

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
7:00 P.M.**

Tuesday, August 3, 2021

This meeting will be held electronically as per Ministerial Order No. M192

Pages

1. CALL TO ORDER AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the meeting by registering here:

https://zoom.us/webinar/register/WN_IKoUu6jHRvuvUI8hKrIKoA

Instructions on how to join the meeting will be sent immediately after you register.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for August 3, 2021.

3. RISE AND REPORT- Items from Previous Closed Sessions

Item from the Closed Meeting of Council held June 15, 2021:

CE 2021-091

That Council:

1. Approve the Water Services Agreement with the Diamond Improvement District for a 5-year term ending June 30, 2026 as presented in the staff report dated June 15, 2021, and authorize the Mayor and Corporate Officer to execute the agreement; and
2. Rise and report on Recommendation No. 1 once the agreement has

been signed by both parties.

Item from the Closed Meeting of Council held July 6, 2021:

CE 2021-109

That Council:

1. Appoint Jacqueline Huard to the Parks, Recreation & Culture Advisory Committee for a two-year term ending June 30, 2023; and
2. Rise and report on Recommendation No. 1 once the applicant has been notified.

4. MINUTES

4.1. Minutes of the Regular Meeting of Council held July 20, 2021

6

Recommendation

That Council approve the minutes of the Regular Meeting of Council held July 20, 2021.

5. DELEGATIONS

5.1. Ladysmith Resources Centre Association 2020 Annual Report Presentation

17

Vicky Stickwood-Hislop, Board President, and Karen Laing, Executive Director.

6. DEVELOPMENT APPLICATIONS

6.1. Development Permit for 336 Belaire Street

28

Recommendation

That Council:

1. Issue Development Permit 3060-21-06 to allow for construction of a four storey commercial and residential building at 336 Belaire Street (Lot 1, District Lot 56, Oyster District, Plan 27861), subject to the provision of a \$41,278.50 security bond for landscaping; and
2. Authorize the Mayor and Corporate Officer to sign an encroachment agreement between the Town of Ladysmith and the property owner of 336 Belaire Street, to allow a plaza to extend into the Rigby Place right-of-way.

7. REPORTS

7.1. Bylaw Contravention (Section 57) Notice on Title for 940 Esplanade Avenue 86

Delegation: Phillip Oldridge on behalf of Buckingham's Browsersium, registered owner of 940 Esplanade Avenue.

Recommendation

That Council direct the Corporate Officer to file notice of a Building Regulation Contravention at the Land Title Office under section 57 of the *Community Charter* for the property located at 940 Esplanade Avenue, legally described as Lot A, District Lot 24, Oyster District, Plan EPP66976.

7.2. 2022-2026 Financial Plan Discussions 90

Recommendation

That Council approve the following schedule to discuss the 2022-2026 Financial Plan:

- November 2, 2021: Overview of Operating Budget;
- November 9, 2021 (Special Council): Detail review of sewer & water budgets;
- November 16, 2021: Complete sewer & water budgets; introduce Capital Projects;
- November 30, 2021 (Special Council): Introduction of water & sewer rates bylaws; complete capital projects; and
- December 7, 2021: Anticipated approval of water & sewer rates bylaws and early budget approval of select capital projects.

7.3. Request for Noise Bylaw Exemption - 107 Rollie Rose Drive (Westmark Construction Ltd.) 92

Recommendation

That Council:

1. Grant Westmark Construction Ltd. an exemption to Town of Ladysmith "Noise Suppression Bylaw 2003, No. 1478" to permit construction noise at 107 Rollie Rose Drive, until 8:00 p.m. Monday to Thursday, beginning August 9, 2021 until September 30, 2021;
2. Direct staff to ensure that neighbouring residents receive written notification; and
3. Authorize the Chief Administrative Officer, or their designate, the

discretion to permit further exemptions to the same applicant and project upon future application.

8. BYLAWS

8.1. Bylaw No. 2078 102

To add single unit dwellings lawfully constructed prior to June 15, 2021, to the C-2, R-3 and C-4 zones.

Recommendation

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.40) 2021, No.2078".

8.2. Bylaw Status Sheet 104

9. CORRESPONDENCE

9.1. Rotary Clubs of Ladysmith and Chemainus 11th Annual Charity Golf Tournament 105

Recommendation

That Council consider:

1. Allocating \$350 to sponsor a hole at the 11th Annual Rotary Charity Golf Tournament on September 25, 2021; and
2. Entering a team in the tournament at their own cost.

10. NEW BUSINESS

10.1. Replacements for Councillor Paterson: 2021 Virtual UBCM Convention and MIABC Voting Delegate 107

Recommendation

That Council authorize Councillor Stevens to replace Councillor Paterson at the virtual 2021 Union of BC Municipalities Annual Convention to be held September 14-17, 2021.

Recommendation

That Council appoint an MIA Voting Delegate (Alternate #2) to replace Councillor Paterson at the virtual 2021 Municipal Insurance Association of BC Annual General Meeting to be held in conjunction with the UBCM Convention.

11. QUESTION PERIOD

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here:

https://zoom.us/webinar/register/WN_IKoUu6jHRvuvUI8hKrIKoA

Instructions on how to join the meeting will be sent immediately after you register.

Alternately, questions can be submitted via email at info@ladysmith.ca 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 REGULAR MEETING OF COUNCIL

Tuesday, July 20, 2021

6:30 P.M.

This meeting will be held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Chris Barfoot
Jake Belobaba
Donna Smith

Julie Thompson
Ryan Bouma
Mike Gregory

1. CALL TO ORDER

Mayor Stone called this Regular Meeting of Council to order at 6:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2021-235

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:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality - section 90(1)(a).

Motion Carried

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

Mayor Stone called the Regular Meeting of Council to order at 7:00 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

Mayor Stone recognized that today marks 150 years since British Columbia entered confederation. He noted that this is a time for us to reflect on both the positive and negative parts of our Province's history and to listen more as we move forward with truth and reconciliation.

4. AGENDA APPROVAL

CS 2021-236

That Council approve the agenda for this Regular Meeting of Council for July 20, 2021.

Motion Carried

5. RISE AND REPORT- Items from Closed Session

The following items from the Closed Meeting of Council held July 6, 2021 were reported:

CE 2021-105

That Council:

1. Authorize the Mayor and Corporate Officer to sign the Land Use Agreement with School District No. 68 for use of a portion of the École Davis Road Elementary School site located at 444 Parkhill Terrace, excluding the building, for parks and recreation purposes, for a five year term ending June 30, 2026;
2. Continue to allocate funds in the operational budget for the purposes of maintaining the École Davis Road Elementary School site as outlined in the Agreement; and
3. Rise and report on Recommendation Nos. 1 and 2 once the agreement has been signed by both parties.

Council rose from the Closed Session held July 20, 2021 at 6:33 p.m. without report.

6. MINUTES

6.1 Minutes of the Regular Meeting of Council held July 6, 2021

CS 2021-237

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held July 6, 2021.

Motion Carried

7. DELEGATIONS

7.1 Regional Emergency Program

April Diver, CVRD Emergency Program Coordinator and John Elzinga, CVRD General Manager of Community Services provided an overview of the recent Emergency Program evaluation and governance model options for a proposed regional emergency program, including preparedness response, recovery and mitigation in the Cowichan Valley Regional District.

Council thanked Ms. Diver and Mr. Elzinga for their presentation and their work in Ladysmith and the region.

7.1.1 CVRD Emergency Program Service

CS 2021-238

That Council:

1. Approve the establishment of a single regional Emergency Management Organization for all Cowichan area local authorities including the Town of Ladysmith; and
2. Through the newly established Cowichan Emergency Management Organization, implement through a phased approach, the recommendations in the CVRD "Emergency Management in Cowichan" report completed in December 2020.

Motion Carried

OPPOSED: Councillor Johnson

8. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

8.1 Zoning Bylaw & OCP Amendment Application – 10864 Westdowne Road

CS 2021-239

That Council:

1. Having considered sections 475 and 476 of the *Local Government Act*, and in particular the matters set out in s.475 subsections (2)(a) and (b) related to Zoning Bylaw and Official Community Plan amendment applications for 10864 Westdowne Road, resolve that:
 - i. The following persons, organizations and authorities are the only entities that are appropriate to consult in connection with the Official Community Plan amendment:
 - a. Stz'uminus First Nation;
 - b. School District 68 (Nanaimo-Ladysmith);
 - c. Cowichan Valley Regional District;
 - d. BC Ministry of Transportation and Infrastructure;
 - e. BC Ministry of Environment and Climate Change Strategy;
 - f. Island Health;
 - ii. Consultation should be early, but need not be ongoing;
 - iii. The consultation process described in the staff report dated July 20, 2021 is sufficient in respect to the proposed Official Community Plan amendment; and
 - iv. Staff be directed to refer application 3360-20-08 to the entities set out in 1(i)(a) for consultation in the manner described in the staff report dated July 20, 2021;
2. Give first and second reading to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 67) 2021, No. 2081";
3. Consider Bylaw No. 2081 in conjunction with the Town's Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District's Solid Waste Management Plan pursuant to section 477(3) of the *Local Government Act*;
4. Give first and second reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 43) 2021, No. 2082";

5. Direct staff to proceed with scheduling and notification for a public hearing for Bylaw No. 2081 and Bylaw No. 2082;
6. Require that the owner of the subject property (10864 Westdowne Road), prior to adoption of Bylaw No. 2081 and Bylaw No. 2082:
 - i. Apply for the necessary permits and remediate the damaged riparian area on the subject property, under the supervision of a qualified environmental professional;
 - ii. Provide an assessment from a Registered Onsite Wastewater Practitioner to verify if the existing on-site septic system is in good repair, and to verify its location on the subject property;
 - iii. Register a covenant to the title of the subject property, legally described as Lot A District Lot 72 Oyster District Plan VIP80408, in favour of the Town, at the cost of the property owner, and using the Town's legal counsel, to secure the following:
 - a. That the subject property be required to connect to the new water main, currently under construction by a neighbouring property owner, within six months of Island Health permitting the connection or within six months of the new main connecting to the Town's water system, whichever comes first;
 - b. That the property owner be required to complete construction of the new water main up to and including the length of the subject property frontage, should the neighbouring property owner fail to complete the construction; and
 - c. That the subject property be required to connect to municipal sanitary sewer within two years of it being available to the area.

CS 2021-240

That Council defer consideration of Resolution CS 2021-239 regarding the Zoning Bylaw & Official Community Plan Amendment applications for 10864 Westdowne Road, until such time as a boundary expansion proposal for the adjacent property is duly considered by Council.

Motion Carried

OPPOSED: Councillor Virtanen

9. COMMITTEE MINUTES

9.1 Committee of the Whole Recommendations - July 13, 2021

CS 2021-241

That Council direct staff to:

1. Proceed with Option 3 - lighting conversion for Bob Stuart Park with project costs to be funded by remaining funds from the recent themed lighting project at City Hall; and
2. Investigate funding options related to Option Nos. 1 and 2 provided in the staff report dated July 13, 2021, and report back to Council.

Motion Carried

CS 2021-242

That Council direct staff to work with the RCMP in the promotion of the Block Watch programs.

Motion Carried

CS 2021-243

That Council direct staff to work with the Vancouver Island Health Authority and the Ladysmith Community Gardens Society to discuss the possibility of using a portion of the former hospital property for community gardens.

Motion Carried

CS 2021-244

That Council request that the Parks, Recreation & Culture Advisory Committee provide recommendations to Council on ways that Brown Drive Park can be used to its full potential, including the possible creation of a Parks Implementation Plan.

Motion Carried

CS 2021-245

That Council direct staff to provide a report for a future meeting of Council with design and costing for painted lines or, preferably, low-level physical barrier bike lanes (both sides) from Bayview to Methuen and key intersection treatment at 1st Avenue and Methuen Street to be included in the 2021-2022 budget.

Motion Carried

OPPOSED: Councillor Johnson

CS 2021-246

That Council direct staff to work with Ministry of Transportation staff to reduce the shoulder width on the highway from the base of the Bayview bicycle path to Davis Road by moving the no-post barrier over, to leave a wider path for Active Transportation.

Motion Carried

OPPOSED: Councillor Johnson

10. REPORTS

10.1 Public Recognition for Former Mayor Kathleen 'Kay' Grouhel

CS 2021-247

That Council direct staff to include \$8,000 in the 2022-2026 Financial Plan for the installation of a historical interpretive sign and a poem embedded into concrete to recognize former Mayor Kathleen Grouhel.

Motion Carried

OPPOSED: Councillor Johnson

10.2 OCP Engagement Strategy and Expanded Scope

OCP consultants Jennifer Fix and Jeremy Murphy, ahne Studio, were in attendance and responded to Council's questions regarding the proposed strategy and expanded scope.

CS 2021-248

That Council:

1. Endorse the Official Community Plan engagement strategy shown in Attachment A of the staff report dated July 20, 2021;
2. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that:
 - a. the Town will consult with:
 - i. The Board of the Cowichan Valley Regional District, and that consultation will be early and ongoing;
 - ii. The Board of the Regional District of Nanaimo and that consultation will be early but need not be ongoing;
 - iii. The Council of the District of North Cowichan and that consultation will be early but need not be ongoing;

- iv. The Stz'uminus First Nation and that consultation will be early and ongoing;
 - v. The Hul'qumi'num Treaty Group and that consultation will be early but need not be ongoing;
 - vi. The Snuneymuxw First Nation and that consultation will be early but need not be ongoing;
 - vii. School District 68 and that consultation will be early and ongoing;
 - viii. BC Hydro and that consultation will be early but need not be ongoing;
 - ix. The Ministry of Transportation and Infrastructure and that consultation will be early and ongoing; and
 - x. The Agricultural Land Commission and that consultation will be early and ongoing;
- b. The consultation process described in the staff report dated July 20, 2021 is sufficient in respect to the proposed Official Community Plan review; and
3. Increase the Official Community Plan review project budget by \$87,000 with funds to be allocated from the Canada Community-Building Fund revenues and amend the 2021 budget accordingly.

Motion Carried

10.3 Parks, Recreation and Culture Fees and Charges

CS 2021-249

That Council direct staff to:

1. Prepare the following amendments to "Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2018, No. 1968":
 - Increase admission and pass fees by 2 percent per year, effective November 1, 2021, September 1, 2022, and September 1, 2023;
 - Increase facility rental fees, park permit fees and sport field light fees by 2 percent per year, effective November 1, 2021, September 1, 2022 and September 1, 2023;
 - Add the Kinsmen Picnic Shelter Half-Day Rental Rate;
 - Add the Sportsmen Shelter Full-Day and Half-Day Rental Rates;

and

2. Begin a consultation process with the primary local sport clubs on the impacts of the introduction of grass sport field rental rates to membership fees.

Motion Carried

10.4 BC Active Transportation Infrastructure Grant Application

CS 2021-250

That Council direct staff to amend the 2021-2025 Financial Plan to include the Colonia/Delcourt Active Transportation Project at a cost of \$425,000 with the Town's portion of \$127,500 to come from the Appropriated Equity Reserve, and submit an application to the BC Active Transportation Infrastructure Grant Program for funding to:

- a. Construct sidewalks, crosswalks, and bike sharing road markings for a priority project along Colonia Drive from Brown Drive Park to Malone Road and along Delcourt Avenue;
- b. Purchase two pedestrian/cyclist counters to monitor the success of newly installed sidewalk and road markings;
- c. Purchase three e-bike charging stations and bike racks, to be installed in the Downtown, Brown Drive Park and Transfer Beach; and
- d. Complete the works identified in (a), (b) and (c) prior to March 2023.

Motion Carried

11. BYLAWS

11.1 "Film Bylaw 2021, No. 2045"

CS 2021-251

That Council adopt "Film Bylaw 2021, No. 2045".

Motion Carried

CS 2021-252

That Council rescind Town of Ladysmith "Film Production Policy 13-6750-B".

Motion Carried

11.2 "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046"

CS 2021-253

That Council adopt "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046".

Motion Carried

11.3 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047"

CS 2021-254

That Council adopt "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047".

Motion Carried

11.4 "Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048"

CS 2021-255

That Council adopt "Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048".

Motion Carried

11.5 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049"

CS 2021-256

That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049".

Motion Carried

11.6 "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2021, No. 2050"

CS 2021-257

That Council adopt "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644, Amendment Bylaw 2021, No. 2050".

Motion Carried

11.7 "Filming Reserve Bylaw 2021, No. 2071"

CS 2021-258

That Council adopt "Filming Reserve Bylaw 2021, No. 2071".

Motion Carried

12. CORRESPONDENCE

12.1 Letter dated July 5, 2021 from Ladysmith Resources Centre Association

CS 2021-259

That Council provide a letter of support for the Ladysmith Resources Centre Association grant application through the United Way requesting funding to contribute to an Intake Worker position, as outlined in their letter dated July 5, 2021.

Motion Carried

13. QUESTION PERIOD

There were no questions submitted by the public.

14. ADJOURNMENT

CS 2021-260

That this Regular Meeting of Council adjourn at 9:09 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)



LADYSMITH RESOURCES CENTRE ASSOCIATION

Heart on the Hill



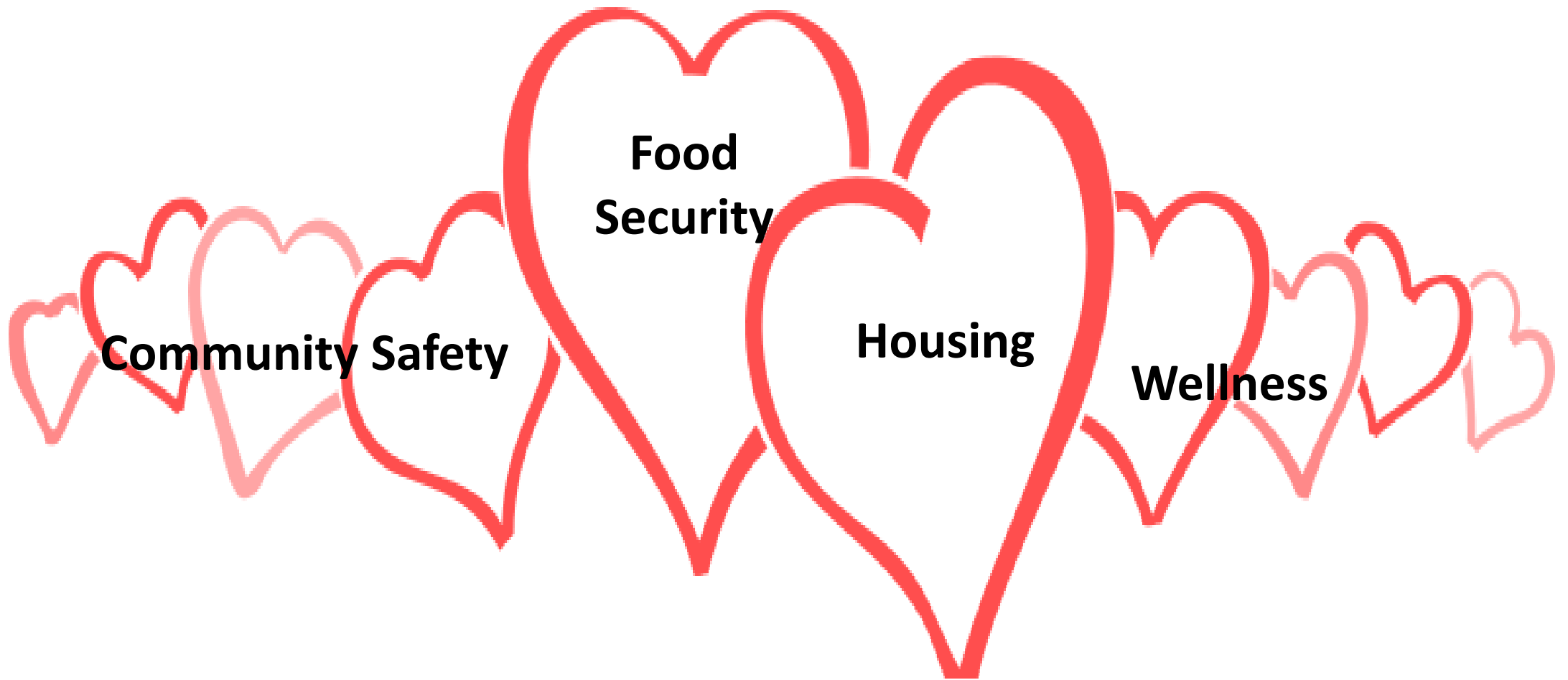


LRCA – A Lead Agency for Connecting Residents to Programs and Services



Core Beliefs & Values





Food Bank
Soup Kitchen
Born Healthy
Food Skills for
Families
Gleaning



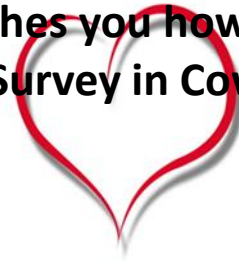


Early Years Programs
Family and Youth
Support Services
Seniors Office
Volunteer Counselling
Victim Services
Restorative Justice

