



# TOWN OF LADYSMITH

A Special Meeting of the  
Council of the Town of Ladysmith  
will be held in Council Chambers at City Hall on

MONDAY, JULY 26, 2010  
5:00 P.M.

## A G E N D A

**Page**

### CALL TO ORDER

#### 1. AGENDA APPROVAL

#### 2. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

- 2.1. Development Variance Permit Application 3090-10-03  
630 Second Avenue & 200 High Street, Ladysmith

**1 - 8**

### ADJOURNMENT





## Town of Ladysmith

### **STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Director of Development Services  
Date: July 22, 2010  
File No: 3090-10-03

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Re: Development Variance Permit Application: 630 Second Ave. & 220 High St. Block B, District Lot 56, Oyster District, Plan 6460, Except That Part in Plan 13908 and VIP68919 and Lot A, District Lot 56, Oyster District, Plan VIP68919

#### RECOMMENDATION(S):

THAT Council approve Development Variance Permit (DVP) 3090-10-03 to vary:

- 1) the setback regulations for the new community building to be located at 630 Second Avenue, and
- 2) the on-site parking requirements for the new community services centre to be located at 630 Second Avenue and 220 High Street

and authorize the Mayor and Corporate Officer to sign DVP 3090-10-03.

#### PURPOSE:

The purpose of this report is to present a Development Variance Permit application for the new community services centre located at 630 Second Avenue and 220 High Street.

#### INTRODUCTION/BACKGROUND:

D'Ambrosio Architecture has applied for a Development Variance Permit on behalf of the Town of Ladysmith to vary 1) the required setbacks for the proposed community building to be located at Second Avenue and Buller Street, and 2) the required parking for the combination of proposed uses on site.

#### SCOPE OF WORK:

A letter from the project architect is attached to this report which describes the rationale for the variance requests. In summary, the following variance requests have been made.

##### **1. Setbacks – 630 Second Avenue**

The subject property is zoned Institutional Zone (P-1) which requires that buildings have a front lot line setback of 6 metres and a side lot line setback of 3 metres. The new community building is proposed to be located 1.3 metres from the front property line (Second Avenue) and 2.2 metres from the side property line (Buller Street). The project team is requesting a 0 lot line to accommodate projections from the buildings such as retaining walls, rain-shelter canopies, decorative screening trellises around refuse and utility areas, and landscaped sloped boulevards between the building and

street elevation. A snapshot of the new building is shown at the end of the report. See Figure 1: 'Ladysmith Resource and Senior's Centre Building Elevations'.

## 2. Visibility at Intersection – 630 Second Avenue

The Zoning Bylaw requires that there shall be no obstruction to the line of vision above the height of one metre from the established grade for a six metre triangle located at the intersection of lot lines on a corner lot. Given that the new streetscape will position the curb of the road more than 7.5 metres from the property line (despite the 0 lot line setback), this requested variance is recommended to be supported as the visibility at intersections will not be impacted.

## 3. Parking - 220 High Street and 630 Second Avenue

The Zoning Bylaw specifies required on-site parking spaces based on use. Parking is required for the new buildings and uses. The project team has designed a comprehensive site that maximizes the area available to open space (77.5% of the site) buildings (15% of the site) and on-site parking (7.5% of the site). The design of the site also includes a "market lane" to accommodate trolley bus service directly onto the site. Other traffic reducing features include secure bicycle parking and end-of-trip facilities (as recommended by the recent Bicycle Plan), convenient passenger drop-off locations, and a vanpool program for the childcare centre. In addition, Second Avenue is being redeveloped to provide conveniently located parking for the new community building.

The combination of buildings and uses require a total parking complement of 55 spaces. Through a variety of innovative solutions, parking has been designed to support the building functions and site uses without compromising the overall site design of the new community services centre. A total of 55 on-site spaces is required based on current parking regulations; however 65 parking spaces are proposed to be built on-site and off-site adjacent to the buildings, as part of the overall project. Drop off and pick up locations are also provided on High Street and Buller Street.

**Table 1: Parking Plan**

	Proposed Parking
On-site Parking	17 stalls
Second Avenue Parking	40 stalls
High Street Parking	8 stalls
<b>TOTAL</b>	<b>65 stalls</b>

### ALTERNATIVES:

Council may approve the permit as presented, approve it with amendments, or refuse to approve the permit.

