

A PUBLIC HEARING AND REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
5:30 P.M.

Tuesday, May 16, 2023
Ladysmith Seniors Centre
630 2nd Avenue

Pages

1. CALL TO ORDER

Call to Order 5:30 p.m. in Open Session, in order to retire immediately into Closed Session.

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

2. CLOSED SESSION

Recommendation

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

- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*, and
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

3. OPEN MEETING AND ACKNOWLEDGEMENT(6:00 P.M.)

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

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

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

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 16, 2023.

5. PUBLIC HEARING

“Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138”.

Subject Property: 440 1st Avenue (Island Hotel)

5.1 Outline of Public Hearing Process - Mayor Stone

5.2 Introduction of Bylaws and Statutory Requirements - Senior Planner, Development Services

5.3 Submissions

5.4 Call for Submissions to Council (Three Times) - Mayor Stone

5.5 Declaration that the Public Hearing for Bylaw Nos. 2137 and 2138 is Closed - Mayor Stone

6. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECTS OF THE PUBLIC HEARING)

6.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137”

8

Recommendation

That subject to any additional matters raised at the Public Hearing, Council proceed with third reading and adoption of “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137”.

6.2 “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138”

9

Recommendation

That subject to any additional matters raised at the Public Hearing, Council give third reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138”.

7. RISE AND REPORT- Items from Closed Session

8. MINUTES

- 8.1 Minutes of the Public Hearing and Regular Meeting of Council held May 2, 2023** 11

Recommendation

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held May 2, 2023.

- 8.2 Minutes of the Special Meeting of Council held May 9, 2023** 24

Recommendation

That Council approve the minutes of the Special Meeting of Council held May 9, 2023.

9. DEVELOPMENT APPLICATIONS

- 9.1 Development Variance Permit - 426 Baden-Powell St** 26

Recommendation

That Council issue Development Variance Permit 3090-22-15 for 426 Baden-Powell Street (Lot 10 Block 97, District Lot 56, Oyster District Plan 703A, 008-167-290) to vary section 10.6(5)(d) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to decrease the front parcel line setback from 6.0m to 1.9m for an existing unenclosed balcony and unenclosed staircase attached to a principal building.

- 9.2 Development Variance Permit – 340 Morgan Road** 40

Recommendation

That Council issue Development Variance Permit Number 3090-22-16 for 340 Morgan Road (That Part of Lot 3 District Lot 42 Oyster District, Plan 8270 Lying to the South West of the South Westerly Boundary of the Island Highway as Said Highway is Shown on Said Plan Except Parcel A (DD 59670N); 005-491-215) to vary section 6.4(a)(ii) of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” to allow a secondary suite with a maximum floor area of 131.0m².

10. COMMITTEE MINUTES

- 10.1 Poverty Reduction Task Group - April 4, 2023** 49

Recommendation

That Council receive the minutes of the Poverty Reduction Task Group meeting held April 4, 2023.

10.2 Parks, Recreation & Culture Advisory Committee - April 19, 2023 52

Recommendation

That Council receive the minutes of the Parks, Recreation & Culture Advisory Committee meeting held April 19, 2023.

10.3 Community Planning Advisory Committee - May 5, 2023 54

Recommendation

That Council receive the minutes of the Community Planning Advisory Committee meeting held May 5, 2023.

10.4 Committee of the Whole Recommendations - May 9, 2023 56

Recommendation

That Council support the following policing priorities for 2023/2024:

- Continued visibility in the downtown core
- a bylaw, created by the Town to aid the RCMP in addressing open drug use
- Online frauds/scams
- High risk driving and enforcement of the motor vehicle act

Recommendation

That Council:

- Dissolve the Protective Services Committee;
- Direct the Manager of Protective Services to regularly liaise with the community safety partner agencies on reports and concerns in order to address issues efficiently and rapidly; and
- Direct the Manager of Protective Services to conduct annual or semi-annual emergency management and planning exercises with the community safety partner agencies.

Recommendation

That Council direct staff to draft a single-use plastics bylaw incorporating best practices introduced by other municipalities.

Recommendation

That Council direct staff to investigate costs of improving the wi-fi service at Aggie Hall and return to a future meeting of Council with a report outlining options.

Recommendation

That Council direct staff to investigate options for a rain barrel rebate program and bring a report back to Council.

Recommendation

That Council endorse the final draft of the Town of Ladysmith 2023-2026 Strategic Plan.

11. REPORTS

11.1 UBCM Community to Community (C2C) Forum Program

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Recommendation

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$5,000 during the May 2023 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to May 1, 2024; and
2. Approve the allocation of up to \$5,000 as the Town's contribution.

11.2 Consequential Amendments Arising from OCP Bylaw 2200

73

Recommendation

That Council:

1. Rescind Community Amenity Contribution (CAC) Policy 01 – 6410-A;
2. Decide not to hold a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140” pursuant to section 464(2) of the *Local Government Act* and direct staff to issue notice pursuant to section 467(1) of the *Local Government Act*, prior to first reading of Bylaw No. 2140;
3. Direct staff to refer Bylaw No. 2140 to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*; and
4. Give first, second and third readings to “Sustainable Transportation Reserve Bylaw, No. 2145”.

12. BYLAWS

12.1 “Town of Ladysmith Heritage Revitalization Agreement Bylaw 2023, No. 2139” 92

At the Regular Meeting of Council held February 21, 2023 Council passed a motion related to the subject of tonight’s Public Hearing that required the applicant to enter a Heritage Revitalization Agreement, prepared by the Town’s lawyer at the applicant’s cost, to preserve and rehabilitate the Island Hotel’s (440 1st Ave.) heritage character. Bylaw No. 2139 authorizes the Town to enter into this agreement.

Recommendation

That Council give first three readings to “Town of Ladysmith Heritage Revitalization Agreement Bylaw 2023, No. 2139”.

12.2 Bylaw Status Sheet 129

13. CORRESPONDENCE

13.1 Ladysmith Chamber of Commerce Annual Golf Tournament Sponsorship 131

Recommendation

That Council:

1. Allocate \$200 to sponsor a hole at the Ladysmith Chamber of Commerce Annual Golf Tournament.
2. Consider entering a team in the tournament.

14. NEW BUSINESS

15. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during "Question Period" must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.

- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

16. ADJOURNMENT

TOWN OF LADYSMITH

BYLAW NO. 2137

A Bylaw to Amend “Official Community Plan Bylaw 2003, No. 1488”

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Official Community Plan Bylaw 2003, No. 1488”:

1. Schedule A – Official Community Plan Text of “Official Community Plan Bylaw 2003, No. 1488” is hereby amended as follows:
 - a. Section 3.8.1 – “Land Use Designation - Downtown Core”
Replace the sentence, “A higher FSR may be supported for the restoration of buildings on the Community Heritage Register” of the Downtown Core paragraph with the following:

“Higher densities may be supported for the restoration of buildings on the Community Heritage Register.”
 - b. Table 8 “Density Summary”
 - i. Replace the text of Note 6 with the following:
“Higher density potential for restoration of buildings on the Community Heritage Register.”
 - ii. Add Note 6 to the “Floor Space Ratio (FSR)” column of the “Downtown Core – Commercial” row.
 - iii. Add Note 6 to the “Units per Hectare (uph)” column of the “Downtown Core – Residential” row.

Citation

2. This Bylaw may be cited for all purposes as “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137”.

READ A FIRST TIME on the 21st day of February, 2023

READ A SECOND TIME on the 21st day of February, 2023

PUBLIC HEARING HELD on the _____ day of _____, 2023

READ A THIRD TIME on the _____ day of _____, 2023

ADOPTED on the _____ day of _____, 2023

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

TOWN OF LADYSMITH

BYLAW NO. 2138

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule A – Section 5.14 "Floor Area and Exemptions" subsection (b): Replace "For all *Multi-Unit Dwellings*, the *Gross Floor Area* shall be measured to the exterior surface of the exterior wall, excluding:" with the following:

"For all *Multiple-Unit Dwellings* and portions of mixed-use *Buildings* used for *Residential* use, the *Gross Floor Area* shall be measured to the exterior surface of the exterior wall, excluding:".

2. Schedule A – Section 11.2 "Downtown Commercial(C-2)": Add a new subsection in section 10 "Site Specific Regulations" after existing subsections and alphabetized accordingly, as follows:

"h) For the *Parcel* legally described as Lot 6, Block 27, District Lot 56, Oyster District, Plan 703 (440 1st Avenue) the following site-specific regulations apply:

- i. Despite Section 11.2.4.(b) the number of *Dwelling Units* on this *Parcel* shall not exceed 22.
- ii. Despite Section 11.2.4.(c) the *Floor Space Ratio* shall not exceed 3.1.
- iii. Despite Section 11.2.4.(d) no *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 100.0 percent.
- iv. Despite Section 11.2.5.(a) no *Buildings* or *Structures* shall exceed a *Height* of 18.0 metres.
- v. Despite Section 11.2.5.(c):
 - a. the fourth *Storey* shall be *Setback* at least 2.7 metres from the *Front Parcel Line*.
 - b. The fifth *Storey* shall be *Setback* at least 5.4 metres from the *Front Parcel Line*.
 - c. The *Setback* from the *Rear Parcel Line* shall be at least 0.0 metres.
- vi. Despite section 11.2.7(b):
 - a. a total of 4 off-street parking spaces shall be provided.
 - b. a minimum of 1.0 Class A secure bicycle parking spaces shall be provided per dwelling unit."

Citation

3. This Bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138".

READ A FIRST TIME on the 21st day of February, 2023

READ A SECOND TIME on the 21st day of February, 2023

PUBLIC HEARING HELD on the _____ day of _____, 2023

READ A THIRD TIME on the _____ day of _____, 2023

APPROVED BY MINISTRY OF TRANSPORTATION

on the _____ day of _____, 2023

ADOPTED on the _____ day of _____, 2023

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)



**MINUTES OF TWO PUBLIC HEARINGS &
A REGULAR MEETING OF COUNCIL**

**Tuesday, May 2, 2023
6:00 P.M.**

**Ladysmith Seniors Centre
630 2nd Avenue**

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Duck Paterson

Councillor Marsh Stevens
Councillor Ray Gourlay

Council Members Absent:

Councillor Tricia McKay

Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Matt O'Halloran
Trish McConnell
Andrew Wilson
Sue Bouma

1. CALL TO ORDER

Mayor Stone called this Meeting of Council to order at 5:30 p.m., in order to retire immediately into Closed Session.

2. CLOSED SESSION

CS 2023-099

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:

- (c) labour relations or other employee relations; and
- (g) litigation or potential litigation affecting the municipality.

Motion Carried

3. **OPEN MEETING AND ACKNOWLEDGEMENT (6:00 P.M.)**

Mayor Stone called this Public Hearing and Regular Meeting of Council to order at 6:00 p.m., recognizing with gratitude that it was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

4. **AGENDA APPROVAL**

CS 2023-100

That Council approve the agenda for this Public Hearing and Regular Meeting of Council for May 2, 2023 as amended to include the following changes, received after publication of the agenda:

- Item 6, "Public Hearing #2 – 'Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134' and 'Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135' – add public submissions; and
- Item 9.1, "Minutes of the Public Hearing and Regular Council Meeting held April 18, 2023" – add a motion to adopt the minutes as amended to reflect changes submitted by Susan Dallyn regarding her public submission.

Motion Carried

5. **PUBLIC HEARING #1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124"**

Members of the public attending: 21

5.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2124.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the Hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed bylaw, although they may ask clarifying questions. He advised that once everyone had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

5.2 Introduction of Bylaw and Statutory Requirements - Director of Development Services

Jake Belobaba, Director, Development Services, introduced “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124” as the subject of the Public Hearing.

Mr. Belobaba advised that, if approved, Bylaw No. 2124 would rezone the subject properties from the Live/Work Residential (R-2-LW) zone to the Medium Density Residential (R-3) zone with site-specific setbacks to facilitate construction of a four-plex on each property.

The proposed zoning would allow:

- Up to four dwelling units on each parcel.
- Multiple-unit dwellings or townhouse dwellings (including fourplexes).
- A maximum floor space ratio of 2.0.
- A maximum parcel coverage of 50%-60%.
- A maximum building height of 12.0m.
- Reduced setbacks principal building setbacks of 3.0m from the front and rear parcel lines, and 1.5m from any side parcel line.; and
- a reduced accessory building front setback of 3.0m.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on April 27, 2023 and posted on the Town's website and community notice boards.

A copy of the Notice, the proposed bylaw, and background information were made available at the front counters of City Hall and Development Services and were available on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. Mr. Belobaba noted that as of noon on Tuesday, May 2, 2023 no submissions related to the proposed bylaws had been received.

5.3 Submissions

Mayor Stone invited the applicants to make the first submission to Council, but they were not in attendance.

5.4 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone called for submissions from the public.

Keisha Disher, 20 Warren Street, spoke against the application, expressing concern that the proposed structures do not reflect the heritage character of the surrounding community. She also noted that the application is not consistent with the new Official Community Plan as it does not include sustainable design elements such as solar panels, electric vehicle charging stations, water collection or greenspaces for gardens. She advised that the proposed buildings would cast a shadow on neighbouring properties' gardens, negatively affecting others' attempts at sustainable living, and expressed her opinion that rezoning the two properties from live/work residential to multi-family housing was irresponsible, as it would reduce the number of live/work residential businesses that could exist in the neighbourhood. Ms. Disher also raised concerns about parking, stating that the proposal did not include adequate parking, which would greatly affect street parking.

Wayne Johnston, 26 Warren Street, agreed with Ms. Disher's parking concerns and advised Council that much of the street is already designated for Recreational Vehicle parking. He also expressed concerns with the cedar trees on the property and suggested that Fire Smart concerns would require their removal as they would be too close to the proposed structure.

Mayor Stone called for submissions a second time.

Mayor Stone called a third and final time for submissions to Council.

Mayor Stone asked the Corporate Officer, M. O'Halloran, if any submissions had been received during the Hearing. The Corporate Officer advised that no submissions had been received.

5.5 Declaration that the Public Hearing for Bylaw No. 2124 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw No. 2124 closed at 6:18 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

6. PUBLIC HEARING #2 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135"

Members of the public attending: 25

6.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw Nos. 2134 and 2135.

He advised that staff would introduce the proposed bylaw amendments, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the Hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed bylaws, although they may ask clarifying questions. He advised that once everyone had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

6.2 Introduction of Bylaws and Statutory Requirements - Planner, Development Services

Andrew Wilson, Planner, Development Services, introduced "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134" and "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135" as the subjects of the Public Hearing.

Mr. Wilson advised that, if approved, Bylaw No. 2134 would amend Map 2 of "Official Community Plan Bylaw 2003, No. 1488", by applying Development Permit Area 10 – Coach House Intensive Residential (DPA 10) to the subject property.

Mr. Wilson noted that, if approved, Bylaw No. 2135 would amend the Zoning Bylaw to permit one two-storey coach house dwelling as an accessory use on the subject property with site-specific provisions including:

- An increased height of 7.6m.
- An increased gross floor area of 70m² for coach house living space.
- An increased gross floor area of 84m² for self-contained accessory space on the first storey.

Mr. Wilson also confirmed the Public Hearing notification and engagement process. Notice of this Public Hearing was published in the Ladysmith Chronicle on April 27, 2023, mailed and delivered to all properties located within 60 metres of the subject property, and posted on the Town's website and community notice boards.

A copy of the Notice, the proposed bylaws, and background information were made available at the front counters of City Hall and Development Services and were available on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. Mr. Wilson noted that as of noon on Tuesday, May 2, 2023, four submissions related to the proposed bylaws had been received.

6.3 Submissions

Mayor Stone invited the applicants to make the first submission to Council, but they declined to speak.

6.4 Call for Submissions to Council (Three Times) - Mayor Stone

Mayor Stone called for submissions from the public.

Brian Lowry, 1145 Cloke Road, advised Council that he did not receive the Public Hearing notice despite being the next door neighbour of the applicant. He expressed concern regarding the size of the proposed building and how it would affect backyard privacy, particularly as the proposed building's windows would look directly on his patio area. He also noted that the trees on the property line between his home and the applicant's would not survive if the building was situated five feet from the property line. Mr. Lowry expressed concern with the size of the building and advised Council that there are no alleys in that area, making driveway access and fire access a problem. Mr. Lowry also voiced concerns regarding rental plans, particularly the potential of the coach house space being used as an AirBnB, or if the future plans of the applicant included subdivision.

Loretta, 1145 Cloke Road, shared her appreciation for the applicants and the neighbourhood. She stated that, although she was not objecting to the proposed building, her previous experience in communities on the mainland made her cautious. She recommended that Council proceed carefully with changing zoning bylaws as future owners may not recognize the original intent of the amendments. She also expressed concern that the build would occur during the summer months, affecting the quality of

life, particularly in regard to noise and outdoor living, for those in the neighbourhood.

Daniel, 1145 Cloke Road, spoke against the application to permit a coach house dwelling. He questioned why a laneway was not a requirement in this situation and expressed concerns about the domino effect that could occur as a result of approving this application. He also stated that he did not want the build to interfere with the ability to enjoy outdoor living over the summer.

Collin Blake, applicant for the project, thanked staff for reviewing his application for a garage/workshop with a second storey apartment. He advised that there is ample room on the property to support the building, and that centering it on the property will have little impact on neighbours. He underscored the importance of neighbourhood densification for both young people and older retired people.

Mayor Stone called for submissions a second time.

Brian Lowry, 1145 Cloke Road, commented on the potential cost of the project and how that might affect rental decisions. He also expressed concern that future owners of the property may not respect the applicant's original intent and turn the apartment into an AirBnB.

Mayor Stone called a third and final time for submissions to Council.

Mayor Stone asked the Corporate Officer, M. O'Halloran, if any submissions had been received during the Hearing. The Corporate Officer advised that four submissions had been received after publication of the agenda, all of which were in support of the project. The submissions were from Dan Whitelaw and Beth Lobett, Pat and Laura Taylor, Laura Masur and Jon Ferguson.

6.5 Declaration that the Public Hearing for Bylaw Nos. 2134 and 2135 is Closed - Mayor Stone

Hearing no comments and receiving no further submissions, Mayor Stone declared the Public Hearing for Bylaw Nos. 2134 and 2135 closed at 6:45 p.m. and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

7. BYLAWS - OFFICIAL COMMUNITY PLAN AND ZONING (SUBJECTS OF THE PUBLIC HEARINGS)

7.1 Subject of Public Hearing #1

7.1.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124"

CS 2023-101

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124".

Motion Carried

7.2 Subject of Public Hearing #2

7.2.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134"

CS 2023-102

That Council proceed with third reading and adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2134".

Motion Carried

7.2.2 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135"

CS 2023-103

That Council give third reading to "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135".

Motion Carried

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

Council rose from Closed Session at 5:56 p.m. without report.

The following item from the Closed Meeting of Council held April 18, 2023 was reported:

CE 2023-023

That Council:

1. Direct staff to amend the Town of Ladysmith Street Naming Policy 11-5450-A to include "Stringer" on the approved list of street names; and
2. Rise and report on Recommendation No. 1 once the family has been notified.

The following item from the Closed Meeting of Council held November 15, 2022 was reported:

CE 2022-073

That Council:

3. Authorize staff to issue a press release immediately following the assignment of Lease 1407751 to Stz'uminus First Nation and notice to the Ladysmith Maritime Society of termination of the sublease;
4. Rise and report on Recommendation 3 when appropriate.

The following item from the Closed Meeting of Council held August 2, 2022 was reported:

CE 2022-052

That Council:

1. Authorize the Mayor and Corporate Officer to:
 - a. Execute the Assignment Agreement to assign Crown Land Leases 1403564 and 1407751, to the Stz'uminus First Nation, as presented in Attachment A to the August 2, 2022 staff report;
 - b. Execute the Termination Agreement to terminate the Sublease between the Town of Ladysmith and DL2016 Holdings Corporation and the Management & Operating agreement and Licence between DL2016 Holdings Corporation and the Ladysmith Maritime Society, as presented in Attachment B to the August 2, 2022 staff report; and
 - c. Surrender Lease 1403564; and
2. Direct staff and the Town's solicitor to:
 - a. Execute the conditions precedent outlined in the Assignment Agreement;
 - b. Execute the Termination Agreement with the Ladysmith Maritime Society and DL2016; and

3. Rise and report on Recommendation Nos. 1(a), 1(b), 1(c), 2(a) and 2(b) once all agreements are executed.

9. MINUTES

9.1 Minutes of the Public Hearing and Regular Meeting of Council held April 18, 2023

CS 2023-104

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held April 18, 2023, as amended to reflect the following change submitted by Susan Dallyn regarding her public submission on page 5:

“Susan Dallyn, 3380 Rumble Road, Ladysmith (Saltair), a member of the Ladysmith Maritime Society and a volunteer with the society, expressed the need to continue to work closely with long time community groups listed in the OCP, including the Ladysmith Maritime Society which operates the Ladysmith Community Marina and to allow them to work with the Stz’uminus First Nations in developing the Ladysmith waterfront.”

Motion Carried

OPPOSED: Councillor Stevens

10. PROCLAMATIONS

10.1 Fibromyalgia Awareness Day

Mayor Stone proclaimed Friday, May 12, 2023 as "Fibromyalgia Awareness Day" in the Town of Ladysmith.

In support of "Fibromyalgia Awareness Day", the Town will also illuminate its available themed lighting locations with purple lights.

10.2 International Day Against Homophobia and Transphobia

Mayor Stone proclaimed Friday, May 17, 2023 as "International Day Against Homophobia and Transphobia Day" in the Town of Ladysmith.

In support of "International Day Against Homophobia and Transphobia Day", the Town will also fly the Pride flag.

11. DEVELOPMENT APPLICATIONS

11.1 Development Permit Amendment – 314 Buller Street

CS 2023-105

That Council refer Development Permit Amendment 3060-22-18 for 314 Buller Street back to staff to work with the proponent on finding a creative and budget-friendly solution to shield the rooftop mechanical equipment on the existing building.

Motion Carried

OPPOSED: Mayor Stone

11.2 Development Variance Permit 3090-23-02 and Development Permit Application 3060-22-09 – 411 Thetis Drive

CS 2023-106

That Council:

1. Issue Development Variance Permit 3090-23-02 to vary the following provisions of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” for a proposed single unit dwelling at 411 Thetis Drive (Lot 3, District Lot 52, Oyster District, Plan EPP90583; PID: 031-471-552):
 - a. Section 10.2.5 (a) to increase the maximum height of the proposed single unit dwelling from 7.5m to 9.8m where the roof pitch is less than 4:12; and
 - b. Section 10.2.5 (d) to increase the maximum perimeter wall height of the proposed single unit dwelling from 7.32m to 10.4m for any wall of the single unit dwelling; and
2. Issue Development Permit 3060-22-09 to allow construction of a single unit dwelling at 411 Thetis Drive.

