

**A SPECIAL MEETING  
OF THE TOWN OF LADYSMITH COUNCIL  
AGENDA  
5:00 P.M.**

Tuesday, June 16, 2020

This meeting will be held electronically

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**Pages**

**1. CALL TO ORDER**

Call to Order 5:00 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**

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:

- Labour relations - Section 90(1)(c)
- Litigation or potential litigation affecting the municipality - Section 90(1)(g)
- Advice that is subject to solicitor-client privilege - Section 90(1)(i)

**3. SPECIAL OPEN MEETING (7:00 p.m.)**

Please go to

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured> to view this meeting.

**4. AGENDA APPROVAL**

Recommendation

That Council approve the agenda for this Special Meeting of Council for June 16, 2020.

**5. RISE AND REPORT- Items from Closed Session**

## **6. MINUTES**

### **6.1 Minutes of the Special Meeting of Council held June 2, 2020 5**

#### Recommendation

That Council approve the minutes of the Special Meeting of Council held June 2, 2020.

### **6.2 Minutes of the Special Meeting of Council held June 3, 2020 11**

#### Recommendation

That Council approve the minutes of the Special Meeting of Council held June 3, 2020.

## **7. DELEGATIONS**

### **7.1 Ladysmith-Chemainus Swim Club Society 13**

Pool Rental Fees

#### Recommendation

That Council refer the correspondence from the Ladysmith-Chemainus Swim Club Society regarding pool rental rates to staff for review and report back to Council.

## **8. DEVELOPMENT APPLICATIONS**

### **8.1 Development Permit Application – 204 Dogwood Drive 15**

#### Recommendation

That Council:

1. Issue Development Permit 3060-20-10 for the proposed development at 204 Dogwood Drive.
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-10.

### **8.2 DVP & DP for Oceanfront Residential Development at 373 Chemainus Road 30**

#### Recommendation

That Council:

1. Issue Development Variance Permit 3090-20-03 to vary the setback from the sea and the maximum height to allow for a single unit dwelling at 373 Chemainus Road;
2. Issue Development Permit 3090-20-15 to allow for a single unit

dwelling at 373 Chemainus Road; and

3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-03 and Development Permit 3090-20-15.

## **9. REPORTS**

### **9.1 Chicken Ladder Flood Hardening Feasibility Study**

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#### Recommendation

That Council:

1. Waive the Town of Ladysmith Purchasing Policy and direct award the hydrologic work for the Chicken Ladder Flood Hardening Feasibility Study to Tetra Tech at an estimated cost of \$32,000; and
2. Amend the 2020-2024 Financial Plan accordingly, with funding to come from the Water Capital Reserve.

### **9.2 Economic Recovery**

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#### Recommendation

That Council:

1. Give first, second and third reading to Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041 to eliminate fees for sidewalk patios and to create an exemption to the requirement for a permit for small sidewalk patios and retail displays;
2. Adopt Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041;
3. Provide preapproval for Temporary Expanded Service Area Authorizations pursuant to Liquor and Cannabis Regulatory Board Policy Directive 20-13; and
4. Direct staff to submit an application for funding through the Island Coastal Economic Trust Small Capital Restart Program for up to \$15,000 for improvements in the downtown core to support local economic recovery efforts.

### **9.3 Holland Creek Supply Main (Phase 2)**

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#### Recommendation

That Council direct staff to:

1. Defer the High Street Watermain project from 2020 to a future year;
2. Complete the design and tender of the Holland Creek Water

Supply Main (Phase 2) project; and

3. Amend the 2020-2024 Financial Plan to include \$382,000 for the Holland Creek Water Supply Main (Phase 2) project with the funding to come from the High Street Watermain Project, the remaining funds from Phase 1 of the Holland Creek Water Supply Main project and the remaining \$198,000 to come from the Water Capital Reserve.

#### **9.4 Stocking Lake Access Culvert**

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##### Recommendation

1. Amend the 2020-2024 Financial Plan to include \$50,000 for the Stocking Lake Access Culvert with the funds to come from the cost share with the CVRD and \$25,000 from the Water Capital Reserve; and
2. Waive the Town's Purchasing Policy and authorize staff to obtain 3 quotes from contractors to perform the Stocking Lake Access Culvert work.

#### **10. NEW BUSINESS**

#### **11. QUESTION PERIOD**

Residents can submit questions to Council via email at [info@ladysmith.ca](mailto:info@ladysmith.ca) or on YouTube during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include 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.
- 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

#### **12. ADJOURNMENT**





## MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, June 2, 2020

7:05 P.M.

This meeting was held electronically

### Council Members Present:

Mayor Aaron Stone  
Councillor Duck Paterson  
Councillor Amanda Jacobson  
Councillor Rob Johnson (7:15pm)

Councillor Tricia McKay  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### Staff Present:

Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Geoff Goodall  
Donna Smith

Chris Geiger  
Julie Thompson  
Mike Gregory  
Sue Bouma

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### 1. CALL TO ORDER

Mayor Stone called this Special Meeting of Council to order at 7:05 p.m., recognizing the traditional territory of the Stz'uminus People and expressing gratitude to live and work here.

### 2. AGENDA APPROVAL

#### CS 2020-158

That Council approve the agenda for this Special Meeting of Council for June 2, 2020 as amended to include the following:

- Item 5.1., add the "Letter of Rationale from Applicant" for 1148 Rocky Creek Road Zoning Bylaw Amendment Application
- Item 7.2., add the topic "Off-Seasonal Lighting"
- Item 9.1., "Cowichan Pride"

*Motion Carried*

### **3. MINUTES**

#### **3.1 Minutes of the Special Meeting of Council held May 19, 2020**

##### **CS 2020-159**

That Council approve the minutes of the Special Meeting of Council held May 19, 2020.

*Motion Carried*

#### **3.2 Minutes of the Special Meeting of Council held May 21, 2020**

##### **CS 2020-160**

That Council approve the minutes of the Special Meeting of Council held May 21, 2020.

*Motion Carried*

### **4. PROCLAMATIONS**

#### **4.1 BC Health and Fitness Day, June 6, 2020**

Mayor Stone proclaimed June 6, 2020 as BC Health and Fitness Day in the Town of Ladysmith. He encouraged everyone to participate in physical activities to contribute to their own health and well-being.

#### **4.2 Access Awareness Day, June 6, 2020**

Mayor Stone proclaimed June 6, 2020 as Access Awareness Day in the Town of Ladysmith.

Due to connection issues, Councillor Johnson joined the meeting at 7:15pm.

### **5. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING**

#### **5.1 Zoning Bylaw Amendment Application – 1148 Rocky Creek Road**

##### **CS 2020-161**

That Council proceed with first and second reading of Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040.

*Motion Carried*

**CS 2020-162**

That Council waive the requirement for a public hearing for Town of Ladysmith Zoning Bylaw 2014, No.1860, Amendment Bylaw (No. 31) 2020, No. 2040 as per Section 467 of the Local Government Act.

*Motion Carried*

OPPOSED: Councillors Jacobson and Paterson

**6. COMMITTEE MINUTES**

**6.1 Community Planning Advisory Committee Minutes**

**CS 2020-163**

That Council receive for information the minutes from the April 1, 2020 meeting of the Community Planning Advisory Committee.

*Motion Carried*

**7. REPORTS**

**7.1 Replacement of Utility (Fire) Truck Unit #6**

**CS 2020-164**

That Council:

1. Approve up to \$75,000 for the replacement of the Ladysmith Fire/Rescue "Unit 6"; and
2. Amend the 2020-2024 Financial Plan accordingly with funds to be taken from the Fire Vehicles Reserve.

*Motion Carried*

OPPOSED: Councillor Johnson

**7.2 Economic Recovery Update**

Mayor Stone thanked staff, the Ladysmith Chamber of Commerce, and the Ladysmith Downtown Business Association for their efforts to develop economic recovery strategies in response to the COVID-19 pandemic.

Council discussed parklet/patio logistics. Mayor Stone discussed the possibility of working with Council to find a benefactor to pay for off-seasonal lighting.

**CS 2020-165**

That Council direct staff to initiate the following change to bylaws that regulate sidewalk patios, retail displays and parklets:

1. Eliminate the application fee or “rent” for sidewalk patios, retail displays and parklets; and
2. Allow 1-2 dining sets, racks or displays without a permit, provided they are placed in accordance with Town bylaw regulations.

**CS 2020-166****AMENDMENT:**

That resolution CS 2020-165 be amended so that Item No. 2 reads as follows:

2. Allow 1-2 dining sets, racks or displays without a permit, provided they are placed in accordance with Town bylaw regulations and Provincial Health regulations.

*Amendment Carried*

**Resolution CS 2020-165, as amended, reads:**

That Council direct staff to initiate the following change to bylaws that regulate sidewalk patios, retail displays and parklets:

1. Eliminate the application fee or “rent” for sidewalk patios, retail displays and parklets; and
2. Allow 1-2 dining sets, racks or displays without a permit, provided they are placed in accordance with Town bylaw regulations and Provincial Health regulations.

*Main Motion, As Amended, Carried*

**CS 2020-167**

That Council direct staff to implement a downtown patio seating area of six tables in the general location of the sidewalk area in front of the Islander Hotel on 1<sup>st</sup> Avenue, to a maximum of \$35,000, with \$15,000 from external grants and the remaining \$20,000 from unspent Grants-in-Aid funds.

*Motion Carried*

Off-Seasonal Lighting

**CS 2020-168**

That Council authorize the installation of “Edison bulb” light strings across 1<sup>st</sup> Avenue and Roberts Street.

*Motion Carried*

**CS 2020-169**

That Council direct staff to prepare a report for the next Council meeting with a policy framework for parklet/patio spaces based on a demonstrated desire by local businesses to have such spaces available to them.

*Motion Carried*

**8. CORRESPONDENCE**

**8.1 Association of Cannabis Retailers**

**CS 2020-170**

That Council send a letter of support to Mike Farnworth, Minister of Public Safety and Solicitor General of British Columbia, endorsing initiatives to allow regulated cannabis stores to accept product reservations online and over the phone, in support of regulated cannabis retailers’ efforts to continue serving their customers in a way that protects public health to the greatest extent possible.

*Motion Carried*

**9. NEW BUSINESS**

**9.1 Cowichan Pride: Request to Fly the Pride Flag**

**CS 2020-171**

That Council fly the Pride flag for the balance of the month of June 2020.

*Motion Carried*

**CS 2020-172**

That Council direct staff to review the Town’s Flag Protocol Policy to ascertain whether there are provisions to annually fly the Pride Flag in June and if not, report back to Council with a revised policy.

*Motion Carried*

**10. QUESTION PERIOD**

There were no questions from residents submitted to Council.

**11. ADJOURNMENT**

**CS 2020-173**

That this Special Meeting of Council adjourn at 9:22 p.m.

*Motion Carried*

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

Subject to Adoption



## MINUTES OF A SPECIAL MEETING OF COUNCIL

Wednesday, June 3, 2020

5:00 P.M.

This meeting was held electronically

### **Council Members Present:**

Mayor Aaron Stone  
Councillor Amanda Jacobson  
Councillor Rob Johnson

Councillor Tricia McKay  
Councillor Marsh Stevens  
Councillor Jeff Virtanen

### **Council Members Absent:**

Councillor Duck Paterson

### **Staff Present:**

Erin Anderson  
Donna Smith

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### **1. CALL TO ORDER**

Mayor Stone called this Special Meeting of Council to order at 5:00 p.m., recognizing the traditional territory of the Stz'uminus People and expressing gratitude to live and work here.

### **2. AGENDA APPROVAL**

#### **CS 2020-174**

That Council approve the agenda for this Special Meeting of Council for June 3, 2020.

*Motion Carried*

**3. CLOSED SESSION**

**CS 2020-175**

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:

- Labour relations – Section 90(1)(c)

*Motion Carried*

**4. RISE AND REPORT – Items from Closed Session**

Council rose from Closed Session at 6:56 p.m. with report on the following items:

- CE 2020-081

That Council engage the services of JB Consultants Inc. to perform the search for the next Chief Administrative Officer for the Town of Ladysmith.

**5. ADJOURNMENT**

**CS 2020-176**

That this Special Meeting of Council adjourn at 6:57 p.m.

*Motion Carried*

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Mayor (A. Stone)

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Corporate Officer (D. Smith)





**Ladysmith-Chemainus Swim Club Society**  
P.O. Box 635  
Ladysmith, British Columbia  
V9G 1A5  
ladysmithchemainusorcas@gmail.com

### **Delegation Notes for Town of Ladysmith Council – June 16, 2020**

#### **Background:**

- LCSC is a Not-for-Profit that has been offering a swim program at FJCC since 1987
- LCSC rents all 4 lanes Mon-Friday from 4-5:30pm to offer a Recreational/Competitive swim program to Ladysmith, Chemainus and area youth
- The club has approximately 40 regular swimmers but this number fluctuates month-month and one season to the next
- In late 2019 Town staff reminded the board that they needed to provide a lifeguard certified coach at each practice
- LCSC was made aware that at in the past LCSC Board approached the Town for a reduction in fees
- An agreement was put into place that reduced pool rental fees
- The agreement details are unclear as the current Board was unable to find a written agreement, contract clause related to this agreement, or terms of reference other than verbal notice that a certified lifeguard was required
- Nov 2019, current LCSC Board enquired to town staff about the need to have a certified lifeguard and the details of the agreement, liability, training, etc
- November 18, 2019 town staff notified LCSC that Ladysmith PRC had worked out a reduced-fee agreement that uses the coach as backup lifeguard, the communication also indicated that this agreement would have to be revisited or made part of the rental agreement, and that beginning September 2020 the club rental fees would be aligned with the current bylaw #1968
  - As part of this email, staff also stated that while there are fees for 1 or 2 pools in the current bylaw they only charge the 2 pool rate as they need to schedule 2 lifeguards to meet pool regulations

#### **Concerns:**

- Single pool rental represents a 40% increase in fees BUT we've been told that LPRC does not rent single pool so this would represent a 60% increase in pool rental fees despite only using one pool for the program
- Each swimmer would have to pay approximately \$27-\$60 more each month depending on rental fee charged
  - Some families have more than one swimmer participating
- An increase of 40-60% for pool rental fees would be cost prohibitive the families in the community
  - This increase could drive families out of our community to participate in a competitive swim program in another community or entirely out of competitive swimming
- Swimming is the only sport that does not currently have a youth rate represented in TOL Bylaw #1968

- Ball Diamonds and Fields both have a Youth rate – with some sport fields having no charge for youth sports

**Considerations:**

LCSC is asking that council;

- consider a special pool rental rate for the 2020-2021 season to support LCSC in continuing to provide a competitive and recreational swim program to Ladysmith and area children and;
- consider a youth or not-for profit fee for pool rentals when reviewing or revising Schedule B of Bylaw 1968

**LCSC Session Fees by Season**

	Typical Session 1.5hrs (rate/hour(	Approximate Monthly Amount (based on 22 days)	% increase
2017-2018	\$72.27 (\$48.18)	\$1589.94	
2018-2019	\$73.37 (\$48.91)	\$1614.14	+1.5%
2019-2020	\$75.19 (\$50.13)	\$1654.18	+2.42%
2020-2021 – Proposed (1pool/2pools)	\$124.92	\$2748.24	+40%
	\$183.51	\$4037.22	+60%

**Proposed Monthly Fee Increase Breakdown (Based on 2020-2021 Fees in Bylaw 1968)**

Month(1.5hrs x 22 days)	1 Pool Fee	2 Pools Fee
Proposed Monthly 2020-21 Fees	\$2748.24	\$4037.22
Current Month 2019-2020 Fees	\$1654.18	\$1654.18
Difference	\$1094.06	\$2383.04
Increase to Swimmer/month	\$27.35	\$59.58

**Price Per Lane Comparison**

Community	Price Per 25m Lane Per Hour
Ladysmith – LCSC 2019-2020 Season	\$12.53
Ladysmith – 2020-2021 Season	\$20.82 (1 pool)/\$30.59 (2 pool)
Cowichan Aquatic 2020-2021 Season	\$14.83
Nanaimo – 2020-2021 Season	\$10.35
Port Alberni – 2020-2021 Season	\$13.25
Comox – 2020-2021 Season	\$14.65
Qualicum Beach – 2020-2021 Season	\$15.45
Esquimalt-2020-2021	\$13.75
Saanich	\$15.79
Westshores	\$13.44
<b>MEAN AVERAGE</b>	<b>\$13.77 (using LCSC 2019-2020 rate)</b>

Note: With the exception of Ladysmith, all of these communities have a Youth rate

STAFF REPORT TO COUNCIL

**Report Prepared By:** Julie Thompson, Planner  
**Meeting Date:** June 16, 2040  
**File No:** DP 3060-20-10  
**RE:** DEVELOPMENT PERMIT APPLICATION – 204 DOGWOOD DRIVE

RECOMMENDATION:

That Council:

1. Issue Development Permit 3060-20-10 for the proposed development at 204 Dogwood Drive.
2. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-20-10.

EXECUTIVE SUMMARY:

The construction of an outdoor patio and additional improvements has been proposed at 204 Dogwood Drive, with the intent to establish a Neighbourhood Pub within the existing commercial building. Staff recommend that Council issue Development Permit 3060-20-10 as the proposal is generally consistent with the guidelines for the Commercial Development Permit Area (DPA 3).



**Figure 1:** 204/202 Dogwood Drive (recently consolidated from 3 lots).

PREVIOUS COUNCIL DIRECTION:

Resolution # & Meeting Date	Resolution Details
March 31, 2020 CS 2020-102	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 30) 2019, No. 2049" <i>Motion Carried</i>  (to allow a 200m <sup>2</sup> Neighbourhood Pub at 202/204 Dogwood Drive)

INTRODUCTION/BACKGROUND:

The subject property currently contains a residential dwelling (202 Dogwood Dr.) with an attached commercial building (204 Dogwood Dr.) containing a barbershop. Commercial parking is located at the front of the commercial building, with access off Dogwood Drive. The subject property is within the Local Commercial (C-1) zone and is adjacent to residentially zoned properties on either side. Other C-1 properties are located across the street.



**Figure 2:** Existing front commercial façade at 204 Dogwood Drive.

The applicant is proposing to establish a 45 seat (29 inside, 16 outside) Neighbourhood Pub use with a micro-brewery within the existing commercial building located on the subject property. The existing barbershop will also be accommodated within the existing building. The applicant has submitted a Development Permit (DP) application for improvements to the site and existing commercial building at 204 Dogwood Drive, including:

- An outdoor patio covered by a 28.5m<sup>2</sup> cedar pergola at the front of the commercial building to provide outdoor seating for the pub.
- Exterior alterations to the commercial building such as new paint, new windows and doors, lighting, trim, and signage.
- Additional landscaping along the southeast side property line and the front property line.
- Expansion of the parking area by approximately 3m on the northeast side of the existing parking area, and improvements such as lighting, curbs, and planters.
- A new pedestrian pathway with adjacent fencing.
- Bicycle parking.



**Figure 3:** Front façade rendering of proposed improvements at 204 Dogwood Drive.

**ANALYSIS:**

The subject property is designated Local Commercial in the Official Community Plan (OCP) and is within the C-1 zone in the Zoning Bylaw. The proposal is consistent with the OCP designation and the zoning regulations. The subject property is within the Commercial Development Permit Area (DPA 3), thus a DP is required to allow the proposed development.

***Development Permit Area:***

The objectives of DPA 3 are to enhance highway commercial, tourist commercial, general commercial and neighbourhood commercial development in Ladysmith, and to ensure that commercial development is complementary to the existing character of Ladysmith and aligned with the Town's vision for future growth.

The proposed development has been reviewed for consistency with the DPA 3 guidelines. The DPA 3 guidelines and staff observations have been summarized in Table 1, below:

<b>Guidelines</b>	<b>Observations</b>
Building Design	<ul style="list-style-type: none"><li>• The commercial building is existing.</li><li>• The proposed cedar patio/pergola and exterior design changes, such as the grey exterior paint, woodgrain accents and configuration of windows and doors, complement the existing commercial building.</li></ul>
Building Siting & Massing	<ul style="list-style-type: none"><li>• The height of the pergola (approx. 2.5m) respects the height of the existing commercial building (approx. 4.6m).</li><li>• The development incorporates a pedestrian walkway connecting the commercial development with the street.</li><li>• The existing building and proposed pergola contain variations in building height and massing and provide a variety of building form.</li></ul>
Building Frontage	<ul style="list-style-type: none"><li>• The proposed pergola adds additional articulation of the building frontage.</li><li>• Bicycle racks and lighting are provided, but not at the streetscape, as the existing building is set back from the street.</li><li>• Rear laneway will not be developed for active commercial use, which will be from the front of the building.</li><li>• Improvements to the laneway include new paint on the building façade.</li><li>• No unimproved blank walls adjacent to the street and lane are proposed. Walls adjacent to the lane contain windows.</li></ul>
Roof Form	<ul style="list-style-type: none"><li>• Existing building roof is sloped with a gable pitch and consists of asphalt shingle.</li><li>• Pergola roof is flat, adding variation to roof slopes.</li></ul>
Windows & Doors	<ul style="list-style-type: none"><li>• Large bay door acts as a window and is proposed to open onto outdoor patio.</li><li>• Proposed windows and doors are proportioned to the size of wall on which they appear.</li><li>• Windows are architecturally compatible with the overall building design.</li><li>• Exterior doors are fully glass and double as windows.</li><li>• Doors and windows are highlighted with trim.</li><li>• Primary entrances to the pub and the barbershop are clearly defined through the use of lighting, signage, and pedestrian pathways. Entrances have access from the sidewalk via an on-site pedestrian pathway.</li><li>• Weather protection is provided over building entrances via a roof overhang.</li></ul>
Signs, Canopies & Lighting	<ul style="list-style-type: none"><li>• Proposed signage for the pub - 'Shoot the Moon' – is of professional quality and consistent with the design and character of the building.</li><li>• The proposed free-standing sign at the driveway entrance off Dogwood Drive is lower profile.</li></ul>



Guidelines	Observations
	<ul style="list-style-type: none"> <li>• A roof overhang provides weather protection over the front building entrances.</li> <li>• Lighting along the pedestrian pathway is provided.</li> <li>• Lighting fixtures next to primary building entrances are decorative.</li> <li>• Exterior façade lighting and parking area lighting follow dark-sky principles and are directed downward.</li> </ul>
Outdoor Patios	<ul style="list-style-type: none"> <li>• An outdoor patio to be used for outdoor dining is proposed for the pub, contributing to outdoor vitality. The area of the patio under the pergola is 28.5m<sup>2</sup>.</li> </ul>
Materials & Colour	<ul style="list-style-type: none"> <li>• Exterior cladding of commercial building consists of existing stucco on the rear and sides, with board-and-batten on the front.</li> <li>• The pergola is proposed to be cedar.</li> <li>• The colour scheme is cohesive and consists of dark grey (paint) for the commercial building with black, aluminum and woodgrain accents.</li> </ul>
Mechanical, Electrical & Security Equipment	<ul style="list-style-type: none"> <li>• Small sized, galvanized steel rooftop exhaust is proposed at the rear, adjacent to the lane.</li> </ul>
Accessibility & Connectivity	<ul style="list-style-type: none"> <li>• A ground level entrance to the pub is proposed.</li> <li>• The barbershop entrance contains stairs, but an additional ground-level point of entry is proposed.</li> <li>• A pathway consisting of a mix of permeable pavers and concrete connecting the sidewalk to the primary commercial entrances is proposed.</li> <li>• The pedestrian pathway is adequately illuminated.</li> <li>• One disability parking space is provided in accordance with the Zoning Bylaw parking regulations.</li> </ul>
Vehicle & Bicycle Parking	<ul style="list-style-type: none"> <li>• DPA guidelines support vehicle parking at the rear; however, the site layout is existing and parking is currently located at the front of the parcel. The parking area is proposed to be extended approximately 3m from the northeast side of the parking area in order to accommodate parking on both sides of the existing parking lot, with an adequate maneuvering isle in the middle.</li> <li>• The parking area is screened from public view and neighbouring properties with fencing and landscaping.</li> <li>• The parking area is partially screened from the patio view with planters.</li> <li>• The parking area is shared between the barbershop and the pub.</li> <li>• Residential parking is currently at the northwest rear corner of the parcel, accessed via the laneway, and is not proposed to change.</li> <li>• Outdoor bike racks are provided near the barbershop and pub entrances.</li> <li>• Vehicle and bicycle parking requirements are consistent with the Zoning Bylaw.</li> </ul>
Loading Facilities	<ul style="list-style-type: none"> <li>• No loading bays are required and none are proposed.</li> <li>• A separate delivery entrance for the pub is proposed at the front of the building.</li> </ul>
Landscape	<ul style="list-style-type: none"> <li>• A row of existing cedar trees will be maintained and will become part of the required landscape buffer along the southwest parcel boundary.</li> <li>• Existing mature trees and fencing will be used to provide a buffer between the commercial use and the existing residential use on the parcel as well as a neighbouring residential property to the northeast. The trees and fencing will act as a substitution for the Zoning Bylaw landscape buffer requirement on the northeast side parcel line, in accordance with the following DPA3 guideline, “the minimum landscape buffer requirements provided in Part 7 of the Zoning Bylaw may be varied where the abutting parcels in a zone that permits residential use would be buffered through alternative measures on the parcel such as topography, non-commercial land uses, other structures and/or landscaping or existing vegetation”.</li> <li>• Plant material for the commercial area landscaping consists of a combination of trees (new and existing), landscape grass and shrubs.</li> <li>• Existing wood fencing is to be retained.</li> </ul>

Guidelines	Observations
	<ul style="list-style-type: none"> <li>• New fencing is proposed to be wood to complement existing wooden features and new features in the building design.</li> <li>• Two new shade trees in the parking area are provided in accordance with the Zoning Bylaw shade tree requirement.</li> <li>• All landscaping work and plant material will conform to the most recent edition of the BC Landscape Standards published by the BC Society of Landscape Architects.</li> <li>• The proposed DP will require monetary security to ensure that the required soft landscaping will be completed and established.</li> </ul>
Energy Conservation	<ul style="list-style-type: none"> <li>• The building is existing; proposed internal renovations do not include new energy efficient heating and cooling systems.</li> </ul>
Rain Water Management & Water Conservation	<ul style="list-style-type: none"> <li>• Automatic high efficiency (drip) irrigation is proposed.</li> <li>• Permeable pavers are proposed for the majority of the pedestrian pathway.</li> </ul>
Recycling, Organics & Solid Waste Management	<ul style="list-style-type: none"> <li>• Solid waste storage is located within an existing enclosure at the rear of the building and is screened from public view.</li> </ul>
Crime Prevention	<ul style="list-style-type: none"> <li>• Parking and exterior lighting is proposed, which will provide greater ability to see throughout the site at night.</li> </ul>
Public Realm	<ul style="list-style-type: none"> <li>• Pedestrian pathway to the building entrances provides a link from the public realm.</li> </ul>
Neighbourhood Commercial	<ul style="list-style-type: none"> <li>• The massing and height of the existing commercial building (single storey) and proposed pergola respects the character of neighbouring buildings and does not overpower them.</li> <li>• The existing commercial building is proposed to be refurbished and will continue to be used commercially.</li> <li>• The existing commercial building is proposed to be multi-use, containing both a barbershop and a pub, and is attached to a residential dwelling.</li> <li>• The general location of the existing building entrances will be retained.</li> <li>• Signs are pedestrian-oriented.</li> <li>• Adequate vehicle and bicycle parking is provided.</li> <li>• There is an existing private outdoor space for the attached residential use.</li> </ul>

The proposed development is generally consistent with the DPA 3 guidelines. Based on this analysis, it is recommended that Council issue DP 3060-20-10.

#### **ALTERNATIVES:**

Council can choose to not issue DP 3060-20-10 where refusal is based upon determination that the application does not meet the DPA 3 guidelines.

#### **FINANCIAL IMPLICATIONS:**

None.

#### **LEGAL IMPLICATIONS:**

The subject property is within DPA 3, therefore a DP is required prior to issuance of a building permit.

