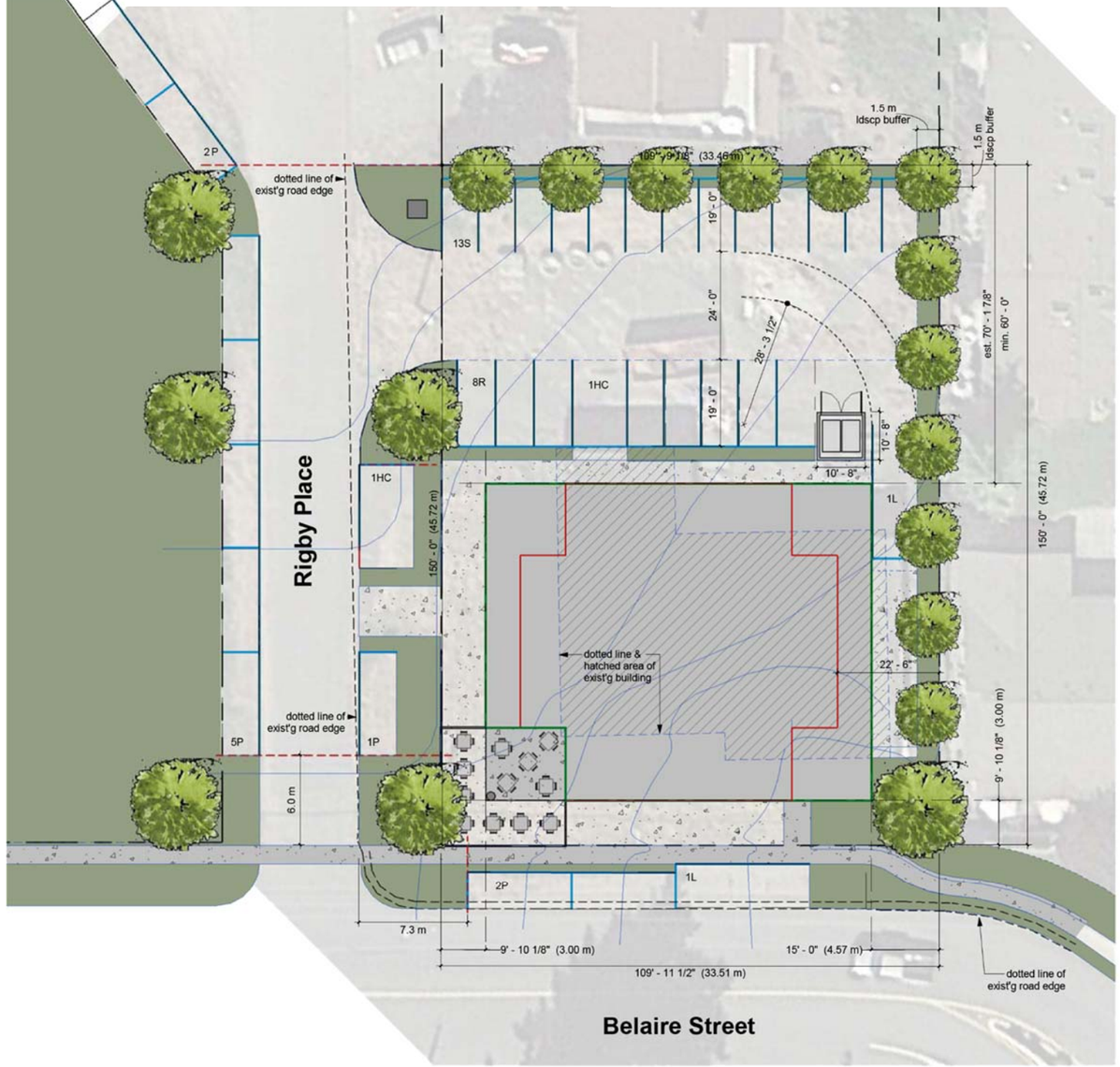


Town Vision – Value & Themes
Environment

Parks and trails – Preserving and extending the parks and trail systems in the community so everyone lives within a short distance of a park or greenway;

Sustainability Strategy #1
Complete Community Land Use

Housing : *Increased density of affordable housing.*



the JAILHOUSE
Proposed Site Layout

The proposed Mixed-use zone replaces a three storey commercial building to one with commercial on the main level and two storeys of residential. Some proposed details remain the same: Site coverage @ 40% & a building height of three storeys

The intent of the proposed permitted uses focuses on neighbourhood activities and include a community brew pub and a restaurant/coffee shop, both of which were preferred commercial uses by the majority of the community (see page 4).

The proposed floor space ratio allows for two levels of residential units with a total of eight bedrooms and units with appropriate sizes for affordable housing as well as accommodating a wide setback at the west property line which will minimize overlook to Belwood Village.

Setbacks have also been adjusted to allow for the parking area to be located at the northern half of the site creating a wide privacy buffer for the immediate neighbours to the north and Belwood Village, further minimizing both overlook and shadowing.

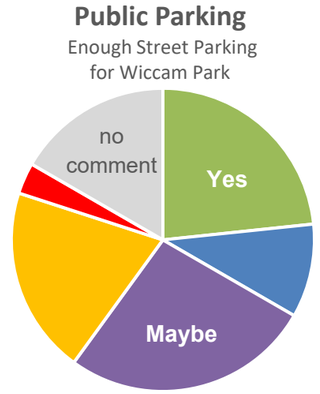
Landscaping will adhere to the Town of Ladysmith Guidelines as well as work adjacent neighbours to develop an appropriate and esthetic greenspace.

Additional Public Parking Proposal

Required on-site parking as well as sidewalks & public parking along the project parcel lines as determined by the Town of Ladysmith will be a requirement of the development and includes on-site parking for all required residential and remaining commercial activities as well as street parking along the project property line. The overall parking layout will include two loading and two handicap spaces.

However, parking shown along Wickham Park on Rigby Place is public parking and presently not within the scope of this project.

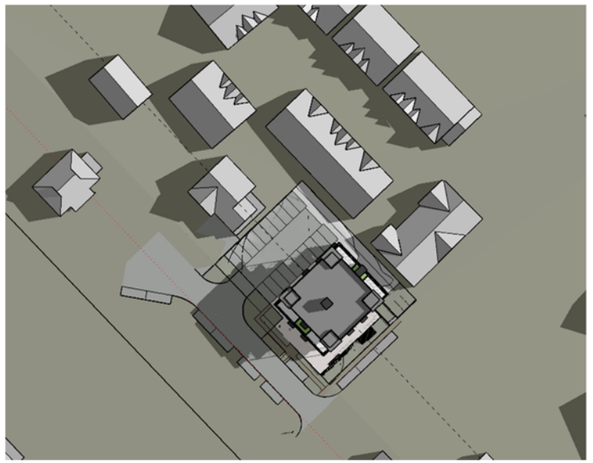
The community was presented with a parking layout with limited spaces along Rigby Place. They were asked if the public parking was enough for Wickham Park. Their response was mixed with a significant level of concern that public parking may not be adequate.



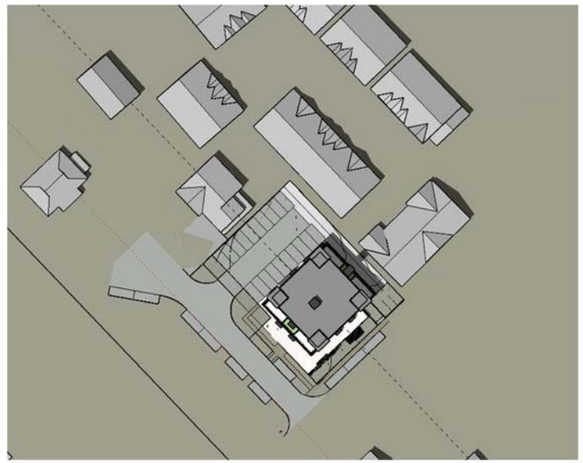
With consideration to the walkability of the site and close proximity to public transit, if it is determined that additional parking would be beneficial, the Owner is open to consider including the additional parking as part of the development.

Shadowing

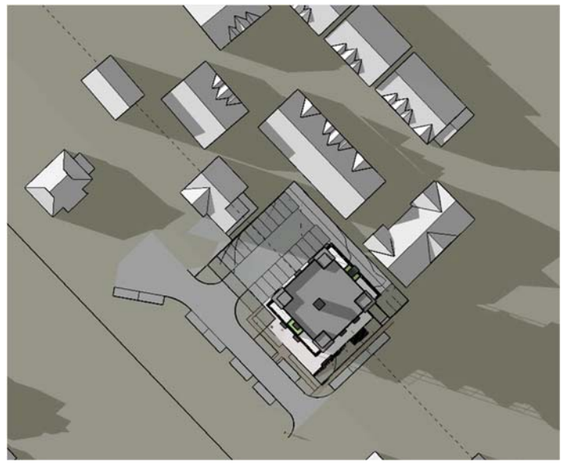
There is minimal shadow impact on the immediate neighbours.
The neighbouring unit facing Dogwood Drive will solely experience over-shadowing during the later hours of the day.
However, its SE outdoor area remains un-shaded for the entire morning both in the summer and winter.



SUMMER @ 6:00 am
Shadow overcast over Rigby Place

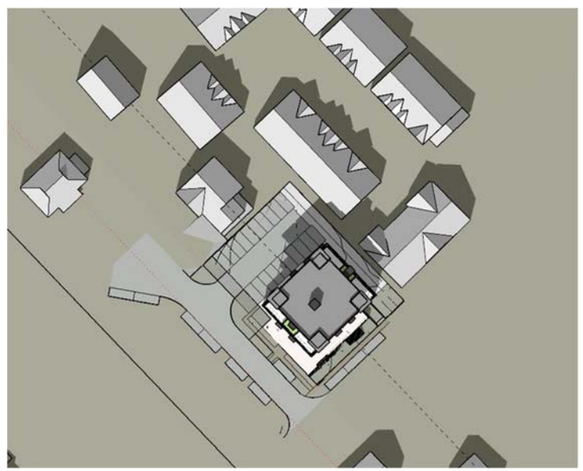


SUMMER @ Noon
Minimal to no shadow overcast

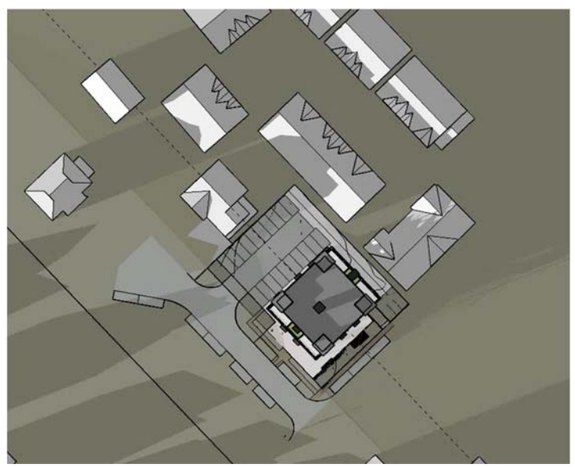


SUMMER @ 5:00 pm
Shadow overcast over the SE corner

WINTER @ 7:00 am
Shadow overcast over NW corner



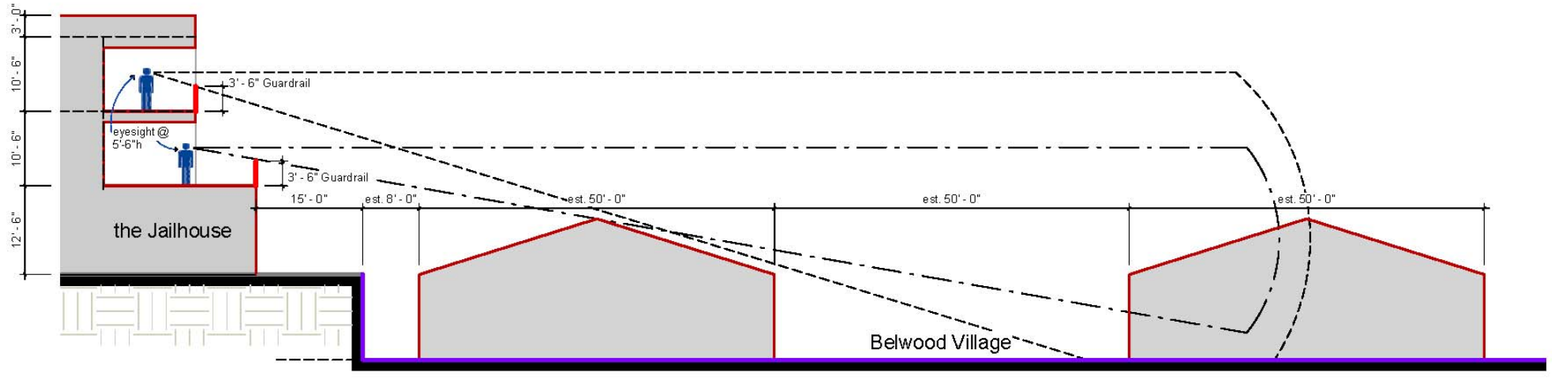
WINTER @ Noon
Short shadow overcast



WINTER @ 5:00 pm
Shadow overcast over the SE corner

Overlook

Concerns were primarily raised by immediate neighbour in regards to overlook of Belwood Village.
With a 15ft wide setback and an additional upper floor setback, overlook has been minimized and impact limited to primarily front yards.



View corridors

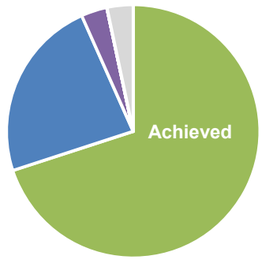
Concerns were raised by Fourth Avenue Extension neighbours regarding the height of the project, overlook and impact on views.
The view impact was shown to be minimal. Overlook concerns have been mitigated by retaining the existing three-storey building height.

Mid-200 block – Fourth Avenue Extension | *Views from two separate rear yards*

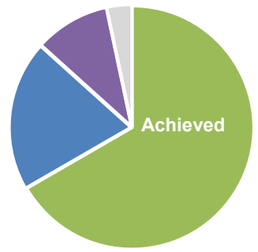
CONCLUSION

Walkability, a mix of multi and single family residential, proximity to existing neighbourhood commercial, relative location to downtown and other significant public areas, makes “the JAILHOUSE” (336 Belaire Street) an appropriate site for a three-storey mixed-use zone. The proposed site layout and building design concept have addressed concerns of both the wider community and as much as possible, the immediate neighbours, gaining support for the overall project with one exception, adequate public parking along Rigby Place for visitors coming to enjoy Wickham Park and the Community Brew Pub-Restaurant. If it is felt additional parking is needed, there is a willingness by the property owner, to work with the Town of Ladysmith to provide additional parking.

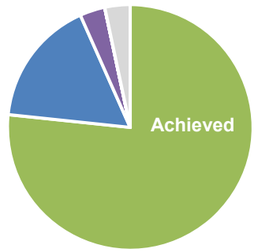
Overlook
Minimizes Overlook and Maximizes Privacy for Neighbours



Mixed Use
Optimizes Building Configuration and Economics



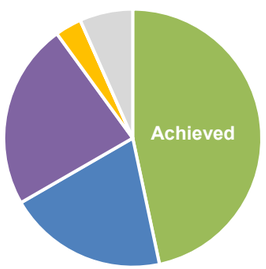
Streetscape
Social Spaces Create a Community-Oriented Character



May 22, 2019 Survey Summary

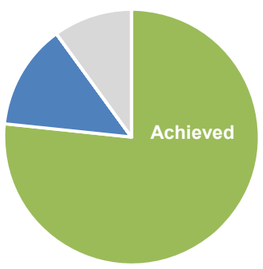
RATINGS	5	4	3	2	1	No Answer
	Achieved				Not Achieved	

On-Site Parking
Parking Location Gives More Separation to Neighbours



Public Parking
Enough Street Parking for Wickham Park

Activity
Public Activity Focused To Rigby & Belaire



Belaire Street Elevation

the **JAILHOUSE** Brew

The Jailhouse Initial Public Consultation Summary Report

Prepared for Mr. Fred Green

By AYPQ Architecture

13270 Doole Road, Ladysmith, BC V9G 1G6
info@aypqarchitecture.com

March 08, 2019

Summary

On Thursday, February 21, 2019, from 6:00pm to 8:00pm, Ladysmith and area residents attended an information and brainstorming session regarding 336 Belaire St, the old RCMP building, also known as The Jailhouse. The meeting was hosted by Fred Green, owner of the site, to gather ideas about possible improvements, hear concerns about any changes, and to share information about the current site conditions. The meeting included a presentation and a question-and-answer (Q&A) period.

A survey was also presented at the meeting as an option for attendees to fill out; the survey contained several ideas that could be ranked according to preference. The results of the survey provided quantifiable results indicating general preferences for the use of the land.

Printed and social media also hosted some conversation about this meeting and about possible ideas and concerns regarding changes at 336 Belaire St. The Ladysmith Chronicle featured an article about the meeting, and a large Facebook conversation thread was started by interested residents.

The brew pub idea is the prevalent topic of conversation during the meeting, in printed and social media, and in the survey results. Another leading idea from Facebook comments was for a bowling alley/restaurant that would also serve alcohol, like Howler's in Ucluelet. The survey also showed strong support for a shared office space, and for a coffee shop.

It should also be noted that participants at the meeting, in the survey, and on the Facebook conversation thread took time to laud Mr. Green for pursuing this public consultation, noting Mr. Green's transparency and receptivity to the ideas of the neighbourhood. One participant's comment sum-up this sentiment: "I was quite impressed with the principal figure. He seemed sincere and very upfront. He really wanted community input about the site and [was] truthful in his answers. ... A survey "Vision" sheet was given out for citizens to complete and return. Personally, I have never seen a developer do that."

Outreach

The February 12th meeting was cancelled due to snow. Additional advertisement and hand-delivered invitations ensured that the re-scheduled date of February 21 meeting was well attended

Advertisement was placed in the Ladysmith Chronicle and 100 paper invitations were distributed in the week prior to both meetings. Invitations were hand-delivered to pertinent addresses surrounding 336 Belaire Ave and left with various businesses and community meeting areas, such as the Frank Jameson Community Centre, the 49th Parallel Grocery, Pharmasave, and the Ladysmith Library, among others.

(Appendix A)

The Meeting

Date and time: Thursday, February 21, 2019 from 6:00-8:00 pm

Location: 810 6th Ave, Frank Jameson Community Centre, Ladysmith

Weather conditions: 2 degrees Celsius, no precipitation

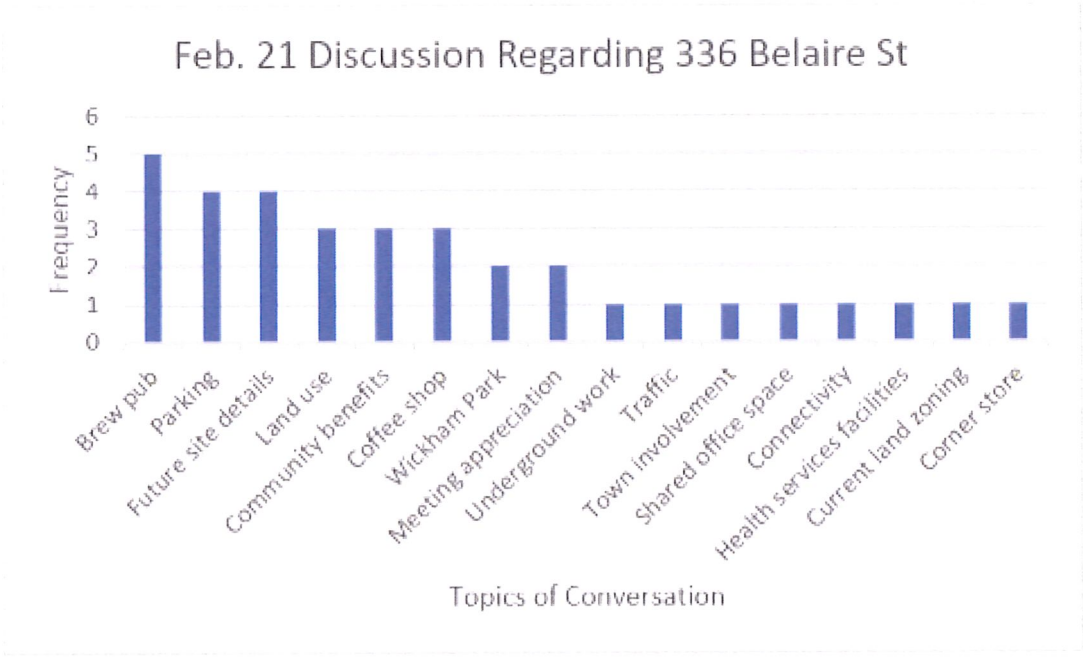
Present: Fred Green (owner), AYPQ Architecture (Angela Quek, Yvonne Brosz-Defoor, Ayla DeFoor); 45 people signed in (Appendix B). However, more than 60 members of the public were counted present for the presentation and 51 stayed for most of the question and answer (Q&A) period.
All six members of the Ladysmith Council also attended.

The meeting was held at the Frank Jameson Community Centre Program Room. The space was wheelchair accessible and parking was readily available. Refreshments were provided, as well as colouring books for any children who may have attended. During the meeting, a large notice was placed in the foyer upstairs near the reception desk during the meeting to direct any interested parties to attend. With more than 60 residents attending, many of whom stayed for most of the meeting, all chairs were taken, and there were about 15 people left standing.

Mr. Green, along with Angela Quek from AYPQ Architecture, provided a 30-minute presentation (Appendix B) including information about the current site conditions and about Mr. Green's motivations and goals for this land.

After the presentation, there was a Q&A period for comments, questions covering a variety of topics. Some brainstorming occurred with an idea for a site layout received from a guest for consideration (Appendix B). In general, the meeting was positive with excitement at the prospects of improving the current eye-sore.

Figure 1: Approximate frequency of topics discussed during PIM Q&A period



Survey Results

A survey was provided with a variety of land-uses for consideration. 30 surveys were received (Appendix C), with results providing quantifiable data to identify specific preferences. Brew Pub, Office/Health services and Coffee shop gained the greatest support with a strong preference for a mixed-use project.

Figure 2: Use & Purpose

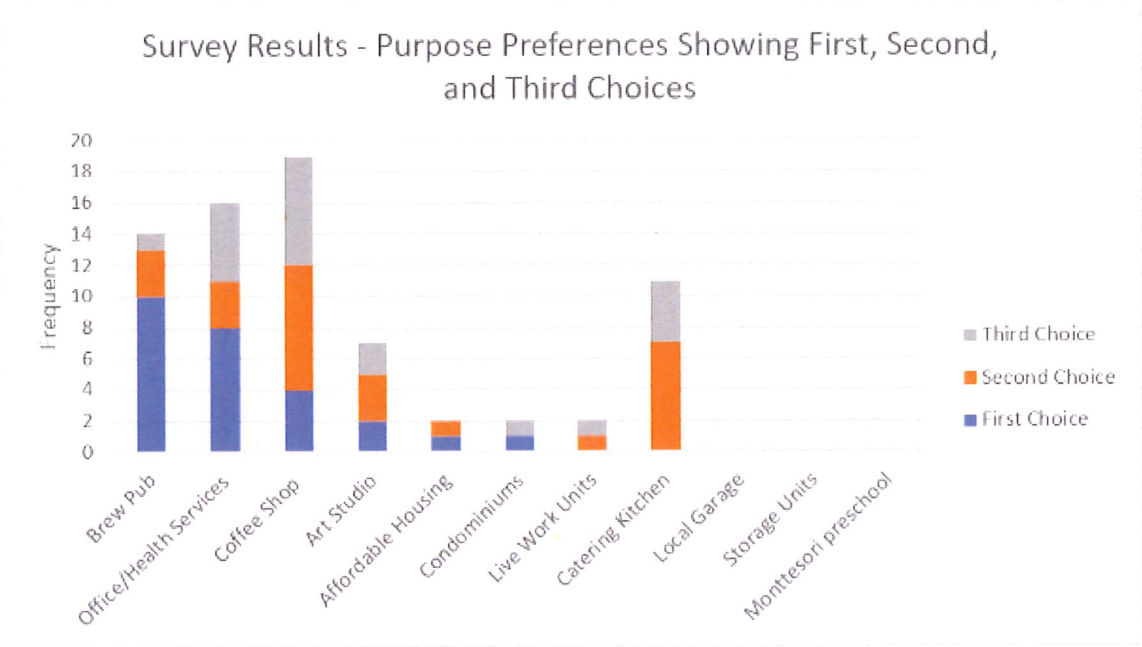
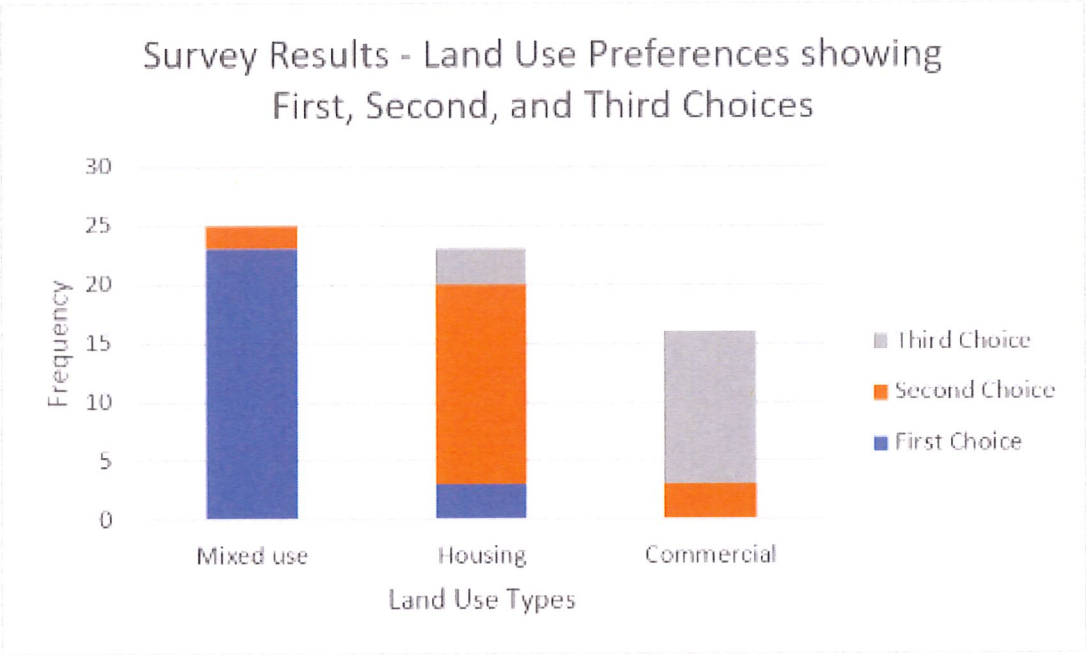


Figure 3: Land use



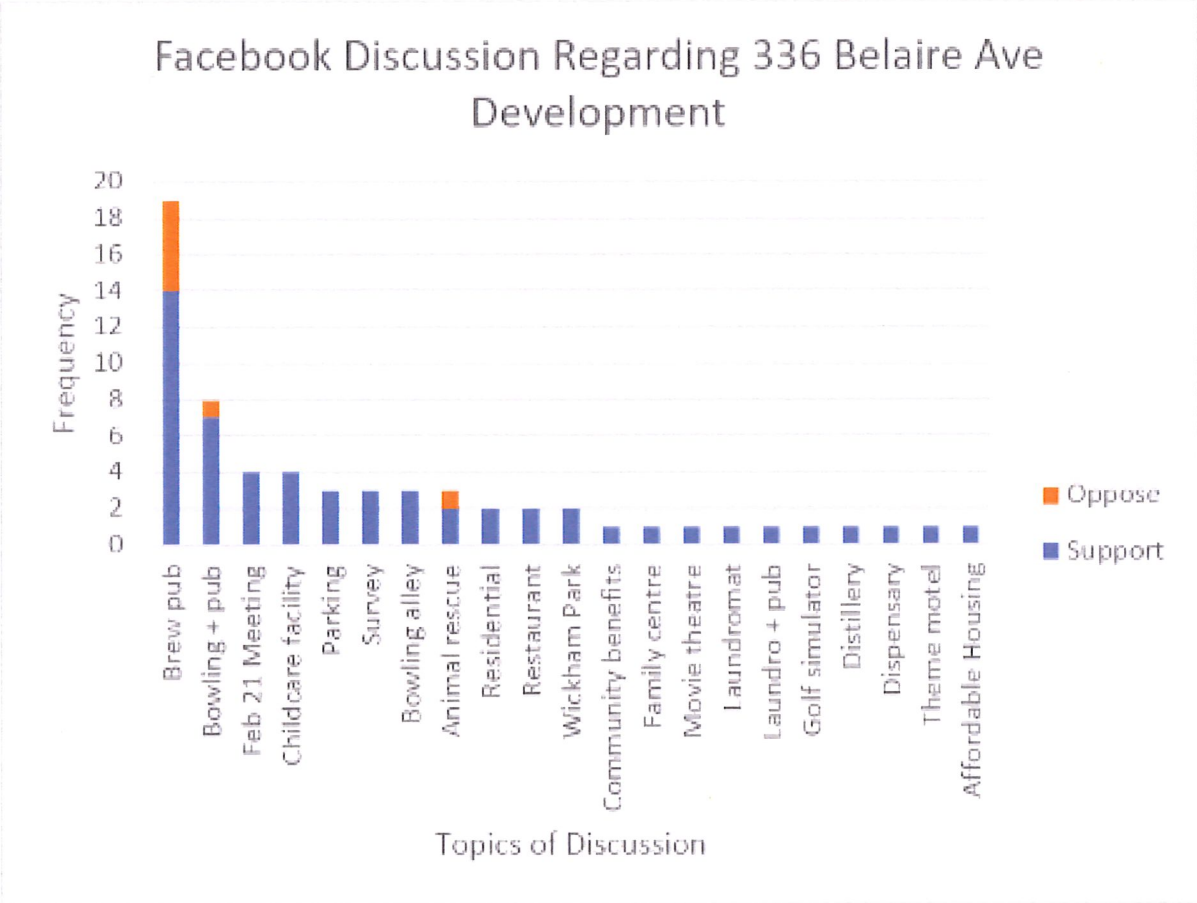
Media Discussions

The Ladysmith Chronicle published a front-page article (Appendix D) about the meeting in its Thursday, February 28, 2019 edition. The article noted the tone of cooperation and positivity that marked the event. The reporter provided quotes from Mr. Green taken from an interview.

The Facebook forum *Around Town – Ladysmith Community Board,* which has over 7,000 members, hosted a conversation about the meeting (Appendix D). This discussion was prompted by a member stating that she had missed the meeting on February 21 and wondered if anyone could give her the details of what was discussed. The conversation thread had 111 comments, many of which were positive and presented ideas not mentioned during the meeting.

The tone of the Facebook discussion was overall constructive, excited, good-humoured and friendly. Those who opposed certain ideas were often quick to offer ideas of their own.

Figure 4: Facebook Discussion



APPENDICES ARE AVAILABLE FOR REVIEW IN THE TOWN OF LADYSMITH DEVELOPMENT SERVICES OFFICE AT 132C ROBERTS STREET .

List of Appendices

Appendix A - Outreach

- Ladysmith Chronical advertisements published in the February 7 and February 14 editions
- Paper invitations printed for distribution
- Delivery area and list of addresses for the delivery of the paper invitations
- Distribution of the paper invitations

Appendix B – Public Information Meeting

- Sign-In Sheets
- The PowerPoint presentation presented during the February 21, 2019 meeting
- Site Layout Idea submitted by a Guest

Appendix C – Survey Results

- Surveys collected during and after the meeting

Appendix D – Media Discussions

- Front-page article published by the Ladysmith Chronicle; Thursday, February 28 edition
- Facebook Discussion *Around Town – Ladysmith Community Board* Facebook conversation after the meeting on February 21, 2019

The Jailhouse Public Consultation #2
and Subsequent Private Consultations

Summary Report

Prepared for Mr. Fred Green

By AYPQ Architecture
13270 Doole Road, Ladysmith BC V9G 1G6
info@aypqarchitecture.com

June 01, 2019

Summary

On Wednesday, May 22, 2019 from 6:00pm to 8:00pm, Ladysmith and area residents attended an information session hosted by the property owner, Fred Green, regarding the future of 336 Belaire St, the old RCMP building (Appendix A).

Mr. Green, along with Angela Quek from AYPQ Architecture, provided a 30-minute presentation to over fifty attendees (Appendix B) to share how concerns, ideas, and questions from the previous February 21, 2019 public information meeting, have been integrated into the potential future of this site. A question-and-answer period (Q&A) after the presentation reviewed the considered building locations on the site, shadowing, parking, and sightlines.

At the end of this event, a survey was handed out to give attendees, especially those who did not express their comments during the meeting, an opportunity to further comment on the project details. Thirty surveys were completed (Appendix C), an indication of the value of a transparent, inclusive, and cooperative process hosted by Mr. Green, as well as an overall support for the proposed site layout and building concept design.

The Ladysmith Chemainus Chronicle featured an article about the meeting (Appendix D), and a Facebook discussion created (Appendix E). As in the first public consultation, appreciation was expressed for Mr. Green's involvement in the process and listening to their concerns.

Outreach

An announcement of the May 22nd Public Consultation Meeting (PCM) was placed in the Ladysmith Chemainus Chronicle and a facebook event was created.

In addition, and as previously done, one week prior to the May 22nd PCM, invitations were hand-delivered to the residents in the immediate area of the project site (as per the same list previously generated by the Town of Ladysmith Development Services Department).

Invitations were also placed at various local businesses such as the 49th Parallel Grocery, Ladysmith Pharmasave, and the Ladysmith Library, among others.

The Meeting

Date and time: Wednesday, May 22, 2019, from 6:00-8:00 pm
Location: 921 1st Ave, Eagles Hall, Ladysmith
Weather conditions: Fair, no precipitation, 20 degrees Celsius
Present: Fred Green (owner), AYPQ Architecture (Angela Quek and team); between 50 and 55 members of the public were present for the presentation, most of whom stayed for the presentation and Q&A. This group included at least one member of Ladysmith Council.

This meeting was held at the Eagles Hall, providing accessibility for people using wheelchairs or other mobility devices. Parking was readily available in the site's parking lot, as well as on the streets adjacent. Light refreshments were enjoyed by many of the attendees. Care was taken by the organizers to provide sufficient seating for all who attended, as the previous meeting was standing room only. Visual aides in the form of information boards lined the room, in order to ensure a diversity of methods of sharing information. A microphone was employed by the presenters to ensure that all present could hear them.

This meeting, when compared to the first meeting on February 21, showed a greater age diversity. A visual assessment of the audience for the presentation revealed an estimated 50% of attendees between the ages of 20-50, whereas the initial meeting was attended by only a handful of people from this age group. This change in the demographics between meetings speaks to the efficacy of the ideas, methods, and energy of this project. The ideas presented by Mr. Green and supported by many of the participants in both meetings seem to be appealing to people of this younger age group.