Motion Carried

12. COMMITTEE MINUTES

12.1 Public Art Committee - April 19, 2023

CS 2023-107

That Council receive the minutes of the Public Art Committee meeting held April 19, 2023.

Motion Carried

13. BYLAWS

13.1 Bylaws for Introduction

13.1.1 "Financial Plan Bylaw 2023, No. 2141"

CS 2023-108

That Council give first, second and third readings to "Financial Plan Bylaw 2023, No. 2141".

Motion Carried

13.1.2 "Property Tax Rates Bylaw 2023, No. 2142"

CS 2023-109

That Council give first, second and third readings to "Property Tax Rates Bylaw 2023, No. 2142".

Motion Carried

13.1.3 "Sewer Parcel Tax Bylaw 2023, No. 2143"

CS 2023-110

That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2023, No. 2143".

Motion Carried

13.1.4 "Water Parcel Tax Bylaw 2023, No. 2144"

CS 2023-111

That Council give first, second and third readings to "Water Parcel Tax Bylaw 2023, No. 2144".

Motion Carried

13.2 Bylaws for Adoption

13.2.1 "Official Community Plan Bylaw 2022, No. 2200"

CS 2023-112

That Council:

1. Rescind third reading of "Official Community Plan Bylaw 2022, No. 2200";
2. Give third reading to "Official Community Plan Bylaw 2022, No. 2200" as amended, to add 1141 Cloke Road to Development

Permit Area 10 - Coach House Intensive Residential, as shown in Schedule 1 of Bylaw 2134"; and
3. Adopt "Official Community Plan Bylaw 2022, No. 2200".
Motion Carried

13.3 Bylaw Status Sheet

14. QUESTION PERIOD

A member of the public requested business-restrictive parking signs outside of her pharmacy.

A member of the public responded to a comment made by Councillor Paterson and confirmed the previous practice of applying heritage design restrictions to parts of the downtown core. He also reviewed some developers' responses to the Official Community Plan Public Hearing and enquired if Council had plans to overcome the apparent disconnect between the Town and the development community, as well as whether the Town had any concerns regarding potential legal action by the development community related to the adoption of the Official Community Plan. He also brought up the topic of the water lot transfers and expressed confusion about the additional leases mentioned in the Rise and Report section of tonight's agenda, asking for these leases to be published on the website.

A member of the development community asked why three developers representing almost 600 units were not considered stakeholders in the Official Community Plan project and whether Council knew they hadn't been informed.

15. ADJOURNMENT

CS 2023-113

That this Regular Meeting of Council be adjourned at 7:59 p.m.

Motion Carried

CERTIFIED CORRECT

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)



MINUTES OF A SPECIAL MEETING OF COUNCIL

Tuesday, May 9, 2023

6:30 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Deputy Mayor Paterson

Mayor Stone

Councillor Gourlay

Councillor Jacobson

Councillor McKay

Councillor Stevens

Councillor Virtanen

Staff Present:

Allison McCarrick

Erin Anderson

Jake Belobaba

Ryan Bouma

Chris Geiger

Matt O'Halloran

Mike Gregory

Andrea Hainrich

1. CALL TO ORDER AND ACKNOWLEDGEMENT

In preparation for the Committee of the Whole meeting to follow, Mayor Stone vacated the Chair to allow the Deputy Mayor to chair both meetings.

Deputy Mayor Paterson assumed the Chair and called this Special Meeting of Council to order at 6:32 p.m., recognizing with gratitude that it was taking place on the traditional unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CS 2023-114

That Council approve the agenda for this Special Meeting of Council for May 9, 2023.

Motion Carried

3. BYLAWS

3.1 Bylaws for Adoption

3.1.1 “Financial Plan Bylaw 2023, No. 2141”

CS 2023-115

That Council adopt “Financial Plan Bylaw 2023, No. 2141”.

Motion Carried

3.1.2 “Property Tax Rates Bylaw 2023, No. 2142”

CS 2023-116

That Council adopt “Property Tax Rates Bylaw 2023, No. 2142”.

Motion Carried

3.1.3 "Sewer Parcel Tax Bylaw 2023, No. 2143"

CS 2023-117

That Council adopt "Sewer Parcel Tax Bylaw 2023, No. 2143".

Motion Carried

3.1.4 "Water Parcel Tax Bylaw 2023, No. 2144”

CS 2023-118

That Council adopt "Water Parcel Tax Bylaw 2023, No. 2144”.

Motion Carried

4. ADJOURNMENT

CS 2023-119

That this Special Council meeting adjourn at 6:36 p.m.

Motion Carried

CERTIFIED CORRECT

Deputy Mayor (D. Paterson)

Corporate Officer (M. O’Halloran)

STAFF REPORT TO COUNCIL

Report Prepared By: Julia Tippett, Planner
Report Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: May 16, 2023
File No: 3090-22-15
RE: Development Variance Permit - 426 Baden-Powell St

RECOMMENDATION:

That Council issue Development Variance Permit 3090-22-15 for 426 Baden-Powell Street (Lot 10 Block 97, District Lot 56, Oyster District Plan 703A, 008-167-290) to vary section 10.6(5)(d) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to decrease the front parcel line setback from 6.0m to 1.9m for an existing unenclosed balcony and unenclosed staircase attached to a principal building.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a proposed Development Variance Permit (DVP) to reduce the front parcel line setback for an unenclosed front balcony and unenclosed staircase attached to a single unit dwelling at 426 Baden-Powell Street for Council's consideration. Staff recommend that DVP 3090-22-15 (Attachment A) be approved based on analysis of the impacts.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:*Subject property*

The subject property, 426 Baden-Powell Street, is 667.4m² in size and is within the Neighbourhood Residential land-use designation in "Official Community Plan Bylaw 2022, No. 2200" (OCP). The property is zoned Old Town Residential (R-2) in "Town of Ladysmith Zoning Bylaw 2014, No. 1860". There is a single unit dwelling on the property containing a secondary suite on the lower floor. Neighbouring land uses are predominantly single-family residential, including all properties abutting the subject property. Other nearby land uses include the Ladysmith Fire Department, Ladysmith RCMP detachment, Ladysmith Primary School, and Ladysmith Secondary School.

A map of the subject property is provided in Attachment B. Also, see the site photos included as Attachments E and F which show the subject property and adjacent property to the northeast for additional site context.

Background

Construction activities began on the dwelling without a building permit including the addition of a secondary suite within the lower floor of the dwelling, removal of a previously existing front porch, and the addition of a new front porch/balcony and staircase. There were no other recorded changes to the building. A stop work order was issued and the applicant has applied for a building permit and DVP application to bring the construction into compliance with applicable regulations, including the minimum front setbacks in the Zoning Bylaw.

PROPOSAL:

The applicant is proposing a front parcel line setback variance to bring an unenclosed front balcony and attached staircase into compliance with the Zoning Bylaw. The minimum front parcel line setback in the R-2 zone is 6.0m, and the balcony is 1.9m from the front parcel line, requiring issuance of a DVP. The balcony serves as cover over the entrance to the lower secondary suite, which is accessed from the front of the property. The proposed secondary suite conforms with the Zoning Bylaw and does not require a variance.

A site plan and the applicant's letter of rationale are provided as Attachment C and D, respectively.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Official Community Plan

The property is designated as Neighbourhood Residential in the OCP, and the proposed development is consistent with the land use designation.

Zoning Bylaw

The subject property is zoned R-2 which has a minimum front parcel line setback of 6.0m. Unenclosed balconies and unenclosed stairwells are permitted to project into a front parcel line setback by 1.5m in accordance with the Zoning Bylaw, which constitutes a minimum setback of 4.5m for these structures. The proposed unenclosed balcony is located 1.9m from the front parcel line and the unenclosed staircase is 2.8m from the front parcel line, both requiring a setback variance. In addition, the single unit dwelling is situated 4.6m from the front parcel line, but under sections 529(1) and 529(2) of the *Local Government Act* the single unit dwelling is a legal non-conforming structure as the alterations made to the home did not increase the degree of non-conformity to the Zoning Bylaw. Issuing a DVP to decrease the front parcel line setback from 6.0m to 1.9m will legalize the non-conforming unenclosed balcony and attached staircase.

Additional Considerations

Other dwellings in the neighbourhood and along Baden-Powell Street are situated close to their front parcel lines, including the single unit dwelling directly northeast of the subject property, which is approximately 4.5m from the front parcel line. The proposed front parcel line setback variance for the balcony and staircase is therefore consistent with the neighbourhood character and is not expected to have a negative impact on the existing neighbourhood. It is recommended that DVP 3090-22-15 be approved.

ALTERNATIVES:

Council can choose to:

1. Deny the application and direct that the unauthorized structures be removed.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend the conditions of the proposed permit and approve the issuance of the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations (excluding regulations for use, density and rental tenure) through issuance of a DVP. DVPs are discretionary decisions of Council, and Council has no obligation to approve the proposed variance.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Mail notification for the proposed Development Variance Permit (DVP 3090-22-15) pursuant to section 499 of *Local Government Act* and "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667", was carried out on May 5, 2023. No written submissions were received prior to the time of writing.

INTERGOVERNMENTAL REFERRALS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated amongst Town departments for review. Their comments are summarized below:

Table 4: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Engineering	No concerns.
Yes	Bylaw Enforcement	No comments received other than that the property was undergoing construction without a permit.
Yes	Building Inspection	The suite was installed without a building permit or inspections. The applicant will be required to apply for a building permit for the suite, balcony and stairs.

No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
No	Fire/Protective Services	N/A

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

Under CPAC Terms of Reference a CPAC review of this application is not required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- A. Development Variance Permit 3090-22-15
- B. Subject Property Map
- C. Site Plan
- D. Applicant Letter of Rationale
- E. Site Photo – Subject Property Front View
- F. Site Photo – Adjacent Property to Northeast of Subject Property with Subject Property in Background



**TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT**
(Section 498 Local Government Act)

FILE NO: 3090-22-15

DATE: May 16, 2023

Name of Owner(s) of Land (Permittee): Lindsey Haist and Gerhard Dyck

Applicant: Lindsey Haist and Gerhard Dyck

Subject Property (Civic Address): 426 Baden-Powell Street

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

**Lot 10, Block 97, District Lot 56, Oyster District, Plan 703A
PID: 008-167-290
(426 Baden-Powell Street)
(referred to as the "Land")**
3. Section 10.6.5(d) "Siting, Sizing and Dimension of Uses, Buildings and Structures" in the "Old Town Residential (R-2)" zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", is varied for the subject property by decreasing the minimum *Front Parcel Line Setback* of a *Principal Building* from 6.0 metres to 1.9 metres for an unenclosed balcony, unenclosed staircase attached to a *Single Unit Dwelling* as shown in Schedule A – Site Plan.
4. The following plans and specifications are attached:
 - a) **Schedule A – Site Plan**
5. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.

6. 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 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

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

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE ____ DAY OF _____ 2023.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

DRAFT

TEL: 250-758-4831 FAX: 250-758-4860
NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER

File: 90258

Civic: 426 Baden-Powell Street, Ladysmith, BC

Legal: Lot 10, Block 97, District Lot 56, Oyster District, Plan 703A

Dimensions are in metres and are derived from field survey.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 20th day of January, 2022.

James Enders
D66WHD2

Digitally signed by James Enders D66WHD2
DN: c=CA, cn=James Enders D66WHD2,
o=BC Land Surveyor, ou=Verify ID at
www.juricert.com/LKUP.cfm?id=D66WHD2
Date: 2022.01.20 14:09:45 -08'00'

This document is not valid unless
originally signed and sealed or
digitally signed by BCLS

James R. Enders, BCLS 659

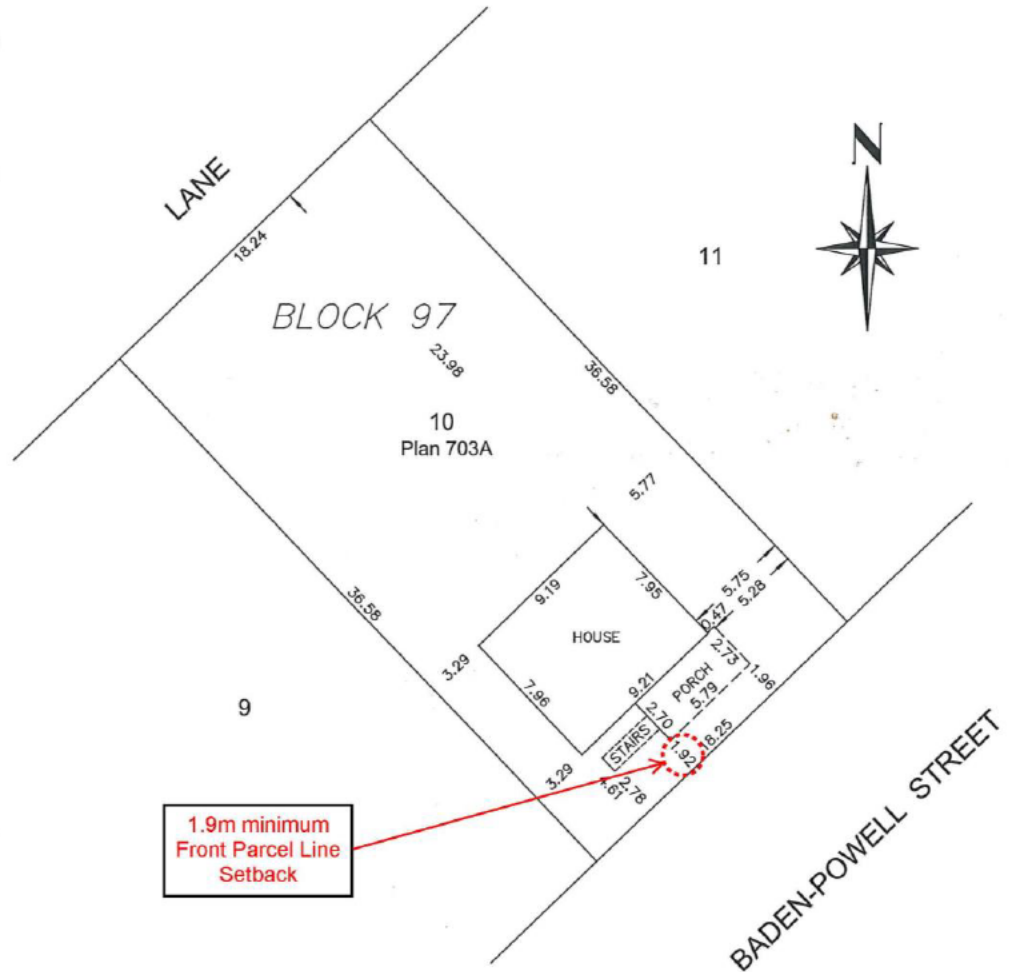
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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA8484237 (P.I.D. 008-167-290)



The intended plot size of this plan is 280mm in width by 432mm in height (B size) when plotted at a scale of 1:250.



Schedule A - Site Plan
DVP 3090-22-15
426 Baden-Powell Street



December 12, 2022

Mayor and Council
Town of Ladysmith
Ladysmith, BC
c/o Julie Thompson
Development Services Department

Dear Mayor and Council

Development Variance Permit Application
426 Baden-Powell Street, Ladysmith, BC

Keene Anderson of Greenplan on behalf of the Haist/Dyck Family who are owners of the subject property are hereby applying for a Development Variance Permit at the above noted address. The owners would like to request a variance to the Ladysmith Zoning Bylaw for the legalization of an entry porch that extends into the front yard setbacks and for a secondary suite that exceeds bylaw regulations on square footage.

The Ladysmith Zoning Bylaw identifies the subject property as an Old Town Residential lot or R-2. Subject to the regulations pertinent to this zone, we note that the front yard setback as required from the front face of the principle dwelling to the front property line needs to be a minimum of 6M. As you will note in Schedule A attached, BCLS survey by J.E Anderson & Associates dated Jan 20, 2022 (file # 90258) the front porch entry to the main residence on the upper floor is only 1.92m and thus requires a variance of 4.08m to be in compliance with the front yard setback regulations. Look at little closer and you will also note that the existing building itself is only 4.61m from the front property line and thus it too does not meet the min 6m setback, (although legal non-conforming status exists for the home due to it's existence predating the bylaw). Since the home itself does not meet the front yard setback, any entrance porch to allow access to the front of the home would be in non-compliance with the bylaw.

Previously the home had a very small front entrance room that projected approximately 4 feet closer to the front lot line than the main residence, (see attached google earth image). This small entrance space was poorly constructed and had become a safety concern to the residents and thus was removed and replaced with a more extensive uncovered porch (2.7m x 5.79m) which is noted in the survey. This porch also serves as a cover for the front entry to the suite in the basement since it is lower than the front yard grade and thereby contributed to the decision for the size of the porch.



Figure 1 - Google Earth image

It should be noted that the bylaw request for a minimum 6M front yard setback in residential zones is common in most municipal bylaws as this distance of 6M (or 19'8") allows for sufficient space for off street parking from the road. Unique to our circumstance is that this property has a rear lane that provides the primary access for off street parking. Furthermore, the historical use on Baden-Powell Street with extensive non-paved shoulders has permitted parking in front of the home where it bridges the front lot line as evident in the google earth image above. Subsequently, we formally request a variance relaxation of 4.08m to the front yard setback to allow the front porch for the home.

The second variance request arises from limitations for a secondary suite as noted in Section 6.4 of the Ladysmith Zoning Bylaw where the size of the suite cannot exceed 90m² or 40% of the total Gross Floor Area of the home. The existing floor plan of the home is relatively small at 68.0m² on each floor, (see floorplans attached). The lower floor secondary suite with an area of 68.0m² is significantly less than the 90m² allowance however, based on a total home area of 136m² and the 40% provision, the maximum permitted secondary suite area can only be 54.4m². There is no interconnecting staircase between the two floors and thus there is no ability to have the upper floor access a 10% portion of the lower floor to facilitate the % compliance requirement. Therefore, we are seeking a variance of 13.6m² to be added to the permitted 54.4m² lower floor secondary suite or effectively bumping the permitted ratio from 40% to 50%. Given the limited size of this home and the need for additional affordable housing in Ladysmith, we trust Council will be acceptable to this variance request.

We trust the information provided offers sufficient rationale for the dual variances we are seeking on behalf of the Haist/Dyck Family.

Respectfully

Keene Anderson
Greenplan, Cedar, BC.

Attachment E



Attachment F



STAFF REPORT TO COUNCIL

Report Prepared By: Julia Tippett, Planner
Report Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: May 16, 2023
File No: 3090-22-16
RE: Development Variance Permit – 340 Morgan Road

RECOMMENDATION:

That Council issue Development Variance Permit Number 3090-22-16 for 340 Morgan Road (That Part of Lot 3 District Lot 42 Oyster District, Plan 8270 Lying to the South West of the South Westerly Boundary of the Island Highway as Said Highway is Shown on Said Plan Except Parcel A (DD 59670N); 005-491-215) to vary section 6.4(a)(ii) of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" to allow a secondary suite with a maximum floor area of 131.0m².

EXECUTIVE SUMMARY:

The purpose of this report is for Council's consideration of a proposal to vary the maximum floor area of an existing secondary suite at 340 Morgan Road to bring it into compliance with the Zoning Bylaw. Staff recommend approval of Development Variance Permit (DVP) 3090-22-16 as the secondary suite is not expected to have any negative impact on the neighbourhood.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:**Subject property**

The 15,378m² subject property at 340 Morgan Road is in a predominantly single-family residential neighbourhood. Surrounding land uses include Morgan Road and the Trans-Canada Highway to the north, single-family residential to the east, south and west. Other nearby land uses include a neighbourhood park and a closed school site. The subject property is designated Neighbourhood Residential in "Official Community Plan 2022, Bylaw No. 2200" (OCP) and is zoned Single Dwelling Residential (R-1) under "Town of Ladysmith Zoning Bylaw 2014, No. 1860". The property currently contains a single unit dwelling and has an unauthorized secondary suite on its lower floor. The rear of the parcel remains largely covered by trees.

A map of the subject property is provided in Attachment A.

PROPOSAL:

The subject property has an existing single unit dwelling with an unauthorized suite on the lower floor. The size of the secondary suite is 130.6m² and the applicant is requesting a variance to the maximum allowable floor area of a secondary suite to bring it into compliance with the Zoning Bylaw. The maximum allowable floor area in the applicable R-1 zone is 90.0m². If approved, DVP 22-16 (Attachment B) will vary the maximum floor area for the secondary suite at 340 Morgan Road from 90.0m² to 131.0m².

The applicant has also applied for a building permit for the secondary suite, which may not be issued unless DVP 22-16 is approved by Council.

The applicant has provided a rationale letter, which is attached as Attachment C.

ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Official Community Plan

Under the OCP, the subject property is designated as Neighbourhood Residential. Secondary suites are supported under this land use designation as they contribute to diversity of housing and tenure. Policy 2.4(k) further encourages secondary suites in existing single-detached dwellings in accordance with the BC Building Code. The addition of this secondary suite in the existing single unit dwelling supports OCP objective 2.1(f) to increase housing diversity and affordability. Section 1.1(f) of the OCP also supports the development of new housing choices in South Ladysmith.

Zoning Bylaw

The subject property is located within the R-1 zone in the Zoning Bylaw which allows secondary suites as an accessory use within a single unit dwelling. Secondary suite regulations (section 6.4(a)(ii)) of the Zoning Bylaw states that a secondary suite shall not exceed a floor area of 90.0m², except in zones R-2, R-2-A, and R-2-LW¹. The proposed secondary suite has a floor area of 130.6 m² and therefore exceeds the maximum allowable floor area. The proposal meets all other requirements under the secondary suite regulations and is otherwise compliant with the Zoning Bylaw. There is no longer a floor area limit on suites in the BC Building Code.

Parking

The Zoning Bylaw requires one off-street parking stall for the single unit dwelling and one additional parking space for the secondary suite (two spaces total). Tandem parking (i.e., one space in front of the other) is permitted on single-family parcels. The subject property is large and has ample off-street parking available at the rear of the principal building as well as in the driveway, which exceeds the minimum parking requirement (see Attachment D).

