



TOWN OF LADYSMITH

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

MONDAY, FEBRUARY 7, 2011
at 7:00 p.m.

AGENDA

Page

CALL TO ORDER

1. EXECUTIVE SESSION (6:15 P.M.)

In accordance with Section 90(1) of the *Community Charter*, the first section of the meeting will be held *In Camera* to consider the following items:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality
- labour relations or other employee relations
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality

2. RISE AND REPORT

3. AGENDA APPROVAL

4. MINUTES

Adoption of following minutes:

4.1. Regular Meeting -January 17, 2011

1 - 3

4.2. Special Meeting - January 31, 2011

4

5. PUBLIC HEARING

5.1. Proposed Amendments to the Official Community Plan and Zoning Bylaw -
Protection Riparian Areas (Bylaws 1736 and 1737)

5 - 10

5.2. Proposed Amendments to the Official Community Plan and Zoning Bylaw -
Integrating Ladysmith Bicycle Plan Policies (Bylaws 1738 and 1744)

11 - 15

6. BYLAWS (OCP / ZONING)

7. DELEGATIONS

7.1. Flint Cavey, Leadership Society of Vancouver Island
Proposed improvements to the Ladysmith Skatepark

7.2. Bev Park, Couverdon Real Estate (TimberWest)
Proposed boundary expansion

8. PROCLAMATIONS

None

9. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

9.1. Development Variance Permit Application – 209 French Street

16 - 30

10. COUNCIL COMMITTEE REPORTS

10.1. Mayor R. Hutchins
Cowichan Valley Regional District; Heritage Revitalization Advisory Commission;
Trolley Committee; Liquid Waste Management Committee

10.2. Councillor S. Bastian
Parks, Recreation and Culture Commission; Community Health
Advisory Committee; Youth Advisory Committee

10.3. Councillor J. Dashwood
Liquid Waste Management Committee; Trolley Committee; Chamber of
Commerce; Ladysmith Early Years Partnership

10.4. Councillor S. Arnett
Government Services Committee; Advisory Planning Commission;
Environment & Economic Development Commission

10.4.1. Government Services Committee Recommendations

31

10.5. Councillor D. Paterson
Protective Services Committee; Celebrations Committee; Festival of Lights

10.6. Councillor L. Evans
Parks, Recreation and Culture Commission; Social Planning Cowichan
Affordable Housing Directorate

10.7. Councillor B. Whittington
Vancouver Island Regional Library Board; Advisory Design Panel;
Environment & Economic Development Commission; Ladysmith
Downtown Business Association

	<u>Page</u>
11. STAFF / ADVISORY COMMITTEE REPORTS	
11.1. Strata Conversion Application – 218 Bayview Avenue	32 – 57
11.2. Secondary Suites – Contract Award for Consultation, Policy and Regulation	58 -60
11.3. Request for Letter of Support from Heritage B.C.	61 -63
11.4. Funding Process—Ladysmith and District Historical Society (Archives)	64 – 74
11.5. Ladysmith Maritime Society – Request for Cost Sharing	75 – 81
11.6. Heritage Canada and Service Canada Grant Applications	82 – 83
12. CORRESPONDENCE	
12.1. Isabelle Ouelette, Ladysmith and District Historical Society Request for the Town to appoint a liaison between the Heritage Revitalization Advisory Commission and the Ladysmith and District Historical Society	84
<i>Staff Recommendation</i> <i>That Council consider if it wishes to appoint a representative from the Ladysmith and District Historical Society to sit on the Heritage Revitalization Advisory Commission as a liaison between the two groups.</i>	
12.2. Wendy Sayers, Arts on the Avenue Request for the Town to be a sponsor of Arts on the Avenue 2011	85 – 86
<i>Staff Recommendation:</i> <i>That the request for sponsorship of Arts on the Avenue 2011 be referred to the Grants-in-Aid process.</i>	
12.3. Danyta Welch, Policy and Program Officer, Union of BC Municipalities Approval in principle of application for 2010/11 Community to Community (C2C) Forum Program	87
<i>Staff Recommendation:</i> <i>That Council acknowledge receipt of the C2C grant and direct staff to establish a date for the forum to be held with the Stz'uminus First Nation.</i>	
13. BYLAWS	
13.1. Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2011, No. 1750 May be read a first, second and third time	88
<i>The purpose of Bylaw 1750 is to amend the Development Procedures Bylaw to incorporate the Sustainable Development Checklist as directed by Council at its regular meeting of January 10, 2010</i>	

14. NEW BUSINESS

15. UNFINISHED BUSINESS

16. QUESTION PERIOD

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 must relate strictly to matters which appear on the Council agenda at which the individual is speaking
- 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

ADJOURNMENT

7.1. Flint Cavey, Leadership Society of Vancouver Island
Proposed improvements to the Ladysmith Skatepark

7.2. Bev Park, Couverdon Real Estate (TimberWest)
Proposed boundary expansion

8. PROCLAMATIONS

None

9. DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

9.1. Development Variance Permit Application – 209 French Street

16 - 30

10. COUNCIL COMMITTEE REPORTS

10.1. Mayor R. Hutchins
Cowichan Valley Regional District; Heritage Revitalization Advisory Commission;
Trolley Committee; Liquid Waste Management Committee

10.2. Councillor S. Bastian
Parks, Recreation and Culture Commission; Community Health
Advisory Committee; Youth Advisory Committee

10.3. Councillor J. Dashwood
Liquid Waste Management Committee; Trolley Committee; Chamber of
Commerce; Ladysmith Early Years Partnership

10.4. Councillor S. Arnett
Government Services Committee; Advisory Planning Commission;
Environment & Economic Development Commission

10.4.1. Government Services Committee Recommendations

31

10.5. Councillor D. Paterson
Protective Services Committee; Celebrations Committee; Festival of Lights

10.6. Councillor L. Evans
Parks, Recreation and Culture Commission; Social Planning Cowichan
Affordable Housing Directorate

10.7. Councillor B. Whittington
Vancouver Island Regional Library Board; Advisory Design Panel;
Environment & Economic Development Commission; Ladysmith
Downtown Business Association