A 30-minute presentation shared highlights from the previous consultation session (The Jailhouse Initial Public Consultation Summary Report) and illustrated how Mr. Green and his team carefully considered siting, shadowing and massing to have the least impact to its immediate neighbours. The project site layout and building design concept was presented. (Appendix B).

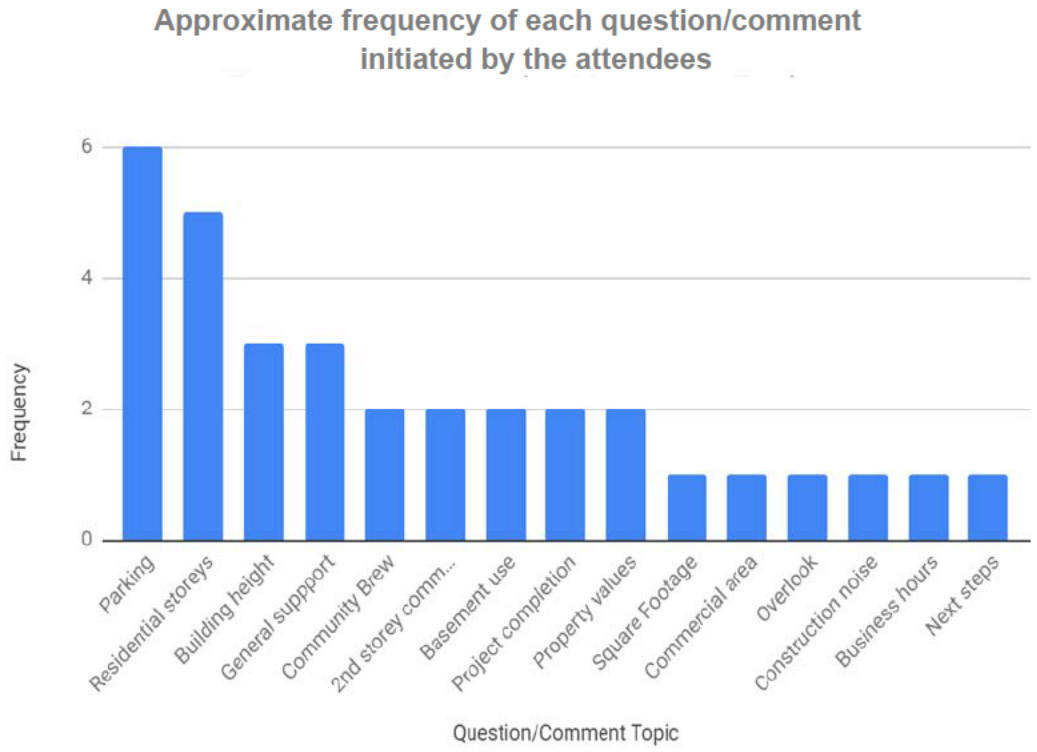
After the presentation, there was a Q&A for comments, questions, and to review project details. Similar to the previous meeting, the tone was generally positive, and those with concerns were heard and addressed. There was an air of excitement about the prospects of providing a gathering place for the community and for the community brew pub which was noted by attendees as a businesses that would provide permanent, long-term employment opportunities.

There was much discussion regarding public parking on Rigby Place along Wickham Park. Mixed concerns were expressed. Some felt there was not enough parking, others concerned that more parking may invite too much traffic. It was noted that required parking for the proposed four-storey project and any additional parking requirements would be developed in conjunction with the Town's planning and engineering department.

The economics and the benefit for more affordable housing of a four storey building height was discussed. The configuration was found acceptable but strong overlook and privacy concerns were also expressed from immediate neighbours. These neighbours were contacted and engaged in subsequent consultation.

A significant number of questions were heard regarding next steps related to construction noise and business opportunities, an indication of general acceptance for the project.

Figure 1

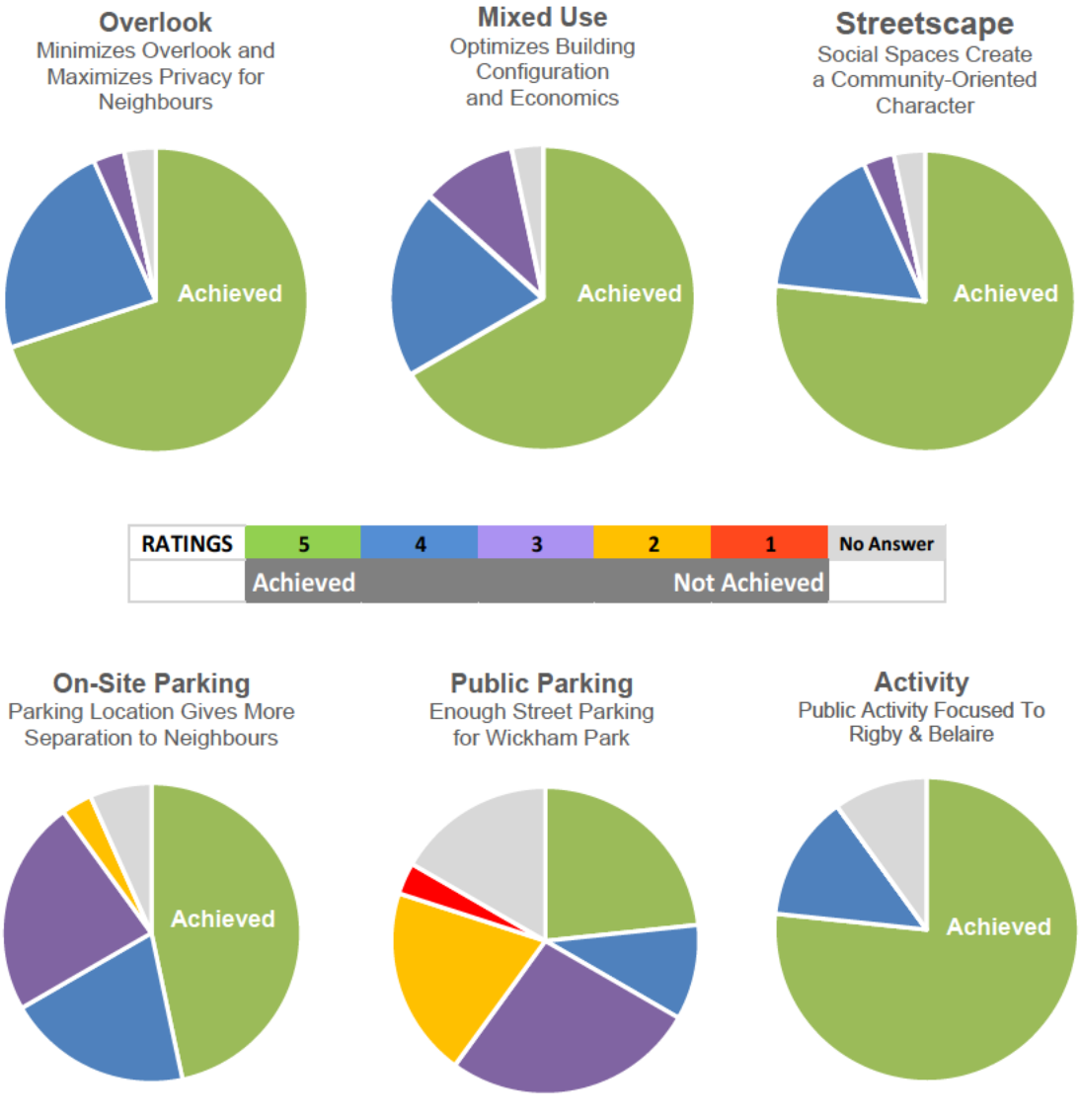


Survey Results

The initial public consultation meeting in February provided comments and suggestions that allowed the owner and the organizers to understand the community's preferences for the use of the site. Building on these results, the May 22 survey asked the community if the resulting site layout and building design addressed their initial concerns. Thirty surveys were completed.

Overall, the survey reflected the meeting's sentiment. Site layout and building concept was felt to have addressed concerns but public parking remains an item which still requires attention,

as shown in Figure 2 below:



Regarding Mixed-Use components, survey results indicated a strong support for the residential component, in particular affordable housing, and enthusiasm for community brew pub and coffee shop.

Figure 3

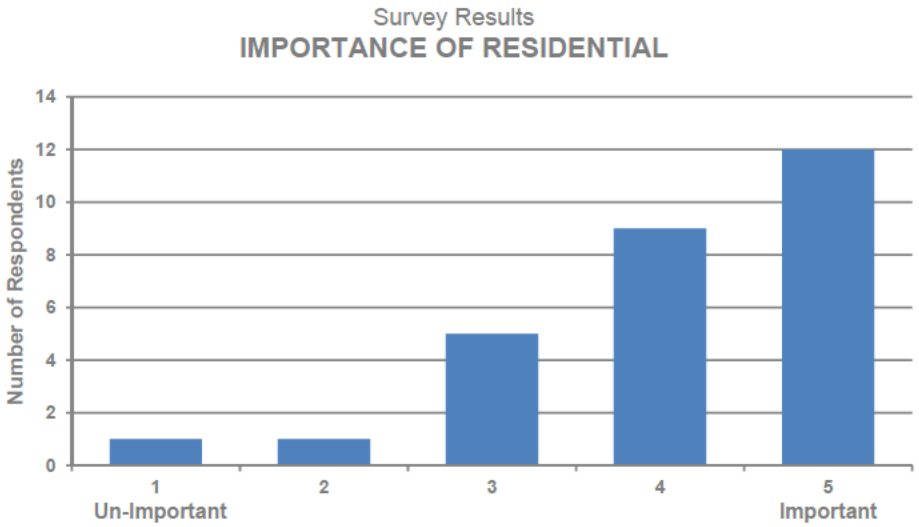
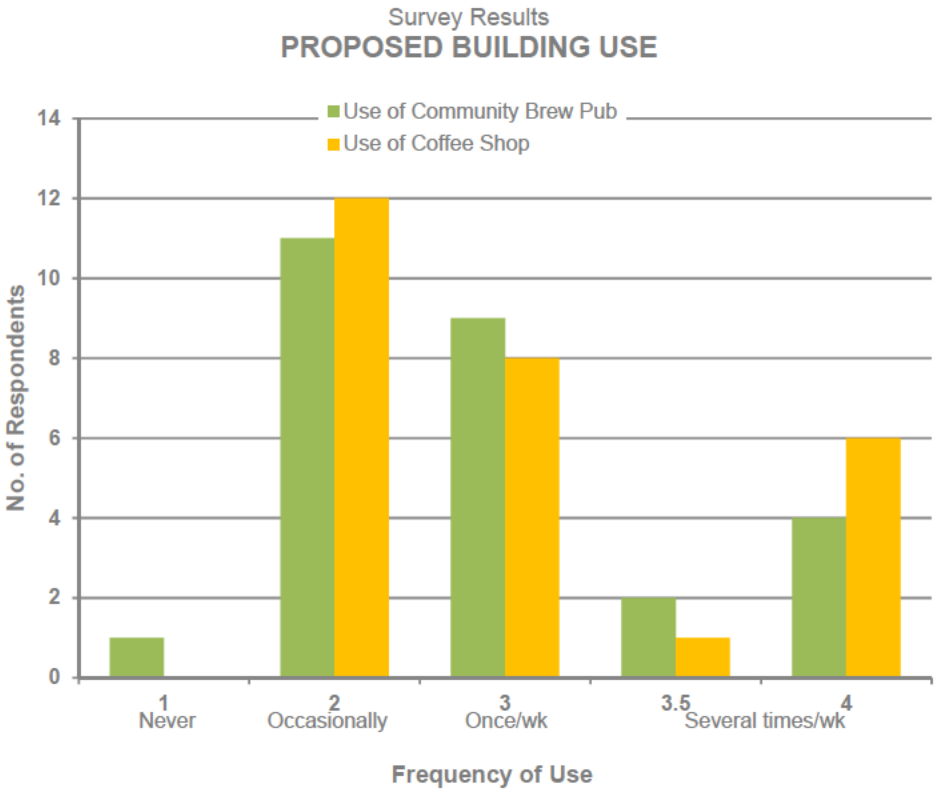


Figure 4



Media Discussions

The Ladysmith Chemainus Chronicle reported on this meeting, continuing the story from its coverage of the February meeting. This article captured the overall positive and forward-thinking aspects of the meeting. It shared the concerns brought forward by the immediate neighbours, as well as the excitement from the greater community.

The article noted the general positive sentiment towards Mr. Green's plan to rezone the property to accommodate mixed-use opportunities, as opposed to purely commercial, as it is currently zoned. The article ended with a quote from one of the adjacent neighbours supporting the idea of a gathering place in his neighbourhood.

Ladysmith Chemainus Chronicle and the Project's Facebooks garnered little discussion. The Chronical article was posted on Facebook by a community member, and though it also garnered little discussion, there were 10 positive reactions and one share. No other social media conversations about this project were found.

Subsequent Private Consultations

Belwood Village residents and other immediate neighbours requested meetings with Mr. Green to discuss their specific concerns.

Several private meetings were held with residents of 4th Avenue Extension. The singular issue was the impact of the four-storey building height within their rear-view corridor. Visual material was prepared to better understand the implications of the building height and presented for discussion. It was understood that the existing zoning already allowed for three storeys and had purchased their properties with that understanding. Mr. Green acknowledged their concern for the fourth storey and gave consideration to retain three storeys. It was also noted that Ladysmith's Vision Statements indicated a preference for the four-storey Mixed-Use models and the provision for more affordable housing.

4th Ave Extension Rear - **View A**

4th Ave Extension Rear - **View B**

Arrangement was made to meet with the residents of Belwood Village on site. The Strata Council President and owner of the unit along Dogwood Drive attended. Understanding that the President was not able to attend the public meeting, the project was reviewed. The primary area of concern was the four-storey height which was perceived as a privacy concern due to potential overlook. There was mention of the level of activity of a community brew and restaurant, but these concerns were mitigated when it was pointed out that the focus of these business will be towards Wickham Park and the Belaire-Rigby corner.

Numerous discussions were held with the NE immediate neighbour with the home-based business. Parking and the four-storey building height were stated as privacy and overlook concerns. It was noted that major consideration has been given to their situation. The proposed zoning would allow for the project building to be sited such that the widest buffer possible would mitigate overlook and maximize privacy. It was also noted that the existing zoning would necessitate any building to be tight to the NE property line due to the large existing SW front-yard setback that can only be used for parking, a situation not beneficial to their situation.

Moving Forward

As Owner, Mr. Green has demonstrated a significant and sincere desire to develop a positive and productive ongoing relationship with his immediate neighbours. He acknowledges that his neighbours understood the complexities of the project and the effect of the elimination of one residential level on economic viability. With generous consideration for their request, Mr. Green advised neighbours that he will submit a three-storey Mixed Use building concept – news of which was overwhelmingly and positively received.

With the completion of two voluntary public consultations indicating overall positive support for the Mixed-Use project, and additional meetings with immediate neighbours resulting in a major reduction in project height and overlook, an application will be submitted to the Town of Ladysmith to re-zone the Old RCMP Building site from C1 to Mixed-Use Zone to allow for commercial use at street level and two upper levels of residential units.

APPENDICES ARE AVAILABLE FOR REVIEW IN THE TOWN OF LADYSMITH DEVELOPMENT SERVICES OFFICE AT 132C ROBERTS STREET.

List of Appendices

Appendix A *7 pgs*	**Outreach** *Announcements and hand-delivered invitations*
Appendix B *25 pgs*	**Public Consultation Meeting** *Sign-In Sheets and Powerpoint Presentation*
Appendix C *29 pgs*	**Surveys** *28 completed surveys*
Appendix D *4 pgs*	**Media** *Ladysmith Chronicle Article May 23, 2019* *"Old police station development going ahead as "mixed-use" site"* *and Facebook*

June 19/19

Mr Fred Green

June 10, 2019

Dear Sir.

I am pleased to see that some redevelopment is being planned for the property at 336 Belaire St. Ladysmith as it has been derelict for many years.

I live in Belwood Village at 332 Belaire St. and did attend your two recent public meetings for enlightenment on your proposal.

Belwood Village, as you are aware, is an eighteen-unit senior complex comprised of one level patio homes where everyone enjoys the peace and tranquillity. These being the main reasons for choosing such a place to live.

My concerns relating to your proposed development are many. I wish you to consider again what fits best in the neighbourhood.

1 The structure is too high and will not fit the theme of the area, which consists mainly of one and two storey homes.

2 It will shadow Belwood Village homes and patios from afternoon and evening sun and restrict light.

3 The privacy of Belwood residents will be comprised as the balconies on your building look down into the patios and windows of the homes.

4 The brewpub will generate odours, which will be a nuisance and possible health hazard to the seniors enduring it.

5 We could expect incessant noise due to the long hours of operation, possibly from 6.30 am until 10.00pm.

We'd be subjected to vehicles coming and going with engines revving and loud voices from the outdoor patio and parking lot.

6 Parking will be a major issue as the twelve or more suites will have at least that many cars, staff could require another thirty parking spots, customers many more and also service vehicles. The streets would be congested, and homeowners parking would be restricted.

7 Where will the dumpsters be located?, hopefully not alongside Belwood fence as they tend to smell and attract rodent?

8 Traffic along Belaire St is increasing rapidly, more homes being built in Holland Creek area, Belaire and Dogwood are the main thoroughfares from there to downtown. There was a vehicle accident last week at the junction of Belaire and Dogwood.

9 Property values of homes in Belwood Village very likely will be affected, mainly because of the whole concept of retirement living in a quiet, restful patio home is compromised.

10 The name Jailhouse Pub being adjacent to our complex is not complementary to either ourselves or to Wickham Park where children come to play.

Mr Green, I urge you to reconsider your plans on how to develop 336 Belaire St. Ladysmith, I am not against the redevelopment of this property but not what you have proposed.

Yours respectfully

Alan Wilson

Copies to

Town of Ladysmith, Mayor and Councilors

PO Box 410 Esplanade, Ladysmith, BC, V9G1A2

Town of Ladysmith Planning Dept. Senior planner Lisa Brinkman

Senior Planner Lisa Brinkman, PO Box 220,

132C Roberts St., Ladysmith, BC V9G1A2

Received June 11, 2019

Within Circulation Area

Dr. Henny Vogelzang

209 Rigby Place
Ladysmith BC

June 10, 2019

Mr. Fred Green,

Dear Mr. Fred Green,

Re: 336 Belaire Street, Ladysmith

Thank you for your inclusion of the town's people with respect to your future development of 336 Belaire Street. I have been to your meetings and I recognize that the proposed diagram and plan is only a proposal, but since you asked for opinions, I have decided to share mine.

As the Chiropractor next door, my greatest concern will be the amount of parking and traffic this complex attracts. I see that you have put in parking, but when I read the by-laws, I see that you require two parking spots for each 2 bedroom unit (you have 12 units in the plan), which by present design already puts you at 24 spots required "on site". You will also require one visitor spot for every 5 residences, which brings you up to about 26 spots on site. For every 20 parking spots, there must also be one 'handicap' parking spot, which will be larger than the others. For the amount of residences, you must also have bike parking 'on site'.

Between each 4 parking spots you must have a shade tree, and it also has a designated amount of space to grow and flourish.

There are landscape buffers to be placed between residential and commercial sites, which means that you must put a worthy fence or hedge between our property and yours, and the Belwood Estates and yours.

I see nowhere on the plans where you plan to put the garbage, but dumpsters must be accessible to the garbage truck. I assume you won't want it near your patrons, so you will likely choose the north corner, which will affect 5 neighbours directly. Unless you keep it very clean, there will be complaints about the smell. The designated size around a large dumpster is firmly stated in the Ladysmith by-laws and will definitely take up at least 2 of the designated

parking spots on your picture.

To further my studies, you have parking designed along the streets, but our little street is a designated cul-de-sac and has been ill developed for years. However, it is a cul-de-sac and I was forced to park my patients on an angle so that they could go "around" the cul-de-sac to get out of the street. I assume the same rules will apply to your patrons. My concern is that with all the parking you propose on the street, turning around will be difficult for all patrons. Even worse, the garbage truck, snow plows and fire trucks will have trouble moving in this cul-de-sac if it is plugged with parked patrons. This will put every building on the street in harm's way, should we require emergency services. Parking on the street will be limited by the town, as it is necessary for them to control local traffic to maintain safety.

That sends your patrons to park onto Belaire, Dogwood or 4th Avenue. The corner of Belaire and Dogwood is an extremely busy corner and a main thoroughfare for the town's people and emergency crews in bad weather, so I would think that the town or the police will advise no parking in front of your establishment. Your patrons will have to move further up the street. However, there is a bus stop on Belaire, and apparently there are significant restrictions on parking too close to a bus stop, which leaves only 4th Avenue and Dogwood. From what I have heard, Dogwood is already a horrible place for parking because the residents of the apartments are forced to park along the street. I can't speak for 4th Avenue, but it's a busy corner, and a major route for children walking from school, so having it plugged up with parking is going to get some complaints from people that don't even live here but have children going to school.

In the proposal you suggested a Cafe, Brew Pub and Catering business. You need a parking spot for every 5 seats you create for patrons. I have no idea how many seats you will have in both a Cafe and Brew Pub combined, but I suspect you have already run out of on site parking before you calculate in patron and employee parking. I understand that all employees do not work at the same time, but usually there is a cross over time when some come and some go, and at that time, they will all require parking or bike parking. People do not wait for one to leave so the next employee can have the same spot, no business can work like that.

At present you have a height restriction on the building, and you would require approval to make it taller. By making it taller, you will place more demand of our infrastructure in the town, more water, more parking, more of everything. I do not know if the town would approve your designed building on such a small space.

An off street loading zone will require sufficient room to "avoid conflict with any pedestrian access, bike path, parking space, Street, Lane or Highway." I have no idea how you plan to do that with your already overloaded parking lot filled with shade trees, cars, dumpsters and bikes. The beeping of trucks backing up will be considered quite an annoyance to many in

the area as well, especially since many delivery vehicles come in the early morning. Curbside offloading is not acceptable by town bylaws.

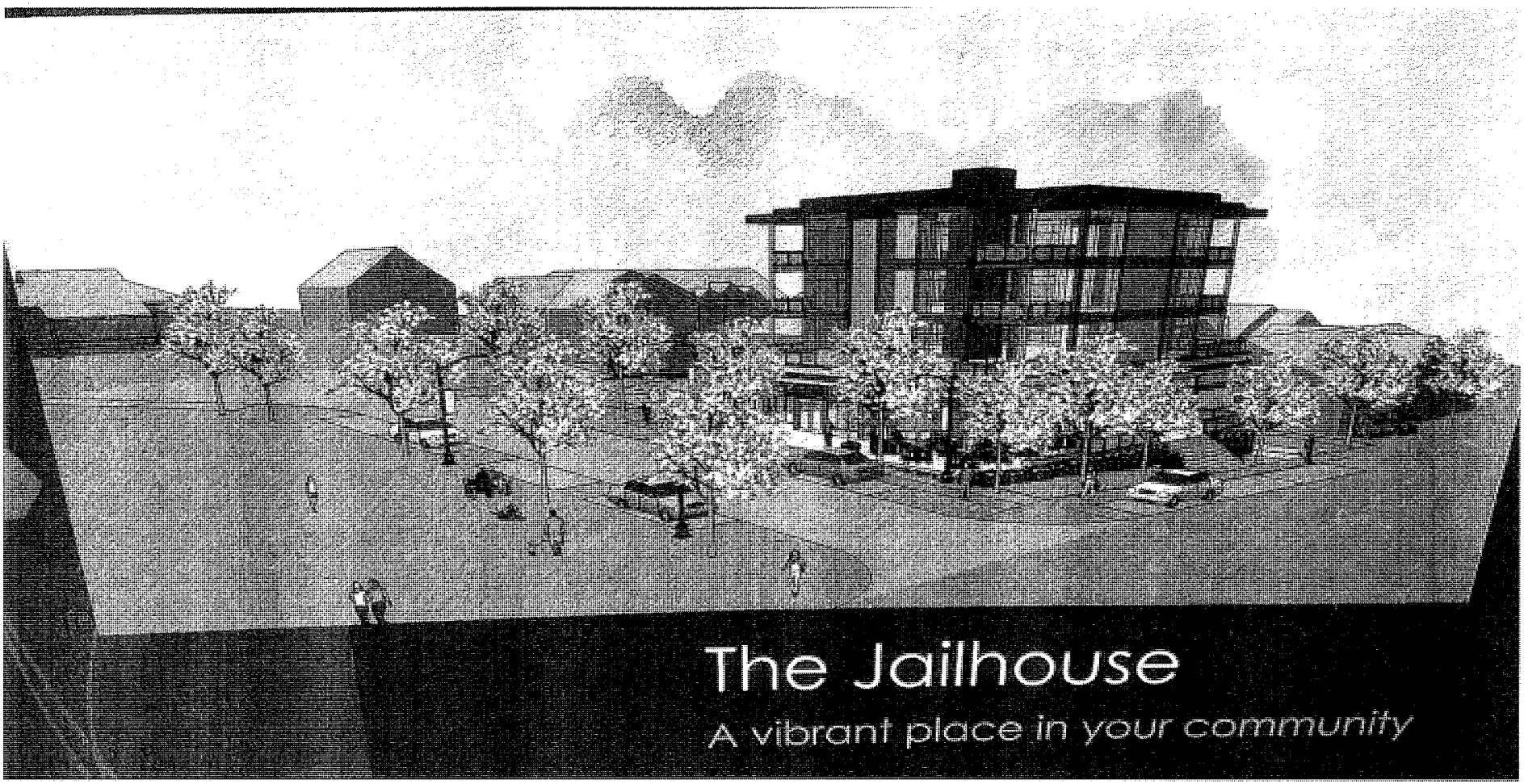
As a Chiropractor running a business on this street, I can tell you that the eyesore it is now is not great for my business. I find myself having to tell patients to drive "past the ugly abandoned building" to get to my office. I am excited to see the lot improved. However, building a building of your proposed size will take a lot of time, probably a year or more, during which our road will be a fiasco, and then afterwards the parking will be unreasonably over crowded. So, I appeal to your good sense, and restructure your plan to something that will fit the neighbourhood and not do damage to its neighbours. I know you say you have to make money, but I too must make an income, and I must defend my patients to the best of my ability. Please revise your plan to something that makes more of us comfortable and proud.

As a private citizen, I have concerns about noise from heat pumps, air conditioners, people coming and going, the blocking of sunlight to various houses in the neighbourhood, the restriction of our present view and the invasion of our privacy by having apartments overlooking our living room windows and patio. I worry about the light from the parking lot and the sounds of patrons late in the evening and delivery trucks in the early morning. These concerns are likely going to be brought up by many other citizens as well as myself.

Yours most respectfully,

Dr. Henny Vogelzang

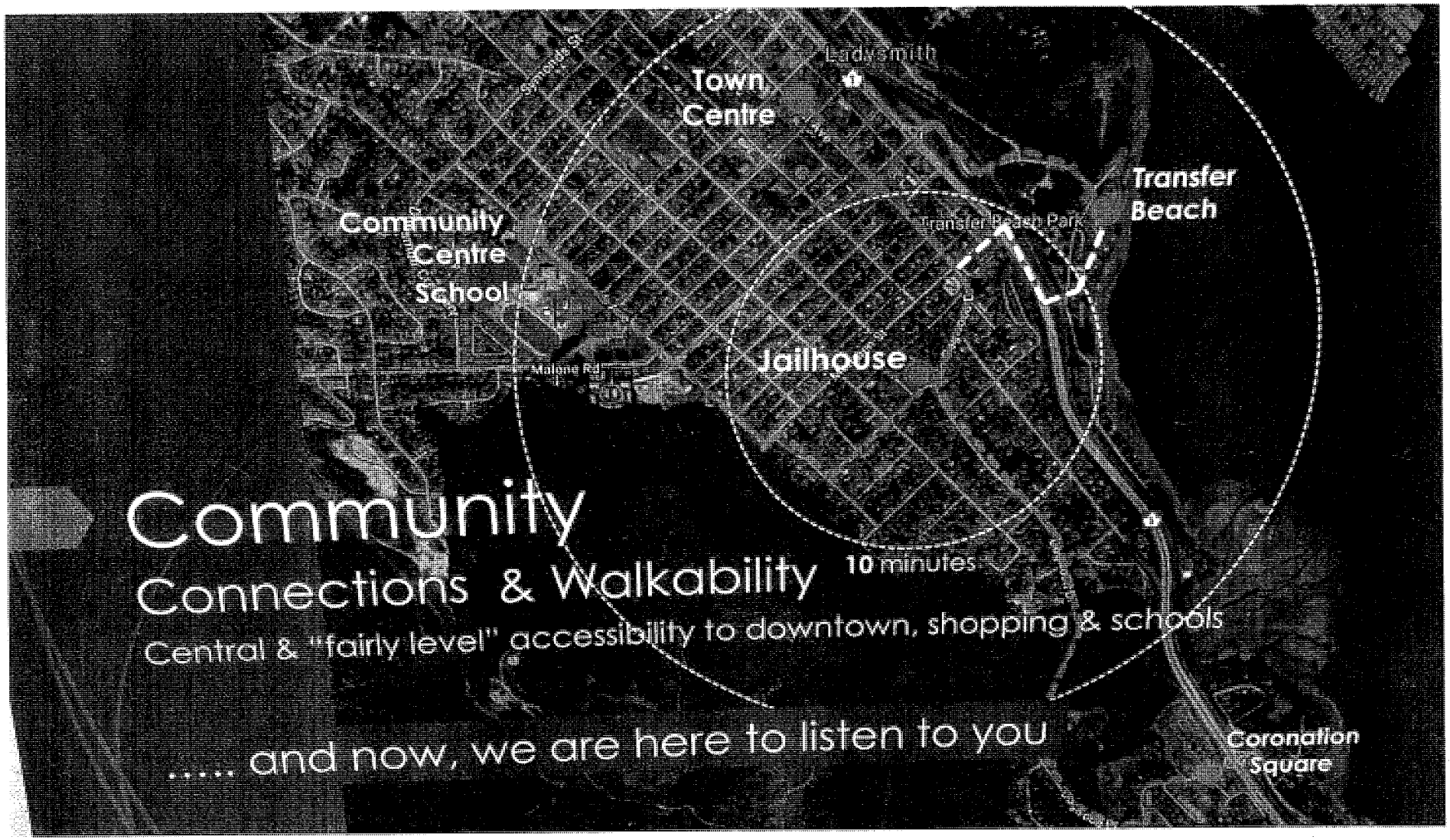
CC: Town of Ladysmith, Mayor and Councillors, Box 220 Ladysmith, V9G 1A2
Town of Ladysmith Planning Department Box 220 Ladysmith, V9G 1A2


The Jailhouse
A vibrant place in your community

A site to
know your neighborhood

A step in your neighbourhood

Neighborhood


Town Centre
Ladysmith
Transfer Beach
Transfer Beach Park
Community Centre School
Malone Rd
Jailhouse
10 minutes
Coronation Square
Community
Connections & Walkability
Central & "fairly level" accessibility to downtown, shopping & schools
..... and now, we are here to listen to you

Creating
Place
Low rise Multifamily
Single Family w/ home-based business
Single Family Homes
Park
Single Family Homes
Single Family Homes
2-Storey Multifamily
3-Storey Multifamily

Neighbourhood
shaping the character of
where you live
Central commercial nodes within a multi-family,
single family/home-based business community
Old
Derby's
Barber
Shop
Daycare
Multi-family
Multi-family
Home-based
Chiropractor
Park

Within Circulation Area

Received June 12, 2019

229 4th Avenue Extension

Ladysmith, BC

June 6, 2019

Mr Fred Green

Re: Former Police Station

Hello, Fred. I attended both your public meetings (my husband was out of town for work and unable to attend) Initially it sounded like you wanted to do good for the town, but by the end of the 1st meeting I g I could see you had a pre-set plan & agenda all along. The dis-heartening part was you kept saying you wanted to help the town, especially the youth to have a reason to stay in Ladysmith. I'm not sure how this will help a few people stay – it might just drive some people out!

I was born (1957) and raised in Ladysmith and lived in the same house during that time until I graduated from high school. Our address is 229 4th Avenue at Belair (house with the pool and tall gray fence) After the passing of my father and the declining health of my mother, we moved her to a care home and relocated from the mainland to their home to be closer to her. We embarked on updating the house in preparation for sale, but as we did the home improvements and enjoyed the unobstructed view from the back of the house, we realized there was such a good feeling about the place, that we just couldn't leave. (We bought the house from my Mom) The good feeling came from the peaceful view we have from our back windows. We have spent the last 4 years remodeling our home ourselves (and many thousands of dollars) We knew Wickham park would remain the same, as Tom & Wilma Wickham were close friends of my parents (Al & Anne Johnston) and promised them they would never allow a building on the land. We knew the old police station could be replaced at some point but did not expect a tall 4 story building could possibly take it's place. **We find it hard to believe the town of Ladysmith will let this happen and hopefully they will not approve the application/rezoning.** By the way, my parents also gave a lot of their **time** to the town of Ladysmith through the Kinsmen, Boy Scouts, coaching, the hospital board, Lifeline and more. I am only saying this as I'm sure there are seniors on Methuen street and in Belmont Village who have similar backgrounds and they deserve the upmost respect & consideration in their "golden" years.

We are happy that the police station eyesore will be removed and a little bit of "life" injected into the area, shouldn't hurt. We personally don't have an issue with a low rise, limited hours brew pub being located at this site, however there is a senior complex of 18 units that will be very much impacted as well as others in the area. (We do have an objection to another 3 floors) We realize there may be some people happy, such as the person at the 2nd meeting who thought it was great to "have progress." However millennials or even some of the older generation don't always attach the same value of peacefulness, views and having a nice home in a nice area, as others do. In our case, we already have a

busy corner around our home at 4th & Belair, and our backyard & back of the house is our sanctuary. This is very important to us. There just needs to be a balance between progress and retaining the rights of the original residents

Parking is a concern. You mentioned at the 2nd meeting you would have 20 spots for parking. Likely 12 parking spots will be filled by the 12 rental units, and very possibly there will be a 2nd person in the units so let's assume at least half of the units will need a 2nd parking spot. That will take up 18 spots. If there are even 10 employees working at a time at the various enterprises on the main floor, then another 7 – 10 spots will be allocated. Where are the customers going to park? All of a sudden the area of Rigby and Belair and Dogwood will have cars around. This is also a safety concern and will affect the look of the neighbourhood, with cars scattered around.

Another concern is noise. There will be people noise and car noise. I am guessing there will also be noise coming from heating & cooling systems on the roof?

We ask that you rethink your plan in consideration of the residents in the area who actually live in this neighbourhood. The proposed structure, although lovely in design, does not fit in our neighbourhood. It's too high of a structure and we don't want to lose our privacy.

To summarize, Fred you mentioned you love Ladysmith. So, do we. **You live in Yellowpoint – we live in this neighbourhood**. How would you feel if a developer came and wanted to build a similar structure near your property obstructing your view, light and privacy?

We understand you need a return on investment, however why is it at our expense, and that of our neighbours? **We request you downscale this structure to 2 storeys to fit in with the neighbourhood**. Then we can retain our pride in our neighbourhood, retain our property values and we even promise to support the businesses you build.