¹ Bylaw No. 2100 recently amended the “Town of Ladysmith Zoning Bylaw 2014, No. 1860” secondary suite regulations to encourage secondary suites instead of coach houses in zones where coach houses are permitted by removing maximum floor area requirements. The maximum floor area for secondary suites in all other zones, including R-1, is 90.0m².

Additional Considerations

The BC Building Code previously had size restrictions for secondary suites, but suite size restrictions were removed from the Code to enable the creation of more affordable housing and to provide local governments with more options for land use planning. Policies in the new OCP align with this change to the Code and both support issuance of DVP 22-16.

ALTERNATIVES:

Council can choose to:

1. Not approve the application.
2. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
3. Amend the conditions of the proposed permit and approve the issuance of the permit as amended.
4. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The *Local Government Act* allows Council to vary Zoning Bylaw regulations (excluding regulations for use, density and rental tenure) through issuance of a DVP. DVPs are discretionary decisions of Council, and Council has no obligation to approve the proposed variance. If the proposed variance is denied, the suite will need to be modified to comply with the Zoning Bylaw size restriction or removed.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Mail notification for DVP 22-16 pursuant to section 499 of the *Local Government Act* and "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667", was carried out on May 5, 2023. No written submissions were received prior to the time of writing.

INTERGOVERNMENTAL REFERRALS:

N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application was circulated amongst Town departments for review. Their comments are summarized below:

Table 4: Department Comments

Referred (Yes/No)	Department	Comments
Yes	Engineering	No concerns.
Yes	Building Inspection	The submitted plans for the suite at 340 Morgan Road meet BC Building Code

		standards and Building Inspection currently has no concerns. The applicant has two outstanding active building permits (BP 19-032 & 19-055) that need a final survey to complete. The building department is working with the applicant to close the permits.
Yes	Bylaw Enforcement	No concerns.
No	Parks Recreation and Culture	N/A
No	Financial Services	N/A
No	Legislative Services/Corporate Services	N/A
Yes	Fire/Protective Services	No concerns.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

Under CPAC Terms of Reference a CPAC review of this application is not required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

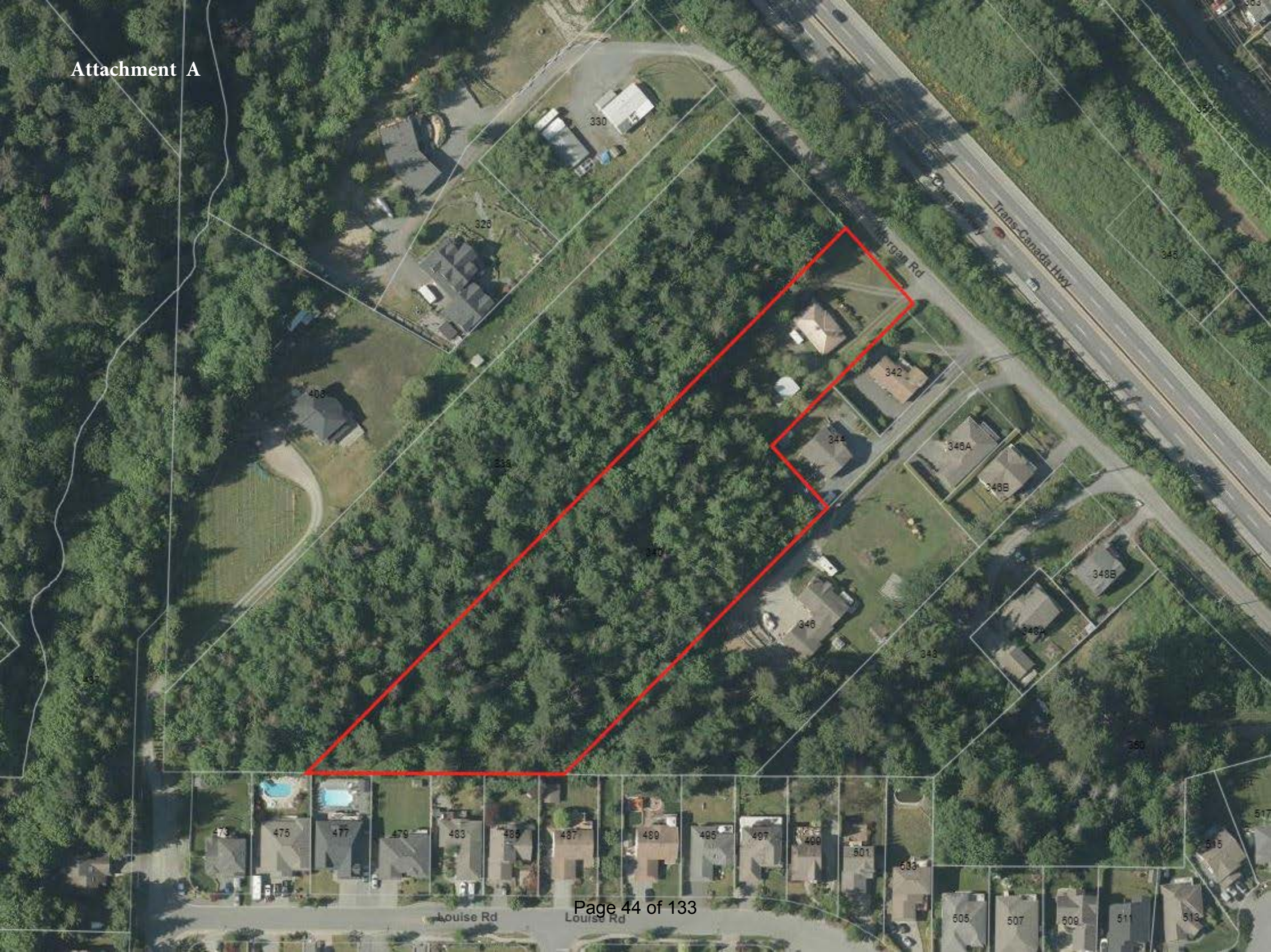
- Infrastructure
 Community
 Waterfront
 Not Applicable
 Economy

I approve the report and recommendation(s).

Allison McCarrick, Chief Administrative Officer

ATTACHMENT(S):

- A. Subject Property Map
- B. Development Variance Permit 3090-22-16
- C. Applicant Letter of Rationale
- D. Subject Property Parking Map





TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-22-16

DATE: May 16, 2023

Name of Owner(s) of Land (Permittee): Darleen P Michell

Applicant: Darleen Michell

Subject Property (Civic Address): 340 Morgan Road

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

That Part of Lot 3 District Lot 42 Oyster District, Plan 8270 Lying to the South West of the South Westerly Boundary of the Island Highway as Said Highway is Shown on Said Plan Except Parcel A (DD 59670N)
PID: 005-491-215
(340 Morgan Road)
(referred to as the "Land")
3. Section 6.4(a)(ii) "Secondary Suite Regulations" of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860" (Zoning Amendment Bylaw 2023, No. 2100), as amended, is varied for the subject property by increasing the maximum floor area allowed for a *Secondary Suite* from 90.0 square metres to 131.0 square metres.
4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3090-22-16) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.

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

AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH ON THE ____ DAY OF _____ 2023.

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

Attachment C

From: Dar Michell
Subject: Letter for Ladysmith Council
Date: December 13, 2022 at 9:26 PM
To: Julie Thompson jthompson@ladysmith.ca
Cc: Dar Michell

Dear member of Ladysmith Council

I would like to thank you for your time and give you an explanation for my application for a **Development Variance Permit**.

My husband and I purchased the property at 340 Morgan Road in the fall of 2018 for our final move to retire. The house was built in the 50's so as you can imagine needed quite a renovation and upgrade. We were at the final stages of our dream home and getting ready to settle into final touches.

into a home for them.
apologize.

I turned our empty basement
I had no idea of the challenges with bylaws and for that I

I have since learned with the help of the staff at the Town of Ladysmith office the required by-laws, and working together to meet them. It appears my least expensive option would be to apply for a variance for my basement suite which is slightly oversized for the by-law requirement.

Thank you for your consideration in this matter

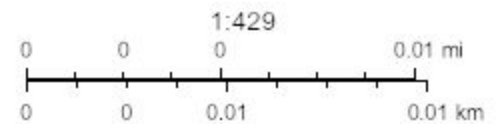
Yours truly



Darleen Michell
340 Morgan Road
Ladysmith, B.C.
V9G 1W6



4/12/2023



Cowichan Valley, Bureau of Land Management, Province of British Columbia, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA, AAFC, NRCan

Minutes of the Poverty Reduction Task Group

April 4, 2023, 10:30am

Hybrid – Ladysmith Chamber of Commerce Boardroom & Zoom

COMMITTEE MEMBERS PRESENT:

Anne-Marie Tallon
 Cindy Lise
 Jacqueline Neligan
 Carmen Hildebrand
 Shannon Crowards
 Sandra Thomson
 Rosalie Sawrie

STAFF/COUNCIL PRESENT:

Sue Glenn

REGRETS:

Millie Sterling
 Allison Blank
 Councillor Tricia McKay

**CALL TO ORDER AND
 ACKNOWLEDGEMENT**

The facilitator acknowledged with gratitude that this meeting was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

AGENDA

That the Poverty Reduction Task Group approve the agenda for the meeting as presented.
Motion carried.

MINUTES

That the Poverty Reduction Task Group approve the Minutes from March 7, 2023 as presented.
Motion carried.

CURRENT BUSINESS

Welcome & Introductions

- Members of the PRTG each introduced themselves to the group.

Project Updates:

- The grant application for a third intake of UBCM Poverty Reduction Planning & Action funding was submitted and received Council approval.
-
- Neighbours Sharing Food Fair Debrief:
 - o The facilitator thanked everyone for their participation and for hosting booths at the event and opened the floor to debrief what worked well and what could be improved.
 - o General comments included:
 - Approximately 150 attended, some thought this was more than expected, others hoped for more.
 - Lots of great booths, many of whom commented they would like to participate again, good networking.



- Promotion should start earlier next time, as well as coordinating transportation with Stz'uminus First Nation earlier (the event was in competition with Spring Break and the Junior All-Native Tournament.)
 - Recommendation not to schedule during Spring Break next time. Possibly explore a weekday evening instead of a Saturday.
 - The cooking demonstration was a hit.
 - Lunch was appreciated and a great way to encourage people to learn from the speaker workshop while enjoying the lunch.
 - Circle discussion only had 2 interested, Carmen at LRCA would like to try to host one separately.
 - Would have been good to have a few extra volunteers.
 - There was interest from some visitors to donate, as many wanted to contribute, especially for the lunch.
 - Seems to have generated good dialogue in the community.
- Food Equity Sub-Committee:
 - It was decided that the Food Equity Sub-Committee bi-weekly meetings would cease until there is word from the next UBCM grant intake. Instead food equity-related discussions will be included in the regular PRTG meetings with the exception of scheduling a meeting on April 19, 2023 at 12pm to 1:30pm to discuss planning and coordination details for the gleaning/food recovery project between the LRCA and other organizations.
 - We would like to thank Anne-Marie Tallon for her participation on the Food Equity Sub-Committee. She is being transferred to Fairview School in Nanaimo.
 - After School Nutritious Snack Pilot:
 - The 12 weeks of funding has been completed.
 - Discussion to take place at the next meeting to explore options on how to continue.
 - Cultural Workshops:
 - 80% of the participants who attended the first workshop, attended the follow-up part two workshop plus additional participants attended on March 30, 2023.
 - Evaluations will be sent out and feedback received will be shared at the next meeting.

Wrap up & Next steps



- Members of the committee who will receive harvested fruit from the gleaning/food recovery pilot will meet on April 19, 2023 at 12pm to discuss the project process.
- Cultural Workshop participants will be surveyed and feedback shared at the next meeting.
- Continued discussion to take place on options for continuing the after school nutritious snack program.

Meeting adjourned at 11:30am

Next Meeting scheduled for May 2, 2022 at 10:30am.



**Minutes of the Parks, Recreation & Culture Advisory Committee
Wednesday, April 19, 2023 at 7:00pm
Frank Jameson Community Centre**

COMMITTEE MEMBERS PRESENT:

Lynda Baker, Chair
Colleen Butcher
Geoff Dean
Bruce Mason

Bruce Mason
Councillor Duck Paterson
Pamela Walker

STAFF PRESENT:

Chris Barfoot, Lead
Kim Cheang, Minute Taker

REGRETS:

Jacqueline Huard
Terri Merritt-Worden

**CALL TO ORDER AND
ACKNOWLEDGEMENT**

The meeting was called to order at 7:00pm

The Chair acknowledged with gratitude that the meeting was taking place on the traditional, unceded territory of the Stz'uminus First Nation.

AGENDA

2023-11:

That the Parks, Recreation & Culture Advisory Committee approve the agenda for the meeting as presented.

Motion Carried.

MINUTES

2023-12:

That the Parks, Recreation & Culture Advisory Committee approve the minutes of the March 15, 2023 meeting as presented.

Motion Carried

NEW BUSINESSLadysmith Boys and Girls Club – May 11

Staff will send invitations to Committee members to attend the Ladysmith BGC Central Vancouver Island – New Childcare Space Opening.

PATG amended Terms of Reference & Policy update

C. Barfoot provided an update on the PATG Terms of Reference & Policy streamlining process. The Committee of the Whole approved the amended changes on March 14 and Council ratified this approval on March 21. Earlier today, April 19, the Committee reviewed and approved the changes.

Terms expire as of June 30

Staff to follow up with Committee members whose terms expire as of June 30 to advise them if they can reapply.

OLD BUSINESS

Civic Recognition Program

2023-13:

That the Parks, Recreation & Culture Advisory Committee endorse the draft Civic Recognition Policy with amended changes.

Motion Carried.

Park Implementation Plan – Postpone until next meeting

Next meeting, staff will provide a completed draft map format and the completed draft Park Plan for further review.

PRC UPDATE

PRC Department Update

C. Barfoot provided an update on the department’s capital projects and program highlights.

NEXT MEETING

7:00pm on Wednesday, May 17, 2023 at FJCC.

ADJOURNMENT

2023-14:

That the Parks, Recreation & Culture Advisory Committee adjourn this meeting at 8:15pm.

Motion Carried



MINUTES

Community Planning Advisory Committee

Wednesday, May 3, 2023 at 7:00 p.m.
City Hall Council Chambers, 410 Espanade

PRESENT: Chair - Jason Harrison; Members – Steve Frankel, Tamara Hutchinson, Jason Robertson; Council Liaison – Marsh Stevens; Director of Development Services – Jake Belobaba; Planner/Recorder – Andrew Wilson

ABSENT: Members – Brian Childs, Abbas Farahbakhsh, Jennifer Sibbald

GUESTS:

Jason Harrison called the meeting to order at 7:05 PM, acknowledging with gratitude that Ladysmith is located on the traditional unceded territories of the Stz'uminus First Nation.

1. AGENDA APPROVAL

It was moved, seconded, and carried that the Agenda of May 3, 2023, Community Planning Advisory Committee meeting be approved.

2. ADOPTION OF MINUTES

It was moved, seconded, and carried that the Minutes of March 15, 2023, Community Planning Advisory Committee meeting be approved.

3. NEW BUSINESS

None.

4. COUNCIL REFERRALS

a. Zoning Bylaw Amendment 3360-22-09 – 624 John Wilson Place

Planner Andrew Wilson provided an overview of the proposal for a secondary suite in a newly constructed two-storey single family dwelling in the Holland Creek area. Committee members asked staff about the rationale behind only allowing secondary suites on certain sized parcels. Staff explained that minimum lot sizes are largely arbitrary, and that there is a historical assumption that more dwellings require larger size lots.

Committee members questioned if there is enough room for parking on the parcel and if it will impact on-street parking. Staff commented that there is a clause in the Business Regulations and Licensing (Rental Units) Bylaw, (Bylaw No. 2093) that tenants shall not be required to park on the street where on-site parking is available, and contravention of this bylaw can result in a fine. Committee members made comments that the number of available parking spots on the property is adequate, and the tandem parking configuration seems suitable.

Committee members made comments about the potential for more rezoning and variance applications to permit secondary suites in this subdivision. Committee members discussed the need for Council to have a broader discussion about secondary suite requirements in all zones.

It was moved, seconded, and carried that the Community Planning Advisory Committee recommends that Council approve Zoning Bylaw Amendment 3360-22-09 (624 John Wilson Place) as presented, and that Council investigate current prerequisites for secondary suites, specifically for minimum lot size and minimum frontage.

5. MONTHLY BRIEFING

The following files, that the Committee previously reviewed, have been to Council since the last meeting:

- 11 & 17 Warren Street (3360-21-12)
- 1141 Cloke Road (3360-22-05)
- Official Community Plan Bylaw 2022, No. 2200

6. NEXT MEETING – TBD

7. ADJOURNMENT

It was moved, seconded, and carried that the meeting be adjourned at 7:47 PM.

Chair (J. Harrison)

RECEIVED:

Corporate Officer (M. O'Halloran)



COMMITTEE OF THE WHOLE MEETING MINUTES

Tuesday, May 9, 2023
6:30 P.M.

Ladysmith Seniors Centre
630 2nd Avenue

Council Members Present:

Councillor Duck Paterson, Chair
Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Amanda Jacobson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Jake Belobaba
Ryan Bouma

Chris Geiger
Matt O'Halloran
Mike Gregory
Andrea Hainrich

1. CALL TO ORDER

Councillor Paterson, Chair, called the Committee of the Whole meeting to order at 6:38 p.m.

2. AGENDA APPROVAL

CW 2023-028

That the agenda for this May 9, 2023 Committee of the Whole meeting be approved.

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held March 14, 2023

CW 2023-029

That the minutes of the Committee of the Whole meeting held March 14, 2023 be approved.

Motion Carried

4. DISCUSSION

4.1 Ladysmith Detachment Annual Policing Priorities for 2023 to 2024

CW 2023-030

By unanimous consent, the Committee agreed to move item 5.4 “RCMP Reports for October to December 2022” to appear after item 4.1 “Ladysmith Detachment Annual Policing Priorities for 2023 to 2024”.

Staff Sergeant Wes Olsen brought forward possible policing priorities for 2023-2024 and responded to the Committee’s questions. They expressed their appreciation and support of the RCMP.

CW 2023-031

That the Committee recommend that Council support the following policing priorities for 2023/2024:

- Continued visibility in the downtown core
 - a bylaw, created by the Town, to aid the RCMP in addressing open drug use
 - Online frauds/scams
 - High risk driving and enforcement of the *Motor Vehicle Act*
- Motion Carried.*

4.2. RCMP Reports for October to December 2022

CW 2023-032

That the Committee receive the RCMP Reports for the months October to December 2022.
Motion Carried

5. REPORTS

5.1 Building Inspector's Report to April 30, 2023

CW 2023-033

That the Committee receive the Building Inspector’s Report for the months January to April 2023.
Motion Carried

5.2 Ladysmith Fire/Rescue Reports for January to March 2023

CW 2023-034

That the Committee receive the Ladysmith Fire/Rescue Reports for the months January to March 2023.
Motion Carried

5.3 Coastal Animal Control Services Reports for March 2023

CW 2023-035

That the Committee receive the Coastal Animal Control Services Reports for the month of March 2023.

Motion Carried

5.4 Use of Growing Communities Fund

CW 2023-036

That the Committee refer consideration of the use of the Growing Communities Fund to a future Committee of the Whole meeting, in six months' time or sooner.

Motion Carried

5.5 2023 Q1 (January to March) Financial Update

CW 2023-037

That the Committee receive the staff report dated May 9, 2023, regarding the 2023 Q1 (January to March) Financial Update.

Motion Carried

5.6 Protective Services Communication - New Format

CW 2023-038

That the Committee recommend that Council:

1. Dissolve the Protective Services Committee;
2. Direct the Manager of Protective Services to regularly liaise with the community safety partner agencies on reports and concerns in order to address issues efficiently and rapidly; and
3. Direct the Manager of Protective Services to conduct annual or semi-annual emergency management and planning exercises with the community safety partner agencies.

Motion Carried

The Committee requested that going forward the Manager of Protective Services keep the Committee informed by sharing with them communications received from other agencies, including reports.

5.7 Downtown Planter Contents and Historical Significance

CW 2023-039

That the Committee recommend that Council receive the staff report, dated May 9, 2023, from the Director of Infrastructure Services, regarding downtown planter contents and their historical significance.

Motion Carried

5.8 Single-Use Plastics Business Engagement

CW 2023-040

That the Committee recommend that Council:

1. Receive for discussion the results of the engagement survey distributed to the local business community regarding the impact of the proposed single-use plastic regulations being introduced by senior levels of government;
2. Provide preferences for regulating single-use plastics in the Town of Ladysmith based on this feedback and the information outlined in the staff report dated May 9, 2023, by the Communications and Engagement Specialist; and
3. Direct staff to draft a single-use plastics bylaw incorporating this feedback, as well as best practices introduced by other municipalities.

CW 2023-041

AMENDMENT

That the Committee amend resolution CW 2023-040 as follows:

1. Remove item 2; and
2. Remove “this feedback, as well as” from item 3.

Amendment Carried

OPPOSED: Councillor McKay

Mayor Stone called a Point of Order, clarifying the amendment.

Resolution CW 2023-040, as amended reads:

That the Committee recommend that Council:

1. Receive for discussion the results of the engagement survey distributed to the local business community regarding the impact of the proposed single-use plastic regulations being introduced by senior levels of government; and
2. Direct staff to draft a single-use plastics bylaw incorporating best practices introduced by other municipalities.

Main Motion, as Amended, Carried

6. COUNCIL SUBMISSIONS

6.1 Wi-Fi at Aggie Hall and Transfer Beach

CW 2023-042

That the Committee recommend that Council direct staff to investigate costs of improving the wi-fi service at Aggie Hall and return to a future meeting of Council with a report outlining options.

Motion Carried

6.2 Rain Barrel Rebate Program

CW 2023-043

That the Committee recommend that Council direct staff to investigate options for a rain barrel rebate program and bring a report back to Council.

Motion Carried

7. NEW BUSINESS

7.1 Town of Ladysmith 2023-2026 Strategic Plan - Final Draft

CW 2023-044

That the Committee recommend that Council endorse the final draft of the Town of Ladysmith 2023-2026 Strategic Plan.

Motion Carried

Staff confirmed that all edits will be made prior to publication.

8. ADJOURNMENT

CW 2023-045

That this Committee of the Whole meeting adjourn at 8:31 p.m.