	<u>Page</u>
11. STAFF / ADVISORY COMMITTEE REPORTS	
11.1. Strata Conversion Application – 218 Bayview Avenue	32 – 57
11.2. Secondary Suites – Contract Award for Consultation, Policy and Regulation	58 -60
11.3. Request for Letter of Support from Heritage B.C.	61 -63
11.4. Funding Process—Ladysmith and District Historical Society (Archives)	64 – 74
11.5. Ladysmith Maritime Society – Request for Cost Sharing	75 – 81
11.6. Heritage Canada and Service Canada Grant Applications	82 – 83
12. CORRESPONDENCE	
12.1. Isabelle Ouelette, Ladysmith and District Historical Society Request for the Town to appoint a liaison between the Heritage Revitalization Advisory Commission and the Ladysmith and District Historical Society	84
<i>Staff Recommendation</i> That Council consider if it wishes to appoint a representative from the Ladysmith and District Historical Society to sit on the Heritage Revitalization Advisory Commission as a liaison between the two groups.	
12.2. Wendy Sayers, Arts on the Avenue Request for the Town to be a sponsor of Arts on the Avenue 2011	85 – 86
<i>Staff Recommendation:</i> That the request for sponsorship of Arts on the Avenue 2011 be referred to the Grants-in-Aid process.	
12.3. Danyta Welch, Policy and Program Officer, Union of BC Municipalities Approval in principle of application for 2010/11 Community to Community (C2C) Forum Program	87
<i>Staff Recommendation:</i> That Council acknowledge receipt of the C2C grant and direct staff to establish a date for the forum to be held with the Stz'uminus First Nation.	
13. BYLAWS	
13.1. Town of Ladysmith Development Procedures Bylaw 2008, No. 1667, Amendment Bylaw 2011, No. 1750 May be read a first, second and third time	88
<i>The purpose of Bylaw 1750 is to amend the Development Procedures Bylaw to incorporate the Sustainable Development Checklist as directed by Council at its regular meeting of January 10, 2010</i>	

14. NEW BUSINESS

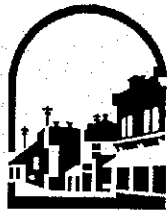
15. UNFINISHED BUSINESS

16. QUESTION PERIOD

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 must relate strictly to matters which appear on the Council agenda at which the individual is speaking
- 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

ADJOURNMENT



LADYSMITH

TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, JANUARY 17, 2010 - 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins Councillor Steve Arnett Councillor Scott Bastian
Councillor Jillian Dashwood Councillor Lori Evans Councillor Duck Paterson
Councillor Bruce Whittington

COUNCIL MEMBERS ABSENT

Councillor Duck Paterson

STAFF PRESENT:

Ruth Malli Sandy Bowden Felicity Adams
Erin Anderson Joanna Winter

CALL TO ORDER

Mayor Hutchins called the meeting to order at 7:00 p.m.

AGENDA APPROVAL

Mayor Hutchins requested Council's consideration of the following additions to the agenda:

- 8.3 Government Services Committee recommendation regarding appointment of consultant for Town of Ladysmith Website Upgrade project
- 10.1 Health issue

2011-040

It was moved, seconded and carried that the agenda be adopted as amended.

MINUTES

2011-041

It was moved, seconded and carried that the Minutes of the Regular Council Meeting of January 10, 2011 be adopted as amended to correct the spelling of the Duke of Edinburgh's Award.

BYLAWS

(OCP / ZONING)

2011-042

It was moved, seconded and carried that Russ Jackson be given authorized to address Council regarding development proposal application 3360-10-05 9 Oak Development Ltd).

2011-043

It was moved, seconded and carried that Council request that the

applicant revise the proposed lot layout for OCP and Zoning Bylaw amendment application 3360-10-05 such that the frontage of the lots and the average lot size is similar to the requirements of the existing small lot zone (MP-1).

PROCLAMATIONS

Mayor Hutchins proclaimed:

- February 23, 2011 as "Pink Shirt Day" in the Town of Ladysmith, to raise awareness of the need to confront bullying.

STAFF / ADVISORY COMMITTEE REPORTS

2011-044

It was moved, seconded and carried that Bruce Findlay and Curtis Paxton Miles be authorized to address Council regarding the proposed strata conversion at 218 Bayview Avenue.

2011-045

Strata Conversion Application - 218 Bayview Avenue

It was moved, seconded and carried that the request for the Town to accept a 125 per cent bond, letter of credit or cash-in-lieu for the \$137,300 value of remedial measures identified in the Building Code Compliance Report for 218 Bayview Avenue by Curtis Paxton Miles, Architect, dated December 2010, be referred to staff in order to consult with other jurisdictions which have granted a similar bond to the developer, and to report back to Council.

2011-046

It was moved, seconded and carried that installation of a fire sprinkler system at 218 Bayview Avenue as a condition of strata conversion approval be referred to staff to work with the developer and to report back to Council with further information regarding the extent of the sprinkler system, installation costs, insurance implications, and clarification regarding the relevant Bylaw.

2011-047

Aggie Hall Building Signage

It was moved, seconded and carried that staff be directed to work with the Aggie Hall building tenants (Ladysmith Air Cadets and Ladysmith Family and Friends) to develop a proposal for creating directional and interpretative signage for Aggie Hall, and that the proposal be referred to the Heritage Revitalization Advisory Commission for review and comments, and that the proposal then be presented to Council for review and consideration of cost sharing for this initiative.

2011-048

Government Services Committee Recommendation

It was moved, seconded and carried that the contract for the Town of Ladysmith Website Upgrade project be awarded to Graphically Speaking.

CORRESPONDENCE

2011-049

**Dean Benson, Ladysmith Health Care Auxiliary
Donation of trolley stop shelter**

It was moved, seconded and carried that Council accept with gratitude the generous donation of up to \$6,000 from the Ladysmith Health Care Auxiliary for a trolley stop shelter bearing the Ladysmith Health Care Auxiliary logo, to be located at the Lodge on Fourth trolley stop, and that a letter of thanks be sent to the Ladysmith Health Care Auxiliary.

NEW BUSINESS

Councillor Dashwood provided Council with additional information public immunization against possible Hepatitis A infection for customer of Duncan Wal-Mart.