If the DP is refused, reasons must be given based on the DPA 3 guidelines, as the issuance of a DP is not a completely discretionary decision of Council.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application was referred to the Engineering and Building Inspection departments. Building and Engineering requirements will be addressed at the time of building permit.

An existing door well is located at the rear of the building and encroaches into the lane. The door well is not shown on DP 20-10 and its removal will be required at the time of building permit.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings                        | <input type="checkbox"/> Multi-Use Landscapes      |
| <input type="checkbox"/> Innovative Infrastructure              | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community                      | <input type="checkbox"/> Local, Diverse Economy    |
| <input type="checkbox"/> Not Applicable                         |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Community      | <input type="checkbox"/> Not Applicable     |
| <input type="checkbox"/> Waterfront     |   |

***I approve the report and recommendation(s).***

**Erin Anderson, Acting Chief Administrative Officer**

**ATTACHMENT(S):**

Draft DP 3060-20-10





## TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-20-10

DATE: June 16, 2020

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Name of Owner(s) of Land (Permittee): Sharon Christine Alsop, Donald Rodney Alsop,  
Aisha Michelle Alsop.

Applicant: Steven Cross (X Architecture)

Subject Property (Civic Address): 204 Dogwood Drive

---

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:

**PARCEL A (BEING A CONSOLIDATION OF LOTS 2, 3 AND 4, SEE CA8021936)**  
**SUBURBAN LOT 9 OYSTER DISTRICT PLAN 1009**  
**PID: 031-032-419**  
(referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building or structure on the Land, the alteration of the Land, and the alteration of a building on land designated in the Official Community Plan pursuant to section 488(1)(d) of the *Local Government Act*, in accordance with the plans and specifications attached to this Permit, 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 and 6 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 develop the Land strictly in accordance with the following Schedules:

- i. **Schedule A: Site Plan**
- ii. **Schedule B: Roof Plan**
- iii. **Schedule C: South & West Elevation Plan**
- iv. **Schedule D: North & East Elevation Plan**
- v. **Schedule E: Landscape Plan**
- vi. **Schedule F: Façade Renderings & Colour Scheme**

(b) That the Town of Ladysmith Zoning Bylaw 2014, No. 1860 is hereby varied as follows:

- i. Section 7.2.2 “Landscape Buffers” is varied such that three existing trees and proposed wooden fence adjacent to the pedestrian path, as shown in **Schedule A: Site Plan**, substitutes the minimum Landscape Buffer requirements for the northeast side parcel line.
- 6. This Permit is issued on the condition that the Permittee has provided to the Town of Ladysmith security in the form of an irrevocable Letter of Credit to guarantee the performance of the conditions in section 5 of this Permit respecting landscaping. The Letter of Credit shall not expire and shall be in the amount of \$2,544.95.
- 7. Should the Permittee fail to satisfy the conditions referred to in section 5 of this Permit respecting landscaping, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping conditions at the cost of the Permittee, and may apply the security in payment of the cost of the work, with any excess to be returned to the Permittee.
- 8. Should there be no default as herein provided, or where a Permit lapses, the Town of Ladysmith shall return any security provided to the Permittee.
- 9. 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.
- 10. The plans and specifications attached to this Permit are an integral part of this Permit.
- 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 (**DP 3060-20-10**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 12. This Permit prevails over the provisions of the Bylaw in the event of conflict.
- 13. 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 \_\_\_\_\_ 202\_\_.

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (D. Smith)

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 **Sharon Christine Alsop, Donald Rodney Alsop or Aisha Michelle Alsop** other than those contained in this Permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

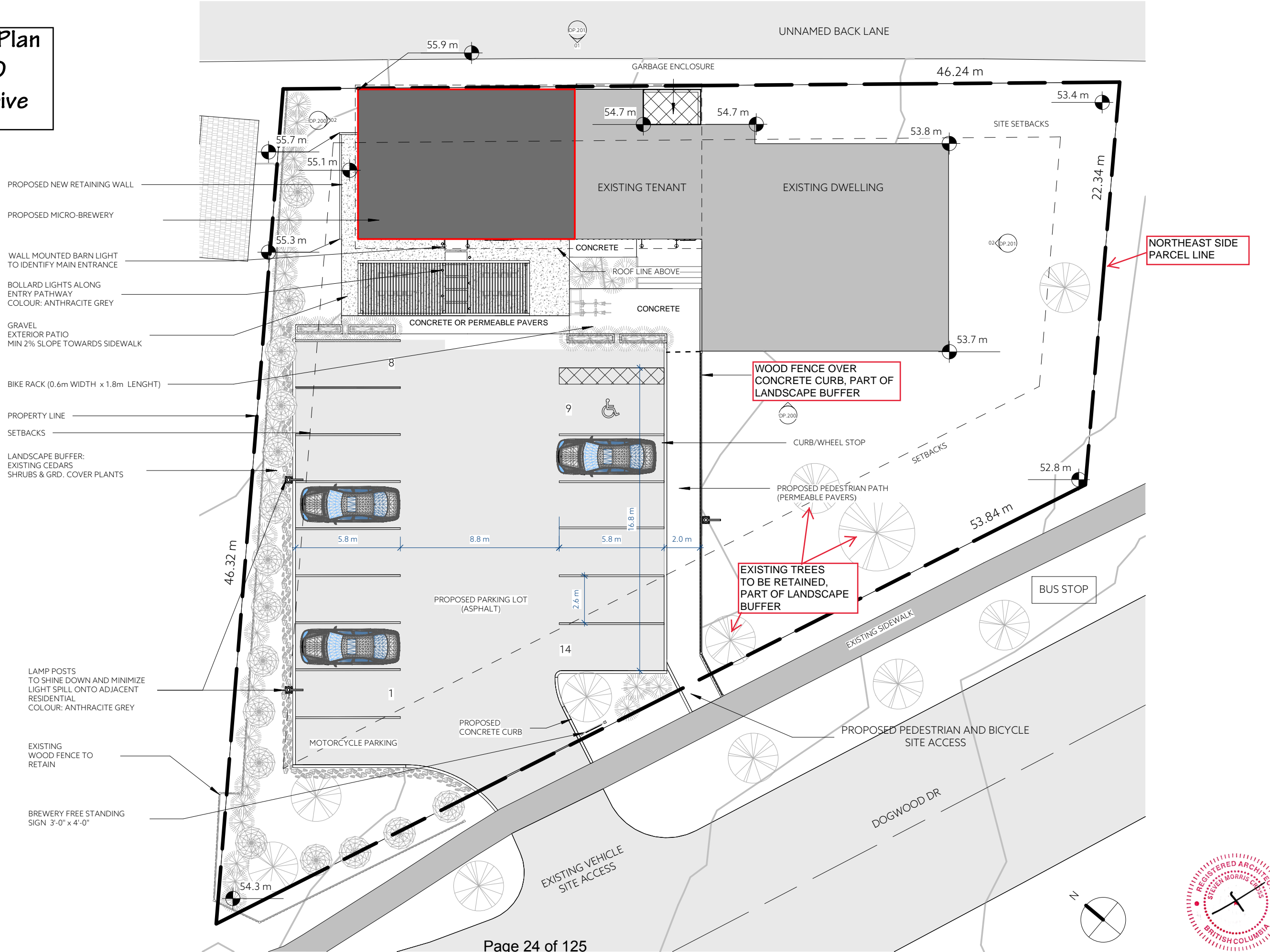
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Title

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Occupation

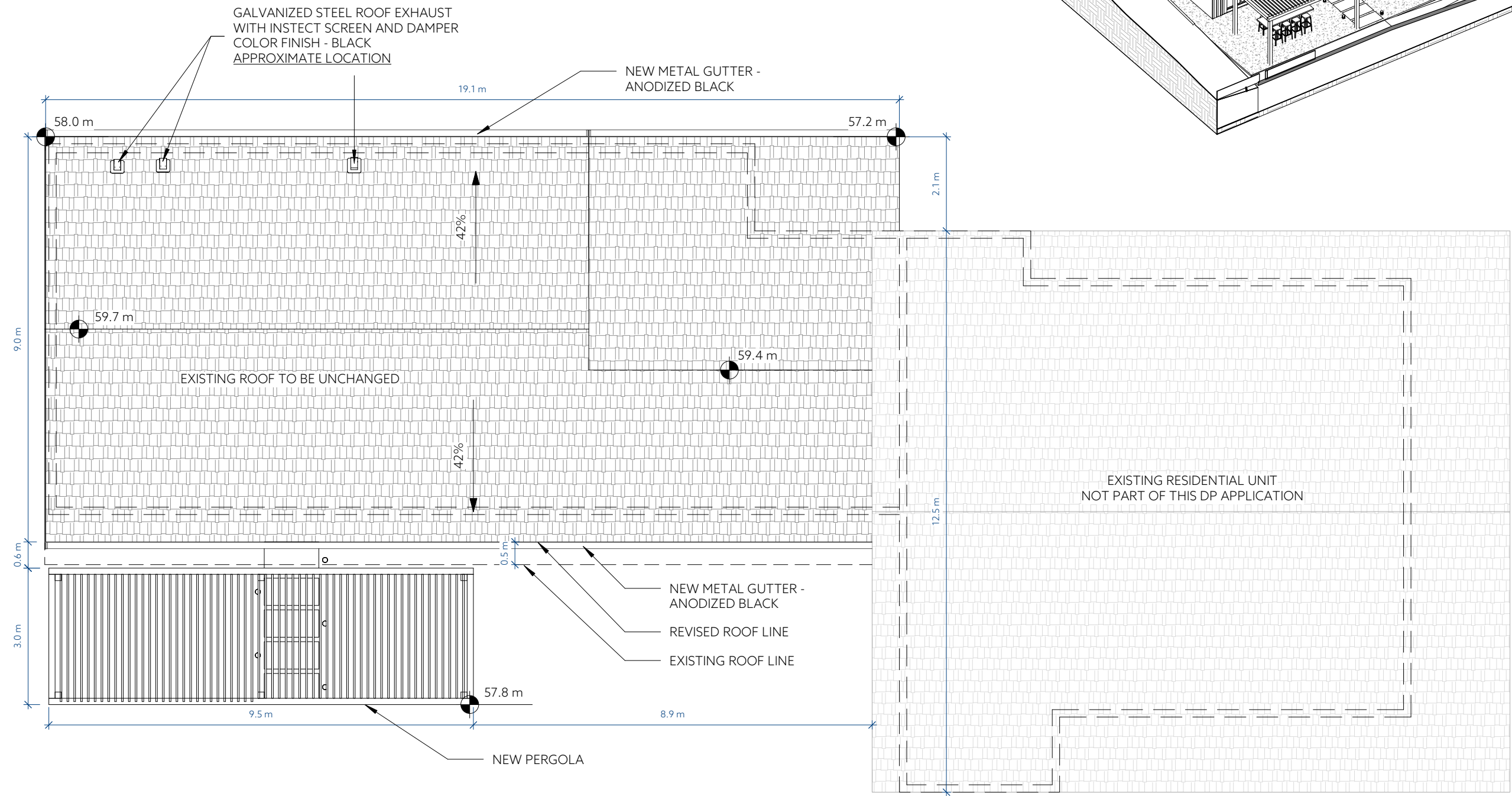
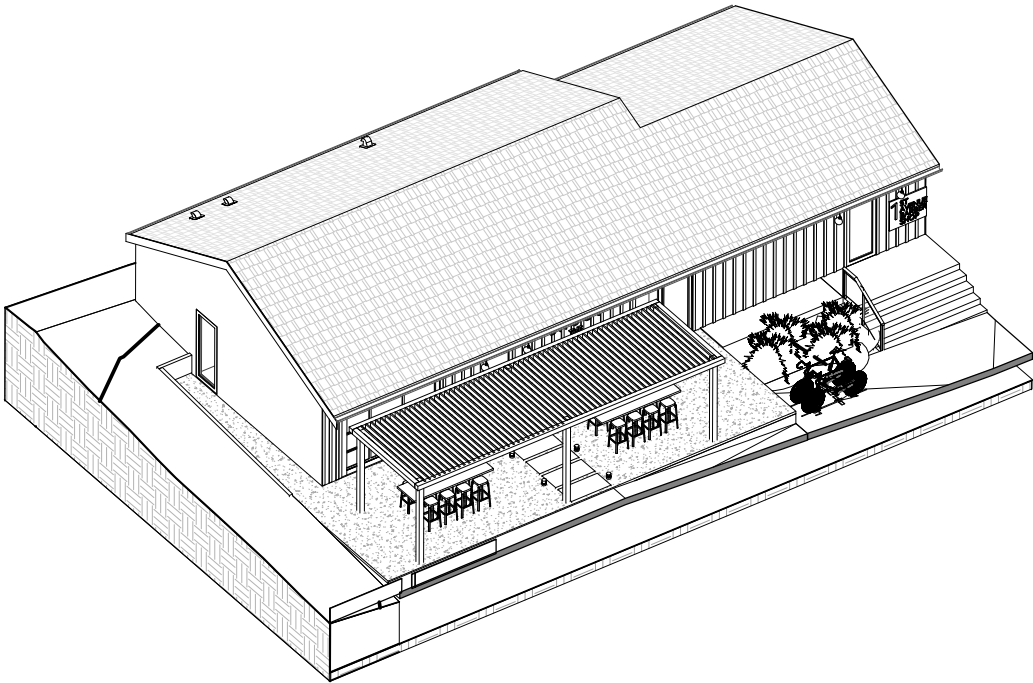
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Date

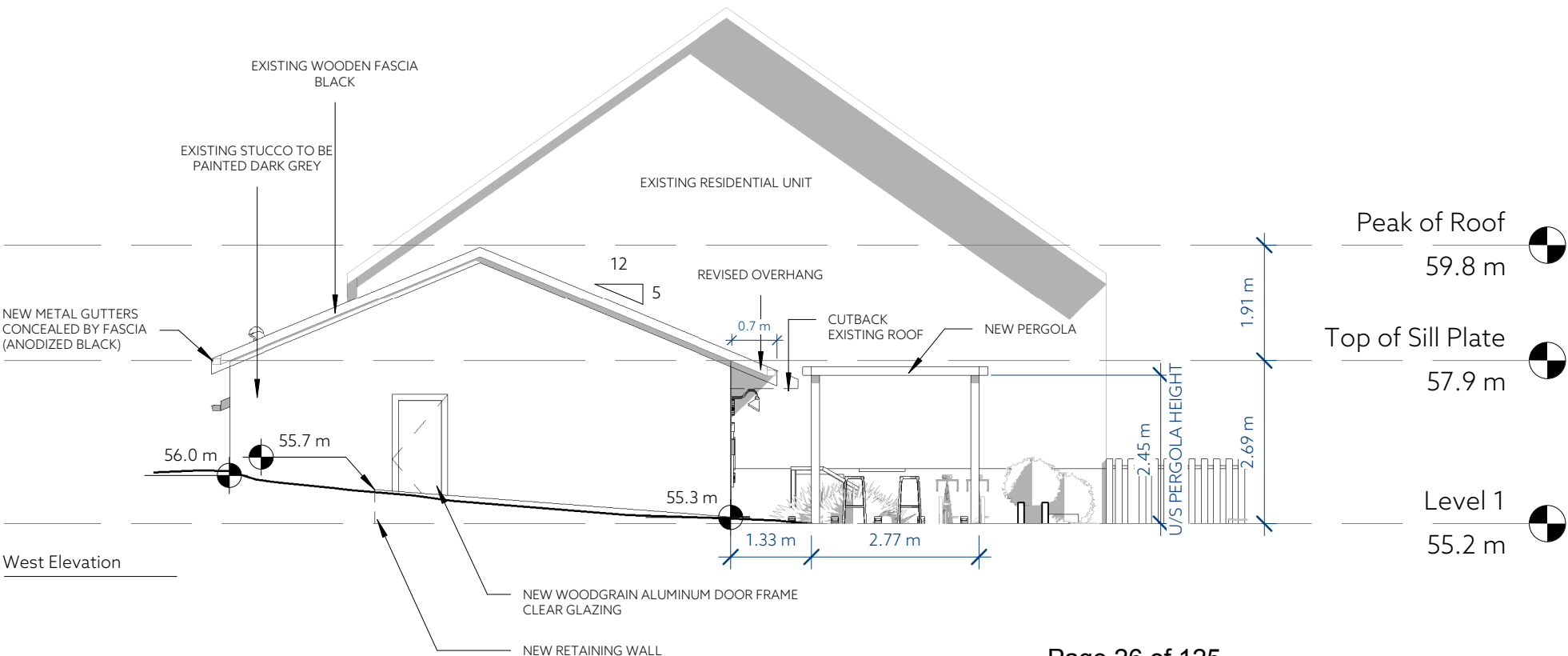
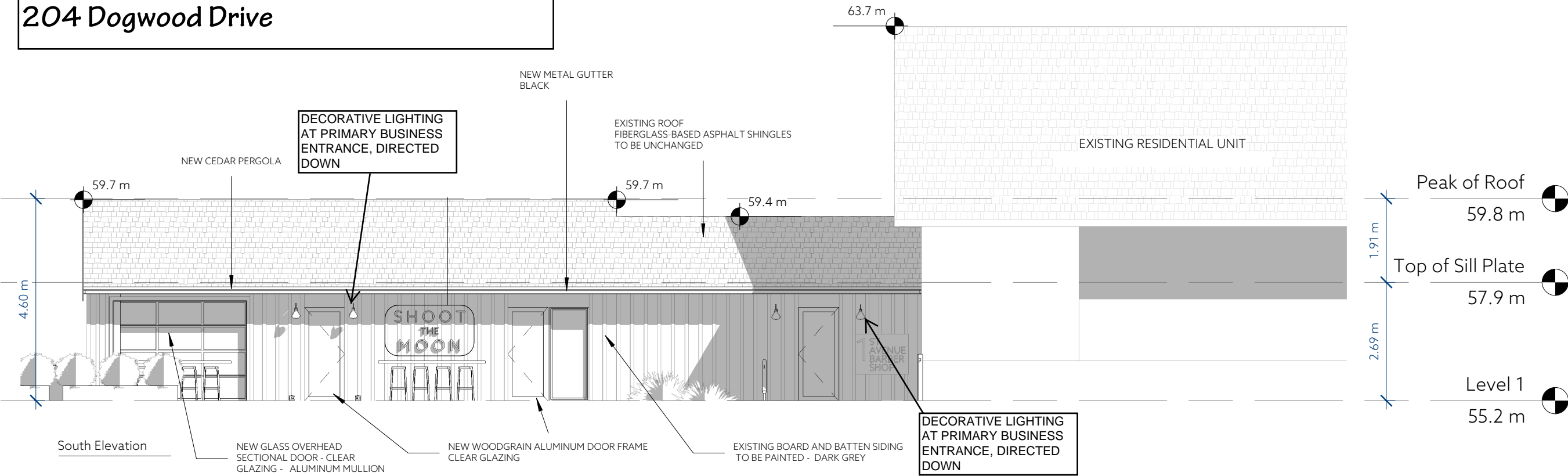
Schedule A: Site Plan  
DP 3060-20-10  
204 Dogwood Drive



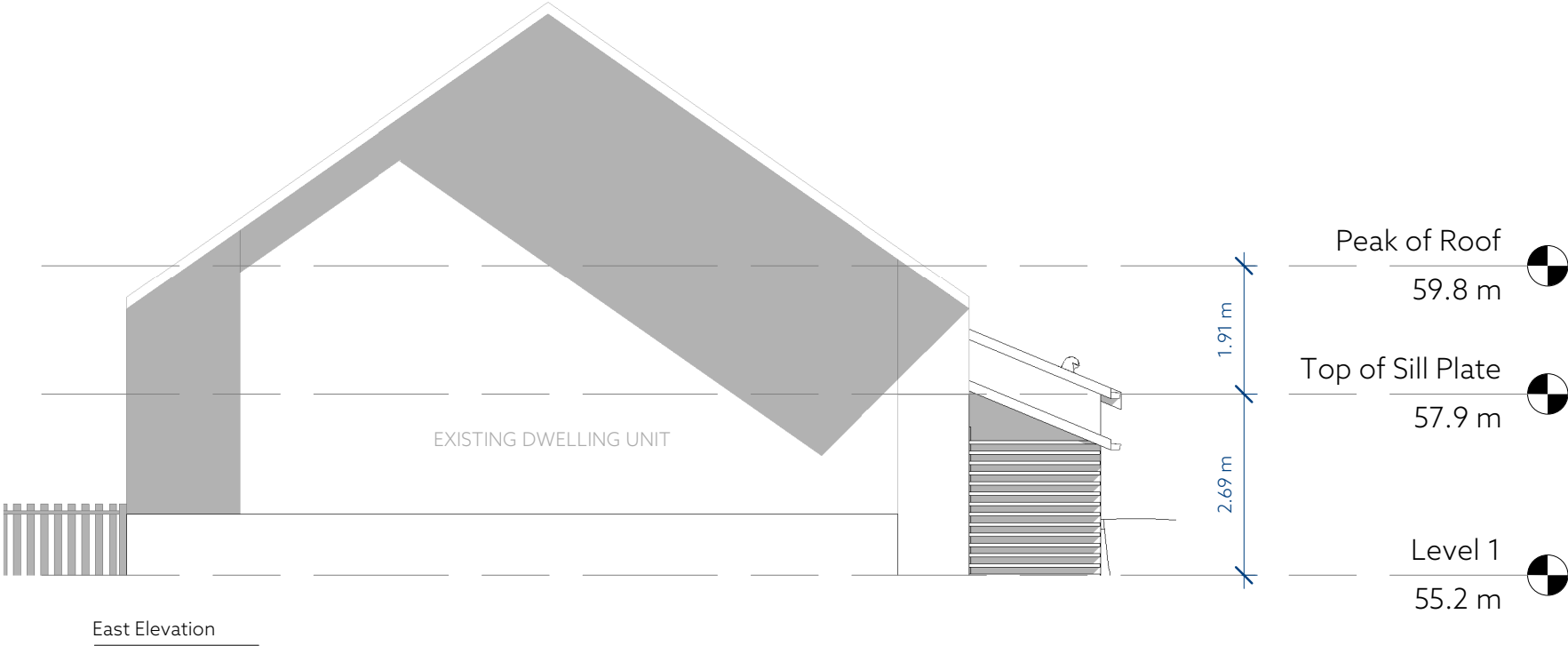
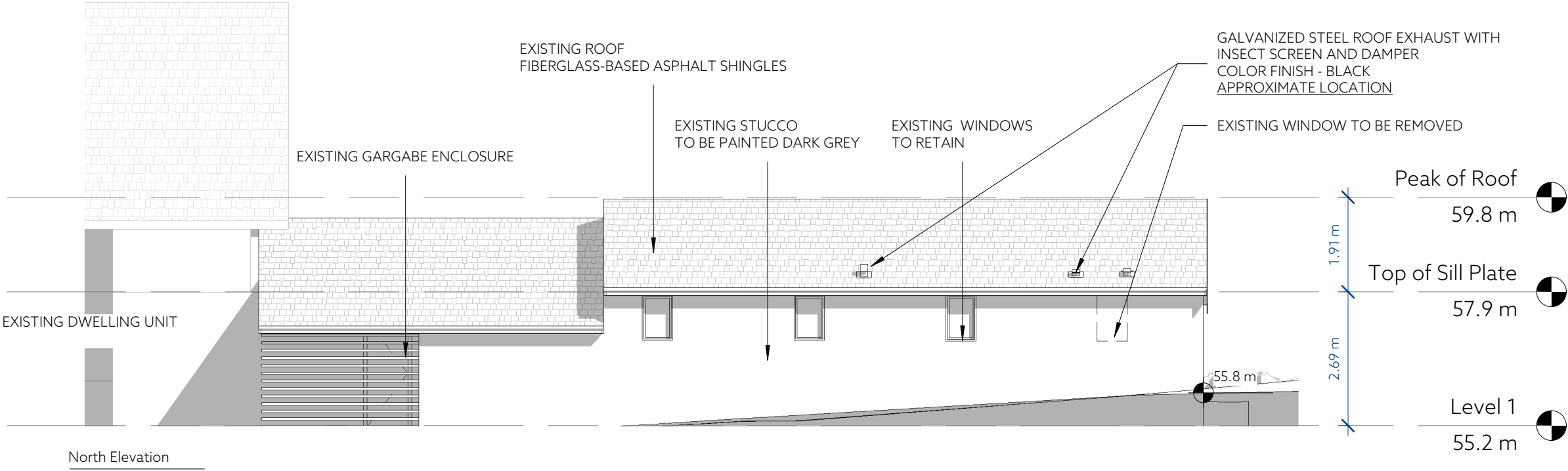
Schedule B: Roof Plan  
DP 3060-20-10  
204 Dogwood Drive



Schedule C: South & West Elevation Plan  
DP 3060-20-10  
204 Dogwood Drive

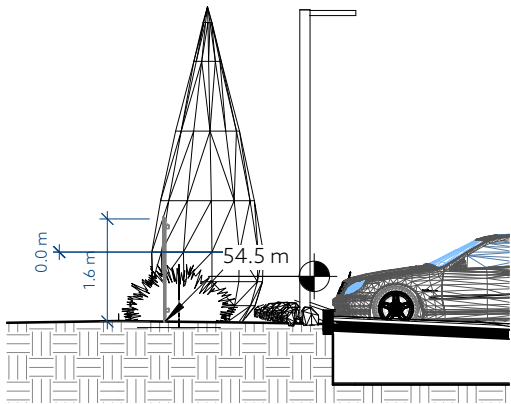
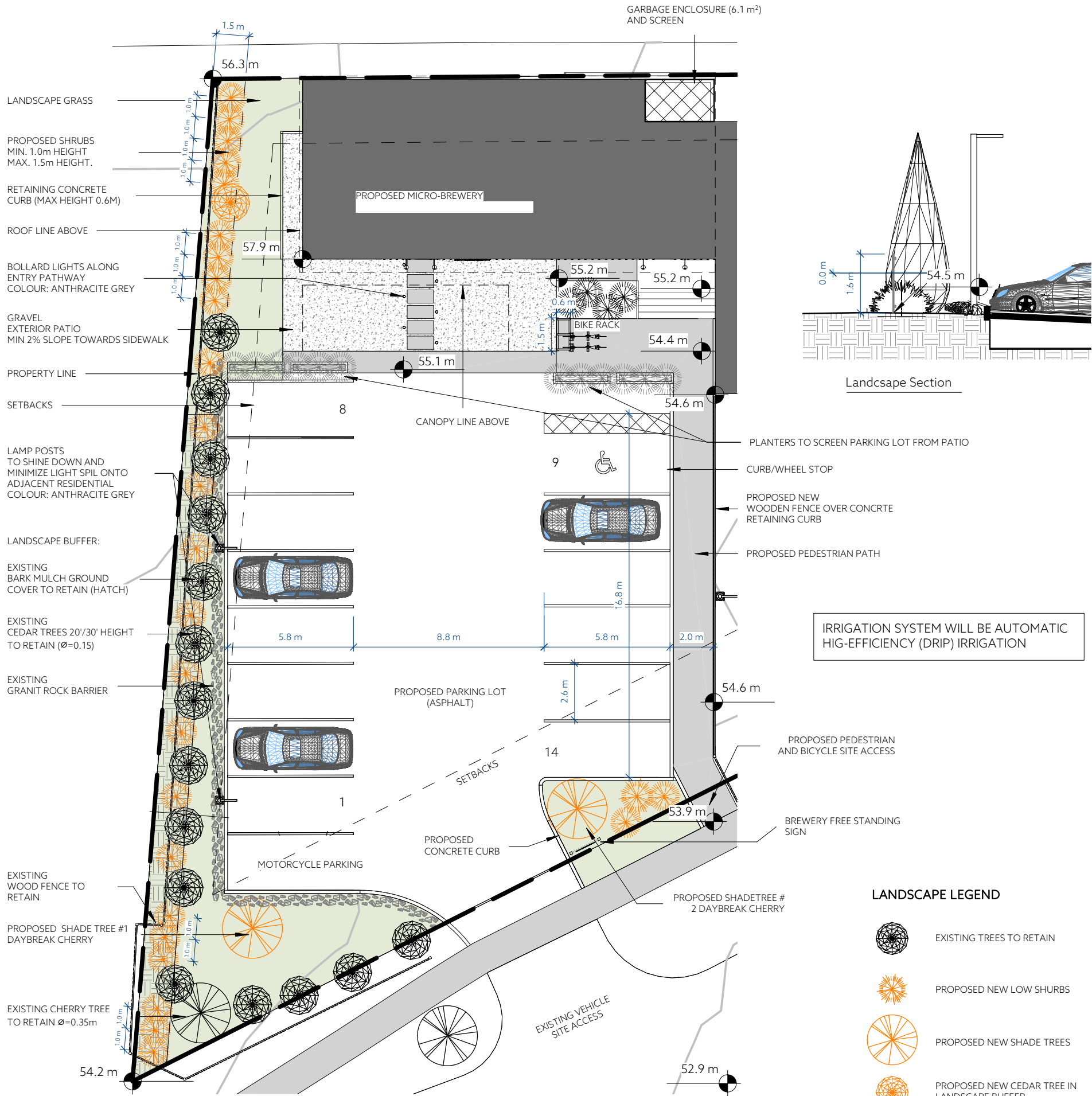


Schedule D: North & East Elevation Plan  
DP 3060-20-10  
204 Dogwood Drive





Schedule E: Landscape Plan  
DP 3060-20-10  
204 Dogwood Drive



Landscape Section

NOTES / GENERAL

1) PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO BC LANDSCAPE STANDARD "LATEST EDITION". CONTAINER SIZES ARE SPECIFIED AS PER "CNTA STANDARDS". BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. SUBSTITUTIONS ARE SUBJECT TO "B.C. LANDSCAPE STANDARD" ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED "DISEASE FREE" NURSERY. ALL PLANT MATERIAL MUST CONFORM TO THE LATEST EDITION OF THE "BC LANDSCAPE STANDARD". PROVIDE CERTIFICATION UPON REQUEST. ALL LANDSCAPING AND LANDSCAPE MATERIALS TO CONFORM TO THE LATEST EDITION OF THE BCLNA/BCSLA "LANDSCAPE STANDARDS".