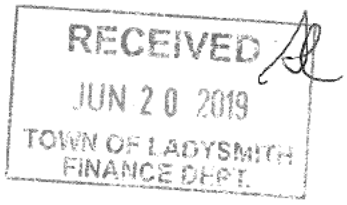
Thank you,

Raelene & Mike Cormier

Cc: Mayor & Council
Ladysmith Planning Department

Within Circulation Area

Darren & Lisa Rasmussen



July 17, 2019

Mr. Fred Green

Dear Mr. Green,

We are writing this letter in concern for the proposed development at 336 Belaire, Ladysmith.

We have lived at 217 – 4th Avenue Extension for the past 29 years, we have enjoyed a beautiful view from our sundeck which will be severely obstructed by your proposal. We were neighbours with

Dr. Wickham for 20 years and his vision was for this property to not affect anyone's view in the neighbourhood, not just his view. As well he did not donate this park to be a busy parking lot, but to enjoy this peaceful green space by all neighbours and the community and this will be lost if this proposal goes ahead.

There are many things to consider with this proposal not just the view, but the parking, noise, lights and loss of privacy will be huge for this neighbourhood.

We are not against development on this property, we are just against this proposed development.

Thank you,

Lisa & Darren Rasmussen

Darren & Lisa Rasmussen

cc: Town of Ladysmith, Mayor & Councillors, PO Box 220, 410 Esplanade, Ladysmith, BC V9G1A2

Town of Ladysmith Planning Department (Sr. Planner, Lisa Brinkman), PO Box 220, 132C Roberts Street, Ladysmith, BC V9G1A2

Within Circulation Area

June 17, 2019

RECEIVED
JUN 28 2019
TOWN OF LADYSMITH

Mr. Fred Green

cc: Town of Ladysmith Mayor and Councillors

cc: Town of Ladymith Planning Dept.

We are writing this letter in regards to your proposed plan to develope the Belaire Property where the old Police Station now sits. We have attended the meetings and we have many concerns regarding your plans. First and foremost we are concerned about the negative impact on the health and well being of all of us who live around that area. The majority of us are seniors with a few families including young children. Our property backs onto Wickham Park so the impact on us will be huge. We are both seniors living with disabilities and have chosen to adapt our home to allow us to stay here in our nice quiet neighborhood while we age. Putting in the proposed structure and businesses will change our quality of life in many ways.

We will lose property value. The size of the building will block out our view completely. I can imagine the seniors in Bellwood Village will lose not only thier daylight but any sense of peace and privacy the have. There will be light and noise pollution 24/7. With my pain syndrome this could keep me locked in doors with windows closed. Not to mention the beeping signals from delivery trucks of which there will surely be many. Parking!! Not realistic in anyway. That corner on Belaire is already too busy. There is no room on Rigby Place to park without being on the edge of the park. We were made aware of an easemant running through our property continuing down through your proposed parking lot. If you were just building 2 floors of rental suites it may be possible.

We purchased our property with the knowledge of Dr. Wickams plan to donate the land to the town to create a park for the residents in the area to enjoy with their children, grandchildren and a place of peace and quiet. What you propose does not honor his legacy or vision in any way. I was also under the understanding when we purchased that there is height restrictions and other bylaws specific to that particular property. These need to be addressed.

There is a perfect place to build a brew pub down on 1st. Ave. where the old food bank building sits. Your proposal is not an acceptable plan for our neighborhood.

Please take our concerns seriously,

Gary & Julie Lacroix

223 4th. Ave. Ext. Ladysmith

1

Within Circulation Area

RECEIVED
JUN 17 2019
TOWN OF LADYSMITH

Ladysmith,
June 15th 2019

To: The Mayor and Town Council, Town of Ladysmith
Ms. Lisa Brinkman, Senior Planner, Town of Ladysmith
Mr. Colin Bollinger, Sr. Building Inspector/Bylaw Compliance Officer, Town of Ladysmith
Mr. Fred Green, 3082 Yellow Point Road, Ladysmith, V9G 1C3

TO WHOM IT MAY CONCERN:

This is about Mr. Fred Green's ideas for the old RCMP building site situated in the core of a strictly residential area. It's beside Belwood Village too – a long-established, quiet, secluded community of almost entirely elderly retired persons, including some with chronic medical conditions. The one-level patio homes were specifically designed for such people. I am one of them, living here on the advice of my medical practitioners. It is unimaginable that the living environment that is so crucial for us – the most vulnerable group of persons – could be dismantled.

Only some people at Mr. Green's Presentation #1 on February 21st took a survey and only some of those submitted one. So the input Mr. Green received surely wouldn't have represented an adequate number of local and impacted persons. He has said that the survey results supported his vision of part commercial/part residential. However, it seems that *rental* apartments weren't referred to until Presentation #2 on May 22nd when Mr. Green suggested that a management company might be hired (i.e. governing personnel residing *off*-premises).

Please imagine living beside, and dwarfed by, a tall building that casts giant shadows and blocks sunlight. Three floors, apparently, would be occupied by unsupervised renters with balconies and windows in close proximity to, or even overlooking, the formerly peaceful, private homes of old people! Imagine the loud voices, music and socializing; the cooking and barbequing smells; smoking; bright lights; clanging of dumpster lids; starting up of vehicles; etc.; etc., at all hours on all days. Ironically, to accommodate renters, the same number of old people would have their own lives overturned. So why not, instead, have leased offices for which the site is zoned already, perhaps drawing more ongoing monthly income by means of the office-sharing practice which is fast becoming the norm? In any event, rented office space is surely far more reliable, long-term and non-destructive than having tenants. Business hours would be observed and the coming and going of clients/customers would be dramatically reduced as well as the vying for inadequate parking spaces.

Imagine, too, living beside a brew pub with deliveries and staff arriving in the early hours; the smell of brewing pervading the neighbourhood; brisk business being conducted at weekends and perhaps late into evenings too; customers continually driving in and out; people drinking and littering in Wickham Park; etc. The park's notice board reminds everyone that Dr. and Mrs. Wickham donated the park land specifically for families' recreational activities for generations to come. On that basis, the Town of Ladysmith gratefully accepted the land. Children often play there. Yet Mr. Green proposes as an extension of that park *a brew pub*, a facility that only a small segment of families would use and one that many other family members might even actively avoid. Why not, instead, provide a juice & soda bar, icecream parlour, donut or bagel shop – venues that all family members, including children and grandchildren, can patronize and enjoy together, just as the Wickhams had envisaged?

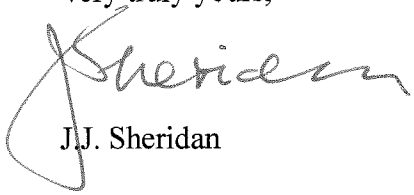
Other concerns are about where the many essential large dumpsters would be situated, the offensiveness of their smell and the deafening noise of regular, large collection trucks. As well, based on Mr. Green's plans, there'd be a critical shortage of parking spots as underground parking isn't an option, as well as little or no room on Rigby Place for roadside parking, deliveries/pick-ups, and heavy-duty, service, emergency and town vehicles. And where would the fire hydrant(s) be located? As well, added volume to the already excessive traffic and congestion at Bel Aire/Dogwood, Rigby Place/Bel Aire and Fourth Avenue/Bel Aire would be intolerable and would induce more accidents.

The RCMP/ICBC might have a lot to say about that! Last, the design of the proposed building is completely incompatible with its surroundings. Looking down Belaire, one sees peaked roofs interspersed with greenery and trees beyond. A modern, tall, squared, multi-glass-windowed, flat-roofed, impersonal edifice would stand out like a sore thumb and oppressively dominate and spoil the whole area for everyone. Furthermore, calling it The Jailhouse sounds derisive and very unappealing!

Last, but of great importance, property values here and in the near neighbourhood would be likely to plummet.

"Location, location, location," realtors say. It seems they are right in respect to Mr. Green's ideas. Great ideas. Entirely wrong location! Mr. Green wants to add to the town's quality of life and making a profit is secondary to the benefit to the community. ("Chronicle", February 28/19) His proposed development, though probably very well-intended, would clearly, however, bring about entirely the opposite. So multiple people are hoping Mr. Green is a man of his word, as he seems to be. Faith is placed in Ladysmith's Planning and Bylaws Departments and Town Council to wisely dismiss Mr. Green's current plans and encourage him to come up with other workable and beneficial ones. I believe he'd have resounding neighbourhood support if he does so.

Very truly yours,



J.J. Sheridan

Doug Judson
218 Dogwood Drive,

RECEIVED
JUN 26 2019
TOWN OF LADYSMITH

Thursday, June 20, 2019

Lisa Brinkman
Box 220
132c Roberts Street
Ladysmith, B,C.
V9G 1A2

Lisa Brinkman, Senior Planner, Town of Ladysmith

Today I am writing you in regards to the proposed re-development of the property at 336 Belaire street and subsequent negative impacts on our neighborhood , our quiet residential homes and lifestyle.

I am 52 years old and live across the street and have done so for almost 52 years one might say. The home was my grandparents, and upon their passing I took ownership and have lived here myself for close to 18 years. The property at 336 Belaire was once part of my great grandfather's dairy farm, DeClark's Dairy.

I am certainly familiar with the area and have seen many changes over the years. Some good, some bad. In the early 1970's Dr. Tom Wickham who was the owner of that land was approached by Hillview Holdings out of Kelowna to locate a site and build the RCMP station. A deal was done and Tom sold off a portion of land with restrictions, provisions of sale, mostly due to height limitations . That land was zoned for this project ,under an "I" designation, which was *institutional*. A *restrictive covenant* was placed on the land to limit the maximum height for good reason. Tom. his wife and family lived uphill from the proposed site and Tom was concerned for his own views, and certainly that of his neighbors and how the building would impact the area. He wanted all to accept his selling of that parcel and subsequent lifestyle changes. This is why the building was one storey with a flat roof.

After the building was vacated by the RCMP it was offered for sale and some attempts were made to occupy what was there. A previous owner had plans and applied for rezoning to a C-1 to allow for her office spaces, and

from what I understand shared offices spaces, including a physiotherapist and a forestry consulting firm. When the rezoning was undertaken the neighbors were contacted and we all attended meetings regarding the issues.

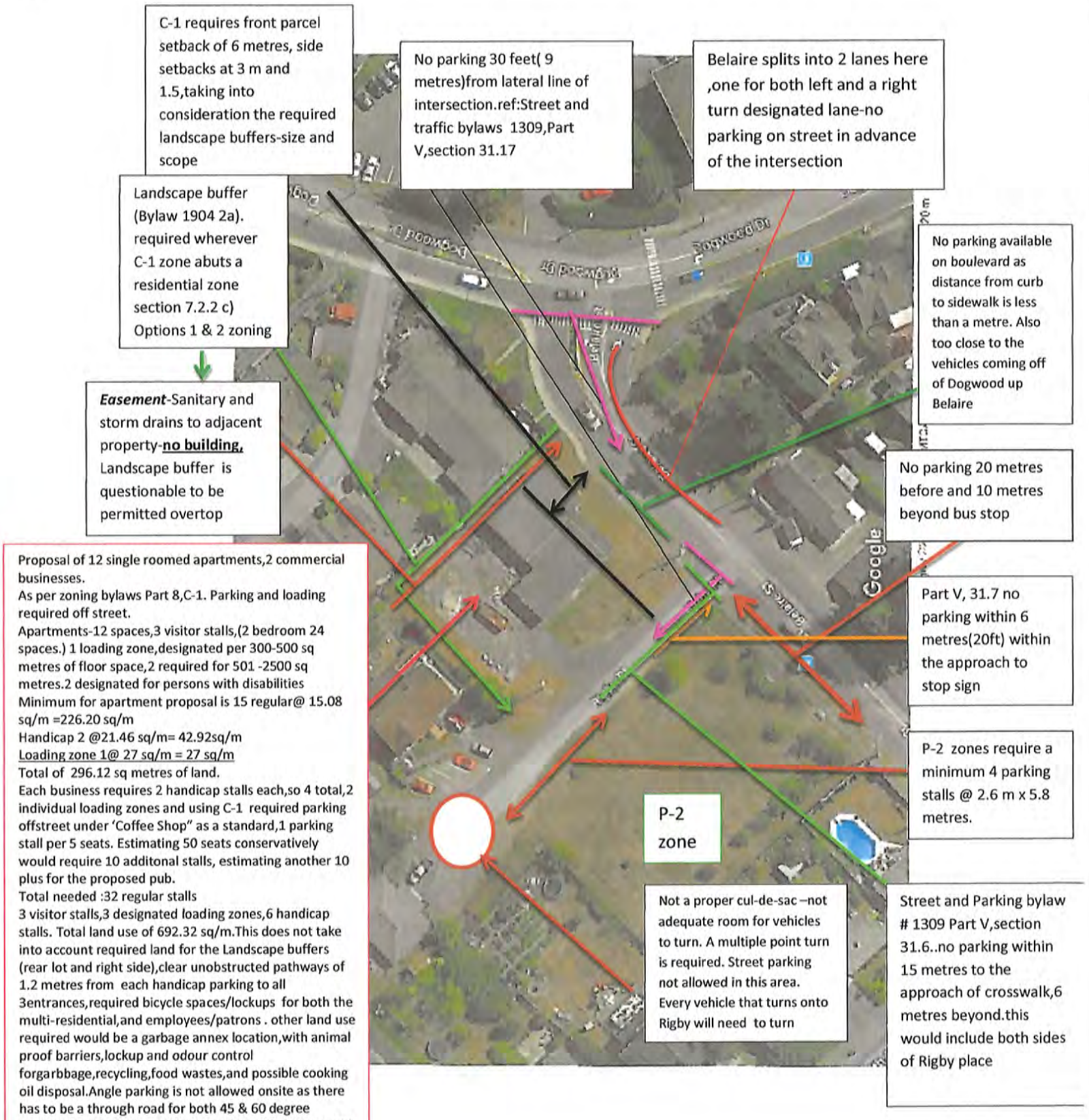
The biggest concern was with increased traffic volumes in a residential area, and potential street parking on the frontage of Belaire street, and on Rigby place. Rigby place is only a laneway, a dead end street and not a proper cul-de-sac. The Town listened to our concerns and as such put a site specific regulation on that property. I refer you to the Town Zoning Bylaws 1860,Part 11- 9 a)

9. Site Specific Regulations a) For the Parcel legally described as Lot 1, District Lot 56, Land District 45, Plan 27861 (336 Belaire Street), Convenience Store and Restaurant are not permitted Principal Uses.

The reasons were to limit the volumes of increased traffic and inadequate parking on street, and off-street(on the property). It also addressed our concerns about hours of operation as a "9-5" commercial space was more suitable, an office setting with limited traffic and hours to help maintain the residential lifestyle in the area. The RCMP operations were just that. Limited hours, and limited public parking requirements, let alone staff parking.

From what I can see the 336 Belaire proposal has 2 businesses, separate from each other, as well as an apartment complex, estimated at 12 single dwellings. Knowing the area well, having first hand knowledge of the traffic, volumes, times of day, weather, emergency vehicle routes during snow events, Rigby place's current access for residences and home based businesses, any allowed street parking will have a detrimental and negative impact .The Town Zoning Bylaws and Street and Parking Bylaws have addressed these issues in great detail and again I will reference them for clarity to my explanation. If the Town Planners, Development Services staff, and Mayor and Council follow their own bylaws and enforce what is already in place, any street parking is non-existent, onsite parking is impossible based on land size and requirements alone, in regards to locations to the busy intersection ,driveways, crosswalks, stop signs, bus stops etc.

Attached is an overview of the area with references to the Zoning bylaws and Streets and parking bylaws which eliminate entirely any street parking, and also point out the substantial off street parking requirements which with this proposal cannot be met.



Proposal of 12 single roomed apartments,2 commercial businesses.
As per zoning bylaws Part 8,C-1. Parking and loading required off street.
Apartments-12 spaces,3 visitor stalls,(2 bedroom 24 spaces.) 1 loading zone,designated per 300-500 sq metres of floor space,2 required for 501 -2500 sq metres.2 designated for persons with disabilities
Minimum for apartment proposal is 15 regular@ 15.08 sq/m =226.20 sq/m
Handicap 2 @21.46 sq/m= 42.92sq/m
Loading zone 1@ 27 sq/m = 27 sq/m
Total of 296.12 sq metres of land.
Each business requires 2 handicap stalls each,so 4 total,2 individual loading zones and using C-1 required parking offstreet under 'Coffee Shop" as a standard,1 parking stall per 5 seats. Estimating 50 seats conservatively would require 10 additonal stalls, estimating another 10 plus for the proposed pub.
Total needed :32 regular stalls
3 visitor stalls,3 designated loading zones,6 handicap stalls. Total land use of 692.32 sq/m.This does not take into account required land for the Landscape buffers (rear lot and right side),clear unobstructed pathways of 1.2 metres from each handicap parking to all 3entrances,required bicycle spaces/lockups for both the multi-residential,and employees/patrons . other land use required would be a garbage annex location,with animal proof barriers,lockup and odour control forgarbbage,recycling,food wastes,and possible cooking oil disposal.Angle parking is not allowed onsite as there has to be a through road for both 45 & 60 degree parking.By default it would have to be at 90 degrees and as such a required 7.3 metres is needed between stalls to allow maneuvering to exit. **There is inadequate parking for this proposal.**

Regarding frontage, I am to understand the building will be demolished, removed entirely from site. If so, the C-1 setback requirements will now be 6 metres from the front parcel line. The current building is non-conforming.

" No Principal Building or Structure located on a Parcel shall be located closer to the Parcel Line than the minimum Setback shown in the Table below : PARCEL LINE MINIMUM SETBACK Front Parcel Line 6.0 metres Interior or Exterior Side Parcel Line 3.0 metres Other interior Side Parcel Line 1.5 metres Rear Parcel Line 3.0 metres "

Driveway access off of Belaire street can't be allowed as it is too close to the roadway and intersection of Dogwood drive. Vehicles come around the corner fairly quickly and any potential vehicles in front of 336 Belaire, whether angled parking or parallel parked would be at risk of a collision. There is also only about 1 metre from the current curb and sidewalk,not allowing adequate space for parking. Standard Parking Space 2.6 metres wide x 5.8 metres long (additional 1.2 metres in width for a handicap stall) with additional requirements for maneuvering.

Ref: bylaw # 1309 Streets and traffic bylaw Section V,31 no parking

(17) within 9 metres of the lateral line of an intersecting roadway. From Dogwood drive "up "Belaire street, in front of the proposed development at 336 .This also applies to Rigby place as you turn right onto Rigby. (9 metres from Belaire street (curb lines).On the corner of Belaire and Rigby there is a view sightline that must be kept clear for traffic coming in and out of Rigby, both looking up and down Belaire as vehicles exit. 6 metres back from the parcel line, maximum 1 metre tall.

The proposed building may indeed be back from this site line, however I would expect that the Town planners not allowing vehicles to park here for safety reasons would be included. The cross walk area also has clearances for allowed parking of vehicles.

Section 31.6 no parking (6) within 15 metres of the approach of or 6 metres beyond a crosswalk;

From all indications so far there will be no on street parking in front of this proposed building on Belaire street, on either side. "*Uphill*" from Rigby place is Wickham park. Graciously donated by Tom Wickham and family. There is to be no street parking on Belaire in front of Wickham park as there is a bus stop there. As per the Town bylaw # 1309 : Section 31.(16) no parking within 20 metres of the approach of or 10 metres beyond any bus stop sign. As Wickham park is zoned "P-2", a neighbourhood park ,it requires a minimum of 4 designated parking

stalls.(Table 8.1 required parking spaces) As a result of the bus stop no parking, by default the 4 designated parking stalls for the Park has to be on Rigby place. There is a ditch line there now, so parking is not available other than up the street on Rigby, near the end on the left. The winter rains off of Wickham park fill up the ditchline entirely and even overflows as it exits out a storm drain near Belaire. This happens many times during the winter months. Filling in this ditch with an end to gaining parking will cause runoff and groundwater issues for the Municipality. It is a mute point however as again if the Town follows its own standards, no parking is allowed along this section and as such the ditch line should not be filled in to accommodate any such parking.

When The RCMP building was in place and fully operational both the left side and right side of Rigby place had "no parking signs" . They included both sides of Rigby right up to the entrance to the rear parking lot. Vehicles started to park on both sides of the street and it caused traffic issues. Sometimes RCMP members attempting to leave were impeded by parked cars. Vehicles used to park on the front (Belaire st) before the roadway was redone, widened, sidewalks and curbs put in which took away from safe parking. As Rigby place is a narrow lane, and not a "normal road" as per the comparison's to other streets, parked vehicles will plug up that street. When two vehicles have to pass it is incredibly tight to do so. Fortunately with the very low traffic flow as is, that is limited. Add in proposed multiple businesses with apartments and a rear entrance only? This will be a hazardous traffic situation. I have seen this area firsthand during light up and during Ladysmith Day's parades, and the congestions and parking is absurd. If these "2 days" are an indication of what a large volume business/residential space will produce daily, it will fail. The reality is that each and every vehicle that may want to turn onto Rigby is now committed or obligated to carry on up this road. With no proper cul-de-sac design or location this area will be a massive congestion point. It is a multiple point turn. As it is, gravel covered, which will create dust in the area homes.

It was actually the original gravel laneway that exited my great grandfathers Dairy farm. Over the years homes were built in that area including a duplex and the Town paved the laneway, installed services and a hydrant. As a retired 25 year member of Ladysmith Fire Rescue, and as a Lieutenant I can question the safety of placing or "committing" an apparatus near the end of that roadway if it is congested with the 336 Belaire development. As "it is" there would be no problems but the roadway has a duplex, a laneway to two houses, a single family dwelling with a home based business that all enter onto it. As mentioned, if bylaws are implemented and enforced the parking of vehicles in this area should be dealt with.

On Rigby, as you leave you encounter a stop sign, waiting to get onto Belaire street. As per the towns Streets and Traffic bylaw 1309 Part V, section 31.7 parking prohibited 6 metres on the approach to a stop sign. At this point it is a crosswalk. As per Town bylaws Part V, section 31.6 no parking within 15 metres to approach of crosswalk and 6 metres beyond.

Based on all off-streets minimum requirements for parking I conclude that there is totally inadequate parking for this proposal. Referencing Town zoning bylaws, under C-1 designations.

- Apartments 12 spaces if 1 bedroom (double if 2 bedroom)
- 3 visitor stalls per 12 units
- 2 stalls for persons with disabilities
- 1 designated loading zone
- 1 designated bicycle lockup/parking area

Each business requires:

- 2 stalls for persons with disabilities (4 total)
- 1- individual loading zone (2 total)
- 1 parking stall per 5 seats of patrons (Estimate 50 seats per business= 10 stalls(total of 20 just for the businesses. This will most certainly not meet the peak times required and as mentioned street parking is not available.

The C-1 Designation requires landscape buffers between properties that abut residential, which would require minimum fencing heights, and sizeable land loss needed to put in the landsacape buffers, including larger trees and shrubs. (As per Zoning bylaws 1904,under "option 1 and option 2",Table 7.1) On the east side, adjacent to the Bellwood estates is a sanitary and storm easement which services residential properties uphill. As no building is allowed on this easement setback requirements must be considered. Taking into consideration the landscape buffers required and as of writing this notice I haven't received clear direction on whether covering over this easement is allowed, one should question whether this should be allowed in such a case the municipality should ever need to service these drains. From experience, I know full well what tree roots can do to 4 inch PVC piping as it can tear into it and cause upheaval. Certainly it will indeed need to be serviced then.

The proposed building would also require designated parking/lockup areas for bicycles, both for employees, residences, and certainly patrons. The rear area would also have allocated areas for a garbage annex, again with design requirements which include animal proofing, lock ups, and hopefully odour proofing. This is a large concern for the nieghbours closest who's rear patio's are a mere few metres away from where,most likely this will be placed. A development of this size would most certainly require a minimum of 3 or 4 large dumpsters, all of which will most likely be serviced after hours. Which, like with other properties in our area(Knight's court, Dogwood Apartments) are done early in the day and on weekends to offset peak vehicle usage and obstruction.

Again. I suggest that the required numbers of stalls, parking areas, handicap stalls and ramps, loading zones, clearances between spaces for maneuvering traffic and pedestrian safety, a garbage annex, landscape buffers needed onsite far exceed the available square footage of land, most likely not including the footprint of the building. I haven't included the actual employees required parking, service vehicles for electrical,plumbing,and any other building maintenance required.

The closest neighbors would have to deal with a "live" building. As it is after 6 pm,our area is fairly quiet,as most traffic has subsided and people are home from work for the evening.This building will produce substantial light and noise pollution. All exterior wall lighting, soffit, parking lot and sidewalk lighting, will be on all night. The scope of night lights will be substantial. The same applies for any heating/cooling units whether mounted rooftop, or wall mount heat pumps. Refrigeration units running 24/7 for both the Coffee shop and pub? Ventilation fans required for all the single apartments, certainly the businesses for bathrooms,kitchens,etc. Will there be required smoking zones? Within each business or outdoors? Located where? WCB regulations enforced around this issue, as the businesses have different regulations compared to apartment users. Cannabis is legal..apartment users allowed on their balconies? Every patio that is proposed will be looking into the adjacent properties, in effect destroying any privacy that once was enjoyed. A multi-storey building a matter of 20 feet from some resident's bedroom in Bellwood Estates is unacceptable. Will the apartment complex be "Air B&B" allowed uses? Will there be age restrictions ? 2 tenant's per unit, or more? Families? Considering no parking now, who's going to stop it? Pets? Who most likely will abuse the existing Wickham park and not pick up after their pets.

As detailed as I have outlined my concerns, and certainly added many more in general writing,it must be understood I am not opposed to redeveloping this site. As a General Contractor for over 30 years, having built many Doctor's offices, Dental Clinics, Lawyer's offices and dozen's of large homes in my career, I am no stranger to breaking ground in an area and drawing the attention of the area residents. I have been on both sides, zoning

meetings on both sides. For the most part outcomes have been amicable and understood, and most municipalities have great planners, development personal, Town staff to put forward the laws of the land, to protect everyone's interests.

I keep going back to my great friendship with Dr.Tom Wickham. He was my papa's Doctor when he fought his battle with cancer, and I talked often with Tom when he himself was faced with it. We talked at length about families ,the history of them all around town, and he loved when I started my young family in my now home. He let my kids play in his field endlessly, with no conditions. He loved to hear them laugh, and play for hours. Many a baseball game was had. When I see the sign on the park now, showing kids running around, it is exactly what Tom wanted for this land. I was one of the first he came to when he wrote up the agreement with the Municipality to donate this land. I was overwhelmed to say the least. An incredible gesture, selfless and worthy of a forever stewardship of sorts to watch over it. When I see what is proposed I go back to those days, and it is offensive to even think of the municipality ever considering this proposal. It is an insult to his surviving family, his namesake and his wishes for our neighborhood,... his neighborhood.

I do want to see this eyesore dealt with, as it has been far too many years. I wish any developer the best of luck as I want all to succeed. Two previous owners did not, at this location. As I have said. I have a lifetime of first hand knowledge of the area. I would ask the current owner to reconsider and perhaps look towards a commercial tenant/s with "daytime hours", or even a possible rezoning to Residential which I think would be successful, then putting in a patio home development, or a two storey residential unit , within the 9 metre height restriction, and the site specific regulations, and fits in with the area. There is no doubt we can use more housing, and I am certain the permit process would be acceptable to most.

I appreciate the time and effort to read through my information as I've presented it. I welcome each and everyone who may read this to contact me at anytime to discuss further, and certainly in person at my home, just across the street.

Sincerely,

Doug Judson

218 Dogwood Drive, Ladysmith

Within Circulation Area

July 8, 2019

Fred Green

Re: The Jailhouse Project at 336 Belaire Street, Ladysmith, BC

Dear Mr. Green

I have concerns regarding the captioned project as presented at the information session on May 22nd, 2019.

The conceptional drawings shown consisted of a 15 metre high building plus the extension for the lift tower. Building to house a Brew Pub with patio seating on West-Side, various unidentified commercial outlets and at least 3 floors of condos or flats with outdoor patios on all sides of the building. The remainder of the lot to be used for parking spaces.

- Potential of lower property values of homes immediately adjacent to a Brew Pub with outdoor activities on the patio.
- Loss of peace and quiet to the immediate neighbourhood. Bellwood in particular that is an adult oriented complex.
- Long hours of operation (6 AM to 9 or 10PM) with service vehicles operating and Brew Pub guests indulging on the patio.
- The building height will shadow some homes in Bellwood.
- Balconies on the East and North sides will look directly down on private patios and through windows of Belwood homes.
- Parking is seen as a major issue as the 12 or more suites in the building take at least that many cars, employees and customers. There will not be enough on-site spaces, and the adjacent streets and cul de sac will be cluttered.
- The neighbourhood is old and established with one and two story homes and a modern tall building of this size will not fit the landscape.
- Views from the surrounding area will be obstructed due to the height of the building.

Respectfully submitted for your information and consideration.

Gail Holland

Gail Holland, Owner and neighbor at #19 332 Bellaire Street, Ladysmith, BC

CC Town of Ladysmith, Mayor & Councillors P O Box 220 410 Esplanade, Ladysmith BC V9G 1A2

CCTown of Ladysmith, Planning Depart., Senior Planner Lisa Brinkman, P O Box 220 132C Roberts Street, Ladysmith BC V9G 1A2

RECEIVED
JUL 08 2019
TOWN OF LADYSMITH
FINANCE DEPT.

Within Circulation Area

RECEIVED July 10/19

Vincent Herkel
209 Rigby Place

Ladysmith, BC,

July 8, 2019

Mr. Fred Green

Re: 336 Belaire Street, Ladysmith, BC

Dear Mr. Fred Green,

I am writing to you on behalf of myself, my wife and two sons, residing at 209 Rigby Place, the north adjacent property with the longest individual shared property line to 336 Belaire Street, proposed location of your multi use development project. Our son Mark attended your first invitational public meeting and three of us attended the second meeting, returning home with photos of your proposed multi use commercial and residential development, which helped to give us a better perspective of your proposed development in relation to our home. We have several troubling and unacceptable concerns such as the four storey height, the width, the twelve apartments, privacy issues, the obstruction of the scenic view of trees, islands, Stuart Channel and the horizon, the brew pub and coffee shop with their associated smells and noises. A major concern is the availability of sufficient on site parking for your apartment residents, their visitors, your anticipated forty brew pub and coffee shop employees, their patrons and delivery vehicles. An associated major concern is your proposed off site parking on the west side of Rigby Place along Wickham Park, which means that every vehicle utilizing these proposed parking stalls has to turn around in a poorly defined gravel turn around area located at the end of Rigby Place, in front of the residents driveways, defined parking areas and a resident in home business parking area. A very major concern is the resulting daily parade of vehicles including large delivery and garbage disposal trucks and their associated vehicle engine noises, attempting to turn around in the gravel area at the end of Rigby Place which will be very disruptive to my wife's in home Chiropractic clinic, to her patients with their parking and turn around requirements, to the daily peaceful quiet existence we and our Rigby Place neighbours enjoy with very few vehicles utilizing the turn around area on a daily basis. The impact that the greatly increased vehicle traffic and proposed parking areas on Rigby Place and Belaire Street will have on the use of beautiful Wickham Park by Ladysmith residents from nearby neighbourhoods is also of very deep concern. We are quite concerned about the demolition and construction phases, the use of heavy duty industrial vehicles and associated equipment along with workers vehicles causing traffic and parking congestion on Rigby Place. We are also concerned about associated disruptions caused by noise and air pollution due to the proximity of our home, about 75' from your proposed development and the fact that the Stuart Channel winds blow in from the South-East 95% of the time year round. Another concern is the possible deflating effect your four storey development will have on our beautiful home's valuation. Most importantly is the devastating impact your development will have on our daily lives and routines, the loss of our entitlement to the peace and quiet of dead end Rigby Place which we have enjoyed for the past 35 years at 209 Rigby Place. Taking all of the above into consideration, the gravity of your multi use development started to set in as we realized, that of all the immediate neighbours to your proposed development, we will be the most negatively affected and impacted.

Mr. Fred Green, the immediate residential neighbourhood located on Belaire Street, Rigby Place and Fourth Ave. Extension consists of one and two storey homes, it is blatantly obvious that your proposed obtrusive four storey multi use development does not fit in with our immediate residential neighbourhood housing theme. Your development would be better suited in the Ladysmith commercial downtown core, the Rocky Creek Road industrial area, the Ladysmith waterfront or the East side of Dogwood Drive where the relief of the land is such that even from our main floor sundeck we can see over the four storey Dogwood St., Ladysmith Manor Apartments. A one or two storey residential development, not three or four storeys, would fit in nicely with the immediate residential neighbourhood housing theme and would probably be more acceptable to us and the immediate neighbours. The developer of the Belwood Village property could have gone two to four storeys high, but to address and satisfy the wishes of the immediate neighbours, he decided to build one storey patio homes which were very much accepted by the immediate neighbourhood and his housing project sailed ahead with very little head wind. Belwood Village became and is a very welcome addition to the immediate neighbourhood and I would like to reiterate to you that the building of a town starts with neighbourhoods and when a development fits in nicely with and is acceptable to the immediate neighbourhood, it then becomes an integral part of that neighbourhood and in turn helps to strengthen and enhance the Town of Ladysmith's character and charm, making it a place where existing and perspective citizens of Ladysmith will want to live.

Your idea of hosting general public meetings without addressing the concerns of the immediate neighbours was very disconcerting. Not once prior to your public meetings did you ask to meet with us and the other immediate neighbours to try and come up with a development plan that would fit in nicely with and be acceptable to the immediate neighbourhood of Rigby Place, Belaire St. and 4th Ave. Extension. I find this disrespectful and question the intentions and integrity of an outside developer who ignores the ideas and concerns of the immediate neighbours, citizens of Ladysmith, who will have to gaze upon and put up with whatever is built and its many occupants for years to come.

Your proposed development shows on site parking for twenty vehicles and taking into consideration the twelve apartment residents and their visitor vehicles, your forty employees and patrons vehicles of the brew pub and coffee shop, there appears to be a totally insufficient number of on site parking spaces. Your proposal showed off-site parking spaces installed on Belaire Street and Rigby Place which will cause nothing more than a major disruption to the quiet, calm ambience of our immediate neighbourhood. Turning Belaire St. and Rigby into a parking lot for your development is not a welcome addition to our immediate neighbourhood. Belaire is already a busy enough street, especially from the Dogwood drive intersection up to the Fourth Ave. Extension intersection. During the busy times of morning to late afternoon wait times can be expected turning left off of Rigby Place onto Belaire St. and also turning left off of Belaire St. onto Dogwood Drive and vehicles parked along Belaire St. will create visibility problems leading towards expected accidents. Rigby Place is a narrow, short, undefined two lane, dead end street with a poorly defined turn around area at the end, which has for the last thirty five years or more, made it very difficult for large delivery vehicles, garbage and recycle vehicles and emergency vehicles such as fire trucks, to turn around without having to maneuver back and forth two or three times. Sometimes these large vehicles utilize the driveways and on site parking areas of the immediate neighbours, which has caused damage such as cracked driveway and parking area cement. As it is Rigby Place is a peaceful and serene little street bordered on the west side by the natural beauty of Wickham Park and to turn Rigby Place into a parking lot for apartment residents and their visitors, brew pub and coffee shop employees and patrons is not our idea of enhancing our street and definitely takes away from the natural ambience of Wickham Park. Even your inference in your first "336 Belaire Street – Community Vision Survey" of "Coffee Shop with access to Wiccam Park" (spelled wrong, maybe someone should have looked at the spelling on the sign in the

park), is not in line with the intended use by Dr. Tom and Wilma Wickham which was "to ensure a green space for family recreation for generations to come", not coffee shop patrons leaving behind their cups, napkins, etc, and food scraps. First thing in the morning, upon opening the bedroom and living room curtains on the west side of our home, we are greeted each day by the natural beauty of Dr. Tom and Wilma Wickham's Park, pampas grass swaying in the wind, oak trees, Ladysmith residents walking or playing with their pets, kids playing, people just sitting in the park and no parked vehicles blocking the view.