QUESTION PERIOD

C. Forrest enquired about the status of a discussion on question periods.

R. Johnson enquired about

a) sprinklers for the Ladysmith boys and Girls Club and the Ladysmith Community Services Centre

b) The Ladysmith Maritime Society request for cost-sharing

C. Gilroy enquired about the proposed plan for signage at Aggie Hall.

ADJOURNMENT

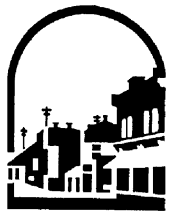
2011-050

It was moved, seconded and carried that this meeting of Council be adjourned at 8:53 p.m.

Mayor (R. Hutchins)

CERTIFIED CORRECT

Corporate Officer (S. Bowden)



LADYSMITH

TOWN OF LADYSMITH
MINUTES OF A SPECIAL SESSION OF COUNCIL
MONDAY, JANUARY 31, 2011 - 4:30 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins

Councillor Duck Paterson

Councillor Jillian Dashwood

Councillor Bruce Whittington

Councillor Lori Evans

STAFF PRESENT:

Ruth Malli

Erin Anderson

Joanna Winter

CALL TO ORDER

Mayor Hutchins called the meeting to order at 4:32 p.m.

AGENDA APPROVAL

2011-052

It was moved, seconded and carried that the agenda be adopted as circulated.

REPORTS

Grant Application

2011-053

It was moved, seconded and carried that staff be directed to apply under the Gas Tax Agreement's General Strategic Priorities Fund and Innovations Fund for:

- \$2,488,000 for the Ladysmith Water System Upgrade, and
- \$5,210,000 for the Ladysmith Waste Water Treatment Plant Upgrade.

ADJOURNMENT

2011-054

It was moved, seconded and carried that this meeting of Council be adjourned at 4:43 p.m.

CERTIFIED CORRECT

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1736

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

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

- (1) The "Official Community Plan Bylaw, 2003, No. 1488" is hereby amended as set out in Schedule A to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No. 34), 2010, No. 1736".

READ A FIRST TIME on the 6th day of December, 2010

READ A SECOND TIME on the 6th day of December, 2010

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Schedule A

- (1) Schedule "A" – "Town of Ladysmith Community Plan" is amended as follows:
- (a) Section 3.3.3 "Environmental Policies" is amended by replacing:
- (1) "The Town will develop Environmental Sensitive Area Guidelines that integrate biophysical considerations in hillside planning, design, and development." with the following:
- (1) "The Town will develop Environmental Sensitive Area Guidelines that integrate biophysical considerations and sensitive area protection for all land alteration and development activity; and proposals for land development will be required to provide an ecological assessment report that demonstrates protection of all sensitive areas, (including steep slopes and hillsides)."
- (b) Section 3.3.3 "Environmental Policies" is amended by replacing:
- (6) "Watercourse riparian zones will be protected from unnecessary intrusion and development as per the Provincial Streamside Protection Regulation (see Table 7)", with the following:
- (6) "Fish bearing and non-fish bearing riparian areas shall be protected from unnecessary intrusion and development."
- (c) Section 3.3.3 "Environmental Policies" is amended by replacing:
- (14) "The Town will encourage protection of Environmentally Sensitive Areas and application of the Province of British Columbia's "Environmental Objectives, Best Management Practices and Requirements for Land Developments" with the following:
- (14) "The Town will encourage protection of Environmentally Sensitive Areas and application of Provincial guidelines (and any amendments) such as:
- i) Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (2006);
 - ii) Sensitive Ecosystem Inventory: Conservation Manual (2001);
 - iii) Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia (2005);
 - iv) Stormwater Planning: A Guidebook for BC (2002);
 - v) Guide to Airshed Planning in British Columbia (2004);
 - vi) Biodiversity BC: Conserving the Variety of Life (2008); and
 - vii) Wetland Ways; Interim Guidelines for Wetland Protection and Conservation in British Columbia (2009)."
- (d) Section 3.3.3 "Environmental Policies" is amended by deleting Table 7.
- (e) Section 3.8.5 "Development Permit Areas" is amended by deleting: "Exemptions to the Development Permit process are outlined below" and the related text and replacing it with the following:
- "Exemptions**
- Where a site is located in a designated development permit area, a development permit is not required where the proposed activities constitute:
- i) only internal alterations to buildings and structures;
 - ii) minor alterations to the exterior of a building or structure that do not change the form or character of the development, such as replacement of exterior finishes using the same or similar materials and colours;
 - iii) placement of signage (sign permit required);
 - iv) habitat improvement works authorized by the Town or the provincial or federal government;
 - v) emergency response works and public service works completed by the Town; and
 - vi) agriculture or forestry operations to which the *Farm Practices Protection (Right to Farm) Act* or *Forest Practices Code of BC Act* applies."

- (f) Section 3.8.5 is amended by deleting "Development Permit Area 6 – Environmentally Sensitive Areas (DPA 6)" in its entirety and replacing it with:
"Development Permit Area 6 – Riparian Development Permit Area (DPA6)

Development Permit Area 6 – Riparian Development Permit Area is established to protect streams and other sources of water supply, and their riparian areas (including but not limited to riparian areas defined by the Riparian Areas Regulation). The Development Permit Area shall be all land within 30 metres from the high water mark of a stream, natural watercourse or source of water supply, whether usually containing water or not.

Areas within Development Permit Area 6:

- a) Are generally shown on Map 2 – Development Permit Areas; and
- b) All areas shall be specifically determined by measuring on the ground as follows:
 - i) for a natural watercourse or source of water supply, the 30 metre strip on both sides and surrounding the watercourse or source of water supply, measured from the high water mark;
 - ii) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
 - iii) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.
- c) Where there is a discrepancy between (a) and (b) above, (b) shall prevail.

Justification

The purpose of Development Permit Area 6 – Riparian Development Permit Area is to protect the natural environment, ecosystems and biological diversity of fish bearing and non-fish bearing riparian areas.