Cold
Weather
Shelter



“No one teaches you how to be homeless” a quote from UW Lived Experiences Survey in Cowichan Valley



Warm Weather Shelter

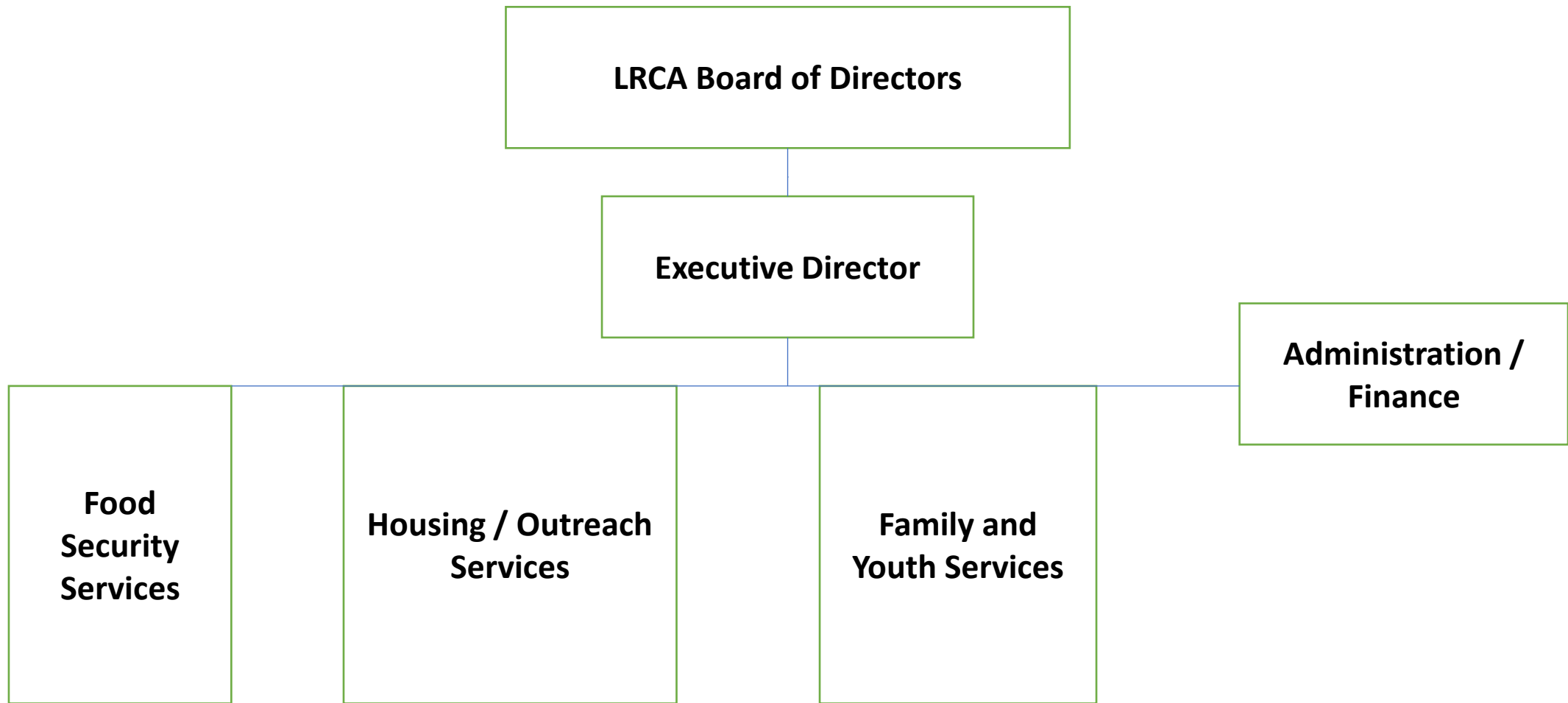
Tent Self
Isolation Site

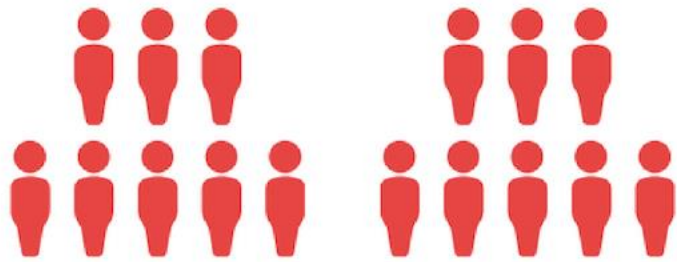
24/7 Emergency
Shelter



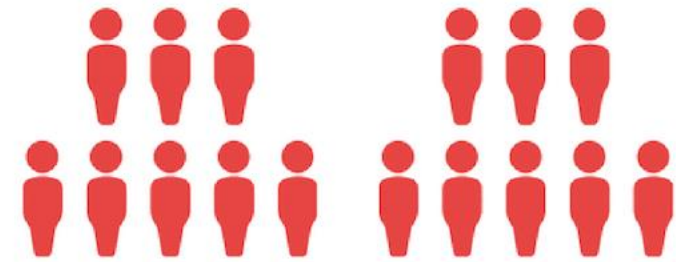


Coming Fall 2022





Volunteers



Government Agency Funding

Canada



BC Housing



Canada Prenatal Nutrition Program (CPNP)



Ministry of Public Safety and Solicitor General



Private Funders



save on foods



Our Community. Your Credit Union.



Mischa Weisz Foundation





LADYSMITH RESOURCES CENTRE ASSOCIATION

Heart on the Hill

the Heart of the Community

STAFF REPORT TO COUNCIL

Report Prepared By: Christina Hovey, RPP, MCIP, Senior Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: August 3, 2021
File No: 3060-21-06
Re: Development Permit for 336 Belaire Street

RECOMMENDATION:

That Council:

1. Issue Development Permit 3060-21-06 to allow for construction of a four storey commercial and residential building at 336 Belaire Street (Lot 1, District Lot 56, Oyster District, Plan 27861), subject to the provision of a \$41,278.50 security bond for landscaping; and
2. Authorize the Mayor and Corporate Officer to sign an encroachment agreement between the Town of Ladysmith and the property owner of 336 Belaire Street, to allow a plaza to extend into the Rigby Place right-of-way.

EXECUTIVE SUMMARY:

Staff recommend that DP 3060-21-06 be issued for a four storey mixed use commercial and residential building at 336 Belaire Street. The proposed development is consistent with the recently approved site-specific zoning for the property and is generally consistent with the guidelines for DPA 3 – Commercial and DPA 4 – Multi-Unit Residential. Staff also recommend that the Town enter into an encroachment agreement with the property owner. The encroachment agreement would allow for a plaza, paved with permeable pavers, and a bicycle rack to be placed in the Rigby Place road right-of-way adjacent to the property.

Figure 1: 336 Belaire Street



PREVIOUS COUNCIL DIRECTION:

Resolution #	Date	Resolution
CS 2021-170	May 18, 2021	That Council adopt "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".
CS 2020-005	Jan. 7, 2020	That Council adopt Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020.
CS 2019-397	Dec 2, 2019	That Council: <ol style="list-style-type: none"> 1. Proceed with third reading and final adoption of Bylaw 2018, cited as Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2018. 2. Proceed with third reading of Bylaw 2020, cited as Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2019, No. 2020 3. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020 to the Ministry of Transportation and Infrastructure, pursuant to the Transportation Act.

INTRODUCTION/BACKGROUND:

In January 2020, 336 Belaire Street (the subject property) was rezoned from C-1 (Local Commercial) to the CD-6 Zone (Comprehensive Development 6 – Belaire Mixed Use Zone). In May 2021, the CD-6 Zone was modified to allow for a fourth storey: commercial on the main storey with three floors of residential above (12 residential units).

The property is 1,530 m² in size and was the site of the former RCMP Detachment. The police station building has been demolished and the property is now vacant. The subject property is located at the corner of Belaire Street and Rigby Place, near the intersection between Belaire Street and Dogwood Drive. The subject property is across the street from Wickham Park. The surrounding neighbourhood is mainly residential with a mix of residential and multi-family residential properties.

DISCUSSION/ANALYSIS:**Official Community Plan:**

The subject property is designated as Local Commercial in the Official Community Plan (OCP). The Local Commercial designation is intended to accommodate small scale commercial uses located within neighbourhoods. The OCP states that residential uses may be included within the Local Commercial designation provided that they are consistent with the scale, form, and character of the surrounding neighbourhood.

336 Belaire is within Comprehensive Development Zone 6. The OCP states that Comprehensive Development Zones may be located within any designation, provided that the mix of uses conform or are compatible with the permitted uses of the designation. The proposed development is consistent with the OCP.

336 Belaire Street is within both Development Permit Area 3 'Commercial' (DPA 3) and Development Permit Area 4 'Multi-Unit Residential' (DPA 4), therefore a Development Permit (DP) is required prior to construction.

DPA 3 – Commercial & DPA 4 – Multi-Unit Residential

The purpose of DPA 3 & DPA 4 is to provide guidelines for the general character of development and to promote energy conservation, water conservation, and the reduction of greenhouse gas emissions. Both DPAs intend to promote a high standard of design that is complementary to the existing character of Ladysmith and aligns with the Town's vision for future growth.

The proposed development is generally consistent with the DPA 3 and DPA 4 guidelines, therefore staff recommend that the DP be issued.

Table 1 provides a summary of the proposed development in the context of the DPA guidelines. The applicant provided a design rationale from the project architect (Attachment C).

Table 1: Summary of Proposal's Consistency with DPA 3 Guidelines

Guideline	Staff Observations
Building Design (DPA 3 & 4)	<ul style="list-style-type: none">• The eco-responsive building design incorporates a green roof and windows and doors sized with consideration for energy efficiency.• The building is set back/terraced at the second and third storey to reduce massing and provide visual interest.• The commercial main storey is designed to the pedestrian scale.
Building Siting, Massing (DPA 3 & 4) & Height (DPA 4)	<ul style="list-style-type: none">• The building height and massing are consistent with the comprehensive development zone approved for the property, but will stand out from the surrounding buildings.• The building is designed to face onto both Belaire Street and Rigby Place with a prominent corner entrance.• The siting of the building is set as close as possible to Belaire Street to provide separation from the residential properties along Rigby Place.• The commercial space is designed with the flexibility to be broken up into units (maximum size is 250m² per commercial use).• The building setback for the front parcel line is proposed to be varied to 0.0m for the underground parking storey (see Zoning Bylaw section below). The main storey and upper storeys are set back 3.1m creating a level outdoor patio area.
Building Frontage (DPA 3 & DPA 4)	<ul style="list-style-type: none">• The building frontages are articulated with entrances and storefront windows along the commercial main storey and a prominent main entrance at the corner of Belaire Street and Rigby Place.• The patio areas and streetscape furnishings are intended to enliven the main storey.• The upper storeys are modulated vertically and horizontally.• All building frontages have a high level of detail/design. The exception is a single blank wall on the main storey closest to neighbouring 332 Belaire, which enhances privacy for the adjacent homeowners.• The underground parking design results in a concrete wall along Belaire Street at the pedestrian level. Draft DP 3060-21-06 makes it a condition that the concrete wall be imprinted with art or a decorative pattern. The intention is that this will be subtle enough not to detract from the overall

Guideline	Staff Observations
	building design but interesting enough to provide pedestrians with something to look at as they walk up Belaire Street.
Roof Form (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • The building is finished with a wing-like roof overhang which provides an elegant “top” to the building and weather protection for the upper decks. • The roof includes architectural embellishments to add visual interest.
Windows & Doors (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • The commercial main storey features large windows and doors, with the main entrance recessed and located at the corner of the two streets. • Windows have been selected to be architecturally compatible with the building style.
Signs, Canopies & Lighting (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • Decorative exterior light fixtures, for the exterior walls, sidewalk and landscaping will follow Dark Sky principles. • Canopies highlight entrances and commercial storefronts.
Outdoor Patios (DPA 3)	<ul style="list-style-type: none"> • Raised outdoor patios are proposed along the entire Belaire Street frontage to contribute to the interest and vitality of the street.
Livability (DPA 4)	<ul style="list-style-type: none"> • Building siting and design takes into account visual privacy for residents of the new building and neighbouring properties. • Each residential unit has two decks.
Materials & Colours (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • Exterior building materials are durable and high quality (fibre cement, concrete, permeable pavers etc.). • The colour scheme is cohesive and muted (grey and white siding, with wood accents and blue canopies). • The colour and materials were selected to reflect Ladysmith’s Heritage.
Mechanical, Electrical & Security Equipment (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • Rooftop mechanical equipment is strategically located out of sight within the green roof area. • The elevator penthouse is integrated into the roof design.
Accessibility & Connectivity (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • Accessible routes and entrances are provided to the commercial and residential units. • The commercial and residential units are all accessible to pedestrians via pathways from the sidewalk and parking area. • A public pathway along Rigby Place is provided in lieu of a sidewalk due to grade constraints.
Vehicle & Bicycle Parking (DPA 3 & DPA 4)	<ul style="list-style-type: none"> • The guidelines encourage surface parking to be located behind the building and to be shared between the commercial uses as is proposed. • Street fronting garage doors (as are proposed) are discouraged, however the proposed location of the entrance to the underground parking works with the grade of the existing property. The doors are an attractive wood material and help to break up the concrete wall along Belaire Street. • The off-street parking requirement for the commercial component of the building is proposed to be reduced by 2 spaces from 19 to 17 spaces. • Bicycle Parking (Class B) is provided adjacent to the building entrance near the corner of Rigby Place and Belaire Street. The bicycle rack must accommodate a minimum of 4 bicycles. • Bicycle Parking (Class A) is provided in the underground parking garage for the residential occupants. The bicycle storage area will accommodate 22 bicycles.

Guideline	Staff Observations
Loading Facilities (DPA 3)	<ul style="list-style-type: none"> One loading space is required by the Zoning Bylaw. The loading space is provided in the rear of the building and shielded from the street. The street parking spaces along Belaire Street will be signed to allow loading during limited hours.
Landscape (DPA 3 & DPA 4)	<ul style="list-style-type: none"> A landscape plan, prepared by a landscape architect, is included in the DP. The proposed landscaping includes plantings along the street frontages and screens the rear parking and loading area. The guidelines encourage the use of a green roof, as is proposed. All retaining walls are below the 1.2m maximum provided by the Zoning Bylaw (for discussion on the concrete wall fronting on Belaire Street, see below under “Public Realm”) The parcel has been cleared so there are no existing trees to retain. A landscape security bond of \$41,278.50 is required.
Energy Conservation, Rain Water Management & Water Conservation (DPA 3 & DPA 4)	<ul style="list-style-type: none"> The building will be constructed to meet or exceed Step One of the BC Energy Code. Rain water management was designed by an engineer and includes a green roof and rain garden along the northeast property boundary. Landscaping and permeable pavers are provided wherever possible. An electrical vehicle charge station is proposed for the underground parking.
Recycling, Organics & Solid Waste Management (DPA 3 & DPA 4)	<ul style="list-style-type: none"> A waste storage area for the residential units is provided in the underground parking garage. An enclosed and screened garbage enclosure is provided in the rear of the property.
Crime Prevention (DPA 3 & DPA 4)	<ul style="list-style-type: none"> Site design considers visibility and visual access to all areas of the site. Large outdoor decks and patios provide natural surveillance. Site design encourages legitimate activity in the outdoor spaces.
Public Realm (DPA 3)	<ul style="list-style-type: none"> The site was designed with consideration to connect the outdoor areas of the development with the street. The proposed plaza along Rigby Place, including permeable pavers, a bench, bicycle parking and landscaping, will enhance the public realm. In order to enhance the public realm along Belaire Street, the concrete wall will be imprinted with art or a decorative pattern.
Neighbourhood Commercial (DPA 3)	<ul style="list-style-type: none"> The siting of the building is set as close as possible to Belaire Street to provide separation from the residential properties along Rigby Place. It was not feasible to reuse the former RCMP detachment building, as is encouraged by the guidelines, due to the condition of the building. Multi-use buildings, as proposed, are encouraged by the guidelines. Proposed building entrances “address the street” and signage is designed to a pedestrian scale. Each residential unit has a private outdoor living space for livability.

Zoning Bylaw:

The property is zoned Comprehensive Development 6—Belaire Mixed-Use (CD-6)(Attachment D). A density bonus provision of the CD-6 zone requires the owner to do the following:

- Construct parking and drainage improvements on the other side of Rigby Place along the edge of Wickham Park;
- Provide a gathering space at Wickham Park;
- Provide underground parking for the residential units; and
- Construct the building to meet the BC Energy Step Code (Level 1).

The applicant is intending to meet the density bonus provisions and the current proposal includes the extra density permitted with the density bonus.

Draft DP 3060-21-06 proposes to vary two provisions of the Zoning Bylaw, the front setback requirement and the minimum number of off-street parking spaces. Section 490 (1) of the *Local Government Act* permits a local government to issue a DP that varies or supplements a land use regulation bylaw (e.g. a zoning bylaw). This is different from a Development Variance Permit (DVP) which is issued under section 498 of the *Local Government Act*. A variance in a DP is based on the DPA guidelines which are adopted in the Official Community Plan (and therefore subject to a public process before they are adopted).¹

Setback Variance:

The proposal provides for a 0.0m setback from the front parcel line (along Belaire Street) for the underground parking garage. The Zoning Bylaw requires a 2.0m setback from the front parcel line. Underground parking is exempt from the setback agreements when it is fully underground. Due to the elevation change along Belaire Street and the building design, the front wall of the parking garage is above the finished grade along Belaire Street. The main and upper storeys comply with the setback requirements.

DPA 3 guideline 2.f) and DPA 4 guideline 2.f) and g) allow for a DP to reduce or alter the building setbacks from the Zoning Bylaw with consideration for the character of the surrounding neighbourhood and proposed street frontage/boulevard improvements.

Vehicle Parking Variance:

For the residential component of the development, the Zoning Bylaw requires a total of 23 vehicle parking spaces². 21 spaces are provided in the underground parking garage and the 2 visitor parking spaces are provided in the surface parking lot.

¹ For example, the Town's Riparian DPA (DPA 6) guidelines provide that you may vary the Zoning Bylaw's setback from a stream, based on the report of a qualified environmental professional in a riparian DP. You could not vary another provision of the zoning bylaw, for example maximum height, based on DPA 6.

² 1 parking space per one bedroom unit (3 spaces), 2 spaces per two bedroom unit (18 spaces), 0.2 spaces per unit for visitor parking (2 spaces)

For the commercial component of the development, the Zoning Bylaw would require 19 parking spaces³. The proposed development includes a total of 17 parking spaces for the commercial component of the development.

DPA 3 guideline 11.f) allows for a DP to reduce the minimum off-street parking requirements with consideration for the character of the surrounding neighbourhood.

Encroachment Agreement:

Staff recommend that the Town enter into an encroachment agreement with the property owner of 336 Belaire Street. The encroachment agreement would allow for a plaza, paved with permeable pavers, and a small staircase, a bench, and a bicycle rack to be placed in the Rigby Place road right-of-way adjacent to the property. The proposed encroachment is approximately 1m wide along most of the development, with a slightly wider area at the intersection between Rigby Place and Belaire Street.

The encroachment agreement would place the responsibility for maintenance of the plaza with the property owner; it would also allow for the option of using the plaza for additional patio space. The area of the encroachment agreement would still be owned by the Town and the plaza area is intended for use by members of the public.

The site plan, including the plaza on Rigby Place, is provided as Schedule A of draft DP 3060-21-06 (Attachment A). The encroachment agreement is provided as Attachment B.

Update on Wickham Park Improvements:

The Zoning Bylaw requires that the proponent provide the following in exchange for a density bonus for the residential units proposed:

- Construct parking and drainage improvements on the other side of Rigby Place along the edge of Wickham Park; and
- Provide a gathering space at Wickham Park.

The applicant has agreed to work with staff to refine the design of the proposed amenities within and adjacent to Wickham Park. Staff have had discussions with the Wickham family and will continue to work with the family with the goal of respecting the original vision for the park from when it was donated to the Town.

ALTERNATIVES:

Council can choose to:

1. Deny DP 3060-21-06, provided Council gives reasons based on DPA 3 or DPA 4.
2. Refuse to enter into an encroachment agreement with the property owner of 336 Belaire.
3. Refer the application back to staff for further review as specified by Council.

³ The Zoning Bylaw would require between 16 and 19 spaces depending on the commercial use. Since the commercial use is currently unknown, the largest requirement applies.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

If the DP is refused, reasons must be given based on the DPA 3 and/or DPA 4 guidelines.

