

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
 Meeting Date: November 4, 2019
 File No: 3360-19-07
 RE: OCP and Zoning Amendment 336 Belaire

RECOMMENDATION:

That Council:

1. Proceed with first and second reading of Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2018;
2. Proceed with first and second reading of Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020;
3. Direct staff to proceed with scheduling and notification of a public hearing for Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2018 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2020 as required by section 464(1) of the *Local Government Act*;

EXECUTIVE SUMMARY:

The purpose of this report is to introduce the necessary bylaws to approve an application to amend the Official Community Plan (OCP) and Zoning Bylaw to allow a proposed mixed-use building at 336 Belaire Street.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2019-273	2019/08/19	<ol style="list-style-type: none"> 1. Receive summary reports for the March 8/19 and June 1/19 neighbourhood information meetings held by AYPQ Architecture and Fred Green regarding the property at 336 Belaire Street. 2. Receive the letters submitted to date regarding the property at 336 Belaire Street. 3. Consider the application to amend the: <ol style="list-style-type: none"> a. Official Community Plan (OCP) by supporting residential use in combination with local commercial use in the 'Local Commercial' designation; and by adding the Multi-Unit Residential Development Permit Area (DPA 4) to the property at 336 Belaire Street; and b. Zoning Bylaw by rezoning the property at 336 Belaire Street from 'Local Commercial (C-1)' to a new zone 'Comprehensive Development 6 (CD-6)' to accommodate the proposed three storey mixed use building; 4. Having given consideration to s.475 of the Local Government Act (consultation during OCP development), direct staff to: <ol style="list-style-type: none"> a. Refer OCP amendment application 3360-19-07 to the Stz'uminus First Nation, pursuant to the

Resolution	Meeting Date	Resolution Details
		<p>Town's Memorandum of Understanding; and</p> <p>b. Refer application 3360-19-07 to the Community Planning Advisory Committee.</p> <p>5. Direct that the applicant retain professional Engineer(s) to submit the following (pursuant to the Development Approval Information Bylaw 1887):</p> <p>a. Concept drawings for Rigby Place and Belaire Street improvements, including proposed parking spaces, sidewalks, crosswalks, and cost estimates for work in Town streets; and</p> <p>b. A traffic impact assessment that identifies the traffic impacts of the proposed development to the neighbourhood (including pedestrian and vehicle circulation, and safety considerations).</p> <p>6. Direct that staff:</p> <p>a. Remove DP 08-16 (FB248768) from the certificate of title of 336 Belaire Street (PID 002-221-349) as this development permit has expired.</p> <p>b. Work with the applicant regarding an amenity contribution and/or land use matters (i.e. traffic impacts, parking matters, patio location, patio hours, and lighting) and report back to Council; and</p> <p>c. Commence the preparation of an OCP amending bylaw and Zoning amending bylaw for the proposed mixed use development at 336 Belaire Street.</p>

INTRODUCTION/BACKGROUND:

An application has been received to amend the OCP and Zoning Bylaw for a proposed three storey mixed-use building at 336 Belaire Street. The property is 1,530m² in size and contains building previously used as a police station. The applicant has expressed interest in using the existing building in the short-term for commercial use. At a later date, the applicant intends to remove the existing building and construct a new three storey building. The new building will have a commercial first storey and second and third storey residential units. In particular, the applicant has expressed interest in a restaurant with a micro-brewery and a coffee shop for the first storey. A maximum of eight residential units are proposed for the subject property. The applicant's proposal package, concept drawings, design rationale, neighbourhood context, and other information is attached to this report.