Guidelines

Prior to alteration of land or removal, alteration, disruption or destruction of vegetation as part of development; disturbance of soils; construction or erection of buildings and structures; and prior to subdivision of land (as defined in section 872 of the Local Government Act) an owner of property within the Riparian Development Permit Area shall apply to the Town of Ladysmith for a development permit, and the application shall meet the following guidelines:

- i) Where the riparian area is determined by reference to a stream as defined in the RAR the following guidelines shall apply:
 - a) A qualified environmental professional (QEP) will be retained for the purpose of preparing a riparian assessment area report pursuant to the Schedule to the RAR. The QEP is to meet with Town of Ladysmith staff prior to preparing the report. The report will be submitted to the Ministry of Environment; Fisheries and Oceans Canada; and the Town of Ladysmith.
 - b) Where the QEP report proposes a Harmful Alteration, Disruption or Destruction (HADD) to fish habitat referred to in the Federal Fisheries Act, the development permit shall not be issued unless the HADD is subsequently approved by Fisheries and Oceans Canada.
 - c) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA) (referred to in the RAR), the development permit will not allow any development activities to take place within the SPEA, and the owner will be required to provide a survey plan showing the location of the SPEA and a plan for protecting the SPEA during land development

and over the long term.

- d) SPEA protection measures to be implemented as a condition of the development permit may include the registration of a restrictive covenant or conservation covenant over the SPEA or some other proposal from the Owner acceptable to the Town confirming its long-term availability as a riparian buffer to remain free of development.
 - e) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. The development permit may include conditions requiring monitoring and regular reporting by qualified professionals.
 - f) If the proposed development in a riparian assessment area is due to new information or some other change, the QEP will be required to re-assess the proposal with respect to the SPEA. Development may be required to stop while the re-assessment is undertaken.
 - g) Wherever possible, the report prepared by a QEP shall exceed the minimum standards set out in the RAR and address matters such as: plantings of drought resistant native species, retaining natural soils, management of sediment, stormwater management, sequence and timing of development to minimize habitat disturbances, as well as mitigation options and design alternatives having regard to reports listed in Section 3.3.3(14).
 - h) The Zoning Bylaw's required setbacks from a watercourse may be varied such that the setback is consistent with SPEA as indicated in the QEP report.
- ii) Where the riparian area is not determined by reference to a stream as defined in the RAR, the following guidelines shall apply:
- a) The riparian area shall be assessed by a biologist or qualified environmental professional to determine a required leave strip or protected area that will ensure the long-term health of the ecosystem, riparian area, and stream.
 - b) The leave strip and protected area shall be clearly indicated onsite and no unnecessary disturbance of soil, trees or vegetation may occur in the protected area during and after construction.
 - c) The Zoning Bylaw's required setbacks from a watercourse may be varied where a site specific environmental report prepared by a biologist or qualified environmental professional ensures protection at a reduced setback.
 - d) Protection measures for the leave strip or protected area shall include: erosion and sediment control measures for during and after construction; removal of invasive, non-native plant species such as Scotch Broom and English Ivy; and re-vegetation of disturbed areas with native, drought tolerant species.
 - e) Registration of a Section 219 *Land Title Act* covenant on title may be required to provide ongoing protection to the riparian area.
- (g) Section 4.4 "Implementation Tools" is amended by deleting the section "Streamside Protection Regulation" and replacing it with the following:
- "Riparian Areas Regulation
The purpose of the Provincial *Riparian Areas Regulation* is to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes."
- (h) The "Glossary" in the Appendix is amended by:
- (a) Deleting the definition of "Streamside Protection Regulation" and replacing it with the following:
"Riparian Areas Regulation or RAR

means the *Riparian Areas Regulation*, B.C. Reg. 376/2001.

(b) Deleting the definition of “Environmentally Sensitive Area (ESA)” and replacing it with:

“Environmentally Sensitive Area

A rare or fragile ecosystem containing significant natural environmental features that require a level of protection to ensure preservation. Natural environmental features may include streams, watercourses, estuaries and wetlands, riparian areas, woodland vegetation, rock outcrops and bluffs, steep slope areas and older forest ecosystems.”

(c) Deleting the definition of “Watercourse” and replacing it with the following:

“Stream

Includes a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch.”

(i) The Legend of Map 2 “Development Permit Areas” is amended by deleting the text “Environmentally Sensitive Areas” and replacing it with “Riparian”.

(2) Schedule C – “Holland Creek Area Plan” is amended as follows:

(a) Section 2.2.9 is amended by replacing:

“Streamside Protection Areas for the riparian corridors of Holland Creek and Heart Creek will be established in the Official Community Plan, consistent with Streamside Protection Regulations of the Fish Protection Act”

with the following:

“The fish bearing and non-fish bearing riparian areas in the Holland Creek Plan Area will be protected in accordance with Development Permit Area 6 – Riparian Development Permit Area.”

(b) Section 5.3 “Storm drainage” is amended by replacing the clause “requirements of the Streamside Protection Regulations of the Fish Protection Act” with the clause “requirements of the Riparian Areas Regulation”.

(3) Schedule D – “South Ladysmith Area Plan” is amended as follows:

(a) Section 2.1.5 is amended by replacing:

“Streamside Protection Areas for the riparian corridors of Stocking Creek and tributaries will be established in the Official Community Plan, consistent with the Streamside Protection Regulations of the Fish Protection Act,” with the following:

“Fish bearing and non-fish bearing riparian areas in the South Ladysmith Plan Area will be protected in accordance with Development Permit Area 6 – Riparian Development Permit Area.”

TOWN OF LADYSMITH

BYLAW NO. 1737

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

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

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby further amended as follows:
 - (i) Section 5.4 is amended by deleting section (2) and replacing it with:
 - (2) Notwithstanding the foregoing, any building or structure proposed to be located within 30 metres of a natural watercourse or source of water supply, whether usually containing water or not, and includes a lake, river, creek, spring, swamp and gulch shall apply to the Town of Ladysmith for a Riparian Development Permit; and it is required that the Riparian Development Permit be approved and issued prior to any alteration of land or vegetation; disturbance of soils; construction or erection of buildings and structures; and prior to subdivision of land.
 - (ii) Section 5.4 is amended by moving section 5.4(1)(d) to section 5.3 (5).

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 84), 2010, No. 1737".