The *Community Charter* grants Council the authority to permit encroachments upon and/or grant a licence of occupation over municipal roads.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was referred to the Engineering Department, the Building Official, the Fire Chief and the Parks Department. Their comments have been incorporated into the DP or will be addressed through the building permit.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input checked="" 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 type="checkbox"/> Economy |
| <input type="checkbox"/> Community | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Waterfront | |

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- A. Draft DP 3060-21-06
- B. Draft Encroachment Agreement
- C. Architect's Rationale
- D. Bylaw No. 2066 (CD Zone 6)
- E. DPA 3 – Commercial
- F. DPA 4 – Multi-family Residential



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-21-06

DATE: August 3, 2021

Name of Owner(s) of Land (Permittee): Jailhouse Brewing Company Ltd. Inc. No. BC1111875

Applicant: Donna Hais (R.W. (Bob) Wall Ltd.)

Subject Property (Civic Address): 336 Belaire Street

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

**Lot 1, District Lot 56, Oyster District, Plan 27861
PID# 002-221-349**

(referred to as the "Land")

3. This Permit has the effect of authorizing:
 - (a) 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 except as varied by this Permit; or

Subject to the conditions, requirements and standards imposed and agreed to in section 6 of this Permit.

4. With respect to the Land Town of Ladysmith Zoning Bylaw 2014, No. 1860 is hereby varied, in accordance with section 490(1) of the *Local Government Act*, as follows:

- (a) Section 17.6.5.b) is varied to reduce the minimum setback from the front parcel line (Belaire Street) for the lowest storey (underground parking storey) of the principal building from 2.0m to 0.0m as shown in Schedule A and B.
 - (b) Section 8.2, Table 8.1: Required Off-Street Parking spaces is varied to reduce the required number of parking spaces to a total of 17 spaces for the commercial uses.
- 5. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.
- 6. The Permittee, as a condition of the issuance of this Permit, agrees:
 - (a) to develop the land in accordance with:
 - Schedule A – Site Plan**
 - Schedule B – Elevation Plans & Conceptual Design Renderings**
 - Schedule C – Exterior Building Materials & Colours**
 - Schedule D – Landscape Plan**
 - (b) to imprint the concrete wall adjacent to Belaire Street with art or a decorative pattern that reflects the natural environment of the pacific northwest, such that, for the portion of the wall where the top of the wall is 1.2m or more from the finished grade, a minimum of 50% of the wall is imprinted with art or a decorative pattern.

Schedule E – Concrete Wall Design clarifies the portion of the concrete wall to which this condition applies and provides examples of acceptable art and decorative patterns.
 - (c) that all exterior lighting shall be decorative and shall cast light downward.
 - (d) to provide 1 electrical vehicle charge station.
- 7. 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 6 of this Permit respecting landscaping. The Letter of Credit shall be for a period of two years, shall be automatically extended, and shall be in the amount of \$ 41,278.50.
- 8. Should the Permittee fail to satisfy the conditions referred to in section 6 and 7 of this Permit, the Town of Ladysmith may undertake and complete the works required to satisfy the landscaping condition(s) 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.

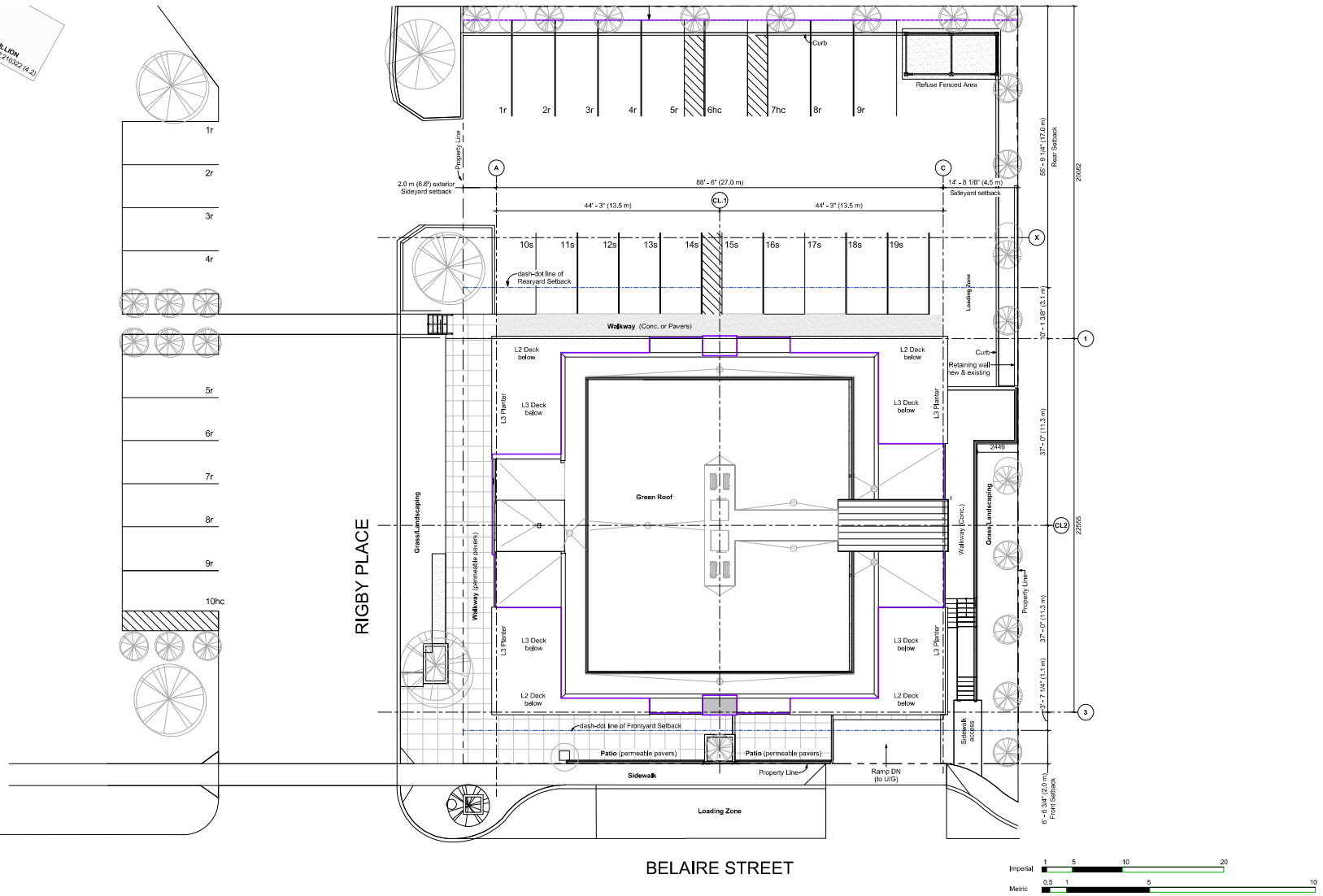
Attachment A

9. 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. Requests for the release of the security shall be accompanied by a report from a landscape architect confirming that the landscaping conditions in section 6 of this permit have been met.
10. 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.
11. The plans and specifications attached to this Permit are an integral part of this Permit.
12. 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 3060-21-06 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
13. This Permit prevails over the provisions of the Bylaw in the event of conflict.
14. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE
TOWN OF LADYSMITH ON THE ____ DAY OF _____ 2021.

Attachment A

PARK PAVILION
See Landscape & GP-2 (02/22) (4.2)



AYPQ ARCHITECTURE

10370 Dunde Road
Ladysmith, British Columbia
Canada V9G 1G6
tel: 250 245-7555 fax: 7565
www.aypqarchitecture.com

AQ2011

Jailhouse Mixed-use

FOUR STOREYS
336 Belaire Street
Ladysmith BC

Schedule A - Site Plan

DP 3060-21-06

336 Belaire Street

Page 1 of 1



① South (Belair) - DP
1/8" = 1'-0"



② North (Rear) - DP
1/8" = 1'-0"

AYPQ ARCHITECTURE

10370 Dunde Road
Ladysmith, British Columbia
Canada V9G 1G6
tel 250 245-7555 fax 250
www.aypqarchitecture.com

AQ2011

Jailhouse Mixed-use

FOUR STOREYS
336 Belair Street
Ladysmith BC

**Schedule B - Elevation
Plans & Conceptual Design
Renderings**
DP 3060-21-06
336 Belair Street
Page 1 of 3



① West (Rigby) - DP
1/8" = 1'-0"

② East (Belwood) - DP
1/8" = 1'-0"

AYPQ ARCHITECTURE

13270 Doolittle Road
Ladysmith, British Columbia
Canada V9C 1G6
tel 250 245-7555 fax 7565
www.aypqarchitecture.com

AQ2011

Jailhouse Mixed-use

FOUR STOREYS
336 Belaire Street
Ladysmith BC

**Schedule B - Elevation
Plans & Conceptual Design
Renderings**

DP 3060-21-06
336 Belaire Street
Page 2 of 3



AYPQ ARCHITECTURE

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

AQ2011

Jailhouse Mixed-use

FOUR STOREYS
336 Belaire Street
Ladysmith BC

**Schedule B - Elevation
Plans & Conceptual Design
Renderings**

DP 3060-21-06
336 Belaire Street
Page 3 of 3

Exterior Finishes

Colour and material finish reflecting Ladysmith's Heritage.

Nichiha Fibre Cement Illumination's smooth exterior wall panels (Colour A Warm White)

Nichiha Fibre Cement Illumination's smooth exterior wall panels (Custom Colour B Lgt.Grey)

Nichiha Fibre Cement Vintage Wood exterior wall panels (Colour C Redwood)

Nichiha Fibre Cement Illumination's smooth exterior wall panels (Custom Colour D Grey)

Metal Canopies (Blue stripped)



THE JAILHOUSE MIXED USE - - - - - LANDSCAPE PLAN - - - - - 336 BELAIRE STREET, LADYSMITH, BC

PLANT PALETTE



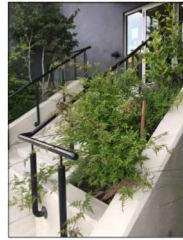
FRAGRANT SNOWBELL TREE



LAVENDER & BOX IN PLANTER



ORNAMENTAL GRASSES & PERENNIALS



PLANTINGS OVER CONCRETE WALLS

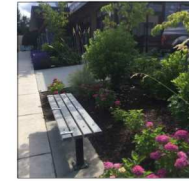


PLANTERS IN PAVING

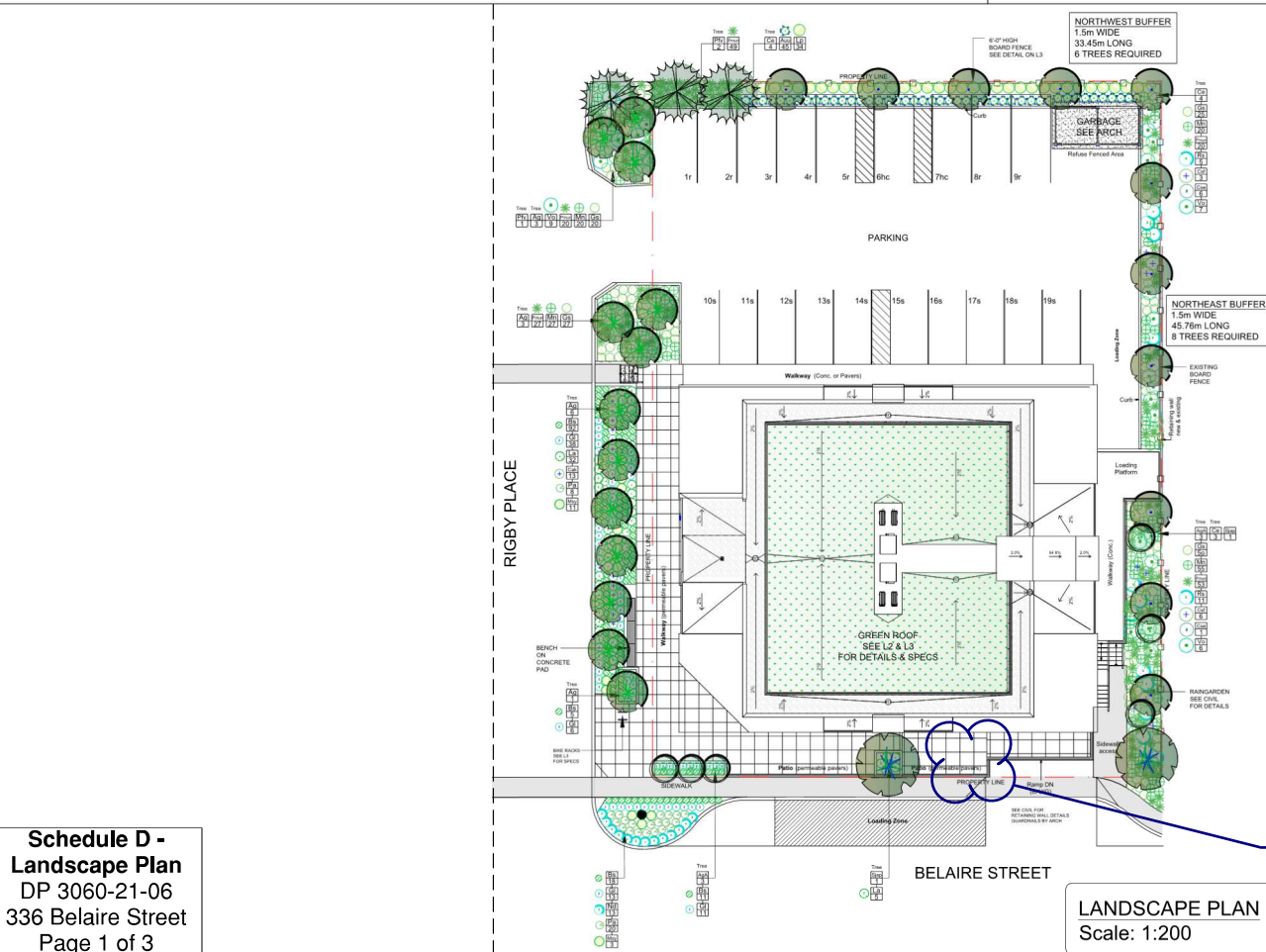
LANDSCAPE FEATURES



RAIN GARDEN WITH PAPERBARK MAPLES, SALAL & SWORD FERN



BENCH



DESIGN RATIONALE

Planting Scheme:
The planting scheme for the Jailhouse responds to the neighbourhood in particular and the character of the Town of Ladysmith in general. The scheme uses a more residential approach to planting design, with a variety of species including evergreen and deciduous trees, shrubs, groundcovers and perennials. These plants will provide seasonal interest, including spring flowers, fall colour and winter form. In addition, the plants will create habitat for pollinators and birds.

Plant selection:
The plants have been chosen for their ability to survive in small spaces. While they are tolerant of drought an irrigation system will be installed to ensure they thrive.

Stormwater:
A rain garden will be installed to slowdown and clean stormwater runoff. The plants selected can tolerate both wet and dry conditions and will add to the biodiversity, and therefore habitat value, of the site as well as the aesthetics of the gardens.

PLANT LIST

Key	Qty	Botanical Name	Common Name	Pot Size	Spacing/remarks
Deciduous Trees					
Ag	13	Acer ginnifolium	Paperbark Maple	6 cm cal	1.8m branching ht
AgA	6	Amelanchier grandiflora Autumn Brilliance	Serviceberry	10 gal	
Ca	11	Cornus edulis white wonder	Flowering Dogwood	8cm cal	1.8m branching ht
Shap	1	Shyrax japonica (in NE buffer)	Snowbell	8cm cal	1.8m branching ht
Shap	1	Shyrax japonica (in Belaire Street planter)	Snowbell	8cm cal	1.8m branching ht
Evergreen Trees					
Plv	3	Pinus flexilis vanderwolfii	Vanderwolf Pine	3m	
Evergreen Shrubs					
Bs	126	Buxus sempervirens	Bonewood	2 gal	
Os	122	Gaultheria shallon	Salal	#1 pot	2' o.c.
La	37	Lavandula hidcote	Lavender	#1	3' o.c.
Lp	34	Lonicera pileata	Evergreen Honeysuckle	#1	3' o.c.
Mn	122	Mahonia nervosa	Dull Oregon Grape	#1	3' o.c.
Vo	24	Vaccinium ovatum	Evergreen Huckleberry	#1	3' o.c.
Deciduous Shrubs					
Csa	7	Cornus sericea	Red Twigg Dogwood	#1	3' o.c.
Csf	9	Cornus sericea 'Flaviramea'	Yellow Twigg Dogwood	#1	3' o.c.
Rb	16	Ribes sanguineum	Red Flowering Currant	#1	3' o.c.
Ferns					
Pmun	169	Polystichum munitum	Sword Fern	#1 pot	
Perennials/groundcovers					
Auz	45	Arctostaphylos uva-ursi	Kinnikinnick	10 cm pot	
Gl	68	Gaura lindheimeri	Bee blossom	#1 pot	
Nd	13	Nepeta dropmore blue	Catmint	#1 pot	
Ornamental Grasses					
Cak	13	Calamagrostis Karl Foerster	Feather Reed Grass	#1 pot	
May	14	Miscanthus yellow jewel	Maiden Grass	#1 pot	
Pa	28	Pennisetum alopecuroides	Fountain Grass	#1 pot	

Additional Planter to be provided in patio (for a total of 3 planters)

NOTES:
For grading information, see Civil drawings.



REVISIONS:
Issued for DP - 2020Jun22
Issued for Pricing - 2020Aug19
Re-issued for DP - 2021Apr08
Issued for BP - 2021May11
Ladysmith Comments - 2021Jun29



PROJECT:

THE JAILHOUSE

SITE LEGAL DESCRIPTION:

336 BELAIRE STREET LADYSMITH, BC

SHEET TITLE:

LANDSCAPE PLAN

SCALE: 1:150 **DATE:** JUN 17, 2020
DRAWN: DR **CHECKED:** VJD
PROJECT NUMBER: THE JAILHOUSE 2020
DRAWING NUMBER: L1 of 4

DETAIL #1: PLANT SYSTEM

GREEN ROOF PLANT LIST

Botanical Name	Common Name	% Sedum cuttings (%)	% per Module	Quantity required (Rs.)	Plant Type	Size of plant
Sedum kamtschaticum	Kamtschatic Stonecrop	25%	11	cuttings		
Sedum divergens	Spreading Stonecrop	25%	11	cuttings		
Sedum Weins Gold	Weins Gold Stonecrop	25%	282	plugs	72P	
Sedum Immergruen	White Stonecrop	25%	282	plugs	72P	
Sedum Royal Pink	Oregon Stonecrop		2/module	282	plugs	72P
Prunella vulgaris	Heal All	**		25	plugs	72P
Allium schubertianum	Chives	**		25	plugs	72P
Armeria maritima	Sea Pink	**		25	plugs	72P
Sisyrinchium idahoense	Blue-eyed Grass	random	25	plugs	72P	

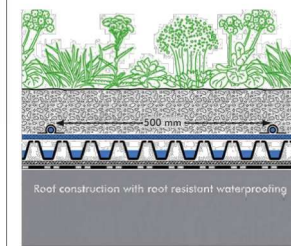
**25 of each plug randomly placed

NOTES:

Green Roof System to be NATS Standard
<http://details.liveroof.com/standard-a.pdf>

<http://details.liveroof.com/edge-standard.pdf>

<http://details.liveroof.com/drain-a.pdf>



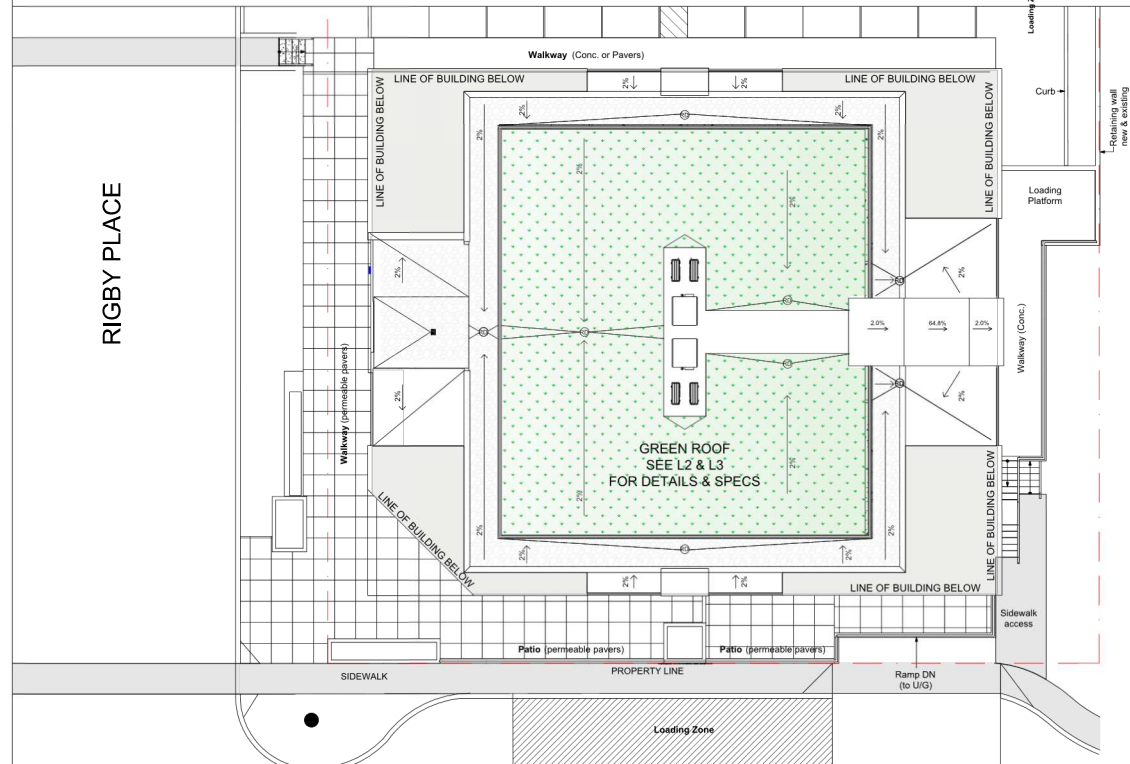
Plant Community
"Urban Climate Roof"
System Substrate "Rocky Type Plants"
Dripfleece 500-12
Aqua fleece AF 300
Florodrain® FD 40-E*
Protection Mat SSM 45
Roof Barrier WSP 40₂
If waterproofing is not root-resistant

* The Build-up height can be reduced or increased as required using a different drainage element.