Motion Carried

CERTIFIED CORRECT

Chair (Councillor A. Jacobson)

Corporate Officer (M. O'Halloran)

Committee of the Whole Recommendations to Council May 16, 2023

At its May 9, 2023 meeting, the Committee of the Whole recommended:

1. That Council support the following policing priorities for 2023/2024:
 - Continued visibility in the downtown core
 - a bylaw, created by the Town to aid the RCMP in addressing open drug use
 - Online frauds/scams
 - High risk driving and enforcement of the motor vehicle act
2. That Council:
 - a. Dissolve the Protective Services Committee;
 - b. Direct the Manager of Protective Services to regularly liaise with the community safety partner agencies on reports and concerns in order to address issues efficiently and rapidly; and
 - c. Direct the Manager of Protective Services to conduct annual or semi-annual emergency management and planning exercises with the community safety partner agencies.
3. That Council direct staff to draft a single-use plastics bylaw incorporating this feedback, as well as best practices introduced by other municipalities.
4. That Council direct staff to investigate costs of improving the wi-fi service at Aggie Hall and return to a future meeting of Council with a report outlining options.
5. That Council direct staff to investigate options for a rain barrel rebate program and bring a report back to Council.
6. That Council endorse the final draft of the Town of Ladysmith 2023-2026 Strategic Plan.

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Tierney
Reviewed By: Allison McCarrick, CAO
Meeting Date: May 16, 2023
File No:
Re: **UBCM Community to Community (C2C) Forum Program**

RECOMMENDATION:

That Council:

1. Authorize staff to apply to the Union of BC Municipalities, for up to \$5,000 during the May 2023 application intake for the Regional Community to Community Forum Program to support a community forum with the Stz'uminus First Nation Council, to be held prior to May 1, 2024; and
2. Approve the allocation of up to \$5,000 as the Town's contribution.

EXECUTIVE SUMMARY:

Staff are seeking Council's approval to apply for funding through the UBCM's Regional Community to Community Forum (C2C) Program. The Program provides funds to assist communities to hold an event that provides an opportunity for dialogue with neighbouring First Nations, on topics of mutual interest.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The Town has received funds through this program for several C2C forums, held as far back as 2009.

It is proposed that the Town and the Stz'uminus First Nation work together to hold an event that will provide an opportunity for dialogue and planning on topics of mutual interest. While the specific details of the proposed forum will be developed over the next couple of months between Stz'uminus and the Town, it is proposed that the previous format of a dinner and meeting between the two Councils and staff representatives be pursued. A few of the past forums have included hiring a facilitator, which may be an option for Council.

The Town will take the lead in organizing the proposed forum. Funds would be available to hire a facilitator on contract should that be necessary. The Stz'uminus First Nation is also required to provide written support of this initiative and the grant application.

ALTERNATIVES:

Council can choose to apply for a lesser grant amount, or may choose not to apply at this time. The next C2C offering will take place in September 2023.

FINANCIAL IMPLICATIONS:

The Town must match the \$5,000 grant from UBCM. Matching funds can be a combination of cash and in-kind contributions (such as staff time or donation of meeting space and materials) from the Town and the community.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The C2C Forum will be a positive step in strengthening the Town’s relationship with the Stz’uminus First Nation, and an opportunity for Council and senior staff to work with the Council and staff of the Stz’uminus First Nation to address items of mutual interest. The opportunity for open communication will engage our communities and further build relationships and understanding.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

ATTACHMENT:

- A. UBCM 2023/2024 Regional Community to Community Forum Program Application Guide

ATTACHMENT A

Regional Community to Community Program 2023/24 Pilot Program & Application Guide

1. Introduction

In January 1997, the Union of British Columbia Municipalities (UBCM) and the First Nations Summit (FNS) jointly organized the first province-wide Community to Community (C2C) Forum. This event brought together First Nations and local governments from across BC to discuss common goals and opportunities for joint action. There was consensus among the participants that regional C2C Forums should be supported.

Since then, the provincial Ministry of Municipal Affairs and Indigenous Services Canada have provided funding for the C2C program. In this time, nearly 700 C2C Forums have been held in communities across the province.

With both BC and Canada adopting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission of Canada releasing its Executive Summary of findings and 94 Calls to Action in 2015, the C2C program has taken on ever greater importance as First Nations and local governments use the grant to focus their increased efforts for reconciliation.

Regional C2C Grant Program

The goal of a Regional C2C program is increased understanding and improved overall relations between First Nations and local governments. Starting in 2023/24, the C2C program supports this goal with funding for:

1. Forums that support dialogue to build relationships, support reconciliation efforts, resolve issues of common responsibility, interest or concern, and/or to advance tangible outcomes. For more information on C2C forums, refer to Appendix 1.
2. Development of agreements (such as protocols, MOUs, and service agreements), joint plans and/or strategies that advance First Nation/local government reconciliation and relationship building.
3. Joint review of bylaws and/or policies in order to develop recommendations for amendments or new bylaws and/or policies that advance reconciliation.

Table 1 provides examples of C2C forum and/or agreements.

To be eligible for funding, C2C activities must work toward one or more of the following objectives:

- Strengthening relationships and fostering future co-operative action by building stronger links between First Nation and local government elected officials and senior staff
- Supporting local reconciliation efforts, UNDRIP, and shared capacity building
- Developing or improving coordinated approaches to emergency preparation, mitigation, response and recovery, including recovery from the impacts of climate change and the COVID-19 pandemic.

Table 1: C2C Forum and/or Agreement Topics

<p>Reconciliation & Relationship Building</p> <ul style="list-style-type: none"> • Shared understanding of collective history • Reconciliation Action Plans • Joint cultural safety and cultural humility training • UNDRIP, TRC Calls to Action, Treaties and Aboriginal rights, Indigenous law and Crown-Indigenous relations 	<p>Emergency Management</p> <ul style="list-style-type: none"> • Planning for coordinated and shared: <ul style="list-style-type: none"> ○ Risk mitigation ○ Emergency response ○ Recovery efforts • Joint training to support partnerships with Indigenous communities during times of emergency. • COVID-19 response 	<p>Service Delivery & Planning</p> <ul style="list-style-type: none"> • Service inventories and cost/benefit analysis • Service agreements • Service dispute resolution • Joint land use, sustainability or other plans or policies • Agreements for archaeological or culturally significant sites
<p>Economic Development</p> <ul style="list-style-type: none"> • Agreements for improving regional and local economies • Joint interests/initiatives • Community economic development plans • COVID-19 recovery 	<p>Community Development</p> <ul style="list-style-type: none"> • Age- and accessibility-friendly assessments • Joint youth engagement plans or projects • Agreements for climate action 	<p>Infrastructure Planning</p> <ul style="list-style-type: none"> • Asset Management • Needs assessments • Joint development of infrastructure

2. Eligible Applicants

Funding permitting, all local governments (municipalities, regional districts or the Islands Trust) and all First Nations (Treaty First Nation, Band, Tribal Council or National Government) in BC are eligible to apply.

Eligible applicants can submit one application per intake.

3. Grant Maximum

The C2C program can contribute a maximum of 100% of the cost of eligible activities to a maximum of:

- C2C forums: \$10,000
- C2C agreements and joint review of bylaws/policies: \$10,000

In order to ensure transparency and accountability in the expenditure of public funds, all other contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the funding. This includes any other grant funding and any revenue that is generated from activities that are funded by the C2C program.

4. Eligible Activities

In order to qualify for funding:

- Activities must be completed within one year from the date of grant approval
- Willingness of the elected officials and/or senior staff of the partnering community to participate in the activities must be confirmed and provided in writing to UBCM.

- Activities must include direct participation by the elected officials and/or senior staff from both First Nation(s) and local government(s).
- The communities engaging in dialogue must be neighbouring. However, “neighbouring” may mean in the vicinity of, but not necessarily immediately adjacent to each other.

5. Requirements for Funding

As part of the approval agreement, approved applicants must agree to the following requirements for funding:

- Any in-person activities, meetings, or events must meet public health orders and/or guidance
- Activities must comply with all applicable privacy legislation under the *Freedom of Information and Protection of Privacy Act* in relation to the collection, use, or disclosure of personal information while conducting funded activities. Personal information is any recorded information about an identifiable individual other than their business contact information. This includes information that can be used to identify an individual through association or inference.

In addition, as part of both the development of the application package and the delivery of the approved project, local governments are encouraged to engage with local First Nations and Indigenous organizations. Engagement by local governments, both locally and regionally, can help build relationships with First Nations, benefit both communities and enhance reconciliation. More information on engagement best practices is available [here](#).

6. Eligible & Ineligible Costs & Activities

Eligible Costs & Activities

Eligible costs are direct costs that are approved by the UBCM, properly and reasonably incurred, and paid by the applicant to carry out eligible activities.

Eligible costs can only be incurred from the date of application submission until the final report is submitted. Under the C2C program, eligible activities must be cost-effective and may include:

Forums

- Event organization (e.g. invitations, agendas, event planning, etc.)
- Event costs:
 - Meals, snacks, and non-alcoholic beverages
 - Venue/virtual rentals, including any required audio-visual equipment rentals
 - Facilitation services and/or guest speakers
 - Preparation of materials required for the forum, including printing costs
 - Expenses related to joint visits to participant’s facilities, lands or buildings provided the visits occur as part of the forum
- Transportation between communities as required to attend a forum. Mileage estimates and calculations are required for vehicle travel
- Completion of event minutes, reports, etc. including printing costs

Agreements and Bylaws

- Development of agreements (such as protocols, MOUs, and service agreements), joint plans and/or strategies that advance First Nation/local government reconciliation and relationship building
- Joint review of bylaws and/or policies in order to develop recommendations for amendments or new bylaws and/or policies that advance reconciliation
- Legal fees for review of agreements, joint plans and strategies and/or review of bylaw or policy recommendations
- Data acquisition (as required for agreements, joint plans, etc.)
- Design and/or graphics for agreements, joint plans or strategies

Other Eligible Expenditures

The following expenditures are also eligible provided they relate directly to the eligible activities identified above:

- Incremental applicant staff and administration costs
- Public information costs
- Consultant costs, including facilitation
- Honoraria for cultural leaders, Elders, Indigenous knowledge keepers, and/or cultural keepers when they are scheduled to speak, present, or teach. Please note: these honoraria should reflect the role of Indigenous Peoples as subject matter experts and be equitable to consultant rates
- Expenses related to local cultural protocols (e.g. gifts, ceremonies and/or cultural performances such as dancing or drumming). Please note: expenditure related to local cultural protocols are limited to no more than 10% of the total grant request
- Translation costs and the development of culturally appropriate education, awareness, or engagement materials
- Presentation to Council, Board, Band Council, or Treaty First Nation government, community organizations, etc.

Ineligible Costs & Activities

Any activity that is not outlined above or is not directly connected to activities approved in the application by UBCM is not eligible for grant funding. This includes:

- Routine or ongoing operating costs or activities (e.g. heating, cooling and lighting, security, software or service subscriptions, or membership fees)
- Routine or ongoing planning costs or planning activities that are not incremental to the project
- Alcohol
- Travel within communities
- Purchase of software or hardware

7. Application Requirements & Process

Application Deadline

The Regional C2C program is administered over the course of the fiscal year (April 1 to March 31). Funding permitting, two calls for applications are planned for 2023/24.

Applicants will be notified of the status of their application within 60 days of the following application deadlines:

- May 5, 2023
- September 1, 2023

Required Application Contents

All applicants are required to submit an electronic copy of the complete application, including:

- Completed Application Form and all required attachments.
- Detailed budget(s) including itemized costs/activities that will be funded by the grant and separating out any in-kind and/or cash contributions from the applicant(s) or other grant funding. Refer to Appendix 1 for a sample budget for C2C Forums.
- Confirmation of partners. Written confirmations can be submitted after the application, but are needed in order for grant approval.
- Council, Board or Band Council resolution indicating support for the current proposed activities and willingness to provide overall grant management.

Submission of Applications

Applications should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All applications should be submitted to Local Government Program Services, Union of BC Municipalities by e-mail: lgps@ubcm.ca.

Review of Applications

UBCM will perform a preliminary review of applications to ensure the required application elements have been submitted and to ensure that eligibility criteria have been met. Only complete application packages will be reviewed.

UBCM and the First Nations Summit will then review all complete applications. All funding decisions will be made by UBCM.

All application materials will be shared with the Province of BC and First Nations Summit
--

8. Grant Management & Applicant Responsibilities

Please note that grants are awarded to eligible applicants only and, as such, the applicant is responsible for completion of the project as approved and for meeting reporting requirements.

Applicants are also responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

Notice of Funding Decision & Payments

All applicants will receive written notice of funding decisions. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded, and that is required to be signed and returned to UBCM within 30 days.

Grants are awarded in two payments: 50% when the signed Approval Agreement has been returned to UBCM, and the remainder when the project is complete and the final reporting requirements have been met.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

Changes to Approved Projects

Approved grants are specific to the project as identified in the approved application, and grant funds are not transferable to other projects. Generally speaking, this means funds cannot be transferred to an activity that was not included in the approved application or to a new or expanded location.

Approval from UBCM will be required for any variation from the approved project. Depending on the complexity of the proposed amendment, requests may take up to 60 days to review.

To propose changes to an approved project, applicants are required to submit:

- Amended application package, including updated, signed application form, required attachments, and an updated Council, Board, Band Council, or Treaty First Nation resolution;
- Written rationale for proposed changes to activities and/or expenditures.

Applicants are responsible for any costs above the approved grant unless a revised application is submitted and approved prior to work being undertaken.

9. Final Report Requirements & Process

Applicants are required to submit an electronic copy of the complete final report within 30 days of project completion, including the following:

- Completed Final Report Form with all required attachments.
- Financial summary. See below for more information.
- For forums only: Attendance list, including name, title and organization of each participant. Please do not submit sign-in sheets.
- For agreements only: copy of the completed agreement, joint plan or strategy and/or bylaw or policy recommendations. Please contact UBCM with any confidentiality or sensitivity issues related to submitting the agreement or plan. Otherwise all deliverables completed with grant funding will be shared with the Province of BC.
- Optional:
 - Final agenda, session summaries or minutes and other documents/presentations
 - Photos, media releases and press coverage and other public communications
 - Any other relevant background information (e.g. planning process, context, goals)

Submission of Final Reports

Final reports should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB. All reports should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

10. Additional Information

For information on the C2C Forum program, please contact:

Local Government Program Services
Union of BC Municipalities
525 Government Street
Victoria, BC, V8V 0A8

Tel: (250) 387-4470
Email: lgps@ubcm.ca

First Nations Summit
#1200 - 100 Park Royal South
West Vancouver, BC, V7T 1A2

Tel: (604) 926-9903
Email: cbraker@fns.bc.ca

Appendix 1 – Additional Information for C2C Forums

Topic Ideas & Outcomes

Table 1 outlines potential dialogue topics. The following resources may also be helpful:

- [2019 Guide to Community to Community Forums in British Columbia](#)
- [2008-2018 Regional Community to Community Forum Status Report](#)
- [First Nations Health Authority Policy Statement on Cultural Safety and Humility](#)
- [Truth and Reconciliation Commission of Canada: Calls to Action](#)
- [Declaration on the Rights of Indigenous Peoples Act](#)
- [UBCM Reconciliation Resources](#)
- [Provincial Resources: Local government and First Nations relations](#)

Length and Format

Event length and format are up to the applicant and attendees. In some cases, a day-long event may be preferred to allow participants sufficient time to meet each other and work together to generate ideas and plans for future activities. In situations where the participants do not know one another, an “ice-breaker” event, such as an introductory dinner or reception, may be useful.

Taking the forum out into the community can be a valuable way to learn about an area’s shared history. This could include a tour of traditional territories or joint visits to participant’s facilities, lands, buildings or infrastructure.

The C2C program can also support virtual events, however, the purchase of software or licenses are not eligible expenses.

Table 2: Sample Event Budget

Budgeted Expenditures	Proposed Cost
Event organization	\$350
Meals, snacks and beverages (include # of people)	\$450
Venue/virtual rental costs	\$300
Facilitation services/guest speakers	\$1,450
Forum materials	\$250
Joint visits to participant’s facilities, lands or buildings	\$475
Local cultural protocols (no more than 10% of total grant request)	\$400
Honoraria (include description)	\$200
Transportation (include # of km)	\$25
Event minutes or reports	\$250
Contingency	\$175
TOTAL FUNDING REQUEST	\$4,325

Organization and Facilitation

Experience has shown that a major challenge in organizing a C2C Forum is finding adequate staff time and resources. Many previous applicants have found that contracting the services of a professional facilitator/event organizer can assist in planning, convening and reporting on the forum.

Facilitators can also be very useful in helping communities talk about difficult issues, such as the history and legacy of residential schools or inter-generational trauma. In such events, hiring a facilitator with specific expertise in creating culturally safe spaces and dialogue may be of immense value.

Information on Event Budgets

An itemized budget for each planned event must be submitted with the application. Please submit the event budget(s) in the same format as outlined in Table 2.

Budgets and proposed activities are approved as part of the application and any significant changes to a budget or forum event must be approved before an event takes place. Applicants are responsible for any cost over-runs unless a revised budget is submitted and approved before an event takes place.

Information on the Financial Summary

An itemized financial summary for each completed event must be submitted with the final report. Please submit the financial summary(ies) in the same format as outlined in Table 3.

Table 3: Sample Financial Summary

Actual Expenditures	Budgeted	Actual
Event organization	\$350	\$325
Meals, snacks and beverages (include # of people)	\$450	\$430
Venue/virtual rental costs	\$300	\$175
Facilitation services/guest speakers	\$1,450	\$1,450
Forum materials	\$250	\$0
Joint visits to participant's facilities, lands or buildings	\$475	\$475
Local cultural protocols (no more than 10% of total grant request)	\$400	\$400
Honoraria (include description)	\$200	\$200
Transportation (include # of km)	\$25	\$37
Event minutes or reports	\$250	\$135
Contingency	\$175	
TOTAL	\$4,325	\$3,627

Please note that 'Contingency' is not an eligible final expense and any expenditures made from the funds allocated to contingency in the budget should be allocated to the appropriate line item in the financial summary.

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba
Meeting Date: May 16, 2023
File No: 3360-23-03
RE: Consequential Amendments Arising from OCP Bylaw 2200

RECOMMENDATION:

That Council:

1. Rescind Community Amenity Contribution (CAC) Policy 01 – 6410-A;
2. Decide not to hold a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140” pursuant to section 464(2) of the *Local Government Act* and direct staff to issue notice pursuant to section 467(1) of the *Local Government Act*, prior to first reading of Bylaw No. 2140;
3. Direct staff to refer Bylaw No. 2140 to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*; and
4. Give first, second and third readings to “Sustainable Transportation Reserve Bylaw, No. 2145”.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce bylaw and policy amendments that are consequential to the adoption of the Town’s new OCP. This includes Zoning Bylaw amendments to implement OCP policies related to secondary suites, cash in lieu of parking and bicycle parking (Bylaw No. 2140), a new reserve bylaw for cash in lieu of parking (Bylaw No. 2145) and repealing the Town’s Community Amenity Contribution Policy which was made redundant with the adoption of the new OCP.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CS 2023-112	May 2, 2023	That Council: <ol style="list-style-type: none"> 1. Rescind third reading of “Official Community Plan Bylaw 2022, No. 2200”; 2. Give third reading to “Official Community Plan Bylaw 2022, No. 2200” as amended, to add 1141 Cloke Road to Development Permit Area 10 – Coach House Intensive Residential, as shown in Schedule 1 of Bylaw 2134”; and 3. Adopt “Official Community Plan Bylaw 2022, No. 2200”.

INTRODUCTION/BACKGROUND:

On May 2, 2023, Council adopted OCP Bylaw No. 2200. The new OCP contains 64 specific implementation actions; 26 of which are short term actions intended to be completed within three years. A number of the actions include enacting or amending bylaws. To meet the OCP’s ambitious timelines, staff began reviewing the new OCP while it was under consideration by Council to identify



actions that could be undertaken within a short timeframe. The zoning amendments in Bylaw No. 2140 and the Sustainable Transportation Reserve Bylaw were selected based on ease of implementation and impact.

Additionally, it was noted that the Town’s existing Community Amenity Contribution policy was improved and incorporated directly into the new OCP. Therefore, this policy is no longer needed.

PROPOSAL:

Bylaw No. 2140

Bylaw No. 2140 will amend the Zoning Bylaw to execute policies 2.27, 2.28, 2.30 and 2.31, of the new OCP. These policies call for authorizing secondary suites in duplexes and townhouses, updating bicycle parking standards and updating rules for payment-in-lieu of required off-street parking. Bylaw No. 2140 also includes additional changes related to the stratification of coach houses and secondary suites and provision of loading requirements. These changes are not explicitly called for in the OCP but they are consistent with the intent of the OCP policies. A detailed comparison of the existing and proposed zoning regulations is provided in table 1.

Table 1: Existing and Proposed Zoning Regulations.

	Current/Required	Proposed
Secondary Suites	<ul style="list-style-type: none"> • Not permitted in Two Unit Dwellings or Townhouses. • Not permitted in R-3 and R-3-A zones. • Could technically be stratified under the <i>Strata Property Act</i>. 	<ul style="list-style-type: none"> • Permitted in Two Unit Dwellings and Townhouses and align with new Building Code Regulations (See Attachment C). • Permitted in R-3 and R-3-A zones as an accessory use to a Townhouse or Two Unit Dwelling. • Cannot be stratified under the <i>Strata Property Act</i>¹.
Coach Houses	<ul style="list-style-type: none"> • Could technically be stratified under the <i>Strata Property Act</i>. 	<ul style="list-style-type: none"> • Cannot be stratified under the <i>Strata Property Act</i>.
Off-Street Parking (automobiles)	<ul style="list-style-type: none"> • Required for both commercial and residential uses in the Downtown. 	<ul style="list-style-type: none"> • Required only for residential uses in the Downtown.
Loading Spaces	<ul style="list-style-type: none"> • Loading spaces are required in the Downtown. 	<ul style="list-style-type: none"> • Not required in the Downtown. Aligns with off-street parking exemption.
Payment in-lieu of Parking	<ul style="list-style-type: none"> • Only available Downtown. • Can be used for 50% of required commercial off-street parking spaces. • Funds must be used to build off-street parking. • \$4,000 per space. 	<ul style="list-style-type: none"> • Available to any property in Town. • Can be used for 100% of non-residential parking spaces. • Can be used for 50% of residential parking spaces for projects in the Downtown. • Funds must be used for sustainable transportation infrastructure. • \$4,000/ space for developments with

¹ This is achieved by way of the new definition of secondary suite, which references the BC Building Code regulations for secondary suites. The code prohibits secondary suites from being a “separate real estate entity”.

		dwelling units (or where dwelling units not permitted). <ul style="list-style-type: none"> • \$6,000/ space for developments without dwelling units.
Off-Street Parking (Bicycles)	<ul style="list-style-type: none"> • 1 Class A space and 0.2 Class B spaces per multi-family dwelling unit. • 1 Class A space per 10 employees and Class B spaces equal to 10% of required off-street vehicle parking spaces. • No provisions for oversized bikes (e.g. cargo, tricycles or recumbent bikes). • No requirement for end-of-trip facilities. • Not allowed inside dwelling. • No requirement for E-Bike Charging. 	<ul style="list-style-type: none"> • “Class A” and “B” now “Short” and “Long Term” bicycle parking. • “Oversized Bicycle Parking Space” defined and added. 10% of required long-term Bicycle Spaces in Multi-Residential developments must be oversized bicycle spaces. • Requirements for electrical outlets to charge E-Bikes. • Greater flexibility—e.g. access to bike parking can include appropriately designed elevators, and spaces can be provided in a multi-family dwelling unit with certain features (e.g. near exterior door, suitable flooring, cleaning facilities available, etc.). • 0.5 lockers and 1 shower for every 15 required Long-term Bicycle Parking Spaces for non-residential uses.