Mr. Fred Green, prior to your second invitational public meeting, I invited you to bring your drawings of your proposed development to our residence and from our south and east side sundeck we would get a good perspective of your proposed development and how it will impact our sight lines looking south and south east (pictures attached outlining view blockage by the three upper storeys of apartments). You neglected to take me up on my invitation and upon attending your second invitational public meeting and seeing your proposed four storey building, then I knew why you did not take me up on my invitation and I realized that you knew prior to your second public meeting that your proposed building will block about 90% of our south and south east viewing area as seen from our dining and living room windows, rooms in which we spend up to 80% of our waking hours. We built our beautiful house in 1984 and the RCMP building was relatively new at the time, zoned institutional, one storey with a flat roof, which Dr. Tom Wickham told us was the height and roof type allowance, as he had put a height restriction covenant on that property upon selling it to the development company that built the RCMP station. Expecting that the RCMP station would be there for the next fifty years or more, we accordingly built our house main living floor to a height that provided us with a view of Stuart Channel and its islands, which we have enjoyed and grown accustomed to for the past 35 years. Now you are about to destroy this part of our lifestyle which we find totally disruptive and offensive to our daily living routines. How would you like it if some outside developer came along and did that to you? Three years ago we had installed new thermal pane glass windows in our whole house, on the south side alone we have 30 panes of glass, ranging in size from patio doors, picture windows and many smaller windows, flooding our living room, dining room, kitchen and other south-southeast facing rooms with sunlight. During the winter months when we need and crave sunlight the most, the sun rises in the south east and at its lowest perigees creating some very beautiful sunrises and cloud effects, this will be taken away from us from late fall till early spring, replaced by an offensive aesthetic disturbing view of three upper storeys of apartments with a fifth storey elevator shaft on top and the associated shadows that will blanket our home. This is totally unacceptable and immediately raises health concerns for my sun rays loving wife, myself and our sons. In the summer on the hottest days we open the south and south-east windows and we welcome the cool breeze coming in off of Stuart Channel and in the winter months we also welcome the lower in the sky sun's rays coming into our home through our 30 panes of glass, which helps to keep our home warm.

Mr. Fred Green, going back to our first of many conversations I strongly suggested to you what we the immediate neighbours would like to see developed on your 336 Belaire St. property, which was preferably housing similar to that of Belwood Village. I had heard rumours that a brew pub might be built and due to family member health issues I strongly expounded my families objections to a brew pub due to smells, noises and hours of operation. Of the six or more conversations I have had with you, me being the one to initiate each one except the last one, not once were you forth coming about your development plans except that you had ideas that you were considering, as mentioned in your 336 Belaire – Community Vision Survey. Shortly afterwards you held your first public meeting which my son attended and some immediate neighbours from Belwood Village, at which you apparently made it very clear to those attending that a residential development was not in your plans, which totally blind sided the immediate neighbours who attended to suggest a residential development in a residential

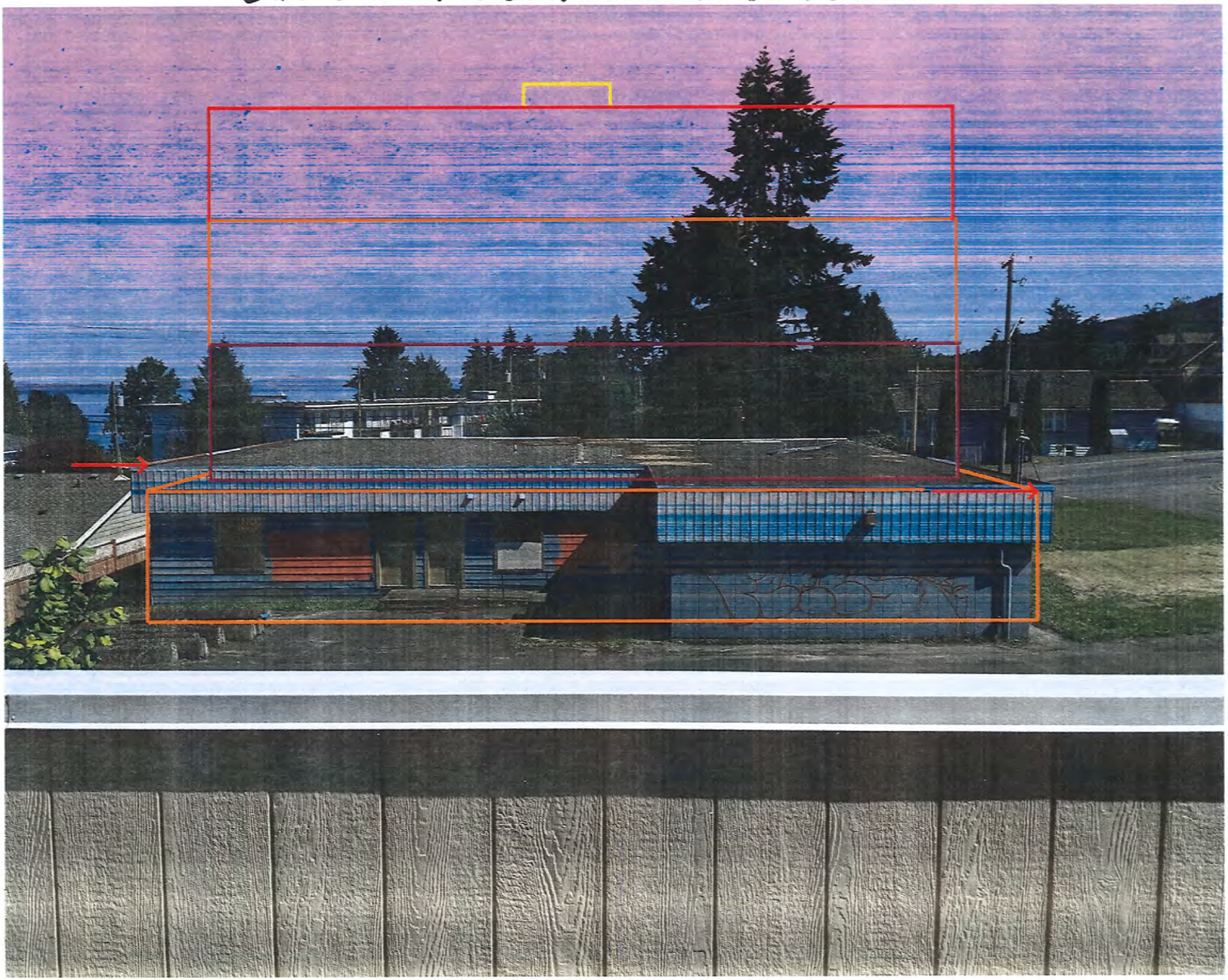
neighbourhood, not commercial in a residential neighbourhood. Just for your info one Ladysmith commercial zoned property was rezoned to residential, another institutional property is or will be zoned multi residential and the Dalby's commercial property will probably become residential. You told me that if you rezoned to residential that you would lose money which I find hard to believe as assessed values on residential properties in Ladysmith are out pacing the commercial properties and my corporation owns residential land in Ladysmith, which from 2016 to 2019 the residential assessed value has risen 77.78%. Also I read in the Feb. 28/2019 issue of the Chronicle that you said making a profit is secondary to the benefit to the community, and a real benefit to our immediate neighbourhood would be a residential development project that fits in and is acceptable to the immediate neighbourhood, that is where it starts, not out there in the general public of the Town of Ladysmith. Prior to you purchasing the property, 336 Belaire St., do you not agree that it would have made good business sense to go around to the immediate neighbourhood, knock on some doors and find out what the neighbours would like to see developed on the subject property. I firmly believe that you knew from the time you purchased the property, 336 Belaire Street, that a brew pub was in the works and the steps you have carefully taken since then, including your public meetings, have been to garner and rally support for your brew pub development project from the Ladysmith general public, totally sidestepping and circumventing the need of having a meeting with the immediate neighbours. My wife and I, as respected citizens, myself an honoured recipient of the Ladysmith Citizen of The Year Award, and business owners in Ladysmith for the past 43 years, my family ties going back to the 1890's, my grandfather, father and relatives who were coal miners in the Extension mines, have all helped and contributed extensively, both monetarily and voluntarily to the building up and the well being of our Town of Ladysmith. We, my wife and family, trust that our heartfelt and serious concerns will hit home with our Ladysmith Town Council, resulting in the referring of you, Mr. Fred Green, back to the immediate neighbours to come up with a development plan that addresses all of our concerns and is acceptable to the immediate neighbours of Rigby Place, Belaire Street and 4th Ave. Extension.

Respectfully,

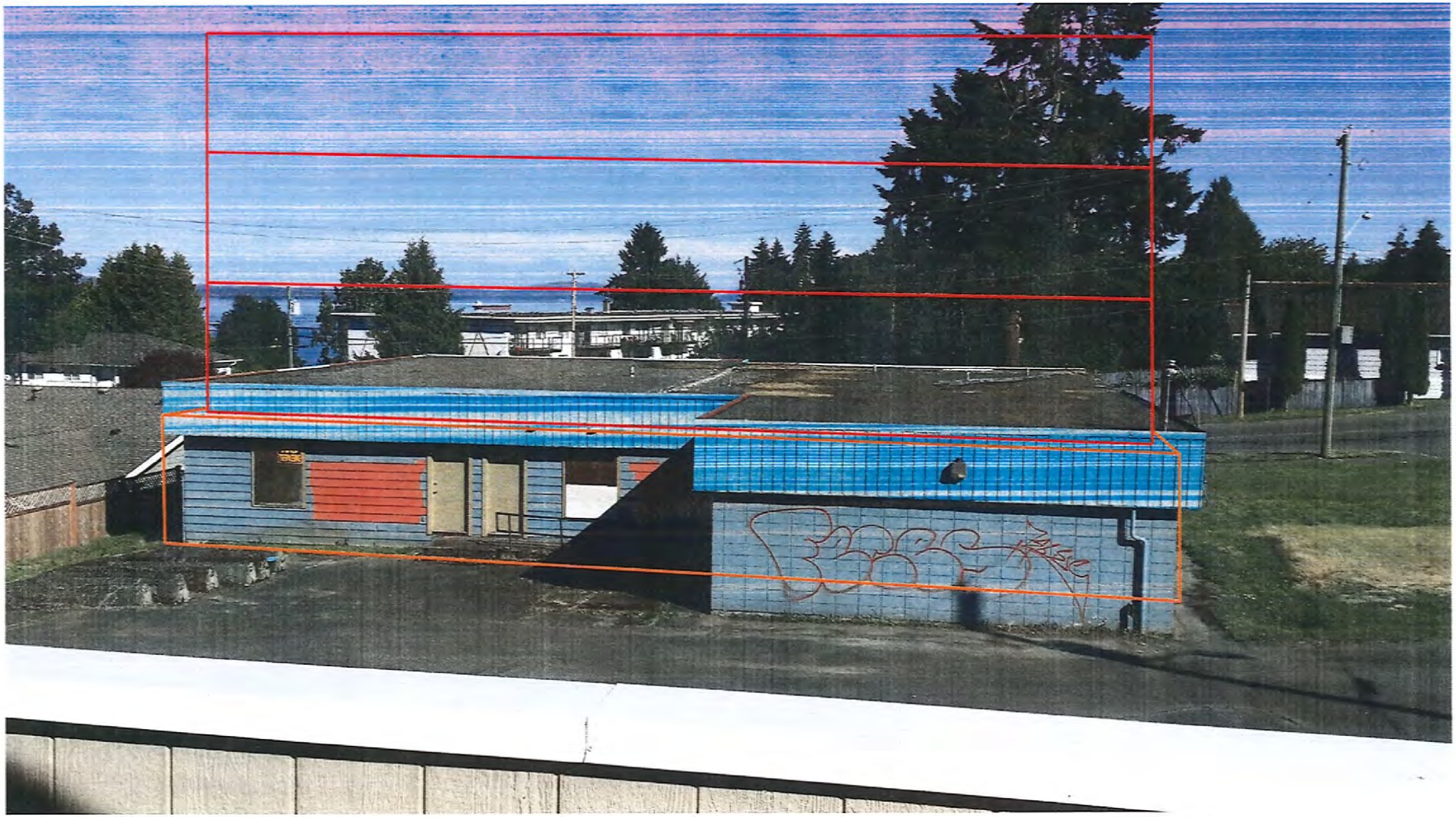
Vincent J. Herkel

CC: Town of Ladysmith, Mayor and Councillors, PO Box 220, Ladysmith, BC, V9G1A2
Town of Ladysmith Planning Department, PO Box 220, Ladysmith, BC, V9G1A2

"DINING ROOM WINDOW VIEW"



"LIVING ROOM WINDOW VIEW"



Received July 12, 2019

Fred & Karen Green

June 29, 2019

Dear Alan,

Thank you for taking the time to express your thoughts on the Bel Aire project. My apologies for the delay in replying as I am just home from 3 weeks of travel.

With regard to your thoughts I have some comments which I hope is helpful.

Item 1 is height. After the last meeting I met with various neighbors and concluded that the 4th floor was problematic in the eyes of many. Our subsequent submission limits the building to 3 floors. As you know the current zoning permits 3 floors.

Item 2 - As illustrated at the meeting using Angela's software for shadowing, the building has very little additional impact and with the elimination of the 4th floor, it will be even less.

Item 3 - The proposed building is moved forward to the park and the residential levels are further indented to address the perception of

residents on the higher ground being directly above the back yards of the few homes adjacent to that proposed location. The neighbourhood has extensive multi story buildings and this adjustment is made to minimize any perceptions of oversight.

4. Odours – the perception is incorrect. All neighbourhood Breweries ingest the perception and a visit to any will illustrate that the fermenting process occurs later in the sequence and is not vented to the outside. There is no health hazzard.

5. Any commercial operation (as zoned today) will generate some level of activity. The patio has been purposely positioned behind the building from Belwood and is proposed to have glass sides to minimize any noise impact.

6. Parking is an important issue and has and is being worked to ensure we meet all requirements. I am not sure which home owners will be affected as both Belwood and the few others on Rigby have plenty of private parking.

7. The details of any support systems including dumpsters will be addressed and conform to all by laws of Ladysmith.

8. Traffic - wether it is for the current C-1 commercial zoning or any proposed zoning will be different than today of course. But, the deliberations will consider the trade off of a vacant lot versus the merits of some form of increased activity.

9. Property values - obviously a judgement call but my view is that the removal of the RCMP eyesore and creation of a family oriented community gathering place will improve values.

10. The Jail House development reflects the original use and has proven quite popular when looked at through the lense of fun and humor. The actual facility is most likely to be named the "Ladysmith Community Brewery" reflecting the aspiration of pulling together the neighbourhood and welcoming the locals for conversation and a good meal.

Fred & Karen Green

Allan, once again thank you for your input. It is impossible to keep or make everyone happy but I am hopeful that my efforts to locate the proposed building and limit it's height will assist various parties to see the merits of such a proposal.

I would be happy to have you visit or chat anytime.

Regards

Fred

Received July 12, 2019

(3)

Fred & Karen Green

June 29, 2019

Dear Dana and Lisa,

Thank you for sharing your thoughts on the Jail House project proposal. After our 2nd voluntary public meeting earlier this month I visited with various neighbours who had approached me after the meeting. As a result of their input I adjusted the proposal to 3 stories and this has been welcomed by many who understand that the C-1 zoning currently allows 3 stories. It has proven to be an expensive lot with the necessary remediation and some likely demolition and as such no party is likely to forgo the upper floors as expenses and capital must be recovered.

At each meeting an opportunity has been provided for input and these summarized. The majority of people have supported multi story - multi purpose and a community brewery as a sensible evolution for this eyesore lot.

I am hopeful that the community will support our proposal but encourage you to participate in the next more formal steps. I would be happy to meet with you at any time. Regards

(3)

Darren & Lisa Rasmussen

July 17, 2019

Mr. Fred Green

Dear Mr. Green,

We are writing this letter in concern for the proposed development at 336 Belaire, Ladysmith.

We have lived at 217 – 4th Avenue Extension for the past 29 years, we have enjoyed a beautiful view from our sundeck which will be severely obstructed by your proposal. We were neighbours with

Dr. Wickham for 20 years and his vision was for this property to not affect anyone's view in the neighbourhood, not just his view. As well he did not donate this park to be a busy parking lot, but to enjoy this peaceful green space by all neighbours and the community and this will be lost if this proposal goes ahead.

There are many things to consider with this proposal not just the view, but the parking, noise, lights and loss of privacy will be huge for this neighbourhood.

We are not against development on this property, we are just against this proposed development.

Thank you,

Lisa + Darren Rasmussen

Darren & Lisa Rasmussen

cc: Town of Ladysmith, Mayor & Councillors, PO Box 220, 410 Esplanade, Ladysmith, BC V9G1A2

Town of Ladysmith Planning Department (Sr. Planner, Lisa Brinkman), PO Box 220, 132C Roberts Street, Ladysmith, BC V9G1A2

Received July 12, 2019

Fred & Karen Green

July 4, 2019

Dear Doug,

Thankyou for your input regarding the Jailhouse project at 336 BelAire submitted June 20/19.

I appreciate the respectful and professional presentation of your perspective. I don't agree with your conclusions and please let me share why.

The former RCMP building was purpose built for the day 45 years ago and either renovation or removal is a somewhat complex and expensive process. As such, any party who is prepared to tackle such a project will require sufficient size and capability to warrant the risks and manage some reasonable return. With this context I think it is inevitable that the final resolve on the site will be a 3 storey building. The current C-1 zoning allows for 3 stories.

That is what I purchased 18 months ago and I don't think that anyone can realistically expect a party to reduce the stories at the expense of a missed opportunity to recover the capital and expense of such a challenging site.

I understand that a few parties would prefer a single story retirement project but no one has pursued that for a decade and it would miss an important opportunity

to evolve Ladysmith and such a project is not why I bought the site and is of no interest to me.

I am hopeful that my submission crafted after further consultation with the neighbours who sought meeting after our 2nd voluntary public meeting in early June will address the concerns of some. We limited the building to 3 stories which has been well received by many and I hope will address some of your concerns as well as it also reduces the parking needs.

Your extensive commentary on parking is interesting and I can assure you that all of those issues have been considered. We likely took a somewhat different approach by asking "What can we do" rather than "Why it won't work" so our conclusions will obviously be different.

My hope is that the evolution of Ladysmith building on and respecting it's heritage will be complimented with a view to the future. We currently have an abandoned eyesore and a very modestly used Wickham Park. An opportunity exists to create a family friendly community gathering location with both the community brewery and a cafe'.

Fred & Karen Green

The Jailhouse project has the opportunity to create 35+ permanent jobs, generate substantial incremental tax revenue for Ladysmith, stimulate the benefits of the economic multiplier of that commerce in Ladysmith, remove a decades old eyesore and complex problem which affects not only the immediate neighbors but the hundreds of residents who pass by it weekly.

Additionally the Jail House project can create a community gathering location which appeals to all generations but importantly it adds a much needed feature to attract and retain the next generation of residents and community leaders to enable Ladysmith's future.

Doug, I hope in time the benefits of our proposed project outweigh any concerns and I would be happy to meet you if it is helpful in your deliberations

Regard
Fred

CC - Ladysmith

Received July 12, 2019

Fred & Karen Green

July 9, 2019

Dear Gail,

Thank you for sharing your views on the Jail House property. As part of our extensive process to engage the community of Ladysmith I met with several neighbours who has sought meetings after the 2nd voluntary public meeting in early June. As a result of those further consultations, including Bobby the president of Bellwoods' association, I revised the building proposal to 3 stories from the original 4 story building.

During the early dialogue with Bellwood residents similar views about oversight were expressed and that was instrumental in our proposed siting towards the park and towards Bel Aire. In doing so we minimized the likelihood that Belwood residents would perceive the feeling of overste that you are concerned about. Additionally we inset the residential floors to further address that concern.

I understand and respect that residents see the project through their own eyes and how the elimination of a decades old eyesore will have a new image and real or perceived impact. That said, the current C-1 zoning allows for 3 stories

Fred & Karen Green

and the complex and expensive remediation and removal will require the resources needed to address this property in it's current sad state. That in turn requires a project that can generate sufficient economic activity/return to warrant tackling the eyesore.

Our submission includes visuals which indicate that sightlines and shadowing of the 3 story building is very modest on both 4th Ave and Bellwood neighbours and is the very best location on that site for impact minimization.

Please be assured that all issues regarding parking are being handled in a combination of on site and off site solutions which will ensure our project meets all requirements and enables a successful project.

Last, I think that the abandoned eyesore and uncertainty of future development is actually a far worse impact on real estate valuation. The clarity of the site development and its' quality, family oriented facilities as well as an opportunity to bring the underutilized Wickham Park to life are all going to enhance the area.

Additionally the benefits to the greater Ladysmith area include 35+ jobs and the economic multiplier in the community, the family friendly gathering location of the community brewery and the Cafe which will attract and retain another generation as well as meet the needs of existing residents and this improvement will elevate the tax base for

Fred & Karen Green

Ladysmith for the benefit of all residents.

I know that there will be no solution which keeps or makes everyone happy but I am hopeful that the choices to locate the building and the family friendly nature of the proposed operators will earn the support of Bellwood residents and the broader community and in time you and your friends and family will be able to enjoy both the clarity of the future of this eyesore lot and the Cafe and community brewery we propose.

I would be happy to meet with you if you wish to further our dialogue.

Regards

CC Ladysmith

Received July 12, 2019

Fred & Karen Green

July 4, 2019

Dear Henry,

Thankyou for your letter of June 10/19 and my apologies for the delay in responding as I was travelling.

I'd like to commend you on the professionalism of your letter and that of your son Marley's efforts both privately and in the town meetings.

Unfortunately from my first day on site when your husband Vince told me "Not gonna happen" to my most recent attempt to discuss the project (when I asked Vince for further input the day after our meeting #2) when Vince told me "the only acceptable outcome is a single storey building", I have felt that my efforts to engage have not been well received.

Despite feeling this way I have continued to engage in the hope that a satisfactory outcome might emerge and I still hope it is possible.

As a result of my meetings with various neighbours after our 2nd public voluntary meeting, I revised the project to limit the building to 3 floors which has been very well received by many.

Fred & Karen Green

The current proposal shifted the building as far away from your property lines as is physically possible. As owners of a C-1 property in Ladysmith on 2nd Street you and I understand the current zoning and my ability to construct a 3 storey building. My efforts are intended to minimize the impact by shifting away but please note that current C-1 setbacks would actually force the building to your side. I am trying to avoid that outcome.

As this is a complex older building it is an expensive undertaking perhaps validated by the lack of parties over the past decade who have been willing to take on this challenge. My assessment is that any developer will require the 3 stories to generate the economic return needed.

Henry, Ladysmith has a proud heritage and history but it also requires a bright future. My hope is that the transformation of the RCMP eyesore into a family friendly community gathering place will play a modest role in creating a community able to attract and retain the next generation. Those people will, I believe become the backbone of Ladysmith for decades to come.

As always I will gladly meet you if it is helpful.

cc Ladysmith

Regards

Fred

Received July 12, 2019

Fred & Karen Green

June 29, 2019

Dear Mr/Ms Sheridan,

Thank you for taking the time to share your thoughts on the Jail House proposal.

Our lengthly process of community discussions both informal and formal have provided considerable insight into the views of both the broad community and the more immediate neighbours.

I have voluntarily arranged, advertised and paid for 2 large public meetings with attendence of 60 and about 50 which provided a forum for both listening and explaining the realities of tackling The RCMP eyesore which has sat abandoned for so long.

We have summarized and analyzed the input and conclude that the community is supportive of our proposal.

Based on very early feedback for the Belwood representatives the proposed building was moved away from that fenceline and towards Bel Aire in an effort to minimize the impact on Belwood residents. In addition the residential floors were further set back to limit the perception of upper floors peering straight down into the handful of residences on that fence line close to Bel Aire.

Fred & Karen Green

At the second meeting Angela used the shadowing software to illustrate that there was very limited impact on any home.

After the second meeting I followed up with various neighbours who had expressed a more specific private discussion. Included was your Belwood friend Bobby. As a result of those discussions I instructed Angela to limit our proposal to 3 floors which has been welcomed by many parties.

With regard to the residential component within our proposed mixed use proposal I have not yet decided on condos or apartments. Both have their appeal as condos provide some early return of Capital while rental apartments provide a future stream of income. My personal view is that fine people rent as well as own and I have no reason to believe that renters will behave any differently than owners as your letter implies.

Also of interest the 2nd tenant of the commercial floor is most likely to be a Café which we hope will address your aspiration to see the largely unused Wickham Park brought to life with Kids and parents.

Fred & Karen Green

The characterization of your neighbours and patrons of the proposed Ladysmith Community Brewery as people who will drink and litter in Wickham Park is I think quite misguided and perhaps an unintended statement made in the emotional state of writing a letter on a subject close to your heart.

The community brewery concept is family friendly, no TV, no live music and closed and locked up by 10:00 pm. I hope that if approved, you will someday gather with friends or family for a meal and good conversation.

While I respect the right and need for all parties to express their views I also hope that the past approach undertaken by some immediate neighbours to shut down any and all development of the Belaire lot is not successful for the benefit of Ladysmith. The 35 jobs, tax generation, community gathering location appealing to all age groups and the elimination of the RCMP eyesore are components of a compelling case to step out of the past and prepare Ladysmith to attract and retain the next generation of home owners, community minded active residents and families who will generate excitement, income and enthusiasm for Ladysmith's future.

I would be happy to meet with you at any time if it is helpful.

Regards Fred

Received July 12, 2019

(2)

Fred & Karen Green

June 28, 2019

Hi Raelene and Mike,

My apologies for the delay in responding but I have just returned from 3 weeks away.

Thank you for sharing your views on the proposed project. I'd like to think that I have taken many steps to share and listen to the broader community and the closer neighbours. The 2 meetings and the visits and questionaries have all informed us of the interests of many parties.

After the second meeting I concluded that the extra (4th) floor was unappealing to both those on 4th and the folks below the property for various reasons. As such I instructed Angela to submit our application as a 3 story building which I hope will provide some relief to your concerns. As you know the property is zoned, commercial and for 3 stories and has been so for a decade so I don't think it is likely that anyone would build less.

My expectation is that there will be a Café also

and likely 8 condos or apartments. The town planning department is instrumental in considering all parking requirements and we of course will abide by those directions.

I respect your request and understand that purchasing a home adjacent to a commercially zoned lot has some risk and it is fair to ask for an alternate plan. I purchased a commercially zoned lot and matched it with a young couples dream to create a unique community breezeway and believe that it is a wonderful plan for the community of Ladysmith.

The planning process includes another formal public meeting and I'm sure the Council will be happy to hear the views both supportive and opposing.

I hope in time the project will be approved and then supported by the community but we will have to let the process unfold.

I'm happy to chat with you anytime

Regard

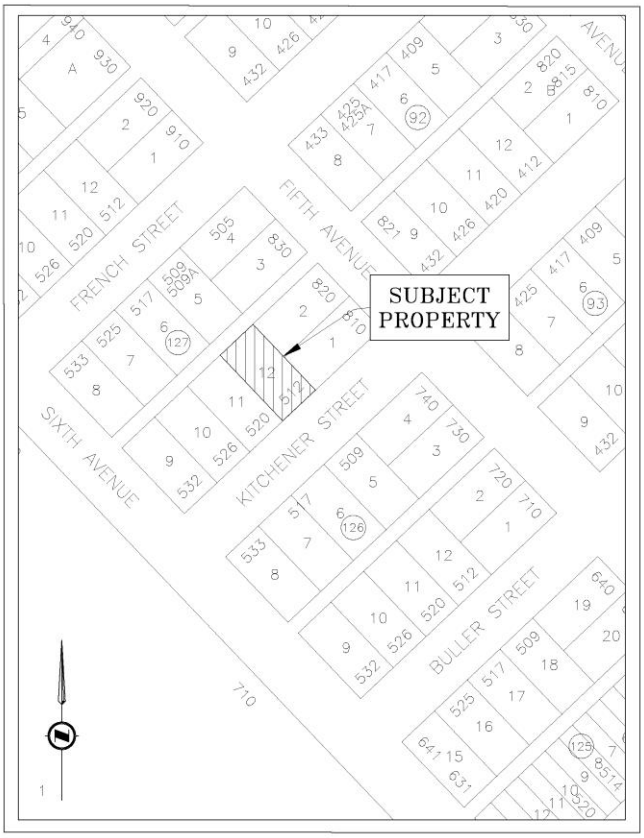
STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson
Date: August 12, 2019
Report Reviewed By: **Lisa Brinkman, Senior Planner**
Meeting Date: August 19, 2019
File No: **DP 3060-19-09**
RE: **DEVELOPMENT PERMIT – 512 KITCHENER STREET**

RECOMMENDATION:

That Council:

1. Issue Development Permit 3060-19-09 to permit the issuance of a building permit for the construction of a two storey coach house on Lot 12, Block 127, Oyster District, Plan 703A (512 Kitchener Street).
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-19-09.



PURPOSE:

The purpose of this report is to present for Council's consideration a Coach House Intensive Residential Development Permit (DP) application for a proposed two storey coach house in the rear yard at 512 Kitchener Street.

PREVIOUS COUNCIL DIRECTION:

None.

INTRODUCTION/BACKGROUND:

The applicants have submitted a DP application for a 60m², two storey coach house. The dwelling unit is proposed to be on the second storey with a garage on the first storey. The subject property borders a lane to the rear. There is currently a dwelling on the property, fronting onto Kitchener Street.

SCOPE OF WORK:

The subject property falls within the Coach House Intensive Residential Development Permit Area (DPA 10), the objective of which is to provide guidance for the design and placement of coach houses on residential parcels while encouraging sustainable design practices. The proposed coach house has been reviewed for compliance with the DPA 10 guidelines, below.

Street view of 512 Kitchener Street.

Building Character & Design:

- The coach house is proposed to be two storeys, 60m², 6.6m in height with a roof pitch of 4.5:12.
- The coach house is located in the rear yard of the property.
- The coach house exterior is proposed to consist of light blue vinyl siding with white trim to match the existing dwelling.
- The bay window facing a neighbouring lot is proposed to be frosted on the lower half.
- The coach house entry is located on the rear lane and is proposed to be accessed by an internal staircase to the second storey.

Accessibility & Livability:

- A 1m wide pathway from Kitchener Street to the coach house entry is proposed.
- The pathway is proposed to be permeable and runs between the coach house and the lane, connecting with the proposed amenity space and parking area.
- An address signpost next to the pathway, visible from Kitchener Street, is proposed.
- The coach house will be partially visible from Kitchener Street.
- The windows of the coach house dwelling on the second storey are modestly sized to respect privacy.
- The upper level balcony is proposed to be a maximum of 2.9m² and oriented toward the rear lane.

Landscaping:

- A garbage and recycling enclosure for the coach house resident is proposed.
- A permeable parking area for the coach house resident is proposed.
- A 15m² at-grade, outdoor amenity space is provided for the coach house resident and is proposed to be screened with a 1.2m high fence to provide privacy.
- Two trees are proposed to be planted between the coach house and the principal dwelling to provide for additional privacy.

Rain Water Management:

- The proposed parking area, amenity space, and pathway will consist of a permeable surface material.

The proposed coach house meets the Zoning Bylaw regulations and DPA 10 guidelines.

ALTERNATIVES:

While the issuance of a DP is not a completely discretionary decision of Council, Council may decide not to issue DP 3060-19-09 where the refusal is based upon determination that the DP application does not meet the Development Permit Area guidelines. If the DP is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable not arbitrary.

FINANCIAL IMPLICATIONS;

N/A

LEGAL IMPLICATIONS;

A DP is required prior to issuance of a building permit to construct a coach house dwelling.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

DP applications do not require statutory notice.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department and Building Inspector for review. Engineering and building requirements will be addressed at the time of building permit.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☒Complete Community Land Use
☐Green Buildings
☐Innovative Infrastructure
☐Healthy Community
☐ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐Employment & Tax Diversity
☐Watershed Protection & Water Management
☐Communications & Engagement
☐ Natural & Built Infrastructure
☐ Partnerships
☒ Not Applicable

SUMMARY:

A DP application has been received for a coach house dwelling at 512 Kitchener Street. The proposed DP has been reviewed in conjunction with the DPA 10 guidelines and the Zoning Bylaw.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):
DP 3060-19-09

TOWN OF LADYSMITH
DEVELOPMENT PERMIT

(Section 489 *Local Government Act)*

FILE NO: 3060-19-09

DATE: August 19, 2019

Name of Owner(s) of Land (Permittee): Karla Robins & Christopher Robins

Applicant: Karla Robins

Subject Property (Civic Address): 512 Kitchener Street

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.

2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:
   Lot 12
   Block 127
   Oyster District
   Plan 703A
   PID# 008-558-639
   (referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a coach house dwelling on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit, and subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.

4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.

5. The Permittee, as a condition of the issuance of this Permit, agrees:

   a) To construct a coach house dwelling this is a maximum of 60m² in size in accordance with the building designs shown in **Schedule A – Elevation Plan,** including:
      i. Placing an exterior light on the Left Elevation (facing rear lane) of the coach house;
      ii. Finishing the exterior of the coach house with "Kaycan 87- Azure Blue" vinyl siding and white trim; and
      iii. At a minimum, frosting the lower half of the bay window on the Front Elevation (facing south neighbour).

b) To develop the Land as shown in **Schedule B – Site Plan** including:

i. Planting two trees between the coach house and the principal dwelling to provide privacy.

6. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.