2. All plants and planting to be to BCSLA/BCNTA Landscape Standards, latest edition.
3. Any plant substitutions must be shade tolerant species for the North Roof and sun loving species for the South Roof.
4. Plant in groups of 5, or multiples of 5 in staggered rows.

DETAIL #2: EDGE DETAIL

DETAIL #3: DRAIN DETAIL



GREEN ROOF LANDSCAPE PLAN
Scale: 1:100

BELAIRE STREET

**Schedule D -
Landscape Plan**
DP 3060-21-06
336 Belaire Street
Page 2 of 3

GREEN ROOF SPECIFICATIONS

NOTES:
For grading information, see Civil drawings.



REVISIONS:

Issued for DP - 2020Jun22

Issued for Pricing - 2020Aug19

Re-Issued for DP - 2021Apr08

Issued for BP - 2021May11

Ladysmith Comments - 2021Jun29

CONSULTANT:



PROJECT:

THE JAILHOUSE

SITE LEGAL DESCRIPTION:

336
BELAIRE STREET
LADYSMITH, BC

SHEET TITLE:

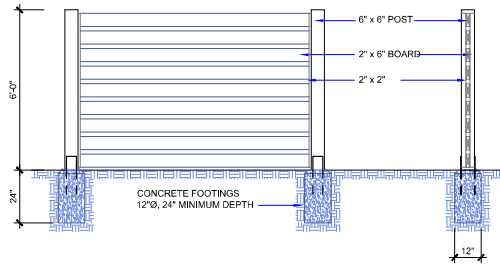
GREEN ROOF PLAN

SCALE: 1:100	DATE: JUN 17, 2020
DRAWN: DR	CHECKED: VJD

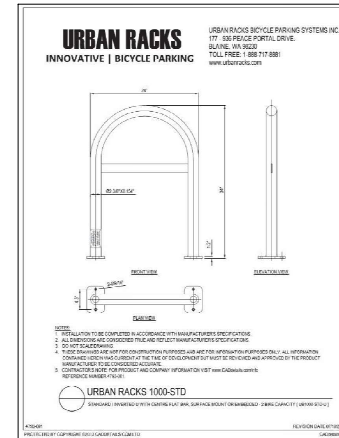
PROJECT NUMBER:	THE JAILHOUSE 2020
DRAWING NUMBER:	

L2 /of 4

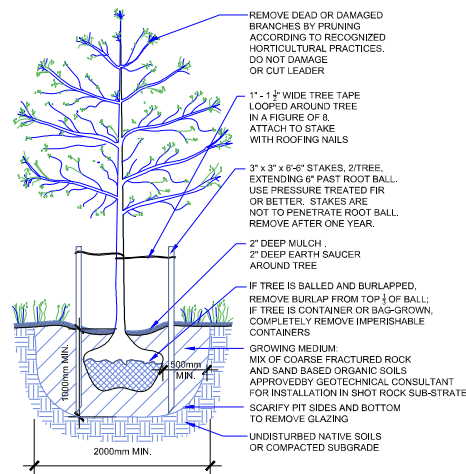
THE JAILHOUSE MIXED USE - - - - - LANDSCAPE PLAN - - - - - 336 BELAIRE STREET, LADYSMITH, BC



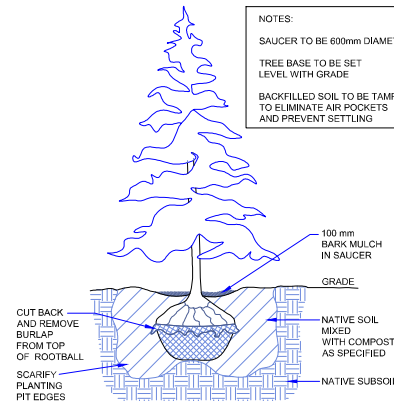
BOARD FENCE DETAIL
Scale: N.T.S.



BIKE RACKS DETAIL
Scale: N.T.S.



DECIDUOUS TREE PLANTING DETAIL
Scale: N.T.S.



CONIFEROUS TREE PLANTING DETAIL
Scale: N.T.S.

**Schedule D -
Landscape Plan**
DP 3060-21-06
336 Belaire Street
Page 3 of 3

NOTES:
For grading information, see Civil drawings.

REVISIONS:

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Ladysmith Comments - 2021Jun29

CONSULTANT:



PROJECT:

**THE
JAILHOUSE**

SITE LEGAL DESCRIPTION:

**336
BELAIRE STREET
LADYSMITH, BC**

SHEET TITLE:

DETAILS

SCALE: AS NOTED DATE: JUN 17, 2020
DRAWN: DR CHECKED: VJD
PROJECT NUMBER: THE JAILHOUSE 2020
DRAWING NUMBER:

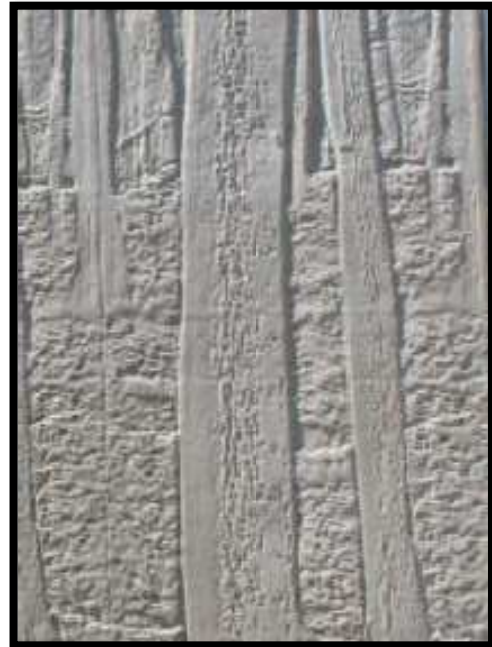
L3 of 4

Concrete Wall Design

Figure 1: Approximate Portion of the concrete wall adjacent to Belaire Street to which Condition 6(b) of DP 3060-21-06 applies



Figure 2: Examples of acceptable art or decorative patterns to imprint on the concrete wall adjacent to Belaire Street



ENCROACHMENT AGREEMENT

THIS AGREEMENT made the ____ day of _____, 2021.

BETWEEN:

TOWN OF LADYSMITH
PO Box 220, 410 Esplanade
Ladysmith, British Columbia V9G 1A2

("Ladysmith")

OF THE FIRST PART

AND:

JAILHOUSE BREWING COMPANY LTD., INC. NO. BC1111875
3090 Yellow Point Road
Nanaimo BC
V9G 1C3

(the "Licensees")

OF THE SECOND PART

WHERE AS:

A. The Licensees are the owners of the property legally described as:

LOT 1, DISTRICT LOT 56, OYSTER DISTRICT, PLAN 27861, PID: 002-221-349 (336
Belaire Street)

(the "**Property**");

B. The soil and freehold of the public road located adjacent to the Property (the "**Highway**")
is vested in Ladysmith;

C. Ladysmith has authority under Section 35(11) of the Community Charter, to permit
encroachments upon and/or to grant a licence of occupation or easement in respect of
the Highway;

D. The Licensees have requested that Ladysmith grant the Licensees a licence to encroach
upon, use and occupy a portion of the Highway for the purpose of installing, using and
maintaining a plaza including pavers, stairs, a bicycle rack and a bench on the Highway
(the "**Works**"); and

E. Ladysmith has agreed to grant the Licensee an Licence Agreement (the "**Agreement**")
over a portion of the Highway on the terms hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the fee paid by the Licensees to Ladysmith and in consideration of the premises and covenants and agreements contained in the Agreement, the receipt and sufficiency of which is hereby acknowledged, Ladysmith and the Licensees covenant and agree with each other as follows:

1.0 GRANT

1.1 Ladysmith, subject to the terms, conditions, covenants and agreements contained in this Agreement, hereby grants to the Licensees a non-exclusive licence to occupy that portion of the Highway marked as "Location of Plaza" on the drawing attached hereto as Schedule "A" (the "**Licence Area**") for the purpose of installing, using and maintaining a plaza including pavers, stairs, a bicycle rack and a bench.

2.0 FEE

2.1 The Licensees shall pay to Ladysmith a fee of one hundred dollars \$100.00 for the ten year term, upon execution of the Agreement.

3.0 TERM

3.1 The Term of the licence granted under this Agreement shall be ten (10) years, subject to earlier termination as provided herein.

4.0 RENEWAL

4.1 This Agreement may be renewed on the same terms herein by mutual agreement of the parties in writing, such agreement to be executed no less than 30 (thirty) days prior to the expiry of the Term.

5.0 COVENANTS OF LICENSEES

5.1 The Licensees acknowledge and agree that the Licence Area is a highway and that Ladysmith has limited power to authorize the private use of highways. The Licensees further acknowledge and agree that any rights granted by Ladysmith to the Licensees by this Agreement are not exclusive and are subject to the public's right to pass and repass and that Ladysmith has full authority pursuant to this Agreement to require the Licensees' removal from the Licence Area, at any time, in accordance with this Agreement, without compensation to the Licensees.

5.2 The Licensees covenant and agree that this Agreement shall not in any way restrict the right of Ladysmith or require Ladysmith at any time to:

- (a) alter any road, curb, gutter, sidewalk or boulevard within or adjoining the Licence Area, notwithstanding that the effect of such alteration may be to render the Works of less or no value for the purposes of the Licensees;
- (b) inspect, construct or maintain any form of structure, service or utility on, over or under any portion of the Highway including the Licence Area and, for such purpose, Ladysmith may require that the Works be removed at the Licensees' cost, in part or in whole; or
- (c) permit other encroachments or use of the Highway.

- 5.3 In the event of Ladysmith effecting any alteration of or construction on or adjacent to the Licence Area, requiring removal of all or part of the Works, or permitting other encroachments or uses of the Licence Area, the Licensees will release and forever discharge, and hereby releases and forever discharges, Ladysmith from all manner of claims of any nature whatsoever, which may arise by reason of such alterations, or requirement for removal of the Works, or other encroachments or uses of the Licence Area.
- 5.4 Without limiting the generality of section 5.3, the Licensees further agree and acknowledge that this Agreement does not restrict or abrogate the rights and powers of Ladysmith and the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Licence Area as if the Agreement had not been executed and delivered by the Licensees.
- 5.5 The Licensees covenant and agree with Ladysmith that they shall:
- (a) carry out the repair and improvement of the Works in accordance with all regulations and directions from Ladysmith;
 - (b) use only materials approved in advance by Ladysmith for constructing upgrading and improving the Works;
 - (c) maintain the Works in good and sufficient repair to the satisfaction of Ladysmith;
 - (d) not install, construct, erect, alter, remove or replace any structure on the Licence Area other than the Works, unless authorized in advance by Ladysmith;
 - (e) make good, at its own expense, all damage or disturbance which may be caused to the Licence Area in the exercise of its rights under this Agreement;
 - (f) upon expiration or earlier termination of this Agreement, remove the Works from the Licence Area and, at its own expense, and restore the Licence Area to a condition similar to the area surrounding the Licence Area;
 - (g) not do or allow to be done anything by its invitees that may become a nuisance or annoyance to adjoining properties; and
 - (h) observe, abide by and comply with all laws, bylaws, regulations, orders, directions and requirements of any public authority having jurisdiction which in any way affect the Licensees' use or occupation of the licence area.
- 5.6 Should the Licensees fail to satisfy any of the requirements of paragraph 5.5, Ladysmith may do any work necessary to fulfill the requirement as determined in the sole discretion of Ladysmith, including to make the necessary repairs or remove the Works

5.7 The Licensees shall pay the costs of work performed by Ladysmith under paragraph 5.6 to Ladysmith forthwith and agrees that, if in default of payment, the amount of such cost may be recovered in any Court of competent jurisdiction.

5.8 Nothing in this Agreement shall impose any duty or obligation upon Ladysmith to maintain or inspect the Works, or provide advice or direction to the Licensees regarding the maintenance or inspection of the Works, all of which shall be the sole responsibility of the Licensees notwithstanding any actions taken from time to time by Ladysmith pursuant to sections 5.1 to 5.7 inclusive.

6.0 TERMINATION

6.1 Either party may terminate this Agreement by providing ninety (90) days notice in writing to the address first written above.

6.2 Subject to Part 7, upon the sale of the Property, this Agreement will automatically terminate and the Licensees shall remove the Works from the Licence Area and, at their own expense, restore the Licence Area to a condition similar to the area surrounding the Licence Area.

7.0 ASSIGNMENT

7.1 Notwithstanding section 6.2, in the event that the Licensees sell the Property they may, with the consent of Ladysmith, such consent not to be unreasonably withheld, assign the licence to the purchaser by way of written addendum to this Agreement.

7.2 If the purchaser does not enter into an agreement with Ladysmith for assignment of the licence prior to the closing date, section 6.2 shall apply.

8.0 INSURANCE

8.1 The Licensees agree to take out and maintain through the Term a policy of comprehensive general liability insurance with limits of no less than \$2,000,000 (two million dollars) per single occurrence, or such greater amount as Ladysmith may from time to time designate, inclusive of bodily injury, death and property damage arising out of the use of the Licence Area by the Licensees. Ladysmith must be added as an additional insured to the policy. The policy must contain a provision for cross liability insurance as between the Licensees and the Town.

8.2 All policies of insurance must contain a clause requiring the insurer not to cancel or change the insurance without first giving Ladysmith thirty days written notice.

8.3 If the Licensees do not provide or maintain in force the insurance required by this Agreement, Ladysmith may take out the necessary insurance and pay the premium for periods of one year at a time and the Licensees must pay to Ladysmith as additional licence fees the amount of the premium immediately on demand.

8.4 If both Ladysmith and the Licensees have claims to be indemnified under any insurance required by this Agreement, the indemnity must be applied first to the settlement of the claim of Ladysmith, and the balance, if any, to the settlement of the claim of the Licensees.

- 8.5 The Licensees must provide Ladysmith with evidence of the insurance in accordance with section 8.1, on the form attached as Schedule “B” to this Agreement.

9.0 INDEMNIFICATION AND RELEASE

- 9.1 The Licensees agree to release and save harmless Ladysmith, its elected and appointed officials, agents and contractors from and against all manner of liability, actions, causes of action, demands, damages, losses, costs or expenses (including legal costs on a solicitor-client basis) for property damage, personal injury, including severe bodily injury or death, arising from the use or occupation of the Licence Area by the Licensees, except to the extent attributable to the negligence or wilful misconduct of Ladysmith, its employees, elected and appointed officials, agents or contractors.
- 9.2 The Licensees agree to indemnify Ladysmith from and against all claims of actions, causes of action, expenses (including legal costs on a solicitor-client basis), damages, loss, including severe bodily injury or death, suffered by any person, including members of the general public, arising from the use of the Licence Area by the Licensees, except to the extent attributable to the negligence or wilful misconduct of Ladysmith, its employees, elected or appointed officials, agents or contractors.
- 9.3 Sections 5.2, 9.1 and 9.2 shall survive any termination of this Agreement.

10. NOTICE

- 10.1 Any required notice may be given by delivering the notice in writing to the address first written above or such other address as the parties may provide in writing from time to time.

11. INTERPRETATION

- 11.1 When the singular or neuter are used in this Agreement they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require.
- 11.2 The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

- 11.4 A provision in this Agreement granting Ladysmith a right of approval must be interpreted as granting a free and unrestricted right to be exercised by Ladysmith in its discretion, except where the provision specifies that Ladysmith act reasonably in exercising such discretion.

12 MISCELLANEOUS

- 12.1 All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

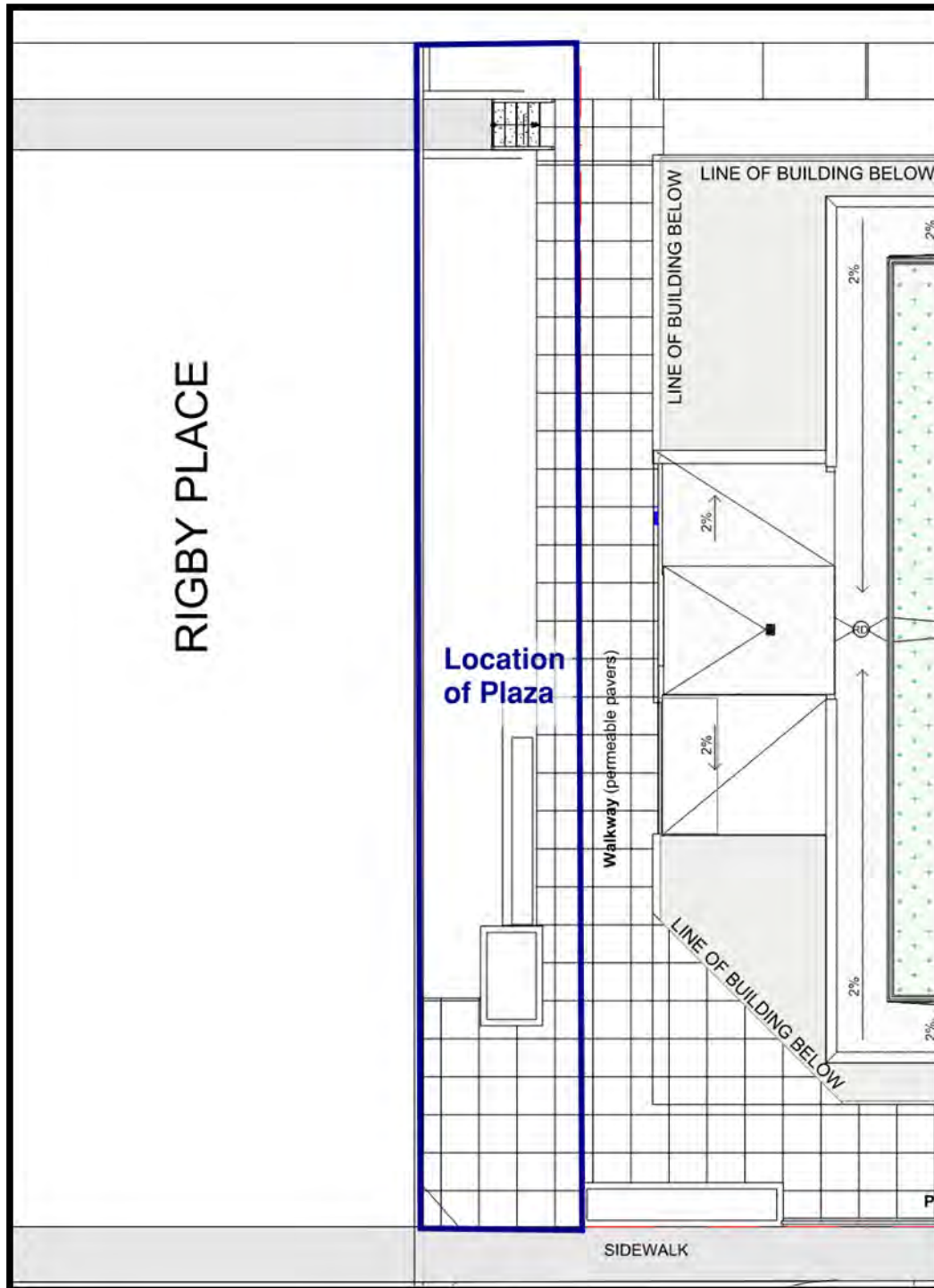
- 12.2 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.
- 12.3 This is the entire agreement between the parties.
- 12.4 Waiver of any default by a party is not a waiver of any subsequent default.
- 12.5 This Agreement grants no interest in land in the Encroachment Area to the Owners.
- 12.6 Time is of the essence of this Agreement.
- 12.7 It is mutually understood, acknowledged and agreed by the parties that Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Licensees other than those contained in this Agreement.
- 12.8 If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

TOWN OF LADYSMITH, by its authorized)
signatories)
)
_____)
Name:)
)
_____)
Name:)
)
)

INSERT NAME OF CORPORATION, by its)
authorized)
signatories)
)
Name:)
)
)
Name:)
)
)

SCHEDULE A – Licence Area



**TOWN OF LADYSMITH
CERTIFICATE OF INSURANCE
FOR ENCROACHMENT AGREEMENT**

NAME: _____

ADDRESS: _____

NAME:	CONTACT:	
ADDRESS:		
EMAIL:	PHONE # () -	FAX # () -

This document certifies that the policy of insurance described below has been issued to the insured(s) named above arising from the insured(s)' activities at the encroachment location and is in full force and effect.