2) MIN. GROWING MEDIUM DEPTHS OVER PREPARED SUBGRADE SHALL BE : MIN. GROWING MEDIUM DEPTHS OVER PREPARED SUBGRADE SHALL BE :

LAWN AREAS	450 mm
GROUND COVER AREAS	450 mm
SHRUB AREAS	450 mm
TREE PITS	300 mm AROUND ROOT BALL

3) GROWING MEDIUM SHALL HAVE PHYSICAL AND CHEMICAL PROPERTIES AS DESCRIBED IN THE STANDARDS FOR LEVEL 2 AND LEVEL 3 AREAS, EXCEPT FOR AREAS OVER STRUCTURES WHERE THE MEDIUM SHALL CONFORM TO THE REQUIREMENTS FOR LEVEL 1 APPLICATIONS. PROCESSING AND MIXING OF GROWING MEDIUM COMPONENTS SHALL BE DONE OFF-SITE USING A MECHANIZED SCREENING PROCESS. PROPOSED GROWING MEDIUM SHALL BE TESTED BY A RECOGNIZED LABORATORY. THE CONTRACTOR SHALL GUARANTEE THAT THE SOIL SUBMITTED FOR TESTING IS A REPRESENTATIVE SAMPLE TAKEN FROM THE SOIL THAT WILL BE USED AT THE SITE.

4) ON-SITE OR IMPORTED SOILS SHALL SATISFY THE REQUIREMENTS OF THE STANDARDS FOR GROWING MEDIUM. SOILS SHALL BE VIRTUALLY FREE FROM SUBSOIL, WOOD INCL. WOODY PLANT PARTS, WEED OR REPRODUCTIVE PARTS OF WEEDS, PLANT PATHOGENIC ORGANISMS, TOXIC MATERIALS, STONES OVER 30 MM AND FOREIGN OBJECTS.

5) ALL PLANTING BEDS SHALL RECEIVE MIN. 50 MM BARK MULCH. ALL PLANTING BEDS SHALL RECEIVE MIN. 50 MM BARK MULCH.

6) PLANT SPECIES AND VARIETIES MAY BE SUBSTITUTED WITH NATIVE, DROUGHT TOLERANT SPECIES.

IRRIGATION SYSTEM WILL BE AUTOMATIC  
HIG-EFFICIENCY (DRIP) IRRIGATION

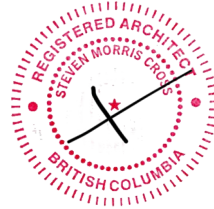
LANDSCAPE LEGEND

- EXISTING TREES TO RETAIN
- PROPOSED NEW LOW SHRUBS
- PROPOSED NEW SHADE TREES
- PROPOSED NEW CEDAR TREE IN LANDSCAPE BUFFER

NEW PLANT LIST

BOTANICAL NAME	COMMON NAME	QTY.	SIZE	SPACING
EUONYMUS ALATUS COMPACTUS	DWARF BURNING BUSH	7	#3 POT	100 CM. O.C.
ABELIA 'EDWARD GOWCHER'	EDWARD GOUCHER ABELIA	10	#3 POT	100 CM. O.C.
PRUNUS LAUROCERASUS	OTTO LUYKEN LAUREL	10	#3 POT	100 CM. O.C.
PRUNUS YEDOENSIS 'AKEBONO'	DAYBREAK CHERRY	2	6 CM. CAL.	AS SHOWN
THUJA OCCIDENTALIS	NORTHERN WHITECEDAR	1	6 CM. CAL.	6 M FROM EXISTING CEDAR

LANDSCAPER CONTRACTOR TO FINALIZE EXACT LOCATION OF SPECIFIED ABOVE PLANT SPECIES.



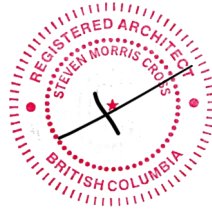




Front View Rendering



Patio View Rendering





## STAFF REPORT TO COUNCIL

**Report Prepared By:** Christina Hovey  
**Meeting Date:** June 16, 2020  
**File No:** 3090-20-03 & 3360-20-15  
**RE:** DVP & DP for Oceanfront Residential Development at 373 Chemainus Road

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### RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-20-03 to vary the setback from the sea and the maximum height to allow for a single unit dwelling at 373 Chemainus Road;
2. Issue Development Permit 3090-20-15 to allow for a single unit dwelling at 373 Chemainus Road; and
3. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-20-03 and Development Permit 3090-20-15.

### EXECUTIVE SUMMARY:

The applicant is proposing to construct a two-storey single unit dwelling at 373 Chemainus Road. The applicant has applied for a Development Permit (DP) and a Development Variance Permit (DVP). The subject property is within DPA 7 – Hazard Lands, and a variance to the zoning bylaw has been requested to allow for:

- A raised deck and second storey overhang within the required setback from the sea, and,
- For the building to be over the maximum allowable height by 0.2 metres.



Figure 1: Proposed Dwelling

Staff is recommending approval of the DP based on the geotechnical report provided by the applicant. Staff is recommending approval of the DVP based on an analysis of the impacts of the proposal.

### PREVIOUS COUNCIL DIRECTION:

None.

## **INTRODUCTION/BACKGROUND:**

The applicant is proposing to construct a single unit dwelling at 373 Chemainus Road. The subject property is located on the waterfront, approximately 800 metres southeast of the intersection between Davis Road and the Trans-Canada Highway.



Figure 2: 373 Chemainus Road

The subject property previously had a single unit dwelling, a boathouse, and three sheds (including one small utility shed). The dwelling unit and two of the sheds have been removed. The existing boathouse and utility shed are proposed to be retained. The applicant is proposing to construct a two-storey single unit dwelling in the approximate location of the former dwelling.

The subject property slopes steeply from Chemainus Road towards a flat area adjacent to the shoreline where the house is

proposed to be located. The subject property has frontage on Chemainus Road, but is accessed via an existing gravel driveway that crosses a neighbouring property and an unconstructed road right-of-way.

The proposed two-storey dwelling has a unique design with the main living space on the large second-storey overhanging a smaller first-storey. The benefits of the proposed design are:

- To provide a large, accessible (single-storey) living area;
- To improve the driveway access by allowing for a turn-around large enough to accommodate an ambulance (though it would not accommodate a fire truck);
- To avoid extensive grading or vegetation removal on the slope adjacent to Chemainus Road; and
- To minimize the encroachment into the required setback from the sea at ground level.

## **ANALYSIS:**

The subject property is designated Single Family Residential in the OCP (Bylaw No. 1488), and is within the Single Dwelling Residential (R-1) zone in the Zoning Bylaw (Bylaw No. 1860). The proposal is consistent with the OCP designation and the permitted uses within the Zoning Bylaw. The subject property is within Development Permit Area 7 – Hazard Lands (DPA 7), therefore a Development Permit is required to authorize the proposed dwelling. The proposed dwelling is taller than the maximum permitted height and encroaches into the required setback from the sea, therefore a Development Variance Permit is required.

**Development Permit Area 7 – Hazard Lands:**

DPA 7 applies to areas of the Town with steep slopes. The purposes of DPA 7 are to prevent land slippage and sloughing, safeguard private property from potential damage, minimize disruption to slope stability and prevent development in areas where slope instability hazards exist.

The issuance of development permits within DPA 7 is delegated to the Director of Development Services. In this case, since there is also a DVP required for the proposed development, both permits are presented to Council so they can be considered simultaneously.

The proposed development has been reviewed for consistency with DPA 7 and is generally consistent with the DPA 7 guidelines. Table 1 provides observations about the proposal's consistency with the DPA 7 guidelines.

The applicant provided a geotechnical report in support of the application. The report identifies two potential hazards associated with the property:

- The steep slope in the front yard between Chemainus Road and the proposed location of the dwelling; and
- The proximity of the proposed dwelling to the sea.

The geotechnical report made a number of recommendations for minimizing the risks associated with the potential hazards. The draft Development Permit includes the recommendations from the geotechnical report and the report is attached to the permit.

The proposed design and location of the home avoids building on the sloped area of the property. At this time, the property owner is not proposing any modifications to the area adjacent to the shoreline. Any future modifications to the area adjacent to the shoreline would require a new development permit, and likely review from the Department of Fisheries and Oceans.

***Table 1: Summary of Proposal's Consistency with DPA 7 Guidelines***

<b>Guidelines</b>	<b>Observations</b>
<b>No significant excavation or filling; and no buildings on areas subject to bank instability or subject to potential damage from bank instability</b>	<ul style="list-style-type: none"><li>• The proposal reuses the building site of the previous dwelling to minimize the need to excavate or fill.</li><li>• According to the geotechnical report, the slope in the front yard shows no signs of global instability.</li></ul>

<b>Guidelines</b>	<b>Observations</b>
<b>Avoid areas subject to unstable slopes and site buildings in accordance with setbacks and other requirements determined by a geotechnical engineer</b>	<ul style="list-style-type: none"> <li>• The geotechnical engineer recommends a 4.0 metre setback from the toe of the slope, to be created by minor filling.</li> <li>• The geotechnical engineer recommends a flood construction level of 4.89 metres geodetic datum.</li> <li>• The geotechnical report recommends that the property owner either: <ul style="list-style-type: none"> <li>○ Conduct additional study of foreshore erosion and implement erosion control measures, or</li> <li>○ Conduct annual monitoring of the foreshore and conduct reassessment following any notable regression of the foreshore.</li> </ul> </li> </ul>
<b>Provide for disposal of surface run off/storm water; divert drainage away from areas subject to sloughing.</b>	<ul style="list-style-type: none"> <li>• The geotechnical engineer recommends directing runoff from the yard areas and the hillside towards the foreshore.</li> </ul>
<b>Avoid disturbance of steep slopes.</b>	<ul style="list-style-type: none"> <li>• The building is proposed to be located at the base of the slope.</li> </ul>
<b>Retaining walls should be terraced. Plant material should be incorporated into the retaining wall design.</b>	<ul style="list-style-type: none"> <li>• A low retaining wall is proposed to separate the base of the hill from the driveway and parking area.</li> <li>• The height of the proposed retaining wall varies, with the maximum height being less than 1 metre, therefore, terracing is not required.</li> </ul>
<b>Maintain existing trees and vegetation to control erosion.</b>	<ul style="list-style-type: none"> <li>• The trees on slope behind the building will be retained.</li> <li>• The vegetation along the shoreline will be retained.</li> </ul>
<b>Access/pathways constructed so as not to disturb the slope or other natural drainage.</b>	<ul style="list-style-type: none"> <li>• There is an existing narrow pathway down to the shoreline.</li> <li>• The applicant is not proposing any new pathways nor to modify the existing pathway.</li> </ul>
<b>Provide a geotechnical report.</b>	<ul style="list-style-type: none"> <li>• A geotechnical report, dated April 15, 2020 and prepared by Lewkowich Engineering Associates Ltd. was provided in support of the application.</li> </ul>
<b>Timing of development.</b>	<ul style="list-style-type: none"> <li>• Not applicable.</li> </ul>

#### **Zoning Bylaw Variances:**

The proposed dwelling is taller than the maximum permitted height and encroaches into the required setback from the sea, therefore a Development Variance Permit is required to authorize the development. Table 2: Zoning Requirements and Proposed Variances outlines the proposed variances. The proposal is otherwise consistent with the Zoning Bylaw requirements. The existing boathouse on the property does not meet the Zoning Bylaw requirements; however, the boathouse is not proposed to change as part of this development and may have protection under Section 529 of the *Local Government Act (LGA)*.

Staff is recommending that the requested variances be approved, based on the following assessment of the potential impacts.

**Table 2: Zoning Requirements and Proposed Variances**

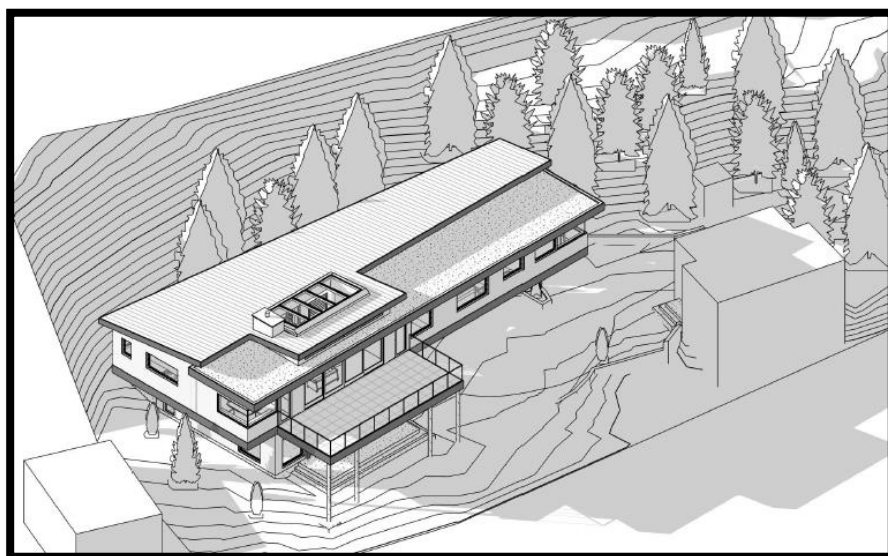
Zoning Provision	Zoning Requirement	Proposed Variance
<b>Maximum height</b>	7.5 metres	<ul style="list-style-type: none"> <li>• 7.64 metres</li> </ul>
<b>Setback from the sea</b>	8.0 metres	<ul style="list-style-type: none"> <li>• Deck: 4.47 metres</li> <li>• Second storey overhang: 6.33 metres</li> </ul>

***Variance Request for Height:***

The maximum height for a principal building within the R-1 zone is 7.5 metres when the roof pitch is 4:12 or less. The height of the proposed building at the tallest point is 7.64 metres. The roof has variation to add visual interest and most of the roof is lower than the 7.64 metre height.

Because the house is located at the bottom of the treed slope, the house is unlikely to be visible from Chemainus Road, even with the increased height. The nearest house is located higher up the slope on the neighbouring property and so will not be overshadowed by the proposed dwelling. The additional height will be visible from the shoreline, however the proposed

dwelling is consistent with the scale of other homes along the shoreline in the area.



*Figure 3: Proposed dwelling*

***Variance Request for Setback from the Sea:***

No building or structure is permitted to be located closer than 8.0 metres horizontally from the natural boundary of the sea (Bylaw 1860, Section 5.2.e.). The proposed building has a second level deck that is 4.47 metres

from the natural boundary at the nearest point. As a safety precaution, the deck will be constructed so as not to be structurally attached to the main building. Part of the second storey (the part furthest from the driveway and existing boathouse) overhangs the first storey to within 6.33 metres of the natural boundary of the sea.

The first level of the dwelling meets the 8.0 metre setback, with only the support beams of the deck within the setback area at ground level. At ground level there is currently a lawn and

concrete base from a previous patio, so the deck encroachment will not lead to alteration or disturbance of a natural shoreline area. Based on the slope and the orientation of the property, the encroaching deck is unlikely to cast regular shade on the foreshore. The geotechnical report concludes that the proposed development will not result in a detrimental impact on the environment, the subject property, or the adjoining properties.

**ALTERNATIVES:**

Council can choose to refuse the Development Variance Permit (and the Development Permit).

- The proponent could attempt to meet the zoning requirements, for example, by constructing a smaller dwelling.

**FINANCIAL IMPLICATIONS:**

None.

**LEGAL IMPLICATIONS:**

The *Local Government Act* allows Council to vary zoning regulations excluding regulations of use, density, and rental tenure through issuance of a Development Variance Permit (DVP). Council may permit exceptions to the setback provisions as is proposed in this application.

If the DP is refused, reasons must be given based on the DPA 7 guidelines, since the issuance of a DP is not a completely discretionary decision of Council. However, the current draft DP cannot be approved unless the DVP is also approved since the DP cannot authorize a development that is inconsistent with the Zoning Bylaw.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

Notice of the proposed variance was issued in accordance with the requirements of the *Local Government Act* and Development Procedures Bylaw No. 1667. On June 5, 2020, a letter was delivered to the property owners/residents within 60 metres of the subject property. At the time of writing, one submission has been received (attached). The submission states they have no issue with the proposal.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The applications have been referred to Infrastructure Services (Engineering), the Building Inspector, and the Fire Chief. Their comments have been incorporated into the draft permits and/or will be addressed through the Building Permit. See analysis section for additional discussion.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes      |
| <input type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community           | <input type="checkbox"/> Local, Diverse Economy    |
| <input checked="" type="checkbox"/> Not Applicable   |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- ☐ Infrastructure ☐ Economy  
☐ Community ☒ Not Applicable  
☐ Waterfront

***I approve the report and recommendation(s).***

**Erin Anderson, Acting Chief Administrative Officer**

**ATTACHMENT(S):**

DRAFT DP 3360-20-15  
DRAFT DVP 3360-20-03  
SUBMISSION FROM ADJACENT PROPERTY OWNER





# TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 Local Government Act)

FILE NO: 3060-20-15

DATE: June 16, 2020

Name of Owner(s) of Land (Permittee): Edward Donald Gregson and Sheila Louise Gregson

Applicant: Angela Quek, Architect

Subject Property (Civic Address): 373 Chemainus Road

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 A (DD 82674-N), District Lot 42, Oyster District, Plan 4858**  
**PID: 006-035-001 (373 Chemainus Road)**  
(referred to as the "Land")
3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a building on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws.
4. The Permittee, as a condition of the issuance of this Permit, agrees to:
  - (a) Develop the lands in accordance with **Schedule A: Site Plan**
  - (b) Retain the vegetation on the slope as shown in **Schedule A: Site Plan**
  - (c) For Ryan: Lewkowich to confirm soil conditions. For Colin: Flood plain?
  - (d) Follow all recommendations in **Schedule B: Geotechnical Hazard Assessment Single Family Residence, 373 Chemainus Road** (Lewkowich Engineering Associates, June 2020), including:
    - i. Direct water from the hill side and the yard areas toward the foreshore.
    - ii. Establish a 4.0 metre setback from the toe of the slope to the wall of the building.
    - iii. Monitor the foreshore and natural boundary of the sea annually (by the Permittee). If erosion is noted, the Permittee will commission an assessment of the foreshore conditions (**Note:** A Development Permit is required for any land alteration on the Land).
5. 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.

6. The plans and specifications attached to this Permit are an integral part of this Permit.
7. 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 (**3060-20-15**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. 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 16<sup>th</sup> DAY OF JUNE 2020.**

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (D. Smith)

**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 **Edward Donald Gregson or Sheila Louise Gregson** other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

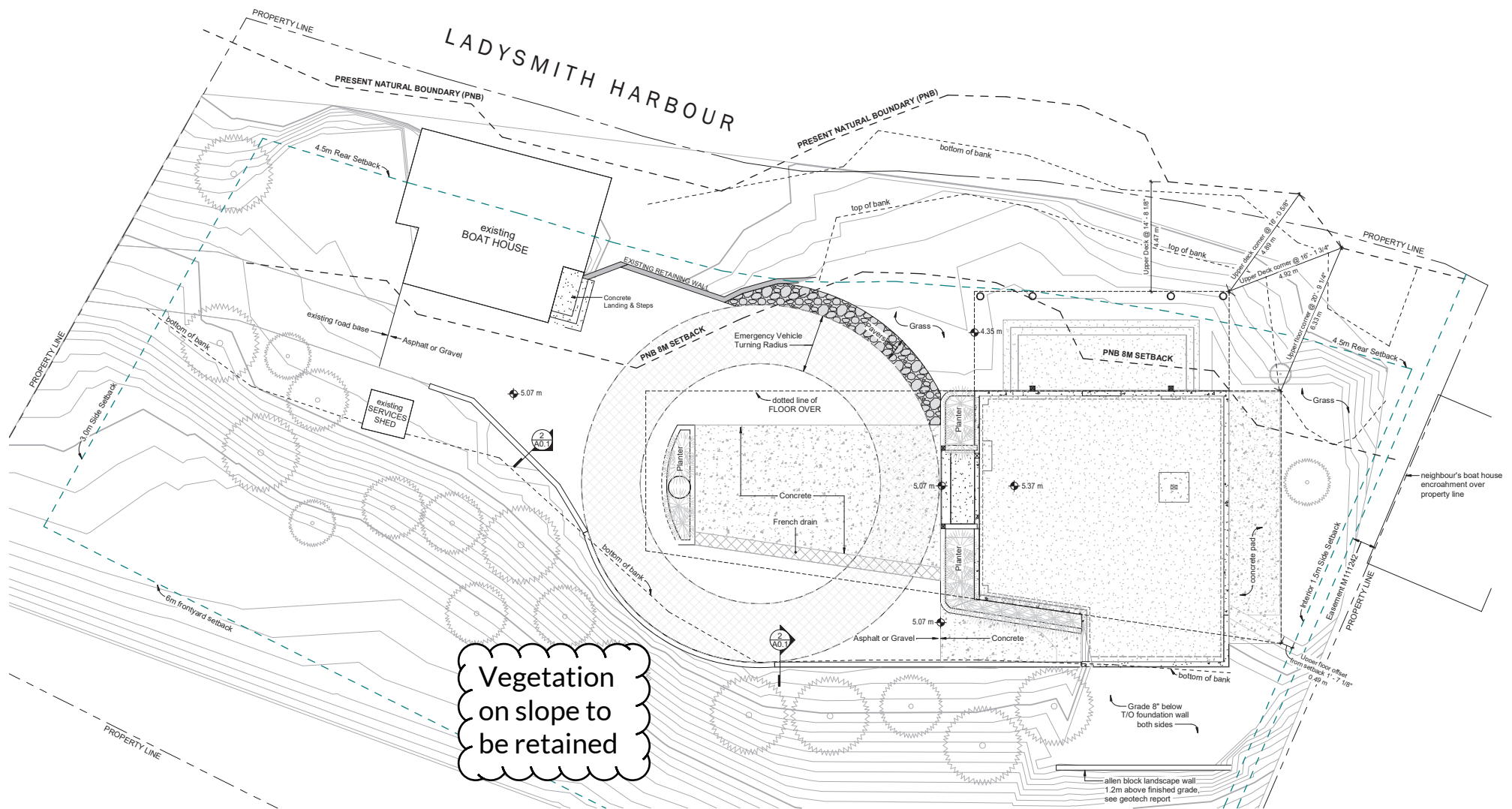
\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Schedule A - Site Plan  
 DP 3060-20-15  
 373 Chemainus Road



# GEOTECHNICAL HAZARD ASSESSMENT

**Single-Family Residence**  
**373 Chemainus Road, Ladysmith,**  
**BC**

**Legal Address:**  
Lot A (DD82674N) of District Lot 42,  
Oyster District, Plan, Plan 4858

**Prepared For:**  
Ed and Sheila Gregson c/o  
AYQP Architecture  
13270 Doole Road  
Ladysmith, BC, V9G 1G6

**Attention:**  
Ms. Angela Quek  
**April 15, 2020**



File No.: F7075.01  
Revision No.: 00  
Prepared by: John Hessels, AScT  
Chris Hudec, M.A.Sc., P.Eng.

Lewkowich Engineering Associates Ltd.  
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Nanaimo, BC, V9S 5Y2  
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250-756-3831 (Fax)  
[www.lewkowich.com](http://www.lewkowich.com)





## DISCLAIMER

1. Lewkowich Engineering Associates Ltd. (LEA) acknowledges that this report, from this point forward referred to as “the Report,” may be used by the Town of Ladysmith (ToL) as a precondition to the issuance of a development and/or building permit. This Report and any conditions contained in the Report may be included in a restrictive covenant under Section 919.1(1)(b) of the local government act and registered against the title of the Property at the discretion of the ToL.
2. This report has been prepared in accordance with standard geotechnical engineering practice solely for and at the expense of AYQP Architecture. We have not acted for or as an agent of the ToL in the preparation of this report.
3. The conclusions and recommendations submitted in this report are based upon information from relevant publications, a visual site-assessment of the Property, anticipated subsurface soil conditions, available floodplain data, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. If unanticipated conditions become known during construction or other information pertinent to the structure becomes available, the recommendations may be altered or modified in writing by the undersigned.
4. The conclusions and recommendations issued in this report are valid for a maximum of two (2) years from the date of issue. The 2-year term may be reduced as a result of updated bylaws, policies, or requirements by the authority having jurisdiction, or by updates to the British Columbia Building Code. Updates to professional practice guidelines may also impact the 2-year term. If no application of the findings in this report have been made to the subject development, the conclusions issued in this report become void and re-assessment of the Property will be required.
5. This report has been prepared by Mr. John Hessels, ASCT and by Mr. Chris Hudec, M.A.Sc., P.Eng. Messrs. Hessels and Hudec are both adequately experienced in geotechnical engineering and hazard assessments and are also members in good standing with the Applied Science Technologists of BC (ASTT) and Geoscientists of British Columbia (EGBC) respectively.

## EXECUTIVE SUMMARY

1. The following is a brief synopsis of the Property, assessment methods, and findings presented in the Report. The reader must read the Report in its entirety; the reader shall not rely solely on the information provided in this summary.
2. The Property, 373 Chemainus Road, Ladysmith, BC, from this point forward referred to as “the Property,” is located on the east coast of Vancouver Island and the entrance to Ladysmith Harbour (Strait of Georgia). The proposed development for the Property at the time of this report includes removal of the existing house and construction of a new single-family dwelling
3. A site-specific hazard assessment was conducted to identify potential geotechnical hazards for the subject Property. The primary geotechnical hazards identified relates to the Property’s close proximity and height from the Strait of Georgia (oceanic flooding) and close proximity to a steep (front yard) slope.
4. The Combined Method (CM) approach was used in order to determine a suitable flood construction level for the Property. It was determined that an FCL of 4.89m geodetic datum be used for any future development relating to habitable residential construction. The slope analysis indicated that a minimum 4.0m set back from the toe of the slope is recommended for the new residence.
5. Implications for future development as they relate to steep slope protection, erosion, resultant shift of the oceanic natural boundary, and set back from this boundary are also discussed. The design and implementation of mitigation measures are beyond the scope of this report.