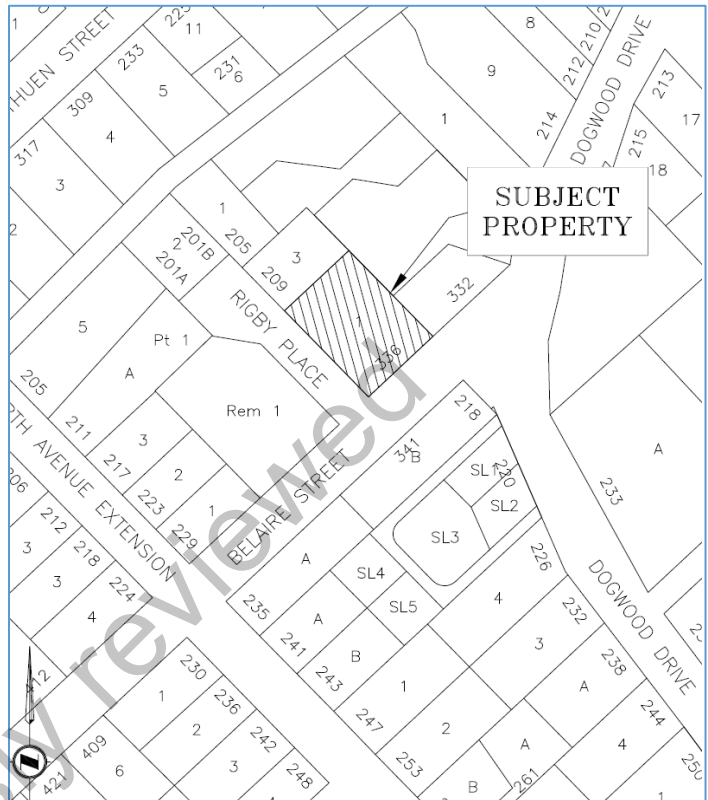
At its August 19, 2019 meeting, Council required the applicant to provide a Traffic Impact Assessment and concept drawings, complete with cost estimates for street improvements on Rigby Place and Belaire Street. These were received on October 9th and have also been attached to this report.

Official Community Plan (OCP)

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

"The Local Commercial designation is applied to small scale commercial centres located within and serving the daily needs of the surrounding residential population in neighbourhoods. It provides for a limited range of retail, office, and service uses, which do not compete with the commercial uses in the downtown core. The maximum density allowed in a Local Commercial designation is up to 0.5 FSR for commercial uses. The maximum floor area for any one commercial use is limited to 200 square metres. Development within a Local Commercial designation is subject to the Section 3.8.5 Development Permit Area Guidelines in this Plan".

If residential use is supported at 336 Belaire Street it is recommended to add a policy to the 'Local Commercial' designation to state that residential use is supported in combination with local commercial uses (which is implied in the existing wording). The proposed development meets the 0.5 FSR limit for commercial floor area. Each commercial use (coffee shop, restaurant etc.) is proposed to be 250m² or less. This is considered consistent with the 200m² limit in the OCP due to the size of the site, the developments overall adherence to the 0.5 FSR limit for commercial uses, "back of house" requirements of uses like a neighbourhood pub, and the use of an existing building with a large footprint to fill. A restaurant with a micro-brewery is not currently located in the downtown core.



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

Zoning Bylaw

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

To accommodate the proposed development a comprehensive development zone is proposed. The applicant is requesting zoning with a maximum building height of 11m (3 storeys), 613m² of allowable ground floor commercial space, and up to eight residential units on the second and third storeys. A maximum of eight residential units are proposed, the size of which would be approximately 80m² for one bedroom units and 160m² for two bedroom units. The remaining space on the residential floors would be used for exterior deck space, an elevator, stairway, hallways, and ventilation service shafts for rooftop equipment. A 1.5m wide landscape buffer is proposed along the interior side and rear parcel line, which is consistent with the landscape buffer requirements in the Zoning Bylaw. Table 1 outlines the proposed zoning in greater detail.