Authorized to Sign on Behalf of Insurers

Date _____

Print or Type Name

The Jailhouse Mixed Use

FOUR STOREYS - 336 Belaire Street, Ladysmith BC

Design Rationale

Jailhouse context to the surrounding area was the guiding principle throughout its design.

The building defines the street edge with storefront entrances opening onto a continuous level walkway/patio around the building with structural design providing flexibility for interior partitioning. Building levels are terraced creating variation in height and massing, minimizing views over the adjacent residential development and impact on the street.

The Belaire-Rigby corner has been designed to be expressed as the main entrance with the physical corner cut-back to create a large entry platform. Canopies, a Ladysmith expression, highlights other entrances as well as bicycle racks and seating areas at walkway edges create interest and modulation along the building streetscape.

Signage

Facia Signage will be predominantly painted metal: *(Bylaw 4.2 & 4.3 Allowance - Signs & Logos)*

Signage on concrete street wall will be recessed lettering and logo.



See Architectural Drawings Sheet DP.210322 (4.2)

- Estimated Total Belaire signage = 13.7sm maximum permitted.

Belaire Street

The Belaire Street sidewalk inclines down towards downtown Ladysmith which elevates the building patio. The Parkade doors will be wood faced with side access and landscaping to soften the corner.



The elevated patio along Belaire is wider than zoning setback to accommodate streetscape furnishing for activities that livens the street. Stair access from the sidewalk facilitates pedestrian movement and the area between the "Jail Cell" and property corner becomes a fully landscaped courtyard serving as a buffer for the adjacent neighbour.



Rigby Place

The Jailhouse Residence main entrance is on Rigby Place. However, it is anticipated that this will predominantly service guests as residents will access their units from the dedicated underground parking where lockers, bicycle storage and two electric charging stations are located, as well as waste management of household disposal and recycling with pickup via the Belaire loading space at specific set hours.



Residential Entrance



UG Parking Access & Disposal pick-up

On-site and commercial garbage enclosure are located at the rear of the building accessed off Rigby Place. Surface parking provides the required parking for the commercial activities. Underground parking area is dedicated to the residents.

Lighting

Exterior wall scones, entry, sidewalk and landscape lighting will follow Dark Sky principals.



Wall Scone



Sidewalk and stair



Landscape

Exterior Finishes

Colour and material finish reflecting Ladysmith's Heritage.

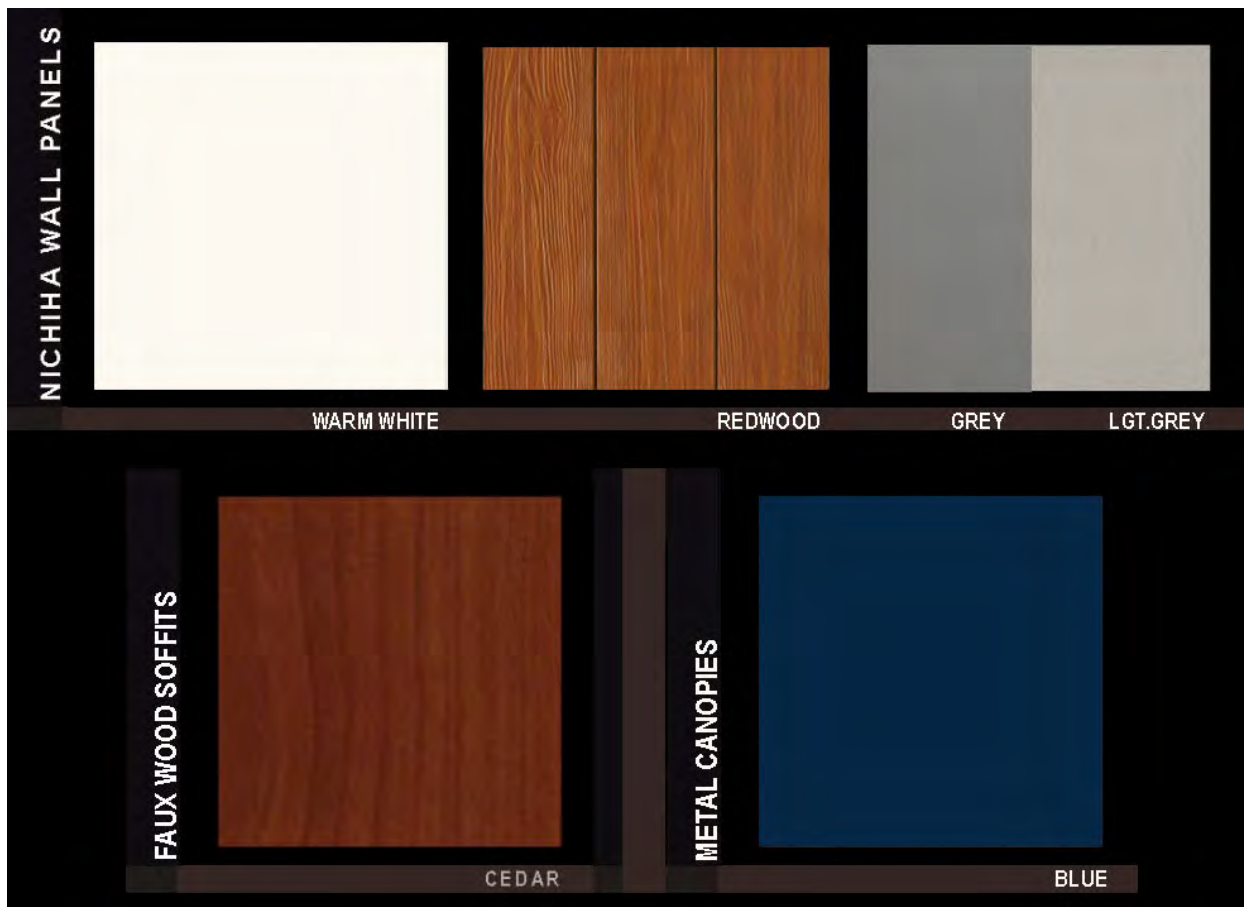
Nichiha Fibre Cement Illumination's smooth exterior wall panels (Colour A Warm White)

Nichiha Fibre Cement Illumination's smooth exterior wall panels (Custom Colour B Lgt.Grey)

Nichiha Fibre Cement Vintage Wood exterior wall panels (Colour C Redwood)

Nichiha Fibre Cement Illumination's smooth exterior wall panels (Custom Colour D Grey)

Metal Canopies (Blue stripped)



Rainwater Management & Landscaping

Rainwater management design which includes a green roof integrating roof top mechanical equipment, is provided separately by McElhanney Consultants.

Landscape design provided separately by Victoria Drakeford, Landscape Architect.

Energy Conservation

All spaces of the building will be designed to meet the following codes as applicable:

- ASHRAE 62.1 Ventilation for Acceptable Indoor Air Quality - 2010 Edition
- ASHRAE 90.1 Energy Standard for Building Except Low-Rise Residential Buildings - 2010 Edition
- Step Code One +

Energy modelling will be performed as an instrumental tool in the integrated design process to forecasting energy performance.

Community safety

Lighting will highlight entrances and parking areas. Large residential patios facilitate outdoor activity resulting in natural surveillance of the areas below. Walkways, windows and landscaping are open in character providing little opportunity for hiding areas.

Housing types

Residential design provides one and two bedroom units with large outdoor decks having ocean or park views.

TOWN OF LADYSMITH

BYLAW NO. 2066

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

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

AND WHEREAS pursuant to section 482 of the *Local Government Act* a zoning bylaw may establish different density rules for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions are met;

AND WHEREAS the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

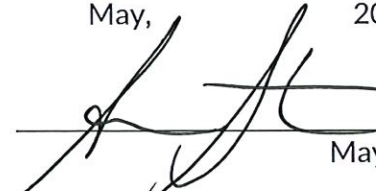
1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended by:
 - (a) Deleting "17.6 Comprehensive Development 6 – Belaire Mixed-Use (CD-6)"; and
 - (b) Replacing it with amended "17.6 Comprehensive Development 6 – Belaire Mixed-Use (CD-6)" as shown in Schedule 1, which is attached to and forms part of this Bylaw.

Citation


2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".

READ A FIRST TIME on the	16 th	day of	March,	2021
READ A SECOND TIME on the	16 th	day of	March,	2021
PUBLIC HEARING held pursuant to the provisions of the <i>Local Government Act</i>				
on the	20 th	day of	April,	2021
READ A THIRD TIME on the	20 th	day of	April,	2021
APPROVED by the Ministry of Transportation & Infrastructure				
on the	3 rd	day of	May,	2021
ADOPTED on the	18 th	day of	May,	2021





Mayor (A. Stone)



Corporate Officer (D. Smith)

Schedule 1

17.6 COMPREHENSIVE DEVELOPMENT 6 – BELAIRE MIXED-USE (CD-6)

The purpose of the CD-6 Belaire Mixed-Use is to accommodate a four-storey mixed-use development containing ground floor commercial and second, third, and fourth floor multi-family residential development.

1. Principal Uses

- a) *Coffee shop*
- b) *Community care facility*
- c) *Media production studio*
- d) *Multiple-Unit Dwellings*
- e) *Neighbourhood pub*
- f) *Office*
- g) *Personal service establishment*
- h) *Restaurant*
- i) *Retail sales*
- j) *Veterinary clinic*

2. Accessory Uses

- a) *Home Based Business*, subject to Part 6, Section 6.8.

3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 1,500 square metres.
- b) No *Parcel* shall be created which has a *Frontage* less than 30 metres.

4. Size and Density of the Use of Land, Buildings and Structures

- a) The *Floor Space Ratio* shall not exceed 1.3.
- b) The maximum number of Dwelling Units permitted in this Zone is one.
- c) Notwithstanding Section 17.6(4)(b), the owner shall be entitled to a maximum residential density of 53.5 units per hectare, to a maximum of 8 units, provided that:
 - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the

Attachment D

"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

Page 3

Town, on that portion of Rigby Place immediately adjacent to Wickham Park; and

- ii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i).
- d) Notwithstanding Section 17.6(4)(b) and (c), the owner shall be entitled to a maximum residential density of 78.5 units per hectare, to a maximum of 12 units, provided that:
 - i) the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park;
 - ii) the owner constructs, at their cost, a public gathering space, in accordance with the standards established by the Town, in Wickham Park;
 - iii) prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i) and (ii);
 - iv) a minimum of 60 percent of the off-street parking spaces for the dwelling units, as required in Part 8: Parking and Loading Regulations, are provided as *Underbuilding Parking*; and
 - v) all *Principal Buildings* meet or exceed Step 1 of the British Columbia Energy Step Code.
- e) No commercial use on the parcel shall have a *Gross Floor Area* greater than 250 square metres.
- f) The combined *Floor Space Ratio* for all commercial uses on the property shall not exceed 0.5.
- g) No *Building* or *Structures* shall exceed a *Parcel Coverage* of 40.0 percent.
- h) A *Parcel* may contain more than one *Principal Building*.

5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 14.5 metres.

No *Accessory Building* or *Structure* shall exceed a *Height* of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 5.0 metres.

Attachment D

"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

Page 4

- b) No *Principal Buildings* or *Structures* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i> (Belaire Street)	2.0 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	2.0 metres
<i>Rear Parcel Line</i>	17.0 metres

- c) The maximum *Finished Floor Area* of the fourth *Storey* of a *Principal Building* shall not exceed 80.0 percent of the *Finished Floor Area* of the *Storey* with the largest *Finished Floor Area*.
- d) No *Accessory Building* or *Structure*, with a *Finished Floor Area* greater than 15 m², shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior Side Parcel Line</i>	4.5 metres
<i>Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	13.0 metres

6. Landscaping and Screening

- a) *Landscaping* and screening shall be provided in accordance with Part 7: *Landscaping and Screening Regulations*.

7. Parking and Loading

- a) Off-street parking shall be provided in accordance with Part 8: *Parking and Loading Regulations*.
- b) Notwithstanding (a);
- the total number of on-site loading spaces required on a parcel shall be one; and
 - a maximum of 50 percent of the total off-street parking requirement may be designated as small car spaces.

TOWN OF LADYSMITH

BYLAW NO. 2066

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AND WHEREAS pursuant to section 482 of the *Local Government Act* a zoning bylaw may establish different density rules for a zone, one generally applicable for the zone and the other or others to apply if the applicable conditions are met;

AND WHEREAS the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

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

1. "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended by:
 - (a) Deleting "17.6 Comprehensive Development 6 – Belaire Mixed-Use (CD-6)"; and
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Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066".

READ A FIRST TIME on the 16th day of March, 2021
READ A SECOND TIME on the 16th day of March, 2021


PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 20th day of April, 2021
READ A THIRD TIME on the 20th day of April, 2021

APPROVED by the Ministry of Transportation & Infrastructure
on the day of ,
ADOPTED on the day of ,

Approved pursuant to section 52(3)(a) of
the *Transportation Act*

this 3rd day of May, 20, 21
Ministry of Transportation and Infrastructure

Mayor (A. Stone)


JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labieux Road, Nanaimo BC V9T 6E9

DPA 3 | Commercial

Development Permit Area 3 – Commercial is designated under Section 919.1(1)(f), (h), (i) and (j) of the *Local Government Act* to establish guidelines for all new development and improvements on land designated as **Development Permit Area 3 (DPA 3)** on *Official Community Plan Map 2*. Prior to construction of buildings and structures, an owner of property within DPA3 shall apply to the Town of Ladysmith for a development permit.

The purpose of **DPA 3** is to provide guidelines for:

- i) The general character of the development, including the siting, form and exterior design and finish of buildings and other structures, landscaping, and specific features in the development, machinery, equipment and systems external to buildings and other structures; and
- ii) To promote energy conservation, water conservation, and the reduction of greenhouse gas emissions.



SPECIAL CONDITIONS

Commercial development in Ladysmith serves local residents, the larger Ladysmith community, and the travelling public. Highway commercial (eg. service station, gas bar), tourist commercial (eg. tourist accommodation, marine oriented), general commercial (mall), and neighbourhood commercial (eg. corner store) are located in a variety of contexts in Ladysmith. To achieve the community's design preferences and vision the DPA 3 guidelines support neighbourhood compatibility, complementary site character, and appropriate views into Ladysmith from the Trans Canada Highway.

OBJECTIVES

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

- i) Promote a high standard of design;
- ii) Complement Ladysmith's distinctive character;
- iii) Accommodate multiple modes of transportation; and
- iv) Support sustainable design and building technologies.

GUIDELINES

- | | |
|--|--|
| 1. Building Design | 11. Vehicle & Bicycle Parking |
| 2. Building Siting & Massing | 12. Loading Facilities |
| 3. Building Frontage | 13. Landscape |
| 4. Roof Form | 14. Energy Conservation |
| 5. Windows & Doors | 15. Rain Water Management |
| 6. Signs, Canopies & Lighting | 16. Water Conservation |
| 7. Outdoor Patios | 17. Recycling, Organics & Solid Waste Management |
| 8. Materials & Colours | 18. Crime Prevention |
| 9. Mechanical, Electrical & Security Equipment | 19. Public Realm |
| 10. Accessibility & Connectivity | 20. Neighbourhood Commercial |

1. Building Design

- a) Buildings should be designed in the aesthetic of neo-traditional, Pacific Northwest, or eco-responsive themes.
- b) The form, massing, and scale of buildings should transition between the adjacent buildings and uses.
- c) Buildings should incorporate current construction technology and design aesthetics, and should not imitate, but complement existing building design typologies, materials and colours.
- d) Multi-storey buildings should be setback, and/or terraced at the second storey to reduce massing impacts on the street.
- e) Building design and placement should address sunlight penetration, passive solar heating and cooling, natural ventilation, protection from prevailing winds, and public views from adjoining structures and public spaces.
- f) An integrated mix of commercial and office space, with some pedestrian-orientation, is encouraged, to replace strip forms of commercial development.



Example of Pacific Northwest theme.



Example of mixed commercial and office space.

2. Building Siting & Massing

- a) The height of new buildings should respect the character-defining heights of surrounding buildings, and should not overpower neighbouring buildings.
- b) Buildings should be sited to define the street with a continuous street wall.
- c) Buildings should be sensitively integrated into the existing commercial streetscape and neighbouring residential uses, and should:
 - Incorporate small shops into building frontages located along streets and open spaces;
 - Include frequent entrances and display windows to provide a consistent architectural rhythm of smaller intervals; and
 - Create internal walkways or connections that link the commercial development with the surrounding streets and neighbourhoods.
- d) Commercial buildings should be designed to allow for adaptation in internal configuration to allow for potential changes in use.
- e) Subtle variations in building height and massing are encouraged to provide a variety of building form. Architectural transitions, such as roofline treatments, should be provided between buildings of different heights.

Attachment E

- f) The building setback requirements of the Zoning Bylaw may be reduced, or altered, through the Development Permit approval process, where strict compliance with the regulations would otherwise undermine the character of the area.
- g) Buildings on a corner parcel should orient frontages towards both streets if possible. Corner buildings should provide scale, and serve as anchors for the rest of the block. Building corners should include landmark architectural features, such as:
 - Special or decorative canopies;
 - Bay windows, balconies, turrets, or articulated roof line features;
 - A corner entrance; or
 - A prominent public art element.
- h) New development should incorporate the following measures with regard to hillside and steeply sloping sites:
 - Building design should step with the natural topography where appropriate, rather than benching across changes in elevation.
 - Cuts and fills should blend with the natural topography, providing smooth transitions and mimicking pre-development site contours.
- i) Building siting, height of buildings, roof forms, and rooftop appearance should respect and, where feasible, protect the existing views from adjacent and higher buildings and properties.
- j) First floor commercial spaces should have a higher floor-to-ceiling height than the upper floors.
- k) Where property elevations are below or above the highway elevation, buildings should be designed to maintain a positive relationship to the highway corridor through site grading or stepped building forms. Building façades visible from the highway should comply with these guidelines regardless of the primary orientation of the building.



Example of appropriate building frontage.

3. Building Frontage

- a) Building frontages should be articulated, and visually broken-up into smaller, distinctive units.
- b) Streetscape furnishings are encouraged to enhance the pedestrian experience, and reduce the presence of motor vehicles. Streetscape furnishings may include decorative streetlights, street furniture, bicycle racks, and information kiosks.
- c) Rear building facades should be developed to a high level of detail in accordance with these guidelines. The development of rear laneways and alleyways for active commercial use may



Example of appropriate building frontage with streetscape furnishings.

Attachment E

be considered where appropriate

- d) Unimproved blank walls adjacent to the highway, streets, lanes, walkways, parks, or other amenity spaces are discouraged, and the majority of such walls should be improved with any combination of:
- Sculpted, carved, or penetrated wall surfaces;
 - Landscaped planters, trellises, and arbours with significant landscaping;
 - Approved murals, mosaics, and public art;
 - Windows, or display case windows; or
 - Clerestory lights.

4. Roof Form

- a) Elevator penthouses should be strategically located to reduce their visibility, and be integrated with the roof design, and building materials and colours.
- b) Flat roofs should provide roofline modulation with:
- A variation of roof or parapet height and/or,
 - Architectural roofline embellishments that add visual interest.
- c) Sloped roofs, in highly visible locations, should provide roofline modulation to provide visual interest with:
- A variation of roof ridges, both parallel and perpendicular to the street;
 - Architectural roofline embellishments that add visual interest, such as accent gables, and/or;
 - Dormers, cupolas, clock towers, and other similar elements.