### FINANCIAL IMPLICATIONS:

n/a

LEGAL IMPLICATIONS:

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

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding this DVP application was sent and hand-delivered to neighbouring properties on July 15, 2010. At the date of this staff report no objections had been received regarding the proposed variance.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development plans for the subject project have been referred to the Director of Public Works for review.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH STRATEGIC PRIORITIES:

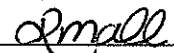
The development of a new civic space is one of Council's Top 25 strategic priorities.

SUMMARY:

Staff recommends that Council support the proposed variance for setback regulations for the new community building to be located at 630 Second Avenue, and for on-site parking requirements for the new community services centre to be located at 630 Second Avenue and 220 High Street.

This project provides an opportunity for a pilot project for reduced on-site parking justified by the proposed site characteristics such as: significant public open space creation, facilitation of alternate transportation (trolley bus, bicycles, van pool) and the redevelopment of the adjacent public road (including off-site parking) as part of the overall project.

I concur with the recommendation.

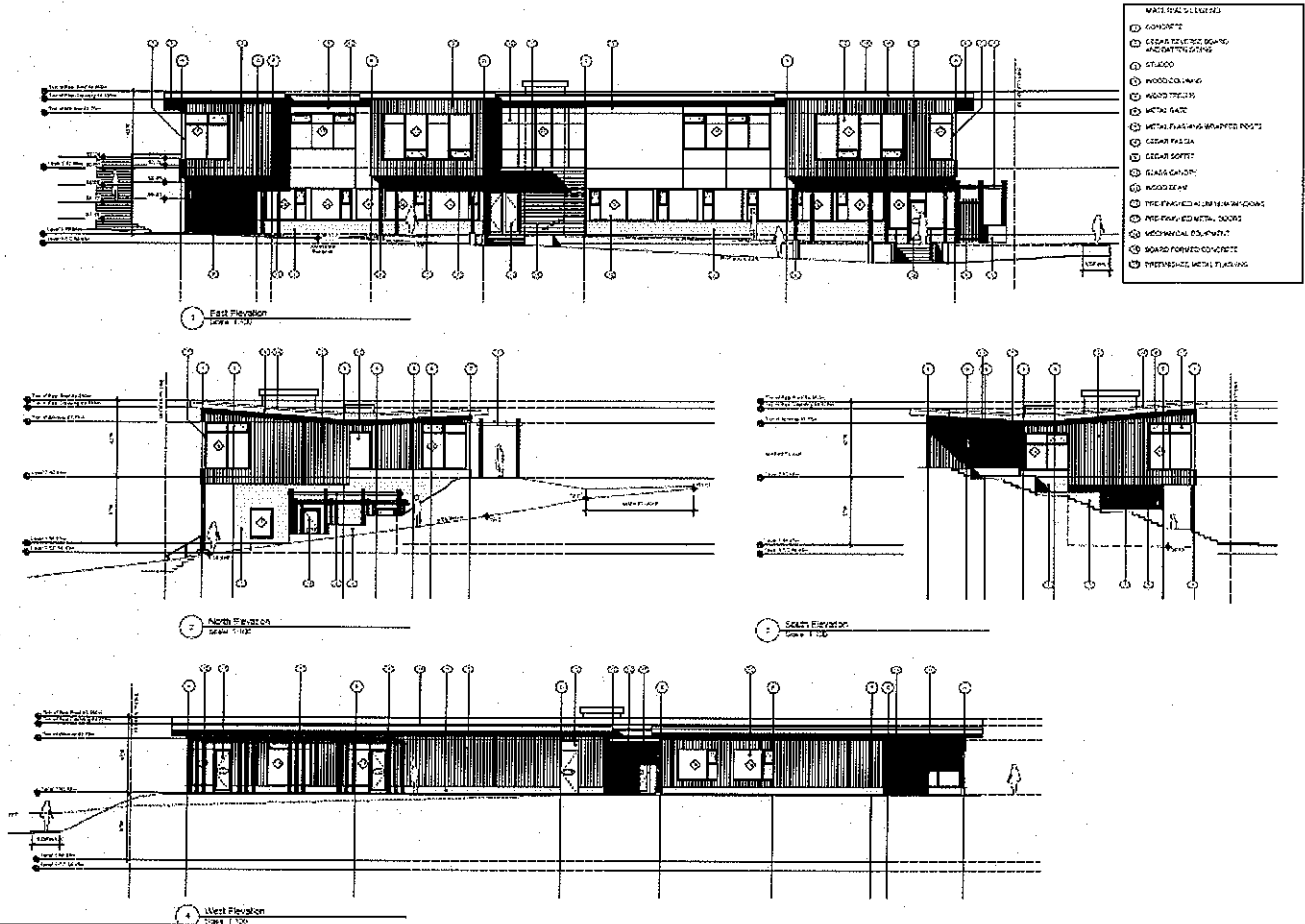


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Ruth Malli, City Manager

ATTACHMENTS:

D'Ambrosio Letter (June 23, 2010)  
DVP 3090 10 03



**Figure 1: Ladysmith Resource and Senior's Centre Building Elevations**

June 23, 2010

**Town of Ladysmith**  
132 Roberts Street  
PO Box 220, Unit C  
Ladysmith BC  
V9G 1A2

**Attn. Mayor & Council**

**Re: Spirit Square, 630 Second Avenue (Ladysmith Resource and Seniors' Centre),  
and 220 High Street (Boys' and Girls' Club Child Care Centre)**

On behalf of the Town of Ladysmith this is an application for a variance to set-back requirements affecting the new Community Resource and Seniors' Centre at 630 Second Avenue, and to off-street parking requirements affecting 630 Second Avenue and the renovation of 220 High Street.

Setbacks: 630 Second Avenue

The new Community Resource and Seniors' Centre will be located on the corner of Second Avenue and Buller. Bylaw 1160, s.24.2, requires a front setback of 6.0 meters, and side setbacks of 3.0. Setbacks proposed on the attached site plan are 0.0 meters at front and 0.0 meters at side.

The setbacks to the building envelope are 2.2 meters along Buller and 1.3 meters along Second. A set-back of 0.0 meters is requested to account for necessary retaining walls, rain-shelter canopies, decorative screening trellises around refuse and utility areas, and landscaped sloped boulevards between building and street elevations.

There are four reasons for the proposed variance to currently zoned setbacks:

1. to maximize the space available to Spirit Square on the interior of the site
2. to accommodate the site's topography: because of the steepness of the site, complying with the required setbacks would make the desired relationships of building, street, lane and public open space difficult to negotiate and expensive to achieve
3. to locate the building to define a street edge in a fashion that reflects the historic building/street edges of Ladysmith, and treats the street as a positive, well-scaled public space
4. to create a strong connection between building, sidewalk and street in a manner compatible with a public/commercial building rather than an institution, as well as to emphasize the accessible, informal character the Town and the user groups wish to express.

Visibility at Intersections: 630 Second Avenue

Bylaw 1160, s.5.8 requires a visibility triangle of six meters along the property line in either direction from an intersection. As shown on the attached site plan, the proposed setbacks mean the upper storey of the new building projects slightly into the view 'space' triangle. The purpose of this triangle is to promote visibility for pedestrians and vehicles at the intersection. Because the new streetscape will position street curbs more than 8 meters from the property line along Buller and more than 7.5 meters from the property line along Second, and because the intrusion into the visibility triangle occurs on the upper storey only (leaving a clear view at driver and pedestrian level), we submit that the intrusion does not affect safety at the intersection.

Parking: 220 High Street and 630 Second Avenue

For 220 High Street, which will be a daycare and nursery facility, by-law 1160 s.5.18 requires 22 on-site parking stalls. For 630 Second Avenue, which will be used as a seniors' and community resource centre, the by-law

requires 33 on-site parking stalls. The proposed site plan provides 17 on-site parking stalls, including five wide stalls for disabled or physically challenged users. The plan also creates 40 new parking stalls along Second Avenue, including seven wide stalls, four of which will be designated for disabled users and three of which will be courtesy stalls for the use of visitors, such as parents with children and strollers, who may not have a disabled designation but would nonetheless appreciate the extra width.

There are two primary reasons the project requests this parking variance:

1. The project seeks to maximize the area of the site available to Spirit Square. The combined site has an area of 6245 square meters, approximately 77.5% of which is open space. Buildings account for approximately 15% of the site, and the provision of the 17 on-site stalls accounts for approximately 7.5% of the site.
2. Elderly and disabled users require level access to the Seniors' and Resource Centre which the topography of the site makes feasible only from Second Avenue.

To reduce the need for on-site parking, the project promotes the use of a variety of means of transportation. Measures to reduce parking requirements include secure bike parking and end-of-trip facilities (shower and change room) for cyclists, a laneway through the site for public trolley service (Market Lane), kiss 'n' ride pullouts at entrances to both buildings, and a vanpool program for the transportation of children between the child care centre and school.