Table 1: Application Summary

	Current	Proposed
Official Community Plan	Local Commercial	Local Commercial Add policy that states that residential use is supported in combination with local commercial uses.
Development Permit Area	DPA 3 Commercial	DPA 3 Commercial and DPA 4 Multi-Unit Residential
Zoning	Local Commercial (C-1)	Comprehensive Development 6—Belaire Mixed-Use (CD-6)
Commercial Uses	Coffee shop Office Artist studio Personal service establishment (i.e. hairdresser, tailor, yoga studio, florist, laundromat)	Coffee shop Office (includes an office for medical and dental services) Personal service establishment (i.e. hairdresser, tailor, yoga studio, florist, laundromat) Retail sales Restaurant Neighbourhood pub (includes micro-brewery) Media production studio Community care facility Veterinary clinic
Residential Use (density)	One dwelling unit and one secondary suite	8 dwelling units (maximum) 53 units per hectare
Max gross floor area for commercial use	100m ² per commercial use	Commercial use on first storey (613m ²) The basement would be limited to accessory storage related to the commercial and residential uses within the building.
Floor Space Ratio	0.5	0.9 (0.4 for commercial and 0.5 for residential)
Parcel Coverage	40%	40%
Height	9m	11m – with a 1.5m projecting elevator shaft

Minimum building setbacks from property lines	Front 6m Exterior Side 3m Interior Side 1.5m Rear 3m	Front (Belaire St.) 2m Exterior side (Rigby Pl.) 2m Interior side (adjacent to 332 Belaire St.) 4.5m Rear (adjacent to 209 Rigby Pl.) 17m
Accessory structure setback (i.e. garbage enclosure)	Front 6m Exterior Side 1m Interior Side 1m Rear 1m	Front (Belaire St.) 6m Exterior Side (Rigby Pl.) 3m Interior Side 4.5m Rear 13m
Landscaping and Screening	3m or 1.5m wide landscape buffer along rear and interior side parcel line.	1.5m wide landscape buffer along rear parcel line. 1.5m wide landscape buffer along interior side parcel line.
Parking and Loading	One off-street space per 30m ² of commercial gross floor area. One off-street space per residential unit. Up to 25% of parking spaces may be small car spaces Two Loading Spaces	22 off-street parking spaces. Eight more are required for residential units constructed in the project's second phase. 50% of parking spaces are proposed to be small car spaces. One loading space on site. Another provided along Belaire Street.

Traffic and Parking

Pursuant to the Development Approval Information Bylaw 1887, the applicant was required by Council to retain a professional Engineer to submit:

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

The Town's Engineering Department found no issues with the streetscape concepts and the findings of the traffic impact assessment. Since the value of the project is likely to exceed \$50,000, the applicant would be required to complete street frontage improvements on the portion of Belaire Street and Rigby Place abutting the property (e.g. street parking spaces, sidewalks, curbs) when a building permit is applied for (pursuant to Bylaw 1834).

The Zoning Bylaw requires one off-street parking space per 30m² of commercial space. 613m² of commercial space is proposed in the development, thus approximately 21 off-street parking spaces would be required for commercial uses. If a restaurant with a micro-brewery is located in the building, one off-street parking space is required per five restaurant seats. The 613m² space would allow for a total of 100 seats (combined restaurant and coffee shop), generating the requirement for 20 off-street parking spaces. Two loading spaces are required for the commercial use. A loading space is proposed adjacent to the property in the streetscape concepts along Belaire Street and one is shown near the northeast corner of the building. Like parking spaces, loading spaces must be located on the same property as the uses they serve. Given the provision of an adjacent off-site loading space (which is an efficient use of road space) staff are recommending that the proposed zone contain a clause reducing the on-site loading requirement for the property to one.

The Zoning Bylaw requires one off-street parking space per one bedroom residential unit, and two off-street parking spaces for residential units with two or more bedrooms. One visitor off-street parking space is also required per 5 residential units. Approximately 9-10 off-street parking spaces would be required for residential use.

The Zoning Bylaw also requires that two spaces be designed for persons with disabilities, and that bicycle parking be provided. The commercial use requires one “Class A¹” bicycle parking space for every ten employees and approximately three “Class B²” parking spaces. For the residential component, two Class A spaces and two Class B spaces are required. Two parking spaces for persons with disabilities are also required and are shown in the attached concepts.