READ A FIRST TIME on the 6th day of December, , 2010

READ A SECOND TIME on the 6th day of December, , 2010

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of , 2010

READ A THIRD TIME on the day of , 2010

ADOPTED on the day of , 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

BYLAW NO. 1738

A bylaw to amend "Official Community Plan Bylaw, 2003, No. 1488"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Official Community Plan Bylaw, 2003, No. 1488".

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

- (1) The "Official Community Plan Bylaw, 2003, No. 1488" is hereby amended as set out in Schedule A to this Bylaw.

CITATION

- (2) This bylaw may be cited for all purposes as "Official Community Plan Bylaw, 2003, No. 1488, Amendment Bylaw (No.35), 2010, No. 1738".

READ A FIRST TIME on the 6th day of December, 2010

READ A SECOND TIME on the 6th day of December, 2010

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

on the day of

READ A THIRD TIME on the day of

ADOPTED on the day of

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Schedule A

- (1) Schedule "A"—"Town of Ladysmith Community Plan" is amended as follows:
- (a) The 'Vision Statement' is amended by adding the text in parenthesis as follows:
- "Ladysmith is a complete community that balances the need for economic growth with environmental **[and climate]** protection, ensuring a diversity of housing **[and transportation choice]**, while maintaining and developing the necessary support facilities. Ladysmith supports cultural and environmental stewardship through partnerships that fosters community ownership. Economic benefits are derived from planned, sustainable growth and development."
- (b) Section 1.8.4 "Transportation" is amended by adding the text in parenthesis as follows:
- "Pedestrians and Bicycles: In the past, sidewalks and bike pathways were not built in all new developments. Community feedback suggests that sidewalks and bikeways are important to ensure safe alternative modes of transportation. Pedestrian and bicycle movement through the community is desirous so that traffic is reduced and personal health is promoted. The Community Plan should consider means of promoting a pedestrian **[and bicycle-friendly]** environment."
- (c) Section 3.4.1 "Transportation Goals" is amended by adding the text in parenthesis as follows:
- "Ladysmith will . . .
- promote downtown parking and safe and efficient pedestrian and vehicle movement to ensure that the Downtown remains a vibrant commercial district.
 - promote Smart Growth planning principles by integrating transportation and land use decision making, including the exploration and adoption of alternative road standards, bicycle lanes **[and facilities]**, pedestrian movement and mixed use so that residents can work and shop close to home.
 - explore alternative forms of Downtown parking, including off street parking facilities.
 - explore and promote its regional role as a transportation centre.
 - explore the development of Transit.
 - promote pleasant safe pedestrian **[and bicycle]** travel as a primary means of movement and an important quality of life attribute."
- (d) Section 3.4.2 "Transportation Objectives" is amended by deleting the text in clause (5) and replacing it with the following:
- "5. Develop supportive land use and transit policies, including streets that support cycling, walking, and persons with disabilities as well as identification of appropriate transit routes and bus stops, and transit friendly land use patterns."
- (e) Section 3.4.2 "Transportation Objectives" clause (9) is amended by adding the text in parenthesis as follows:
- "9. Create human scale development that encourages walking **[and cycling]**."
- (f) Section 3.4.3 "Transportation Policies" clause (12) is amended by adding the text in parenthesis as follows:
- "12. The Town will continue to promote Ladysmith as a pedestrian **[and cyclist]** friendly community in which pedestrian **[and cycling]** facilities are established and integrated with planning for transit service."
- (g) Section 3.4.3 "Transportation Policies" clause (16) is amended by adding the text in parenthesis as follows:
- "16. Future waterfront development will be pedestrian **[and cyclist]** friendly

and provide public access to the water's edge.

- (h) Section 3.4.3 "Transportation Policies" is amended by adding the following clauses:

"17. The Town will explore a Complete Streets strategy that supports all users (cyclists, pedestrians, persons with disabilities, transit, vehicles) on planned and current streets. Complete Streets solutions will be context specific.

18. The Town will consider including in the Zoning Bylaw a requirement that commercial, institutional, mixed use, and multi-family residential development provide 'end of trip' facilities such as bicycle parking, showers and change rooms.

19. The Town will explore requirements for developers to integrate cycling facilities into proposed developments such as reduced driveway curb-cuts along designated bicycle routes to limit vehicular crossing, and provision of adequate pathways and other pedestrian and bicycle facilities."

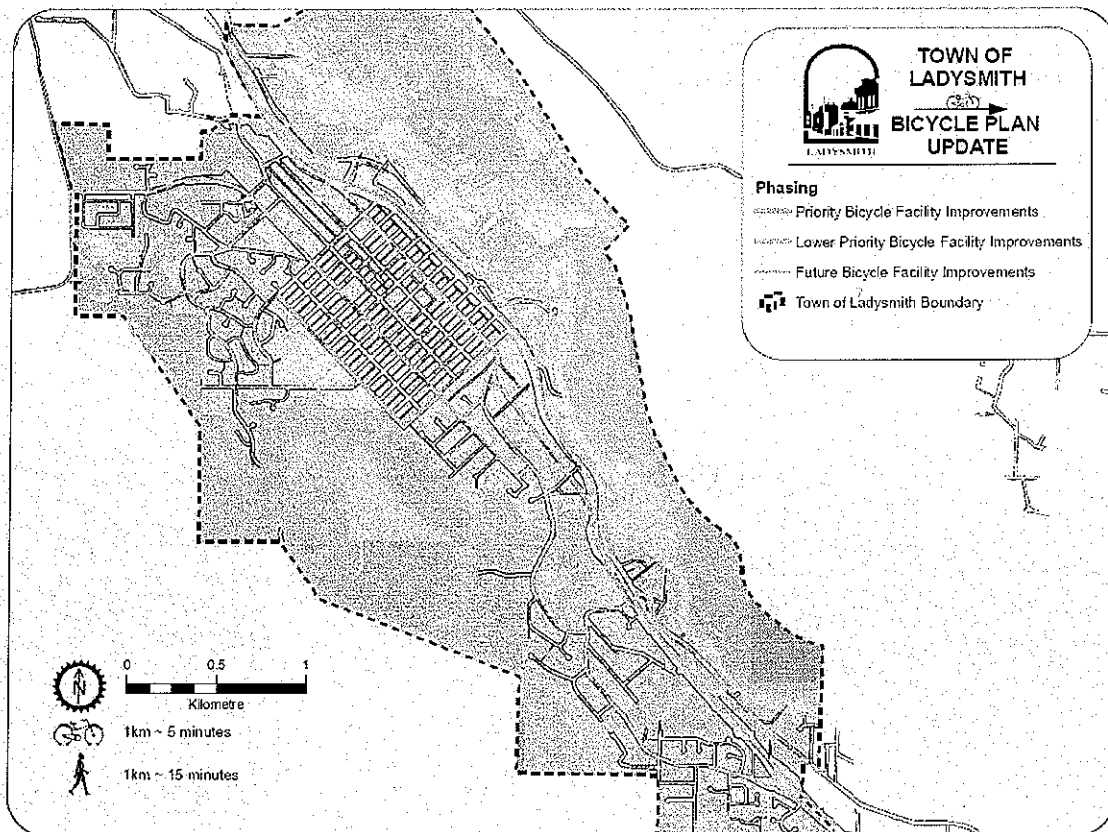
- (i) Section 3.6.3 "Community Facilities and Services Policies" is amended by adding the following clause:

"20. The Town acknowledges the need for recreational cycling activities and will pursue opportunities for recreational trails."

- (j) Section 4.4 "Implementation Tools" is amended by adding the following to the end of the section:

"Ladysmith Bicycle Plan (2009): The Town of Ladysmith will act on the recommendations of the 2009 Ladysmith Bicycle Plan. The goals of the Bicycle Plan are to increase bicycle trips and increase cyclist safety. The key feature of the bicycle route network is a connected spine of high quality facilities, linking major destinations."

- (k) Map 3 – "Transportation" is amended by deleting the "Bike Route" and "Proposed Bike Route" and replacing it with the "Priority Bicycle Facility Improvements", "Lower Priority Bicycle Facility Improvements" and "Future Bicycle Facility Improvements" routes shown in the map below.



TOWN OF LADYSMITH

BYLAW NO. 1744

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

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

(1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" is hereby further amended as follows:

(i) Section 5.18 is amended by adding:

"10. Off-Street Bicycle Parking

a) The total motor vehicle off-street parking requirement for a Parking Area containing five or more spaces may be reduced by 10% (of required spaces) when providing off-street bicycle parking spaces. The number of off-street bicycle parking spaces that must be provided to off-set the motor vehicle parking spaces is as follows:

Multi-Family Residential Use

- i. A minimum of 0.2 bicycle rack spaces per multi-family residential unit; and
- ii. A minimum of 1.0 secure bicycle parking space per multi-family residential unit.

Non-Residential Use

- iii. Bicycle rack spaces for non-residential use must equal 10% of required off-street motor vehicle parking spaces; and
- iv. A minimum of 1.0 secure bicycle parking space must be provided for every 10 employees for non-residential uses.

Bicycle Rack Design Criteria

b) Bicycle rack design criteria is as follows:

- i. The bicycle rack must have a minimum height of 0.75 metres;
- ii. The bicycle rack must support the bicycle frame (rather than the wheel);
- iii. The bicycle rack design must be easily identifiable as a bicycle rack and shall not have any sharp edges or projections;
- iv. The bicycle rack materials and paint must be resistant to rust, corrosion and vandalism;
- v. The bicycle rack must be securely installed.
- vi. Bicycle racks must be located close to main building entrances, must not obstruct pedestrian movement; and must not be placed in fire zones, loading zones, transit zones, and other areas where access is required.

Secure Bicycle Parking Criteria

c) Secure bicycle parking may be a bicycle room, compound, or locker and the design criteria is as follows:

- i. Secure bicycle parking spaces must have a vertical

- clearance of 1.9 metres, and shall be a minimum of 0.6 metres in width and 1.2 metres in height;
- ii. Secure bicycle parking must be constructed of a theft resistant material with a lockable door which opens to the full width and height of the bicycle room, compound or locker.

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 85), 2010, No. 1744".

READ A FIRST TIME on the 6th day of December, 2010

READ A SECOND TIME on the 6th day of December 2010 ;

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

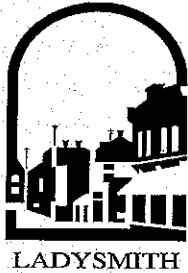
on the day of ,

READ A THIRD TIME on the day of ,

ADOPTED on the day of ,

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 1, 2010
File No: 3090-10-04 and 3060-10-10

Re: Development Variance Permit Application – 209 French Street (Prakash)
Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A

RECOMENDATION

1. THAT Council approve Development Variance Permit (DVP) 3090-10-04 to vary parcel coverage, sideyard setbacks, and horizontal dimension for a dwelling and carport on Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A (209 French Street) and authorize the Mayor and Corporate Officer to sign DVP 3090-10-04.
2. That Council issue Hazard Lands Development Permit 3060-10-10 for the construction of a dwelling and carport on Lot 5, Block 44, District Lot 56, Oyster District, Plan 703A (209 French St); AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

The purpose of this report is to obtain Council direction regarding a development variance permit and hazard lands development permit application for a proposed new dwelling and carport at 209 French Street.

INTRODUCTION/BACKGROUND:

The subject property is currently vacant and is located at the corner of Hillside Avenue and French Street. The applicant is proposing to construct a new dwelling and detached carport. A development variance permit is requested due to the narrow shape and steep topography of the property.

The proposed variances are summarized in Table 1. At the October 18 2010 meeting Council passed a motion directing staff to proceed with statutory notification for development variance permit application 3090-10-04.

In addition, the subject property falls within Development Permit Area 7 – Hazard Lands (DPA 7) due to the steep slope of the property. The guidelines of DPA 7 are intended to protect development from hazardous conditions.

SCOPE OF WORK:

The subject property is located on a slope and is 7.4 metres x 36.6 metres in size with a total area of 270m² (2906 ft²). The applicant is proposing that the carport and dwelling be accessed from Hillside Avenue (as shown in 'Figure 1: Hillside Ave.