Sloped roof form with visual interest.



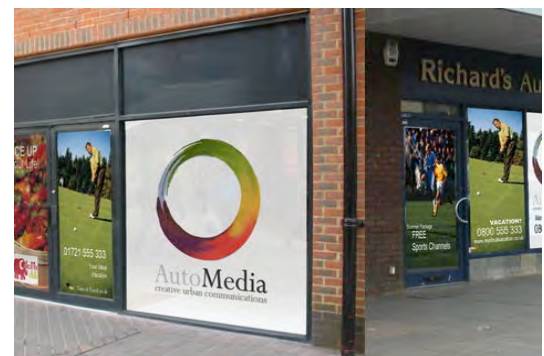
Flat roof form with visual interest.



Appropriate windows and doors with furniture.

5. Windows & Doors

- a) Building fronts should ensure physical and visual permeability, through the use of large windows and doors that open to the street.
- b) Windows and doors should be proportioned to the size of wall in which they appear, and sufficient wall area and/or architectural features between windows should be provided to set them apart from each other.



Advertising inappropriately blocking storefront windows

Attachment E

- c) Windows should be architecturally compatible with the building style, and materials.
- d) Storefront window displays are encouraged to animate the street and pedestrian spaces, however, materials such as advertising or blackout panels against, or adjacent to, the inside surfaces of retail glazing should not be used.
- e) Dark and/or reflective glass should not be permitted for use as windows.
- f) Window surfaces should be recessed from the face of the building wall. Acceptable alternatives to recessed windows include the use of prominent window trim as highlights, or projecting sills and/ or lintels.
- g) Fully glazed façades are discouraged, and windows generally should not span vertically more than one storey.
- h) Storefronts should be defined in a repeated rhythm along the façade to maintain continuity and pedestrian interest, and should be integrally designed to be compatible with the entire façade.
- i) Building entrances should be clearly defined through the use of lighting, architectural details, colour, paving texture, landscaping, or other similar features, and should have direct, at-grade access from the abutting sidewalk where possible.
- j) Doorways should be recessed from the building wall to add visual interest to the streetscape, and to provide weather protection.

6. Signs, Canopies & Lighting

- a) Signs should be of professional quality, and consistent with the design and character of the building.
- b) Free standing signs oriented to highway travellers are encouraged to be lower profile ground signs rather than taller pylon style signs, subject to signline considerations.
- c) Canopies, or other building projections, should provide weather protection at all primary building entrances.
- d) Signage shall meet the standards of the Town's *Sign and Canopy Bylaw*.
- e) Adequate lighting should be provided to illuminate sidewalk areas adjacent to all buildings.
- f) Light fixtures should be concealed, unless they are decorative and consistent with the design and character of the building. Fixture design and placement should respect the architectural design and character-defining elements of the building.
- g) Exterior lighting should follow dark sky principles, and be directed or shielded downward so as not to contribute to light pollution. Closely spaced, lower level fixtures are preferred to higher, and less frequent fixtures.



Example of appropriate building projection for weather protection.



Example of outdoor dining area.

7. Outdoor Patios

- a) Patios and outdoor dining areas are encouraged to contribute to the interest and vitality of the street and should be designed to create a compatible and complementary relationship with adjacent streetscapes, building architecture, and uses.

8. Materials & Colours

- a) Building materials should be durable, and of high quality. The selection of materials and colours should ensure consistency and harmony with the character defining buildings in the area.
- b) Building colour palettes should be cohesive, and sensitive to surrounding character-defining buildings. The use of at least three different colours, or shades on the building exterior is encouraged. Paint colours in non-traditional palettes may be used to add visual interest to buildings, including details, such as doors, cornices, trim, and signage.



Example of high quality materials.

9. Mechanical, Electrical & Security Equipment

- a) Rooftop and grade level mechanical equipment should be strategically located, and screened with high quality, durable materials that attenuate noise and odor, and complement the overall building design.
- b) Air vents, electrical transformers, gas meters, and other exterior mechanical and electrical components should be located away from sidewalks and pedestrian amenities, and screened from public view.

10. Accessibility & Connectivity

- a) Buildings and sites should be designed to be inherently accessible to all users, including the elderly and people with disabilities – including smooth, ground-level entrances without stairs, and wide interior doors and hallways.
- b) Public walkways, together with private walkways, should provide a seamless, functional, and interesting pedestrian network throughout the site and to the adjacent street or development.
- c) Where breaks in the building frontages occur, especially at points of driveway access to rear yard parking, adequately illuminated public walkways should connect the building frontages with rear service areas, parking, and lanes.

11. Vehicle & Bicycle Parking

- a) Vehicle parking should be located at the rear of a parcel. Access to parking should be provided from a rear lane or side street, where possible.
- b) Where lot depths and area permits, front yard surface parking may be provided on highway frontages where the majority of



Example of covered bicycle parking.

Attachment E

parking remains in the rear yard and not more than one double loaded parking aisle is provided adjacent to the highway.

- c) Vehicle access to off-street parking, loading and service areas that are visible from adjacent residential areas should be screened from view with landscaping and/or privacy fencing.
- d) The interior of off-street parking areas should be visually enhanced, and screened appropriately with landscaping.
- e) Shared use of parking areas among multiple commercial uses, and with adjoining properties is encouraged.
- f) The minimum off-street parking requirements of the Zoning Bylaw may be reduced, or altered through the Development Permit Approval process, where strict compliance with the regulations would undermine the character of the area.
- g) Bicycle and scooter parking facilities should be provided in visible locations adjacent to principal building entrances. They should be protected from the weather, and provide safe and secure parking.

12. Loading Facilities

- a) Street fronting loading areas should be avoided.
- b) Loading areas should be designed to functionally accommodate truck maneuvering, and be strategically located out of public view, or otherwise screened from public view.

13. Landscape

- a) Site planning and design should be guided by the identification and preservation of existing trees, shrubs, groundcover, and other natural features.
- b) At-grade landscaping, planters, and hanging baskets should maximize the use of native and drought tolerant plant species, while providing seasonal colour.
- c) Any part of the parcel not used for buildings, pedestrian amenities, off-street parking areas, or motor vehicle access should be landscaped, and properly maintained in a permeable state with trees, shrubs, hedges, groundcover and/or lawn.
- d) Landscape groundcover plants should be used, rather than mulch, gravel, or rocks.
- e) The design and materials used in fences and retaining walls should complement the building design and neighbourhood character.
- f) Retaining walls should be terraced, or stepped, to avoid expansive wall surfaces and reduce visual impacts. Plant



Examples of pedestrian pathways.

Attachment E

material should be incorporated into retaining wall design to soften the appearance and perceived wall height. All retaining walls should include textured concrete on the face of the retaining wall. Large concrete block walls are not supported.

- g) Landscaped roofs, green roof systems, and rooftop features, such as patio and gardening areas, urban agriculture, and multi-purpose landscapes are encouraged.
- h) Commercial uses (including parking and loading areas) located in close proximity to abutting residential uses should be screened from view by fencing or plant material (trees and hedges). Minimum landscape buffer and shade tree requirements are provided in Part 7 of the Zoning Bylaw.
- Bylaw 1891
- i) 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.
- Bylaw 2028
- j) Highway commercial frontages should be landscaped to enhance the appearance of the development and to create an attractive, welcoming view from the highway.
- k) Integrated Pest Management measures are encouraged for landscape maintenance. Herbicide and pesticide use is discouraged.
- l) Irrigation shall be provided with particular attention paid to adequate watering during the establishment period to ensure survival of the newly planted areas.
- m) Adequate monetary security will be required to ensure that the required landscaping will be completed and established.
- n) All landscaping work and plant material shall conform to the most recent edition of the British Columbia Landscape Standards published by the British Columbia Society of Landscape Architects.
- o) Onsite monitoring shall be undertaken by a landscape professional during landscape installation; and any request for the release of a landscape security may require a report from the landscape professional.



Example of electric car charging station

14. Energy Conservation

- a) New commercial buildings should be designed to be efficient and healthy, targeting a minimum LEED® Silver, or equivalent, rating.
- b) New commercial building designs are encouraged to meet, at a minimum, the ASHRAE (American Society of Heating, Refrigerating and Air conditioning Engineers) 90.1, 2010 energy performance standard.



Example of a bioswale

Attachment E

- c) Where possible, building retrofits should include energy efficient heating, cooling and mechanical equipment, solar hot water, natural lighting, and high levels of insulation.
- d) Electric motor vehicle, scooter, and bicycle re-charging stations are encouraged in strategic locations.

15. Rain Water Management

- a) Integrated rain water management should be used, including appropriate source controls, such as bioswales, absorbent landscaping, infiltration facilities, rooftop storage, and rain water capture and re-use systems.
- b) Surface treatments, such as permeable pavers, pervious asphalt and concrete, or reinforced paving/grass are encouraged to increase site permeability.

16. Water Conservation

- a) High-efficiency, automatic water-saving irrigation systems are encouraged.
- b) Innovative wastewater management systems, such as greywater capture and reuse should be considered.

17. Recycling, Organics & Solid Waste Management

- a) Recycling, organic composting, and solid waste storage and service areas should be inside buildings, or in an exterior location that is integrated into the building and site design.
- b) Where outdoor recycling, organics, and solid waste enclosures are used, they should be located away from public view, and be built to house sufficiently sized bins for the intended use, with wall heights sufficient to completely conceal the bins.
- c) Enclosures should include a pergola, arbour, or other such permeable roof to screen the enclosure contents from overhead views.



Example of appropriate waste storage area.

18. Crime Prevention

- a) Best practices for Crime Prevention Through Environmental Design (CPTED) should be incorporated into building design.
- b) Define Territoriality: Building entrances, parking areas, pathways, and other use areas should be defined with appropriate features that express ownership and boundaries, avoiding spaces that appear confined, dark, isolated, or unconnected with neighbouring uses, or appear to be without a clear purpose or function.
- c) Integrate Natural Surveillance: Visibility, light, and openness should maximize the ability to see throughout the site. Window placement should provide visual access to all areas of the site. The location of walkways,

entrances, landscape materials, and site features should avoid areas for hiding. Appropriate lighting should not produce glare, and excessive lighting that creates darkened spaces in other areas should be avoided.

- d) Activity Support: The proposed site layout and building design should encourage legitimate activity in public spaces by locating outdoor uses in complementary arrangements, or activity nodes, that create more activity than if separated.



Example of an accessible curb.

19. Public Realm

- a) Building and site development on private parcels interfaces with the public realm, and with municipal improvements located on streets, lanes, parks, and other civic spaces. Improvements to private parcels may include improvements to the abutting public realm spaces, such as:
 - i) Pedestrian bulbs and curb extensions at intersections and key crossings that shorten the distance of pedestrian crossings, and increase pedestrian and landscape areas.
 - ii) Public art and preservation of heritage features.
 - iii) Gathering spaces, such as plazas and pocket parks, with opportunities for pedestrian-friendly programming for café seating, retail displays, steps, low walls, planter edges, and benches. Emphasis should be placed on connecting outdoor gathering spaces to the street, and other pedestrian linkages.
 - iv) Streetscape furnishings to enhance the pedestrian experience, including decorative streetlights, benches, bicycle racks, and information kiosks.
 - v) Sidewalks, intersection curbs, parking areas, and other public spaces should be designed to be universally accessible, and inclusive for individuals with mobility challenges.
- b) The sequencing and timing of a development may be specified in the Development Permit to reduce impacts to surrounding properties, such as construction interference, unsightly premises, economic opportunity, and environmental impacts.

20. Neighbourhood Commercial

- a) The Commercial DPA 3 area contains several commercially zoned properties in residential neighbourhoods. The purpose of the following guidelines is to ensure that the residential enjoyment of the neighbourhood is not impacted by the commercial building and commercial uses. In residential neighbourhood settings the following guidelines are to be considered in addition to the DPA 3 guidelines:
 - i) The siting, massing and height of buildings should respect the character of neighbouring buildings and should not overpower them. A predominantly residential character is preferred.
 - ii) The continued use and refurbishing of existing neighbourhood commercial buildings is encouraged.
 - iii) Multi-use buildings are encouraged to add diversity and vitality to the neighbourhood while respecting residential character.
 - iv) The massing, roof forms, and window proportions of upper floor units should reflect residential character.

Attachment E

- v) Building entrances should address the street. Retain existing entrances where possible. Glazing, awnings, signage, and lighting should be used to animate the street, and identify the commercial uses.
- vi) Signs should be primarily pedestrian-oriented, and designed at the pedestrian scale. Handcrafted signs of professional quality, and externally illuminated signs constructed with individual raised or incised letters are preferred.
- vii) Adequate storage, parking, loading, and bicycle facilities should be provided.
- viii) Mechanical ventilation, where needed, should be screened and exhausted at a location that does not affect residential livability, or the air quality of adjacent properties.
- ix) Where residential units are incorporated into the building, private outdoor living space should be provided for each residential unit.



Examples of neighbourhood commercial.

DPA 4 | Multi-Unit Residential

Development Permit Area 4 – Multi-Unit Residential is designated under Section 919.1(1)(f),(h),(i) and (j) of the *Local Government Act* to establish guidelines for all new development and improvements on land designated as **Development Permit Area 4 (DPA) 4** on *Official Community Plan Map 2*. Prior to construction of buildings and structures, an owner of property within DPA 4 shall apply to the Town of Ladysmith for a development permit. In DPA 4 a development permit is also required prior to the alteration of land or removal, alteration, disruption or destruction of vegetation or disturbance of soils.

The purpose of **DPA 4** is to establish objectives and provide guidelines:

- i) For the general character of the development, including siting, form, and exterior design and finishing of buildings and other structures, landscaping, and specific features in the development, including machinery, equipment and systems external to buildings and other structures; and
- ii) To promote energy conservation, water conservation, and the reduction of greenhouse gas emissions.



OBJECTIVES

The *Ladysmith Vision for a Sustainable West Coast Town* provides a guide and reference for development in Ladysmith and calls for complete community land use, low impact transportation systems, green buildings, multi-use open spaces, innovative infrastructure, and healthy communities. In keeping with the Ladysmith Vision the objectives of DPA 4 are to achieve a high level of design for multi-unit development, to enhance the Town's neighbourhoods, and to ensure that development is complementary to the existing character of Ladysmith. The DPA 4 guidelines are intended to:

- i) Ensure that well-designed multi-unit residential developments are integrated within existing residential neighbourhoods;
- ii) Enhance the vibrancy, livability, and sustainability of Ladysmith;
- iii) Incorporate green building and sustainable design best practices; and
- iv) Promote housing choice and allow residents to age in-place in Ladysmith.

GUIDELINES

- | | |
|--|--|
| 1. Building Design | 10. Accessibility & Connectivity |
| 2. Building Siting, Massing & Height | 11. Vehicle & Bicycle Parking |
| 3. Building Frontage | 12. Landscape |
| 4. Roof Form | 13. Energy Conservation |
| 5. Windows & Doors | 14. Rain Water Management |
| 6. Signs, Canopies & Lighting | 15. Water Conservation |
| 7. Livability | 16. Recycling, Organics & Solid Waste Management |
| 8. Materials & Colours | 17. Crime Prevention |
| 9. Mechanical, Electrical & Security Equipment | |

1. Building Design

- a) Buildings should be designed to complement the form, massing, and scale of residential buildings within the neighbourhood.
- b) Buildings should incorporate current construction technology and design aesthetics, and should not imitate, but strive to complement existing building design typologies, materials, and colours.
- c) Multi-unit residential buildings should be designed in the aesthetic of the neo-traditional, Pacific Northwest, or eco-responsive themes.
- d) Small multi-unit buildings, including tri-plexes and four-plexes, should be designed to resemble single unit dwellings.
- e) Building design and placement should address sunlight penetration, passive solar heating and cooling, natural ventilation, protection from prevailing winds, and public views from adjoining structures and public spaces.
- f) Building designs should not be repeated on the same street, nor located directly across the street from each other.



Example of neo-traditional theme.



Example of small multi-unit building design.

2. Building Siting & Massing

- a) The height of new buildings should respect the heights of surrounding buildings.
- b) Subtle variations in building height and massing are encouraged to provide a variety of building form. Architectural transitions, such as roofline treatments, should be provided between buildings of different heights. Abrupt transitions between neighbouring buildings, and large unmodulated building forms are discouraged.
- c) Multi-storey buildings are encouraged to be setback and/or terraced above the third level to reduce massing impacts on the street.
- d) Buildings on a corner parcel should orient frontages towards both streets where possible. Corner buildings should provide scale, and serve as anchors for the rest of the block. Building corners are encouraged to include landmark architectural features, such as:
 - Bay windows, recessed balconies, turrets, or articulated roof line features;
 - Special or decorative canopies;



Example of Pacific Northwest theme.



Example of eco-responsive theme.

Attachment F

- A corner entrance; or
 - A prominent public art element.
- e) New development should incorporate the following measures with regard to hillside and steeply sloping sites:
- Building design should step with the natural topography, rather than benching across changes in elevation. Building forms should depict a series of buildings nestled into the hillside, rather than a single, uniform building form.
 - Cuts and fills should blend with the natural topography, providing smooth transitions and mimicking pre-development site contours. Large cuts and fills and large structural retaining walls are not supported.
- f) The building setback requirements of the Zoning Bylaw may be reduced, or altered, through the Development Permit approval process, where strict compliance with the regulations would otherwise undermine the character of Ladysmith's residential neighbourhoods.
- g) Requests for building and structure setback alterations or reductions should be augmented by improvements on adjacent Town land, such as enhanced street frontage improvements and boulevard landscaping designed by a landscape architect.



Example of stepped retaining wall.

Bylaw 1982

3. Building Frontage

- a) Building frontages should be articulated and visually broken-up into smaller, distinctive units.
- b) Building façades should be modulated vertically, and/or horizontally with design methods, such as recesses, cornices, building stepbacks, changes in materials, window penetrations, and chimneys.
- c) Buildings should orient to the abutting street, except where natural features prevent this configuration.
- d) Strategic site planning, alternative parking facilities, varied access locations, and innovative architectural design should ensure that streetscapes and building façades are not dominated by garage doors.
- e) Unimproved blank walls adjacent to streets, lanes, walkways, parks, or other amenity spaces are discouraged, and the majority of such walls should be improved with any combination of:
 - Sculpted, carved, or penetrated wall surfaces;
 - Landscaped planters, trellises, and arbours with significant landscaping; and/or
 - Windows or clerestory lights.

4. Roof Form

- a) Sloping roof forms that reinforce the overall residential character of the street are encouraged.
- b) Flat roofs should provide roofline modulation with:
 - A variation of roof or parapet height ; and/or



Blend of roofline modulation.

Attachment F

- Architectural roofline embellishments that add visual interest.
- c) Sloped roofs should provide roofline modulation to provide visual interest with:
 - A variation of roof ridges, both parallel and perpendicular to the street,
 - Architectural roofline embellishments that add visual interest, such as accent gables and/or;
 - Dormers, cupolas, and other similar elements.
- d) Elevator penthouses should be strategically located to reduce their visibility, and be integrated with the roof design, and building materials and colours.

5. Windows & Doors

- a) Townhouses should have separate, street-oriented entrances that express strong unit identity.
- b) Windows should be architecturally compatible with the building style, and materials.
- c) Dark and/or reflective glass should not be proposed for use in windows.
- d) Window surfaces should be recessed from the face of the building wall. Acceptable alternatives to recessed windows include the use of prominent window trim as highlights, or projecting sills and/ or lintels.
- e) Building entrances should be clearly defined through the use of lighting, architectural details, colour, paving texture, landscaping, or other similar features.
- f) Doorways should be recessed from the building wall to add visual interest to the streetscape.

6. Signs, Canopies & Lighting

- a) Where used, all signage should be compatible with the style, composition, materials, colours, and decorative detail of the building, with no internal illumination, and the method of installation hidden.
- b) Canopies, or other building projections, should provide weather protection at all primary building entrances. Weather protection of passenger drop-off and pick-up areas is encouraged through the use of extended canopies or porte-cochères.
- c) Adequate lighting should be provided to illuminate sidewalk areas adjacent to all buildings.
- d) Light fixtures should be concealed, unless they are decorative and consistent with the design and character of the building. Fixture design and placement should respect the architectural design of the building.
- e) Exterior lighting should follow dark sky principles – directed or shielded downward so as not to contribute to light pollution. Closely spaced, lower level fixtures are preferred to higher, and less frequent fixtures.



Example of weather-protected entrance.

7. Livability

- a) The visual privacy of interior living spaces should be maintained through the orientation and placement of windows, screening, and landscaping.
- b) Noise impacts of highways or arterial roads upon private outdoor living areas, and interior living spaces, should be mitigated through building and site design.
- c) Private outdoor living spaces should be provided for each dwelling unit.
- d) The sequencing and timing of a development may be specified in the development permit to reduce impacts such as interference with residential enjoyment, construction interference, unsightly premises, and environmental impacts.