**List of Abbreviations Used in the Report**

Abbreviation	Title
CM	Combined Method
EGBC	Engineers and Geoscientists of British Columbia
FB	Free Board
FCL	Flood Construction Level
FHA	Flood Hazard Assessment
FNB	Future Natural Boundary
GD	Geodetic Datum
KWL	Kerr Wood Leidel Associates Ltd.
LEA	Lewkowich Engineering Associates Ltd.
MFLNRO	Ministry of Forests, Lands, and Natural Resources
PNB	Present Natural Boundary
RA	Regional Adjustment for Isostatic Rebound
SLR	Sea Level Rise
SS	Storm Surge
TALS	Turner & Associates Land Surveying
ToL	Town of Ladysmith
WE	Wave Effect

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## 1.0 INTRODUCTION

### 1.1 Background

- a. The Property is located on the east coast of Vancouver Island and borders the entrance to Ladysmith Harbour and the Strait of Georgia. See Figure 1.1 below.



**Figure 1.1 – Site Location (Satellite Imaging from Google Earth®)**

- b. The proposed development for the Property at the time of this report includes the removal of the existing house and the construction of a new single-family dwelling.
- c. We (LEA) understand that future development of the subject Property requires a geotechnical report stating what (if any) natural hazards exist that may impact the proposed development and make comment and recommendations for those hazards. The primary geotechnical hazard of concern for the Property relates to its proximity to the steep slope (DP Area) and potential oceanic flooding.
- d. Following EGBC's Professional Practice Guidelines for Legislated Flood Assessments<sup>1</sup>, this FHA would be categorized as a Class 0 assessment, applicable for developments related to:
- Renovations



- Expansions
  - New single-family residence
  - New duplex residence
- e. In preparation of this report we have reviewed the most current and relevant technical documents provided by EGBC, MFLNRO, along with historical air photo data and the attached site-specific survey information provided by TALS.
- f. The landslide risk analysis follows the “Guidelines for Legislated Landslide Assessments for residential development in BC” (APEGBC, 2010).<sup>5</sup>

## **1.2 Covenant Review**

- a. As part of our assessment we have reviewed the documents registered on the legal title of the Property, specifically, any restrictive covenants registered against the Property that may relate to the conclusions and recommendations provided in this report.
- b. Current to the date of this Report, there are no restrictive covenants registered against the Property.

## **2.0 SITE CONDITIONS**

### **2.1 Physical Setting**

The Property is located in the central area of the ToL at its eastern extent (Ladysmith Harbour) and within DPA 7 steep slope area. The site is situated on the east side of Chemainus Road, approximately 500m south of the Highway 1 and Chemainus /N Davis Road intersection. The site is accessed via the Chemainus Road frontage. The Property location is shown above in Figure 1.1, as well as in the attached Site Plan prepared by AQYP Architecture.

### **2.2 Terrain and Features**

- a. LEA visited the Property on April 18<sup>th</sup>, 2019, and conducted a visual hazard assessment. At the time of our assessment, the Property was developed with an older existing house, older boat house and associated driveway and parking areas. We understand the boathouse is not part of the development plan at this time.
- b. The topography of the Property is generally described a rectangular in shape with a driveway incised into a 6-8m high slope off Chemainus Road leading toward a flat bench at an 4.0m elevation. The slope is ocean facing with a relatively consistent inclination of 30 to 40 degrees. Beyond the lower flat bench there is a small foreshore slope fronting the proposed building area that is 2-3m tall and is comprised of fill material

covered in berry vines some smaller boulders and woody debris near the toe. The intertidal zone is flat and has a gentle gravelly pebble slope seaward approximately 25m between the NB and water at low tide.

- c. The vegetated area consists primarily of a dense forest of mature evergreen and deciduous trees and thick bushes with salal and ferns. Developed areas consist of small trees, manicured lawns and gravel driveway and parking areas.

## **2.3 Soil Conditions**

- a. A subsurface investigation was not included as part of this assessment. Generally, subsurface soil conditions, as encountered by this office in similar investigations in the area, consist of a layer of topsoil, underlain by compact, naturally deposited sand and gravel.
- b. Published surficial geology mapping identifies the area as part of the Bowser formation, a soil formation consisting of marine, gravelly, loamy sands.<sup>2</sup>

## **2.4 Surface and Groundwater Conditions**

- a. There was no ponded or surface water observed during our field review nor any evidence of abnormal groundwater conditions.
- b. Groundwater flows may fluctuate seasonally with cycles of precipitation. Groundwater conditions observed at other times may differ from those observed during our assessment. We would expect that groundwater movement would be rapid, given the coarse nature of the site soil conditions.

## **2.5 Foreshore Conditions**

- a. The foreshore can be characterized as a low bank intertidal zone facing the Ladysmith Harbour (Strait of Georgia) to the north. The total height of the foreshore slope was approximately 2-3 m at the time of our assessment.
- b. Foreshore soil conditions consist of loose to compact sand and gravel with some cobbles. Vegetation along the foreshore consisted of sea grasses, other small grasses and/or small plants. Large pieces of woody debris were observed. The foreshore conditions, at the time of our assessment, are shown below in Figure 2.5.



Figure 2.5 – Foreshore Condition

## 3.0 COASTAL FLOOD COMPONENTS

### 3.1 Tides

- a. For a summary of published January 2020 tide elevations related to the Property see Table 3.1.

Table 3.1 – Summary of Ladysmith Tide Elevations. Station ID: 7460

Tidal Condition	Tide Elevation
HHWLT	4.09m
HHWMT	3.67m
MWL	2.53m
LLWMT	0.95m
LLWLT	-0.08m

The Design HHWLT calculated as follows:

$$\text{Tidal HHWLT (4.09m)} - \text{MWL (2.53m)} = \text{Design HHWLT (1.56m)}$$

### 3.2 Sea Level Rise

- a. Information prepared by the provincial government in 2011 regarding policy for coastal floodplain mapping assumes a 1.0m rise in sea level from the year 2000 to 2100<sup>3</sup>. See figure 4.2 below.

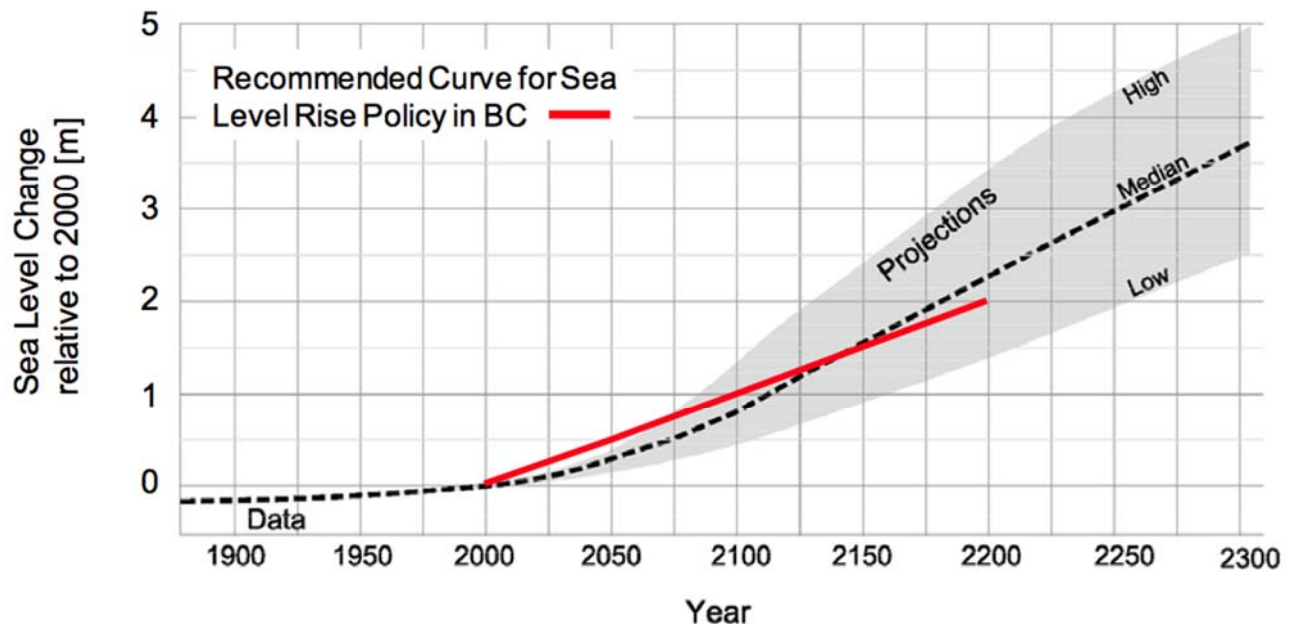


Figure 3.2 – Recommended Global SLR Curve for Planning and Design in BC

- b. The assumed amount of SLR is based on current information and will be evaluated in the future as more information becomes available. It should be noted that a 1.0m SLR estimate by the year 2100 is a conservative projection and has been used in the preparation of this report. Whereas the 2.0m SLR estimate by the year 2200 would be considered a mid to low range projection.
- c. Forecasting this far into the future carries significant uncertainties. Monitoring changes of SLR is beyond the scope of this report. We expect local authorities to remain informed in order to adjust their flood management plans/guidelines accordingly.

### 3.3 Regional Adjustment – Isostatic Rebound

Future sea level is also affected by vertical land movement due to tectonic shifting. Calculations in SLR reflect changes in the regional rebound or subsidence of the land surface. Areas where the land elevation is increasing (rebound) should decrease the allowance for SLR, while areas where the land elevation is decreasing (subsidence) should increase the allowance for SLR. An RA value of -0.17m was derived from the MFLNRO report prepared by KWL<sup>3</sup>. This value accounts for the 100-year design requirement for the Property.

### 3.4 Storm Surge

- a. Sea levels along the BC coast are not only affected by astronomical tide cycles but also by storms. Storms may affect water levels due to:
- Changes in atmospheric pressure.
  - Strong winds acting on the water surface generating waves.
  - Changes in ocean currents or temperature.
  - The combined effect of all these factors is termed “storm surge” (SS).
- b. The 1:200-year design SS value of 1.25m GD was derived from Table 2-1 of the MFLNRO report prepared by KWL.<sup>3</sup>

### 3.5 Wave Effect

- a. Breaking waves during the design storm event must also be considered, as breaking waves may further increase the depth of water along the shoreline as well as increase risk of runup and overtopping leading to flooding.
- b. The foreshore area of the Property consists of a natural gravel-pebble shoreline, therefore a WE value of 0.65m as prescribed by the MFLNRO 2011 report prepared by KWL was used during preparation of the Report.

### 3.6 Freeboard

A nominal FB value is typically added when calculating an FCL. The FB value accounts for uncertainties associated with value estimations used. Following recommendations from the MFLNRO report prepared by KWL, a FB value of 0.6m was used during preparation of the Report.

## 4.0 FLOOD CONSTRUCTION LEVEL

### 4.1 Combined Method

- a. We have used the CM approach in order to determine a suitable FCL for the Property. The CM was established by KWL as part of the MFLNRO report on Coastal Floodplain Mapping Guidelines and Specifications. At the time of this report it is the recommended method for determining an FCL for this Class of assessment and is supported by EGBC.
- b. The CM takes into account the effects of tides HHWLT, SLR, RA, SS, WE, and FB. The equation for Calculating the FCL using the CM is as follows:

$$\text{FCL} = \text{HHWLT} + \text{SLR} + \text{RA} + \text{SS} + \text{WE} + \text{FB}$$

- c. Table 4.1 shows the calculation based on a projected 100-year design life for subject development.

**Table 4.1 – FCL Determination using the CM to the year 2120**

FCL Components	Year 2120
HHWLT	1.56m
SLR	1.00m
RA	(-0.17m)
SS	1.25m
WE	0.65m
FB	0.60m
<b>Calculated FCL:</b>	<b>4.89m</b>

## 5.0 DISCUSSION AND RECOMMENDATIONS

### 5.1 Recommended FCL

We recommend that an FCL of 4.89m GD be used for any future development relating to habitable residential construction.

### 5.2 Floodwater and Inundation

- In the event of a design flood event (1 in 200-year), it is possible that floodwater from the Strait of Georgia would inundate the Property. The general risk of flooding increases as the sea level rises.
- Provided any construction within the Property satisfies the minimum recommended FCL, we do not anticipate any damage to the structure or its contained goods as a result of floodwater. However, any areas constructed below the recommended FCL, could be subject to flooding during less than design flood events.

### 5.3 Scour and Erosion Protection

- If structural fill materials are used for foundation support, and include structural fills above existing site grades, further assessment may be required. Structural fills above existing grades may require protective measures from scour and erosion.
- Additional information related to flood proofing and constructability of the proposed development is beyond the scope of this report and will need to be addressed in a construction specific geotechnical report.



## 5.4 Site Grading

- Yard areas between the proposed single-family dwelling and the Natural Boundary should be sloped as to direct water away from the proposed house and toward the foreshore area.
- Waters from the hill side should be directed around the building toward the north yard area and foreshore beyond.

## 5.5 Steep Slope

- Detailed slope stability analyses are generally required when building development is proposed at the bottom of a slope closer than the ground surface intersection of a 2 Horizontal to 1 Vertical (2H:1V) slope down to the toe (referred to as the “2H:1V intersection”), or at the bottom of slope where runout is likely to extend. Building beyond the 2H:1V intersection is generally considered a safe setback due to the fact that the internal angle of friction of most soils is appreciably greater than 26.6°, or 2H:1V.
- We have reviewed the 6 to 8m tall slope which is well vegetated and shows no signs of global stability (cracking, fissures etc.). Based on our observations and experience, slope movement would be confined to surficial sliding of the vegetated mat during extreme weather or seismic events.
- Considering the southernmost portion of the proposed building is at or near the toe of the 36 degree slope it is recommended that a minimum set back of 4.0m is created by raising the building’s foundation concrete wall, adding a small 1.2m high yard wall and infilling the space as a protective measure from a surficial sliding event. This newly created setback would be beyond the projected “Safe” 2(H):1(V) Line . See Figure 5.5 below.

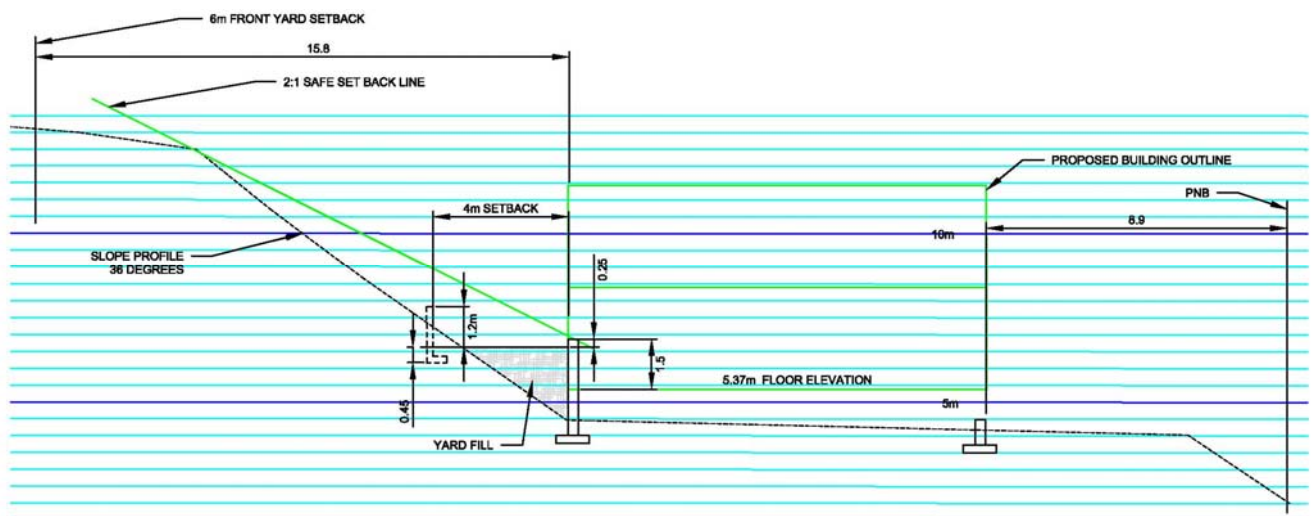


Figure 5.5 Building-Slope Cross Section

## 5.6 Foreshore Set back – Future Natural Boundary

- a. The Town of Ladysmith has set a minimum set back from the natural boundary of 8.0m, which we note, the proposed design adheres to. Any encroachment into this set back, such as the proposed deck must not be structurally attached the main building. Note: There is a second storey encroachment into the setback via a cantilevered section which has no impact on the 8m setback to the foundation.
- b. Over the required 100-year design life of the development SLR will likely expose the existing shoreline to increased wave action that may result in erosion of the foreshore area.
- c. Evaluation of the rate and/or extent of erosion along the foreshore area of the Property is beyond the scope of this Report. It should be noted however, that intertidal zones consisting of sand and gravels are typically susceptible to erosion or accretion by wave action and flooding, and we expect the alignment of the PNB will slowly shift over time.
- d. SLR is expected to be 1.0m over the next 100 years. Provincial guidelines require that the foreshore setback from the NB be maintained for the lifespan of the building<sup>4</sup>. This is referred to as the future natural boundary (FNB). Given the 2-3m high foreshore bank, the FNB in a 100-year timeframe that considers 1.0m of SLR would end up near the same location as it is today, barring any accretion or recession of the bank.
- e. If the Client wishes to address the issue of potential erosion along the NB within the foreshore area, then further investigation and analysis into the use and installation of mitigative measures is required.
- f. As a minimum, we recommend the foreshore and alignment of the NB be monitored annually by the current and future property owners. Any notable regression of the NB, specifically following a significant storm event or winter season or otherwise, would require a reassessment of the foreshore conditions.
- g. LEA can provide recommendations for design of mitigative works for foreshore erosion if requested.

## 5.7 Local Government Conformance Statement

- a. LEA confirms that the recommendations made in this report conform to the guidelines and objectives expressed under ToL OCP and DPA 7 Hazard Lands<sup>6</sup>.
- b. The Ladysmith Harbour (Strait of Georgia) is a defined watercourse located to the north of the Property. All construction/development shall be carried out in conformance within the requirements of any jurisdictional limitations. Any jurisdictional limitations applicable to the Property and proposed development shall supersede the geotechnical recommendations made in this report.



## 6.0 CONCLUSION

- a. Based on our review of the relevant publications and site-specific field assessment, it is the opinion of LEA that slope stability and oceanic flooding from the Strait of Georgia are the only significant aspects, or potential geotechnical hazards within the subject Property.
- b. Provided the recommendations in this report are followed, we (LEA) confirm that from a geotechnical point of view the site is considered safe and suitable for the permanent sitting of a permanent single-family residence, with the probability of a geotechnical failure resulting in property damage of less than:
- 2% in 50 year for seismic events,
  - 1 in 200-year return for flooding,
  - 10% in 50 years for all other geotechnical hazards.
- and that the proposed development will not result in a detrimental impact on the environment, subject Property or adjoining properties.
- c. Please refer to the attached EGBC - Appendix I: Flood Assurance Statement and Appendix D: Landslide Assessment Assurance Statement for additional information.

## 7.0 CLOSURE

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact the undersigned at your convenience.

Respectfully Submitted,  
Lewkowich Engineering Associates Ltd.



John Hessels, ASCT  
Senior Technologist



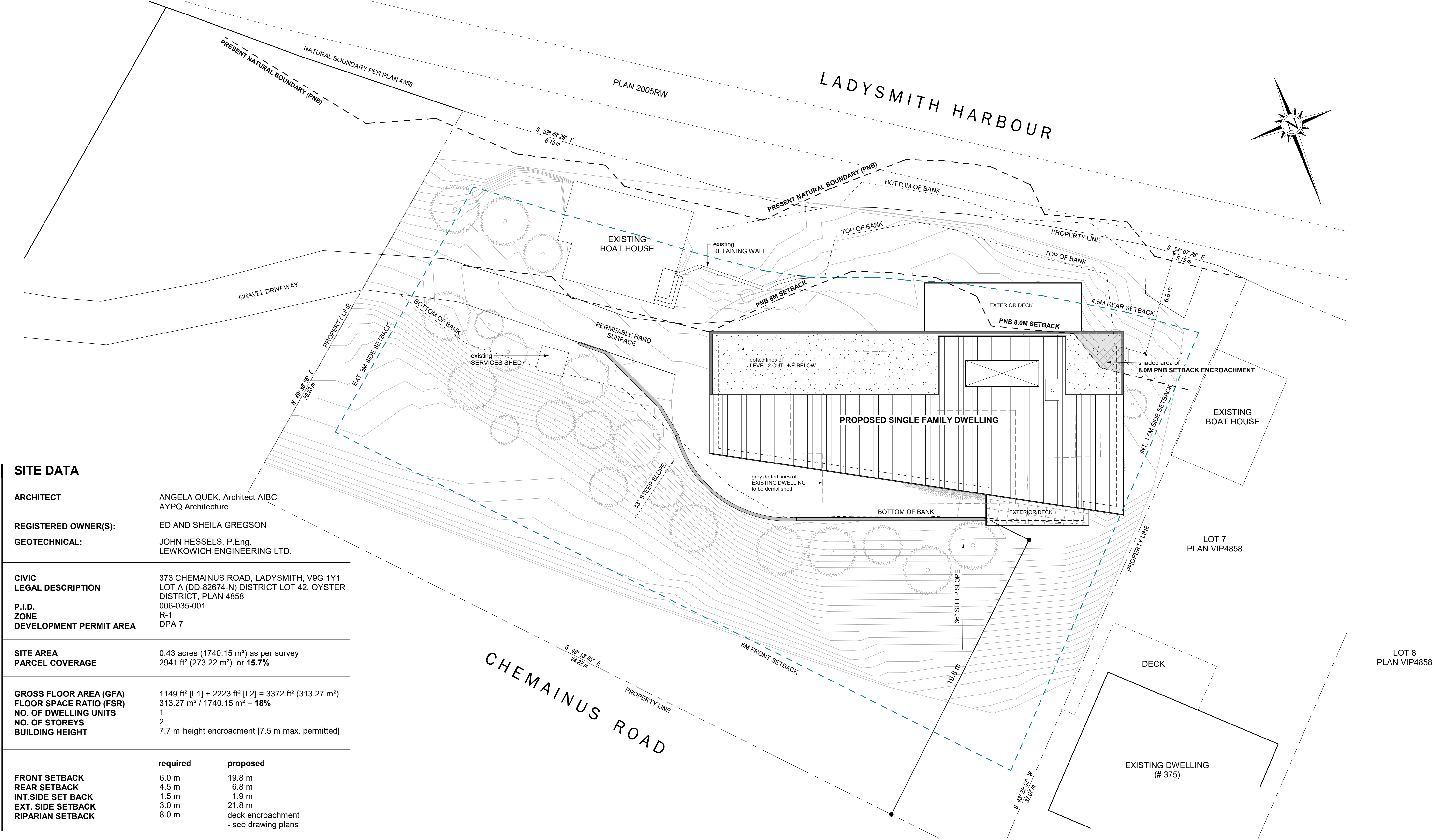
Chris Hudec, M.A.Sc., P.Eng.  
Senior Project Engineer

## **8.0 ATTACHMENTS**

1. AYPQ Architecture "Site Layout" DVP0.1 March 25, 2020
2. Engineers and Geoscientists British Columbia (EGBC) Appendix I: Flood Assurance Statement, Signed April 16, 2020.
3. Engineers and Geoscientists British Columbia (EGBC) Appendix D: Landslide Assessment Assurance Statement, Signed April 16, 2020.

## **9.0 REFERENCES**

1. Engineers and Geoscientists of British Columbia report titled "Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC," version 2.1, dated August 28, 2018.
2. Soils of South Vancouver Island, British Columbia, Soil Survey Report No. 44 – Sheet 3
3. Ministry of Forests, Lands and Natural Resource Operations report titled – Coastal Floodplain Mapping – Guidelines and Specifications, 2011. Prepared by Kerr Wood Leidal Associates Ltd.
4. Ministry of Water, Land and Air Protection Province of British Columbia report titled – Flood Hazard Area Land Use Management Guidelines. Amended by: Ministry of Forests, Land, Natural Resource Operations and Rural Development, January, 2018.
5. Guidelines for legislated Landslide Assessment for Proposed Residential Developments in BC, May 2010
6. Town of Ladysmith OCP DPA7 Hazard Lands Guidelines - August, 2018.



SITE DATA		
ARCHITECT	ANGELA QUEK, Architect AIBC AYPQ Architecture	
REGISTERED OWNER(S):	ED AND SHEILA GREGSON	
GEOTECHNICAL:	JOHN HESSELS, P.Eng. LEWKOWICH ENGINEERING LTD.	
CIVIC LEGAL DESCRIPTION	373 CHEMAINUS ROAD, LADYSMITH, V9G 1Y1 LOT A (DD-82674-N) DISTRICT LOT 42, OYSTER DISTRICT, PLAN 4858	
P.I.D. ZONE DEVELOPMENT PERMIT AREA	006-035-001 R-1 DPA 7	
SITE AREA PARCEL COVERAGE	0.43 acres (1740.15 m <sup>2</sup> ) as per survey 2941 ft <sup>2</sup> (273.22 m <sup>2</sup> ) or <b>15.7%</b>	
GROSS FLOOR AREA (GFA) FLOOR SPACE RATIO (FSR) NO. OF DWELLING UNITS NO. OF STOREYS BUILDING HEIGHT	1149 ft <sup>2</sup> [L1] + 2223 ft <sup>2</sup> [L2] = 3372 ft <sup>2</sup> (313.27 m <sup>2</sup> ) 313.27 m <sup>2</sup> / 1740.15 m <sup>2</sup> = <b>18%</b> 1 2 7.7 m height encroachment [7.5 m max. permitted]	
FRONT SETBACK REAR SETBACK INT. SIDE SET BACK EXT. SIDE SETBACK RIPARIAN SETBACK	required 6.0 m 4.5 m 1.5 m 3.0 m 8.0 m	proposed 19.8 m 6.8 m 1.9 m 21.8 m deck encroachment - see drawing plans

AYPQ ARCHITECTURE

13270 Doole Road  
Ladysmith, British Columbia  
Canada V9G 1G6  
tel 250 245-7555 fax 7565  
www.aypqarchitecture.com

draft

AQ1911 DVP  
**Gregson Residence**  
373 Chemainus Road,  
Ladysmith, V9G 1Y1

**DVP0.1**  
Site Layout  
Scale: As indicated  
2020-03-25 12:12:44 PM



## FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* ("the guidelines") and is to be provided for flood assessments for the purposes of the *Land Title Act*, Community Charter, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: April 16, 2020 LEA File# F7075

Town of Ladysmith

410 Esplanade, PO Box 220, Ladysmith, BC, V9G 1A2

Jurisdiction and address

With reference to (CHECK ONE):

- ☐ *Land Title Act* (Section 86) – Subdivision Approval
- ☒ *Local Government Act* (Division 7) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

Lot A (DD82674N) of District Lot 42, Oyster District, Plan, Plan 4858; 373 Chemainus Road

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

     1. Consulted with representatives of the following government organizations:

- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☒ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property

8. For a Flood Hazard analysis I have:

- ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
- ☒ 8.2 Estimated the Flood Hazard on the Property
- ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
- 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
- 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report

9. For a Flood Risk analysis I have:

- 9.1 Estimated the Flood Risk on the Property
- 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
- 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES  
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

## FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☐ 10.1 A standard-based approach
  - ☐ 10.2 A Risk-based approach
  - ☒ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
  - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
  - ☐ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
  - ☐ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
  - ☒ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
  - ☒ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
  - ☒ 12.4 Compared the guidelines with the findings of my flood assessment
  - ☒ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☒ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☒ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☐ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☒ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

☒

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- ☐ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☒ For a development permit, as required by the *Local Government Act* (Sections 919.1 and 920), my Flood Assessment Report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- ☒ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

## FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

April 16, 2020

Date

Chris Hudec

Prepared by

Chris Hudec

Name (print)



Signature

1900 Boxwood Road

Address

Nanaimo, BC, V9S 5Y2

(250) 756 0355

Telephone

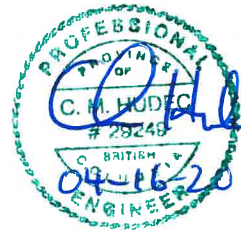
chudec@lewkowich.com

Email

Reviewed by

JOHN HESSELS

Signature



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Lewkowich Engineering Associates Ltd.  
and I sign this letter on behalf of the firm. (Name of firm)

## APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: April 16, 2020 File# F7075

Town of Ladysmith

410 Esplanade, PO Box 220, Ladysmith, BC, V9G 1A2

Jurisdiction and address

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☒ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: Lot A (DD82674N) of District Lot 42, Oyster District, Plan, Plan 4858; 373 Chemainus Road

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
  - ☒ 6.2 estimated the *landslide hazard*
  - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the Approving Authority has adopted a *level of landslide safety* I have:
  - ☐ 7.1 compared the *level of landslide safety* adopted by the Approving Authority with the findings of my investigation
  - ☐ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
  - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the Approving Authority has **not** adopted a *level of landslide safety* I have:



- ☒ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- ☒ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- ☒ 8.3 compared this guideline with the findings of my investigation
- ☒ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- ☒ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ☒ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- ☐ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- ☒ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions<sup>[1]</sup> contained in the attached *landslide assessment* report,

Check one

- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered covenants.
- ☐ without any registered covenant.