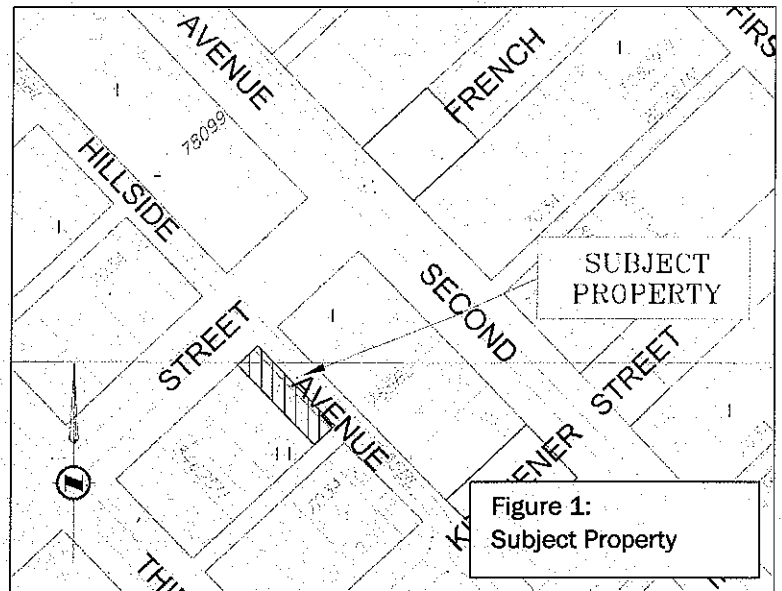


Figure 1:
Subject Property

Elevation'). A carport at Hillside Avenue is designed to fit two vehicles. It is proposed that the dwelling contain a lower level with two bedrooms and washroom; and a main level containing kitchen, living area, master bedroom with ensuite washroom, and a patio. The height of the dwelling is 5.8 metres (a covenant on the title of the property states the maximum permitted height is 6.5 metres).

Development Variance Permit

Due to the steep topography and limited area of the lot, the applicant is seeking a development variance permit to vary the Zoning Bylaw as follows:

- To vary the maximum permitted parcel coverage from 33% to 57%.
- To vary the side yard setback requirements for a dwelling and accessory building (detached carport) as follows:
 - a) From 3.0 metres to 1.3 metres for the Hillside Avenue (exterior) side yard. (It is also proposed that the dwelling have a projecting deck walkway, projecting bay window, and projecting roof overhang located within this side yard setback.), and
 - b) From 1.5 metres to 0 metres for the interior side yard.
- To vary the minimum permitted horizontal building dimension from 6.5 metres to 6.0 metres.

A site plan showing the proposed location for the dwelling and carport is shown in Schedule A of the DVP. Council issued a similar DVP for this property in 2006 but it has since expired.

Table 1: Variance Request Summary – 209 French Street

	Required	Requested
Maximum Permitted Parcel Coverage	33%	57%
Dwelling and Carport Exterior Side Yard Setback (Hillside Ave.)	3.0 metres	1.3 metres with dwelling projections: a) deck walkway to 0m b) roof o/hang to 0.53 m c) bay window to 0.69m
Dwelling and Carport Interior Side Yard Setback	1.5 metres	0 metres
Minimum Horizontal Building Dimension	6.5 metres	6.0 metres

Hazard Lands Development Permit

The applicant retained Lewkowich Engineering to complete a Geotechnical Assessment report for the proposed dwelling and carport. The report is attached as Schedule A to the DP. In general the report concluded that the proposed dwelling and carport may occur on the site if the recommendations of the geotechnical assessment were followed. Thus, it is recommended to support the proposed development permit with the Lewkowich Geotechnical Assessment recommendations.

ALTERNATIVES:

Council may approve the development variance permit as presented, approve it with amendments, or refuse to approve the permit. If the DVP is amended or not issued, the associated DP would require further staff review.

Council may recommend amendments to the hazard lands development permit for reasons related to the DPA 7 guidelines.

FINANCIAL IMPLICATIONS: n/a

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary zoning 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 the DVP application was sent to neighbouring properties on January 17, 2010. At the date of this report four people have inquired about the DVP application. One email submitted expressed concerns regarding parking of construction vehicles in the short term and visitor parking for the long term. Staff have confirmed that the proposed development meets the required onsite parking.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed plans have been reviewed by the Director of Public Works and the Building Inspector.

RESOURCE IMPLICATIONS:

Processing permit applications is a core function of the Development Services Department. Processing this application is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Infill within existing residential neighbourhoods is consistent with Visioning.


ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design is a Council strategic direction.

SUMMARY:

It is recommended to support DVP 3090-10-04 and DP 3060-10-10 to permit a dwelling and carport at 209 French Street.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