Appropriate outdoor living space.

8. Materials & Colours

- a) Building materials should be durable, and of high quality. The selection of materials and colours should ensure consistency and harmony with the character-defining materials and colours of neighbourhood buildings.
- b) Building colour palettes should be cohesive, and sensitive to surrounding buildings.
- c) Strongly contrasting, intense, bright, and/or vibrant colours are discouraged, and should be used for accent only.



9. Mechanical, Electrical & Security Equipment

- a) Rooftop and grade level mechanical equipment should be strategically located, and screened with high quality, durable materials that attenuate noise, and complement the overall building design.
- b) Air vents, electrical transformers, heat pumps, gas meters, and other exterior mechanical and electrical components should be located away from adjacent residential buildings and pedestrian amenities, and should be screened from public view.



Examples of high quality building materials.

10. Accessibility & Connectivity

- a) Buildings and sites should be designed to be accessible to all users, including the elderly, children, and people with disabilities, and should include smooth, ground level entrances without stairs, and wide interior doors and hallways.

Attachment F

- b) Sidewalks, intersection curbs, parking areas and public realm areas should be designed to be universally accessible, and inclusive for individuals with mobility challenges.
- c) Public walkways, together with private walkways, should provide a seamless, functional, and interesting pedestrian network.

11. Vehicle & Bicycle Parking

- a) Where possible, vehicle parking should be located at the rear of a parcel. If available, access to parking should be provided from the rear lane or side street.
- b) Shared vehicle access, and shared surface parking areas between adjoining sites is encouraged.
- c) Surface parking areas should make use of materials, colours, and patterns to delineate driving, parking, and pedestrian areas. Consider parking lots and driveways as pedestrian priority spaces where vehicles are permitted.
- d) Street fronting parking entries, carports, or garage doors are discouraged.
- e) The interior of surface parking areas should be visually enhanced, and screened appropriately, with landscaping.
- f) Parcels requiring more than twenty (20) off-street parking spaces, excluding visitor parking spaces, shall be equipped with one set of electric vehicle charging equipment.
- g) The minimum off-street parking requirements of the Zoning Bylaw may be reduced, or altered through the Development Permit Approval process, where strict compliance with the regulations would otherwise undermine the character of Ladysmith's residential neighbourhoods.
- h) Bicycle parking should be provided at every building. Where underground parking or parking structures exist, secure bicycle parking should be included at a location close to elevators and access points. Safe and secure visitor bicycle parking facilities should also be provided in highly visible locations, adjacent to principal building entrances and protected from the weather.
- i) Requests for alterations or reductions of parking requirements should be augmented by improvements on adjacent Town land, such as enhanced street frontage improvements and boulevard landscaping designed by a landscape architect.



Example of attractive visitor parking.

Bylaw 1982

12. Landscape

- a) Site planning and design should be guided by the identification and preservation of existing trees, shrubs, groundcover, and other natural features.
- b) Disturbed natural areas should be restored to replicate the characteristics of the natural setting. Trees and vegetation should be planted in organic clusters, rather than in lines or formal arrangements.
- c) Any part of the front yard that is not used for resident access, or vehicle access, should be landscaped and properly maintained. Landscape designs featuring only lawn are not supported.
- d) Retaining walls should be terraced, or stepped, to avoid expansive wall surfaces and reduce visual impacts. Plant material should be incorporated into retaining wall design to soften the appearance and perceived wall

Attachment F

height. All retaining walls should include textured concrete on the face of the retaining wall. Untreated large concrete block walls are not supported.

- e) The design and materials used in fences, and retaining walls should complement the building design and neighbourhood character.
- f) Surface parking areas and storage areas located in close proximity to abutting properties should be screened from view by fencing, or plant material (hedges).
- g) Urban agriculture or multi-purpose landscapes, preferably in the form of communal garden areas intended for the building's residents, should be integrated into landscape design and maintenance, including shared composting areas.
- h) Landscaped roofs, including intensive green roof systems to accommodate outdoor amenities, such as sitting areas, and gardening areas are encouraged.
- i) Landscape groundcover plants should be used rather than mulch or gravel.
- j) Integrated Pest Management measures are encouraged for landscape maintenance. Herbicide and pesticide use is discouraged.
- k) Landscape buffers should be provided to enhance the privacy of adjacent properties where appropriate. Minimum landscape buffer and shade tree requirements are provided in Part 7 of the Zoning Bylaw. The location of shade trees shall consider the orientation of the parking area at peak sunshine hours and will maximize shade provided by the tree canopy to parking spaces.
- l) Irrigation shall be provided with particular attention paid to adequate watering during the establishment period to ensure survival of the newly planted areas.
- m) Adequate monetary security will be required to ensure that the required landscaping will be completed and established.
- n) All landscaping work and plant material shall conform to the most recent edition of the British Columbia Landscape Standard published by the British Columbia Society of Landscape Architects.
- o) Onsite monitoring shall be undertaken by a landscape professional during landscape installation, and any request for the release of a landscape security may require a report from the landscape professional.



Example of informal, organic planting arrangements.

Bylaw
1891

13. Energy Conservation

- a) New buildings are encouraged to be designed to be efficient and healthy, targeting a minimum LEED® Silver, or equivalent, rating.
- b) All residential buildings should be designed to the EnerGuide 80 standard in order to achieve higher energy efficiency.

Attachment F

- c) Where possible, building retrofits should include energy efficient appliances, solar hot water, natural lighting, and high levels of insulation.
- d) Electrical bicycle, scooter, and vehicle re-charging stations are encouraged in strategic locations.

14. Rain Water Management

- a) Integrated rain water management should be used, including appropriate source controls – such as bioswales, absorbent landscaping, infiltration facilities, rooftop storage, and stormwater capture and re-use systems.
- b) New buildings are encouraged to include non-potable water harvesting in the form of rainwater catchment or green roofs.
- c) Surface treatments, such as permeable pavers, pervious asphalt and concrete, or reinforced paving/grass should be used to increase site permeability.



Example of integrated rain water management.

15. Water Conservation

- a) High-efficiency, automatic, and water-saving irrigation systems are encouraged.
- b) Innovative wastewater management systems, such as greywater capture and reuse, are encouraged.

16. Recycling, Organics & Solid Waste Management

- a) Recycling, organic composting, and solid waste storage and service areas should be inside buildings, or in an exterior location that is integrated into the building and site design.
- b) Where outdoor recycling, organics, and solid waste enclosures are used, they should be located away from public view, and be built to house sufficiently sized bins for the intended use, with wall heights sufficient to completely conceal the bins.
- c) Enclosures should include a pergola, arbour, or other such permeable roof to screen the enclosure contents from overhead views.



Example of screened waste enclosure.

17. Crime Prevention

- a) Best practices for Crime Prevention Through Environmental Design (CPTED) should be incorporated into building design, such as:
 - i) Define Territoriality: Building entrances, parking areas, pathways, and other use areas should be defined with appropriate features that express ownership and boundaries, avoiding spaces that appear confined, dark, isolated, or unconnected with neighbouring uses, or appear to be without a clear purpose or function.
 - ii) Integrate Natural Surveillance: Visibility, light, and openness should maximize the ability to see throughout the site. Window placement should provide visual access to all areas of the site. The location of walkways, entrances, landscape materials, and site features should avoid areas for hiding. Appropriate

Attachment F

lighting levels should not produce glare, and excessive lighting that creates darkened spaces in other areas.

- iii) Activity Support: The proposed site layout and building design should encourage legitimate activity in public spaces, by locating outdoor uses in complementary arrangements, or activity nodes, that create more activity than if separated.

STAFF REPORT TO COUNCIL

Report Prepared By: Colin Bollinger, Senior Building Inspector
 Robin MacNair, Bylaw Enforcement Officer
Reviewed By: Geoff Goodall, Director of Infrastructure Services
Meeting Date: August 3, 2021
File No: 940 Esplanade Avenue
Re: **Bylaw Contravention (Section 57) Notice on Title for 940 Esplanade Avenue**

RECOMMENDATION:

That Council direct the Corporate Officer to file notice of a Building Regulation Contravention at the Land Title Office under section 57 of the *Community Charter* for the property located at 940 Esplanade Avenue, legally described as Lot A, District Lot 24, Oyster District, Plan EPP66976.

EXECUTIVE SUMMARY:

Two residential units were added to the existing building at 940 Esplanade Avenue without a Building Permit. The Building Inspector recommends placing a notice on the title of the subject property to alert any parties with an interest in the property (such as prospective purchasers) of the Building Regulation Contravention. This process is outlined in [section 57 of the *Community Charter*](#).

PREVIOUS COUNCIL DIRECTION:

Resolution #	Date	Resolution
CS 2021-222	July 6, 2021	That Council not give readings to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 41) 2021, No. 2079" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 42) 2021, No. 2080."

INTRODUCTION/BACKGROUND:

The Building Inspector's recommendation that the Town file a section 57 notice on the property title for 940 Esplanade Avenue is based on the 2018 discovery that construction undertaken on the building required a permit and inspections under "Building and Plumbing Bylaw 1994, No. 1119" and that such a permit was not obtained.

On January 9, 2019, the Chief Building Inspector and Fire Chief inspected the premises. They confirmed that work had been completed without permits, contrary to section 3.1 of Bylaw No. 1119. The unlawful construction converted the main storey of the existing building from a commercial space into two residential dwelling units. This is also contrary to "Town of Ladysmith Zoning Bylaw 2014, No. 1860". The property owner recently applied to amend the Zoning Bylaw to permit the two new residential units and this request was denied by Council at

its Regular Meeting held July 6, 2021. Subsequently, the units will need to be removed in order for the building to be brought into compliance with the Zoning Bylaw.

Figure 1: January 9, 2019 Inspection confirmed that the main storey of 940 Esplanade Avenue had been converted into two residential units without a Building Permit and contrary to the Zoning Bylaw



Table 1 summarizes a timeline of the Bylaw Enforcement file related to the contravention at 940 Esplanade Avenue.

Table 1: Summary of 940 Esplanade Avenue Bylaw Enforcement File

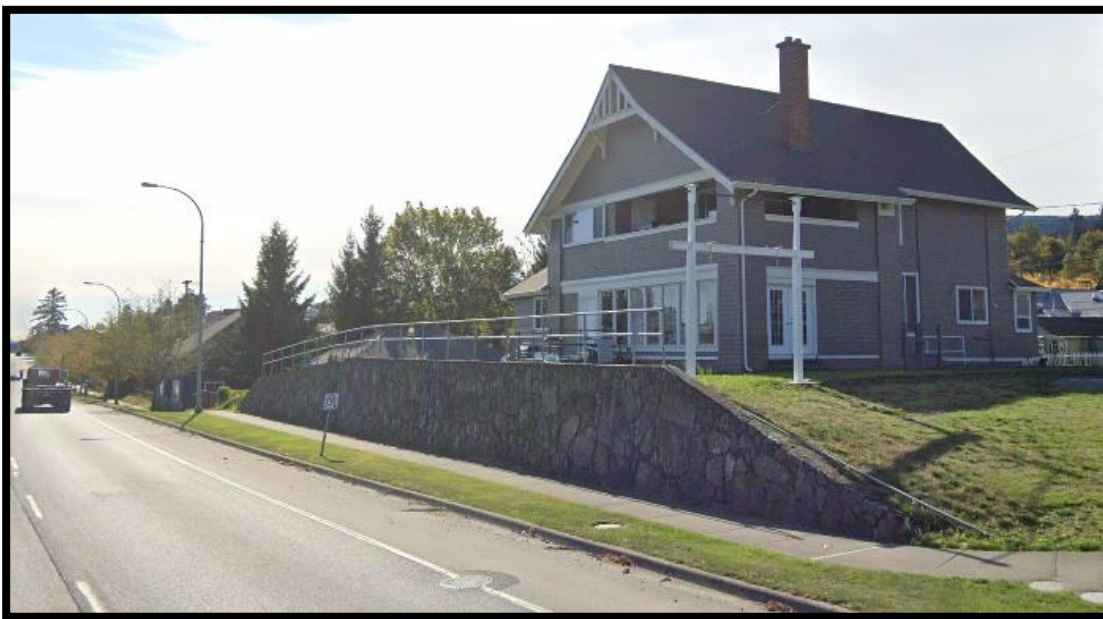
Date	File Activity
Unknown	Conversion of main storey to two residential dwelling units.
Dec. 11, 2018	Bylaw Enforcement file opened: <ul style="list-style-type: none"> • construction without a Building Permit; • main storey dwelling units not permitted by zoning.
January 2019 – February 2020	Town staff conduct site inspections and correspond with property owner regarding how to remedy bylaw infractions.
February 2020	Town staff visit the property to confirm that minor upgrades were made to the residential units to address immediate life safety concerns (e.g., adding fire alarms and egress windows for bedrooms).
March 2, 2020	Correspondence received from owner of plans to evict residential tenants to return property to commercial use.
March 2020	Provincial moratorium on residential evictions leads to pause on enforcement action.
June 2020	Property listed for sale (as commercial property).
January 2021	Town staff resume correspondence with property owner.
April 8, 2021	Property owner submits application to amend Zoning Bylaw to permit residential units.
July 6, 2021	Zoning Bylaw amendment application denied by Council.

At the time of writing, the property owner has not submitted a Building Permit Application to remedy the contravention (i.e. to remove the units and restore the lower floor to a commercial use).

The purpose of registering a Bylaw Contravention Notice (section 57 of the *Community Charter*) on the Title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners.

The notice on title will be cancelled by the Corporate Officer at the direction of the Building Inspector (per section 58 of the *Community Charter*). The notice would be cancelled as soon as the Building Permit for the return to commercial use is closed (e.g., all the required work is completed in accordance with the BC Building Code and Town bylaws as confirmed by the Building Official).

Figure 2: 940 Esplanade Avenue



ALTERNATIVES:

Council can:

1. Not direct the Corporate Officer to file a section 57 notice for 940 Esplanade Avenue.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Section 57 of the *Community Charter* provides for Council to direct the Corporate Officer to place a notice on title of a property of a building regulation contravention, based on the recommendation of the Building Inspector.

In accordance with section 57, the Corporate Officer mailed notice to the property owner listed on title on July 15, 2021. The Town's Bylaw Enforcement Officer also hand delivered the notice on July 28, 2021. The notice advised the property owner of the recommendation from the Building Inspector and of the date and time of this meeting.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Section 57 allows the property owner the opportunity to address Council directly prior to Council's decision.

Property titles may be accessed by members of the public via the Land Titles Office.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The use of the building is in contravention of the Zoning Bylaw and landscaping on the property has been altered without first obtaining the required development permit. The Bylaw Enforcement Officer is working with the Building Official and the Planning Department to remedy these bylaw infractions.

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).

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Erin Anderson, Director of Financial Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: August 3, 2021
File No: 1700-01
Re: **2022-2026 Financial Plan Discussions**

RECOMMENDATION:

That Council approve the following schedule to discuss the 2022-2026 Financial Plan:

- November 2, 2021: Overview of Operating Budget;
- November 9, 2021 (Special Council): Detail review of sewer & water budgets;
- November 16, 2021: Complete sewer & water budgets; introduce Capital Projects;
- November 30, 2021 (Special Council): Introduction of water & sewer rates bylaws. Complete capital projects; and
- December 7, 2021: Anticipated approval of water & sewer rates bylaws and early budget approval of select capital projects.

EXECUTIVE SUMMARY:

Each year, a new 5-year Financial Plan is drafted and presented to Council for approval. It is recommended that specific dates be scheduled to discuss the 2022-2026 Financial Plan. Even though the financial plan bylaw is not due until May 15, 2022, it is recommended to enter into budget discussions early in order to plan for capital projects and ensure utility rate bylaws are in place for January 1, 2022.

INTRODUCTION/BACKGROUND:

Each year, a new 5-year Financial Plan is developed and adopted. Staff are in the process of preparing their department operational budgets, which align with the Town's Strategic Plan. The operational budgets are being developed using a 2% inflationary increase, where applicable, on many goods, services and materials.

Additionally, there are some known increased costs, such as:

- Increase in capital reserve allocation using taxation funding;
- E-911 costs transitioning from the Province to municipalities; and
- RCMP member cost increases.

The CUPE Collective Agreement is set to expire December 31, 2021. A contingency will be included in the preparation of the Financial Plan.

ALTERNATIVES:

Council can choose alternative dates than those provided in the staff recommendation.

FINANCIAL IMPLICATIONS:

The Financial Plan (budget) determines all of the revenues and expenses for the Town. It also determines the tax rates.

LEGAL IMPLICATIONS:

The [Community Charter](#) requires that a municipality must adopt a Financial Plan prior to May 15.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The impact on property taxation is unknown at this time. BC Assessment will provide the assessment roll towards the end of March.

Citizens are encouraged to attend meetings and provide input during the budget deliberations.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development of the Financial Plan starts and ends with Council. Department heads prepare their budgets to align with Council priorities. Finance summarizes the numbers and presents the budget to Council for 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:

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Tierney
Reviewed By: Allison McCarrick, CAO
Meeting Date: August 3, 2021
File No:
Re: Request for Noise Bylaw Exemption - 107 Rollie Rose Drive

RECOMMENDATION:

That Council:

1. Grant Westmark Construction Ltd. an exemption to Town of Ladysmith "Noise Suppression Bylaw 2003, No. 1478" to permit construction noise at 107 Rollie Rose Drive, until 8:00 p.m. Monday to Thursday, beginning August 9, 2021 until September 30, 2021;
2. Direct staff to ensure that neighbouring residents receive written notification; and
3. Authorize the Chief Administrative Officer, or their designate, the discretion to permit further exemptions to the same applicant and project upon future application.

EXECUTIVE SUMMARY:

Westmark Construction Ltd. is constructing a multi-unit apartment building at 107 Rollie Rose Drive. In order to maintain their construction schedule, the company has requested the following exemption from the Town's Noise Bylaw: extend their daily working hours to 8:00 p.m. Monday to Saturday, from August 3, 2021 to March 31, 2022 (Attachment A). Staff are recommending that Council grant an exemption for the following alternate time period: August 9, 2021 to September 30, 2021 and that the CAO, or their designate, be authorized to approve or deny any further requests from the applicant after September 30, 2021.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

Town of Ladysmith "Noise Suppression Bylaw 2003, No. 1478" (Attachment B) limits construction noise to Monday to Saturday between 7:00 a.m. and 6:00 p.m. and all day Sunday. Westmark's request for an exemption to Bylaw No. 1478, would permit construction and any associated noise to take place an additional 2 hours from Monday to Saturday, until March 31, 2022. Westmark is making this request to maintain its construction schedule for the multi-unit apartment building located at 107 Rollie Rose Drive.

Staff are recommending an alternate exemption to Westmark's request and recommend permitting construction noise at 107 Rollie Rose Drive, until 8:00 p.m. Monday to Thursday,

beginning August 9, 2021 until September 30, 2021, with the ability for the applicant to reapply under the consideration of staff. Staff are also recommending that residents along Rollie Rose Drive receive written notification prior to the exemption start date.

ALTERNATIVES:

That Council:

1. Not permit an exemption to Bylaw No. 1478.
2. Permit an alternative exemption to Bylaw No. 1478.

FINANCIAL IMPLICATIONS:

It will take minimal staff time to create and deliver notification to the neighbourhood.

LEGAL IMPLICATIONS:

Council has the authority to grant the bylaw exemption and delegate authority for future applications for the same applicant and project.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Town staff would notify neighbouring residents prior to the exemption.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Bylaw Services has provided input regarding the staff recommendation.

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).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- A. Applicant's request
- B. Bylaw No. 1478

Attachment A - Applicant's Request

From: Robb Garrett <robb@westmarkconstruction.ca>

Sent: July 28, 2021 11:55 AM

To: Allison McCarrick <AMcCarrick@ladysmith.ca>

Subject: RE: Exemption to Noise Bylaw

Hi Allison

As discussed we would like to request a time extension from the current bylaw beyond the 6:00pm deadline, so that our Trades have the opportunity to work later to maintain our construction schedule. We request our daily working hours be extended from 7:00am to 8:00pm Monday through Saturday from (03-Aug-21) through to (31-Mar-22). As you suggest below, we would appreciate it if you could please consider this request in your next meeting agenda (03-Aug-21)? Please let us know.