Bylaw No. 2145

Bylaw No. 2145 supports the implementation of OCP policy 2.27, which calls for redirecting all payments-in-lieu of off-street parking to a reserve for sustainable transportation infrastructure under section 525(7)(a)(ii) of the *Local Government Act*. Currently, Municipal Parking Reserve Fund Establishment Bylaw No. 1276 requires that such funds be used to fund off-street parking facilities in the Downtown. If adopted, Bylaw No. 2145 will require that all cash-in-lieu be used for “transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation” with no restrictions on where this infrastructure can be constructed. Currently, there is \$114,000 in the reserve established under Bylaw No. 1276. See ‘Financial Implications’ for more details on what will happen to these funds.

Community Amenity Contribution (CAC) Policy 01 – 6410-A

The new OCP incorporates and improves a number of other plans and policies, one of which is the Community Amenity Contribution Policy (Attachment D). Section 4 of Part D of the new OCP now contains more comprehensive and up-to-date policies for community amenity contributions (now called “Community Contributions”). Subsequently staff are recommending that Community Amenity Contribution Policy 01 – 6410-A be rescinded.

ANALYSIS:

The Official Community Plan was adopted following an extensive public engagement process over a 2-year period. The proposed regulatory changes are in response to explicit policies in the new OCP that call for the proposed amendments to be implemented within the next three years. The proposed bylaws support action on climate change and housing; top priorities in the OCP. While there are other more impactful short-term actions called for in the OCP, the speed with which these changes can be adopted supports early consideration and implementation.

In the case of the Community Amenity Contribution Policy, this policy is no longer necessary as the new OCP's Community Contributions provides a clearer and more effective policy framework for negotiating these contributions.

The new rules prohibiting stratification of secondary suites and coach houses are not explicitly called for in the new OCP, however they are consistent - a key objective of OCP polices for suites and coach houses; the preservation of rental housing stock. Similarly, the exemption on providing loading spaces in the Downtown is consistent with the OCP policy of exempting downtown developments from providing vehicle parking—i.e. the rule makes it easier for infill development in this Core Growth Area.

For these reasons, staff recommend adopting the proposed bylaws and repealing the community amenity policy as proposed.

ALTERNATIVES:

Council can choose to:

1. Not approve the proposed bylaws.
2. Amend one or more of the proposed bylaws and give the bylaw(s) further consideration as amended.
3. Give Bylaw No. 2140 first and second reading and direct that a public hearing be scheduled for Bylaw No. 2140.
4. Refer the proposed bylaws back to staff for further review, as specified by Council.
5. Refer the proposal to CPAC before further consideration.

FINANCIAL IMPLICATIONS:

The \$114,000 collected under Bylaw No. 1276 must remain in this reserve and be spent on off-street parking projects in the Downtown.

Under the existing zoning regulations only projects in the Downtown are eligible to pay money in lieu of providing parking. If Bylaw Nos. 2140 and 2145 are adopted, cash in lieu of parking can be paid for any eligible project, anywhere in Town. This is expected to result in a larger reserve which can be used to fund sustainable transportation infrastructure anywhere in the community.

LEGAL IMPLICATIONS:

Standard requirements for Council consideration and referrals established under provincial legislation have been accounted for in the review and recommendations in this report. At this time, there are no special legal considerations for this proposal.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff are recommending that a public hearing not be held for Bylaw No. 2140. Section, 464(2) of the *Local Government Act* allows Council to consider a zoning amendment bylaw without holding a public hearing, if the proposed zoning changes are consistent with the OCP. Further, a public hearing was held for the new OCP on April 18, 2023.

INTERGOVERNMENTAL REFERRALS:

The Official Community Plan was referred to a number of First Nations and provincial agencies prior to consideration and adoption by Council.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The new Official Community Plan was referred to all departments for review prior to adoption. The building department was consulted regarding legalizing suites in Two Unit and Townhouse Dwellings and there were no concerns. The engineering department has confirmed that allowing suites in Two Unit Dwellings and Townhouses will not negatively impact the Town’s infrastructure systems and provided assistance in estimating the cash amount for payment in lieu of parking.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

The Official Community Plan Steering Committee included a representative from CPAC and CPAC was consulted on the development of the Official Community Plan. CPAC review of the application is not required, however Council may wish to refer the proposed amendments to CPAC (See Alternative 5).

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

I approve the report and recommendation(s).

Allison McCarrick , Chief Administrative Officer

ATTACHMENT(S):

- A. Bylaw No. 2140
- B. Bylaw No. 2145
- C. Summary of BC Building Code Requirements for Secondary Suites
- D. Community Amenity Contribution Policy 01 – 6410-A

Attachment A

TOWN OF LADYSMITH

BYLAW NO. 2140

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

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Town of Ladysmith Zoning Bylaw 2014, No. 1860”:

Secondary Suites

1. Section 4.1 ‘Interpretation’ is amended to:

a. change the definition of “Dwelling, Secondary Suite” to:

“means a self-contained *Accessory Dwelling Unit* located within a *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit Dwelling* that meets the requirements for “secondary suite” under the BC Building Code”; and

b. Change the definition of “Dwelling, Two Unit” to:

“means any detached *Building* containing two *Dwelling Units*, divided horizontally or vertically, with each *Dwelling Unit* having a separate, but not necessarily ground-level, exterior entrance but does not include a *Single Unit Dwelling* containing a *Secondary Suite*.”

2. Section 6.4 ‘Secondary Suite Regulations’ is deleted and replaced with the following:

a) Secondary Suites, where permitted in this Bylaw, shall satisfy all of the following conditions:

- i. *Secondary Suites* in *Townhouse Dwellings* and *Two Unit Dwellings* shall not exceed a floor area of 90 square metres or 40% of the *Townhouse Dwelling* or *Two Unit Dwelling*, whichever is less.
- ii. *Secondary Suites* in *Single Unit Dwellings* shall not exceed a floor area of 90 square metres, except *Secondary Suites* in *Single Unit Dwellings* in the R-2; R-2-A; and R-2-LW zones.
- iii. Shall be considered an *Accessory Use* to a *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit dwelling*.
- iv. Shall not be stratified or otherwise subdivided from the *Single Unit Dwelling, Townhouse Dwelling* or *Two Unit Dwelling* for which the *Secondary Suite* is *Accessory* to.
- v. Shall be prohibited on a *Parcel* where a *Coach House Dwelling* or *Caretaker Dwelling* is located.
- vi. Shall be prohibited on a *Parcel* where a *Bed and Breakfast Use* is located, unless the *Parcel Area* is at least 1,000 square metres.

3. “Secondary Suite” is added as a permitted accessory use to the Medium Density Residential (R-3) and Low Density Residential (R-3-A) zones.

Coach Houses

4. Section 6.5 ‘Coach House Regulations’ is amended to add as subsection (c):

"c) A *Coach House Dwelling* shall not be stratified or otherwise subdivided from the *Single Unit Dwelling* to which the *Coach House Dwelling* is Accessory".

Parking, Loading and Bicycle Parking

5. Add to section 4.1 'Interpretation' the following definitions:

"Long-term Bicycle Parking Space": means a secure, weather-protected space for bicycle storage used to accommodate long-term bicycle parking, for residents or employees within a room, locker, or a covered and fenced area."

"Oversized Bicycle Parking Space": means a bicycle parking space designed to accommodate cargo bikes, tricycles and similar bicycles and provides a secure locking point anchored to the ground or floor."

"Short-term Bicycle Parking Space": means a metal rack or similar structure:

- a. to which a bicycle and at least one wheel can be secured with a U-style lock; and
- b. is primarily intended to provide temporary bicycle storage to visitors."

6. Section 8.1 'Application' of Part 8 is amended by deleting subsection (d) and replacing as follows:

" d) Despite section 8.1(a), and except for bicycle parking under section 8.3, off-street parking and loading is not required for non-residential uses in the downtown area shown in figure 8.1."

7. Subsection 3 of Section 8.2 ('Parking Pay-In-Lieu Option') is deleted and replaced as follows:

"3. Payment In-Lieu of Parking

- a) An owner of a *Parcel, Building or Structure* may, in lieu of providing off-street vehicle parking, pay to the Municipality:
 - i. Four thousand dollars (\$4,000) per off-street parking space for a mixed-use development containing a *Residential Use* or a development in a *Zone* where a *Residential Use* is not permitted; or
 - ii. Six thousand dollars (\$6,000) per off-street parking space for all other developments.
- b) The provision under subsection a) shall be subject to the following conditions:
 - i. The payment in-lieu of parking option may not be applied to more than 50% percent of required off-street parking spaces;
 - ii. The payment in-lieu of parking option may not be applied to required bicycle parking spaces;
 - iii. Except for uses within the downtown area shown in figure 8.1, the payment in-lieu of parking option shall not be applied to required *Residential* off-street parking spaces.
 - iv. For uses within the downtown area shown in figure 8.1, the payment in-lieu of parking may be applied to up to 50% of required *Residential* off-street parking spaces.
- c) Cash in lieu of parking shall be deposited into a reserve under Section 525(7)(a)(ii) of the *Local Government Act* for the purpose of providing transportation infrastructure that supports walking, bicycling, public transit or other sustainable forms of transportation.

8. Amend the first sentence of subsection 8.3(1)(a) to read as follows:

“The number of off-street bicycle parking spaces and end-of trip bicycle facilities required for any *Use* is calculated according to Table 8.5 in which Column 1 classifies the types of *Use*, Column 2 sets out the number and type of required off-street bicycle parking spaces, and Column 3 sets out the number and type of required end-of-trip bicycle facilities that are to be provided for each *Use* in Column 1.”

9. Table 8.5 ‘Required Bicycle Parking Spaces’ is deleted and replaced and renamed as follows:

TABLE 8.5: REQUIRED BICYCLE PARKING AND END-OF-TRIP BICYCLE FACILITIES

COLUMN 1 USE	COLUMN 2 REQUIRED NUMBER OF SPACES	COLUMN 3 REQUIRED END-OF-TRIP BICYCLE FACILITIES
Multiple Unit Dwellings	1.0 Long-term Bicycle Parking Space per unit, at least 10% of which shall be Oversized Bicycle Parking Spaces; and 0.25 Short-term Bicycle Parking Space per unit	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be within 1.5 metres of a 110v electric outlet for charging e-bikes.
Non-Residential	1.0 Long-term Bicycle Parking Space per 10 employees ; and Short-term Bicycle Parking Spaces equal to 10% of required off-street vehicle parking spaces	At least 50% of required Long-term Bicycle Parking Spaces and 20% of required Short-term Bicycle Parking Space shall be provided with a 110v electric outlet within 1.5 metres of the parking space. 0.5 lockers per required Long-term Bicycle Parking Space; and 1 shower per 15 required Long-term Bicycle Parking Spaces where the number of required Long-term Bicycle Parking Spaces exceeds 15.

Delete subsection 8.3(2) ‘Design Standards for Class A and B Bicycle Parking Facilities’ and replace with the following:

“2. Design Standards for Bicycle Parking Spaces

- a) All required bicycle parking spaces shall be located so as to not obstruct pedestrian movement, and must not be placed in fire zones, loading zones, or other areas where unobstructed access is required.
- b) All required bicycle parking shall be provided on a 24 hour per day basis for every day or portion thereof where a *Use* is in operation, whether the *Use* is in operation in whole or in part.
- d) *Long-term Bicycle Parking Spaces* shall be at least 0.6 metres in width, 1.8 metres in length, and 1.9 metres

in height

- e) *Oversized Bicycle Parking Spaces shall be* at least 3.0 metres long and 0.9 metres wide, and 1.9 metres high
- f) Except for *Long-term Bicycle Parking* under subsection (d), required *Long-term Bicycle Parking* and *Oversized Bicycle Parking Spaces* shall:
 - i. be enclosed, at a minimum, by chain-link walls and constructed of theft-resistant materials;
 - ii. be hinged from the inside unless the hinges are tamper proof;
 - iii. have a separate entry lock and key or a programmed entry system;
 - iv. where bicycle lockers are used, have lockable doors, which open to the full height and width of each locker;
 - v. be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator; and
 - vi. be separated from other storage areas and waste collection areas.
- g) Required Long-term Bicycle Parking may be provided inside a *Dwelling Unit*, or an adjacent outdoor amenity area under subsection (v), under the following conditions:
 - i. Up to one required bicycle space may be provided per *Dwelling Unit*.
 - ii. The bicycle parking space must be provided adjacent to an exterior door and situated to allow the bicycle to be stored without travelling through the living space of the *Dwelling Unit*.
 - iii. The *Dwelling Unit* and bicycle parking space must be accessible to and from the outside by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator.
 - iv. The flooring in the bicycle parking space and access to the bicycle parking space shall be free of carpet and constructed to withstand bicycle traffic.
 - v. The bicycle parking space shall not be provided on an exterior balcony, patio or other outdoor area, unless the parking space is provided in the form of a bicycle locker.
 - vi. At least one exterior hose connection or bike washing station must be located on the parcel and accessible to the *Dwelling Unit(s)* where the in-unit bicycle parking is provided.
- h) Required Short-term Bicycle Parking shall:
 - i. Be accessible from a 1.2 metre wide front aisle and a 0.5 metre rear aisle, separate from pedestrian access;
 - ii. located within 15.0 metres of a *Principal Building* entry in a well-lit area, clearly visible from the *Principal Building, Street* or both;
 - iii. accessible by a stair-free route and, where accessed by an elevator, by a suitably sized and designed elevator;
 - iv. be securely installed to the floor or ground;
 - v. be easily identifiable as a bicycle rack; and
 - vi. shall not have any sharp edges or projections and use materials and paint that are resistant to rust, corrosion and vandalism.”

Citation

- 3. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2140”.

READ A FIRST TIME on the day of, 2023

READ A SECOND TIME on the day of, 2023

PUBLIC HEARING HELD on the _____ day of _____, 2023

READ A THIRD TIME on the _____ day of _____, 2023

APPROVED BY MINISTRY OF TRANSPORTATION

on the _____ day of _____, 2023

ADOPTED on the _____ day of _____, 2023

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

TOWN OF LADYSMITH

BYLAW NO. 2145

A bylaw to establish a reserve fund for sustainable transportation infrastructure

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

1. A reserve fund is established under section 525(7)(a)(ii) of the *Local Government Act* and 188(1) of the *Community Charter* and Section , to be known as the "Sustainable Transportation Reserve".
2. Payments made under section 525(1)(d) of the *Local Government Act* shall be deposited into this reserve.
3. Voluntary contributions from the community shall be deposited into this reserve where such contributions are expressly provided for the purpose of contributing to the development of infrastructure under section 6.
4. Council may direct that monies be allocated to the Sustainable Transportation Reserve.
5. Money set aside, until required to be used, may be invested in the manner provided by the *Community Charter*.
6. Money set aside and any interest earned thereon shall be expended solely for the purpose of providing transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.
7. This bylaw may be cited for all purposes as "Sustainable Transportation Reserve Bylaw 2023, No. 2145".

READ A FIRST TIME	on the	th	day of	, 2023
READ A SECOND TIME	on the	th	day of	, 2023
READ A THIRD TIME	on the	th	day of	, 2023
ADOPTED	on the	th	day of	, 2023

Mayor (A. Stone)

Corporate Officer (M. O'Halloran)

No. B19-04
December 12, 2019

Changes to the BC Building Code for Secondary Suites

The Province of British Columbia is working to remove barriers to the creation of more affordable housing including secondary suites. Previously, secondary suites could only be built in single detached homes and could not exceed a certain size. Effective December 12, 2019, the BC Building Code will allow the construction of new secondary suites in more types of houses, such as duplexes and row housing. Size restrictions for secondary suites have also been removed. This will provide local governments with more options for land use planning.

This bulletin provides further information about Revision 2 of the BC Building Code 2018 (BC Code) for the design and construction of new secondary suites in more building types. Local governments are encouraged to share this information with local builders and property owners.

Background

Allowing the construction of secondary suites in more building types helps to create more affordable housing units while still providing an acceptable level of health and fire safety to occupants. Secondary suites help provide more affordable housing options by expanding a community's rental stock. By making more efficient use of land and infrastructure, secondary suites facilitate low-impact densification that supports community vitality and sustainability. Secondary suites can be integrated within mature neighbourhoods with limited visual impact on the street, which helps communities retain neighbourhood character while providing more options for rental housing.

The BC Code historically limited the size of secondary suites and only permitted them in single detached houses. Land use bylaws were often based on these requirements. Mid-cycle revisions to the BC Code increase the options for the design and construction of new secondary suites in a wider range of building types and remove the restrictions on size.

The introduction of new requirements for the design and construction of secondary suites in the BC Code does not allow owners to contravene existing land use bylaws. The changes only provide acceptable design and construction solutions of a technical nature.

Local governments are encouraged to review their bylaws to determine if the BC Code changes will have any impacts. Local governments may wish to amend their bylaws to remove any previous code references or if they decide to permit secondary suites in more building types.


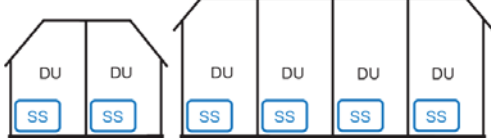
Changes to the BC Building Code 2018

The BC Code **previously** defined a *secondary suite* as “a *dwelling unit*

- having a total floor space of not more than 90 m² in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building* of *residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity.”

The approved mid-cycle revision **discontinues the prescribed floor space amounts and percentage distribution**. The BC Code does not require the building owner to occupy either of the units, but the two units must be a single real estate entity.

Comparison of Changes

Provision	Previous BC Code 2018	BC Code 2018 Revision 2 Change
Total floor area of the secondary suite	A secondary suite shall have a total floor space of not more than 90 m ² in area.	No limit to floor space of a secondary suite.
Percentage distribution of the floor space of the secondary suite to the habitable space of the building	A secondary suite shall have a floor space less than 40% of the habitable space of the building.	No limit to the percentage distribution of the secondary suite to the habitable space of the building.
Building type where secondary suites are permitted	A secondary suite shall be located within a building of residential occupancy containing only one other dwelling unit. 	The building may contain other dwelling units or occupancies that are horizontally adjacent; they may not be located above or below each other. 
Real estate entity	A secondary suite shall be located in, and part of, a building which is a single real estate entity.	No change: the secondary suite and the other dwelling unit in the house constitute a single real estate entity; the secondary suite may not be separately strata-titled or otherwise subdivided from the other dwelling unit.

The **new** definition states that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*:

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 hour and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

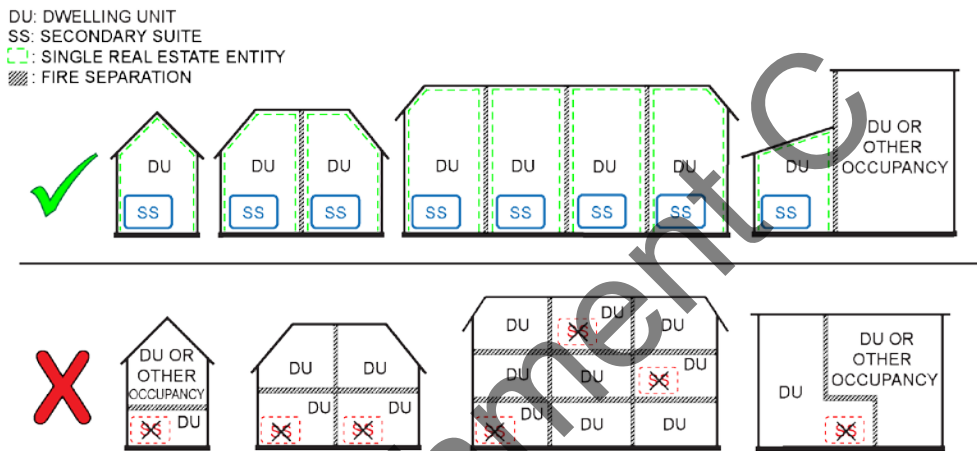
The change adopts and adapts permissions in the National Building Code to **allow construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where a dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not allow

secondary suites to be constructed in dwelling units that are above or below multiple dwelling units or other occupancies.

Examples where secondary suites are now permitted include side-by-side duplexes and row houses where a vertical fire separation separates the secondary suite from the remainder of the building.

Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

Figure 1: Examples of permissible and non-permissible secondary suites



Resources

The new BC Code definition of “secondary suite” is included in the Appendix to this bulletin.

More Information

[Technical Bulletin B19-05](#) provides information about the Revision 2 changes to the BC Code for the design and construction of new secondary suites.

Please direct any questions about land use bylaws to:

Ministry of Municipal Affairs and Housing
Planning and Land Use Management Branch
Telephone: 250-387-3394
Email: PLUM@gov.bc.ca

Please direct any questions about technical code requirements to:

Ministry of Municipal Affairs and Housing
Building and Safety Standards Branch
Telephone: 250-387-3133
Email: Building.Safety@gov.bc.ca

Appendix: Definition of “Secondary Suite” (from BC Building Code 2018 Revision 2)

Secondary suite means a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.

(See Note A-1.4.1.2.(1) of Division B.)

A-1.4.1.2.(1) Defined Terms.

Secondary Suite

A secondary suite is a self-contained dwelling unit that is part of a house containing not more than two dwelling units (including the secondary suite) and any common spaces such as common storage, common service rooms, common laundry facilities or common areas used for egress. Secondary suites are typically created within an existing single dwelling building (house) either constructed as an addition or an alteration to an existing house or incorporated during the construction of a new house. A secondary suite may have more than one storey and may be on the same level as the other dwelling unit of the house or be above or below it.