In total of 20-21 parking spaces are required for the first phase of the development (22 are proposed and approximately 31 parking spaces will be required when the site is redeveloped to include residential units. The streetscape design concepts attached to this report indicate that five public street parking spaces would be created adjacent to the property (two on Belaire and three on Rigby). The concept also shows that five spaces could be added along Rigby Place adjacent to the park. The applicant has proposed that the spaces adjacent to the park constitute an amenity contribution to be executed through an amenity zoning clause (noted below). Under the Zoning Bylaw, parking must be located on the same parcel as the use for which it is required. However, it is not necessary for the second phase of the proposal to demonstrate compliance with this parking standard at this time and staff note that there are a number of options to address parking when the site is redeveloped to include residential units. These include:

- Constructing additional parking on site.
- Obtaining a variance through DP guidelines that support variances to parking standards in favor of form and character.
- Shared parking and/or off-site parking configurations encouraged in DP guidelines.
- Utilizing shared parking arrangements, small car and motorcycle/scooter parking or authorized under Part 8 of the Zoning Bylaw to free up parking spaces for residential uses.
- A development variance permit (requires Council approval).

PROPOSED BYLAWS:

Official Community Plan Amendment Bylaw 2018

Bylaw 2018 will add the subject property to DPA #4 for multi-family residential. If approved, the subject property will be subject to both DPA #3 and DPA#4, meaning future development of the site will be subject to form and character requirements for both residential and commercial uses.

Bylaw 2018 also amends section 3.8.1 of the OCP to state that residential use is supported in combination with local commercial uses, which is implied in the existing wording. This is a general amendment that will apply to all areas designed for Local Commercial throughout the Town.

¹ Class A is bicycle parking in a waterproof bicycle locker, secured bicycle room, or other secured area within a building and must contain bicycle racks.

² Class B is bicycle parking provided in the form of bicycle racks to which the frame and at least one wheel can be secured

Zoning Amendment Bylaw No. 2020

Bylaw 2020 will establish a Comprehensive Development zone for the subject property; with site-specific setbacks, height, land use, lot coverage and density regulations. The proposed zone will limit individual commercial uses to a floor area of 250m² and set a total commercial FSR of 0.5. The proposed zone also includes a clause pursuant to section 482 of the *Local Government Act*. The clause allows up to eight residential units, provided the owner provides street parking and drainage works along Rigby Street fronting Wickham Park. The zone contains only two special parking and loading conditions: a reduction in required on-site loading spaces to one, and an increase in the allowable percentage of small car parking spaces from 25% to 50%. Landscaping standards have not been reduced under the zone.

ALTERNATIVES:

Council can choose to:

1. Amend one or both of the bylaws and give the bylaws first and second reading as amended.
2. Not approve the proposed bylaws.
3. Refer the proposal back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

The proposed zoning amendments apply to areas within 800 meters of a controlled access highway and must be referred to the Ministry of Transportation and Infrastructure for approval following third reading. Also, if the proposed bylaws receive first and second reading as recommended, a public hearing will be required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Two neighbourhood information meetings were held by the applicant. The applicant's summary reports of these meetings are attached to this report. A number of letters were also received from local residents regarding the proposed development. These letters are also attached to this report.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services department reviewed the application including the recently submitted traffic impact assessment and street design concepts. Infrastructure Services found no issues with the assessment or the street design.

As an amenity contribution the applicant has expressed interest in contributing to improvements to Wickham Park. The Director of Parks Recreation and Culture is supportive of this proposal. The applicant is proposing a density benefit provision for the proposed zone pursuant to section 482 of the *Local Government Act*. The clause would allow the eight dwelling units proposed for the second phase only if the above-noted improvements to Wickham Park are provided. This clause would allow the first, commercial-only phase of the development to proceed without improvements to Wickham Park, requiring construction of these improvements only when the site is redeveloped to include the residential units.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW

The application was reviewed by CPAC on Wednesday, October 30, 2019. The committee endorsed the application with no recommended conditions or changes.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

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

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Bylaw 2018
Bylaw 2020
Application Package
Traffic Impact Assessment
Streetscape Concept and Cost Estimate
Neighbourhood Information Meeting Summaries
Letters from Residents