- ☒ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".

- ☒ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- ☒ with one or more recommended registered covenants.
- ☐ without any registered covenant.

- ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Chris Hudec, M.A.Sc., P.Eng.

Name (print)

Signature

April 16, 2020

Date

<sup>[1]</sup> When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

1900 Boxwood Road, Nanaimo, BC, V9S 5Y2

Address

250 756 0355

Telephone



(Affix Professional Seal here)

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Lewkowich Engineering Associates Ltd.

and I sign this letter on behalf of the firm.

(Print name of firm)



# TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-20-03

DATE: June 16, 2020

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Name of Owner(s) of Land (Permittee): Edward Donald Gregson and Sheila Louise Gregson

Applicant: Angela Quek, Architect

Subject Property (Civic Address): 373 Chemainus Road

---

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:

**Lot A (DD 82674-N), District Lot 42, Oyster District, Plan 4858 – PID: 006-035-001  
(373 Chemainus Road)  
(referred to as the “Land”)**

3. Section 5.2 e)iii) (Setback from the sea) of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to allow for construction of a single detached dwelling:

**From:** In the case of a *Parcel* adjacent to or abutting the sea, **8.0 metres** horizontally distant from the *Natural Boundary* of the sea or horizontally distant inland from the top of slope on a *Parcel* with an average slope of 30% or more, whichever is greater.

**To:** In the case of a *Parcel* adjacent to or abutting the sea, **4.47 metres** horizontally distant from the *Natural Boundary* of the sea.

4. Section 10.2.5. a) (R-1, Height of Principal Building) of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”, as amended, is varied for the subject property to allow for construction of a single detached dwelling:

**From:** No *Principal Building* or *Structure* shall exceed a Height of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum height shall be **7.5 metres**.

**To:** No *Principal Building* or *Structure* shall exceed a Height of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum height shall be **7.7 metres**.

5. 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.
6. The following plans and specifications are attached:
  - a) **Schedule A – Site Plan**
  - b) **Schedule B – Elevation Plans**
7. 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 (**3090-20-03**) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. 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 16<sup>th</sup> DAY OF JUNE 2020.**

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (D. Smith)

**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 **Edward Donald Gregson and/or Sheila Louise Gregson** other than those contained in this permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

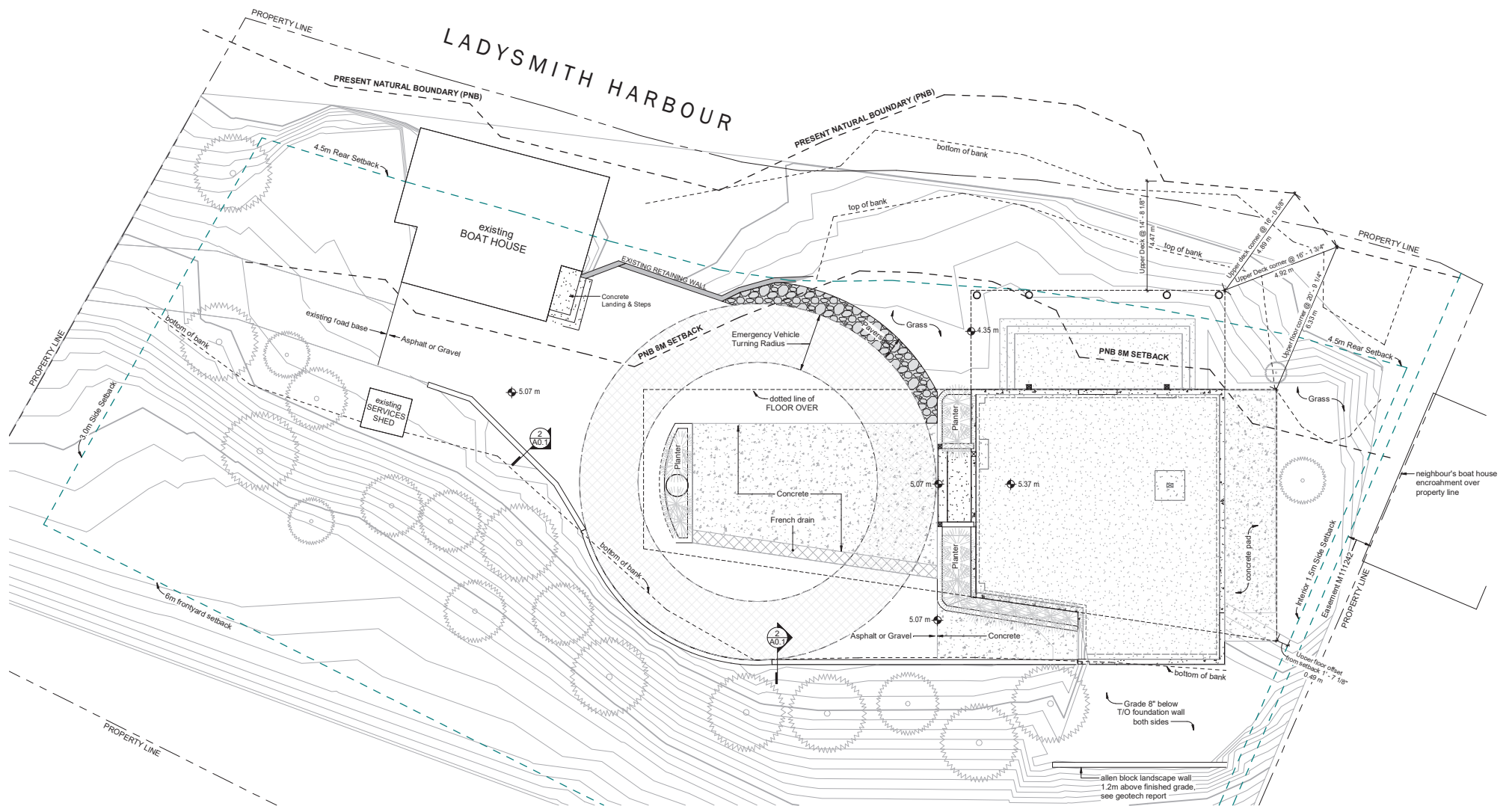
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Title

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Occupation

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Date

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Date

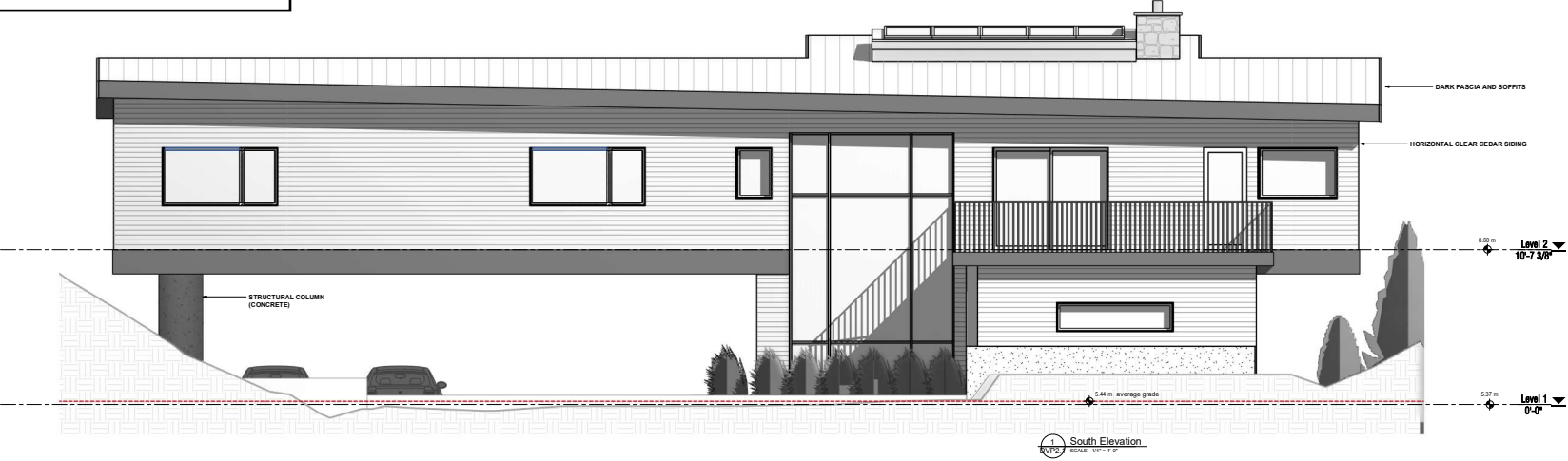
Schedule A - Site Plan  
DVP 3090-20-03  
373 Chemainus Road



Schedule B - Elevation Plans  
Page 1 of 2  
DVP 3090-20-03  
373 Chemainus Road







**Received June 10, 2020**

**Within Circulation Area**

**Sent:** June 9, 2020 8:58 PM

**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

**Subject:** Development Variance Permit Applicaton: DVP 3090-20-03  
(373 Chemainus Road)

Attention Christina Hovey, Senior Planner

Thank you for the above noted Development Variance Permit notice. We are adjacent property owners at 375 Chemainus Road, and wish to advise that we have no issue with the proposed application.

Jennifer Forrest and Garth Decker

## STAFF REPORT TO COUNCIL

**Report Prepared By:** Infrastructure services, Geoff Goodall  
**Meeting Date:** June 16, 2020  
**File No:**  
**RE:** **CHICKEN LADDER FLOOD HARDENING FEASIBILITY STUDY**

---

### **RECOMMENDATION:**

That Council:

1. Waive the Town of Ladysmith Purchasing Policy and direct award the hydrologic work for the Chicken Ladder Flood Hardening Feasibility Study to Tetra Tech at an estimated cost of \$32,000; and
2. Amend the 2020-2024 Financial Plan accordingly, with funding to come from the Water Capital Reserve.

### **EXECUTIVE SUMMARY:**

A significant storm event in November of 2019 caused erosion at the Chicken Ladder intake. Remediation work needs to be completed at the site to protect the infrastructure from future high water events. Staff have requested a proposal from Tetra Tech to complete some feasibility work that will lead to the development of remediation options for the site. Tetra Tech is well suited to complete this work as they have done previous hydrologic work on this watershed. The cost for the work is estimated at \$32,000.

### **PREVIOUS COUNCIL DIRECTION**

N/A

### **INTRODUCTION/BACKGROUND:**

During the heavy rain event that occurred in November of 2019, significant flooding occurred at the Chicken Ladder intake. The flooding washed out the paved area adjacent to the dam exposing critical piping. In addition to this damage, a significant gravel bar was created above the dam which is now influencing flow direction.

Water levels at this location were higher than previously observed by staff. Staff completed some emergency remedial works after the storm to fill in eroded areas, but the site remains vulnerable to another high flow event.

Staff have met on site with Koers & Associates Engineering (the Town's water engineering consultant) and Tetra Tech to discuss options for hardening the site in order to withstand future high water events. Tetra Tech has provided engineering services related to the Holland Lake

system and has done past hydrologic work on this watershed for the Town.

Staff propose completing the remediation work in phases, with the Flood Hardening Feasibility Study being Phase 1. The work involved in this phase will include the following:

1. Determine the design flood event. The design event is to consider impacts of climate change, as recent storms/events have been significantly more intense than the historical records. Tetra Tech is to review its previous work and confirm the hydrologic changes for this watershed.
2. Develop alternative options designed to protect the intake while maintaining access for future maintenance and dredging. These alternatives are to be presented for review and approval by both the Town and Koers. These alternatives are also to be developed so as to protect the proposed sensors and weir upgrades.
3. Develop a preliminary set of design drawings detailing the preferred approach and providing a Class D cost estimate allowing the Town to budget the proposed upgrades.

The cost for Tetra Tech to complete the above tasks is estimated at \$32,000. Staff are recommending that Council direct award this work to Tetra Tech because of their familiarity with the system and past hydrologic work done on this watershed.

After completion of the feasibility study, staff will report back to Council with a recommended remediation option complete with cost estimates.

**ALTERNATIVES:**

Council can choose to direct staff to prepare a Request for Proposals for this work rather than direct award.

**FINANCIAL IMPLICATIONS:**

This project is not included in the 2020-2024 Financial Plan. Sufficient monies exist in the Water Capital Reserve to cover this project. Additional phases of this project will also need to be funded.

**LEGAL IMPLICATIONS:**

Staff have found no legal implications related to this project.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

This project will be administered through the Engineering Department and will involve multiple staff. The bulk of the work will be completed by engineering consultants.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes      |
| <input type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community           | <input type="checkbox"/> Local, Diverse Economy    |
| <input checked="" type="checkbox"/> Not Applicable   |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy                   |
| <input type="checkbox"/> Community      | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront     |  |

***I approve the report and recommendation(s).***

**Erin Anderson, A/Chief Administrative Officer**

**ATTACHMENT(S):**

None

STAFF REPORT TO COUNCIL

**Report Prepared By:** Staff  
**Meeting Date:** June 16, 2020  
**File No:** COVID-19  
**RE:** ECONOMIC RECOVERY UPDATE

RECOMMENDATION:

That Council:

1. Give first, second and third reading to Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041 to eliminate fees for sidewalk patios and to create an exemption to the requirement for a permit for small sidewalk patios and retail displays;
2. Adopt Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041;
3. Provide preapproval for Temporary Expanded Service Area Authorizations pursuant to Liquor and Cannabis Regulatory Board Policy Directive 20-13; and
4. Direct staff to submit an application for funding through the Island Coastal Economic Trust Small Capital Restart Program for up to \$15,000 for improvements in the downtown core to support local economic recovery efforts.

EXECUTIVE SUMMARY:

This report:

1. Provides an update for Council on economic recovery efforts under way.
2. Presents Bylaw 2041 for Council consideration. This bylaw will amend the Streets and Traffic Bylaw to eliminate fees for sidewalk patios and retail displays and allow small sidewalk patios and retail displays without a permit.
3. Presents a referral from the Liquor and Cannabis Regulatory Branch (LCRB) seeking "preapproval" related to LCRB policy Directive 20-13. This new policy directive allows liquor serving establishments to increase their seating area (but not seating capacity). These expanded seating areas must be approved by the local government, however a local government can opt to preapprove them.
4. Provides the results of an Economic Recovery Survey created by the Town, Ladysmith Chamber of Commerce and Ladysmith Downtown Business Association and sent to all members of the Chamber and LDBA.
5. Seeks Council direction to apply for funding through the Island Coastal Economic Trust (ICET) in support of downtown improvements that will assist economic recovery efforts

PREVIOUS COUNCIL DIRECTION

Resolution	Resolution Date	Resolution Details
------------	-----------------	--------------------



Resolution	Resolution Date	Resolution Details
CS 2020-154	May 21, 2020	That Council direct staff to: <ol style="list-style-type: none"> <li>Liaise with the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association to review options for the Town to support economic recovery following the COVID-19 pandemic, including the following: <ol style="list-style-type: none"> <li>Parklets and sidewalk patios;</li> <li>Street closure opportunities from Thursdays through Sundays, including the potential for street entertainment and music;</li> <li>One-way traffic northbound on First Avenue;</li> <li>A “local shopping loyalty passport” with incentives to participate; and</li> </ol> </li> <li>Report back to Council with the results of those discussions.</li> </ol>
CS 2020-165	June 2, 2020	FINAL RESOLUTION AS AMENDED BY CS 2020-166 That Council direct staff to initiate the following change to bylaws that regulate sidewalk patios, retail displays and parklets: <ol style="list-style-type: none"> <li>Eliminate the application fee or “rent” for sidewalk patios, retail displays and parklets; and</li> <li>Allow 1-2 dining sets, racks or displays without a permit, provided they are placed in accordance with Town bylaw regulations and Provincial Health regulations.</li> </ol>
CS 2020-167		That Council direct staff to implement a downtown patio seating area of six tables in the general location of the sidewalk area in front of the Islander Hotel on 1st Avenue, to a maximum of \$35,000, with \$15,000 from external grants and the remaining \$20,000 from unspent Grants-in-Aid funds.
CS 2020-169		That Council direct staff to prepare a report for the next Council meeting with a policy framework for parklet/patio spaces based on a demonstrated desire by local businesses to have such spaces available to them.

### **INTRODUCTION/BACKGROUND:**

Ladysmith has not been immune to the economic impacts of COVID-19. Many businesses have had to temporarily shut down, downsize or bear the cost of implementing safety measures in order to continue operating. On May 21, Council directed staff to begin discussions with the Chamber of Commerce and the Ladysmith Downtown Business Association (LDBA) on local economic recovery efforts, with specific direction to jointly investigate measures contained in the resolution above. A survey of local businesses was developed in partnership with the LDBA and the Chamber who distributed it to their members. Survey results are included in this report.

On June 2, following an update from staff, Council directed bylaw amendments to be brought forward to eliminate fees for sidewalk patios, retail displays and parklets and to allow small sidewalk patios and retail displays without a permit. Council also directed staff to develop an outdoor seating area on 1<sup>st</sup> Avenue at the end of Gatacre Street on the sidewalk in the general vicinity of the Islander Hotel and to report back to Council on potential policy changes for sidewalk patios and parklets based on feedback (i.e. the survey results) from local businesses.

On June 2, staff were notified by the LCRB about Policy Directive 20-13. This new policy allows liquor serving establishments to expand the size of serving areas to meet social distancing requirements, but not to increase their occupancy. For example, under the new program a pub could double the size of their serving area to create more distance between tables, but could not increase the number of patrons it is allowed to serve. The new policy is in place until October 31, 2020. Applications under the new policy must be endorsed by the local government however, the Town can provide preapproval for all applications.

## **DISCUSSION**

### **Survey Results**

Following a meeting with representatives of the Town, the Chamber and the LDBA on May 22, staff drafted a survey for local businesses to determine their state of recovery, awareness of Town resources to assist them, and appetite for measures such as parklets, changes to parking and other measures designed to attract residents and visitors to Ladysmith businesses and support recovery efforts.

The survey was sent to all members of the Chamber and LDBA and was open between Monday, June 1 and Monday, June 8. A total of 47 responses were received. The survey summary is attached as Appendix A (please note that Q. 19 responses are not included as they identify individual businesses). Highlights include:

- 55.5 per cent of respondents closed during Phase 1 of the COVID-19 pandemic
- 70 per cent of those who closed have already reopened
- 91 per cent of those who had not yet reopened indicated that they plan to do so
- 93 per cent indicated that they are able to configure their business to follow physical distancing and sanitation guidelines
- 64 per cent were not aware that the Town can issue permits for sidewalk patios and retail display
- 48 per cent indicated that use of the sidewalk adjacent to the business would not assist in serving customers, while 26 per cent indicated that it would help them, and 26 per cent indicated that they did not know
- 60 per cent of respondents stated that use of parking spaces would not help their business
- 59 per cent would support closure of some parking spaces in each block of downtown during summer 2020 for a parklet and outdoor seating
- 48 per cent would not support closure of parking spaces in front of their own business
- 64 per cent would not support turning angle parking into parallel parking on 1<sup>st</sup> Avenue at any time
- 50 per cent do not support making 1<sup>st</sup> Avenue one-way at any time; 27 per cent indicated they would support this during summer 2020
- 43 per cent of respondents support closing 1<sup>st</sup> Avenue to vehicle traffic at certain times, closely followed by 41 per cent who do not support this idea

- Should 1<sup>st</sup> Avenue be closed, 54 per cent would like to see it closed on weekend days and evenings
- 60 per cent of respondents indicated that they would consider extending hours into the evening
- 95 per cent would take part in a Shop Local campaign (to be run by the Chamber and LDBA) with 70 percent in favour of a comprehensive campaign (context, passport, gift card program...)
- The majority of respondents (approximately 88 per cent) of the 34 who answered the question are from the downtown area

It is important to point out that the intent of the survey was mainly to determine the level of support for ways to make more effective use of space in the downtown area to support local businesses in their recovery. The survey was not intended to gauge the economic impact on businesses.

While most businesses would support the closure of 1<sup>st</sup> Avenue on weekends during this summer, it is also important to recognize that comments made by respondents expressed concern about loss or lack of parking in the downtown area.

### **PROPOSED INITIATIVES /BYLAW CHANGES**

#### **Bylaw Changes for Sidewalk Patios, Retail Displays and Parklets** *(Staff recommendation Nos. 1 and 2)*

An amendment to the Streets and Traffic Bylaw has been drafted in accordance with Council's instructions: one to eliminate permit fees; and another to exempt small sidewalk patios and retail displays from the requirement to obtain a permit.

Bylaw 2041 (Appendix B) will amend the Streets and Traffic Bylaw to eliminate the \$25 application fee for sidewalk patios and retail displays and the \$5/m<sup>2</sup> fee for sidewalk patios (there is no such fee for retail displays). Bylaw 2041 will also exempt some sidewalk patios and retail displays from the requirement to obtain a permit. If approved by Council, a permit will no longer be required for a small sidewalk patio or retail display abutting a business frontage. Under the proposed rules, a sidewalk patio or retail display will only be exempt from the permit requirement if it is on a flat sidewalk, provides for 1.5m of pedestrian thoroughfare, does not extend more than 1.5m from the business frontage and does not require alterations to the surface of the sidewalk, such as decking or landings. The proposed rules would also prohibit a sidewalk patio or retail display from extending in front of an adjacent business, unless the adjacent business has given consent. For convenience, staff have included a redlined version of the proposed amendments to the Streets and Traffic Bylaw, shown in Appendix C.

#### **Preapproval of Provincial Policy Directive on Liquor Regulations** *(Staff recommendation No. 3)*

Staff are recommending that Council endorse the "preapproval" option described in greater detail in Appendix D. If endorsed by Council, the LRCB will not refer applications under Policy Directive 20-13 to the Town for comment. This is expected to accelerate approval times for

these types of applications. The preapproval will only apply to liquor licensing applications under the temporary directive. Other liquor licensing applications that require comment from the Town will continue to be referred.

#### **ALTERNATIVES:**

Council can choose to:

1. Direct staff to look at alternate locations for the 6 tables (currently proposed to be in front of the Islander Hotel). By reducing the number of tables in this location from 6 to 4, the stanchions are not required which would reduce costs. Tables could be placed at other locations in Town, such as in front of:
  - a. RBC (2 tables)
  - b. CIBC (1 table)
  - c. Aggie (3 tables)
  - d. 49<sup>th</sup> Parallel Grocery (2 tables)
  - e. Dunsmuir Square (1 table)
  - f. Eagles Hall (1 table)
  - g. Veterinarian Clinic ( 1 table)

If Council chooses to change from the 6 tables, it would be necessary to rescind the previous Council motion CS 2020-167 and provide additional direction.

2. Direct staff to determine other options.

#### **FINANCIAL IMPLICATIONS** *(Staff Recommendation No. 4)*

This project is currently funded from the foregone funds in the Grant in Aid budget, grants and donations. Staff are seeking Council approval to submit an application for funding through the Island Coastal Economic Trust Small Capital Restart Program for up to \$15,000 for improvements in the downtown core to support local economic recovery efforts.

Fees for sidewalk patio and retail displays account for a very small portion of the Town's revenues. Eliminating these fees does not represent a significant reduction in revenues.

Preliminary costs for the 6 tables in front of the Islander Hotel were estimated at:

6 tables	\$ 9,000
Stanchions & chain	12,600
3 Poles (for lighting)	5,000
Installation	8,000

The revised estimated cost of each table is roughly \$1,624, though the delivery of the items is at least 4 weeks away.

#### **LEGAL IMPLICATIONS:**

Section 12 of [Ministerial Order 139/2020](#), allows municipal councils to give three readings and adopt a bylaw in a single meeting; hence the recommendation to adopt Bylaw 2041.

Regarding insurance and risk management concerns related to tables and retail displays on Town property, the Town holds an annual insurance policy through the Municipal Insurance Association of BC that includes associate members. The LDBA is covered under this policy through a Service Provider Agreement with the Town, which means that their member businesses are also covered. If a business is not a member of the LDBA, the insurance provider suggests that the business add the Town as an additional insured to their Commercial General Liability policy.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The results of the survey revealed that the majority of respondents appreciate that the Town, Chamber and LDBA are taking steps to support economic recovery by local businesses. It will be important to communicate effectively with members of the public (residents and businesses) that Ladysmith is open, and steps are being taken to welcome customers to our commercial area while ensuring their safety during the ongoing pandemic.