7. The plans and specifications attached to this Permit are an integral part of this Permit.

8. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act,* and upon such filing, the terms of this Permit **(3060-19-09)** or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

9. This Permit prevails over the provisions of the Bylaw in the event of conflict.

10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

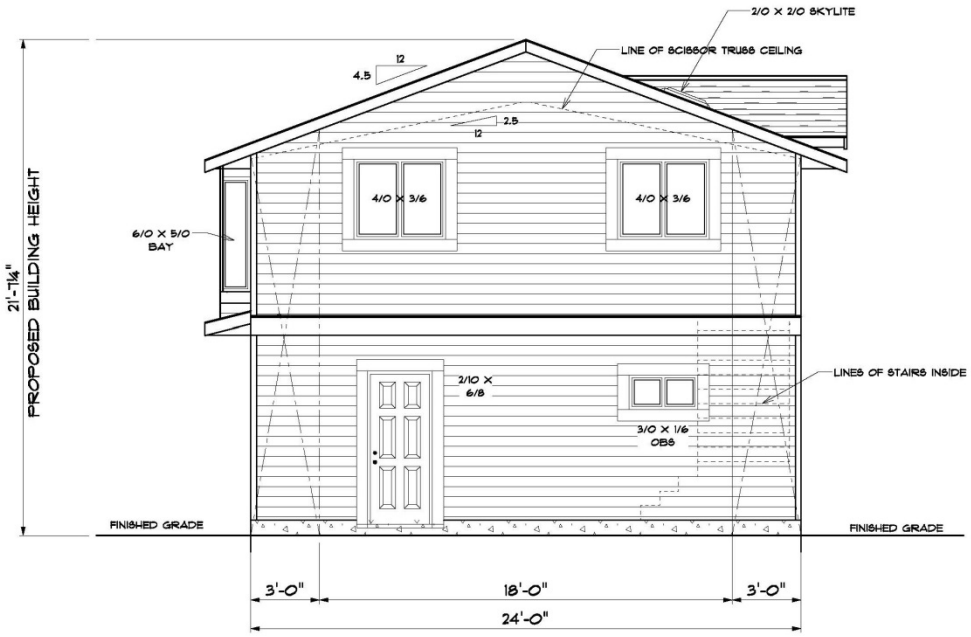
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE ____ DAY OF _____201__.

_____
Mayor (A. Stone)

_____
Corporate Officer (J. Winter)

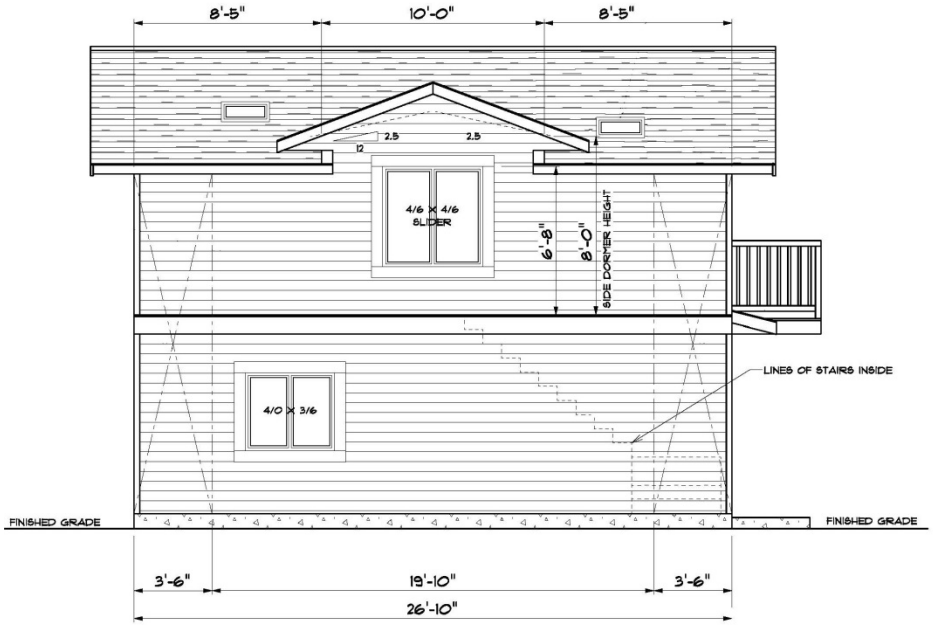
I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Karla Robins or Christopher Robins** other than those contained in this permit.

_____	_____
Signed	Witness
_____	_____
Title	Occupation
_____	_____
Date	Date
_____	_____
Signed	Witness
_____	_____
Title	Occupation
_____	_____
Date	Date



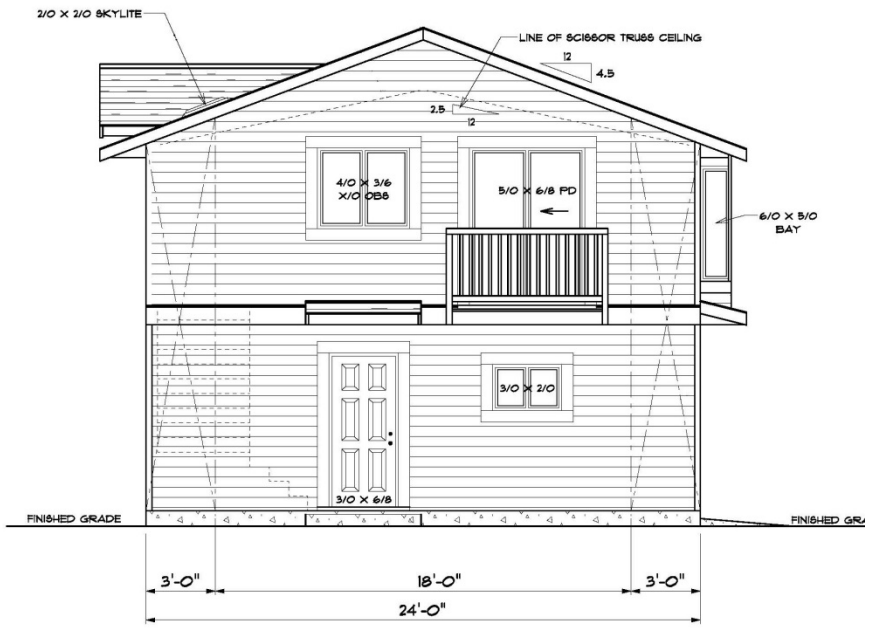
RIGHT ELEVATION (FACING PRINCIPAL DWELLING)

SCALE: 1/4" = 1'-0"



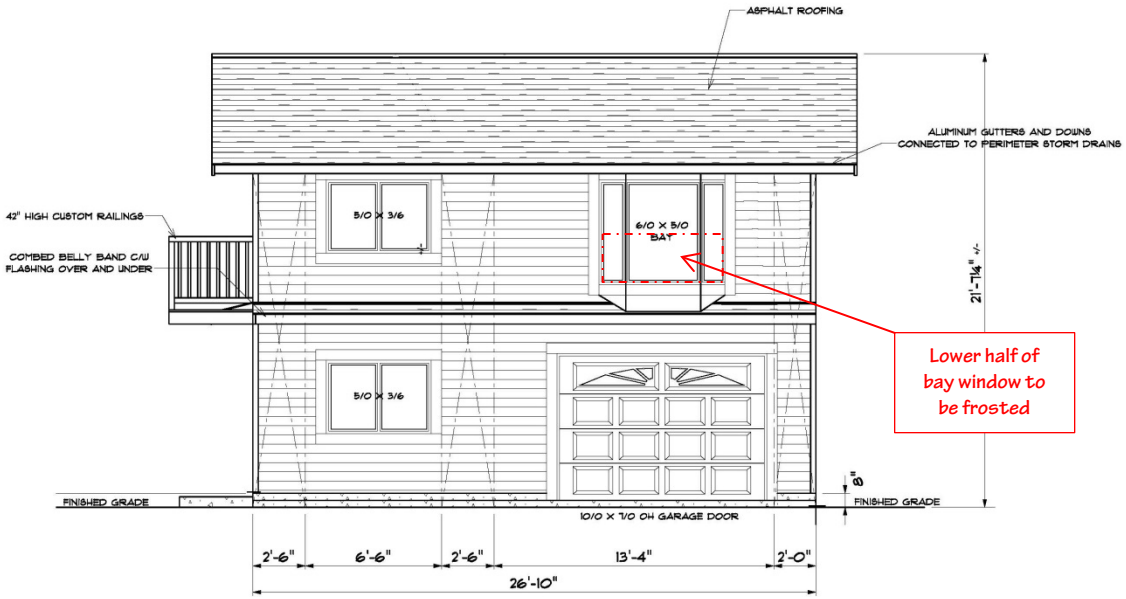
REAR ELEVATION (FACING NORTH NEIGHBOUR)

SCALE: 1/4" = 1'-0"



LEFT ELEVATION (FACING REAR LANE)

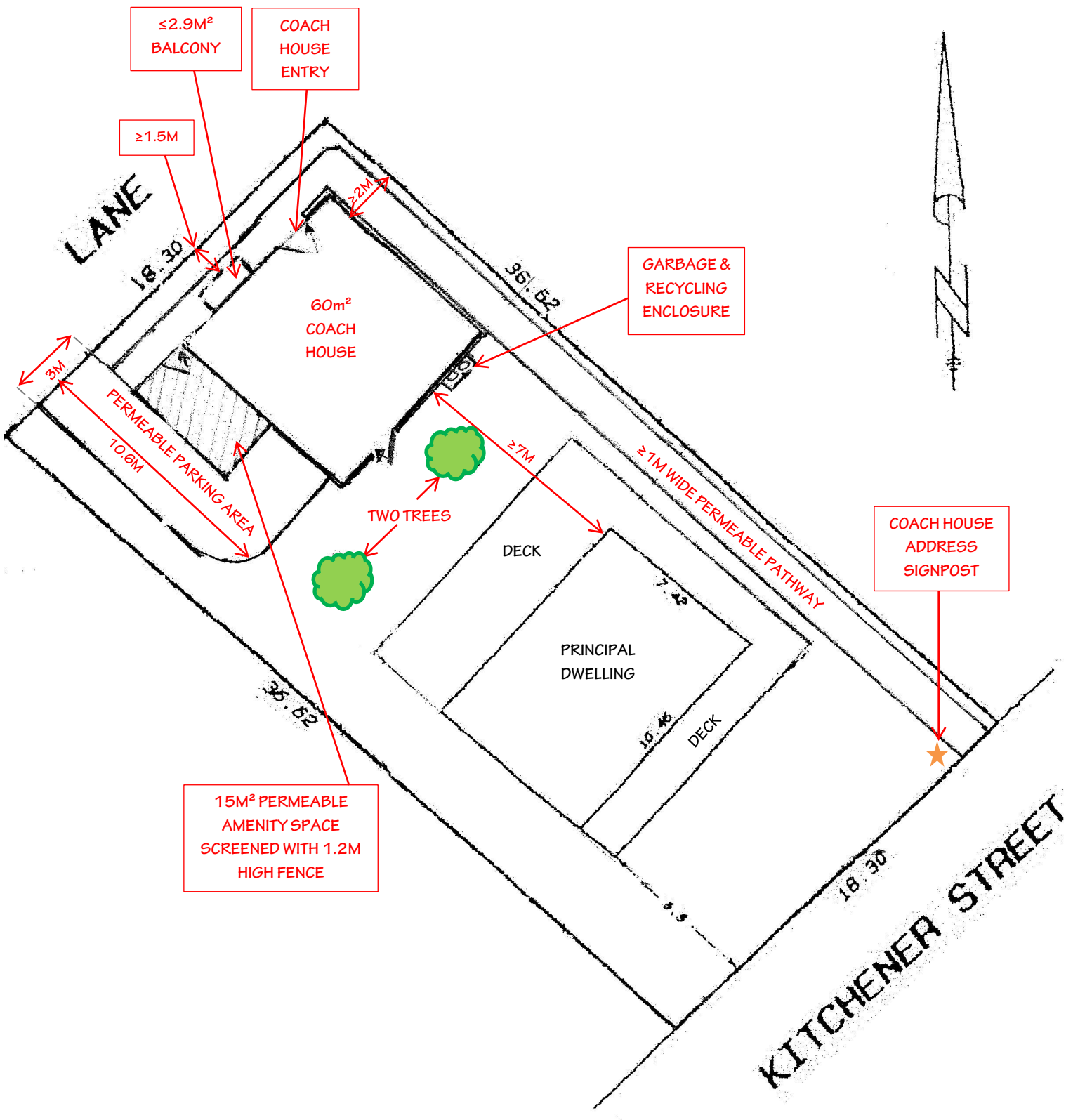
SCALE: 1/4" = 1'-0"



FRONT ELEVATION (FACING SOUTH NEIGHBOUR)

SCALE: 1/4" = 1'-0"

Schedule A – Elevation Plan
DP 3060-19-09
512 Kitchener Street
Karla Robins & Christopher Robins



Schedule B – Site Plan
DP 3060-19-09
512 Kitchener Street
Karla Robins & Christopher Robins

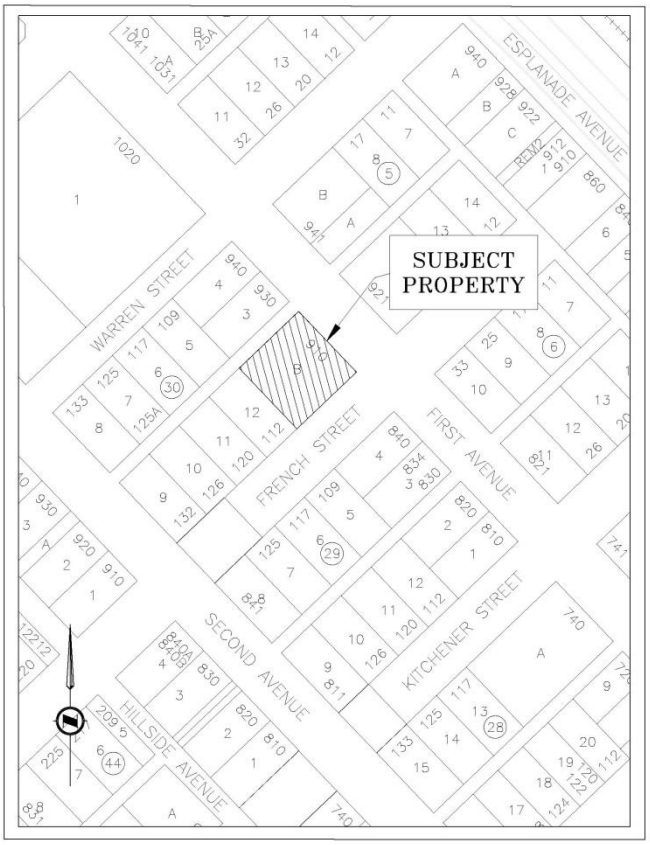
STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
Date: August 13, 2019
Report Reviewed By: Lisa Brinkman, Senior Planner
Meeting Date: August 19, 2019
File No: **DVP 3090-19-07**
RE: **DEVELOPMENT VARIANCE PERMIT – THRIFT STORE 910 FIRST AVENUE**

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-19-07 to vary:
   i. the required number of off-street parking spaces such that seven off-street parking spaces shall be required, consisting of two small car and five standard spaces;
   ii. the rear parcel line setback for a principal building from 3.0m to 2.3m; and
   iii. the rear parcel line setback for a garbage and recycling enclosure from 1.0m to 0.25m.
2. Authorize Mayor and Corporate Officer to sign Development Variance Permit 3090-19-07.



PURPOSE:

The purpose of this report is to present for Council's consideration a development variance permit (DVP) application for proposed variances to Zoning Bylaw No. 1860 setbacks and parking regulations. The applicant is proposing to construct an addition and related building and site improvements to the Thrift Store located at 910 First Avenue.

PREVIOUS COUNCIL DIRECTION:

Meeting Date & Resolution #	Council Resolution
June 17th, 2019 CS 2019-223	That Council: 1. Issue Development Permit (DP) 3060-18-22 for the form and character of site and building improvements at Parcel B (being a consolidation of Lots 1 and 2, see CA7428266) Block 30, District Lot 24, Oyster District, Plan 703A (910 First Avenue); Subject to the property owner: i. submitting a landscape bond of $4500 to ensure landscape installation; ii. registering a right-of-way on the certificate of title for the turnaround space off the lane; iii. obtaining a development variance permit (DVP) for a reduction of the rear parcel line setback for the building addition and garbage enclosure; and iv. obtaining a DVP for a reduction of the off-street parking space requirements. And that the Mayor and Corporate Officer be authorized to sign the Development Permit once the subject conditions have been met. 2. Direct Staff to: a. assign an on-street public 15 minute parking space on French Street, near the Thrift Store customer entrance, to allow for donation drop-off and loading; and b. formalize the on-street public parking space for persons with disabilities on French Street.

INTRODUCTION/BACKGROUND:

The subject property, located at 910 First Avenue, contains the Ladysmith Health Care Auxiliary Thrift Store, a dwelling, and an accessory building. The applicant is proposing that the dwelling and accessory building be removed to accommodate for the construction of an addition to the Thrift Store building and related building and site improvements, including off-street parking. The subject property is within the Downtown Commercial (C-2) zone and the Downtown Development Permit Area (DPA 2). The proposed project was reviewed for compliance with the Zoning Bylaw and the DPA 2 guidelines during the review process for DP 3060-18-22, which was issued by Council on June 17th, 2019. As a condition of the DP, the applicant was required to apply for a DVP in order to allow a reduced number of required parking spaces and to also reduce the rear parcel line setback.

DISCUSSION:

Parking:

For the Thrift Store building and proposed addition, the Calculation of Off-Street Parking Spaces regulations require 26 off-street parking spaces, 2 off-street loading spaces and 2 off-street spaces for persons with disabilities. Likewise, the Calculation of Off-Street Bicycle Parking Spaces regulations require 2 off-street Class A (enclosed) secured bike spaces, and 3 off-street Class B (outdoor) short-term bike spaces in the form of a bike rack. The applicant is proposing the following parking alternatives and variances:

- The applicant is proposing 7 new off-street parking spaces (5 standard and 2 small car), thus a variance of 19 off-street parking spaces has been requested. The Thrift Store does not currently provide off-street parking thus the proposed 7 new spaces may assist with reducing the demand for street parking by volunteers.
- A variance of 2 loading spaces has been requested. The Thrift Store wishes to continue using an on-street parking space on French Street for loading and donations drop-off. On June 17th, 2019 Council passed a motion to direct staff to assign this parking space as a public 15 minute space to allow for donation drop-off and loading.
- The applicant has requested a variance of 2 parking spaces for persons with disabilities. On June 17th, 2019 Council passed a motion to direct staff to formalize the on-street public parking space for persons with disabilities on French Street.
- The applicant is proposing to construct the required Class B off-street bike rack. No Class A bike spaces are proposed, thus a variance of 2 Class A bike spaces has been requested.

Table 1: Zoning Bylaw Parking Requirements

	Required Off-Street	**Proposed Off-Street**	**Proposed Variance**
Standard spaces	26	7	19
Loading spaces	2	0	2
Spaces for persons with disabilities	2	0	2
Bicycle spaces	1 Class B (outdoor) bike rack for 3 bikes 2 Class A (enclosed) bike spaces	1 Class B (outdoor) bike rack for 3 bikes 0 Class A (enclosed) bike spaces	2 Class A (enclosed) bike spaces

Setbacks:

The subject property is zoned Downtown Commercial (C-2). The existing Thrift Store building is located 2.3m from the rear parcel line. Likewise, the building addition is proposed to be located 2.3m from the rear parcel line. The rear parcel line setback for a principal building in the C-2 zone is 3m, thus a variance of 0.7m has been requested.

The applicant has also proposed to place a garbage and recycling enclosure 0.25m from the rear parcel line. The existing garbage and recycling bins are not proposed to change from their current siting, but the applicant is proposing to screen them within an accessory structure. The rear parcel line setback for accessory buildings/structures less than 10m² is 1m, thus a variance of 0.75m has been requested. The proposed structure will partially screen the bins from view such that they will only be visible from French Street. Table 2, below, summarizes the required and proposed setbacks, as well as the proposed variances.

Table 2: Setbacks – 910 First Avenue

Principal Building Setbacks				
	Existing building setback	**Proposed building setback**	**Required setback**	**Proposed variance**
Front parcel line	3.5m	6.0m	0.0m	None

(First Ave.)				
Side parcel line (French St.)	1.0m	N/A	0.0m	None
Side parcel line (lane)	N/A	7.5m	0.0m	None
Rear parcel line (adjacent to Telford's Funeral Home)	2.3m	2.3m	3.0m	0.7m
Accessory Buildings less than 10m² Setbacks				
Front parcel line	N/A	>6.0m	6.0m	None
Side parcel line (French St.)	N/A	1.2m	1.0m	None
Side parcel line	N/A	>1.0m	1.0m	None
Rear parcel line	N/A	0.25m	1.0m	0.75m

ALTERNATIVES:

A. That Council not support DVP 3090-19-07.
B. That Council support DVP 3090-19-07 subject to conditions determined by Council.

FINANCIAL IMPLICATIONS;

N/A

LEGAL IMPLICATIONS;

The Local Government Act enables Council to vary zoning regulations, except use and density regulations, through the issuance of a DVP. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Procedures Bylaw No. 1667 provides that DVP applications may proceed directly to neighbourhood notice. The notice regarding DVP 3090-19-07 was delivered and sent to neighbouring properties within 60m of the subject property on August 1st, 2019.

At the time of writing this report, the Town received two letters with concerns regarding the proposed parking variances. To help address parking concerns, Council may wish to consider street improvements for French Street (e.g. curbing, paving and parking) in a future Financial Plan.

Council can also choose to impose conditions on DVP 3090-19-07, such as a contribution from the property owner to the municipal parking fund. The 'parking pay-in-lieu' option in section 8.2(3) of the Zoning Bylaw allows a property owner to pay $4000 per off-street parking space to the municipal parking fund in lieu of the required off-street parking spaces; this may be applied to 50% of the required off-street parking spaces. The intention is that the money is used to improve off-street parking spaces or transportation infrastructure that supports walking,

bicycling, public transit or other alternative forms of transportation, in accordance with section 188.2(d) of the Community Charter.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Staff in the Infrastructure Services Department have reviewed the proposed development and advise that infrastructure improvements will be required at the building permit stage.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☐Complete Community Land Use
☐Green Buildings
☐Innovative Infrastructure
☐Healthy Community
☐ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☒ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐Employment & Tax Diversity
☐Watershed Protection & Water Management
☐Communications & Engagement
☐ Natural & Built Infrastructure
☐ Partnerships
☒ Not Applicable

SUMMARY:

Council may consider approving DVP 3090-19-07.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

DVP 3090-19-07

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act)*

FILE NO: 3090-19-07

DATE: August 19, 2019

Name of Owner(s) of Land (Permittee): Ladysmith Health Care Auxiliary, Inc. No. S-0025730

Applicant: Jack Anderson (Anderson Greenplan Ltd.)

Subject Property (Civic Address): 910 First Avenue

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1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

   Parcel B (Being a Consolidation of Lots 1 and 2, See CA7428266)
   Block 30
   District Lot 24
   Oyster District
   Plan 703A
   PID# 030-754-453
   (910 First Avenue)

3. Section 8.2(1) "Calculation of Off-Street Parking Spaces" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied such that seven off-street parking spaces shall be required on the Land (two small car parking spaces and five standard parking spaces) as shown in **Schedule A: Site Plan**.

4. Section 8.2(6) "Parking Spaces for Persons with Disabilities" of the "Town of Ladysmith Zoning Bylaw 2014. No. 1860", as amended, is varied such that no off-street parking spaces for persons with disabilities shall be required.

5. Section 8.2(7) "Off-Street Loading Spaces" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied such that no off-street loading spaces shall be required.

6. Section 8.3(1) "Calculation of Off-Street Bicycle Parking Spaces" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied such that no Class A secured bicycle parking spaces shall be required.

7. Section 11.2(5)(c) in the Downtown Commercial (C-2) zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied as follows:

From:

(c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
Front Parcel Line	0.0 metres
Interior or *Exterior Side Parcel Line*	0.0 metres
Rear Parcel Line	3.0 metres

To:

(c) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
Front Parcel Line	0.0 metres
Interior or *Exterior Side Parcel Line*	0.0 metres
Rear Parcel Line	2.3 metres as shown on **Schedule A: Site Plan**

8. Section 11.2(5)(d) in the Downtown Commercial (C-2) zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied as follows:

From:

(d) No *Accessory Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M²	MINIMUM SETBACK ≥ 10.0 M²
Front Parcel Line	6.0 metres	0.0 metres
Interior or *Exterior Side Parcel Line*	1.0 metres	1.5 metres
Rear Parcel Line	1.0 metres	1.5 metres

To:

(d) No *Accessory Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK ≤ 10.0 M²	MINIMUM SETBACK ≥ 10.0 M²
Front Parcel Line	6.0 metres	0.0 metres
Interior or *Exterior Side Parcel Line*	1.0 metres	1.5 metres
Rear Parcel Line	0.25 metres for a garbage and recycling enclosure as shown on **Schedule A: Site Plan**	1.5 metres

9. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.

10. The following plans and specifications are attached:
    a) Schedule A: Site Plan

11. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act,* and upon such filing, the terms of this Permit (3090-19-07) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

12. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

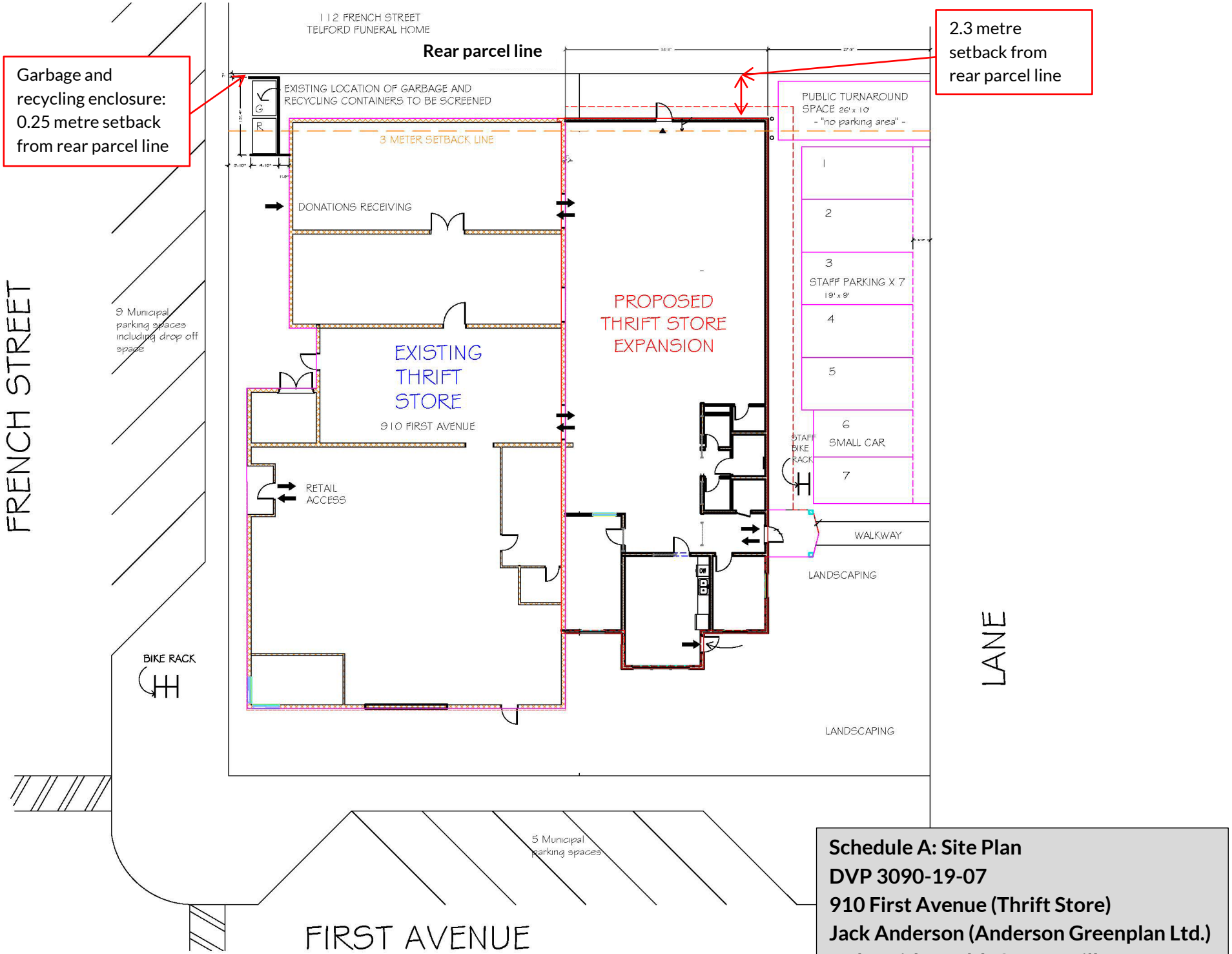
AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF 2019.

_____
Mayor (A. Stone)

_____
Corporate Officer (J. Winter)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Jack Anderson (Anderson Greenplan Ltd.) other than those contained in this permit.

_____	_____
Signed	Witness
_____	_____
Title	Occupation
_____	_____
Date	Date
_____	_____
Signed	Witness
_____	_____
Title	Occupation
_____	_____
Date	Date



Schedule A: Site Plan
DVP 3090-19-07
910 First Avenue (Thrift Store)
Jack Anderson (Anderson Greenplan Ltd.)
Ladysmith Health Care Auxillary

Received August 8, 2019

Within Circulation Area

Julie,

We received the variance permit application for the above parcel across the street from our Hall, (Eagles Hall).

At our Tuesday's board of directors' meeting, we agreed to oppose the variance requested.

When we expanded our Hall in 1995-96, we had to include on site parking at the rate of 1 stall for 10 person occupancy which forced us to limit our occupancy to 170 as we only had space for 17 stalls. We have since expanded our parking facility to 31 stalls including 2 handicapped designated to support the events within our Hall.

Very frequently, when we have events scheduled in our Hall, we find ourselves without available parking stalls on our lot directly because of the traffic generated by the Thrift Store across the street. We find this situation unfair to us that they can expand their business without provision for adequate on site parking spaces. Their expanded facility will compound into more traffic generated therefore more of their patrons using our parking lot.

Thank you,

Mike Sauvageau
Secretary/Treasurer
Ladysmith Eagles Club
DBA Ladysmith 2101 Home Society
921 First Ave, Ladysmith

RECEIVED
Aug 13/19

Ms. Julie Thompson,
Planner,
Town of Ladysmith,

8 Aug./19

Within Circulation Area

Re: Developement Variuance Permit DVP 3090-19-07:

The proposed application for a developement variance permit by Anderson Greenplan Ltd. on behalf of the Ladysmith Hospital AuxiliaryThrift Store is fraught with problems.

As residents of the 100 block of French Street, we have endured years of traffic congestion and parking problems, caused by the the lack of parking spaces and a commercial business on First Avenue that uses French Street as its entrance. To ask for a reduction in parking spaces, while increasing the size, and thus the traffic, when there is all ready a severe shortage of parking, is nothing short of ludicrous! As it is, the few residential parking spaces on French Street are constantly used by Thrift Store patrons, leaving little or no parking available for residents of the 100 block. There should be no allowed reduction of the required parking spaces!

Also, the present residential parking spaces should be clearly signed as "residential parking only".

Further, in order to reduce traffic congestion, the entrance to the Thrift Store should be relocated to First Avenue, which is a commercially zoned area with a large number of seldom used parking spaces. A new entrance would easily be accomplished with stairs or a ramp off First Avenue, on the alley side of the proposed new building. Then, not only would patron traffic move towards the underutilised commercial parking spaces of First Avenue, but the congestion on French Street would also be alleviated in the residential area.

Yours Truly,

W.D. Matthewman.
per: The residents of 100 block French Street.

INFORMATION REPORT TO COUNCIL

Report Prepared By: **Erin Anderson, Director of Financial Services**
Date: **August 8, 2019**
Report Reviewed By:
Meeting Date: **August 19, 2019**
File No:
RE: **2019 OUTSTANDING BUSINESS LICENCES**

RECOMMENDATION:

That Council receive for information purposes the listing of outstanding business licences for 2019.

PURPOSE:

The purpose of this report is to inform Council of the businesses currently operating without a valid Business Licence.

DISCUSSION:

Business Licence Bylaw No. 1513, 2003 requires that all businesses conducting commercial or industrial activity must have a valid business licence. The current fee for an Inter-Municipal Business Licence, valid in Ladysmith, Duncan, North Cowichan and Lake Cowichan is $100. The fee was due February 28, 2019 after which a $25.00 penalty was applied.

An invoice and reminder statement was sent to each of the businesses. A final letter notifying the businesses that if payment was not received by June 28, the information would be forwarded to Council as well as to a collection agency.

The following businesses have not paid. Balance includes any amounts from previous year:

3-K Repair		$125
Earl R Wallace Electric & Heating Ltd		$125
Epinfosys		$250
JP Roofing and Construction Ltd	$275	
Medix Holdings Ltd		$275
Phoenix Restaurant (The)		$125
R & S Tree Service		$275
VI Pain Clinic		$125
Wicked Nails		$125

SUMMARY POINTS:

- All business operating within Ladysmith are required to obtain a business licence

- Business Licences are due February 28
- There is currently $1,700 outstanding business licence revenue and penalties.
- These outstanding businesses will be sent to a collection agency for action.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):
none

STAFF REPORT TO COUNCIL

Report Prepared By: Joanna Winter, Manager of Legislative Services
Date: July 31, 2019
Report Reviewed By: Guillermo Ferrero, CAO
Meeting Date: August 19, 2019
File No: 4320-20
RE: RESULTS OF SURVEY ON RETAIL SALE OF CANNABIS IN LADYSMITH

RECOMMENDATION:

That Council:

1. Receive the report "Community Survey on Retail Sale of Cannabis" May 2019 (Mustel Group) and summary of social media and PlaceSpeak public engagement regarding the retail sale of cannabis; and
2. Direct staff to review best practices from other municipalities in B.C. and utilize the public engagement results, to report back to Council with recommendations to permit the retail sale of cannabis in Ladysmith.

PURPOSE:

The purpose of this report is to provide the results of the recent survey sent to all households in Ladysmith to determine public opinion regarding the sale of cannabis in Ladysmith.

PREVIOUS COUNCIL DIRECTION

Resolution	MeetingDate	ResolutionDetails
CS 2018-346	09/17/2018	That Council: 1. Approve the proposed public survey on the retail sale of cannabis in Ladysmith 2. Direct that the survey be mailed to every household in Ladysmith
CS 2019-118	04/01/2019	That Council: 1. Continue with the proposed community consultation on the retail sale of cannabis in Ladysmith. 2. Approach the Ladysmith Fishermen's Wharf Association (Ladysmith Harbour Authority) expressing their interest in providing a representative from the Town to sit on the board of the Association.

Resolution	MeetingDate	ResolutionDetails
CS 2018-063	03/05/2018	1. That the Town initiate a community dialogue regarding the retail sale of cannabis within the Town of Ladysmith. 2. That Council direct staff to prepare a list of options for community engagement as well as a proposed budget allocation for consideration. 3. That Council establish an ad hoc committee of three Council members to support the public consultation process on the retail sale of cannabis in the Town of Ladysmith.

INTRODUCTION/BACKGROUND:

Recognizing that the legalization of cannabis in 2018 throughout Canada would increase demand for retail sales of Cannabis, Council struck a sub-committee to investigate how best to approach the matter of retail sales of cannabis in Ladysmith. Under a Zoning Bylaw amendment adopted in 2017, the retail sale of cannabis is currently prohibited in the town of Ladysmith.

The Town contracted with Mustel Group Market Research to conduct the survey that the sub-committee developed.