Thank You

Robb Garrett
Project Manager/Estimator



T 250.729.7540 (ext 23)

F 250.729.7549

C 250.714.6603

E robb@westmarkconstruction.ca

Website: www.westmarkconstruction.ca

TOWN OF LADYSMITH

BYLAW NO. 1478

A Bylaw for abatement and control of noise in the Town of Ladysmith

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- a) **CONTINUOUS SOUND** means any sound occurring for a duration of more than 3 Minutes, or occurring continually, sporadically or erratically but totaling more than 3 minutes in any 15 minute period of time;
- b) **DECIBEL** means the ratio between levels of sound pressure expressed as 20 times the logarithm to the base of 10 of the said ratio;
- c) **DULY AUTHORIZED** means authorized by the Municipality;
- d) **FARM LAND** means land classified as a farm pursuant to the provisions of the *Assessment Act*;
- e) **HEAT PUMP** means a device which has the capability to transfer heat from the air outside a building or structure to the air inside a building or structure or vice versa, by means of a compressible refrigerant and includes an air conditioner, condenser, compressor, refrigeration unit and all equipment and devices accessory thereto;
- f) **MOTOR BOAT** means a vessel which is propelled by an internal combustion engine;
- g) **MUNICIPALITY** means the Town of Ladysmith
- h) **POINT OF RECEPTION** means:
 - .i any place on a parcel where sound originating from any source, other than a source on such parcel, is received; or
 - .ii any place on a highway sound is received;
- i) **QUIET ZONE** means any area of land or highway included within any zone under the provisions of the Zoning Bylaw of the Municipality in effect from time to time other than land in an Industrial Zone or Commercial Zone on which no residential dwelling units have been constructed;
- j) **SHOPPING CENTRE ZONE** means the C-2 and C-3 Zone in the area commonly referred to as "Coronation Square Mall" under the Zoning Bylaw of the Town of Ladysmith or any successor bylaw;
- k) **SOUND** means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e. elastic, viscous) or the super position of such propagated oscillations, which oscillations are capable of causing an auditory sensation;
- l) **SOUND LEVEL** is the average of the medians of 5 or more sets of lower and upper measurements of a series of A-weighted sound pressure levels read or recorded at a point of reception on a slow response of a sound level meter;
- m) **SOUND LEVEL METER** means a sound measuring device designated to meet the American National Standard A.N.S.I. S14-1971 or the C.S.A. Standard Z107.1-1973, as the same may exist from time to time and specifically shall include:

- .i Bruel and Kjaer – Sound Level Meter types 2205, 2208, 2213 and types 2203, 2204, 2206 and 2209, calibrated with a Bruel and Kjaer Sound Level Calibrator type 4230 or Pistophone type 4220;
 - .ii General Radio – Sound Level Meter model 156-B, 1511-C and model 1933 calibrated with a General Radio Sound Level Calibrator model 1562-A.
 - .iii Quest Electronics model 214 Sound Level Meter calibrated with a Quest Electronics Calibrator model CA-12.
- n) **STRUCTURE** means any construction, except a building, affixed to or sunk into land; includes fences and walls and excludes paved parking surfaces, on-grade patios and boats.
- o) **WATER PUMP** means a pump, which circulates water in a swimming pool or hot tub.
- p) **PERSONAL WATER CRAFT** means a vessel less than 4 m (13.1 ft.) in length, without a cockpit, propelled by equipment which includes an internal combustion engine and a jet pump and which is designed to be operated by a person sitting, standing or kneeling on the vessel.
- q) **MOTOR VEHICLE** means a vehicle, not run upon rails, that is designed to be self-propelled.
- r) **ROAD SURFACE** means gravel, asphalt, cement or material or any kind whatsoever placed upon any road, highway, bridge, viaduct, land or any way designed or intended for use by the general public for the passage of vehicles and every private place or passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited

2. **GENERAL PROHIBITION**

- a) No person shall make or cause to be made any noise or sound in or on a highway or elsewhere in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.
- b) No person shall shout, use a megaphone or make other noise in or at or on streets, wharves, docks, piers, railway stations, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

3. **PRIVATE PROPERTY**

No person, being the owner or occupier or being in possession or control of real property shall suffer or permit any person to make or cause to be made any noise or sound therein or thereon which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

4. **ANIMALS**

No person shall harbour or keep any animal or bird which by causing frequent or loud noise disturbs the quiet, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

5. **DOGS**

- a) The sound made by a dog barking, howling or creating any kind of sound continually or sporadically or erratically for any period of time in excess of ten minutes is, in the opinion of Council, an objectionable noise.

- b) It shall be unlawful for any person to harbour or keep a dog, which shall make an objectionable noise by barking, howling or creating any kind of sound continually or sporadically or erratically for any period of time in excess of ten minutes.

6. MOTOR BOAT

- a) No person shall launch a motor boat from any lands in the Municipality or remove a motor boat from any body of water onto any lands within the Municipality if that motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air and without first passing through water, unless the motor boat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- b) No person shall use or operate a motor boat anywhere in the Municipality if that motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air and without first passing through water, unless the motor boat is equipped with a muffling device which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- c) Notwithstanding anything contained in this bylaw to the contrary, the Council, may, by Resolution, grant a permit for a race or regatta and in such event any motor boat competing in such race or regatta may be exempted from the provisions of this bylaw.

6.1 PERSONAL WATER CRAFT

- a) The Council believes that the noises produced by the operation of personal water craft in front of Transfer Beach Park are objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public within 25 metres of Transfer Beach Park.
- b) No person shall make noise by operating a personal water craft within 25 metres of Transfer Beach Park.

7. HEAT PUMPS AND WATER PUMPS

- a) The Council is of the opinion that the operation of a heat pump or water pump resulting in a sound level at a point of reception located in a Quiet Zone in excess of 50 decibels between 7:00 a.m. and 10:00 p.m. on any day, or in excess of 45 decibels between 10:00 p.m. and 7:00 a.m. of the following day is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- b) No person shall emit or cause, suffer or permit the emission of sound from the operation of a heat pump or a water pump resulting in a sound level at a point of reception located in a Quiet Zone in excess of:
 - i. 50 decibels between 7:00 a.m. and 10:00 p.m. on any day, or
 - ii. 45 decibels between 10:00 p.m. and 7:00 a.m. of the following day.

7.1 ENGINE RETARDANT BRAKES

- a) The Council believes that the noise produced by the use of an engine retardant brake on a motor vehicle on any highway in the Town of Ladysmith is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public.
- b) No person shall use an engine retardant brake while operating a motor vehicle on a highway in the Town of Ladysmith except to assist in stopping or slowing down the vehicle in an emergency.

8. SHOPPING CENTRES

- a) No person shall make, cause or permit to be made or caused continuous sound on any land within a Shopping Centre Zone, the sound level of which exceeds 58 decibels measured at a point of reception in a Quiet Zone any time between 9:00 a.m. and 10:00 p.m.
- b) Sections 2 and 3 of this bylaw shall not apply to any continuous sound made in a Shopping Centre Zone between 9:00 a.m. and 10:00 p.m. which does not exceed 58 decibels measured at a point of reception in a Quiet Zone.
- c) The provisions of Section 8 of this bylaw shall not apply to:
 - .i the sound emitted from a heat pump or water pump, or
 - .ii sounds caused by building or property maintenance or repair activities.

9. MOTOR VEHICLES

The following noises are, in the opinion of the Council of the Town of Ladysmith, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- (a) the squeal of a tire on a road surface made by a motor vehicle which is accelerating or changing direction;
- (b) a loud, roaring or explosive sound emitted by a motor vehicle;
- (c) the amplified sound of a radio, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by someone outside the motor vehicle;
- (d) the sound from vehicle-mounted sound amplification equipment which is continuously made for more than two (2) minutes at the same location;
- (e) the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding one minute, or the sound of an automobile security system, but not including its activation status signal, which is made more than three times in a 24-hour period.

No person shall make or cause to be made any objectionable noise set forth in Section 9 hereof.

No person shall operate a motor vehicle so as to cause a nuisance by noise there from.

No person shall use or operate a horn or other warning device on a motor vehicle for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle.

The prohibitions contained in this section shall not apply to participants in a motor vehicle race or a parade provided such race or parade has first been approved by Town Council.

10. SOUND MEASUREMENT

A sound level measurement shall be sufficient for all purposes if it is carried out in accordance with the following:

- a) sound level measurements shall be taken with a sound level meter;
- b) sound levels shall be measured on the A-weighted network and the slow meter response;
- c) the sound level meter shall be complete with calibrator and windscreen and shall be operated in the following manner:

- i. Sound level meters shall be used and operated in accordance with manufacturer's instructions. The sound level meter shall be calibrated before and after readings have been taken.
- ii. When determining the sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement shall be attempted if the difference is 3 decibels or less.
- iii. Sound measurements shall be made at a distance of approximately 10 feet from any wall, buildings or other reflecting structures, with the microphone appropriately oriented to eliminate as much as possible all reflected sound.

11. INTERPRETATION

Where any word or term or name or abbreviated word or abbreviated term or abbreviated name that is not defined in this bylaw, or where any technical standard or abbreviated technical standard that is not set out in this bylaw, is used in this bylaw, such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated-technical standard shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (C.S.A.), or by the American National Standards Institute (A.N.S.I.), or by the International Organization for Standardization (I.O.S.) or by the International Electro-Technical Commission (I.E.C.) or by the Society of Automotive Engineers (S.A.E.) or by the Machinery and Equipment Manufacturers' Association of Canada (M.E.M.A.C.) as the context of this bylaw and the case may require.

12. EXEMPT NOISE

The provisions of this bylaw shall not apply to:

- a) The use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any duly authorized public meeting, public celebration or other public gathering.
- b) Any duly authorized parade or performance by a military or other band.
- c) Any vehicle or equipment of the Municipality, the Police Department or any other public body engaged in carrying out a public service or carrying out work in or on a highway, park or the Municipal Public Works Yard.
- d) The sounding of a horn or other signaling device on any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal.
- e) The erection, demolition, construction, reconstruction, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 7:00 a.m. and 6:00 p.m. on each day except Sunday, or in the case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public.
- f) Persons and their agents, servants and employees or independent contractors under contract therewith and their agents, servants, and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality.
- g) The use of bells or chimes on churches or any public body.
- h) Any delivery or collection service between the hours of 6:00 a.m. and 9:00 p.m. on each day except Sunday and any statutory holiday in any commercial, industrial or public zone as defined in the Zoning Bylaws of the Municipality, and between the

hours of 7:00 a.m. and 9:00 p.m. on each day except Sunday and any statutory holiday in all other districts defined in the said Zoning Bylaw.

- i) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 7:00 a.m. and 9:00 p.m.
 - j) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 9:00 p.m. and 7:00 a.m. if:
 - .i in the circumstances it is essential that the activity take place during such hours;
 - .ii the activity must, in accordance with sound farming practice, take place between such hours.
 - k) The use of a lawnmower between the hours of 8:00 a.m. and 9:00 p.m. on any day.
 - l) Any sound or noise caused by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting between the hours of 8:00 a.m. and 5:00 p.m. on each day except Sunday or a statutory holidays.
13. Notwithstanding anything else contained in this bylaw, delivery or collection services to or from the lands and premises described as:

Lots A&B, District Lot 43, Oyster Land District, Plan VIP 70526 (Coronation Square Shopping Centre)

shall be exempt from the provisions of this bylaw between the hours of 8:00 a.m. and 9:00 p.m. on each day except Sundays and statutory holidays and the exemption set out in Section 11(h) of this bylaw shall not apply to these lands and premises.

14. A Peace Officer or Bylaw Enforcement Officer, and any person duly authorized by the Municipality to measure sound levels are hereby authorized to enter, at any reasonable time, upon any property in order to ascertain whether the provisions of this bylaw are being obeyed.

15 **OFFENCE**

Any person who violates any provision of this bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$100 or more than \$500 for a first offence and of not less than \$250 or more than \$1,000 for a second or subsequent offence. For the purposes of this Section, an offence shall be deemed to occur upon each day during or on which violation occurs or continues.

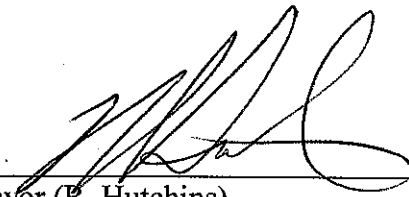
16 **REPEAL**

“Nuisance Regulation Bylaw 1993, No. 1094, Section 2(a)” and “Nuisance Regulation Bylaw 1993, No. 1094, Amendment Bylaw 1994, No. 1132” are hereby repealed.

17 **CITATION**

This Bylaw may be cited for all purposes as “NOISE SUPPRESSION BYLAW 2003, NO. 1478”.

READ A FIRST TIME on the	3 rd	day of	FEBRUARY, 2003
READ A SECOND TIME on the	3 rd	day of	FEBRUARY, 2003
READ A THIRD TIME on the	17 th	day of	FEBRUARY, 2003
ADOPTED on the	03 rd	day of	MARCH, 2003



Mayor (R. Hutchins)

Manager of Corporate Services (P. Durban)

I hereby certify this to be a true and correct
Copy of "Noise Suppression Bylaw 2003,
No. 1478".



Manager of Corporate Services

TOWN OF LADYSMITH

BYLAW NO. 2078

To amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to permit existing single detached dwellings in the C-2, C-4 and R-3 zones

The Council of the Town of Ladysmith in open meeting assembled enacts that “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is amended as follows:

1. By adding as subsection 11.2 (1) (aa) of the Downtown Commercial (C-2) zone: “single unit dwelling, lawfully constructed prior to June 15, 2021”;
2. By adding as subsection 10.10 (1) (c) of the Medium Density Residential (R-3) zone: “single unit dwelling, lawfully constructed prior to June 15, 2021”; and
3. By adding as subsection 11.4(1)(g) of the Tourist Service Commercial (C-4) zone: “single unit dwelling, lawfully constructed prior to June 15, 2021”.

Citation

4. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.40) 2021, No. 2078”.

READ A FIRST TIME on the	15 th	day of	June,	2021
READ A SECOND TIME on the	15 th	day of	June,	2021
PUBLIC HEARING held pursuant to the provisions of the <i>Local Government Act</i>				
on the	6 th	day of	July,	2021
READ A THIRD TIME on the	6 th	day of	July,	2021
APPROVED by the Ministry of Transportation and Infrastructure on the				
	28 th	day of	July,	2021
ADOPTED on the		day of	,	

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2078

**To amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"
to permit existing single detached dwellings in the C-2, C-4 and R-3 zones**

The Council of the Town of Ladysmith in open meeting assembled enacts that "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended as follows:

1. By adding as subsection 11.2 (1) (aa) of the Downtown Commercial (C-2) zone: "single unit dwelling, lawfully constructed prior to June 15, 2021";
2. By adding as subsection 10.10 (1) (c) of the Medium Density Residential (R-3) zone: "single unit dwelling, lawfully constructed prior to June 15, 2021"; and
3. By adding as subsection 11.4(1)(g) of the Tourist Service Commercial (C-4) zone: "single unit dwelling, lawfully constructed prior to June 15, 2021".

Citation

4. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.40) 2021, No. 2078".

READ A FIRST TIME on the 15th day of June, 2021
READ A SECOND TIME on the 15th day of June, 2021
PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*
on the 6th day of July, 2021
READ A THIRD TIME on the 6th day of July, 2021
APPROVED by the Ministry of Transportation and Infrastructure on the
day of ,
ADOPTED on the day of ,

Approved pursuant to section 52(3)(a) of
the *Transportation Act*

this 28th day of July 2021
Ministry of Transportation and Infrastructure



JAMIE LEIGH HOPKINS
A Commissioner for taking affidavits
within the Province of British Columbia
2100 Labieux Road, Nanaimo BC V9T 6E9

Mayor (A. Stone)

Corporate Officer (D. Smith)

BYLAW STATUS SHEET
August 3, 2021

		Status
2060	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060 (670 Farrell Road)	First and second reading, March 16, 2021. Public Hearing, and third reading April 6, 2021.
2061	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061 (670 Farrell Road)	First and second reading, March 16, 2021. Public Hearing and third reading April 6, 2021. MOTI approval received May 3, 2021.
2064	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064 (630 Farrell Rd)	First and second reading, April 20, 2021. Public Hearing and third reading May 18, 2021. MOTI received June 8, 2021.
2067	Road Closure and Dedication Removal Bylaw 2021, No.2067 (1130 Rocky Creek Rd)	First and second reading, June 1, 2021. Notice provided and published in Chronicle on June 3 and 10, 2021. Public Hearing and third reading June 15, 2021. MOTI approval received July 27, 2021.
2068	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 65) 2021, No. 2068 (1130 Rocky Creek Rd)	First and second reading, June 1, 2021. Public Hearing and third reading June 15, 2021. Conditions to be met prior to adoption.
2069	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 37) 2021, No. 2069 (1130 Rocky Creek Rd)	First and second reading, June 1, 2021. Public Hearing and third reading June 15, 2021. MOTI approval received July 27, 2021. Conditions to be met prior to adoption.
2078	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 40) 2021, No. 2078 (pre-existing single detached dwellings)	First and second reading June 15. Public Hearing and third reading July 6, 2021. MOTI approval received July 28, 2021.

From: Tom Andrews [REDACTED]
Sent: July 26, 2021 11:57 AM
Subject: Rotary golf tournament sponsor opportunity

Once again the Rotary Clubs of Ladysmith and Chemainus are able to host our 11th annual Charity Golf Tournament at the Mount Brenton Golf Course in Chemainus on September 25th. This event has raised over \$150,000 which has supported local youth and non profit organizations over the last 10 years.

We hope we can count on your continued support again this year as it will mean a great deal to organizations that have not been able to raise funds due to Covid restrictions.

Attached is a form outlining various sponsorship options.

Thank you for your support.

Tom Andrews
Chemainus Rotary Club

**ROTARY CLUBS OF
LADYSMITH AND CHEMAINUS
11th Annual Charity Golf Tournament**
MOUNT BRENTON GOLF COURSE, CHEMAINUS Saturday, September 25th, 2021



Shotgun Start: 8:30 am
4 Person Scramble - 18 Holes
Prizes, Draws, Silent & Live Auctions
Registration: 7:45 – 8:15 am
Continental Breakfast - BBQ Lunch

INDIVIDUAL OR TEAM ENTRY FORM/SPONSOR FORM

Name: _____
Address: _____
Phone no(s) _____
E-mail: _____
Team members: _____

Dietary Restrictions: _____

Entry fee includes green fees, power cart*, continental breakfast, BBQ Lunch and lots of FUN!!!

*Our tournament cart supplier cannot supply us with carts this year due to COVID – we are limited to 30 carts – those who volunteer to walk will receive a \$15.00 reduction on their fees

Cheque enclosed: \$500.00 () or \$125.00/player () Without a cart \$110.00 per player ()

Early Bird Rate until Sept. 1,

After Sept 1 - \$560.00/team or \$140.00/player () Without a cart \$125 per player ()

OR

I would like to be a Platinum Sponsor – Cost is \$1,000.00 ()

- Platinum Sponsors receive entry for 4 players, hole sponsorship, five cart sponsorships

I would like to be a Gold Sponsor – Cost is \$750.00 ()

- Gold Sponsors receive entry for 4 players, and a hole sponsorship
- Hole or Putting Green Sponsor: \$350.00 ()
- Meal sponsor: \$350.00 ()
- Cart sponsorship: \$50.00 ()
- Company Name: _____

Proceeds to support Chemainus and Ladysmith local youth & community projects

To book your team or
for information contact:

Tom Andrews: (250) 210-2402 (tomandrewsvii@gmail.com)
Joan Phillips (250) 245-8104 or (250)327-6220 (joph@telus.net)

Send cheques to: Rotary Club of Ladysmith, c/o Joan Phillips, 433 Blair Place, Ladysmith, BC, V9G 1Y3

Donna Smith

From: Heidi Scribner <hscribner@miabc.org>
Sent: July 20, 2021 1:30 PM
To: Donna Smith
Subject: MIABC Voting Delegate

Dear Donna,

The Municipal Insurance Association of BC's (MIABC's) 34th Annual General Meeting (AGM) is scheduled to take place on Monday, September 13th from 3:30pm to 4:30pm. This will, once again, be a virtual event held in conjunction with the UBCM Convention.

In accordance with Article 6.13 of the Reciprocal Insurance Exchange Agreement (RIEA), the following delegate and two alternates have been registered with the MIABC to vote your interests at this year's AGM. If you would like to change the delegate and/or alternates, please forward a resolution of your Council/Board directing these changes to the MIABC by Friday, August 27th, 2021.

The AGM Booklet with further voting information will be distributed on Monday, August 16th, 2021.

Voting Delegate: Mayor Aaron Stone
Email address: astone@ladysmith.ca

Alternate #1: Councillor Marsh Stevens
Email address: mstevens@ladysmith.ca

Alternate #2: Councillor Duck Paterson
Email address: dpaterson@ladysmith.ca

Best regards,

Heidi Scribner
Administrator & Board Secretary

Municipal Insurance Association of BC
Email: hscribner@miabc.org
Direct: 604-449-6347
Main: 604-683-6266