Public consultation is not required for the proposed bylaw amendment.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

All Town departments are actively involved in economic recovery efforts.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation         |
| <input type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes              |
| <input type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems                |
| <input type="checkbox"/> Healthy Community           | <input checked="" type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable              |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |   |
|---|---|
| <input type="checkbox"/> Infrastructure | <input checked="" type="checkbox"/> Economy |
| <input type="checkbox"/> Community      | <input type="checkbox"/> Not Applicable     |
| <input type="checkbox"/> Waterfront     |   |

***I approve the report and recommendation(s).***

**Erin Anderson, Acting Chief Administrative Officer**

**ATTACHMENT(S):**

Appendix A: Survey Results

Appendix B: Bylaw 2041

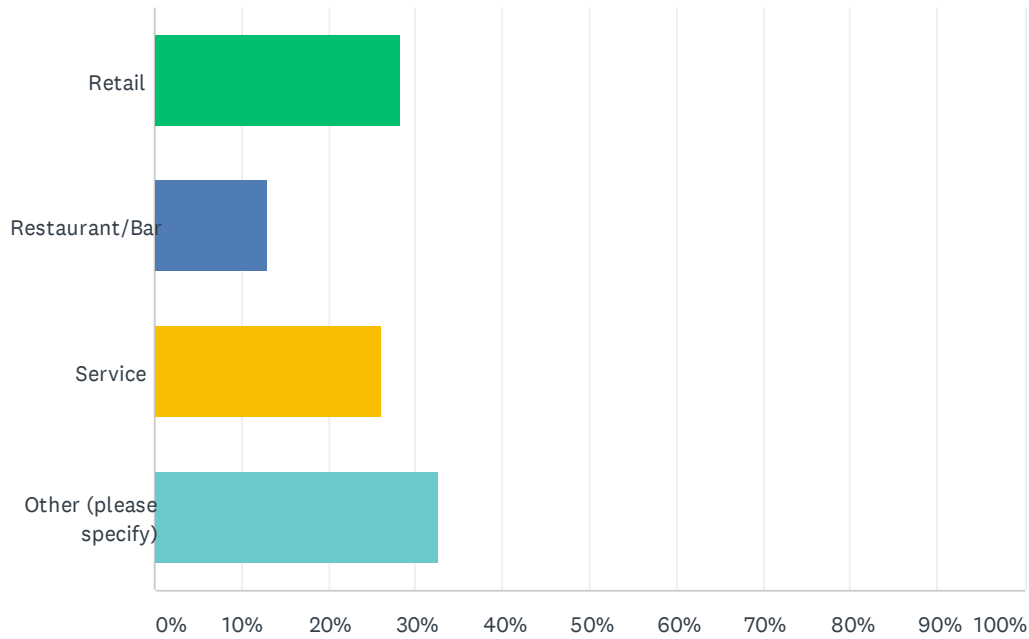
Appendix C: Redlined Excerpts from Streets and Traffic Bylaw

Appendix D: LCRB Referral



## Q1 What type of business do you run?

Answered: 46 Skipped: 2

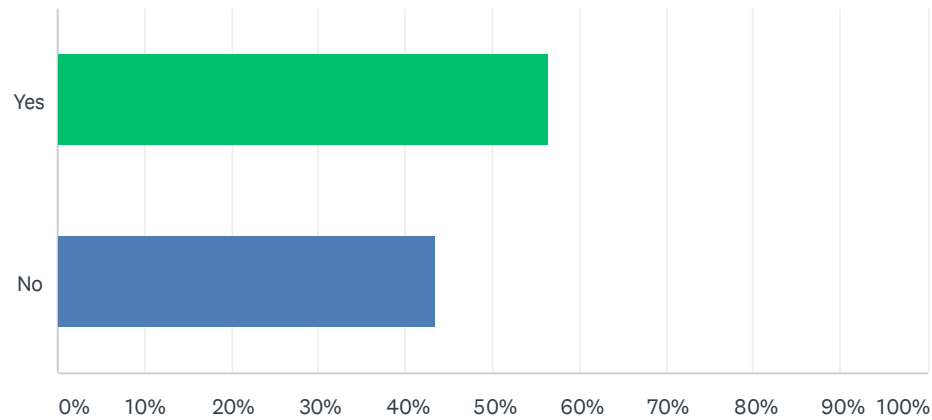


ANSWER CHOICES	RESPONSES	
Retail	28.26%	13
Restaurant/Bar	13.04%	6
Service	26.09%	12
Other (please specify)	32.61%	15
TOTAL		46

#	OTHER (PLEASE SPECIFY)	DATE
1	Marina	6/8/2020 4:01 PM
2	Archives and Museum	6/8/2020 9:18 AM
3	N/A	6/5/2020 1:43 PM
4	Newspaper	6/5/2020 12:07 PM
5	Costruction	6/5/2020 8:48 AM
6	rental accomodation	6/4/2020 11:27 AM
7	downtown resident	6/4/2020 11:17 AM
8	landlord of commercial building	6/4/2020 10:11 AM
9	Non-profit	6/3/2020 7:54 PM
10	Retail and Service	6/2/2020 10:01 PM
11	Art Gallery	6/2/2020 9:43 AM
12	Renovations	6/1/2020 9:56 PM
13	Hotel	6/1/2020 3:19 PM
14	Financial	6/1/2020 2:18 PM
15	sign shop	6/1/2020 2:07 PM

## Q2 Did you close your business temporarily during Phase 1 of the COVID-19 pandemic response?

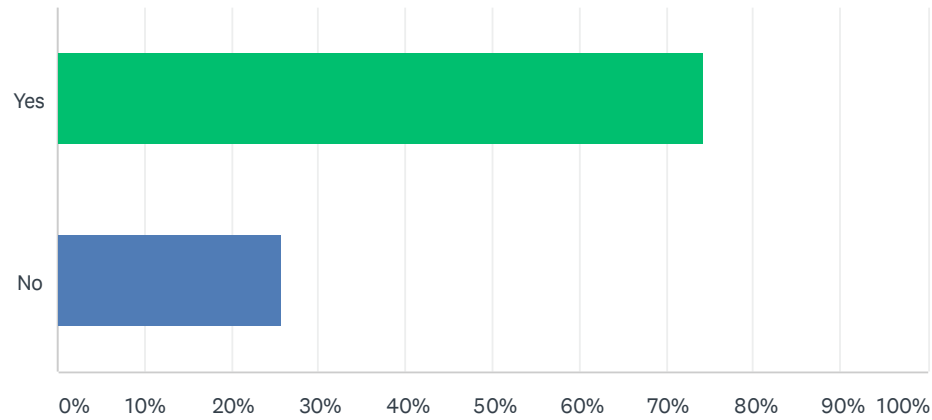
Answered: 46 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	56.52%	26
No	43.48%	20
TOTAL		46

### Q3 If you closed, have you re-opened?

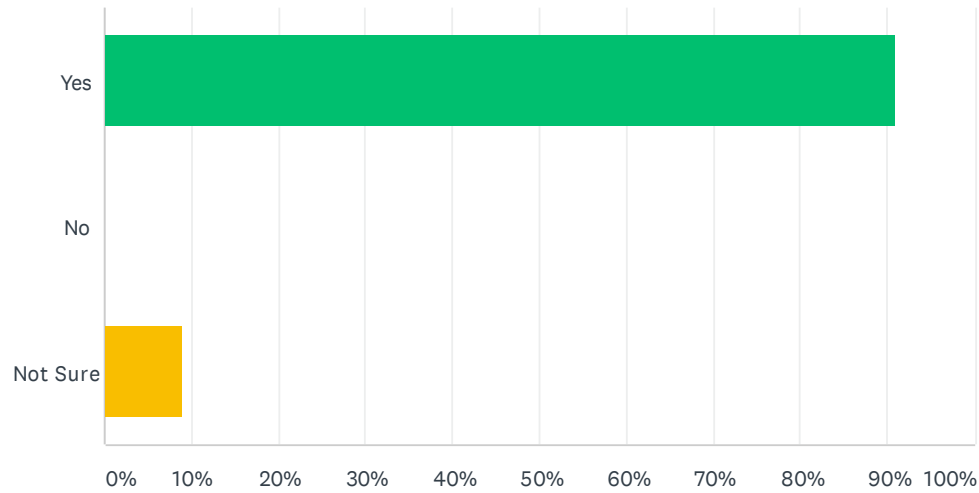
Answered: 31 Skipped: 17



ANSWER CHOICES		RESPONSES
Yes		74.19% 23
No		25.81% 8
TOTAL		31

## Q4 If you answered 'No' to the previous question, do you plan to re-open?

Answered: 11 Skipped: 37

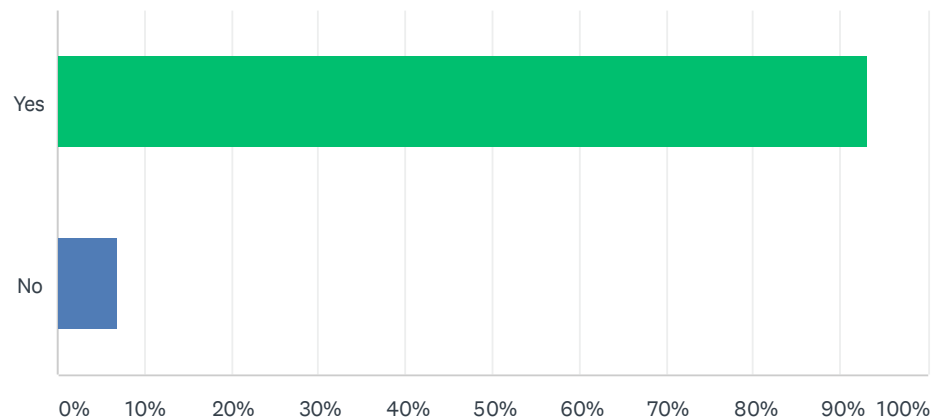


ANSWER CHOICES	RESPONSES
Yes	90.91% 10
No	0.00% 0
Not Sure	9.09% 1
TOTAL	11

#	IF YOU DO PLAN TO RE-OPEN, PLEASE GIVE THE APPROXIMATE DATE	DATE
1	Mid-Late June	6/8/2020 9:18 AM
2	July 2, 2020	6/4/2020 11:06 AM
3	July 1st	6/4/2020 9:00 AM
4	June 9	6/4/2020 7:22 AM
5	June 8	6/2/2020 10:01 PM
6	we are waiting until September to see what happens	6/2/2020 9:43 AM
7	June 7	6/1/2020 2:15 PM

## Q5 Are you able to configure your business to follow physical distancing and sanitation guidelines?

Answered: 43 Skipped: 5



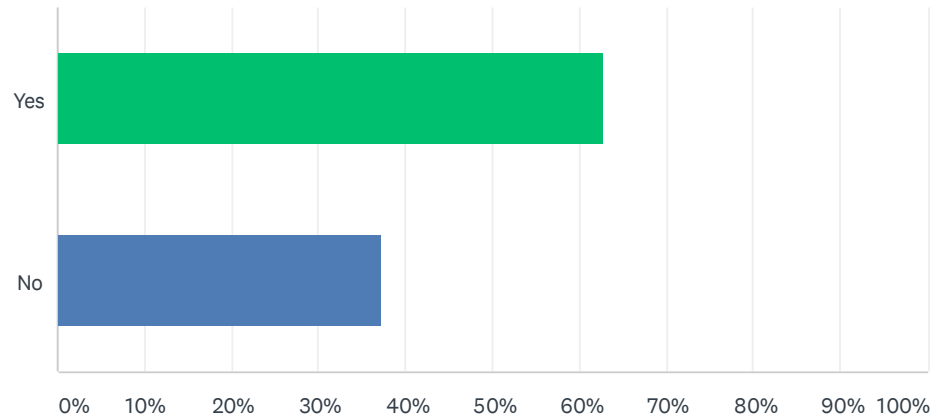
ANSWER CHOICES	RESPONSES
Yes	93.02% 40
No	6.98% 3
TOTAL	43

#	IF NOT, WHAT BARRIER(S) DO YOU FACE TO FOLLOWING THE GUIDELINES?	DATE
1	But only at 30% capacity	6/5/2020 10:59 PM
2	Not completely as construction makes it hard to distance at times. But because we work outside lots of the time, Worksafe said be as careful as we can.	6/5/2020 8:48 AM
3	classes and workshops have been cancelled and group activities	6/2/2020 9:43 AM
4	Eventually	6/1/2020 3:25 PM



## Q6 Are you aware that the Town of Ladysmith can issue permits for sidewalk patios and use of sidewalks for retail display and other potential uses?

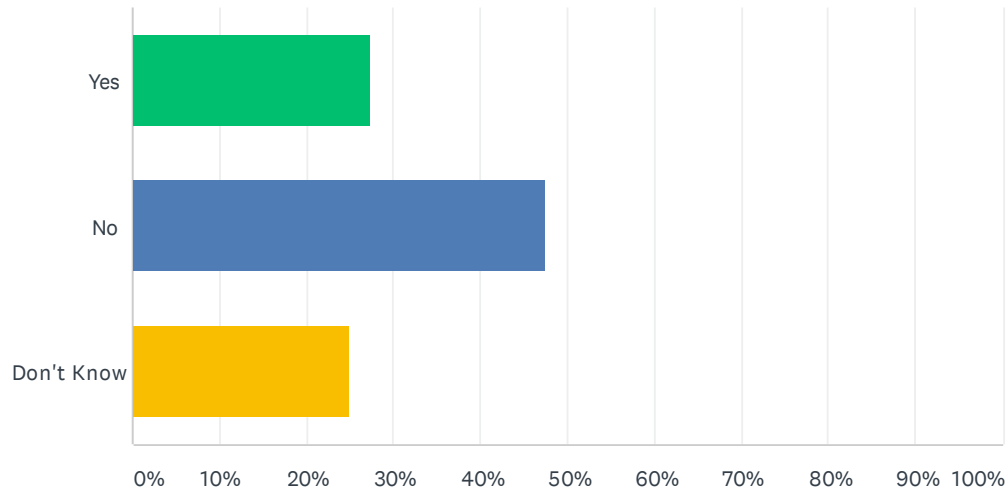
Answered: 43 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	62.79%	27
No	37.21%	16
TOTAL		43

## Q7 Would use of the sidewalk adjacent to your business assist you in serving customers while following WorkSafe and provincial physical distancing guidelines?

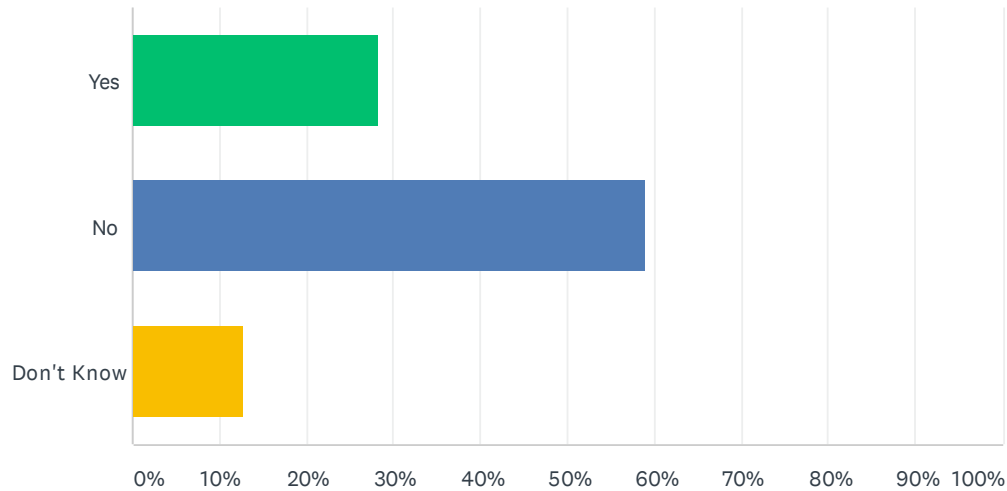
Answered: 40 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	27.50%	11
No	47.50%	19
Don't Know	25.00%	10
TOTAL		40

## Q8 Would use of the parking spaces in front of your business assist you in serving customers while following WorkSafe and provincial physical distancing guidelines?

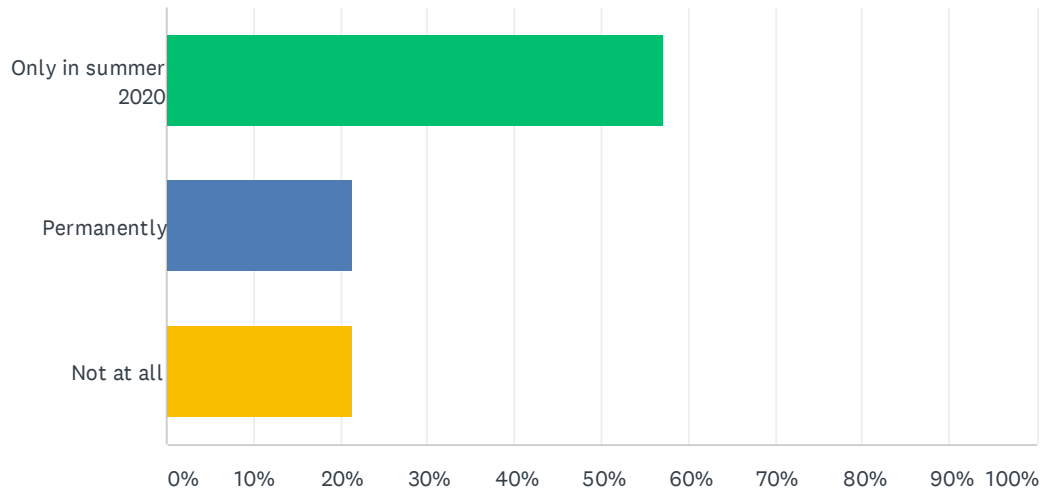
Answered: 39 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	28.21%	11
No	58.97%	23
Don't Know	12.82%	5
TOTAL		39

## Q9 Would you support closure of some parking spaces in each block of the downtown to provide additional space for a common 'parklet' and outdoor seating?

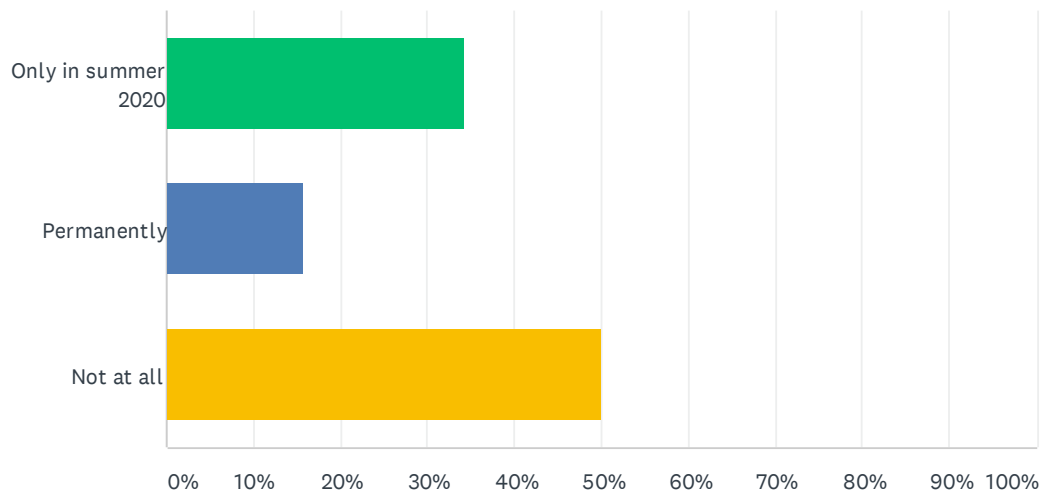
Answered: 42 Skipped: 6



ANSWER CHOICES	RESPONSES	
Only in summer 2020	57.14%	24
Permanently	21.43%	9
Not at all	21.43%	9
TOTAL		42

## Q10 Would you support closure of parking spots in front of your own business?

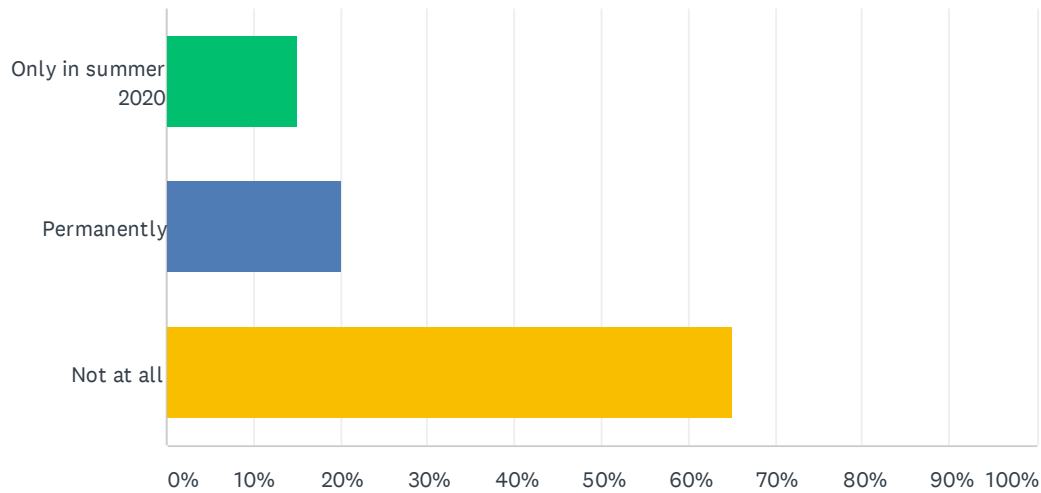
Answered: 32 Skipped: 16



ANSWER CHOICES	RESPONSES	
Only in summer 2020	34.38%	11
Permanently	15.63%	5
Not at all	50.00%	16
TOTAL		32

## Q11 Would you support turning angle parking into parallel parking on 1st Avenue?

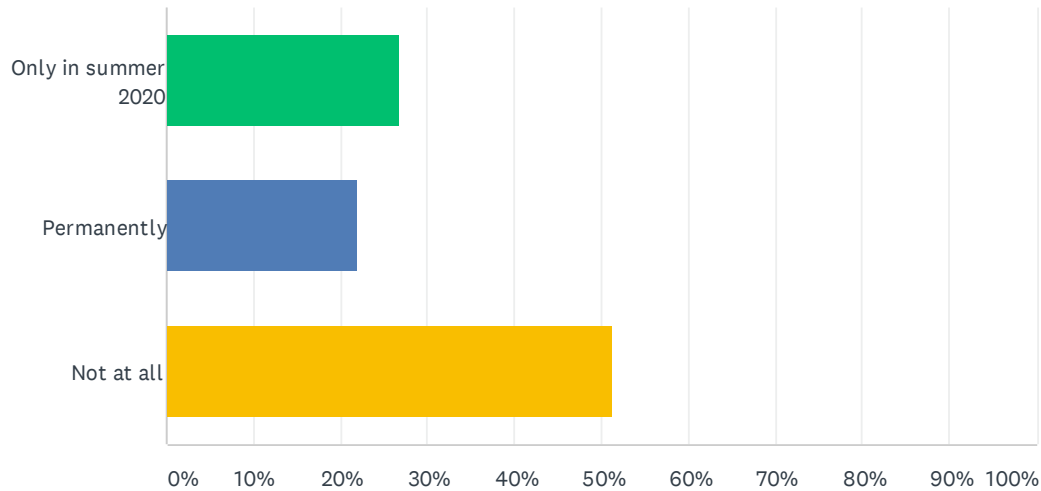
Answered: 40 Skipped: 8



ANSWER CHOICES	RESPONSES	
Only in summer 2020	15.00%	6
Permanently	20.00%	8
Not at all	65.00%	26
TOTAL		40

## Q12 Would you support the idea of making 1st Avenue one way (heading north) in order to provide additional space for use by local businesses, with southbound traffic routed along 2nd Avenue?

Answered: 41 Skipped: 7

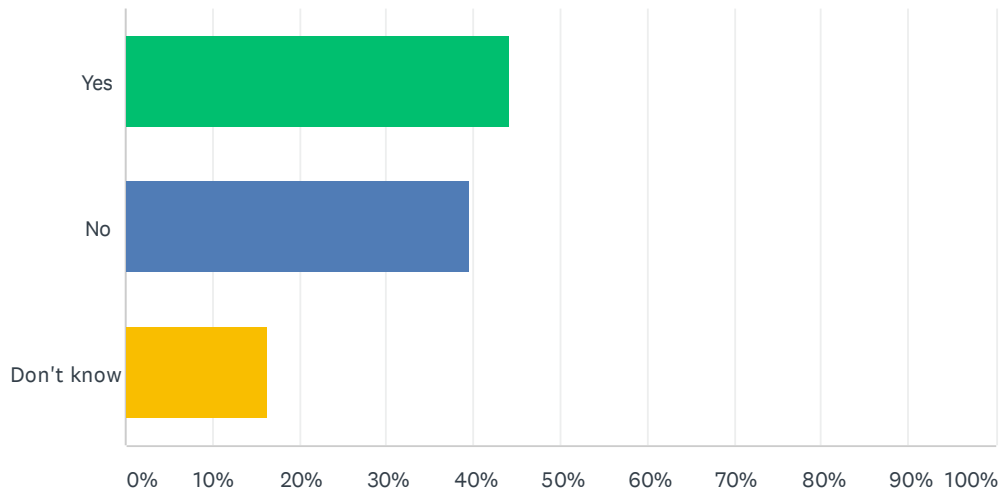


ANSWER CHOICES	RESPONSES	
Only in summer 2020	26.83%	11
Permanently	21.95%	9
Not at all	51.22%	21
TOTAL		41



### Q13 Would you support the idea of closing 1st Avenue to all vehicle traffic on certain days for pedestrians only?

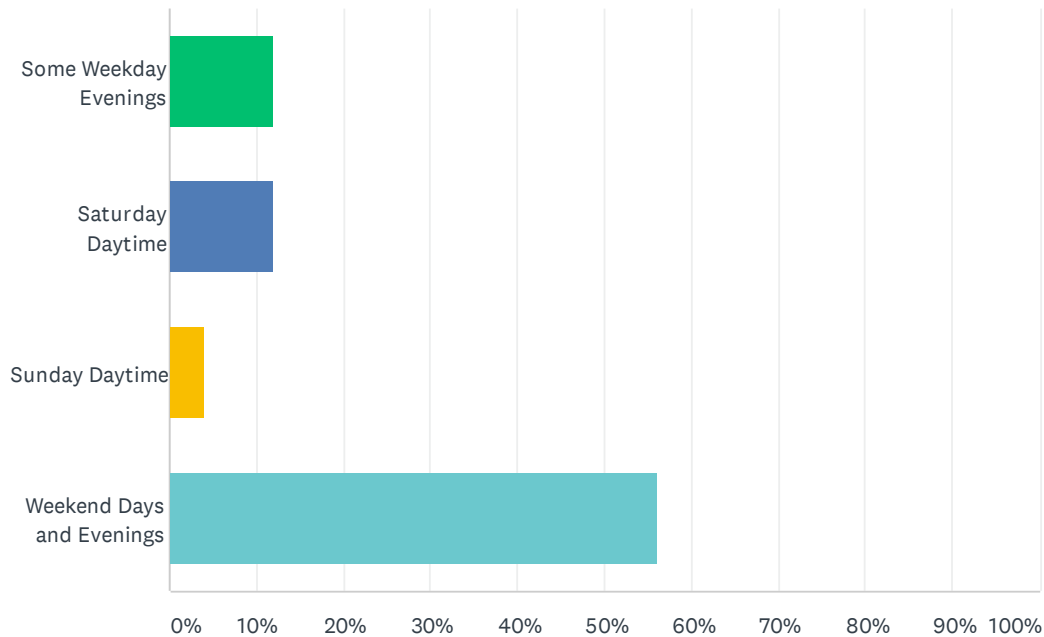
Answered: 43 Skipped: 5



ANSWER CHOICES		RESPONSES	
Yes		44.19%	19
No		39.53%	17
Don't know		16.28%	7
TOTAL			43

# Q14 If you answered "Yes" to the previous question, what days would you like to see 1st Avenue closed? Please check all that apply.

Answered: 25 Skipped: 23

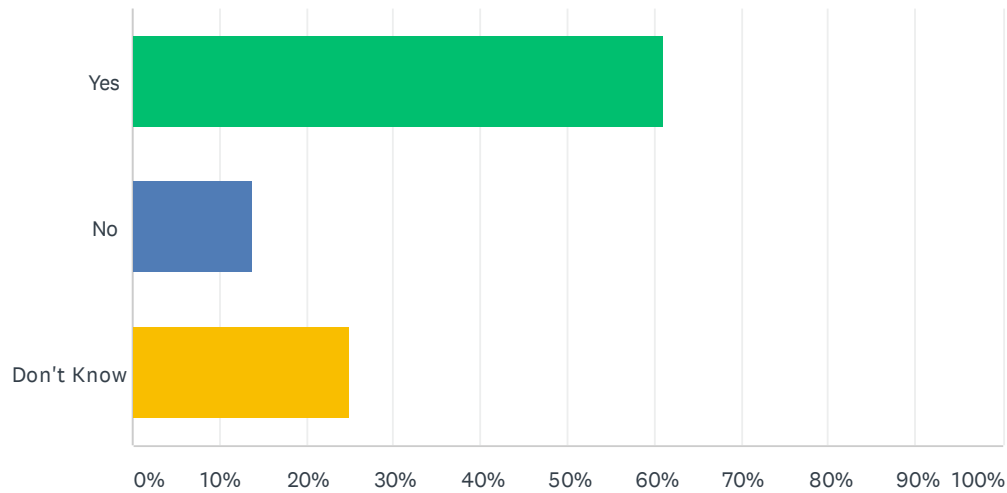


ANSWER CHOICES	RESPONSES	
Some Weekday Evenings	12.00%	3
Saturday Daytime	12.00%	3
Sunday Daytime	4.00%	1
Weekend Days and Evenings	56.00%	14
TOTAL		25

#	COMMENTS?	DATE
1	Any of these changes would need to be policed and one by-law officer working part time just won't due. We all ready have an abundance of people nit following parking rules which makes it difficult for customers and store owners.	6/6/2020 8:01 AM
2	Cannot click more than one - support some weekday evenings, weekend days and evenings.	6/4/2020 11:20 AM
3	Weekend evenings as well	6/4/2020 7:24 AM
4	try the one - way and see how it works. can we use alleys?	6/3/2020 4:45 PM
5	Open to all ideas. Pedestrian malls are wonderful and Ladysmith is ideally suited.	6/2/2020 10:03 PM
6	doing a trial run might bring people together and to used the services and shops downtown the stores need to be OPEN	6/2/2020 9:46 AM
7	Any of the above	6/1/2020 3:27 PM
8	Doesn't work for residents who need it for parking	6/1/2020 3:20 PM
9	for markets	6/1/2020 2:08 PM
10	Thank you!	6/1/2020 12:41 PM
11	Summer only and if cars are routed to park in streets branching from 1st Ave.	6/1/2020 12:28 PM

## Q15 Would you consider extending business hours into the evening to encourage residents to support local restaurants and retail businesses?