The survey was mailed to each household within the Town boundaries, along with a cover letter from the Mayor. Residents were provided with the choice to return a paper survey, or to complete the survey online. If the online option was chosen, respondents used a unique identifier provided in order to maintain the validity of the survey methodology, as the unique identifier could only be used once. Similarly, photocopied versions of the survey were not accepted. Additional numbered copies of the survey were available at City Hall for residents who either did not receive the survey in the mail, or had additional members of their household who wanted to take part.

A separate open link to the online version of the questionnaire was also provided for anyone who did not receive a paper copy. The results of this open survey were tracked separately.

The surveys were mailed on April 25, 2019 and residents were instructed to complete their survey and put it in the mail by May 22. Surveys were accepted and processed until June 3, 2019.

Surveys were mailed to 3461 households, and a further 3 surveys with unique identifiers were handed out at City Hall.

A total of 1,492 surveys were received. Of those, 1,195 had unique identifiers, while 297 were completed using the open online survey.

The response rate with unique identifiers was 34.53 per cent. The margin of error on a random sample of 1,195 would be +/- 2.3 per cent at the 95 per cent confidence level.

Staff implemented a social media campaign on Twitter, Facebook and the Town's website to let residents know about the survey, and to encourage its completion. In addition, staff set up a complementary page on the public engagement platform PlaceSpeak to invite further discussion on the topic. A summary of the campaign and input received is attached.

Survey Results
Detailed response rates are found in the Mustel report attached. The results of the unique household survey are summarized as follows:

- The majority of residents (59 per cent)support the retail sale of cannabis in Ladysmith, while 37 per cent are opposed
- Residents most commonly felt that one (40 per cent) or two (28 per cent) outlets should be allowed. Note that 73 per cent of those *opposed* to the sale of cannabis felt that one outlet is preferable
- Residents most commonly felt that outlets should be at least one kilometer apart (41 per cent)
- Coronation Square and Downtown were the most preferred locations for outlets. Of note is that a nearly equal number (36 per cent) of respondents felt that sales should be permitted wherever retail sales are currently allowed
- Residents feel that there should be distance rules established for schools, playgrounds, daycares and park entrances. Although there was no clear preference for what that distance should be, the majority who responded felt that between 200 and 500 metres is appropriate

Approach to cannabis sales in other communities
Staff have collected preliminary information for other communities, and will provide analysis in an upcoming report.

ALTERNATIVES:
Options Council can consider include:

1. Maintain the current ban on the retail sale of cannabis; OR
2. Direct staff to review best practices from other municipalities in B.C., utilize the public engagement results, and report back to Council with recommendations to permit the retail sale of cannabis in Ladysmith.

FINANCIAL IMPLICATIONS;
There are no financial implications identified at this time.

LEGAL IMPLICATIONS;

If retail outlets are permitted in Ladysmith, they will have to comply with federal and provincial regulations governing the display and marketing of cannabis for sale.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Council conducted the survey to gauge public opinion on the matter of retail sales of cannabis in Ladysmith. The response rate is a credible measure of how residents feel about the issue.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

It is recommended that Development Services staff review best practices from other municipalities in B.C. and utilize the public engagement results, to report back to Council with recommendations to permit the retail sale of cannabis in Ladysmith.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☐Complete Community Land Use
☐Green Buildings
☐Innovative Infrastructure
☐Healthy Community
☒ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐Employment & Tax Diversity
☐Watershed Protection & Water Management
☐Communications & Engagement
☐ Natural & Built Infrastructure
☐ Partnerships
☒ Not Applicable

SUMMARY:

The results of Council's public survey on the retail sales of cannabis in Ladysmith are provided for Council's information. Council is requested to provide further direction to staff on next steps if it wishes to permit cannabis retail outlets in the community.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Community Survey on Retail Survey of Cannabis (Mustel Group – May 2019)
Summary of engagement input (social media and PlaceSpeak)

May 2019

Town of Ladysmith

Community Survey on Retail Sale of Cannabis

MUSTEL GROUP
MARKET RESEARCH

Foreword

Background

Recreational cannabis became legal in Canada on October 17, 2018. While the Province of BC is responsible for regulating the sale and use of cannabis in the province, the Town of Ladysmith can control where non-medical cannabis can be sold in the community. Therefore, the Town of Ladysmith engaged a professional opinion research firm, Mustel Group, to survey its residents to gather input to help shape those decisions.

The brief survey provides residents the opportunity to provide opinions about where in the community non-medical cannabis should be sold.

Methodology

- The questionnaire was designed with input from Council and staff. It was mailed to each household within the township boundaries (a total of 3,461 households). A letter of introduction by the Mayor with instructions for returning the survey were included with the survey.
- A choice was provided of completing a paper version or on-line version of the questionnaire. If completing the questionnaire on-line, a unique code was provided. Residents were also provided the opportunity and instructions for completing a second questionnaire, if another household member wished to do so.
- A separate "open" link to the on-line version of the questionnaire was also provided for anyone who did not receive a paper copy and wished to be included in the survey.
- Around the time that the surveys were mailed to households, the Town promoted the survey via social media, sharing the link to the Town's website where the online survey was made available.
- The paper household surveys were mailed April 29, 2019 and residents were instructed to complete their survey and put it in the mail by May 22, 2019. Surveys were accepted and processed until June 3, 2019.
- On conclusion of the survey fieldwork period, a total of 1,492 completed surveys were received. Of that, 1,195 were completed using unique household codes (856 on paper and 339 online), and 297 were completed using the open link (not requiring a unique household code).
- Survey results are presented in this report as two separate groups. The "Household Survey" that includes results from all those responding using a unique verified household code, and the "Open Link Survey" that includes those that completed a survey without using a household code.
- At the data processing stage, minor weighting by age and gender was applied to the household surveys to match Statistics Canada census data for the Town of Ladysmith.
- The margin of error on a random sample of 1,195 would be +/-2.3% at the 95% confidence level, using the finite sample correction factor, applied when a sample is greater than 10% of its universe.
- The questionnaire administered is appended to the report. Detailed computer tabulations are available under separate cover.

Executive Overview

Support for Retail Cannabis Businesses

- The majority of residents expresses support for retail businesses in the Town of Ladysmith, including approximately six-in-ten amongst the household sample (59%) and more than eight-in-ten among the open link sample (83%).

Number of Businesses

- When asked how many retail cannabis businesses should be allowed in the Town of Ladysmith, residents most commonly felt one (40%) or two (28%) would be appropriate.

Distance Between Cannabis Outlets

- In terms of proximity to each other, residents most commonly felt, if there were more than one retail cannabis outlet they should be spaced at least one kilometre or more apart (41%).
- This compares with 15% who think they should be no more than 5 blocks apart, however 27% feels there should be no distance restrictions in place.

Preferred Locations

- Coronation Square (35%) and Downtown (33%), are the most commonly preferred locations, however a further 36% of residents feels that such stores should be allowed wherever retail sales are currently allowed.

Distance Rules Between Outlets and Other Uses

- Residents most commonly feel there should be distance rules established for schools, playgrounds, daycares, and park entrances.
- Opinion varies as to what the distance rules should be, with residents most commonly feeling that a distance of between 200 and 500 metres is appropriate (33%, or 58% of those with an opinion).

MUSTEL GROUP
MARKET RESEARCH

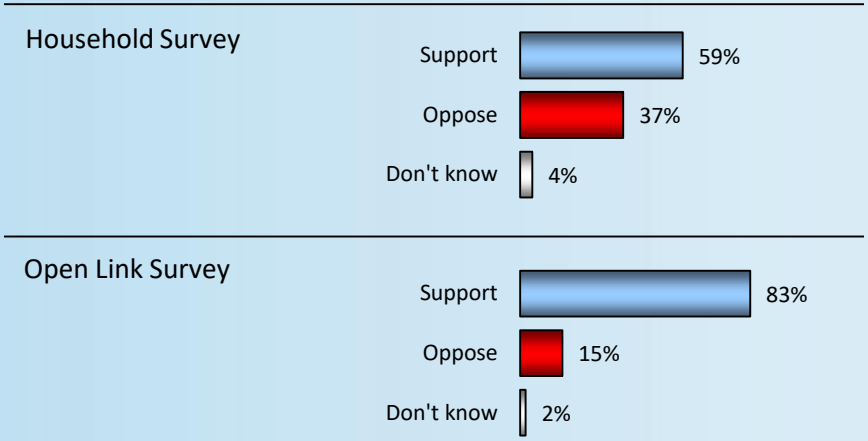
Detailed Findings

Demographic Profile of Responses

	Random Survey (1,195) %	Opt-in Survey (297) %
Gender		
Male	45	34
Female	51	65
Other	<1	<1
Prefer not to say	4	<1
Age		
Under 35 years	17	24
35 to 44	13	28
45 to 54	17	16
55 to 64	20	18
65 or better	33	15
Prefer not to say	1	-

- This report presents survey responses from two samples. The first includes **"Household Surveys"**, those who completed a paper survey that was mailed to their home or completed a survey online using the unique code that was printed on the paper survey mailed to their home. A minor weighting factor was applied to this sample to ensure it is representative of the population according to age and gender.
- The second sample includes those who completed an online survey using the **"Open Link"** without entering a unique household code. Many of these surveys were completed in response to the social media promotion by the Town of Ladysmith via Facebook and Twitter. The profile of these respondents skews somewhat towards females (65%), and younger residents (52% are under the age of 45).

Support for Retail Cannabis Businesses in Ladysmith

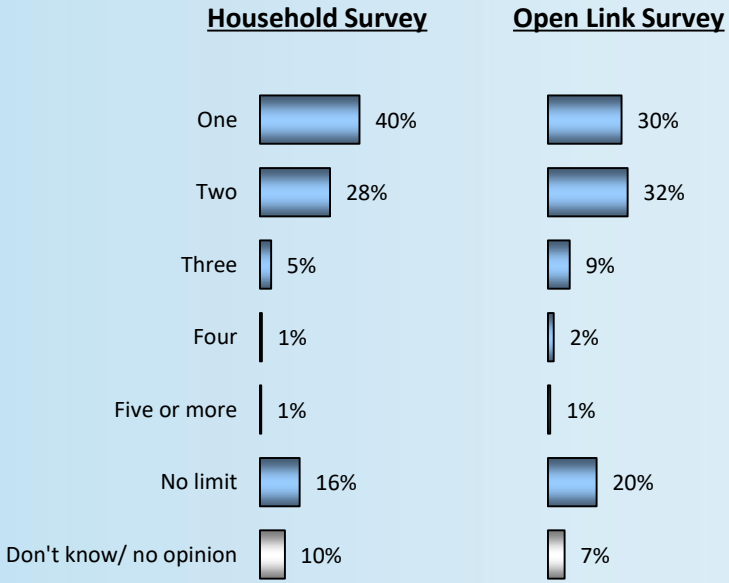


- The first question in the survey asked residents if they support or oppose the opening of retail cannabis businesses in the Town of Ladysmith. The majority in each sample expresses support for retail businesses in the town, including approximately six-in-ten amongst the household sample and more than eight-in-ten among the open link sample.
- Strongest support comes from those aged under 35 (71%) and those aged 55 to 64 (64%), compared with those aged 35 to 54 years (54%) and those 65+ (53%).

Base: Household Survey (n=1,195)
Open Link Survey (n=297)

Q.1) Overall, do you support or oppose the opening of retail cannabis business(es) in the Town of Ladysmith?

Number of Retail Cannabis Businesses Allowed in Ladysmith

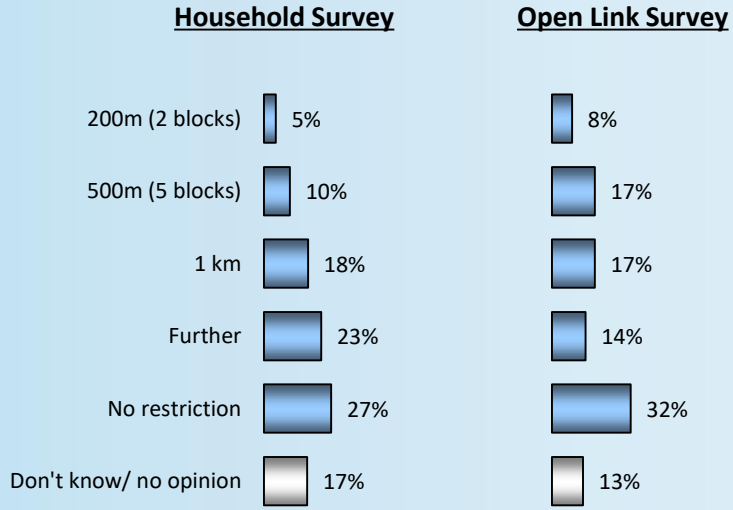


- When asked how many retail cannabis businesses should be allowed in the Town of Ladysmith, residents most commonly felt one (40%) or two (28%) would be appropriate.
- Those opposed to allowing retail sale of cannabis in Ladysmith were most likely to accept just one outlet (73%), while those in support were more likely to favour two (43%) or feel that no limit should be imposed (27%).
- This opinion was largely consistent between the two sample groups.

Base: Household Survey (n=1,195)
Open Link Survey (n=297)

Q.2) If Council allows the opening of retail cannabis businesses, how many should be allowed in the Town of Ladysmith?

Distance Between Cannabis Outlets

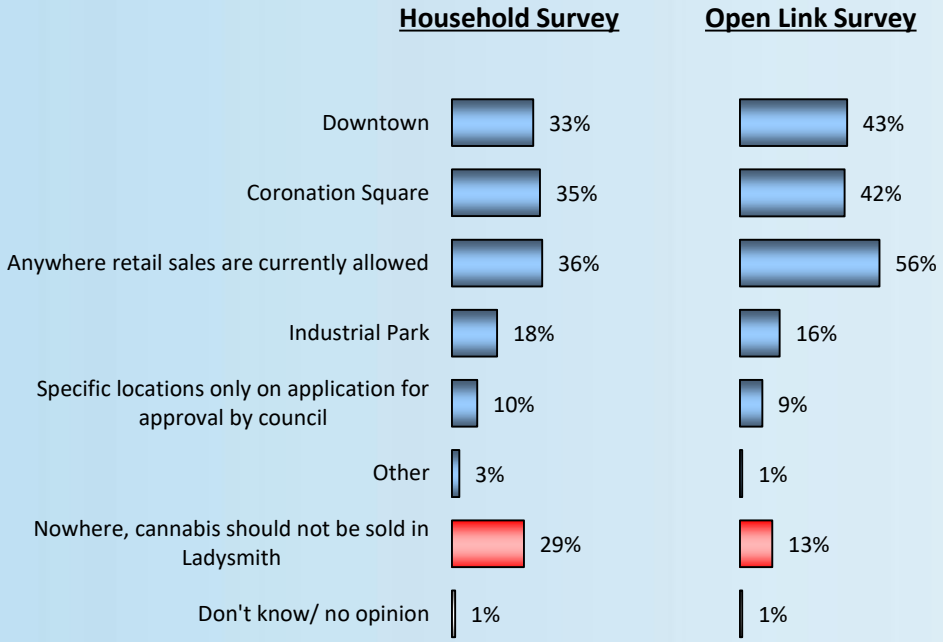


- In terms of proximity to each other, residents most commonly felt, if there were more than one retail cannabis outlet they should be spaced at least one kilometre or more apart (41%).
- This compares with 15% who think they should be no more than 5 blocks apart, however 27% feels there should be no distance restrictions in place.
- Those responding to the open link are more likely to feel the stores should be no more than 5 blocks apart (25%), or there should be no distance restrictions in place (32%).

Base: Household Survey (n=1,195)
Open Link Survey (n=297)

Q.3) If Council supports the opening of more than one cannabis outlet, how far apart from each other do you think cannabis outlets should be located?

Preferred Locations for Retail Cannabis Stores

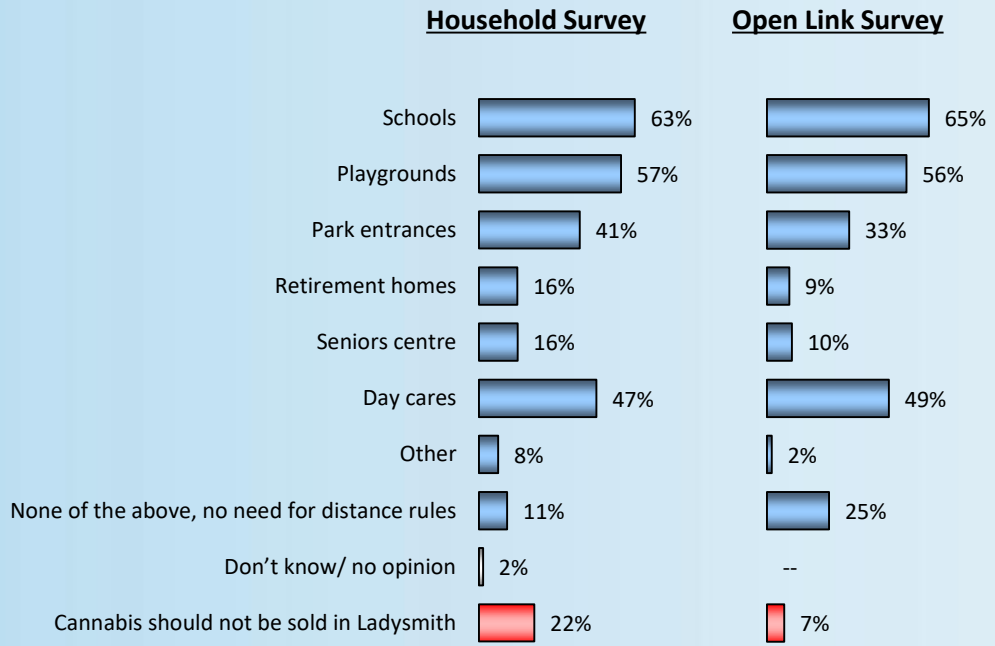


- The most commonly preferred specific locations for the placement of retail cannabis outlets include Coronation Square (35%) and Downtown (33%), however a further 36% of residents feels that such stores should be allowed wherever retail sales are currently allowed.
- Opinion among those responding to the open link largely reflects that of the household results, though more than half feels stores should be allowed wherever retail sales are allowed (56%).

Base: Household Survey (n=1,195)
Open Link Survey (n=297)

Q.4) Where do you think cannabis retail sales should be allowed? (please check all that apply)

Distance Rules Between Cannabis Outlets and Other Uses

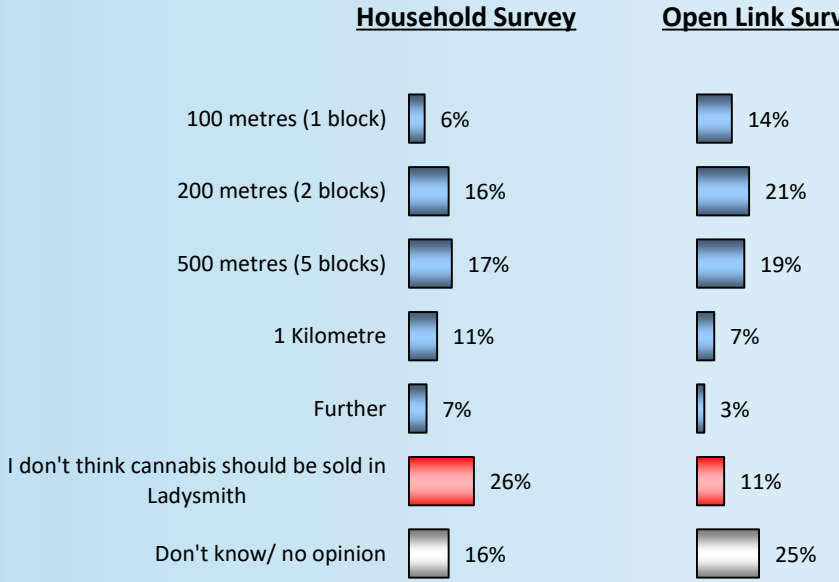


- Only one-in-ten residents feels there is no need for distance rules to be established between retail cannabis stores and other town uses.
- Residents most commonly feel there should be distance rules established for schools, playgrounds, daycares, and park entrances.
- Far fewer residents feel a need for such distance rules to be applied to seniors centres or retirement homes.

Base: Household Survey (n=1,195)
Open Link Survey (n=297)

Q.5) If approved, should Ladysmith establish distance rules between cannabis outlets and any of the following other uses: (please check all that apply)

Established Distances Between Cannabis Outlets and Other Uses



- Opinion varies as to what the distance rules should be, with residents most commonly feeling that a distance of between 200 and 500 metres is appropriate (33%, or 58% of those with an opinion).

Base: Household Survey (n=1,195)
Open Link Survey (n=297)

Q.6) If you believe distance rules should be established, what should they be (i.e. how far should cannabis outlets be from the various other uses such as schools, park entrances or Seniors Centres)?

MUSTEL GROUP
MARKET RESEARCH

Questionnaire

April 29, 2019

Dear Resident:

RE: RETAIL SALE OF CANNABIS IN LADYSMITH

On behalf of Council and staff of the Town of Ladysmith, I invite you to participate in helping to shape our Town's approach to Canada's cannabis laws by completing a very brief survey.

There are two ways to complete your survey:

On Paper: Complete this paper survey and return it in the postage-paid return envelope.

Online: Simply go to www.ladysmith.ca/survey and click the *survey link for residents* where you will be asked to enter your household's survey code (see below). If someone else in your household would like to complete a survey, see the enclosed information sheet for how to do this.

We take this survey very seriously and your opinions will help Council decide how to regulate the retail sale of recreational cannabis (marijuana) in Ladysmith. Ladysmith's zoning bylaw does not currently allow the retail sale of recreational cannabis.

Your answers are completely anonymous and will be compiled with all others.

Please complete this survey and put it in the mail by **Wednesday May 22, 2019.**

Recreational cannabis became legal in Canada on October 17, 2018. 'Cannabis' refers to any product made from the leaves and flowers of the cannabis plant. It is also commonly known as marijuana, weed or pot. It can be smoked, used with a vaporizer, or added to food or drinks. Only dried and fresh cannabis, cannabis oils and seeds, and plants for personal cultivation will be legal for purchase. The sale of edible products will remain illegal until federal legislation allows otherwise.

The Province of BC is responsible for regulating the sale and use of cannabis in this province. Many topics related to the legalization of cannabis are beyond the powers of the Town of Ladysmith (see the chart on the back). What we can control is where non-medical cannabis can be sold. So, we want to hear from you about where cannabis should be sold in Ladysmith.

I highly recommend that before you complete the survey, you visit our website and check the back page of this document for background information: www.ladysmith.ca/city-hall/cannabis-consultation

And, you can continue the conversation on Place Speak at: http://placespeak.com/ladysmithcannabis

Thank you for taking the time to provide your thoughts and helping Council to make decisions on this important matter.

Yours truly,

Aaron Stone
Mayor

If you prefer to complete online, please use this Survey Code:

ABC

This is an anonymous survey. We will not see your personal information, and we will not share it. Thank you for taking the time to tell us what you think about this important issue.

1. Overall, do you support or oppose the opening of retail cannabis business(es) in the Town of Ladysmith?

   ❍1 Support
   ❍2 Oppose
   ❍99 Don't Know/No Opinion

2. If Council allows the opening of retail cannabis businesses, how many should be allowed in the Town of Ladysmith?

   ❍1 One ❍2 Two ❍3 Three ❍4 Four ❍5 Five or more ❍6 No Limit
   ❍99 Don't Know/ No opinion

3. If Council supports the opening of more than one cannabis outlet, how far apart from each other do you think cannabis outlets should be located?

   ❍1 200m (2 blocks) ❍2 500m (5 blocks) ❍3 1 km
   ❍4 Further ❍5 No Restriction ❍99 Don't Know/ No Opinion

4. Where do you think cannabis retail sales should be allowed? *(please check all that apply)*

   ❑1 Downtown
   ❑2 Coronation Square
   ❑3 Anywhere retail sales are currently allowed
   ❑4 Industrial park
   ❑5 Specific locations only on application for approval by Council
   ❑96 Other (please specify): _____
   ❑97 Nowhere, cannabis should not be sold in Ladysmith
   ❑99 Don't Know/ No Opinion

5. If approved, should Ladysmith establish distance rules between cannabis outlets and any of the following other uses: *(please check all that apply)*

- ❑1 Schools
- ❑2 Playgrounds
- ❑3 Park entrances
- ❑4 Retirement Homes
- ❑5 Seniors Centre
- ❑6 Day cares
- ❑96 Other (*specify):* _____
- ❑97 None of the above, no need for distance rules
- ❑99 Don't Know/ No Opinion

6. If you believe distance rules should be established, what should they be (*i.e. how far should cannabis outlets be from the various other uses such as schools, park entrances or Seniors Centres*)?

- ❍1 100 metres (1 block)
- ❍2 200 metres (2 blocks)
- ❍3 500 metres (5 blocks)
- ❍4 1 kilometre
- ❍5 Further
- ❍97 I don't think cannabis should be sold in Ladysmith
- ❍99 Don't Know/ No Opinion

Finally, so we know responses are representative of the community, please state:

7. Your gender:
   - ❍1 Male
   - ❍2 Female
   - ❍3 Other

8. Into which age group do you fall:
   - ❍1 Under 19
   - ❍2 19-24
   - ❍3 25-34
   - ❍4 35-44
   - ❍5 45-54
   - ❍6 55-64
   - ❍7 65+

Thank you for your time and valued input!

Legalization of Recreational Cannabis – Who's Responsible for What?

Federal Government	BC Government	Town of Ladysmith (within the federal and provincial legislation)
Possession limits	Set the minimum age to possess, buy or consume cannabis (19)	Zoning and business licensing to determine where cannabis stores may be located
Taxation	Allows adults to possess up to 30 grams of cannabis in a public place	Identifying where consuming cannabis will be allowed in Ladysmith (through the Smoking Regulation Bylaw)
Regulatory compliance	Prohibits cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, as well as at playgrounds, sports fields, skate parks, and other places where children commonly gather	Setting rules on public visibility and security requirements for growing cannabis plants at home to ensure public safety and limit nuisances (such as odours and visibility).
Education	Authorizes adults to grow up to four cannabis plants per household, but the plants must not be visible from public spaces off the property, and home cultivation will be banned in homes used as day-cares	
Setting minimum regulatory standards that the province may uphold or further restrict	Established a cannabis retail licensing regime similar to the current licensing regime for liquor	

For more information on this topic you can visit:
Town of Ladysmith: https://www.ladysmith.ca/city-hall/cannabis-consultation

Facebook Cannabis Posts and Feedback

Post Date	Reached	Engagements	Shares	Comments	Positive Comments	Negative Comments	Neutral Comments	Likes	Loves	Angry face
30-Apr	2,222	557	7	14	9	0	3	26	5	1
03-May	2,831	677	11	26	9	12	5	35	4	0
06-May	1,320	354	1	14	6	6	2	16	1	0
09-May	1,200	134	7	0	-	-	-	3	0	0
11-May	838	126	0	5	2	3	-	5	0	0
14-May	1,011	47	3	0	-	-	-	6	0	0
16-May	1,056	85	6	3	3	-	-	2	0	0
18-May	932	133	1	7	1	5	1	2	1	1
22-May	584	38	1	0	-	-	-	1	0	0
Total	**11,994**	**2,151**	**37**	**69**	**30**	**26**	**11**	**96**	**11**	**2**

Twitter Cannabis Posts and Feedback

Post Date	Retweets	Likes	Comments	Positive Comments	Negative Comments	Neutral Comments
30-Apr	3	3	0			
03-May	3	3	0			
06-May	1	1	0			
09-May	1	3	0			
11-May	1	3	0			
14-May	1	0	0			
16-May	1	0	0			
18-May	1	0	0			
22-May	2	1	0			
Total	**14**	**14**	**0**	**0**	**0**	**0**

Instagram Cannabis Posts and Fedback

Post Date	Likes	Comments	Positive Comments	Negative Comments	Neutral Comments
30-Apr					
03-May					
06-May	16	5	3	1	1
09-May					
11-May					
14-May					
16-May					
18-May					
22-May	15	2		1	1
Total	**31**	**7**	**3**	**2**	**2**

PlaceSpeak Cannabis Posts and Feedback

Poll		**Views**	540
Support	86%	**Comments**	15
Oppose	16%	**Connects**	68

Discussion Comments	Positive	**Negative**	Neutral
14	13	0	1

INFORMATION REPORT TO COUNCIL

Report Prepared By: Clayton Postings, Director of Parks, Recreation & Culture
Date: August 13, 2019
Report Reviewed By:
Meeting Date: August 19, 2019
File No:
RE: LOT 108 DRAFT SITE PLAN

RECOMMENDATION:

That Council receive the Draft Lot 108 Park Plan Report.

PURPOSE:

The purpose of this report is to present Council with the Draft Lot 108 Park Plan and receive feedback and comments from Council to aid in the development of the Final Lot 108 Park Plan to be submitted to Council in October 2019.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2019.203	06/3/2019	That Council: 1. Direct staff to include in the 2019-2023 Financial Plan a new 2019 project titled "Lot 108 Site Plan Concept Plan Update" for $20,000, with the funds to come from the Parks Appropriated Equity Reserve; and 2. Amend the 2019-2023 Financial Plan accordingly; and 3. Waive the purchasing policy and award the contract as presented for the updated Lot 108 Site Plan to Lees and Associates Landscape Architects for up to $20,000.
CS 2019-172	05/06/2019	That Council 1. Receive the information update from the Lot 108 Working Committee (Rotary, Lions, Eagles, Kinsmen and Mid Isle Soccer) and refer the proposed revised plan to the Parks, Recreation & Culture Advisory Committee for comment and feedback. 2. Direct staff to report back to Council on the options related to developing an updated Lot 108 site plan and the process and costs associated with updating this concept plan.

DISCUSSION:

As part of the Council's decision to develop a updated site plan for Lot 108 Park, consultants from LEES+Associates facilitated three focused discussions in early July. Approximately 30 people attended with topics covering current community needs, priorities and timelines. Information gleaned from these discussions was used to develop the draft plan, list of priorities and site options.

Participating groups and members have been invited to attend a follow-up engagement session to review the identified priorities and site plan options, staff will be on-hand to gather feedback and questions for the development of the final park plan, which will include recommendations, implementation, phasing and costings.

SUMMARY POINTS:

- The draft Lot 108 Park Plan Update has been developed resulting from discussions with Council, Parks Recreation & Culture Advisory Committee, field users, local sports clubs and service clubs;
- An opportunity to view the draft Lot 108 Park Plan Update has been scheduled in an effort to gather feedback and questions

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Draft Lot 108 Park Plan

Town of Ladysmith

Lot 108 Park Plan Update

DRAFT

Lot 108 Park Plan Update

LEES + ASSOCIATES

August 7, 2019

Contact Information:

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Appendix A: Park Concepts

INTRODUCTION

Lot 108 was acquired by the Town of Ladysmith with the intention to dedicate a large part of the site as parkland. From 2008-2011, a plan for the park was developed that focused on creating a destination athletic park with multiple sports fields and associated supporting amenities. Following the adoption of the initial park plan, a high-quality synthetic turf soccer/football field was built (Forrest Field) which has been well-used by the local community, as well as attracting use from the broader region. Other temporary amenities were developed to serve the field users until the remainder of the park could be developed, including parking, washrooms, change rooms, and storage. A small playground was also built adjacent to the field as a service club contribution.

Since the completion of Forrest Field and other amenities, the final park boundary has been established, neighbourhood development has progressed, and community needs have become more focused. Most of the park site remains undeveloped, and there are numerous community groups who are interested in enhancing the park, such as youth sports associations and community service clubs. In response to these factors, the Parks and Recreation Master Plan (2016) identified the need to update the park plan so that development of the park could proceed. This plan is a result of Council's initiation of that process.

By adopting an updated Park Plan, the Town will have a clear vision for future development of the park and will be able to support efforts by community organizations, take advantage of funding opportunities that may arise, and ensure that the park is developed carefully to meet the current and future needs of the community.

PROJECT OBJECTIVES

This park plan will set the direction for the future development of Lot 108 Park and will outline strategies for phasing development to take advantage of opportunities, as they arise. A key purpose of this plan is to enable the Town and community organizations to apply for grant funding. Order of magnitude costs are provided to support funding efforts.

PROJECT PROCESS

The project process included the following phases and tasks in 2019:

Phase 1: Background Review and Stakeholder Engagement

Staff provided an initial long list of amenities based on feedback from the community during the Parks and Recreation Master Plan (2016), as well as input from ongoing communications with community organizations, user groups, and the public. The consulting team reviewed the "long list" of potential amenities in terms of site feasibility, opportunities and constraints, and community engagement input.

Stakeholder engagement included two sessions with user groups, community service clubs, and members of the Parks and Recreation Community Advisory Committee (PRCAC), including two youth committee members. The sessions included a brief presentation followed by an open discussion of the long list of potential amenities, priority elements, and project feasibility considerations.

Phase 2: Conceptual Designs and Draft Plan

Following community engagement, a draft vision and goals were developed to guide the site design approach. The potential amenities were reviewed based on the site opportunities and constraints, community input, and the draft vision and goals. The long list of amenities was divided into high medium and low priorities, although it should be noted that the intention of this plan is to allow for opportunistic development of amenities.

Phase 3: Underway

Phase 4: Future Phase

Phase 5: Future Phase

POLICY CONTEXT

Several recent plans were reviewed that included recommendations relevant to this park plan. The key findings from these plans included:

- Parks and Recreation Master Plan 2016 – This plan identified the need to update the park plan so that development of the park could proceed.
- Economic Development Strategy – The potential for mountain biking amenities as an economic development opportunity was included throughout this report, including in Strategy 4: Develop a funding-ready plan for mountain bike trail development. This strategy ranked high on the social/cultural/sense of place impact.
- Public Art Strategy 2018 - This park plan can link to the Public Art Strategy by including potential public art types and locations at the site. Things such as integrating artistic design into benches, pavement designs, murals, artistic shade structures or stand-alone art pieces could create an engaging park space.
- Youth Plan 2018 - In engagement sessions, youth suggested more offerings of existing sports, a greater variety of sports, more sports fields, more tournaments, and more drop-in casual sports, such as basketball or floor hockey, be provided. There was also interest in mountain biking and a bike skills park.

> "The town needs a place for youth to go, a place that's fun, exciting, connects them socially, and is safe."
>
> - quote from Youth Strategy

SITE ANALYSIS

The existing site is partially developed, with the main permanent feature being Forrest Field. An orthophoto of the existing site and amenities can be found in Appendix A. Key features are described below, highlighting the factors that will affect the park design and development.

NATURAL FEATURES AND SITE CONTEXT

TOPOGRAPHY

The site generally slopes from the northwest downward to the southeast. The existing area around Forrest Field and the temporary parking lots have been graded flat, but the north and west areas of the park have uneven, sloping terrain and large stockpiles of excavated material from previous site grading for Forrest Field and parking lots. This will have a significant impact on the cost of developing the remaining site, especially if large footprint sports amenities are desired. The site topography will also have an impact on access for those with mobility challenges, as terracing is likely needed.