We trust that these reasons provide a rationale that warrants the variances requested. Please do not hesitate to contact our office should there be any questions or if more information is required.

Sincerely,

D'Ambrosio architecture + urbanism



Franc D'Ambrosio, MAIBC MRAIC LEED AP  
Principal



TOWN OF LADYSMITH  
DEVELOPMENT VARIANCE PERMIT - 10-03

DATE: July 26, 2010

TO:	The Town of Ladysmith (D'Ambrosio Architecture & Urbanism)
ADDRESS:	PO Box 220, 410 Esplanade LADYSMITH, B.C. V9G 1A2

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:

Block B, District Lot 56, Oyster District, Plan 6460, Except That Part in Plan 13908 and VIP68919 - PID: 005-841-526 (630 2<sup>nd</sup> Avenue); and

Lot A, District Lot 56, Oyster District, Plan VIP68919 - PID: 024-497-622 (220 High Street)

3. Section 5.8 - "Visibility at Intersections" of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

**From:**

In all Zones, except as otherwise provided for in this Bylaw, there shall be no obstruction to the line of vision above the height of 1.0 metre from the established grade of streets or lanes within an area bounded by the intersecting lot lines at a street corner and a line joining points on the said lot lines 6.0 metres from the point of intersection of the said lot line.

**To:**

In all Zones, except as otherwise provided for in this Bylaw, there shall be no obstruction to the line of vision above the height of 1.0 metre from the established grade of streets or lanes within an area bounded by the intersecting lot lines at a street corner and a line joining points on the said lot lines 6.0 metres from the point of intersection of the said lot line, except for the community building located at 630 Second Avenue as shown on Schedule A, which is attached to and forms a part of this permit.

4. Section 5.18 - Table 1 "Required Off-Street Parking Spaces" of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

Seventeen on-site parking spaces and forty-eight offsite parking spaces are required to serve the community services centre as shown on Schedule A, which is attached to and forms a part of this permit.

5. Section 24.2 (3) in the Institutional Zone (P-1) of the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

**From:**

No building or structures located on a parcel within this Zone shall be closer than:

- (a) 6.0 metres to the front lot line;
- (b) 3.0 metres to the side lot lines or the rear lot line.

**To:**

No building or structures located on a parcel within this Zone shall be closer than:

- (a) 6.0 metres to the front lot line;
- (b) 3.0 metres to the side lot lines or the rear lot line, except for the community building located at 630 Second Avenue which may be located 0 metres from the front and side lots lines, as shown on Schedule A, which is attached to and forms a part of this permit.

6. Section 5.11(1) 'Yards' in the "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, does not apply to the front and side lot lines of the community building located at 630 Second Avenue which may be located 0 metres from the front and side lots lines.
7. 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.
8. The following plans and specifications are attached:
  - a) Schedule A - Ladysmith Resource Centre + Senior's Centre - Site Plan (D'Ambrosio - June 22/2010)
9. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION passed by Municipal Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**LEGEND**

- 1A. LSC/LRC Building - LEVEL 1
- 1B. LSC/LRC Building - LEVEL 2
- 2. B&G Club Building
- 3. Spirit Green
- 4. Spirit Theatre
- 5. Parking
- 6. Second Avenue Parking Street
- 7. Existing Playground and New Gardens
- 8. B&G Club Playground
- 9. B&G Lower Terrace/Garden
- 10. LRC Play-Terrace
- 11. Market Lane & Trolley Stop
- 12. Pick-up/Drop-off
- 13. B&G Drop-off Area

SETBACKS	Required	Proposed
Front Setback (mm)	6000	0
Side / Rear Setback (mm)	3000	0