Examples of buildings where secondary suites are permitted include individual detached houses, or where the secondary suite is located in a portion of a building, semi-detached houses (half of a double and also known as a side-by-side) and row houses where a vertical fire separation separates the portion from the remainder of the building.

Where a building has multiple vertically separated occupancies, the secondary suite can only be created in a vertically separated portion of the building that is of residential occupancy. A vertical fire separation that extends continuously through all crawlspaces, storeys and attic spaces of the building is required to vertically separate portions of a building. Apartment buildings have dwelling units above and below others that share a horizontal assembly and are therefore not permitted to have secondary suites. Figure A-1.4.1.2.(1)-C shows building types where secondary suites are permitted as well as building types where other dwelling units or other occupancies are located above or below such that secondary suites are not permitted.

DU: DWELLING UNIT
 SS: SECONDARY SUITE
 [Green dashed box]: SINGLE REAL ESTATE ENTITY
 [Hatched box]: FIRE SEPARATION

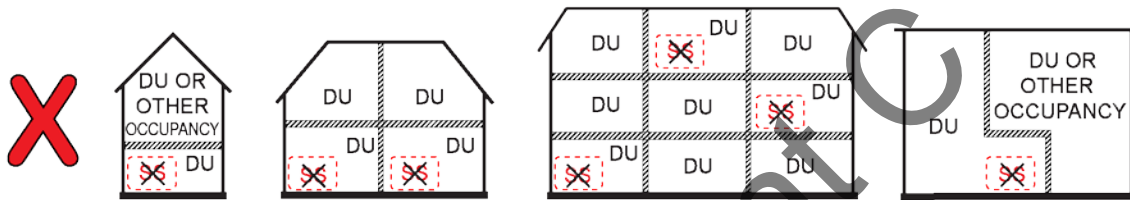
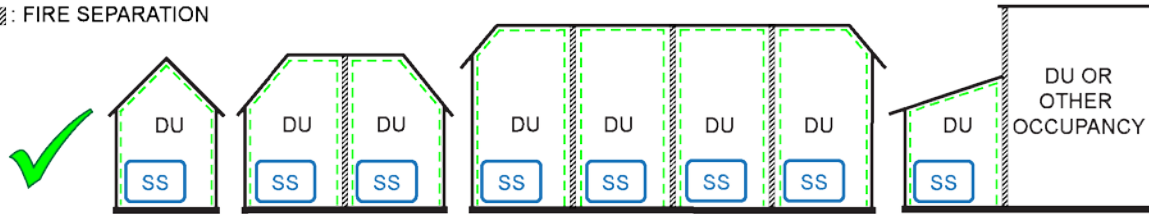


Figure A-1.4.1.2.(1)-C
 Building Types where Secondary Suites are Permitted

Neither the secondary suite nor the other dwelling unit in a house can be strata-titled or otherwise subdivided from the remainder of the house under provincial or territorial legislation. This means that both dwelling units are registered under the same title.



TOWN OF LADYSMITH
POLICIES AND PROCEDURES MANUAL

TOPIC:	Community Amenity Contribution (CAC) Policy
APPROVED BY: Council	DATE: January 19, 2015
RESOLUTION #: 2015-018	
<i>(Repeals 06-2320-A)</i>	
<p>1. OBJECTIVE</p> <p>The objective of the Community Amenity Contribution Policy (the “CAC Policy”) is to offer guidance for the provision of Community Amenity Contributions (CACs) in the Town of Ladysmith (the “Town”) through a fair and equitable approach. The demand on public facilities and services can increase when land is rezoned, due to the potential addition of new businesses, residents, employees and customers in an area. Thus, Council encourages rezoning applicants to consider proposing CACs towards needed infrastructure and amenities as a way of ensuring that the proposed development is seen as making a positive contribution to the neighbourhood and the community at large. CACs offered at the time of a rezoning application can address the increased demand or pressure by adding, improving, and expanding public facilities and services.</p> <p>2. INTERPRETATION</p> <p>“Community Amenity” means any public benefit, improvement, or contribution that can enhance the quality of life for a community, and includes, but is not limited to, aesthetic features, public spaces, land or an interest in land, affordable and special needs housing, and facilities, which meet a range of social, cultural, environmental, recreational and infrastructure needs of the community.</p> <p>“Community Amenity Contribution” or “CAC” means a contribution of a Community Amenity or a contribution toward the capital cost of a Community Amenity agreed to by the applicant/developer and Town, as part of a rezoning process that is initiated by the applicant/developer.</p> <p>3. POLICY</p> <ol style="list-style-type: none"> i) Residents of the Town expect that new development will not constitute a burden on existing taxpayers, but instead will pay its own way and contribute to the public facilities and services from which the new development will also benefit. Thus, rezoning applicants are generally encouraged to consider proposing a Community Amenity Contribution as part of a rezoning application, where appropriate in the circumstances. ii) Staff are directed to implement this CAC Policy as part of the development application process where CACs are proposed by rezoning applicants; and CACs will be referred and reported to Council for consideration and to obtain final approval. iii) The provision of an agreed-upon CAC to the Town would be obtained by the Town if, and when, Council adopts the relevant rezoning bylaw. iv) One or more of the following sources of information may provide guidance with respect to the types of CACs that are appropriate in the circumstances of a rezoning application: <ul style="list-style-type: none"> • Official Community Plan (and associated Area Plans); • A Community Vision for a Sustainable West Coast Town; 	

TOPIC: Community Amenity Contribution (CAC) Policy

APPROVED BY: Council

DATE: January 19, 2015

RESOLUTION #: 2015-018

(Repeals 06-2320-A)

- Community Energy Plan;
 - Ladysmith Bicycle Plan;
 - Parks Master Plan; and
 - Sustainability Action Plan.
- v) The following list provides examples of CACs that may be appropriate, depending on the circumstances:
- Contribution of land for a civic or institutional use (i.e. school);
 - Contribution of land for special needs housing or affordable housing;
 - Improvements to public facilities or public buildings;
 - Heritage conservation;
 - Provision of park improvements or park land (beyond statutory requirements);
 - Protection of environmentally significant areas beyond minimum requirements;
 - Public realm improvements beyond statutory requirements (i.e. public plaza, pedestrian and cycling linkages);
 - Contribution of land for the purpose of watershed protection;
 - Viewscape protection;
 - Neighbourhood enhancement project; and
 - Provision of cash to the Town of Ladysmith Amenity Fund (i.e. recommended contribution of \$1000 per residential unit to be constructed in the development, or as adjusted periodically) for a future Community Amenity.
- vi) Council may choose to accept CACs where it considers that the Town's future budgets will be able to support the estimated lifecycle costs of operating, maintaining and repairing the Community Amenity.
- vii) CACs will be negotiated on a case specific basis as each development proposal is unique, utilizing the principles of:
- Nexus – such that there is a direct, demonstrable link between the CAC and the impact of the new development; and
 - Proportionality – such that the CAC is proportional to the impact that the new development generates and is consistent with the CACs made by other rezoning applicants.
- viii) Where it is anticipated that a new Community Amenity will benefit both existing and new residents and businesses, an estimate may be made of the proportion of costs that is attributable to new development. In determining the proportion of costs attributable to new development, the applicable DCC policies and procedures of the Town may be applied.
- ix) In lieu of providing a Community Amenity, the Town may accept the cash value of the Community Amenity, or an appropriate contribution to the Community Amenity, to be held in the Town's Community Amenity Fund, and which the Town will provide, construct, or install in the future.
- x) In establishing the value of a proposed Community Amenity, hard costs, soft costs, land costs and lifecycle may be considered, such as:
- Hard costs – all material and labour costs for the construction of the Community Amenity;
 - Soft costs – all fees and costs for the design of the Community Amenity; and
 - Land costs – eligible only where land or an interest in land comprising the Community Amenity is transferred to the Town.

TOPIC: Community Amenity Contribution (CAC) Policy

APPROVED BY: Council

DATE: January 19, 2015

RESOLUTION #: 2015-018

(Repeals 06-2320-A)

- Lifecycle costs – all recurring costs over the lifespan of the Community Amenity.
- xi) Not-for-profit organizations serving the community will not normally be expected to make CACs.
- xii) The provision of CACs may be secured through one or more of the following methods, prior to final reading of the relevant rezoning amending bylaw. All costs associated with preparation, review and registration of any of the following will be at the expense of the applicant.
- Phased development agreement (Section 905.1 of the *Local Government Act*);
 - Housing agreement for affordable or special needs housing (Section 905 of the *Local Government Act*);
 - Covenant (Section 219 of the *Land Title Act*);
 - Transfer of land or an interest in land to the Town of Ladysmith;
 - Cash contribution to the Town of Ladysmith Community Amenity fund(s);
 - Written agreement between the parties; or
 - Other methods as appropriate in the circumstances.
- xiii) Council may consult this Policy in its consideration of zoning for amenities and affordable housing pursuant to section 904 of the *Local Government Act*.
- xiv) Nothing in this CAC Policy is intended to impair or fetter the discretion of Council with respect to the adoption of any bylaw.

01 – 6410 - A

TOWN OF LADYSMITH

BYLAW NO. 2139

A Bylaw to Enter into a Heritage Revitalization Agreement for “the Island Hotel”

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

1. That the Town of Ladysmith is authorized to enter into the Heritage Revitalization Agreement for the building located at Lot 6, Block 27, District Lot 56, Oyster District, Plan 703 (PID: 008-550-981), 440 1st Avenue (the Island Hotel) substantially in the form attached to this Bylaw as Schedule 1.
2. The Mayor and Corporate Officer are authorized on behalf of the Town of Ladysmith to execute the Heritage Revitalization Agreement.

Citation

3. This Bylaw may be cited for all purposes as “Town of Ladysmith Heritage Revitalization Agreement Bylaw 2023, No. 2139”.

READ A FIRST TIME on the _____ day of _____, 2023

READ A SECOND TIME on the _____ day of _____, 2023

READ A THIRD TIME on the _____ day of _____, 2023

ADOPTED on the _____ day of _____, 2022

Mayor (A. Stone)

Corporate Officer (M. O’Halloran)

Schedule 1

Heritage Revitalization Agreement

HERITAGE REVITALIZATION AGREEMENT
(Pursuant to section 610 of the Local Government Act)

This Agreement made as of the ___ day of _____, 202_.

BETWEEN:

THE TOWN OF LADYSMITH

410 Esplanade, PO Box 220
Ladysmith, B.C. V9G 1A2
Canada

(the "**Town**")

OF THE FIRST PART

AND:

FIRST AVENUE FREEHOLDERS LTD., INC. NO. BC1339861

201-2377 Bevan Avenue
Sidney, BC
V8L 4M9

(the "**Owner**")

OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner of the lands and premises located in the Town of Ladysmith British Columbia, with a civic address of 440 1st Avenue and legally described as:

LOT 6, BLOCK 27, DISTRICT LOT 56, OYSTER DISTRICT, PLAN 703

(the "**Property**")

- B. The Property contains a building which is listed in the Town's Heritage Register, that the Town and the Owner agree has significant heritage value (the "**Heritage Building**");
- C. The Owner wishes to redevelop the Property by replacing the wood-frame structure of the building and adding two stepped-back storeys above the third storey, and adding on-site parking, as described on the Development Concept Plans attached to this Agreement as Schedule "A" (the "**Development**"), and to conserve the exterior front façade of the Heritage Building in accordance with the Conservation Plan that is attached as Schedule "B" to this Agreement (the "**Conservation Plan**");

- D. The Owner has applied to rezone the Property to permit the Development, under the terms of "Town of Ladysmith Zoning Bylaw 2014, NO. 1860, Amendment Bylaw, 2023, No. 2138";
- E. The Owner and the Town wish to preserve the Heritage Building, and to provide for its preservation, rehabilitation, restoration and maintenance in accordance with the terms of this Agreement;
- F. Section 483 of the Local Government Act authorizes the Town, by bylaw, to enter into a Heritage Revitalization Agreement with the owner of heritage property;
- G. The Owner and the Town have agreed to enter into this Agreement setting out the terms and conditions under which the Heritage Building will be preserved, rehabilitated, restored and maintained.

NOW THEREFORE this Agreement witnesses that in consideration of the mutual promises exchanged in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which both parties acknowledge), the Owner and the Town each covenant with the other pursuant to section 610 of the Local Government Act, as follows:

1.0 DEFINITIONS

- 1.1 In this Agreement the words "preservation", "rehabilitation", "restoration" and "maintenance" have the meanings defined in the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (2010); and
- 1.2 In this Agreement the word "Owner" includes a person who acquires an interest in the Property and is thereby bound by this Agreement, as referred to in sections 14.1 and 17.1.

2.0 REDEVELOPMENT OF THE PROPERTY

- 2.1 The Owner covenants and agrees with the Town that it shall develop the Property strictly in accordance with the terms of this Agreement, and as required under the terms of any permits or approvals issued by the Town respecting the development of or construction upon the Property.

3.0 OBLIGATION OF OWNER TO PRESERVE THE HERITAGE BUILDING

- 3.1 The Owner covenants and agrees that it shall, as part of any development of the Property:

preserve, rehabilitate, restore and maintain the exterior of the Heritage Building by carrying out the restoration and rehabilitation work to the exterior of the Heritage Building in accordance with the Conservation Plan (the "Work").

- 3.2 Prior to commencement of any Work, the Owner shall obtain all necessary permits and licences from the Town to permit commencement and completion of the said Work, including, and without limitation, a heritage alteration permit, and shall:
- i) submit plans and specifications for the Work described in section 3.1 to the Town's Director of Development Services (the "Director") for review and approval.
- 3.3 The Owner acknowledges that the Conservation Plan contemplates that additional details and specifications of the conservation work to be undertaken are to be prepared in future, and accordingly, the Owner covenants and agrees that before commencing any Work, or other construction or demolition work on the Property, and as part of its submittals under section 3.2 of this Agreement, the Owner shall submit to the Director, for his or her review and approval, drawings, plans, details and specifications (as applicable) regarding:
- (a) the restoration and potential rebuilding of the brick façade of the Heritage Building;
 - (b) the restoration and potential replacement of the metal cornices of the Heritage Building;
 - (c) the rehabilitation of the existing upper level window expression of the Heritage Building; and
 - (d) the street level rehabilitation of the Heritage Building.
- 3.4 The drawings, plans, details and specifications referred to in section 3.2 must be:
- (a) prepared by qualified professionals, such as registered architects or professional engineers who are duly licensed to practice their profession in British Columbia, and who have experience in the conservation and rehabilitation of heritage buildings and structures; and
 - (b) submitted in a form acceptable to the Director, acting reasonably.
- 3.5 Following the Director's review of the drawings, plans, details and specifications referred to in section 3.4, the Director may:
- (a) require the submission of additional or revised drawings, plans, details and specifications if the Director determines, acting reasonably, that the drawings, plans, details and specifications submitted by the Owner are insufficient, lacking in details, or otherwise do not adequately provide for the conservation of the exterior of the building in accordance with the Conservation Plan and this Agreement;
 - (b) provide approval in writing to the drawings, plans, details and specifications submitted by the Owner, once the Director is satisfied that the drawings,

plans, details and specifications submitted by the Owner adequately provide for the conservation of the exterior of the Heritage Building in accordance with the Conservation Plan and this Agreement.

- 3.6 All Work shall be performed at the Owner's sole expense in accordance with the plans and specifications approved by the Director under this Agreement, the terms of the heritage alteration permit that is issued; in accordance with good engineering and heritage conservation practices; and in accordance with the Standards & Guidelines for the Conservation of Historic Places in Canada.
- 3.7 The Owner shall complete the heritage revitalization work referred to in section 3.1 prior to any use or occupation of the Heritage Building.
- 3.8 The Owners shall obtain the Town's approval for any changes to the Work, including any amended permits that may be required, including any amended Heritage Alteration Permits.
- 3.9 The Owner shall, at the Owner's sole expense, engage a member of the Architectural Institute of British Columbia, the Canadian Association of Heritage Professionals or the Association of Professional Engineers and Geoscientists of British Columbia (the "**Registered Professional**") to oversee the Work.
- 3.10 The Owner shall notify the Town within five (5) business days if the Registered Professional's engagement by the Owner is terminated for any reason.
- 3.11 Without limiting section 9 of this Agreement, the Owner shall cause the Registered Professional to:
 - i) prior to commencement of any Work, provide to the Town an executed and sealed standard Letter of Assurance in the form referred to in the BC Building Code as Schedule B: Assurance of Professional Design and Commitment for Field Review;
 - ii) throughout the course of the Work, effectively oversee the work of all contractors and tradespersons and inspect all materials leaving and arriving at the site to ensure that the Work is carried out in accordance with the Standards & Guidelines for the Conservation of Historic Places in Canada; and
 - iii) upon substantial completion of the Work, provide to the Town an executed and sealed standard Letter of Assurance in the form referred to in the BC Building Code as Schedule C-A: Assurance of Coordination of Professional Field Review.

4.0 ONGOING MAINTENANCE

- 4.1 The Owner shall maintain the Heritage Building in good repair in accordance with industry accepted maintenance standards.
- 4.2 Without limiting the maintenance requirements specified in section 4.1 of this Agreement, the Owner shall:
- i) maintain the exterior of the Heritage Building so as to prevent deterioration due to weather, rot or insects;
 - ii) keep the exterior of the Heritage Building free from loose, rotted or broken materials and objects;
 - iii) keep all siding, window frames, railings, decks, stairs and other wood or metal materials on the exterior of the Heritage Building neatly finished and effectively protected from the elements;
 - iv) maintain all cornices, belt courses, corbels, trim wall facings, and similar architectural features of the Heritage Building in good repair and safe condition; and
 - v) maintain all roofs, including fascia boards, soffits, cornices and flashings of the Heritage Building in a watertight condition.

5.0 DAMAGE OR DESTRUCTION OF THE HERITAGE BUILDING

- 5.1 If the Heritage Building is damaged or destroyed to the extent of less than or equal to 75% of its value above its foundations, as determined by the Director, the Owner shall obtain necessary permits and licenses and, in a timely manner and no later than one year from obtaining the necessary permits, shall restore and repair the damaged or destroyed Heritage Building to the same condition and appearance that existed before the damage occurred.
- 5.2 If, in the opinion of the Director, the Heritage Building is damaged or destroyed to the extent of more than 75% of its value above its foundations, and the Owner wishes to construct a replacement building on the Property, such replacement building must be constructed in compliance with the Zoning Bylaw, and in a style that is acceptable to the Town and substantially similar to that of the destroyed Heritage Building, after having obtained all necessary permits and licenses.
- 5.3 The Owner shall use its best efforts to commence and complete any repairs to the Heritage Building, or the construction of any replica or replacement building, with reasonable dispatch, and no later than one year from obtaining all necessary permits.

6.0 TIMING

- 6.1 The Owner shall commence and complete all actions required for the completion of the Work, within five years following the adoption of the Bylaw authorizing this Agreement.

7.0 BREACH OF AGREEMENT

- 7.1 The Owner covenants and agrees that the measure of the damages for any breach of the restrictions or requirements of this Agreement shall include, but shall not be limited to the actual cost and expense of all administration, labour, materials, equipment, services and work required for all remedial acts necessary to fully restore, rehabilitate, replace or maintain the building, structure, improvement on or feature of the Property having heritage value to be protected, conserved, preserved or kept in its natural state. The nature and extent of any breach of the said restrictions and requirements, and the nature and extent of any restoration, rehabilitation, replacement, maintenance or remedial work or action of any nature required to remedy such breach shall be determined by the Town.
- 7.2 Without limiting any provision of this Agreement, in the event that the Owner is in breach of any of its obligations under this Agreement and the Owner has been granted a variation to any bylaw, the Owner agrees that any variations to the bylaw shall be of no further effect, and the otherwise applicable provisions of the bylaws Bylaw respecting the use of the Property, or the provisions of any replacement bylaws, shall apply.

8.0 DISCRETION

- 8.1 Wherever in this Agreement a heritage alteration permit is required, the discretion to approve, refuse or issue such permit is delegated to the Director and such exercise of discretion relating to the issuance of the heritage alteration permit shall be made by the Director, acting reasonably in accordance with sound municipal heritage and conservation practice.

9.0 HERITAGE DESIGNATION

- 9.1 The owner irrevocably agrees to the designation of the Heritage Building as a municipal heritage site, in accordance with Section 611 of the Local Government Act, and releases the Town from any obligation to compensate the owner in any form for any reduction in the market value of the Property that may result from the designation.

10.0 NO LIABILITY FOR TOWN

- 10.1 In no case shall the Town be liable or responsible in any way for:

- i) any personal injury, death or consequential damage of any nature whatsoever, howsoever caused, that may be suffered or sustained by the Owner or by any other person who may be on the Property; or

any loss or damage of any nature whatsoever, howsoever caused to the Property or any improvements or personal property thereon belonging to the Owner or to any other person;

arising directly or indirectly from compliance with the restrictions and requirements herein, wrongful or negligent failure or omission to comply with restrictions and requirements herein, or refusal, omission or failure of the Town to enforce or require compliance by the Owner with the restrictions or requirements herein or with any other term, condition or provision of this Agreement.

11.0 INDEMNITY

- 11.1 The Owner shall at all times release, indemnify and save harmless the Town of and from all loss and damage and all actions, claims, losses, including loss or reduction in the value of the Property, costs, demands, expenses, fines, liabilities and suits of any nature whatsoever by whomsoever brought for which the Town shall or may become liable, or may incur or suffer by reason of existence and effect, whether direct or indirect, of the restrictions or requirements under this Agreement or the breach or non-performance by the Owner of any covenant, term or provision hereof, or by reason of any work or action of the Owner in performance of its obligations hereunder, or by reason of any wrongful act or omission, default or negligence of the Owner.

12.0 NO DEROGATION FROM STATUTORY AUTHORITY

- 12.1 Nothing in this Agreement shall limit, impair, fetter or derogate from the statutory powers of the Town all of which powers may be exercised by the Town from time to time and at any time to the fullest extent that the Town is enabled and no permissive bylaw enacted by the Town, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the Town shall estop, limit or impair the Town from relying upon and enforcing this Agreement.