Key Finding: *Cost of development of the site will be significantly impacted by the need for substantial regrading and the need for retaining walls to accommodate sports amenities. Grading and retaining wall structures, berms or embankments will impact the useable space on the site.*

VEGETATION

Existing vegetation on the site includes pioneer trees and volunteer undergrowth covering a majority of the undeveloped areas in the northwest portion of the site. The parking area and zone around Forrest Field, Jim Cram Drive and 4th Avenue are primarily unirrigated grass with no landscape trees or planting areas. The land to the west of the site provides a forested backdrop to the park. There is no unique vegetation, habitats, or mature trees present at the site.

Key Findings: *The existing vegetation is primarily second growth and volunteer regeneration following land clearing operations, and the developed areas of the park have not yet been landscaped with trees and shrubs.*

OVERALL PARKLAND AVAILABILITY

The park is approximately 4.9 hectares, with a portion already dedicated to Forrest Field. Considering perimeter areas, pathways, and parking requirements, the developable area of the site shrinks rapidly. With grading and terracing requirements, the functional area available at the park will be further reduced.

Key finding: *Carefully planning the site grading and making the most of the in-between areas and grade changes between large features will have a substantial impact on the functionality of the park and the ability to accommodate multiple amenities.*

NEIGHBOURHOOD CONTEXT

The surrounding neighbourhood has been developing over the past 10 years and includes a mix of densities including single family homes, multifamily homes, and mobile homes. The multifamily and mobile homes have very little exterior space and so are likely to be frequent users of the park.

Key Finding: *Site design should offer a mix of amenities that benefit the local neighbourhood, as well as the broader community.*

EXISTING AMENITIES AND SITE FEATURES

FORREST FIELD

The existing multipurpose synthetic turf field was opened in 2011 and has served the community well since then. The field was designed to accommodate senior and junior levels of soccer and football play and may be allocated for other organized field sports and special events. Synthetic field playing surfaces customarily have a 10 – 15 year life expectancy and the Forrest field surface appears to be performing well. The field is equipped with a high-performance, programmable night lighting system that is also expected to have a good life-span. The field is entirely fenced for safety and security purposes and is well maintained by Town staff. Portable goals are available for a variety of allocated uses. A perimeter concrete walkway is provided outside the fence to accommodate standing spectators and pedestrian circulation.

ELECTRICAL BUILDING

There is an existing electrical building currently located in the centre of the site, which was installed during the development of Forrest Field, with the anticipation of it being incorporated into a larger park service building with washrooms, change rooms, etc. It is a concrete block structure with a steel roof, fitted with several empty ducts and an electrical service sized to handle a variety of future park amenity additions. Once the service building is designed around it, the roof can be removed, and the walls incorporated into the new structure.

Key Finding: *Since moving this electrical building would be costly, it will dictate where a permanent park service building will go.*

STORAGE

There are two shipping containers at the park currently serving storage needs of the football and soccer clubs. Storage needs to be relatively close to Forrest Field.

Key Finding: *Current storage space will need to be preserved. If more user groups start using the site (such as lacrosse), there may be a need to provide additional storage space or adjust space allocations. Storage could be consolidated into a park service building.*

TEMPORARY WASHROOMS / CHANGE ROOMS

There are two modular trailer units currently providing washrooms and change rooms, primarily serving the users of Forrest Field. These structures are nearing the end of their useful life and will need to be replaced, likely within the next 5 years (or less). The smaller structure provides men's, women's and universally accessible units. The men's washroom has two toilet stalls, two urinals and three handbasins; the women's washroom has three toilet stalls and three handbasins; and the universally accessible washroom has one toilet and one handbasin. The changeroom unit has two identical change rooms, each with a team room, three showers, and a washroom with a single toilet and washbasin.

Key Finding: The temporary change rooms and washrooms will need to be replaced, likely in the next 5 years. A permanent park service building that consolidates these amenities with storage would serve the community well.

PLAYGROUND

There is a playground located on the north side of Forrest Field, which is well used by the neighbourhood and family members of those who are playing games on Forrest Field. It was conceived and constructed with assistance of a local service club shortly after the field was opened. The play area is surrounded by a concrete curb which hinders accessibility and doesn't provide an adequate safety barrier between the playground and adjacent road and parking areas. There are also no seating options or trees.

Key Finding: The playground is functional, but could be enhanced with planting, seating, an expanded grass play area, and partial low fence to deter children from wandering into the adjacent vehicle areas. The area around Forrest Field would also benefit from picnic tables and some shelters.

PARKING + ACCESS

There are two temporary parking areas on site, as well as parallel parking on Jim Cram Drive and informal parking on 4th Avenue. Located at the north end of town, not accessible by transit, and currently serving soccer and football teams, parking is an important consideration because most people drive to the park and they are often bringing sports equipment. The park is also located within a growing residential area, so there is the potential for parking and traffic conflicts with the adjacent neighbourhood. At the same time, there are many desired uses of the parkland, so maximizing space for amenities is critical to meeting current and future needs. There are also no designated accessible parking stalls currently.

As the Town of Ladysmith pursues enhanced transit, alternative transportation, and development of biking infrastructure as an economic development strategy, there is an opportunity to reduce the need for parking at Lot 108 Park.

Key Findings: Adequate, convenient parking is needed to meet the needs of park users at regular peak use times and to provide access for those with disabilities. Keeping parking to the edges to preserve useable contiguous park space is essential to meeting the current and future needs of the community for park amenities. Parking should include EV charging stations, access for team buses, and a drop-off area,

if possible. This location should be considered for transit and bike lane connectivity to key community destinations such as the secondary school.

DRAFT VISION AND GOALS

DRAFT VISION

Lot 108 Park is an inviting community park that offers something for everyone and contributes to the health and well-being of Ladysmith residents.

DRAFT GOALS

- Park amenities are multifunctional and have the flexibility to change over time to meet the needs of the community.
- The mix of park amenities includes features for all ages and all abilities, including plenty of amenities for casual use.
- The flexibility of the park is maximized by clustering amenities to ensure options are available for the long-term phased development of the park.
- Vehicle parking is provided through a series of parking lots at the perimeter of the site to minimize park area lost and to allow for phased development, as needed.
- Opportunities are provided for public art, trees, and landscaping that will help create a unique park character.
- The site can accommodate small community gatherings/festivals and includes space for pop-up tents, food trucks, and seating.
- The site plan will take advantage of the topography by introducing terraces and seating in between amenities and using excess fill for the bike skills park, play features, and grassy mounds.

PROPOSED SITE AMENITIES

The following is a description of the proposed site amenities that were suggested by the community through the 2016 Parks and Recreation Master Plan engagement process, ongoing communications between Town staff and community organizations, and through the stakeholder engagement process for this park plan update. Each includes the justification for the amenity and the site layout requirements. Precedent images for each of these are provided in Appendix A along with the conceptual layouts.

Amenity	Amenity Description	Demand/Benefits	Site Layout
Walking trail / track with areas that may be accessible by people with varied levels of ability	▪ A universally accessible looping path and a longer path around the site perimeter.	▪ There is high demand, as well as agreement from many different stakeholders. ▪ People are already walking around Forrest Field. ▪ Some of the money has already been raised by community service orgs. ▪ It would expand the range of users, as it serves all ages and abilities.	▪ The accessible walking path is suggested for around Forrest Field. ▪ The existing concrete perimeter needs to be wider to accommodate groups of people and mobility aids.
Outdoor exercise stations - self propelled	▪ These stations should be low maintenance and accessible. ▪ Additional stations could be provided along the longer park perimeter path.	▪ There is high demand indicated from stakeholders. ▪ This feature would enhance health and fitness opportunities for people using park pathways. ▪ This could draw people from across the whole community.	▪ Locations along the accessible path are recommended for accessibility. ▪ Consideration should be given to options for all ability levels, particularly seniors. ▪ Additional stations can be added to other park pathways.

Amenity	Amenity Description	Demand/Benefits	Site Layout
Park service building	▪ Temporary washrooms and change rooms will be removed and replaced with a permanent park service building. ▪ Required elements: washrooms, change rooms, storage. ▪ Optional elements, in order of priority: user group shared office space, concession window, rooftop viewing area ▪ Plan for a mural space on one or more exterior walls of the service building	▪ There is high demand from stakeholders. ▪ The exisitng temporary buildings are nearing the end of their useful life. ▪ Continued high use of Forrest Field is expected.	▪ The park service building should incorporate the existing electrical building to avoid the cost of moving that infrastructure. ▪ Cost is anticipated to be a significant consideration in terms of what is included in the building. ▪ Minimum Program: washrooms, change rooms, storage. ▪ Optional Additions: Small office space (120s.f.), expanded storage (xx s.f.), and rooftop viewing area.
Bike skills park and trailhead	▪ Bike skills park for beginners to intermediate riders including obstacles and pump track with options for different skill levels. ▪ Potential to connect to off-site trails on Crown and forest license or private lands.	▪ Demand was indicated by stakeholders and from the Youth Strategy. ▪ Mountain biking is a growing activity and many communities have a bike park now. ▪ Potential to expand the range of people using the site. ▪ Could help encourage more cycling in the community.	▪ The northwest corner of the park is recommended to take advantage of existing topography. ▪ The design should work around other potential site amenities such as the perimeter trail and sports fields.

Amenity	Amenity Description	Demand/Benefits	Site Layout
Warm-up/Practice pitch supporting users of Forrest Field	▪ Stakeholders requested a warm-up/practice pitch for soccer and football, associated with Forrest Field. ▪ It should be synthetic turf to minimize tracking of mud onto Forrest Field.	▪ There is strong demand indicated from stakeholders. ▪ Providing a warm-up area could potentially increase use of Forrest Field by reducing gaps in between games.	▪ Location should be immediately adjacent to Forrest Field. ▪ The size and design options are widely variable. At a minimum, it should have a low fence and a synthetic turf surface, but it does not need to be as high quality as Forrest Field. ▪ 1/8 to 1/4 of a full size field is recommended.
Multisport courts for lacrosse, hockey, basketball, tennis and/or pickle ball	▪ A configuration of sport courts to accommodate pickleball, tennis, basketball, ball hockey and lacrosse	▪ There are no pickleball courts in Ladysmith currently. ▪ There is demand indicated in the Youth Strategy for basketball and other casual sports. ▪ Improvement of existing tennis courts elsewhere in the community should also be considered. ▪ Whether there is adequate demand for lacrosse at this location is uncertain.	▪ Two multisport courts are recommended: ▪ One (1) with 4 pickleball courts with an option for 1 tennis court. ▪ One (1) to accommodate basketball and ball hockey, with an option to expand to accommodate box lacrosse games.
Play areas (expanded)	▪ Expand existing play area with low cost hills, rocks and stumps, seating and low fencing or	▪ There was some demand for more play indicated by stakeholders. ▪ Increasing demand is anticipated, given the	▪ Building off the existing play feature is recommended.

Amenity	Amenity Description	Demand/Benefits	Site Layout
	plantings to deter children from venturing into parking areas or roads.	growth in population in the surrounding neighbourhood. ▪ Play value could be enhanced with relatively inexpensive upgrades.	▪ There will likely be onsite material to create mounds. ▪ Rocks and logs are likely easy to source from logging operations.
Ball diamond	▪ 225' outfield ball diamond with mini soccer pitch accommodated in the outfield. ▪ Improvement of existing fields is likely to be a higher funding priority. The site should be designed such that it could be added in the future.	▪ Baseball stakeholders indicated a 225' outfield ball diamond is needed to fill the gap in the existing field inventory. ▪ This location may be one of the only sites that can accommodate a ball diamond of that size.	▪ Space should be allowed for the future addition of a 225' ball diamond on the north part of the site. ▪ Grading for the field will be significant, but some material can go toward the play area, picnic areas, and bike park.
Picnic area (tables, shelters, open space)	▪ Picnic areas would include gentle slopes, trees, picnic tables, picnic shelters (optional), and BBQ facilities (optional)	▪ Picnic areas, seating and landscaping will help create a better community park that serves casual users and creates an atmosphere where people want to come and spend time.	▪ Several potential areas for picnic tables and seating have been identified. One area near Forrest Field and one area farther to the west where more trees can be accommodated. ▪ Excess site material could be used to create mounds that can also be used to view the sports fields and courts.

Amenity	Amenity Description	Demand/Benefits	Site Layout
Community Garden	▪ A community garden could include individual allotments or collective planting areas, and would require a water source, deer fencing, signage, and a community group for day to day management.	▪ No demand has been indicated directly from stakeholders, but the neighbourhood is growing and many in the area have little or no outdoor garden space. ▪ A community garden and other planting areas would enhance the character of the park.	▪ The community garden is best located toward the north end where multifamily and mobile home residential areas are located. ▪ The garden will need to be fenced to prevent wildlife damage. ▪ The size and number of plots should be determined through neighbourhood engagement.

ADDITIONAL PARK ELEMENTS AND RECOMMENDATIONS

Park benches and informal seating

- Benches and informal seating should be incorporated throughout the site. Material from site grading can be used to create some mounds and gently sloped areas for picnics and casual viewing of sports fields and courts.

Public Art

- Opportunities for public art include the park service building, the court surfaces and fencing, the play space, and the central walkway and plaza space. Artists could also be called on to design creative park seating and features.

Parking

- Parking is recommended at approximately the same capacity that is currently provided. Future expansion of parking options will likely be needed to support new amenities. Improvement of a bike route from the secondary school to the park could reduce the need for parents to drive youth to the park.
- A phased approach to parking is recommended to allow for consideration of what is actually needed to accommodate new amenities.
- A setup area for food trucks should be provided for special events and community festivals, including access to power.

Park signage

- A park naming initiative should be underatken by the Town. Following the selection of a name, a park entry sign is needed at the corner of 4th Avenue and Jim Cram Drive.
- Wayfinding signage should indicate the direction for key amenities to help people find the appropriate parking areas. (i.e. Left arrow with a pickleball symbol, right arrow with a bike park symbol).
- Regulatory signage should be placed at strategic locations such as at the main entrance to the bike park, court entrances, parking areas (if parking regulations), and at the park service building.

Lighting

- A lighting plan is needed to serve the parking lot, accessible pathway, park entrances, signage, and some of the new amenities.
- Field lighting should be remotely controlled and adequate time is needed following the end of a field or court booking for participants to pack up and get to the parking areas (15 minutes, minimum).
- Capacity for future additions was provided in the initial site servicing design.

Drinking water stations

- Additional drinking water stations should include a drinking fountain and a water bottle filling station. Access to drinking water is recommended externally at the park service building, at a minimum, with potential secondary location at the north end of the park. Water taps will also be needed at the community garden.

Litter and recycling facilities

- Litter and recycling stations are recommended at the park service building, near the play area, near the sport courts, and at the bike park. Accommodation of service vehicles will be needed to provide pick-ups at each location.

Dog waste management stations

- There is a bylaw already in place to manage dog owner use of parks, but on-site signage would be beneficial. Dog waste management stations along the looping pathways should be considered. New technologies that separate dog waste from other park garbage for on-site composting is possible.

Complete A joint use agreement with School District 68

- There is potential to expand the use of school fields by improving the quality and design. This would likely be a higher priority than buildilng new fields and could also reduce the need for additional fields at Lot 108 Park.

Review the field Allocation Policy

- Ensure the field allocation policy provides fair and equitable access, particularly for new and growing groups who may not have historic field permits. This could potentially reduce the need for new fields at Lot 108 Park.

Further Design Development

- Before embarking on development of the park, further design development is recommended including a rough grading plan to define where retaining elements will be required, determine the exact locations of future amenities, and to ensure that accessibility is provided throughout the site to the greatest extent possible. This will also determine realistic budgets for future park development.

DRAFT CONCEPTS

Through an iterative process, two concepts (A and B) have been developed for the site and are illustrated in Appendix A. Each includes all the same amenities suggested by the community. The key differences, and therefore decision points, are regarding the sport court and the placement of the ball diamond with soccer field overlapping the outfield. How elements are phased will also have an impact on the park design and development (see Phasing Plan).

SPORT COURTS

There is a very wide range of sport court options in terms of size, surfacing, edge condition, sports accommodated, and the quality of each of these elements. Since a priority of this plan is to identify as many ways to create multifunctional and flexible spaces that can change to meet needs and demand over time, three sport court options have been considered.

1. Pickleball courts with optional tennis – Four pickleball courts fit within roughly the same footprint as one tennis court. Pickleball is proposed as the primary use, but tennis could be accommodated, if there was interest. At the proposed location, there is no room for expansion, but additional pickleball courts could be accommodated on the other sport court.
2. Multisport Court A (lacrosse box size) – A large multisport court based on the size requirements for box lacrosse is shown on Concept A. This could be phased in starting with a basketball court (see phasing plan).
3. Multisport Court B (basketball size) – A multisport court based on a full size basketball court is shown on Concept B. This court could be expanded, but might have an impact on the bike park.

BALL DIAMOND

A baseball diamond with a 225 ft outfield and mini soccer field has been included, as requested by the baseball/softball/soccer associations to fill the size gap between their existing small and large ball diamonds (175' and 310' respectively). The location of the ball diamond is one of the key differences between Concepts A and B. Concept A has the sport courts adjacent to the parking lot off Jim Cram Drive with the ball diamond farther to the west. Concept B locates the ball diamond directly adjacent to the proposed parking lots.

	Pros	Cons
Concept A – Ball Diamond NW	Enables phasing in of other amenities that are likely a higher priority such as paths, exercise equipment, picnic areas and sport courts.	Likely would require more substantial grading of the site overall (i.e. likely more fill removal).

		Allows embankment to be developed for terraced spectator seating
Concept B – Ball Diamond near parking	Less distance to travel with equipment. Ball players are more likely to drive to the site than casual basketball or ball hockey users (though lacrosse users would also be likely to drive and have equipment).	A more detailed design would be needed before other elements such as the sport court and bike park could be developed. This means additional costs upfront and potentially years ahead of the actual implementation. There are more potential conflicts with balls leaving the play area at this location.

PARK SERVICE BUILDING

An example park service building incorporates the existing electrical building and includes washrooms, change rooms, a concession or meeting space, and storage. There is likely a need to include additional storage space if the existing storage containers are to be removed.

IMPLEMENTATION PLAN

OVERVIEW

Establishing short and long-term capital budgets is the responsibility of Council, and as such all recommendations and priorities in this report are provided to support that planning process. They do not represent a commitment to spend.

The anticipated process for park development is to proceed in phases as funding becomes available through grants, partnerships, or the Town's capital budget. Funding may come through grants directly applicable to park development, or there may be grants secured for other projects that are currently Town priorities, allowing funding to be shifted to park development. Partnerships will be an important component of this park development.

A key purpose of this plan is to enable the Town and community organizations to apply for grant funding. It is noted that, while there is no current capital budget for implementation of this park plan, there is some money that has been raised by community service organizations already through fundraising efforts – specifically, the accessible walking loop and fitness stations.

PARK AMENITY PRIORITIES AND COSTING

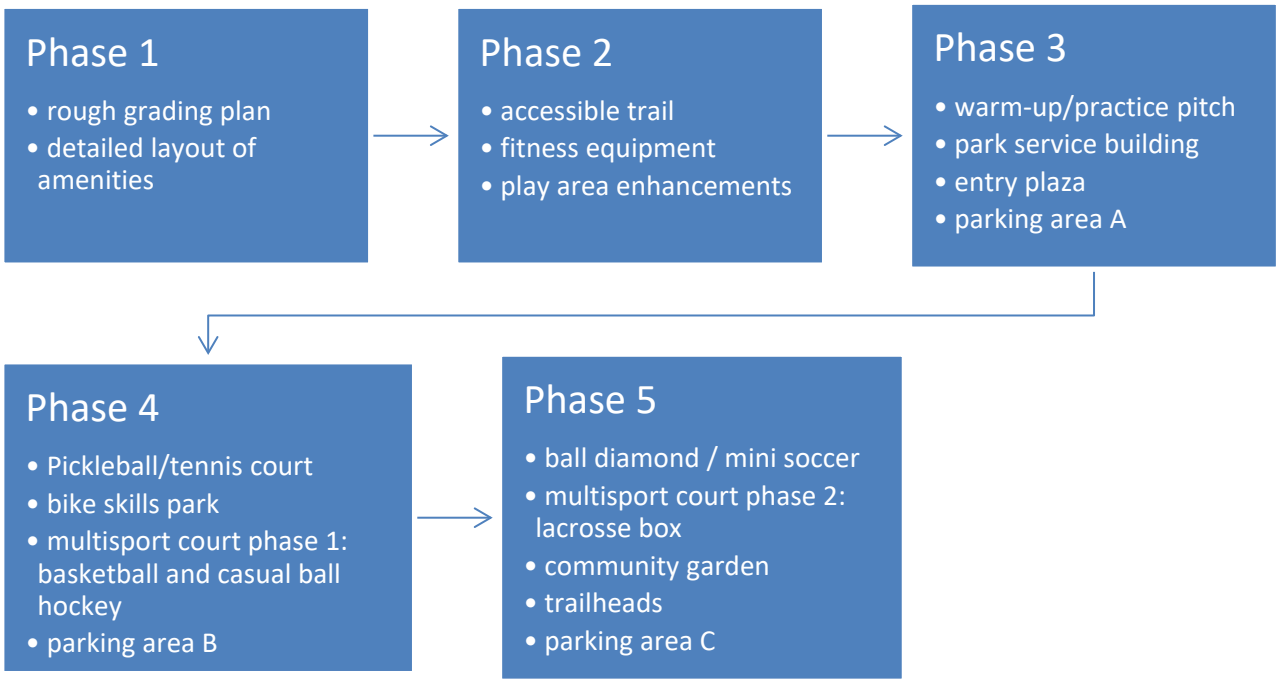
The following amenities are included in the Draft Park Plan, with each identified as a high, medium or low priority and with an estimated timeline and order of magnitude cost. Some items are a high priority, but due to the cost are not likely to be feasible in the short term.

Amenity	Priority	Timeline	Cost
A rough grading plan and detailed layout of amenities	High	Phase 1	$10,000-15,000 not including survey of sport court areas at 0.25 m contours Grading and site preparation: $100,000
Accessible looping pathways – 1 small, 1 park perimeter	High	Phase 1	Accessible loop around Forrest Field: 400-450m Gravel @ 2m wide $64,000 Asphalt @ 2m wide $100,000 Park perimeter loop: 500m gravel @ 2m wide $80,000
Outdoor exercise stations – associated with the looping pathways	Medium	Phase 2	$1,000-3,000 per station including foundations and installation
Play area enhancement	Medium	Phase 2	$10,000 for grading, log and boulder placement, and reseeding
Warm-up / practice pitch to support users of Forrest Field	High	Phase 3	$150,000 for synthetic turf
Park service building – washrooms, change rooms, storage, office	Medium	Phase 3	$2.0 million @ $800 per square foot [Total bldg. 2,500 sq.f.]

Parking	Medium	Phase in over time	$300,000 Lot A - primary $30,000 Lot B – 4th avenue $50,000 Lot C – SW corner
Bike skills park and pump track	Medium	Phase 4	$50,000 for design-build (assumes preliminary grading is done for the site as a whole)
Pickleball courts with tennis	Medium	Phase 4	$150,000
Multisport court – Basketball, ball hockey	Medium	Phase 4	$150,000 for asphalt with no boards and low chainlink to accommodate ball hockey
Multisport court – lacrosse expansion	Medium	Phase 5	$650,000 for asphalt with boards, chainlink, and 4 rotatable basketball hoops
Community garden	Low	Phase 5	$20,000 for water access, raised beds, paths, gate and deer fence
Landscape improvements	Medium	Phase in over time	$250,000 allowance for topsoil, seeding, perennials, shubs and trees
Picnic areas, seating, landscaping, signage, water stations, etc.	High	Phase in over time	$9,000 per water station $7,500 per picnic table $3,000 per waste bin $5,500 per bench $15,000 entry sign
Lighting	Low	As needed	$50,000 for key pathway lighting

PHASING PLAN

The following is a general outline of how phased development of the site might unfold, although it is noted that flexibility and an opportunistic approach will be needed. There are some park amenities that can be initiated at any point along this project timeline, including the addition of picnic tables (movable, not on a foundation), a park entry sign, and waste receptacles.



PHASE 1

A rough grading plan and detailed layout of amenities is recommended to establish the space requirements for those amenities that require foundations, such as the park service building, sport courts, practice pitch, and parking areas. There may be retaining walls required, additional perimeter space, or accessibility considerations that could impact the final layout. Features such as the community garden, bike skills park, and picnic areas are more flexible and can be arranged around other park amenities.

PHASE 2

- Community service clubs have already fundraised for an accessible trail and fitness stations, which is planned to encircle Forrest Field. This is a relatively low cost and high value amenity. There may be a temporary alignment of this pathway along the north side of Forrest Field that avoids the existing washrooms and changerooms until the park service building is built.

- Play area enhancements are recommended for Phase 1 because they are relatively low cost and will enhance the park for daily users, sports groups, and fitness trail users.

PHASE 3

- A warm-up / practice pitch is needed as a complementary space for sports groups using Forrest Field. This space could also be used for tot soccer or other casual recreational activities.
- The park service building is a high priority due to the limited life span of the existing temporary washrooms and change rooms, and the entry plaza is tightly intertwined with the design and construction of that amenity.
- Completing the central plaza will also contribute significantly to the overall character of the park and will bring opportunities for public art and landscaping.
- The existing temporary parking area will need to be moved in order to accommodate the central park building and plaza area, so this is a good opportunity to formalize parking area A.

PHASE 4

- Pickleball courts are not available elsewhere in Ladysmith and has well-established demand.
- The bike skills park is also not available elsewhere in Ladysmith and is complimentary to Economic Development Strategy initiatives.
- The multisport court could be implemented in phases, starting with at least one basketball court or a double court with low chain link. A double court configuration would be suitable for basketball and casual ball hockey until the need for a full lacrosse box a this location is established. Design of the basketball hoops (i.e. type and foundation location) should consider future expansion of the sport court.

PHASE 5

- The ball diamond with small soccer field in the outfield is suggested for a late phase because there are existing ball diamonds in the Town that need upgrades, as well as potential for field improvements in partnership with the School District.
- The multisport court could be expanded to a full size lacrosse box with boards, fencing, and other support features.
- The community garden is not suggested in an earlier phase because interest from the local neighbourhood is unknown. However, this is a relatively easy amenity to install in a temporary location and configuration if users of the garden understand it may be moved in the future (i.e. trees and shrubs should be planted in pots only). A water source would be the most expensive aspect of a community garden.
- Creating trailheads is a relatively low-cost action, but a plan, mapping, and access to off-site trails is required.

APPENDIX A: PARK CONCEPTS

STAFF REPORT TO COUNCIL

Report Prepared By: Clayton Postings, Director of Parks, Recreation & Culture
Date: August 13, 2019
Report Reviewed By:
Meeting Date: August 19, 2019
File No:
RE: **DAVIS ROAD SCHOOL PROPOSAL**

RECOMMENDATION:

That Council:

1. Authorize the Town to secure a license to occupy for up to 9 months with Nanaimo Ladysmith Public Schools for the use of the Ecole Davis Road School location (444 Parkhill Terrace) to temporarily house the Arts Council of Ladysmith & District's Waterfront Gallery and classes while renovations are completed in the current location at 610 Oyster Bay Road;
2. Direct staff to investigate and report back to Council a long-term feasibility for the use of space at the Davis Road School (444 Parkhill Terrace).

PURPOSE:

The purpose of this report is to seek direction from Council on whether to proceed with a license to occupy agreement with Nanaimo Ladysmith Public Schools for the use of Ecole Davis Road School, located at 444 Parkhill Terrace.

PREVIOUS COUNCIL DIRECTION

INTRODUCTION/BACKGROUND:

In 2018, the Town was awarded a $1.75 million dollar grant toward the renovation of the building at 610 Oyster Bay Road, known as the Machine Shop. Town staff, along with the consultants for the project have been working toward finalizing drawings for structural and code upgrades at the Machine Shop.

Town staff have been working with Machine Shop tenants, assisting them in finding space and emptying out the building as we prepare for the impact of construction. Staff continue to explore various options for meeting spaces, classrooms and offices throughout Ladysmith, including the availability of Davis Road School. Staff have ordered shipping containers for the groups to store their items during construction since most of the building will need to be vacant

during the renovation.

To minimize disruption of services/programs offered by the Ladysmith & District Arts Council during the renovation of the Machine Shop, the Town would enter into a short-term (6-8 months) license to occupy agreement with Nanaimo Ladysmith Public Schools to provide space at the Ecole Davis Road School location, 444 Parkhill Terrace. The office, gymnasium and 2 classrooms on the south side of the school will be used. This space will temporarily house the Arts Council of Ladysmith & District's Waterfront Gallery and classes while renovations are completed in the current location.

The Arts Council and Town have visited the Ecole Davis Road School building; the Arts Council is in favor of exploring the site further. The intent would be to have a plan in place to relocate the Arts Council by the end of September.

If Council provides direction to proceed, the Town will still require confirmation that the Ecole Davis Road School building is safe. Initial review of the site looks to be in good condition; however, there are a number of factors such as life safety systems (fire) and mechanical systems that need to be reviewed. If these expensive systems are not functional or require major improvements at the cost of the Town, it is not recommended that this license is explored further. This investigation has commenced, however final determinations in consultation with the School District are still required.

ALTERNATIVES:

Council can choose not to enter into a short-term license to occupy agreement with Nanaimo Ladysmith Public Schools for use of space at Davis Road School.

FINANCIAL IMPLICATIONS;

The fee for the 6-8 month lease period is $1.

The Town would be responsible for all site preparation and maintenance costs associated with the site.

If the site is secured for use, the Town would expect that the Ladysmith Arts Council would continue to be responsible for all costs which they currently are for the existing Machine Shop including utilities, and janitorial and any security.

The costs associated with overall maintenance of the physical building and systems would be managed and covered by the Town during occupancy and further investigation of the exact costs relating to this is still required. It would be proposed that the remaining operational budget for the Machine Shop for 2019 which covers contract services and wages, would be reallocated to the Davis Rd site, during this period. Currently there is approximately $9,000 remaining in the 2019 operation budget for maintenance of the machine shop.

As part of the existing program agreement with the Ladysmith Arts Council the Town will continue receive the 20% of the revenue generated by the classes that are able to continue in this location. This is revenue that would be lost if classes are not able to proceed due to the renovation.

LEGAL IMPLICATIONS;

There are no legal implications identified that would limit this application. There will be a requirement that the Town enters into a license to occupy agreement with Nanaimo Ladysmith Public Schools to secure the space. The Town will have a legal review of the license. The license provided to the Town from the School District has the same overall conditions as the existing license which the Town has relating to the access to the exterior of the Davis Road School site.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Arts Council of Ladysmith & District is a non-profit, volunteer organization serving the arts in Ladysmith and the Gallery is a draw for both locals and visitors alike. Many local artists hold studio space in the Machine Shop and classes attract Ladysmith residents of all ages. Maintaining the service which the Council offers would be important to the community even if it is at a reduced capacity.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The project would require assistance from Financial Services and Legislative Services throughout the project as it relates to leases, and financial agreements.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☐Complete Community Land Use
☐Green Buildings
☒Innovative Infrastructure
☒Healthy Community
☐ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐Employment & Tax Diversity
☐Watershed Protection & Water Management
☒Communications & Engagement
☒ Natural & Built Infrastructure
☒ Partnerships
☐ Not Applicable

SUMMARY:

To minimize disruption of services offered by the Ladysmith & District Arts Council during the renovation of the Machine Shop, the Town may enter into a short-term (6-8 months) license to occupy agreement with Nanaimo Ladysmith Public Schools to provide space at the Davis Road School location, 444 Parkhill Terrace. This space will temporarily house the Arts Council of Ladysmith & District's Waterfront Gallery and classes during renovations in the current location.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):
Davis Rd School Site Plan
License to Occupy - draft

ENCLOSED SPACES

Exterior Door

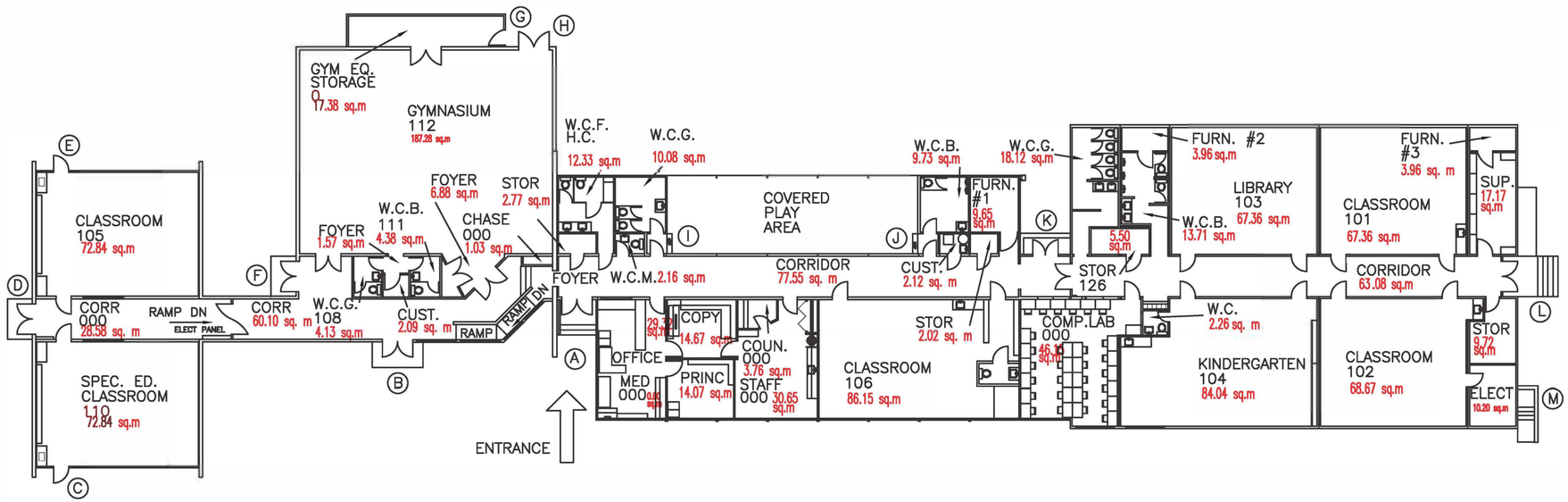
1 – Stairs Under Elect Room

Floor Hatches

2 – Storage Room Across From Gen. Office
3 – Inside Classroom # 106
4 – Inside Custodian Room # 122
5 – Corridor Outside Furn. Rm # 1

Roof Access

No Fixed Ladder To Access Attic Or Roof



MAIN FLOOR PLAN

GROSS AREA 1334.2 SQ.M

DAVIS ROAD ELEMENTARY SCHOOL
RR#2, 444 PARKHILL TERRACE,
LADYSMITH, V0R 2E0

Davis Road Elementary School
444 Parkhill Terrace,
Ladysmith, B.C.

Working Drawing

THE BOARD OF EDUCATION
SCHOOL DISTRICT No. 68
NANAIMO – LADYSMITH
395 WAKESIAH AVENUE, NANAIMO, B.C. V9R 3K6
PHONE 754–5521 FAX 754–0511

DRAWN BY: G. Williams
SURVEYED BY: B. Spohn
DATE March 2011
DATE
SCALE Not to Scale

SCHL. No. 327

DWG. No. A1

LICENSE TO OCCUPY
(this "Agreement") made the 1st day of September 2019.