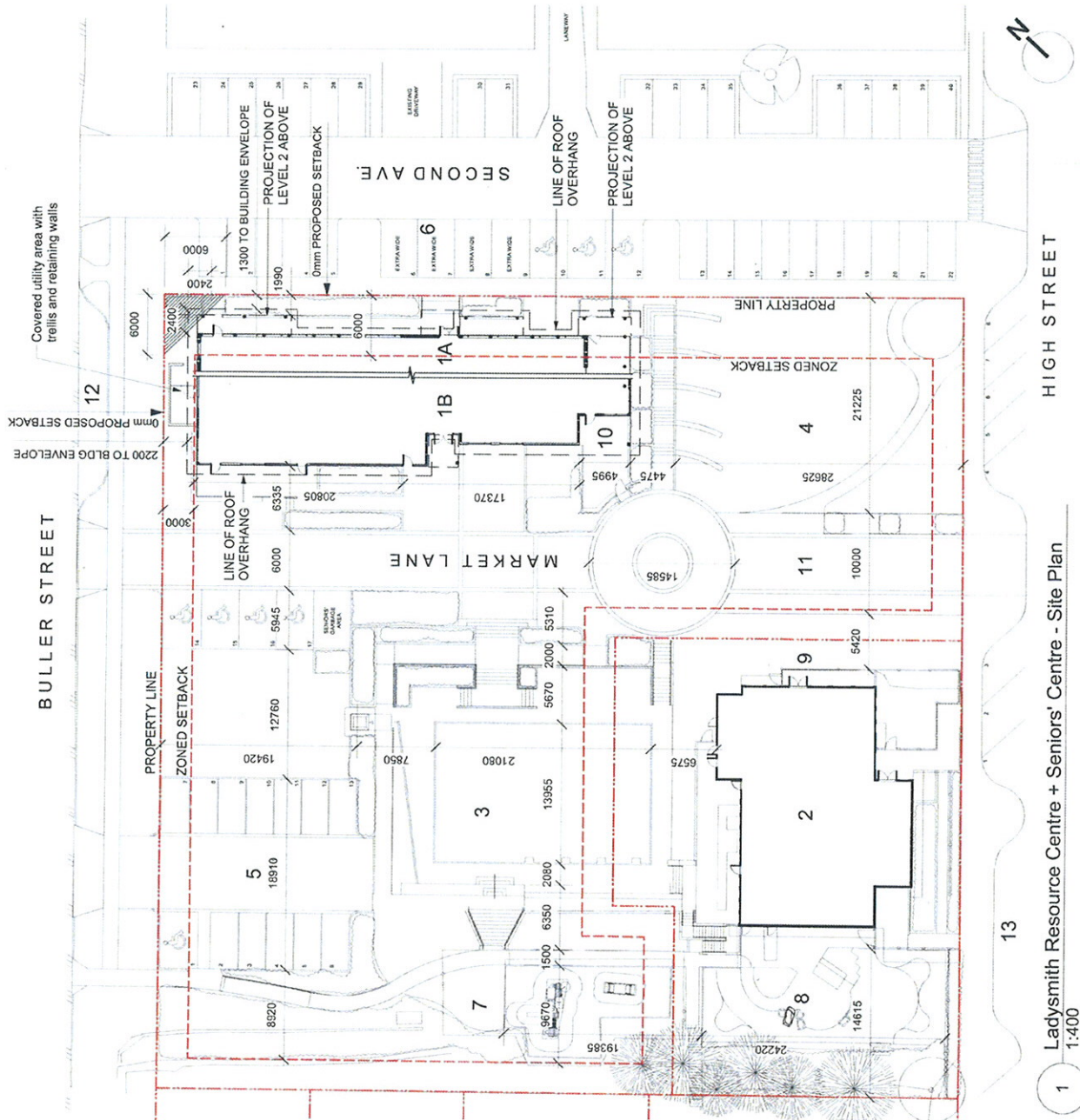
  

PARKING	Required	Provided
On-Site Parking Stalls (Total)	55	17
On-Site Accessible Stalls	2	5
Offsite Stalls (Total)	0	48
Offsite Accessible Stalls	0	3
Offsite Extra Wide Stalls	0	4

Boys + Girls Club  
 Site Area = 1439m<sup>2</sup>  
 Bldg Footprint = 381m<sup>2</sup>  
 Open Space\* = 1058m<sup>2</sup>

Resource Centre/Seniors' Centre  
 Site Area = 4806m<sup>2</sup>  
 Bldg Footprint (Upper Floor) = 539m<sup>2</sup>  
 Onsite Parking Area = 482m<sup>2</sup>  
 Open Space\* = 3785m<sup>2</sup>

\*Open Space = site area - bldg footprints - parking  
 Note areas and dimensions are approximate.



Schedule A – Ladysmith Resource Centre and Senior’s Centre – Site Plan (D’Ambrosio – June 22/2010)  
 DVP 3090-10-03 – The Town of Ladysmith (D’Ambrosio Architecture & Urbanism)