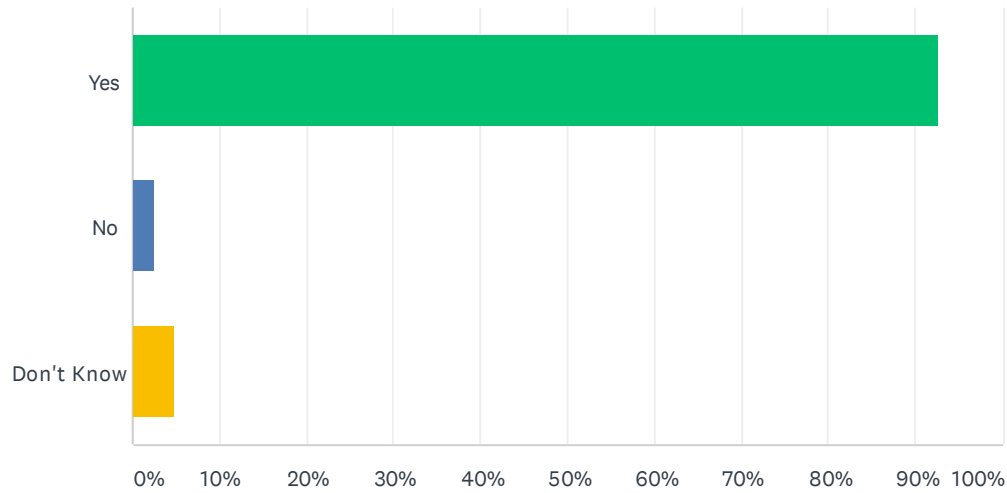
Answered: 36 Skipped: 12



ANSWER CHOICES		RESPONSES	
Yes		61.11%	22
No		13.89%	5
Don't Know		25.00%	9
TOTAL			36

## Q16 Would you participate in a Shop Local Campaign?

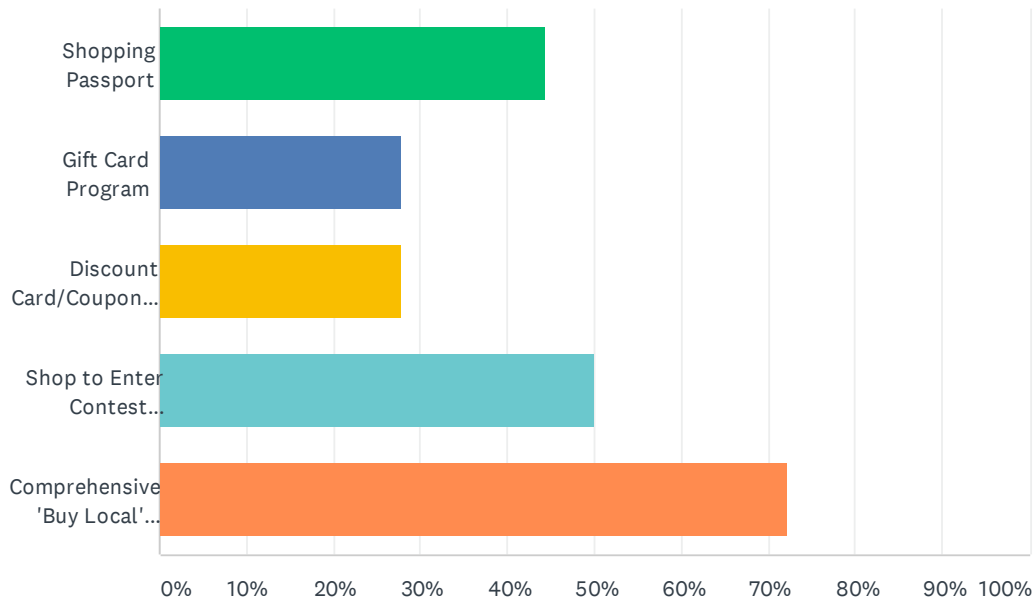
Answered: 41 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	92.68%	38
No	2.44%	1
Don't Know	4.88%	2
TOTAL		41

## Q17 If you would consider taking part in a Shop local campaign, what type of campaign would yo like to see? (Please check all that apply)

Answered: 36 Skipped: 12

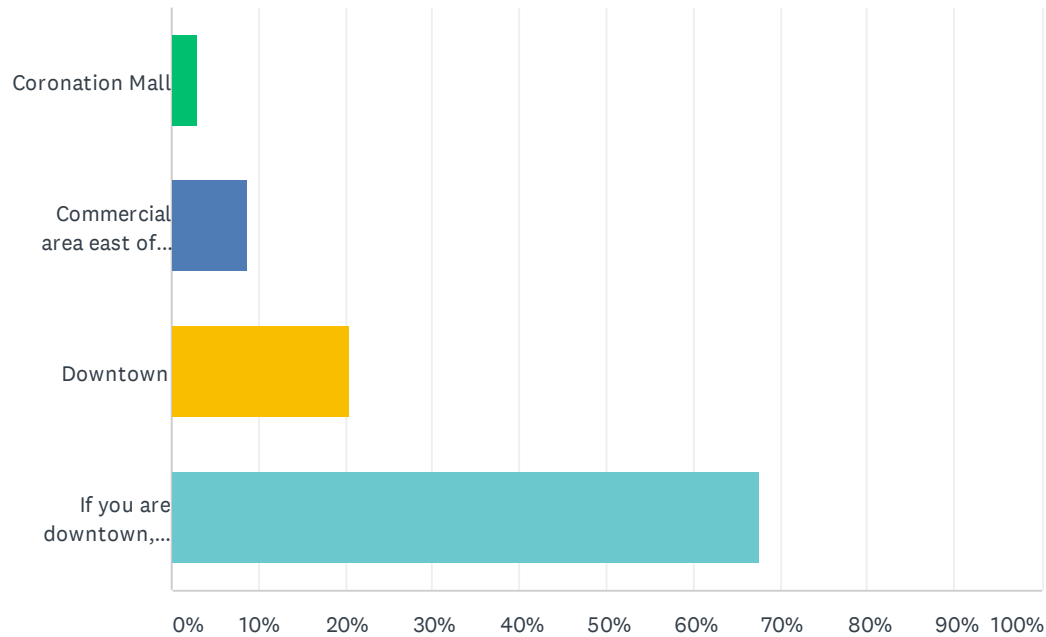


ANSWER CHOICES	RESPONSES	
Shopping Passport	44.44%	16
Gift Card Program	27.78%	10
Discount Card/Coupon Book	27.78%	10
Shop to Enter Contest (similar to LDBA Grand Christmas)	50.00%	18
Comprehensive 'Buy Local' Marketing Campaign	72.22%	26
Total Respondents: 36		

#	OTHER (PLEASE SPECIFY)	DATE
1	I am not sure, most of the ideas above are old, we need new ideas. Pricing and selection that matches or beats the other stores always works.	6/6/2020 8:12 AM
2	not sure what a comprehensive buy local campaign would mean or what cost to business it would be?	6/3/2020 1:18 PM
3	All are good ideas. Maybe combine a couple, but not all.	6/2/2020 10:18 PM
4	We live in the digital age - have you thought about doing something on our phones and Yes old people do use their phones - extensively	6/2/2020 9:50 AM

## Q18 Where is your business located?

Answered: 34 Skipped: 14



ANSWER CHOICES		RESPONSES	
Coronation Mall		2.94%	1
Commercial area east of the highway		8.82%	3
Downtown		20.59%	7
If you are downtown, please specify which block you are in, and whether you are on the north, south, east or west side of the street		67.65%	23
TOTAL			34



#	IF YOU ARE DOWNTOWN, PLEASE SPECIFY WHICH BLOCK YOU ARE IN, AND WHETHER YOU ARE ON THE NORTH, SOUTH, EAST OR WEST SIDE OF THE STREET	DATE
1	North end of town	6/8/2020 9:21 AM
2	High St, between Highway and First.	6/6/2020 8:12 AM
3	530 1st Ave Zacks Lounge	6/5/2020 11:03 PM
4	corner of Roberts and 2nd in the downtown specified area	6/5/2020 8:51 AM
5	Not in town .. on Brenton Page Road	6/4/2020 11:37 AM
6	near High St.	6/4/2020 11:26 AM
7	528 - 1st Avenue	6/4/2020 11:24 AM
8	N/A	6/4/2020 11:13 AM
9	500: east	6/4/2020 10:16 AM
10	I am a home-based business, outside of downtown	6/4/2020 9:23 AM
11	South west	6/4/2020 9:03 AM
12	West side below high street	6/4/2020 7:24 AM
13	Plantitude and Whitespace Living	6/4/2020 12:31 AM
14	11 High Street	6/3/2020 2:33 PM
15	northeast corner of First and Roberts	6/3/2020 2:31 PM
16	28 Roberts Street	6/3/2020 12:08 PM
17	Roberts to Gatacre. West side!	6/2/2020 10:18 PM
18	south east	6/2/2020 10:54 AM
19	Roberts Street	6/2/2020 10:14 AM
20	when we are at the machine shop	6/2/2020 9:50 AM
21	Buller Street	6/1/2020 3:30 PM
22	High st south	6/1/2020 2:17 PM
23	West side at Roberts and 1st.	6/1/2020 12:44 PM

## Q20 Please share any ideas, comments or concerns that you have

Answered: 19   Skipped: 29

#	RESPONSES	DATE
1	Changing policies downtown, like the Smoking By-Law is a waist of time if it is not publicized and enforced. Parking is pretty much a free for all in the Ladysmith Downtown area and I often get customers mentioning that there is limited or no parking. Taking away parking spots in any fashion will hurt downtown business, Making more parking spots and removing some of the fancy curbs would create more parking spots. We have an aging population and changing traffic routes (like 1st Ave being One-way) would be confusing and frustrating for many of our residents. My business always does less business when 1st Ave gets closed for any reason. I know several other business (such as restaurants) do better, but I don't.	6/6/2020 8:12 AM
2	As a resident I have no objection to the suggestions made and quite like the idea of extending patios doing a one way and or no vehicles on weekends (This may be difficult for disabled or motion challenged individuals). If closed, I would propose some kind of transport, be it a golf cart or trolley bus of some kind, so as to ferry people back and forth. As our business is out of the main shopping area and will not be effected, some of the questions do not apply.	6/5/2020 5:43 PM
3	Best of luck ... love the direction of opening up First Avenue to customers full time ...	6/4/2020 11:37 AM
4	Require bylaw enforcement re illegal off-First Ave parking, and RCMP "walk-about" presence re customers consuming alcoholic beverages with or without a meal, which I support for that "European" boulevard experience. Currently the RCMP come downtown for coffee breaks only.	6/4/2020 11:26 AM
5	I think the angle parking is very dangerous right now. It's really hard to backup into oncoming traffic especially if you have a big pickup parked beside you. It would be so great if you had an area just for trucks to park, maybe on the side roads. Also having my business right on 1st Avenue I see cars and trucks doing u-turns to get into parking stalls that are across the street. So many times there have been near misses with 2 vehicles. I also find it very hard for our delivery men to get to our store to delivery our product. I don't understand why there is not a loading zone for them. Instead they have to stop in the middle of the street, holding up traffic, to do their job. People get impatient with having to stop and wait and try to go around the truck which is a potential for a vehicle accident. I think there should be a loading zone in each block and if the block is long then there should be two.	6/4/2020 11:24 AM
6	I think it is imperative that all businesses have an online presence/e-commerce + newsletter/customer list and a strong social media presence if they want to survive. It is not enough just to have a bricks and mortar store and expect that customers will come to you. My business has increased 300% during the last 3 months because I had all of these things. My market is North America, not just Ladysmith. People want to shop, you just have to make it easy for them. Hopefully businesses have learned from this experience. In my opinion, those that don't adapt and make the effort to invest in a strong online presence, simply won't survive. Nikki MacCallum	6/4/2020 9:23 AM
7	Whitespace needs the parking until 5 pm so does the clothing ,pet and other stores on the first block and Platitude has a patio so we are not needing the street closed or the parking gone. All parking is also sloped..... too expensive to level with decking or other and move tables in and out everyday. May work for services in the block after Pharmasave	6/4/2020 12:31 AM
8	I am concerned that if you block off too much parking and/or 1st Avenue then customers who drive from out of town will not visit. We already receive complaints that we are too far away to walk from the parking areas when our limited front parking is full.	6/3/2020 2:33 PM
9	I honestly don't know how to respond to this. Of course we want our local restaurants to succeed but it feels as though we are choosing to support one type of business at the expense of others. Perhaps we could keep this to evenings when other businesses would be less impacted.	6/3/2020 2:31 PM
10	I am very concerned about any idea that includes reducing parking or closing any part of 1st Ave. as an idea for increased shopping. After 20 years in retail, on 1st Ave., the negative affect of closing the street is felt within minutes. People do not want to be shuttled or have to walk any distance to get to their stores. we are already at a deficit being street parking; reduced traffic when weather is poor and limited parking. Draws; gift certificate; even an evening market are all great ideas! after 5pm a market in the week is a good idea; although as soon as the street is closed expect the shopping to slow down fairly quickly. the shuttle was a great idea when it was being used for this purpose.	6/3/2020 1:18 PM
11	Parking is a huge issue in the downtown core and closing off streets or parking spaces will make it worse. There are also a few business owners/workers who work in establishments on	6/3/2020 12:08 PM

1st Ave, parking on Roberts street in front of the businesses on Roberts street (all day) vs. using the free parking lot on Roberts street. Parking is definitely an issue in this town and if anything should be something to consider. Expand it / find extra lots close to the downtown core that can be used for customers or even business owners so they are not taking up prime spots meant for customers.

12	Would consider the closing of 1st ave. from Roberts to high st.to support restaurants who need space for tables. Let's create a fun atmosphere such as inner harbour Victoria. ie; restuarants, music, shopping, art, entertainment, ambience. Need public washrooms badly!!!!!!Try it for summer and see how it goes. I don't think you can just close 1st ave. on weekends. It has to almost be all or none for the summer. Perhaps our movie friends can help us a little with design on 1st.ave. Could be fun.	6/3/2020 11:24 AM
13	Thanks for doing this work. I'm speaking as a business owner and community planning geek. I think a well scheduled summer. Maybe a weekend a month of closures from Friday Eve to Sunday would be cool. If we could get crazy and open Friday until 9 and *gasp* SUNDAY... I think we could make something really special. Like Old time Christmas in the summer. For locals by locals. Community coming together to enjoy each other's company and support local business. Each business needs to support this to give a chance of success though. I'm willing to give it a go. Maybe hire a student or two. I think parklets are awesome. I choose to use them whenever available and frequent 3 restaurants regularly to enjoy the on the street vibe. Especially for liquor establishments, a street level patio is awesome, particularly considering covid restrictions.	6/2/2020 10:18 PM
14	Our thanks to the LDBA and the Chamber for really supporting all the businesses during the shut down and promoting shopping locally! :)	6/2/2020 10:14 AM
15	People are still nervous about being in crowds but saying that some place to go once a week for food, music art would be nice and downtown would be perfect if the streets were closed. We could also do a market once a week for produce, out of hand	6/2/2020 9:50 AM
16	There are some residents along first ave, so just want to ensure consideration is also given to resident parking, late night noise, etc, but I fully support parklets and a full one-way reconfiguration of 1st Ave to give more space to pedestrians and businesses, while still allowing one-way vehicle traffic. Great idea and common in other towns. Walkability = liveability!	6/1/2020 3:24 PM
17	Would love the idea of some shopping evenings with entertainment provided. Maybe some containers with flowering plants to brighten up the downtown. Getting rid of parking during the day or Saturdays will put the nail in the coffin for lots of small businesses downtown because so many people refuse to walk even short distances.	6/1/2020 3:03 PM
18	Some store owners need help capping future rent increases from out-of-town/off-Island building owners. Also, Google needs to provide a solution for its default Street View image as many building store owners spent thousands renovating their building only to have a 5 year old image still active. This is a big problem.	6/1/2020 12:44 PM
19	Thank you for allowing our feedback. If the city is going to allow outside seatings our business is between Zack's lounge and the Bakery which would increase the parking demand in front of our store and constraints customers' movement maybe? not sure. Maybe designating 2 parking spots in front of every business as "Retail Shopping - Store stamp or business card to be displayed on car window"? Thanks for all the support from everyone!!	6/1/2020 12:38 PM

## TOWN OF LADYSMITH

### BYLAW NO. 2041

#### A Bylaw to Amend "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309"

**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Streets and Traffic Bylaw;

**AND WHEREAS** the Municipal Council considers it advisable to amend "Streets & Traffic Bylaw 1998, No. 1309";

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

(1) Part X is amended as follows:

- a. Subsection 58(1):
  - delete "pays a fee of \$25.00" and deleting the comma after "Schedule "E,"; and
  - replace the comma in "Schedule "F"" with a period;
- b. Subsection 59(1):
  - delete "and pays a fee of \$25.00";
- c. Add Section 60:

#### "EXEMPTIONS

60. Notwithstanding subsections 58(2) and 59(2) a business may install a sidewalk patio or retail display, provided that the sidewalk patio or retail display:
  - 1) abuts the front of the business;
  - 2) unless permission from an adjacent business or property owners has been given, is located directly in front of the business for which it serves;
  - 3) extends no farther than 1.5 meters from the front property line of the business;
  - 4) is situated on a sidewalk with a slope not exceeding 2% in any direction;
  - 5) does not cover or alter the existing grade or surfacing of the sidewalk; and
  - 6) allows for a minimum of 1.5 meters of unobstructed, clearly delineated sidewalk area for pedestrian travel."

And renumber subsequent sections and references accordingly;

(2) Schedule "E" is amended as follows:

- a. delete "I herewith pay my Sidewalk Permit Application \$25.00 non-refundable portion: (check if received)"
- b. delete "submit a payment of \$5.00 per m<sup>2</sup> for the approved patio area (Schedule "\_\_\_") and";

(3) Schedule "G" is amended as follows:

- a. delete condition 2 and renumber subsequent sections accordingly; and

(4) Schedule "J" is amended as follows:

- a. delete "I herewith pay my Retail Display Application \$25.00 non-refundable portion: (check if received)".

#### **CITATION**

This bylaw may be cited for all purposes as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #7, 2020, No. 2041".

READ A FIRST TIME	on the	day of	, 2020
READ A SECOND TIME	on the	day of	, 2020
READ A THIRD TIME	on the	day of	, 2020

ADOPTED PURSUANT TO SECTION 12 OF MINISTERIAL ORDER 139/2020 on the  
day of , 2020.

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Mayor (A. Stone)

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Corporate Officer (D. Smith)

## PART X

### SIDEWALK PATIOS

#### SIDEWALK PATIO PERMITS

58.

- (1) The *Director of Development Services* may issue a *sidewalk patio permit* in the form prescribed in Schedule “G” to an applicant provided the applicant completes the application form set out in Schedule “E,” ~~pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule “F.”
- (2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid *sidewalk patio permit* has been issued by the *Director of Development Services* authorizing such use and the patio is located within the designated patio area shown on the map in Schedule “H” of this bylaw.
- (3) The *Director of Development Services* may terminate a *sidewalk patio permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

#### RETAIL DISPLAYS

59.

- (1) The *Director of Development Services* may issue a retail display *permit* in the form prescribed in Schedule “I” to an applicant provided the applicant completes the application form set out in Schedule “J” ~~and pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule “K.”
- (2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid retail *permit* display has been issued by the *Director of Development Services* authorizing such use.
- (3) The *Director of Development Services* may terminate a retail *permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the retail display area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.



## EXEMPTIONS

60. Notwithstanding subsections 58(2) and 59(2) a business may install a sidewalk patio or retail display, provided that the sidewalk patio or retail display:
- (1) abuts the front of the business;
  - (2) unless permission from an adjacent business or property owners has been given, is located directly in front of the business for which it serves;
  - (3) extends no farther than 1.5 meters from the front property line of the business;
  - (4) is situated on a sidewalk with a slope not exceeding 2% in any direction;
  - (5) does not cover or alter the existing grade or surfacing of the sidewalk; and
  - (6) allows for a minimum of 1.5 meters of unobstructed, clearly delineated sidewalk area for pedestrian travel.

## SCHEDULE "E"

### APPLICATION FOR SIDEWALK PATIO PERMIT

I, \_\_\_\_\_ of

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)

hereby apply for a *sidewalk patio permit* adjacent to:

Business Premises Address: \_\_\_\_\_

Legal Description ("the lands"): \_\_\_\_\_

The lands are/are not located in a Development Permit Area named: \_\_\_\_\_

The registered owner of the said lands (if not the applicant)

is: \_\_\_\_\_

of: \_\_\_\_\_

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)

My interest in the lands is (lease/rent): \_\_\_\_\_

My Business Licence Number: \_\_\_\_\_

My Liquor Licence Number: \_\_\_\_\_

~~I herewith pay my Sidewalk Permit Application \$25.00 non-refundable portion: \_\_\_\_\_~~

~~\_\_\_\_\_ (check if received)~~

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a *sidewalk patio permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and three (3) sets of plans prepared in accordance with the Sidewalk Patio Design Requirements and Details of Plans for *sidewalk* patio location. I also understand that upon approval, I will ~~submit a payment of \$5.00 per m<sup>2</sup> for the approved patio area (Schedule "\_\_\_") and~~ provide proof of \$2 million third party liability insurance with The Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit* (March 1<sup>st</sup> to October 31<sup>st</sup>).

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

**SCHEDULE “G”**  
**SIDEWALK PATIO PERMIT NO. \_\_\_\_\_**  
**DURATION OF PERMIT: MARCH 1 TO OCTOBER 31**

Pursuant to “Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309” permission is hereby granted to:

Name: \_\_\_\_\_

\_\_\_\_\_  
(address) (phone number)

for a *sidewalk patio permit* adjacent to:

Business Premise Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

in accordance with the attached Schedule “F” and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.
- ~~2.~~ ~~The Town of Ladysmith received the required fee in the amount of \$\_\_\_\_\_ for the approved *permit* area.~~
- ~~3.~~2. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.
- ~~4.~~3. No area other than the *permit* area may be used as a *sidewalk* patio.
- ~~5.~~4. The *permit* area may only be used for a *sidewalk* patio between March 1st and October 31st, including of this calendar year.
- ~~6.~~5. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.
- ~~7.~~6. The permittee will remove all *sidewalk* encumbrances by the 1st of November.
- ~~8.~~7. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
- ~~9.~~8. The permittee will keep the required third party liability insurance valid during the term of this permit.  
Insurance Company: \_\_\_\_\_ Policy No. \_\_\_\_\_
- ~~10.~~9. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
- ~~11.~~10. The *Director of Development Services* or any of the *Municipality*’s employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

\_\_\_\_\_  
(*Director of Development Services*)

SCHEDULE “J”

APPLICATION FOR RETAIL DISPLAY PERMIT

I, \_\_\_\_\_ of

\_\_\_\_\_  
(address) (phone number)

hereby apply for a retail display *permit* adjacent to:

Business Premises Address: \_\_\_\_\_

Legal Description (“the lands”): \_\_\_\_\_

The lands are/are not located in a Development Permit Area named: \_\_\_\_\_

The registered owner of the said lands (if not the applicant)  
is: \_\_\_\_\_

of: \_\_\_\_\_  
(address) (phone number)

My interest in the lands is (lease/rent): \_\_\_\_\_

My Business Licence Number: \_\_\_\_\_

~~I herewith pay my Retail Display Application \$25.00 non-refundable portion: \_\_\_\_\_~~  
~~\_\_\_\_\_ (check if received)~~

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a retail display *permit* issued under “Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309.” I have included a copy of my current business licence and one (1) set of plans prepared in accordance with the Retail Display Requirements and Details. I will also provide proof of \$2 million third party liability insurance with the Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit*.

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

**From:** [Diane Webber](#)  
**To:** [Jake Belobaba](#)  
**Subject:** FW: Temp Policy Directive 20-13  
**Date:** June 2, 2020 11:58:42 AM

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[See below](#)

[Diane](#)

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**From:** Lingwood, Allan LCRB:EX <Allan.Lingwood@gov.bc.ca>  
**Sent:** June 2, 2020 11:23 AM  
**To:** Development Services <ds@ladysmith.ca>  
**Subject:** Temp Policy Directive 20-13

Hello Jacob,

The LCRB released policy directive 20-13 empowering Liquor Primary, Food Primary, and Manufacturer licence classes to apply for temporarily expanded service areas. I would be happy to discuss further regarding the Ladysmith's Opt-in or opt-out decision. If I can connect with a more suitable person amongst your team, please let me know. Always happy to connect if there are questions or concerns. Contact info below. Additionally, I have included the original email that went out to local governments below my contact information. Please let me know if someone in your team received?

Many Thanks,  
Allan

***Allan Lingwood***  
Manager, Local Government Liaison  
Liquor and Cannabis Regulation Branch  
Ministry of Attorney General  
Victoria, B.C.  
Phone: 250 208 9711

Hello,

The Liquor Control and Regulation Branch (LCRB) is aware of the significant ramifications the pandemic has had on B.C.'s hospitality sector and we understand that with reopening efforts underway, it is critical that licensees are supported in their needs to adhere to Provincial Health Officer's (PHO) direction and recommendations as they aim to resume operations.

As such, the LCRB has announced [Policy Directive 20-13](#), that permits food primary, liquor primary and manufacturing licensees to temporarily expand their service area footprint **until October 31, 2020**.

Helping licensees increase their service area will allow them to decrease the density of

patrons in their establishments and to continue to serve patrons while complying with PHO orders and guidelines regarding physical distancing.

To support this directive, we have implemented an expedited process for the authorization of temporary expansions to service areas. These temporary authorizations will be focused on expanding licensee service areas only and will not increase currently approved person/patron capacities or occupant loads. This will allow the LCRB to expedite approvals while mitigating any public safety risks or local government requirements. Licensees will still be subject to any PHO orders requiring reduced occupancy loads and must also comply with all local bylaws and health and fire regulations.

Licensees will be able to submit applications for **Temporary Expanded Service Area Authorizations** via our [online portal](#) at no charge. This user-friendly online system will ensure information is gathered from licensees efficiently and will enable faster processing times.

We understand that some local governments may want applications in their jurisdiction approved as soon as possible, while others may want an opportunity to review individual applications more extensively. Therefore, the LCRB is offering the following two options for local government input into the temporary authorization application process for liquor primary and manufacturer licensees:

1. Local governments may provide one pre-approval to cover all liquor primary and manufacturer establishments within their jurisdiction who may apply for an expanded service area.

Considerations:

- This will enable the fastest processing of applications in your jurisdiction.
- You will not have an opportunity to see individual requests before they are approved by the LCRB.
- Applicants will be required to disclose that they have met all local government requirements when applying.
- You will receive notice when the expanded service area is authorized by the LCRB.
- If you have wish to use this expedited process but have specific concerns, please contact the LCRB immediately.

*If you choose this option, please send confirmation directly to our local government liaison, Allan Lingwood, at [Allan.Lingwood@gov.bc.ca](mailto:Allan.Lingwood@gov.bc.ca) so that your pre-approval can be recorded in our system.*

2. Local governments may choose to review and approve all individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB.

Considerations:

- This will increase the time required for businesses to begin operating their expanded areas.
- You will have the ability to determine what information you require from applicants seeking your approval, and to withhold approval if you have concerns.
- If you approve the application, you will be asked to provide written approval directly to the applicant (email is sufficient). The applicant will be required to include this information with their application to the LCRB.
- You will receive notice when an expanded service area is authorized by the LCRB.

**Please note:** *This is the default process. You do not need to contact LCRB if you wish to follow this process.*

*Local governments who choose to review/approve all individual requests will be required to provide written approval to each applicant (via letter or email) prior to submission, with the following information:*

1. *Establishment name*
2. *Licence number*
3. *Establishment address*
4. *Local Government's confirmation of "no objection"*
5. *Permission to use publicly owned spaces, if applicable*
6. *Comments, if any.*

Since food primary establishments are not generally required to obtain prior local government approval to expand their service areas, the LCRB will continue to process food primary requests for expanded service areas without requiring local government approval. Food primary licensees are responsible for following all local bylaws and for obtaining any permits as required by their local government. You will receive notice when an expanded food primary service area is approved by the LCRB.