BETWEEN:

THE BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 68 (NANAIMO-LADYSMITH)
395 Wakesiah Avenue
Nanaimo, BC
V9R 3K5

(the "Licensor")

AND:

TOWN OF LADYSMITH
410 Esplanade Street
P.O. Box 220
Ladysmith, BC
V9G 1A2

(the "Licensee")

WHEREAS the Licensor is the owner of the site and building located at the following address and improvements thereon (the "Premises"): 444 Parkhill Terrace, Ladysmith, BC V9G 1V6

AND WHEREAS the Licensee wishes to obtain, and the Licensor wishes to grant to the Licensee, a non-exclusive license (the "License") to occupy that portion of the Premises indicated on Schedule A attached hereto (the "License Area"), or such other area as may be designated by the Licensor hereunder, on the following terms and conditions:

GRANT OF NON-EXCLUSIVE LICENSE

In consideration of and subject to the terms and conditions hereof, the Licensor does hereby grant the License to the Licensee. The interest granted pursuant to this Agreement constitutes a license only and does not constitute a lease or a sublease, nor create any other interest in land, nor any partnership, joint venture or agency relationship between the Licensor and the Licensee (collectively, the "**Parties**", and individually, a "**Party**").

The Licensee shall have a right of access, in common with the Licensor and invitees of the Licensor, over those portions of the common areas of the Premises that are reasonably required by the Licensee for proper use of the License Area. The Licensor may stipulate access limits and routes, and the Licensee shall ensure that its staff and invitees respect those stipulations.

a) TERM AND LICENSE FEES:

Subject to early termination, delay or renewal as may be provided herein or otherwise agreed in writing, the License shall be for a term (the "**Term**") of 12 months commencing on the 1st day of

September, 2019 (the "**Effective Date**") and ending on the 31st day of August, 2020, subject to the Licensee's compliance with all the terms hereof.

September 1, 2019 – August 31, 2020
• $1 license fee per annum plus GST • $25.00 alarm monitoring per month + callouts

b) USE OF LICENSE AREA:

The Licensee shall not use the License Area nor allow the License Area to be used for any other purpose other than for operation of community programs, art gallery and office spaces unless the written consent is first obtained which consent may, in the Licensor's absolute discretion, be withheld or granted subject to conditions.

c) PARKING:

The Licensee will ensure adequate and proper parking of vehicles to a standard acceptable to the Director of Planning and Operations of the Licensor. The Licensee and its invitees shall be entitled to park vehicles in the parking lot on a non-exclusive, first-come, first served basis.

d) NO NUISANCE:

The Licensee shall not at any time during the said Term or any renewal thereof permit anything to be done or kept on or around the License Area that may be considered a nuisance.

COMPLY WITH LAWS:

The Licensee shall observe, fulfill and comply at its expense with all laws, ordinances, regulations, requirements and recommendations applicable to the Licensee, or to the License Area, or any and all authorities and all notices in pursuance of same. The Licensee shall save the Licensor harmless from all costs and damages that the Licensor may incur or suffer by reason of the Licensee's breach of this provision.

Without limiting the foregoing, the Licensee acknowledges that the B.C. Tobacco and Vapour Products Control Act prohibits the consumption or use of tobacco, vapour and cannabis products (the "TVC Ban") and that the Licensor's policies prohibit the consumption of alcohol (the "Drinking Ban") in all school district buildings and on all school district lands, and during the Term, and the Renewal Term if applicable, the Liensee will comply with and will use its best efforts to enforce the TVC Ban and the Drinking Ban in and about the License Areas.

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f) DAMAGE BY LICENSEE:

The Licensee shall pay the cost of any damage to any property of the Licensor arising from the use of the License Areas or the Licensor's property by the Licensee or its staff or invitees. Without limiting the foregoing, the Licensee shall reimburse the Licensor for costs reasonably incurred by the Licensor in making good any damage caused to the said License Areas or any part thereof as a result of the negligence or willful act or omission of the Licensee, its invitees, licensees, agents, servants, clients or other persons from time to time in or about the License Areas.

g) INSURANCE:

The Licensee shall maintain at its own expense contents and liability insurance as the Licensor may reasonably require and shall provide the Licensor with evidence of such coverage upon request. The Licensee shall be responsible for securing its own property and the property of others in its care and control in the License Areas, and for ensuring the safety of its staff and invitees and hereby releases the Licensor from any and all liability whatsoever in respect thereof. Without limiting the foregoing:

i) The Licensee shall during the Term of the License maintain general liability insurance insuring against bodily injury, personal injury, and property damage, arising out of the use and occupancy of the License Areas by the Licensee in an amount of not less than Five Million ($5,000,000.00) dollars per occurrence or such greater amount as the Licensor, acting reasonably, may from time to time designate. The Licensor shall be added as an additional insured and such insurance shall be endorsed to provide the Licensor with 30 days advance written notice of cancellation and be placed with insurers licensed in British Columbia.

ii) The Licensee shall provide the Licensor with evidence of the required Licensee Insurance prior to the commencement of the operations and such evidence shall be in the form of a completed Certificate of Insurance.

iii) If the Licensee does not provide or maintain in force the Licensee Insurance required by this Agreement, then the Licensor may take out the necessary insurance and pay the premium for periods of one year at a time, and the Licensee shall pay to the Licensor the amount of the premium immediately on demand.

iv) If both the Licensor and the Licensee have claims to be indemnified under any insurance required by the Agreement, then the indemnity shall be applied first to the settlement of the claim of the Licensor and the balance, if any, to the settlement of the claim of the Licensee.

h) ASSIGNMENT OR SUBLICENSING:

This Agreement and the License are personal to the Licensee and may not be assigned or sublicensed, including by succession or operation of law, except with the prior written consent of

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the Licensor, which consent may be withheld in the absolute discretion of the Licensor. In no event shall any assignment or sub-licensing release or relieve the Licensee from its obligations fully to perform all the terms, covenants and conditions of this License on its part to be performed. It is agreed that any change from the present control of the Licensee shall constitute an assignment of the License requiring the prior written consent of the Licensor.

i) INDEMNITY OF LICENSOR:

The Licensee covenants and agrees to indemnify and save harmless the Licensor (which indemnity shall survive the expiry or sooner determination of this License) from and against all costs and expenses caused to or incurred by the Licensor and from all costs, claims, suits or actions, including all costs and actual legal fees and disbursements incurred, in connection with:

i) the operation, use, maintenance or condition of the License Area during the Term;

ii) any default of the Licensee under or in respect of this Agreement.

iii) any damage to property while said property shall be in or about the Licensor Area; or

iv) any injury to any licensee, invitee, agent or employee of the Licensee, including death resulting at any time therefrom, occurring in or about the License Area.

j) CONDITION OF LICENSE AREAS, REPAIRS AND MAINTENANCE:

The Licensee hereby accepts the License Area on an "as is" basis and the Licensee shall, during the said term and any extension thereof, sufficiently repair, maintain, and keep all improvements on the License Area in good repair and promptly pay all charges incurred for any work, materials or services that may be done, supplied or performed in respect of the License Area.

The Licensee will be responsible for all costs relating to maintenance of the Premises as described on Schedule B, and for all minor failure, breakdown or loss to the Premises during the Term and any renewals thereof. "Minor failure, breakdown or loss" means failure, breakdown or loss which, in each instance is capable of repair or replacement for less than $2,500.00. Upon becoming aware of any failure, breakdown or loss to the Premises which is not or may not be minor, each Party shall notify the other Party in writing of such failure, breakdown or loss, and within thirty days of such notice the Licensee shall notify the Licensor in writing whether the Licensee will undertake repair or replacement. If the Licensee does not within that time indicate that it will undertake such repair or replacement, and if the Licensor elects not to undertake such repair or replacement then, at the election of either Party given in writing to the other Party, the Term shall immediately cease. Except in the case of minor failure, breakdown or loss to the Premises, neither Party shall in any circumstance be obligated to repair or replace the failure, breakdown or loss to the Premises or be responsible to pay the cost thereof. In no event shall the Licensor be responsible for repairing or rebuilding the Premises at its own cost.

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The Licensee acknowledges that the Licensor does not hold property insurance on the Premises and that in the event of a partial or total loss, the Licensor may elect not to repair the Premises, in which event the License shall immediately terminate without the Licensor being liable or obligated to the Licensee in any way. The Licensee is responsible for carrying its own business continuity insurance so that any loss or profit, effect on operations or cost of relocation are borne solely by the Licensee and not the Licensor, and the Licensee hereby waives and releases any claims they may have against the Licensor in respect of such losses, effects or costs. If damage to the Premises occurs and the Licensor is willing to permit the Licensee to repair the damage to the Licensor's satisfaction at the risk and expense of the Licensee, then the License will continue, but if at any time the Licensee elects not to undertake any repair or replacement require for safe and lawful occupancy of the Premises, then the Term of this License shall immediately cease without the Licensor having any liability or obligation to the Licensee.

k) ALTERATIONS AND INSTALLATIONS:

The Licensee shall not make any alterations, repairs, installations, removals or improvements in or about the License Areas, without the Licensor's prior written consent, in the Licensor's absolute discretion, as to suitability and acceptability and only after having submitted adequate plans and specifications thereof to the Licensor. Such consent shall be at the approval of the Director of Planning & Operations of the Licensor, and in the event of such consent, all work shall be done in good and workmanlike manner to a standard acceptable to the Director of Planning & Operations of the Licensor.

l) FIXTURES:

At the expiration of the Term hereby granted or if the License shall be otherwise terminated, all improvements erected or placed upon the License Area and owned by the Licensee, and all fixtures in or about the License Area placed by the Licensee and owned by the Licensee, shall be removed by the Licensee.

The Licensor shall have the right upon the termination of this License by effluxion of time or otherwise to require the Licensee by notice in writing, to remove the Licensee's chattels and equipment located on the License Area and if the Licensee down not remove all remaining personal property forthwith after written demand, then the Licensor may remove and dispose of such property and shall not be responsible for any loss or damage to such property because of such removal.

n) UTILITIES:

The Licensee shall pay all telephone, electric, gas, water, garbage collection and other utility charges in connection with its use or occupancy of the License Areas as and when the same become due. If at any time for any reason the Licensor is required to pay all of any of the foregoing, such amount so paid shall forthwith become due and payable by the Licensee as additional license fees hereunder.

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o) OTHER COSTS:

The Licensee shall pay and be responsible for all heat, fuel, electricity, scavenging, snow removal, parking, security service, insurance, janitorial and maintenance costs, repairs, utilities, assessments, painting, security protection all other costs, charges, outlays and expenses in connection with the License Area or any improvements thereon.

p) LICENSOR'S ACCESS TO LICENSE AREAS:

The Licensor shall be entitled to enter, inspect and otherwise have access to the License Areas throughout the Term of the License, and upon the expiration or sooner determination of the Term, the Licensee shall forthwith peaceably vacate and cease occupancy of the License Areas without notice from the Licensor.

q) TIME:

Time is of the essence of this Agreement.

r) TERMINATION:

The Licensor may terminate the License immediately and without any liability to the Licensee if any default or non-performance of any covenant hereunder by the Licensee is not fully cured within fourteen days after the Licensor has given written notice to the Licensee of the default or non-performance. Such termination is without prejudice to any other remedy that may be available to the Licensor, including recovery of damages.
The Licensor or the Licensee may at any time elect to terminate the License for convenience and without liability to the other on at least 90 days' written notice.

s) ENTIRE AGREEMENT:

This Agreement contains the entire agreement between the Parties. There are no other conditions, representations or warranties, express or implied, by either of the Parties to the other, and no amendment or addition hereto shall be valid unless set out in writing and executed on behalf of each of the Parties.

t) NOTICES:

Any notice, request, demand, direction or statement required or permitted to be given hereunder, shall be sufficiently given if mailed in Canada by registered mail, postage prepaid, to the appropriate Party at the address first set out above for that Party, or such other address as may be designated by written notice given by that Party to the other Party in accordance with this provision.

Any notice mailed as aforesaid shall be conclusively deemed to have been received on the third business day following the day on which such notice is mailed as aforesaid.

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u) REGISTRATION:

The Licensee shall not in any circumstances apply to register this License or any other interest or notice of interest against or in respect of the License Areas, the Premises or any part thereof. The Licensee further covenants not to mortgage or otherwise encumber this License or any interest hereunder.

v) LIABILITY FOR DAMAGE TO PERSONS OR PROPERTY:

The Licensor shall not be responsible in any way for any injury to any person or for the loss of or damage to any property belonging to the Licensee or to the employees, invitees, or licensees of the Licensee while such person or persons or property is in or about the buildings on the License Area or any part of the License Area, and the Licensee covenants to indemnify the Licensor against all loss, costs, claims or demands in respect of any injuries, loss or damage referred to in this paragraph.

w) OVERHOLDING:

If the Licensee continues to occupy the License Area with the express consent of the Licensor after the expiry of the Term of this License or any renewal thereof without any further written agreement, the Licensee shall be a monthly Licensee on the terms and conditions herein set out.

x) COMMENCEMENT:

The covenants expressed herein shall be binding on the Parties from the Effective Date, notwithstanding the dates of execution of this Agreement by the Parties.

y) ENUREMENT:

All of the provisions of this License shall be binding upon and enure to the benefit of the Parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

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IN WITNESS WHEREOF the Parties have duly executed and delivered this Agreement as of the day and year first above written.

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 68 (NANAIMO-LADYSMITH)	**TOWN OF LADYSMITH**
By its authorized signatory(ies)	by its authorized signatory(ies)
_____	_____
Authorized Signatory	Authorized Signatory
_____	_____
Name	Name
_____	_____
Title	Title

DRAFT

SCHEDULE "B"
MAINTENANCE AND CUSTODIAL RESPONSIBILITIES

MAINTENANCE ITEM	PARTY RESPONSIBLE		FINANCIAL RESPONSIBILITY	
Grounds Repair and Maintenance	LICENSOR	LICENSEE	LICENSOR	LICENSEE
Weed/Pest Control		√		100%
Grass & Turf Mowing		√		100%
Landscaped area including border plantings and planters		√		100%
Tree Pruning/Spraying, etc.		√		100%
Fencing and Gates (major repairs and maintenance)		√		100%
Sidewalks & Step Repair		√		100%
Sanding/Plowing/Snow clearing of all sidewalks, steps, roadways and parking		√		100%
Playground area		√		100%
Garbage Collection & Disposal		√		100%
Septic Tank Inspection and maintenance		√		100%
Building Repair and Maintenance				
Roof drainage systems		√		100%
Foundations	√			100%
Supporting Structures	√			100%
Fire alarm & fire sprinkler system (repair & maintenance)		√		100%
Annual fire alarm & emergency lighting inspections and testing		√		100%
Fire alarm system testing of tenants licensed area		√		100%
Fire extinguisher provision and testing		√		100%
Intrusion alarm (repair, maintenance, and yearly testing)		√		100%
Intrusion monitoring fees		√		100%
Alarm callouts		√		100%
Heating & Ventilation systems maintenance		√		100%
Water supply & Drainage		√		100%
Plumbing fixtures		√		100%
Annual Emergency Light testing		√		100%
Extra locks & keys (tenants licensed area etc.)	√			100%
Interior finishes & woodwork (including fixtures and furnishing)		√		100%
Exterior finishes & woodwork (including fixtures and furnishing)		√		100%
Vandalism, glass replacement or graffiti repairs		√		100%
Utilities				
Electrical		√		100%
Gas		√		100%
Water		√		100%
Tenant Telephones		√		100%
Alarm callouts		√		100%
Cable Television		√		100%
Data (Internet)		√		100%
Custodial				
Daily cleaning of floors, counters, sinks and removal of garbage		√		100%
Yearly cleaning of light fixtures, walls and windows		√		100%
Yearly stripping/waxing floors and/or carpet cleaning if required		√		100%

STAFF REPORT TO COUNCIL

Report Prepared By: Clayton Postings, Director of Parks, Recreation & Culture
Date: August 14, 2019
Report Reviewed By:
Meeting Date: August 19, 2019
File No:
RE: **MACHINE SHOP – WINDLEY CONTRACTING LTD**

RECOMMENDATION:

That Council:

1. Waive the Purchasing Policy for up to $1,400,000 of construction costs relating to the Machine Shop restoration project, by authorizing Windley Contracting Ltd. to secure the contracts and services on the Town's behalf.

PURPOSE:

To seek Councils authorization to waive the purchasing policy as it relates to the $1.4M construction expenses relating to the Machine Shop restoration project.

PREVIOUS COUNCIL DIRECTION

CS 2019-207	06/03/2019	That Council waive the purchasing policy and award the contract for Machine Shop Restoration Project Construction Management Services directly to Windley Contracting Ltd., in accordance with their proposal, for up to $81,500.00 + taxes.

INTRODUCTION/BACKGROUND:

The Town was fortunate to receive a large grant to restore the Machine Shop. The Town is utilizing the expertise of Hotson Architecture to oversee the consultants such as engineering, mechanical and code, as well the Town has recently awarded Windley Contracting Ltd (Windley) the construction management of the project.

The Purchasing Policy of the Town requires most purchases over $25,000 require some type of bidding system to ensure best pricing. This bidding process adds time to the project, and with the project required to be completed by the end of 2019 this existing process will delay decisions relating to securing contractors to complete the defined work.

To complete the project within the grant time lines, and the contracted time period and ensuring the best value for services provided, it is recommended that Windley Contracting Ltd.

is authorized to manage the securing of contractors. The Town will still be required to authorize this work and expenses, however for efficiency Windley would be responsible for securing and paying the contractors and payment will be made to directly to Windley.

This process does differ from other past projects as most often the Town solicits bidding for the entire project. However this process is similar to other models of construction management projects as it allows for flexibility in managing the project, which are time sensitive and where scope can change. This particular project has been broken into various components to ensure stakeholders, tenants and citizens could be involved in the planning process and Town staff can evaluate each renovation or upgrade against the needs to the users, the grant funding restrictions and the Town's needs.

ALTERNATIVES:

Council could choose not to waive the Purchasing Policy. Doing so will impact the amount of time the project will take as each construction component will required bids. This delay would have an impact on the overall costs and may impact the grant funding.

As well Town Staff resources would be required to complete all purchasing, this resource is not available, resulting in other project being impacted.

FINANCIAL IMPLICATIONS;

The Town has already authorized Windley Contracting Ltd. to act as construction manager for this project, and has authorized a fee of 4% of construction costs to be paid to Windley for this service. Waiving of the Purchasing Policy for the $1.4M construction costs, will allow Windley to find the best value for the services required, along with deliver in a timely manner.

LEGAL IMPLICATIONS;

None Identified

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Parks, Recreation & Culture oversee this project; Finance oversees the financial aspects of the project.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

☐Complete Community Land Use
☐Green Buildings
☐Innovative Infrastructure
☐Healthy Community
☐ Not Applicable
☐ Low Impact Transportation
☐ Multi-Use Landscapes
☐ Local Food Systems
☐ Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

☐Employment & Tax Diversity
☐Watershed Protection & Water Management
☐Communications & Engagement
☐ Natural & Built Infrastructure
☐ Partnerships
☐ Not Applicable

SUMMARY:

Staff recommend waiving the Purchasing Policy and awarding the construction aspect of the Machine Shop to Windley Contracting Ltd. Windley is already overseeing the construction management component of the project with a specific budget amount. Waiving the Policy will allow Windley to negotiate for the best price on behalf of the Town and in a timely manner.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

TOWN OF LADYSMITH

BYLAW NO. 2016

A Bylaw to Amend the
Revitalization Tax Exemption – Economic Program Bylaw 2012, No.1807

WHEREAS Council may, by bylaw, establish a revitalization tax exemption program;

AND WHEREAS under the provisions of the Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807, Council established a revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of those areas, identified in Schedule "A" to the Bylaw, which are experiencing challenges in attracting and retaining investment;

AND WHEREAS the objectives of the program established by the Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 are:

- To stimulate construction and alteration of buildings within Ladysmith; and
- To encourage new business investment in commercial and industrial used lands and, in turn, encourage new employment; and
- To promote a higher standard of urban design within business areas and employment areas in order to increase the attractiveness of these locations; and
- Generally reinforce the Town's commitment to economic revitalization.

AND WHEREAS Council considers that an amendment to Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 is necessary in order to better accomplish the objectives of the revitalization tax exemption program;

AND WHEREAS Council has considered this bylaw in conjunction with the objectives and policies set out under section 165 (3.1)(c) of the *Community Charter* in the Town's financial plan.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 is amended in section 5 by adding the word "maximum" in the first line immediately before the words "amount of the annual Tax Exemption".

2. Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 is amended by repealing sections 7 to 9 and substituting the following:

   "7. Council may provide a Tax Exemption under this Bylaw to an owner of eligible lands where:

   a) The Parcel is the subject of a building permit for construction of a new building or improvement or alteration of an existing building or improvement having a project value, as determined by the building inspector, of $200,000 (two hundred thousand dollars) or greater for the portion that is deemed the eligible Project;

   b) The Project is for a use that:
      i. is one of the uses permitted in the applicable zone for the Parcel, as set out in the Town of Ladysmith Zoning Bylaw as amended from time to time;
      ii. is consistent with the future land use designation for the Parcel, as set out in the Official Community Plan Bylaw as amended from time to time; and
      iii. meets all other applicable Town policies and bylaws;

   c) The owner of the Parcel enters into a Revitalization Tax Agreement with the Town substantially in the form attached to this Bylaw as Schedule "B"; and

d) The building permit was issued after July 1, 2019, and the Occupancy Permit is issued within two (2) years following the issuance of the building permit.

8. This Bylaw does not apply to:

a) a Parcel currently subject to another tax exemption from the Town; and

b) a Parcel in respect of which there are property taxes in arrears.

9. The maximum term of a Tax Exemption shall be:

a) five (5) years for Projects valued greater than $200,000 (two hundred thousand dollars) and less than $2,500,000 (two million five hundred thousand dollars), at 100% of the maximum tax exemption calculated under Section 5; and

b) ten (10) years for Projects valued greater than $2,500,000 (two million five hundred thousand dollars) as follows:
   i. Years 1 through 5 at 100% of the maximum tax exemption calculated under Section 5;
   ii. Year 6 at 90% of the maximum tax exemption calculated under Section 5;
   iii. Year 7 at 80% of the maximum tax exemption calculated under Section 5;
   iv. Year 8 at 70% of the maximum tax exemption calculated under Section 5;
   v. Year 9 at 60% of the maximum tax exemption calculated under Section 5; and
   vi. Year 10 at 50% of the maximum tax exemption calculated under Section 5.

3. Schedule "B" and Schedule "C" to the Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 are repealed and the attached form of Revitalization Tax Exemption and Revitalization Tax Exemption Certificate are substituted in their place.

4. This Bylaw may be cited for all purposes as "Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No 1807, Amendment Bylaw 2019, No 2016".

READ A FIRST TIME on the day of

READ A SECOND TIME on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

_____
Mayor (A. Stone)

_____
Corporate Officer (J. Winter)

Schedule "B"
Revitalization Tax Exemption - Economic Agreement

THIS AGREEMENT dated for reference the ____day of _____, 20____ is

BETWEEN:

(the "Property Owner")

AND:

TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC
V9G 1A2

(the "Town")

GIVEN THAT:

A. The Property Owner is the registered owner in fee simple of lands in the Town of Ladysmith at *[civic address]* legally described as *[legal description]* (the "Property");

B. Council has established a revitalization tax exemption program under the Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807, as amended (the "Bylaw"), under which the Property is included within the revitalization area; and

C. This Agreement contains the terms and conditions respecting the granting of a municipal property tax exemption under the Bylaw;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Property Owner and the Town covenant and agree each with the other as follows:

1. In this Agreement, the following words have the following meanings:

"Assessed Value"	means the most recent assessed value of the Parcel for land and improvement as determined by the BC Assessment Authority

"Baseline Assessment"	means the last published assessed value of the Parcel for land and improvements prepared by the BC Assessment Authority immediately before the commencement of the Project;
"Bylaw"	means Town of Ladysmith Revitalization Tax Exemption – Economic Revitalization Bylaw 2012 No. 1807, , as amended.
"Commercial and Industrial Use"	means Parcel assessed as Class 4, 5 or 6 and located within the Revitalization Area;
"Council"	means the council of the Town of Ladysmith;
"Property"	means the lands legally described as _____ ;
"Project"	means an eligible revitalization Project on the Property involving the construction or an alteration of an existing improvement;
"Revitalization Area"	means a Parcel which is currently within a land use designation as indicated on Schedule "A"
"Tax Exemption"	means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;
"Tax Exemption Certificate"	means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the Community Charter, in the form attached as Schedule "C", which is attached to and forms part of the Bylaw.

1. **The Project** – The Property Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, and, without limiting the generality of the foregoing, the Property Owner covenants to use its best efforts to ensure that the Project will:

   (a)

   (b)

   (c)

2. **Operation and Maintenance of Project** – Throughout the term of the Tax Exemption the Property Owner must operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Tax Exemption** – Subject to fulfillment of the conditions set out in this Agreement and in the Bylaw, the Town will issue a revitalization tax exemption certificate (the "Certificate") to the Property Owner entitling the Property Owner to a property tax exemption in respect of the Property (the "Tax Exemption") in an amount and for the calendar years set out in this Agreement. The Certificate will be in the form attached to this Agreement as Schedule "B".

4. **Conditions** – The following conditions must be fulfilled before the Town will issue a Tax Exemption Certificate to the Property Owner:

   (a) The owner must obtain a building permit from the Town for the project on or before _____, 20____, and begin construction within one year on or before _____, 20____;

   (b) The Property Owner must provide the Town with a certificate from the Property Owner's design professional (if applicable), in form and content satisfactory to the Town's Director of Financial Services, certifying the actual cost to construct the completed Project.

   (c) All property taxes, business licenses, and user fees must be paid in full throughout the term of the Agreement.

   (d) The Property Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict accordance with the building permit and the plans and specifications attached hereto as Schedule "B" and the Project must be inspected by the Town building inspector and certified complete on or before , 20 ;

   (e) The completed Project must substantially satisfy the performance criteria set out in Schedule "C" hereto, as determined by the Town's Director of Development Services and Building Inspector;

   (f) Variations from the original construction plan, Bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;

   (g) Any changes or upgrades made to the structure of the building due to the improvements must comply with all applicable bylaws;

5. **Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be:

(a) during the taxation years _____ to _____, shall be equal to that part of the municipal portion of property taxes on that part of Assessed Value calculated by deducting the Baseline Assessment from the current Assessed Value and multiplying the difference by the current municipal tax rate;

(b) if the Project is valued greater than $2,500,000:

(i) for the taxation year 20__, 90% of the tax exemption provided under section 5(a);

(ii) for the taxation year 20__, 80% of the tax exemption provided under section 5(a);

(iii) for the taxation year 20__, 70% of the tax exemption provided under section 5(a);

(iv) for the taxation year 20__, 60% of the tax exemption provided under section 5(a); and

(v) for the taxation year 20__, 50% of the tax exemption provided under section 5(a).

6. **Term of Revitalization Tax Exemption** – provided the requirements of this Agreement, and of the Bylaw are met, the Tax Exemption shall be for the taxation years _____ to _____, inclusive for a maximum of 5 years for Projects valued less than $2,500,000 or a maximum of 10 years for Projects valued greater than $2,500,000. If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year.

7. **Compliance with Laws** – The Property Owner will construct the Project and, at all times during the term of the Tax Exemption, use and occupy the Property and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules, regulations, or the like made under or pursuant to any such laws.

8. **Effect of *Strata Property Act* Subdivision –** If the Property Owner subdivides the Parcel under the Strata Property Act the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

(a) The current and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or

(b) For the next calendar year and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office after May 1.

9. **Representations and Warranties** – The Owner represents and warrants to the Town that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.

10. **Cancellation** – The Town may in its discretion cancel the Certificate at any time:

(a) On the written request of the Property Owner; or

(b) Effective immediately upon delivery of a notice of cancellation to the Property Owner if at any time any of the conditions in the Exemption Certificate or the Exemption Agreement are not met.

11. **Repayment of Exempt Taxes** - During the term of the Bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster) or if the use of the building on the Property is discontinued for a period of more than three (3) months. In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the current year exemption received under this Agreement within 30 days of cancellation. If the amount is not paid within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.

12. **No Refund –** For greater certainty, under no circumstances will the Property Owner be entitled under or pursuant to this Agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. **Notices**. Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

(i) in the case of a notice to the Town, at:

THE TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Attention: Director of Financial Services
Facsimile: 250-245-6411

(ii) in the case of a notice to the Property Owner, at:

Attention:
Facsimile:

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is given unless that day is not a Business Day, in which case the notice shall be deemed to have been given and received on the next day that is a Business Day. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Ladysmith, British Columbia.

14. **No Assignment** – The Property Owner may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.

15. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

16. **Interpretation** - Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so required.

17. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

18. **Waiver** - Waiver by the Town of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. **Powers Preserved** - This Agreement does not

    (a) affect or limit the discretion, rights or powers of the Town under any enactment (as defined in the Interpretation Act, R.S.B.C. 1979, c.206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;

    (b) affect or limit any enactment relating to the use or subdivision of the Property, or

    (c) relieve the Property Owner from complying with any enactment, including in relation to the use or subdivision of the Property, and without limitation shall not

confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any Bylaw of the Town.

20. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered by the
TOWN OF LADYSMITH by its
authorized signatories:

_____
Mayor:

_____
Corporate Officer:

Signed, Sealed and Delivered by
by its authorized signatories:

_____
Name:

_____
Name:

Appendix "A"
(Forms Part of Schedule B)
Map of Affected Parcel

Appendix "B"
(Forms Part of Schedule B)
Plans and Specifications for the Project

Appendix "C"
(Forms Part of Schedule B)
Performance Criteria for the Project

Schedule "C"
Revitalization Tax Exemption Certificate

Section 226 of the *Community Charter*, SBC 2003, c. 26

In accordance with the Town of Ladysmith Revitalization Tax Exemption Bylaw No. 1807, as amended (the "Bylaw"), and in accordance with the Revitalization Tax Exemption Agreement dated for reference the ___ day of _____, 20_____ (the "Agreement") entered into between the Town of Ladysmith (the "Town") and _____ (the "Owner"), the registered owner(s) of the property described below, this certificate certifies that the Property (as defined below) is subject to a revitalization tax exemption in an amount equal to:

1. For each of the taxation years 20__ to and including 20__, the municipal portion of property taxes imposed under section 197(1)(a) of the *Community Charter* on that part of the Assessed Value (as defined in the Bylaw) calculated by deducting the Baseline Assessment (as defined in the Bylaw) from the current Assessed Value and multiplying the difference by the current municipal tax rate;
2. For the taxation year 20__, 90% of the tax exemption provided under section 1 of this Certificate;
3. For the taxation year 20__, 80% of the tax exemption provided under section 1 of this Certificate;
4. For the taxation year 20__, 70% of the tax exemption provided under section 1 of this Certificate of this Certificate;
5. For the taxation year 20__, 60% of the tax exemption provided under section 1 of this Certificate;
6. For the taxation year 20__, 50% of the tax exemption provided under section 1 of this Certificate.

(the "Tax Exemption").

The Property to which the Tax Exemption applies is in the Town of Ladysmith and is legally

described as: _____,

CIVC ADRESS: _____

PID _____

The Tax Exemption is provided on the following conditions:

1. the Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement and Bylaw; and

2. the Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Property without the transferee taking an assignment of the Agreement, and agreeing to be bound by it; and

3. the Owner, or a successor in title to the Owner, has not allowed the property taxes for the Property to go into arrears or to become delinquent; and

4. the Property is not put to any use that is not permitted.

If any of these conditions are not met, then the Council of the Town of Ladysmith may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Property will remit to the Town an amount equal to the total value of the current year exemption received under this Certificate within 30 days of cancellation. If the amount is not paid within that 30 day period, any amount unpaid will bear interest at a rate of 1.0% per month, compounded annually.

Rotary

Town of Ladysmith

On September 21st, 2019, the Rotary Clubs of Ladysmith and Chemainus will be hosting our 9th annual fund-raising golf tournament at Mount Brenton Golf Club in Chemainus.

Our main sources of fund-raising at our golf tournament are sponsorship and team entries. This is an opportunity for you to let the citizens of your community know that your business supports the good work of charitable organizations like Rotary. The cost to be a hole sponsor is $350.00, which includes having a sign professionally prepared. Sponsorships are to be paid by cheque at the time of ordering, payable to Rotary Club of Ladysmith. In addition to the very visible signs, hole sponsors will be recognized by posters on each table at the luncheon and verbally acknowledged during our awards presentations. What a great way to get your company name out into the community!

We also invite our hole sponsors, if they so wish, to have an active display on the hole they sponsor. That may include giving out free samples, coupons, information pamphlets, etc. This is a great opportunity for our approximately 120 players and volunteers to learn more about your business.

We are also offering the opportunity to be a meal sponsor or a cart sponsor. Meal sponsors will have their signage posted in the dining room during the awards luncheon. Cart sponsors will be acknowledged on the cart that is sponsored.

We are hoping our sponsors will participate in our tournament. Any hole or meal sponsor who enters a team will be recognized as a Gold Sponsor and the total cost will be $750.00. This year, we are offering a Platinum Sponsorship for a team entry, hole sponsorship and five cart sponsorships for a cost of $1,000.00.

And, of course, we welcome donated prizes and items for our silent and live auctions.

We thank you for your support of the Rotary Clubs of Ladysmith and Chemainus. For more information, please call Tom Andrews (250) 210-2402 (tomandrewsvii@gmail.com,) or Joan Phillips (250) 245-8104 or (250) 327-6220 (joph@telus.net).

Yours sincerely,

Tom Andrews

The Rotary Clubs of Ladysmith & Chemainus

RECEIVED
AUG 01 2019
TOWN OF LADYSMITH
FINANCE DEPT.

August 15th, 2019

Mayor Aaron Stone & Members of Council
Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, British Columbia
V9G 1A2

AUG 15 2019

Dear Mayor Stone & Members of Council:

Re: E&N Rail Station Ladysmith

Further to my request at the Special Meeting of Council, Mon 12 Aug 2019, I write to seek clarity on the status of the E&N Rail Station in Ladysmith.

There have been local individuals, (and groups), as well as business persons, expressing an interest in acquiring a long-term lease on the E&N Rail Station, (and surrounding property), with most noting their desire to preserve its place in Ladysmith's Rail History. To prevent considerable structural damage the roof needs immediate attention.

With the above in mind would you please confirm the following:

1. That Mayor & Council will lend its support to (a) local citizen(s) who will seek a proposal that would oversee the restoration and appropriate use(s) of the E&N Rail Station in Ladysmith.

2. That the Town of Ladysmith will lend its VOTE of support as a member of the Island Corridor Foundation, at the time a formal overture for a lease of the Ladysmith E&N Rail Station and immediate surrounding area is made.

Upon confirmation of the above, and with clarification of the appropriate decision-making authority surrounding a long-term lease agreement for use of the Ladysmith E&N Rail Station, work can commence on the details associated with identifying, and partnering with (a) local group(s) to formulate a thorough and inviting offer to lease. Thank you for your consideration.

Your faithful servant,

Bill Drysdale
250-245-8726
250-327-3181
wddrysdale@telus.net
816 Malone Rd