13.0 COMPLIANCE WITH LAWS

- 13.1 The Owner acknowledges and agrees that, except as expressly varied by this Agreement, any development or use of the Property, including any construction, restoration and repair of the Heritage Building, must comply with all applicable bylaws of the Town.
- 13.2 Despite any provision of this Agreement, the Owner shall comply with all laws, including bylaws of the Town, and to the extent only that such laws, regulations and orders are mandatory and necessarily require the breach of any restriction or positive obligation herein to be observed or performed by the Owner, or less than

strict compliance with the terms hereof, then the Owner, upon sixty (60) days' written notice to the Town shall be excused from complying with such restrictions or performing such obligation and such restriction or obligation shall be suspended but only to the extent and for the time that such mandatory law, regulation or order is inconsistent with compliance with the said restrictions or obligations.

14.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 14.1 Notice of this Agreement will be registered in the Land Title Office by the Town at the cost of the Owner in accordance with section 610 of the Local Government Act, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Property after registration of this Notice.

15.0 NOTICE

- 15.1 Any notice required or permitted to be given by one party to another pursuant to this Agreement must be in writing and will be validly given if delivered, transmitted by email or mailed in British Columbia by a pre-paid registered post to the parties as follows:

To the Town

The Town of Ladysmith
 410 Esplanade, PO Box 220
 Ladysmith, B.C. V9G 1A2
 Canada
 Attn: Director of Development Services
 Email: ds@ladysmith.ca

To the Owner

First Avenue Freeholders LTD., Inc. No. BC 1339861
 201-2377 Bevan Avenue
 Attn: Randy Repass
 Email: randy@r-rho.com

or to such other person or address as one party may advise the other in writing from time to time. Any notice given in accordance with this or any other provisions of this Agreement is deemed to be received on the next business day after delivery or transmission by email, or if mailed, on the third business day following posting thereof.

16.0 TIME

- 16.1 Time is to be the essence of this Agreement.

17.0 BINDING EFFECT

17.1 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. Without limiting the foregoing, and pursuant to section 483(6) of the Local Government Act, upon the filing of a notice of this Agreement in the Land Title Office, this Agreement is binding on all persons who acquire an interest in the Property.

18.0 WAIVER

18.1 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

19.0 HEADINGS

19.1 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

20.0 LANGUAGE

20.1 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

21.0 CUMULATIVE REMEDIES

21.1 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

22.0 ENTIRE AGREEMENT

22.1 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

23.0 FURTHER ASSURANCES

23.1 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

24.0 LAW APPLICABLE

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

25.0 AMENDMENT

25.1 This Agreement may be amended from time to time upon terms and conditions mutually acceptable to the Town and the Owner only if the amendments are in writing and executed by the parties hereto, and only if the amendments are authorized by bylaw of the Town.

26.0 SEVERABILITY

26.1 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.

27.0 SCHEDULES

27.1 All schedules to this Agreement are incorporated into and form part of this Agreement.

28.0 INSPECTION

28.1 Without limiting the Town's power of inspection conferred by statute and in addition to such powers, the Town shall be entitled at all reasonable times and from time to time to enter onto the Property for the purpose of ensuring that the Owner is fully observing and performing all of the restrictions and requirements in this Agreement to be observed and performed by the Owner.

[Signature page to follow on next page]

IN WITNESS WHEREOF the Owner and the Town have executed this Agreement on the dates set out below.

THE TOWN OF LADYSMITH by its)
authorized signatories:)

_____)
Print Name:)

_____)
Print Name:)

FIRST AVENUE FREEHOLDERS)
LTD., INC.NO., BC1339861 by its)
authorized signatories:)

_____)
Print Name:)

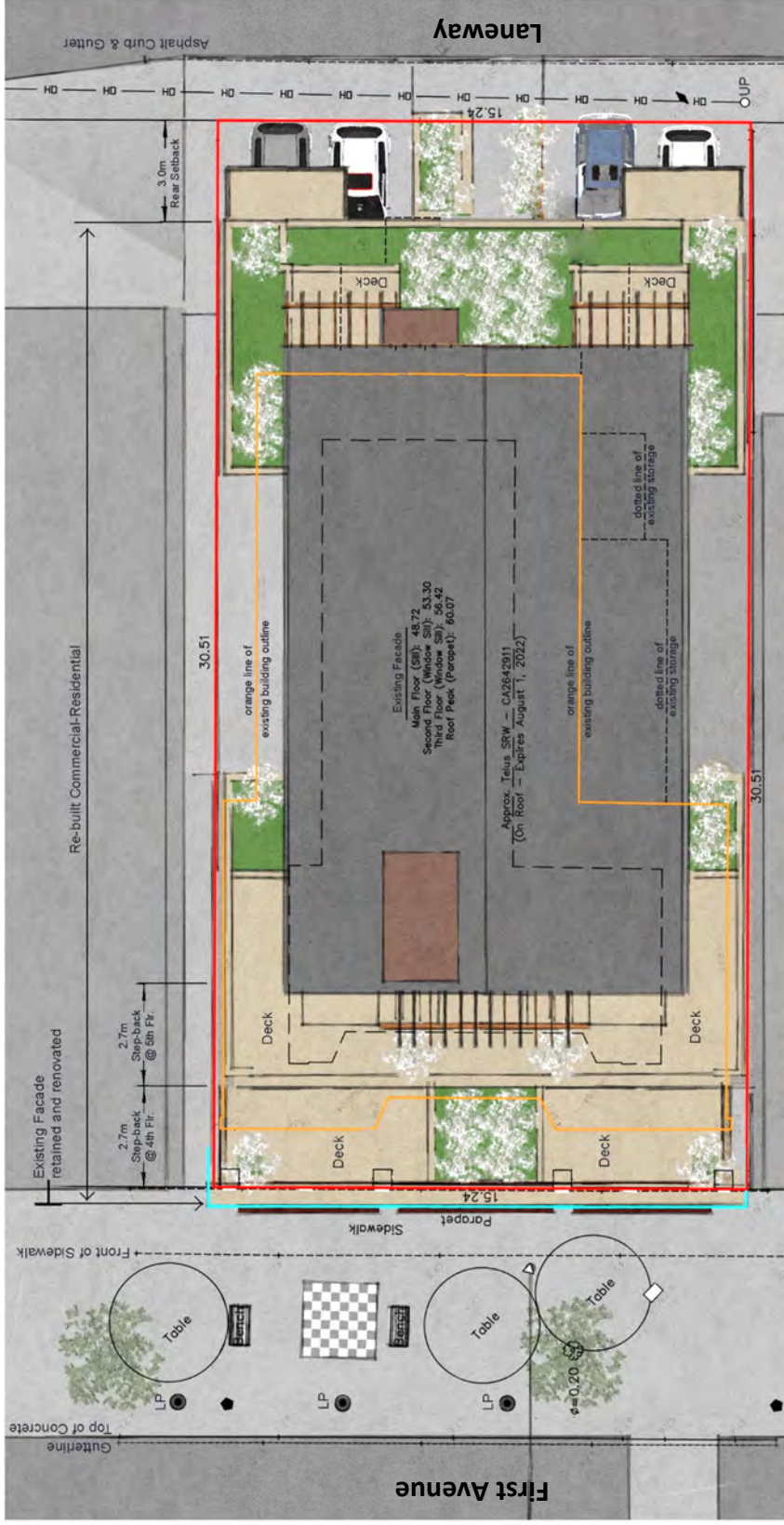
_____)
Print Name:)

Schedule "A"

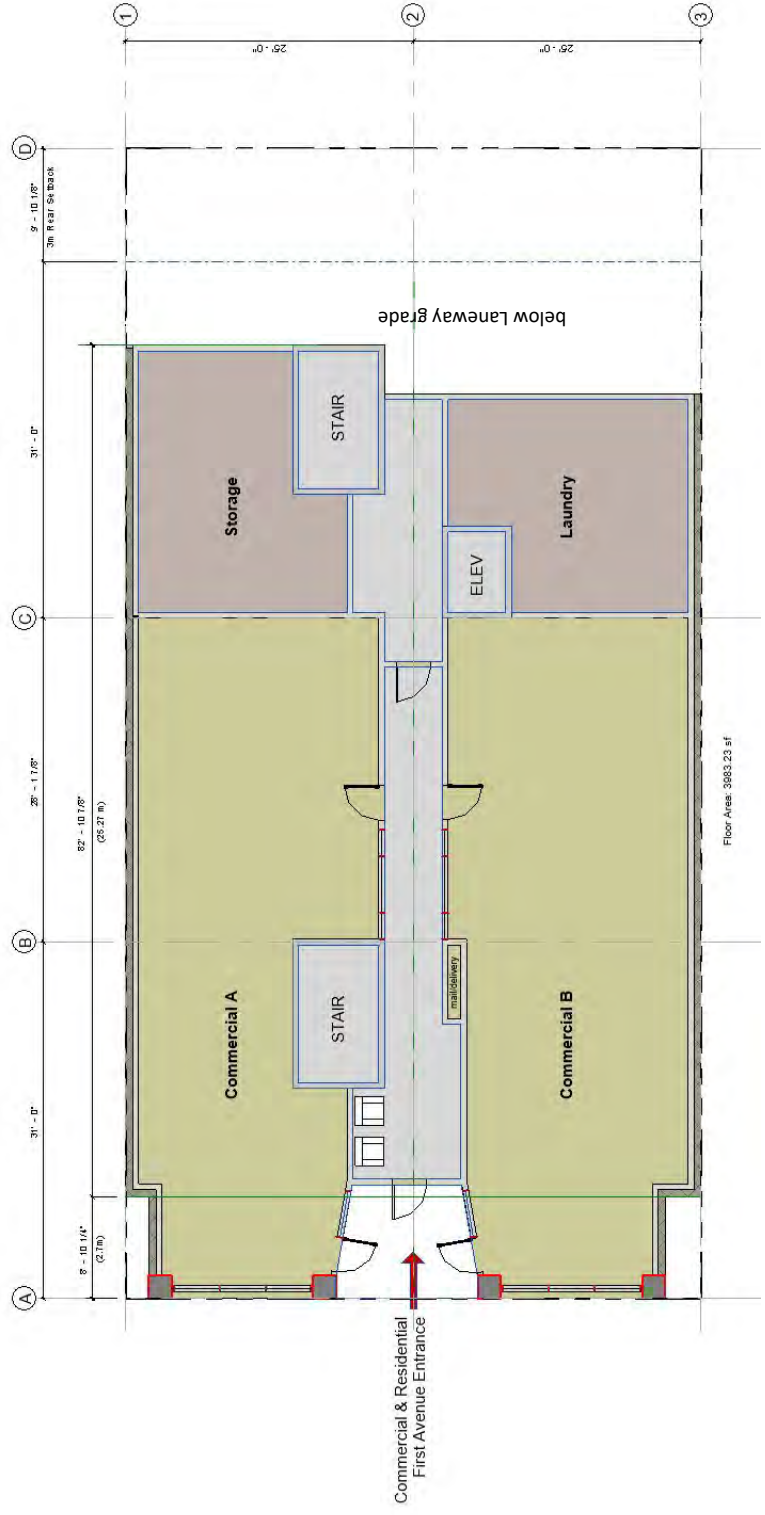
Development Concept Plan

Layouts (Preliminary Schematics)

Floor plans are subject to change

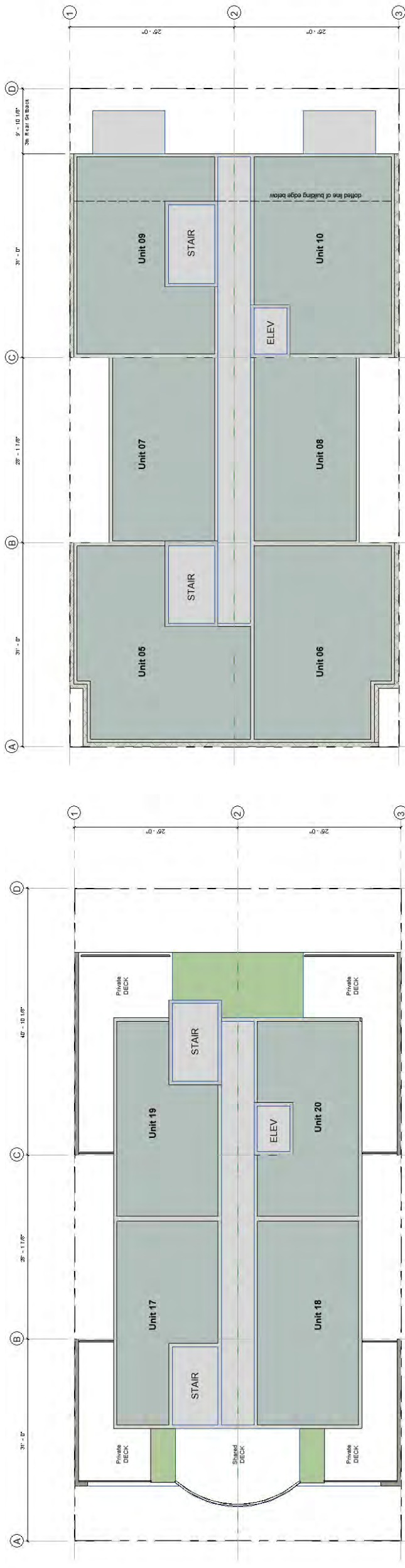


Site & Roof Level



Street Level

LAYOUTS (Preliminary Schematics)



First Avenue Streetscapes & Aerials (Conceptual)



Aerial view - Setbacks



First Avenue - NW View

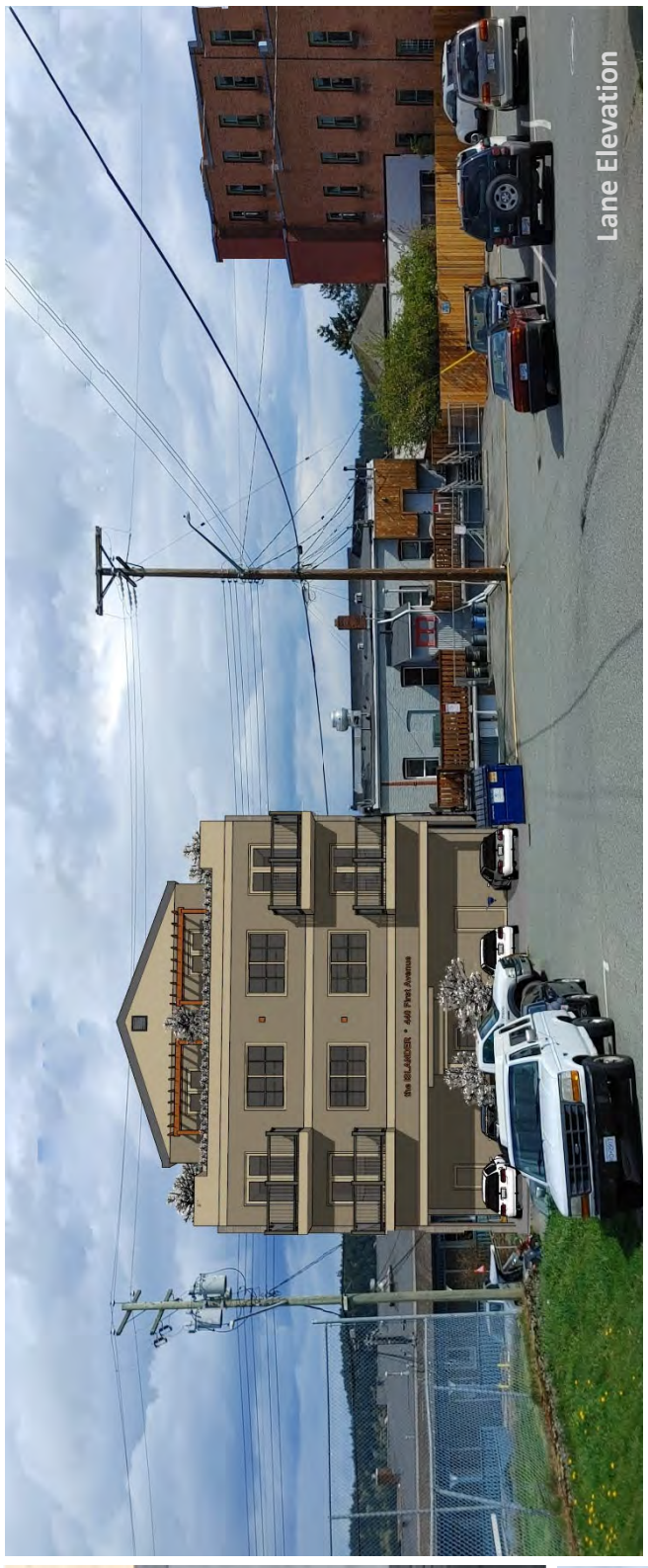


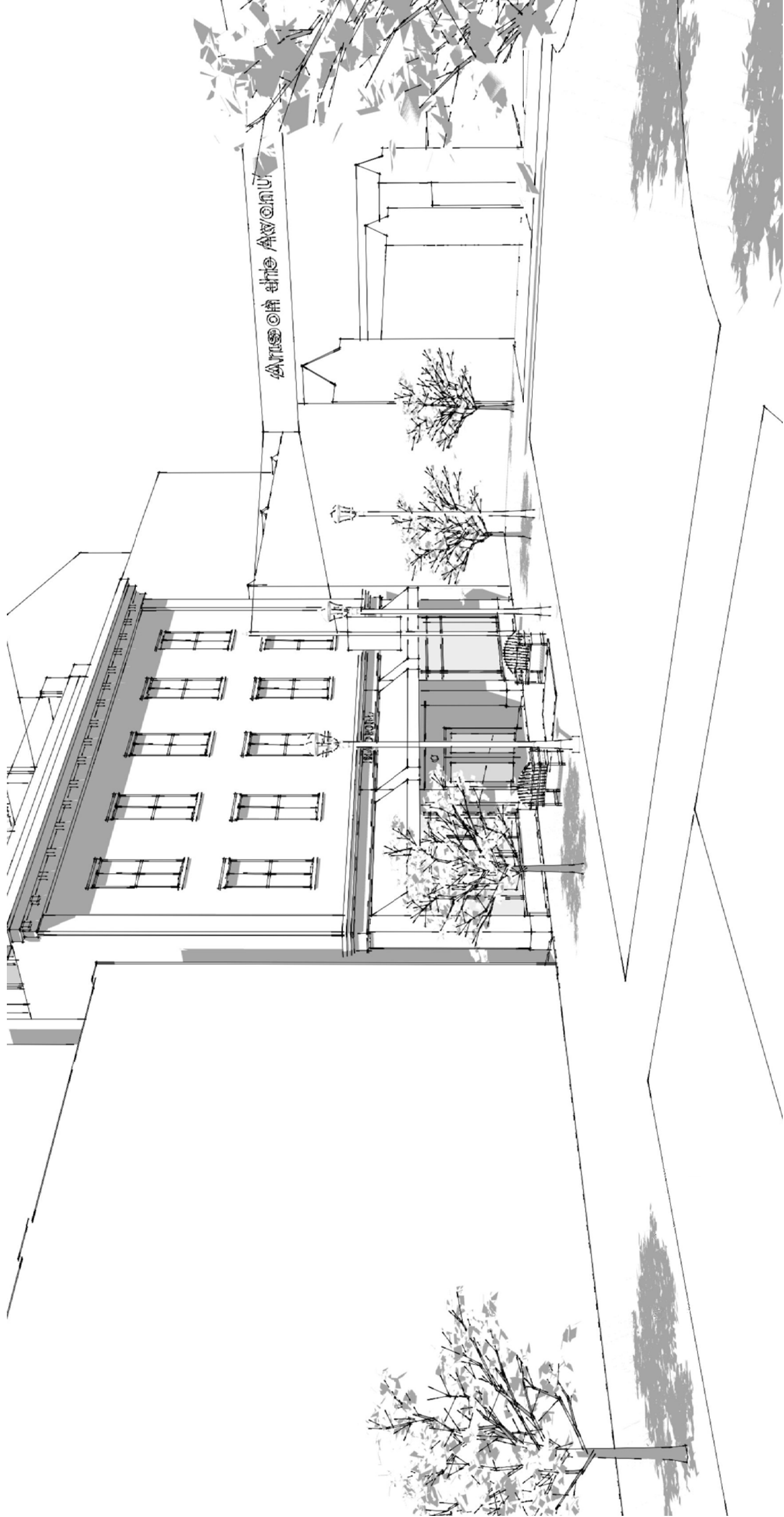
First Avenue - SE View



Gatacre Street - NE View

Laneway Streetscapes & Aerials (Conceptual)





the Island Hotel



Looking up from across First Avenue RBC Corner



Schedule "B"

Conservation Plan

A Heritage Conservation Plan

The Island Hotel
A Renovation & Rebuild
440 First Avenue, Ladysmith BC



January 30, 2023

AYPQ ARCHITECTURE

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The ISLAND HOTEL

PROPERTY ADDRESS	440 First Avenue Ladysmith, British Columbia
ORIGINAL CONSTRUCTION:	1900 Two and a half storey wood frame building Peak roof with dormers
SIGNIFICANT RENOVATON:	1913 Three-storey wood frame building Brick façade and additional floor added
OWNER Original:	Unknown
Present:	First Avenue Freeholders
ARCHITECT/BUILDER Original:	Unknown
LEGAL DESCRIPTION:	Lot 6, Block 27, District Lot 56, Oyster District, Plan 703
HISTORIC REGISTRATION:	City of Ladysmith Community Heritage Register, 2006 Canadian Historic Places Register, 2010

The Island Hotel is a commercial wood frame building with an applied Edwardian era brick façade and flat roof. As a three-storey structure, it stands high within a line of predominantly two-storey historic buildings along First Avenue, the main street of the Town of Ladysmith's downtown core.

The original building built in 1900, was a two-storey wood frame building more in the Victorian style with a peak roof, dormers and a full width porch/deck. In 1913, it underwent significant renovations, raising the building to add another floor, new flat roof and a new brick façade. The use of brick, symmetrical expression, strong roof and mid-level metal cornices as well as single horizontal brick course detailing, limited to the upper portion of the façade and window head/sill, make the Island Hotel's brick façade a good example of modest Edwardian commercial architecture. It has since remained substantially unaltered.