Finally, it's important to note that the LCRB will not require evidence from licensees ensuring they have appropriate permissions (including the use of publicly owned spaces like parking lots, sidewalks, etc.) from local governments, if their local government has selected the

blanket-approval approach. It is the responsibility of the licensee to ensure they abide by all local bylaws and acquire any necessary permits. However, all applicants will be required to affirm through an online disclosure that they have met all local government requirements.

Please quickly decide your local governments approach and either communicate your decided administrative process to the LCRB, or the licensees and applicants that will be likely reaching out to you soon.

The LCRB will also continue with its end-to-end review of the existing permanent structural approval process, with the goal of streamlining and modernizing the process, making future applications more straightforward and aligned with today's business needs.

We look forward to continuing to work with you to ensure B.C. businesses have the support they need during this challenging time.

If you have any questions, please contact our local government liaison, Allan Lingwood, at [Allan.Lingwood@gov.bc.ca](mailto:Allan.Lingwood@gov.bc.ca).

Sincerely,

Mary Sue Maloughney  
Assistant Deputy Minister and General Manager  
Liquor and Cannabis Regulation Branch  
Ministry of Attorney General

***Allan Lingwood***  
Manager, Local Government Liaison  
Liquor and Cannabis Regulation Branch  
Ministry of Attorney General  
Victoria, B.C.  
Phone: 250 208 9711



STAFF REPORT TO COUNCIL

**Report Prepared By:** Geoff Goodall, Director of Infrastructure Services  
**Meeting Date:** June 16, 2020  
**File No:**  
**RE:** Holland Creek Supply Main (Phase 2)

RECOMMENDATION:

That Council direct staff to:

1. Defer the High Street Watermain project from 2020 to a future year;
2. Complete the design and tender of the Holland Creek Water Supply Main (Phase 2) project; and
3. Amend the 2020-2024 Financial Plan to include \$382,000 for the Holland Creek Water Supply Main (Phase 2) project with the funding to come from the High Street Watermain Project, the remaining funds from Phase 1 of the Holland Creek Water Supply Main project and the remaining \$198,000 to come from the Water Capital Reserve.

EXECUTIVE SUMMARY:

The 2020 Capital Plan included the replacement of the High Street watermain from 1<sup>st</sup> Avenue to the Trans Canada Highway. The project tender was cancelled due to the COVID-19 pandemic and the effect the project would have on downtown businesses. Staff are proposing the Holland Creek Water Supply Main (Phase 2) as an alternative project, which will require accessing additional funds from Capital Reserves.

PREVIOUS COUNCIL DIRECTION

Resolution	MeetingDate	ResolutionDetails
CS 2019-358	11/04/2019	That Council: 1. Award Contracts 1 and 2 for the Holland Creek Water Supply Main Replacement to IWC Excavating Ltd. for \$367,293.15 including GST; 2. Increase the water capital budget for the project titled Holland Creek Water Supply Main by \$60,000 to a total project cost of \$443,000, with the additional funds to come from the 2019 projected water surplus; and 3. Direct staff to amend the 2019-2023 Financial Plan accordingly.

INTRODUCTION/BACKGROUND:

The replacement of the watermain on High Street from 1<sup>st</sup> Avenue to the Trans Canada Highway was included in the 2020 Capital Plan. Although the project was tendered, staff

cancelled the tender prior to closing due to the COVID-19 pandemic. The concern was that the project would cause disruption to downtown businesses that were already struggling to recover from the pandemic.

As an alternative to the High Street project, staff propose completing Phase 2 of the Holland Creek Water Supply Main. In 2019, Council completed Phase 1 of this project which was located at the section of watermain on the Holland Creek Trail from Colonia Drive to Mackie Road at the Holland Creek parking lot. Phase 2 will connect from this point to the intersection of Mackie Road and Malone road.

**ALTERNATIVES:**

Council can choose to:

1. Direct staff not to complete a watermain project in 2020; or
2. Retender the High Street watermain project.

**FINANCIAL IMPLICATIONS:**

The cost to complete the Phase 2 project has been estimated at \$382,000 including engineering. There is \$24,000 remaining in the Phase 1 project and \$160,000 in the High Street budget, for a total of \$184,000. This leaves a budget shortfall of \$198,000. It is proposed that this shortfall be obtained from the Water Capital Reserve.

**LEGAL IMPLICATIONS:**

Staff have not identified any legal implications.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

This project will be managed by Engineering, although the bulk of the work will be completed by the consultant.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |   |  |
|---|--|
| <input type="checkbox"/> Complete Community Land Use          | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings                      | <input type="checkbox"/> Multi-Use Landscapes      |
| <input checked="" type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community                    | <input type="checkbox"/> Local, Diverse Economy    |
| <input type="checkbox"/> Not Applicable                       |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy        |
| <input type="checkbox"/> Community                 | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront                |   |

***I approve the report and recommendation(s).***

**Erin Anderson, A/Chief Administrative Officer**

**ATTACHMENT(S):**

None

**STAFF REPORT TO COUNCIL**

**Report Prepared By:** Infrastructure Services - Ryan Bouma  
**Meeting Date:** June 16, 2020  
**File No:**  
**RE:** **Stocking Lake Access Culvert**

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**RECOMMENDATION:****That Council:**

1. Amend the 2020-2024 Financial Plan to include \$50,000 for the Stocking Lake Access Culvert with the funds to come from the cost share with the CVRD and \$25,000 from the Water Capital Reserve; and
2. Waive the Town's Purchasing Policy and authorize staff to obtain 3 quotes from contractors to perform the Stocking Lake Access Culvert work.

**EXECUTIVE SUMMARY:**

The access road to Stocking Lake passes over a 1200mm diameter culvert that has failed. The access road is an essential access to a primary component of the Town's water supply. Staff are seeking approval to replace the culvert with twin 900mm diameter culverts. The cost is shared 50/50 with the CVRD and three prices will be obtained prior to hiring a contractor.

**PREVIOUS COUNCIL DIRECTION:**

N/A

**INTRODUCTION/BACKGROUND:**

During the storm in November of 2019 an existing 1200mm diameter corrugated steel culvert failed during high flows. The road is very likely to be completely washed out during the next rainy season and would impede staff's ability to access Stocking Lake, which is critically important for operation of the Town's water supply. The attached Koers & Associates Engineering Ltd. report provides recommendations for replacement and a cost estimate for our preferred replacement method.

The proposed replacement consists of twin 900mm diameter plastic culverts with a cast in place headwall. The estimated cost of replacement is \$38,800 plus a contingency. Staff would obtain pricing from three contractors prior to hiring a contractor. As this infrastructure is shared with the CVRD, the costs would be split 50/50.

**ALTERNATIVES:**

Council can choose to request that staff tender the project or choose the alternative option of a

box culvert.

**FINANCIAL IMPLICATIONS:**

Funds are proposed to come from the CVRD Water Capital Reserve.

**LEGAL IMPLICATIONS:**

The road is a shared asset with the CVRD.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

N/A

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

N/A

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings             | <input type="checkbox"/> Multi-Use Landscapes      |
| <input type="checkbox"/> Innovative Infrastructure   | <input type="checkbox"/> Local Food Systems        |
| <input type="checkbox"/> Healthy Community           | <input type="checkbox"/> Local, Diverse Economy    |
| <input checked="" type="checkbox"/> Not Applicable   |  |

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Economy        |
| <input type="checkbox"/> Community                 | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront                |   |

***I approve the report and recommendation(s).***

**Erin Anderson, Acting Chief Administrative Officer**

**ATTACHMENT(S):**

- Koers & Associates Technical Memorandum No. 1
- Koers & Associates Cost Estimate



**TECHNICAL MEMORANDUM No. 1**

Town of Ladysmith  
Stocking Lake Access Road - Culvert Repair

Town of Ladysmith  
Box 220  
Ladysmith, BC V9G 1A2  
File 2018-TM1

Issued: June 9, 2020

Reference Drawings: Figure 1, Figure 2

Previous Issue Date: May 6, 2020

**1. Objective**

The objective of this technical memo is to provide culvert sizing options for replacement of the existing failed culvert that crosses the only access road to the Stocking Lake dam and water supply intake that is operated and maintained by the Town of Ladysmith and the Cowichan Valley Regional District.

**2. Background**

The failed culvert is a 1200 mm diameter CSP pipe located about 100 metres south of the valve house and conveys drainage from the Stocking Lake dam spillway. A second 1200 mm dia. CSP culvert (located approximately 28 metres further south) crosses the access road at a lower elevation and conveys flows from a localized catchment. The second culvert also acts as an overflow from the upper 1200 CSP. The second culvert seems to be in reasonable condition, even though it is likely the same age as the failed culvert.

**3. Catchment Areas and Design Flows**

Figure 1 shows the existing catchment areas and the two culverts, labeled "Culvert A" and "Culvert B". The catchment area for Culvert A includes the 190 ha catchment for Stocking Lake and an additional 7.3 ha area located downstream of the dam. The catchment area for Culvert B is estimated to be 23 ha.

Design Flows:

In November 2018, Ecora prepared a "Dam Safety Review and Risk Assessment of the Stocking Lake Dam". Section 11 of the document detailed a Hydrotechnical Assessment of the Stocking Lake watershed that included peak inflows and outflows. In Ecora's report, the suggested peak outflow was computed to be 1/3rd between the 1000-year return period flood flow and the Probable Maximum Flood flow (PMF). For the dam spillway, this peak outflow was listed as 3.8 m<sup>3</sup>/s (3,800 l/s).

A road culvert in a municipality would typically be designed using a maximum design standard of a 100-year return period. A critical highway culvert would typically be designed using a maximum design standard of a 200-year return period. As the Stocking Lake outflow that has been suggested in the Ecora report greatly exceeds flows generated using typical culvert design standards, we have used the Ecora

.../2

flow as the design outflow from the dam. We feel this is justified because it could be critically important to maintain access to the Stocking Lake dam during a major outflow event. Allowing the drainage from the dam to overtop the access road and wash it out during a major event would most certainly cut off access and prevent emergency maintenance on the dam and water supply infrastructure.

In addition to the design outflow from the dam there will be a relatively small flow generated from the 7.3 ha catchment that is located below the dam. To calculate the flow from the 7.3 ha catchment we have assumed a 100-year return period and a time of concentration of 35 minutes. We feel this is a conservative assumption because by the time the 3,800 l/s outflow from the dam reaches Culvert A, the high peak flows from the 7.3 ha catchment will have already passed through Culvert A. When analysed separately, the 100-year return period flow for the 7.3 ha catchment is estimated to be 220 l/s, based on a time of concentration of 35 minutes. To establish the Culvert A design peak flow we added the 3,800 l/s outflow from the dam to the 220 l/s flow from the 7.3 ha catchment for a total design peak flow for Culvert A of 4,020 l/s.

Using the same assumptions as used on Culvert A, the 100-year flow for Culvert B is 780 l/s, based on a 23 ha catchment and a 29 minute time of concentration. Table 1 shows the design peak flows for the two culverts.

**Table 1**

Culvert	Catchment Area (ha)	Peak flow (l/s)	Return period
Culvert A (Ex. 1200)	190 + 7.3	4, 020	+1000/100 year
Culvert B (Ex. 1200)	23	780	100 year

#### Climate Change:

No additional flows have been added to account for climate change. Many jurisdictions are starting to increase peak flows or rainfall amounts by 15-20% to compensate for how climate change may increase rainfall within the next 80 years. Given that the Dam Safety Assessment peak flows greatly exceed the predicted 1000-year return period, it seems unnecessary to increase these flows further. However, the 100-year peak flow from the 7.3 and 23 ha catchments could be considered. We have made a footnote at the bottom of Table 2 indicating the status of Culvert B if 20% is added to the peak flows from the smaller catchments.

#### **4. Culvert Sizing and Hydraulics**

Koers & Associates surveyed the area around Culvert A. Figure 2 shows the invert elevations as well as the overflow and overtopping elevation. The survey confirmed that in the current configuration, Culvert A will convey 100 % of the flow from the spillway until the headwater at the culvert inlet reaches an elevation of 335.34 m, at which point the flow will split with a portion of it flowing down the overflow ditch towards Culvert B.

The following shows the existing culvert hydraulics, including the maximum capacities up to the design flows.

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Culvert A - Existing 1200 mm CSP:

Capacity (Hw/d = 1)	2200 l/s
Capacity before overflow ditch elevation (Hw/d = 0.67)	1250 l/s
Capacity to road overtopping (Hw/d = 1.04)	2250 l/s

Culvert B - Existing 1200 mm CSP:

Capacity (Hw/d = 1)	2200 l/s
Capacity at 0.6 m freeboard (Hw/d = 1.60)	3450 l/s
Capacity to road overtopping (Hw/d = 2.10)	4300 l/s

Overflow Ditch:

Capacity of overflow ditch at road overtopping elevation (0.5m depth) 600–2500\* l/s

\*Note: the overflow ditch may have a 2500 l/s capacity but the ditch's narrow entrance at Culvert A may act like a weir, restricting water from entering the overflow ditch and significantly reducing its ability to convey water down to Culvert B.

The capacity of any culvert can be based on either Inlet Control or Outlet Control. This mostly depends on the grade of the culvert and if there is a backwater at the culvert outlet. With Culverts A and B having steep grades of about 14% and no indication of any backwater at the outlet, their capacities will be governed by Inlet Control. The ratio of Headwater divided by inlet depth (Hw/d) is a key input for determining the culverts ability to convey flows. When Hw/d = 1, the culvert is considered full. Anything above 1, would indicate a surcharged culvert inlet.

The hydraulics indicate that Culvert A (1200 mm CSP) will convey about 1250 l/s before the overflow ditch will begin to divert flow down to Culvert B. The maximum flow that Culvert A can convey before overtopping the road is 2250 l/s. However, further analysis indicates that if Culvert A had to convey the design flow of 4,020 l/s, the headwater would surcharge to the road level and about 2200 l/s would be conveyed through the culvert with about 400-1400 l/s conveyed through the overflow ditch and the remainder would overtop the access road.

The analysis of the existing culverts indicates that Culvert A is undersized for the design flow and should be upgraded to a larger size. Overflow to Culvert B may be acceptable if the total flow to Culvert B does not exceed its capacity at Hw/d=1. Any culvert where the Hw/d exceeds 1.0 is generally considered to be undersized unless it has an overflow.

Sizing Options:

Using the design peak flows from Table 1 and leaving the overflow elevation set at 335.39 m, we have determined several culvert sizing options and configurations. The option that is ultimately chosen will most likely depend on several factors including cost of installation, ease of installation and culvert life span. With Culvert A already having minimal cover, culverts larger than 1200mm will require additional gravel to raise the road. There is no ability to lower Culvert A without also lowering the existing shallow water supply main that was installed just below it. Widening of the flow channel to accommodate a larger culvert (or twin culverts) will likely require some rock excavation as solid rock is visible at the surface around Culvert A.

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The sizing options presented below in Table 2 assume the new culvert will have the same inverts and grade as the existing culvert and a proper inlet headwall with wingwalls will be constructed.

- Option 1: **New 1500 mm concrete culvert**  
 Option 2: **New 1600 mm CSP culvert**  
 Option 3: **New 1.2m x 2.1m concrete box culvert**  
 Option 4: **New 1.2 m x 2.4m concrete box culvert**  
 Option 5: **New 2 x 1200 concrete culverts**  
 Option 6: **New 2 x 900 Boss 2000 culverts**

**Table 2**

Option	Culvert A	Peak Flows (l/s)			Hw/d		Headwater
		Culvert A	Overflow	Culvert B (max)	Culvert A	Culvert B	Culvert A (m)
Existing	1200mm dia CSP	2200	<b>370-1400</b>	2180	1	<b>1.10</b>	1.20
1	<b>1500mm dia Concrete</b>	3100	<b>635-920</b>	1700	0.87	0.83	1.30
2	<b>1600mm dia CSP</b>	3450	570	1350	0.82	0.70	1.30
3	<b>1.2m x 2.1m Concrete Box</b>	3900	120	900	0.88	0.53	1.26
4	<b>1.2 x 2.4m Concrete Box</b>	3950	70	850	0.80	0.51	0.96
5	<b>2 x 1200mm dia Concrete</b>	3900	120	900	0.93	0.53	1.10
6	<b>2 x 900mm dia Boss 2000</b>	2860	<b>370-1160</b>	1940	<b>1.33</b>	0.90	1.20

- Notes: 1. Hw/d in Culvert B (with climate change taken into consideration) is still less than 1 for Option 6.  
 2. Other culvert configurations may also be feasible.

## 5. Discussion of Options

- Option 1: Would require raising the road to accommodate the larger pipe and avoid re-locating the 250 mm dia. watermain. The inlet width at the start of the overflow ditch would also have to be widened to ensure an adequate flow is directed towards Culvert B.
- Option 2: Would require raising the road for the larger pipe. The lifespan of CSP is not expected to be as long as concrete or HDPE.
- Option 3: Minimal road regrading required. A pre-cast headwall structure may help simplify the installation but will need to assess conflict potential with existing watermain. Likely need to perform rock excavation to widen the flow path for the larger culvert.

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- Option 4: The extra capacity compared to Option 3 is quite minimal.
- Option 5: Minimal road regrading required. A pre-cast headwall structure may help simplify the installation but will need to assess conflict potential with existing watermain. Likely need to perform rock excavation to widen the flow path required for the twin culverts.
- Option 6: Culvert A would not meet the preferred design standard of  $H_w/d = 1(\text{max})$  but there is sufficient overflow capacity available. Likely need to perform rock excavation to widen the flow path required for the twin 900 mm dia. culverts. The overflow will need to be widened to ensure an adequate flow can be directed towards Culvert B. A pre-cast headwall structure may help simplify the installation otherwise a cast in place headwall should be constructed.

## 6. Conclusions and Recommendations

From the analysis shown in this memo, we offer the following conclusions:

- The design flows for Culverts A and B are 4,020 l/s and 780 l/s respectively. Collectively the two culverts need to handle a design peak flow of 4,800 l/s.
- The existing Culvert A (1200 CSP) is considered to be undersized.
- All the options indicate that there will be some overflow to Culvert B. The throat of the overflow ditch should be widened to ensure an adequate amount of flow is directed into the overflow ditch and down to Culvert B.
- For all options, Culvert A has minimal cover. Some road filling and re-grading will be required for pipes 1200 mm in diameter or larger.

We recommend the following options be considered:

1. Option 3 (1.2 x 2.1m concrete box culvert). This Option requires minimal road re-grading and has less of a reliance on the overflow ditch and Culvert B. Option 3 will have higher costs and may require mobilizing a crane to install the box culvert sections.
2. If Option 6 (twin 900 mm dia. Bass 2000) is chosen, the throat of the overflow will need to be widened to accommodate a larger flow to Culvert B. With the inlet being surcharged slightly, a substantial pre-cast or cast-in-place headwall is recommended.

If additional options are considered, detailed modelling should be performed to confirm culvert capacities and freeboard.

Yours truly,

KOERS & ASSOCIATES ENGINEERING LTD.



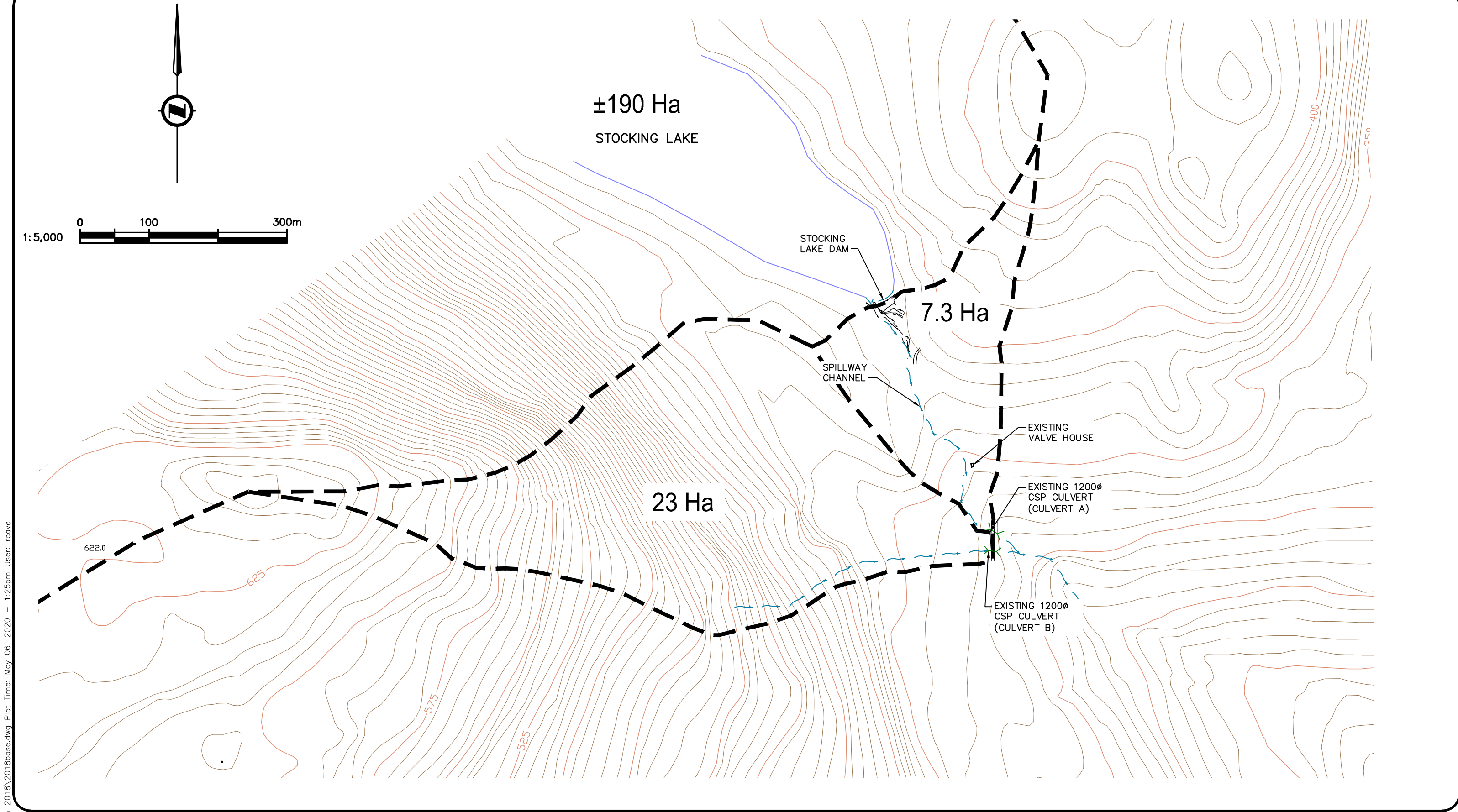
Richard Cave ASCT  
Project Technologist

Matt Palmer, P. Eng.  
Project Manager

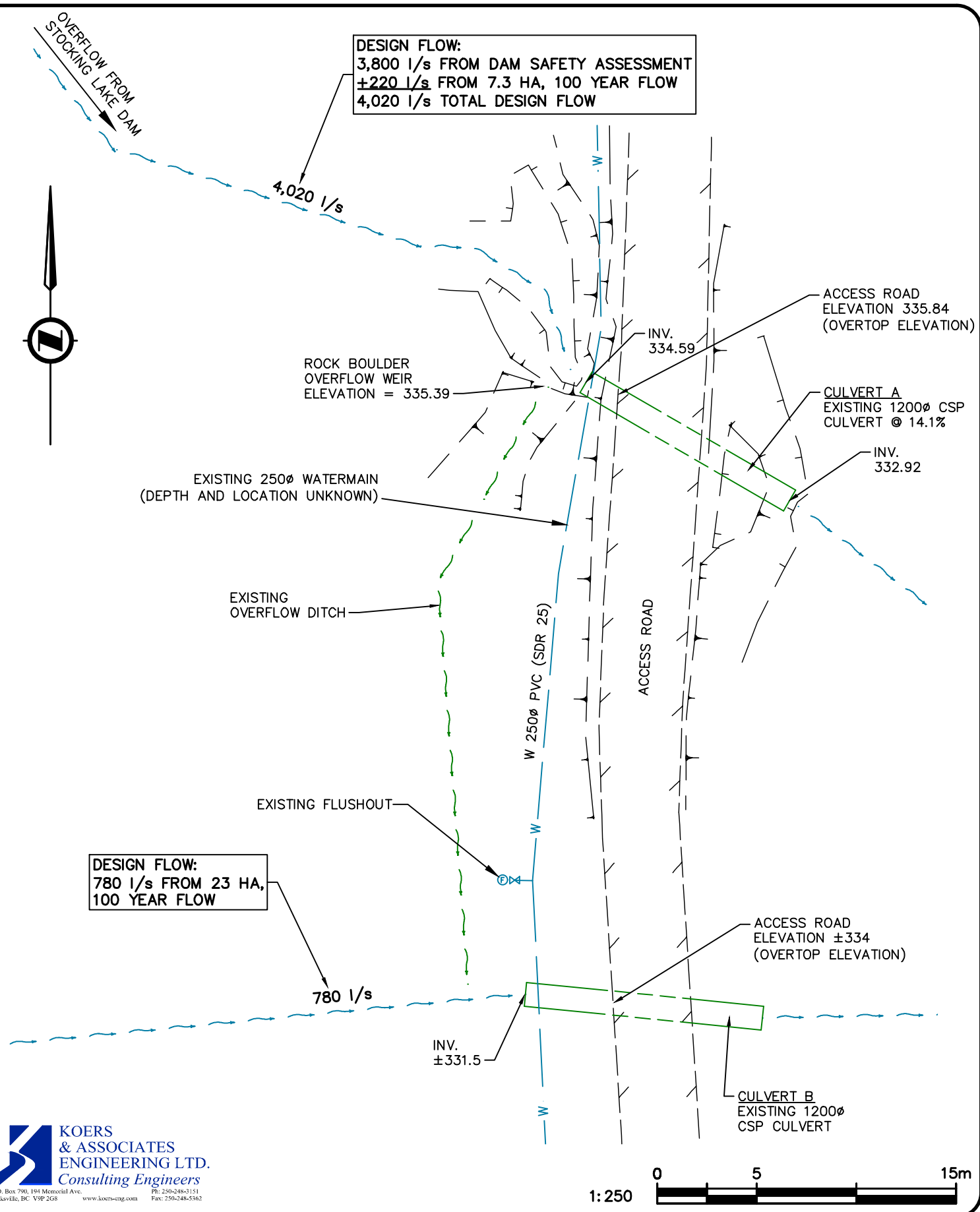
Enclosures: Figure 1, Figure 2

KOERS & ASSOCIATES ENGINEERING LTD.

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File: C:\Projects\Ladysmith 2018\2018base.dwg Plot Time: May 06, 2020 - 1:24pm User: rcave



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CLIENT	TOWN OF LADYSMITH
PROJECT	STOCKING LAKE ACCESS CULVERT REPAIR

TITLE		SITE PLAN – EXISTING CONDITIONS	
APPROVED	MP	SCALE	1: 250
DATE	MAY 2020	DWG No.	FIGURE 2
JOB No.	2018		

**Project Budget Estimate  
for  
Town of Ladysmith - Stocking Lake Access Road Culvert Replacment**

Date: June 9, 2020

Item Description	Comments	Budget Estimate (GST not included)
<b>1 STOCKING LAKE ACCESS ROAD CULVERT REPLACEMENT</b>		
Labour & equipment including excavator, rock breaker, superintendent, labourers and tools	Class B cost estimate	\$ 15,800.00
Materilas including 900 mm dia. Boss 2000 culverts, crush gravel bedding, cast-in-place concrete headwall, and road gravel	Class B cost estimate	\$ 14,500.00
Construction contingency allowance	15%	\$ 4,500.00
Engineering inspection & office support during construction	Three days assumed	\$ 4,000.00
Estimate of Total Project Cost (GST not included)		<b>\$ 38,800.00</b>