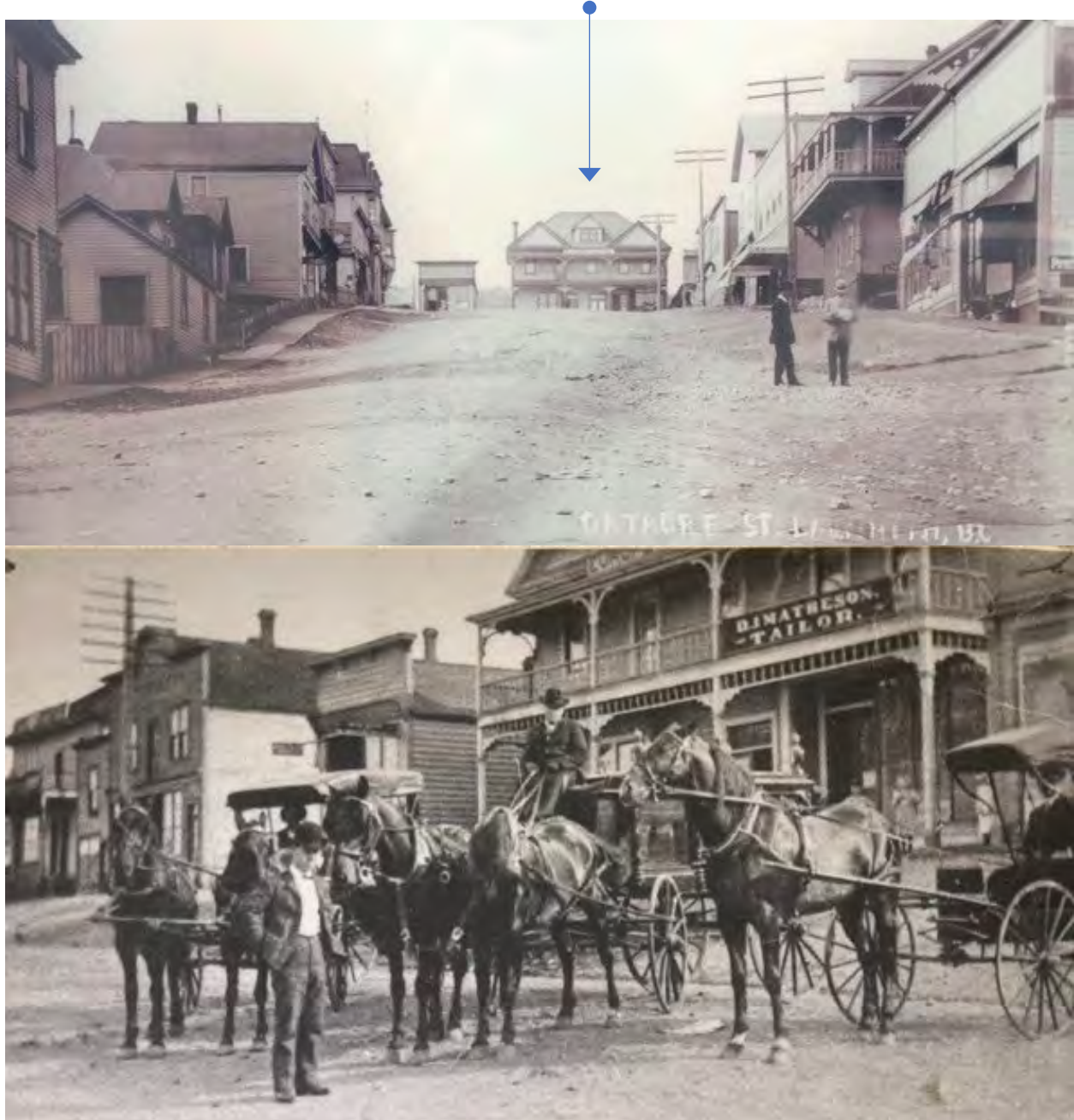
The Island Hotel stands as a reminder of community's resilience and the economic benefits of commercial and residential uses demonstrated by its continuous accommodation of these uses throughout the war, economic collapse-recovery to the present.

STATEMENT OF SIGNIFICANCE

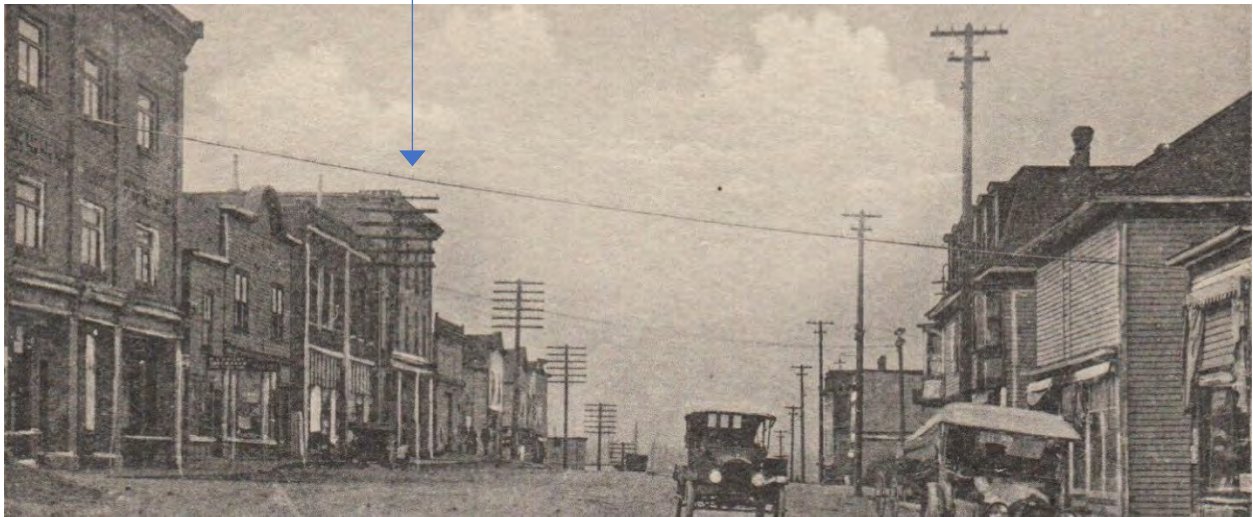
Understanding Historic Place

In 1900, the Island Hotel was built as the Europe Hotel in the newly founded town of Ladysmith, supporting an economically important coal mining industry and its families.

The original two and a half storey wood building had a full width porch/deck, peaked roofs and dormers with street level commercial and residential above.



In 1913, the hotel underwent substantial renovations to comply to new liquor license laws which required a hotel to have a specific number of rooms. A floor with additional rooms was added, and with an emerging shift from the more eclectic and elaborate styles of the Victorian era, a brick façade was applied over the wood structure, of a more restrained style popular in the British Empire during the Edwardian era (1901–1910). A lighter colour brick was used, indicative of a historically lessening need to disguise soot buildup on walls from gas and later electric light on walls as compared to Victorian era architecture.



During Ladysmith's early years, Vancouver Island mines were among the most dangerous in the industrialized world, experiencing labour unrest and shutdowns. The 1909 Extension colliery explosion which killed 32 men and the Great strike of 1912-1914, began an economic decline well into the 1929-1933 Great Depression. In 1935, with an industry shift to logging, Ladysmith's began an economic recovery, and the Island Hotel played an important social and economic role in supporting its growing community.

Although some later alterations were made to accommodate changing street grades, the brick facade has remained substantially unchanged.



HV Heritage Value

Today, Ladysmith has since diversified, but as it has throughout its history, the Island Hotel continues to support its community with street level commercial and residential accommodations above. The brick façade has stood the test of time while the wood building component behind has not and in poor condition.

Overall, the brick facade stands as a good example of modest Edwardian Commercial Architecture, located mid-block of an important and cohesive historic street frontage along First Avenue, the main street of Ladysmith’s downtown core.





CDE Character-Defining Elements of the Island Hotel

A Modest Edwardian Commercial Building

Ladysmith Community Heritage Register

<https://www.ladysmith.ca/discover-ladysmith/history-heritage/community-heritage-register-heritage-inventory>

Canada's Historic Places

<https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=16588>

1. All the elements of a modest Edwardian commercial building including:
 - simple form and massing,
 - symmetrical façade,
 - brick facing,
 - flat roof,
 - simple one-over-one wood-framed windows,
 - cornices at roof line as well as between the first and second storeys, and
 - arrangements of doors and windows at the street level,
2. Location within a group of similarly proportioned, historic commercial buildings on the town's main commercial street, and
3. Continuous commercial use.

CONSERVATION STRATEGY

In accordance with Ladysmith's Development Guidelines for the Preservation, Rehabilitation and Restoration of Heritage Buildings, the *Standards & Guidelines for the Conservation of Historic Places in Canada* will guide the Conservation Strategy for the Island Hotel.

It will be flexible to allow for discoveries and for an increased understanding along the way, such as information gained from investigations or impact assessments. It will maintain a firm sense of the larger picture over the long term and will not emphasize a particular character-defining elements at the expense of others.

The Conservation Strategy goal is to retain the Island Hotel's Historical Value.

The yellow/beige brick Edwardian era façade will be restored, re-built and rehabilitated. It will be given a greater commercial relationship with the sidewalk with the main floor lowered to street level and new storefronts installed between the retained brick columns. Repairs, if found to be necessary, will utilize matching materials and detailing.

The original wood frame structure, which is in poor condition, will be replaced with new construction that will be distinguishable from the historic brick façade using set-backs at levels above the façade thus retaining its flat roof expression at the street as well as be subordinate and distinct.

The Island Hotel's commercial use will continue, and its street location and relationship will remain unchanged.

INTERVENTIONS

Interventions to the Island Hotel may include aspects of:

- Preservation actions that are part of the ongoing maintenance of an historic place;
- Rehabilitation activities related to a new use or code upgrades;
- Restoration activities associated with the depiction of an historic place at a specific period in its history.

Overall Massing

HV & CDE: *Simple form and massing; flat roof; location within a group of similarly proportioned, historic commercial buildings on the town's main commercial street.*

Existing Condition

The combined massing of the brick façade and L-shape wood structure is viewed from the street as a single simple rectangular flat roof building.

Conservation Strategy

The brick façade will retain its original frontage proportions and relationship on the street. The existing wood building behind the façade will be replaced with a five-storey structure with a square footprint and two 2.7m each step-backs, one at the fourth & the other at fifth level. The existing *simple form & massing* and its *flat roof* expression is retained as part of the *group of similarly proportioned, historic commercial buildings on the town's main commercial street.*



The Brick Façade

HV & CDE: *symmetrical façade, brick facing.*

Existing Condition

The existing brick facade is original. Its colour shows some decolouration due to years of exposure to a waterfront environment. Masonry construction is in good condition with limited areas of surface moisture as seen by organic growth. However, the façade is not supported as required by the B.C. Building code.

There are minor blemishes, but no significant damage was observed.

Conservation Strategy

The Brick Façade will be evaluated for its structural integrity and condition. It will be restored and/or re-built, retaining its original *symmetrical character* and *brick detailing*.

Restoration will include careful cleaning of the brick surfaces and reconditioning of minor blemishes. Repair and construction options will also be investigated to ensure appropriate and efficient use of materials, structural detailing, and methodology.

If re-building of any portion of the façade is necessary, the original brick will be deconstructed, re-used and any needed replacement brick will be matched as close as possible.



Window brick detailing: Soldier course at head & sill



*Column expression full height at both corners;
two horizontal single brick raised bands;*



*Bottom of corner
Column expression*



*Street level Column with
concrete base*



Façade Cornices

HV & CDE: *cornices at roof line and between the first and second storeys.*

Existing Condition

The original pressed metal cornices have experienced wear and tear over the years, with visible bent/warped edges, peeling paint and rusting.

Images of roof level cornice & examples of wear and tear



Island Hotel, 1940's



Images of mid-level cornice & examples of wear and tear:



Existing Signage to be restored :



Lighting between the roof cornice dentals is intact. It is difficult to ascertain when they were originally installed.

Overall, roof and mid-level cornices are in fair condition.

Conservation Strategy

Pressed metal cornices will be carefully inspected. Areas that can be restored will be cleaned, repaired and re-painted. Sections that may require replacement, will be fabricated to match the profile of existing *cornices at roof line and between the first and second storeys.*

Lighting will be upgraded to meet requirements of the current B.C. Building Code.



Upper Windows

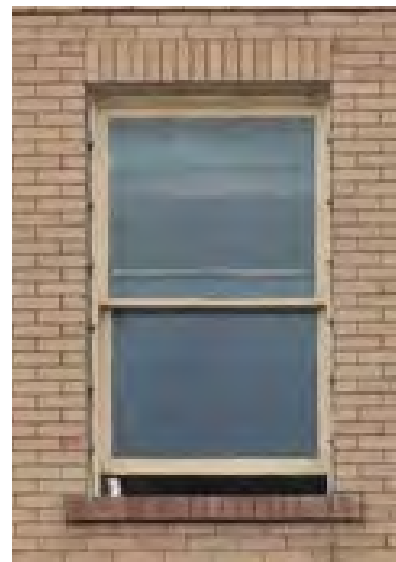
HV & CDE: *simple one-over-one wood-framed windows*

Existing Condition

The existing windows are single paned, painted wood framed one-over-one double hung windows and are in poor condition.

Conservation Strategy

The overall window expression will be rehabilitated with new units that will meet the current B.C. Building Code requirements as well as consistent with the Edwardian style and appearance.



Street level Doors & Windows

HV & CDE: *arrangements of doors and windows at the street level; symmetrical façade; continuous commercial use*

Existing Condition

Historic photographs and documentation indicate that the raised floor and decks above street level were not part of the original configuration. However, the door and window arrangement does follow Edwardian symmetry.

Island Hotel – Historic photos



Island Hotel – present



Conservation Strategy

As the street level masonry walls and decks were not part of the original construction, they will be deconstructed such that, if possible and needed, the bricks maybe re-used for repairs to the façade. The columns will remain in place and restored.

The street level rehabilitation will following Edwardian *symmetrical arrangement* and upgraded to the current building code. New *commercial* storefront glazing and doors will be installed between end columns with a centre recessed entry for both commercial and residential uses, which will also maintain the alignment of Ladysmith’s First Avenue *commercial* streetscape.

Front Elevation Renovation - Concept



A Heritage Conservation Plan: Island Hotel, 440 First Avenue, Ladysmith BC
Prepared for First Avenue Freeholders
AYPQ Architecture | January 2023

REFERENCES

Standards & Guidelines for the Conservation of Historic Places in Canada

<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

Canada's Historic Places

<https://www.historicplaces.ca/en/results-resultats.aspx?m=2&Keyword=island%20hotel>

Town of Ladysmith – Heritage History

<https://www.ladysmith.ca/discover-ladysmith/history-heritage>

Town of Ladysmith – Heritage Buildings

<https://www.ladysmith.ca/business-development/building-information-and-permits/heritage-buildings>

Ladysmith & District Historical Society – the Island Hotel

<https://www.ladysmithhistoricalsociety.ca/histories/buildings/440-1st-avenue-ladysmith-british-columbia/>

Images of Prairie Towns

<http://www.prairie-towns.com/ladysmith-images.html>

Edmonton Historical Board: Edwardian Architecture

<https://www.edmontonsarchitecturalheritage.ca/index.cfm/architectural-styles/edwardian/>

Ontario Architecture

<http://www.ontarioarchitecture.com/Edwardian.htm>

BYLAW STATUS SHEET May 16, 2023

Bylaw #	Description	Status
2106	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 71) 2022, No. 2106". Amends land use and Development Permit Areas at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2107	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.48) 2022, No. 2107". Includes secondary suites, coach house dwellings and townhouse dwellings at Lot 5, Holland Creek.	First and second readings, April 19, 2022. Public Hearing held August 2, 2022. Second reading rescinded, September 6, 2022. Second public hearing and third reading September 20, 2022. Conditions to be met prior to adoption.
2113	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 49) 2022, No. 2113". Re-zones Lot B -891 Russell Road from R-1 single family to R-1-A single family small lot, for the purpose of a subdivision.	First, second and third readings, November 15, 2022. MOTI approval required.
2124	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2124". Changes zoning to allow the construction of two fourplexes on 11 & 17 Warren Street.	First and second readings, March 7, 2023. Public Hearing and third reading May 2, 2023. MOTI approval required.
2130	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 73) 2022, No. 2130" (10940 Westdowne Rd.) Changes the OCP designation from single family to Mobile Home Park residential.	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2131	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 54) 2022, No. 2131" (10940 Westdowne Rd.) Changes zoning from Rural Residential (RU-1) to Manufactured Home Park (MHP-1)	First and second readings, December 20, 2022. Public Hearing required. MOTI approval required.
2133	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 56) 2023, No. 2133". Allows convenience store at 1132-1142 Rocky Creek Rd.	First and second readings, January 10, 2023. Public Hearing required. MOTI approval required.
2135	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2135". Amends zoning to include <i>Coach House Dwelling</i> as a permitted <i>Accessory Use</i> .	First and second reading held March 7, 2023. Public Hearing and third reading May 2, 2023. MOTI approval required.
2137	"Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2023, No. 2137". Amends the Downtown Core designation for higher density allowance where a heritage building is restored.	First and second readings, February 21, 2023. Public Hearing scheduled for May 16, 2023.

BYLAW STATUS SHEET

May 16, 2023

2138	"Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2023, No. 2138". Site specific regulations in the C-2 zone for 440 1 st Avenue.	First and second readings, February 21, 2023. Public Hearing scheduled for May 16, 2023.
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P.O. Box 598
33 Roberts Street
Ladysmith, B.C. V9G 1A4
T 250 245 2112
F 250 245 2124
E info@ladysmithcofc.com
www.ladysmithcofc.com

Ladysmith Chamber Memorial Golf Classic | June 16, 2023

Dear Business Owner,

On behalf of the Ladysmith Chamber of Commerce we would like to invite you to Participate and/or consider becoming a Sponsor of the Ladysmith Chamber's Annual Memorial Golf Classic. We are happy to recognize the Ladysmith & District Credit Union as this year's Title Sponsor. This year the Memorial will be honouring Brian Marshall and is being sponsored by his friends Brian Childs, Luke Kolk, Wayne Richmond, Blaine Froats, Gerry Clarke. Partial proceeds of the tournament will be going towards a memorial bench in honour of Brian. Brian was a close friend to many and a supporter of everything Ladysmith! His absence in the business community is sorely missed.

Sponsorship choices literally cover the golf course and businesses can adopt the level which best suits their needs. A Sponsor Package is attached and available on our website www.ladysmithcofc.com detailing the benefits of each level of sponsorship. This includes, Tournament Sponsors, Hole Sponsors, Cart Sponsors, Live & Silent Auction Donations.

The Annual Golf Classic, which is the marquee fundraising event for the Chamber, is one of the most unique marketing opportunities that the Chamber offers. It dollar-for-dollar may be one of the best marketing investments you can make this year. The Tournament is held each June and brings together close to 100 business and government leaders to golf, network, win prizes, bid on fabulous auction items and of course to have loads of fun.

Please join us on June 16th, 2023 at Cottonwood Golf Course for the Ladysmith Chamber's Annual Memorial Golf Classic and make sure your business is well represented.

Thank you,

Ladysmith Chamber of Commerce

Golf Committee: Cheri Mactier, Kara Olson, Bailey Dill, John Manuel, Leanne Michelin. Staff: Jacquie Chellew, Executive Director & Millie Stirling

Ladysmith Chamber Memorial Golf Classic

In Honor of Brian Marshall

SPONSOR PACKAGES

TITLE SPONSOR - \$3,000

- Exclusivity: Only one title sponsor for event and similar businesses will be excluded from being a Tournament Sponsor as defined below.
- Naming rights: Dominant brand/logo presence at registration and reception, on all tournament advertising including website, social media, poster and print media advertising.
- Chamber Membership upgrade: includes a free Chamber membership for one year, an upgrade to an enhanced membership listing, and a featured listing on the Chamber home page for a minimum of 6 months.
- Opportunity to address guests during reception.
- One Hole Sponsorship with opportunity to set up a kiosk at your hole to promote your business.
- 4 Golfers including dinner.
- Signage on 2 golf carts.
- Recognition in the golf program and awards ceremony.
- Post-event recognition - thank you in the newspaper, newsletter, website etc.
- First right of refusal for the following year.

Tournament Sponsor - \$1,000

- Exclusivity: similar businesses excluded from being a Tournament Sponsor.
- Brand/logo recognition in the golf program, awards ceremony and tournament advertising (secondary priority/emphasis to Title Sponsor).
- One Hole Sponsorship with opportunity to set up a kiosk at your hole to promote your business.
- 2 Golfers including dinner.
- Post-event recognition - thank you in the newspaper, newsletter, website etc.

Hole Sponsor - \$200

- Brand/logo recognition on one hole on golf course with opportunity to set up a kiosk at your hole to promote your business.
- Recognition in the golf program and awards ceremony.
- Post-event recognition – thank you in the newspaper, newsletter, website etc.

Cart Sponsor - \$50

Cart Fleet Sponsor – 5 for \$200

- Brand/logo recognition on golf carts)
- Recognition in the golf tournament program.
- Post-event recognition – thank you in the newspaper, newsletter, website etc.

Prize Sponsor

- Donate a product or service for use as door prize and/or auction item.
- Includes recognition in the golf tournament program and during auction/prize announcements.
- Post-event recognition – thank you in the newspaper, newsletter, web etc.



**Ladysmith Chamber Memorial Golf Classic
In Honor of Brian Marshall
Cottonwood Golf Club, Friday, June 16th, 2023
Registration / Sponsorship Form**

Company Name:	
Contact Name:	Email:
Address:	
Postal Code:	Phone:

Check appropriate level of Sponsorship if Sponsoring:

- Title Sponsor - \$3000
 - Tournament Sponsor - \$1000
 - Hole Sponsorship - \$200
 - Cart Sponsorship - \$50
 - Fleet Cart Sponsorship – 5 for \$200
 - Prize Sponsorship/Live Auction: Item: _____
- Value: _____ Donation will be (circle one): Mailed | Dropped Off | Picked up**

TEAM/GOLF REGISTRATION

Golf & Dinner \$150 per person + GST

Golf & Dinner package includes 18 holes of golf, cart and dinner. (Dinner only: \$50).

Number of Golfers: _____ Number Dinner Only (include name/s) _____

TEAM MEMBER NAMES	Special Dietary Considerations

METHOD OF PAYMENT	CREDIT CARD INFORMATION
Card Type: Visa or MC	Card #
Cheque Enclosed	Expiry Date:
Request Invoice to be sent to:	CVV#:
Email:	Name on card:

SEND YOUR ENTRY TO: LADYSMITH CHAMBER OF COMMERCE
PO BOX 598 33 ROBERTS STREET, LADYSMITH, BC. V9G 1A4 –
PHONE 250-245-2112 OR EMAIL: admin@ladysmithcofc.com
[OR REGISTER ONLINE AT WWW.LADYSMITHCOFC.COM](http://WWW.LADYSMITHCOFC.COM)