DVP Form 3090-10-04
DP Form 3060-10-10

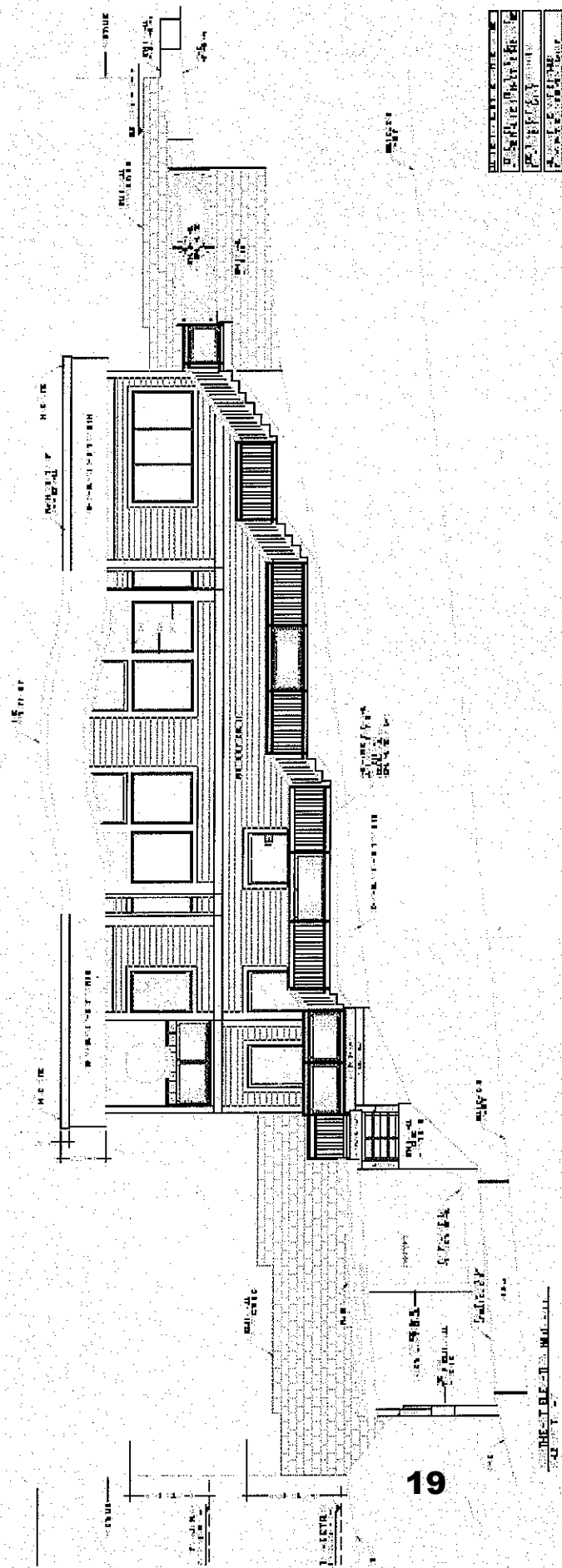


Figure 2: Hillside Avenue Elevation - 209 French St.

TOWN OF LADYSMITH
DEVELOPMENT PERMIT 3060-10-10
(Section 920 *Local Government Act*)

DATE: February 7, 2011

TO: Sharmila Prakash

Address: P.O. Box 1900
Ladysmith, B.C.
V9G 1B4

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

Lot	5
Block	44
District Lot	56
District	Oyster
Plan	703A
PID#	008-590-311
CIVIC ADDRESS	209 French Street (referred to as the "Land")

3. This Permit has the effect of authorizing the issuance of a building permit for the construction of a dwelling and a carport on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws, except as varied by this Permit.

Subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.

4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw No. 1160.
5. The Permittee, as a condition of the issuance of this Permit, agrees to construct a dwelling and carport following the geotechnical requirements stated in:
 - a) Schedule A: Geotechnical Assessment - Lewkowich Engineering Associates Ltd. - January 29, 2011

6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.927 of the *Local Government Act*, and upon such filing, the terms of this Permit 3060-10-10 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not substantially start any construction permitted by this Permit within **two years** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE DAY OF .

MAYOR

CORPORATE OFFICER

OWNER

PLEASE PRINT NAME

TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT - 10-04
DATE: February 7, 2011

TO:	Sharmila Prakash
ADDRESS:	P.O. Box 1900 LADYSMITH, B.C. V9G 1B4

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 5, Block 44, District Lot 56, Oyster District, Plan 703A – PID: 008-590-311
(209 French Street)

3. The "Town of Ladysmith Zoning Bylaw 1995, No. 1160", as amended, is varied for the subject property as follows:

i) Section 5.0 "General Regulations" is varied:

From:

Section 5.4 (1) Notwithstanding any other regulation of this Bylaw, no buildings or structures located on a parcel within this Zone shall be closer than: (d) In the case of a parcel abutting a flanking street, the minimum side lot line setback is 3.0 metres.

To:

Section 5.4 (1) Notwithstanding any other regulation of this Bylaw, no buildings or structures located on a parcel within this Zone shall be closer than: (d) In the case of 209 French Street, the minimum side lot line setback is 1.3 metres from Hillside Avenue.

From:

Section 5.11 (1) Except as otherwise provided in each particular zone, the following features may project into a required setback or yard:

- (a) Steps;
- (b) Eaves and gutters, cornices, sills, belt courses, bay windows, chimneys, heating or ventilating equipment or other similar features provided that such projections do not exceed 1.0 metre nor 50 percent of the width in the case of a side yard of less than 1.5 metres wide;
- (c) Open porches and canopies (not including carports) sun shades, unenclosed stair wells, or balconies provided that such projections do not exceed 1.5 metres in the case of a front or side yard or 2.0 metres in the case of a rear yard;
- (d) Covered or underground parking areas which are in or beneath any part of a principal building, or those parking areas which are within an accessory building which has become part of a principal building by reason of its attachment thereto; and no other features may project into a required front, side or rear yard.

To:

Section 5.11 (1) The following features may project into the required exterior side yard setback (at Hillside Ave):

- (a) Steps;
 - (b) Eaves and gutters, sills, and one bay window;
 - (c) An unenclosed decking walkway and railing;
- as shown in Schedule A and no other features may project into a required front, side or rear yard.

ii) Section 10.2 "Conditions of Use" in the Urban Residential (R-2) Zone is varied:

From:

Section (1) The maximum parcel coverage shall not exceed 33.00 percent.

To:

Section (1) The maximum parcel coverage shall not exceed 57.00 percent.

From:

Section (3) No buildings or structures located on a parcel within this Zone shall be closer than (b) 3.0 metres to one side lot line and a minimum of 1.5 metres to the other side lot line.

To:

Section (3) No buildings or structures located on a parcel within this Zone shall be closer than (b) 1.3 metres to one side lot line (exterior side yard) and a minimum of 0.0 metres to the other side lot line (interior side yard) as shown in Schedule A – Site Plan – 3D Diron Design & Drafting Services.

From:

Section (3.2) Despite 10.2(3), accessory buildings with a floor area greater than 10.0 square metres shall be sited no closer than (b) 1.5 metres to either side lot line.

To:

Section (3.2) Despite 10.2(3), accessory buildings with a floor area greater than 10.0 square metres shall be sited no closer than (b) 1.3 metres to one side lot line (exterior side yard) and a 0.0 metres to the other side lot line (interior side yard) as shown in Schedule A

From:

Section (5) The minimum horizontal building dimensions of the principal building shall be 6.5 metres.

To:

Section (5) The minimum horizontal building dimensions of the principal building shall be 6.0 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. The following plans and specifications are attached:
 - i) Schedule A: Site Plan – 3D Diron Design & Drafting Services (01.12.2010)
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.

AUTHORIZING RESOLUTION passed by Municipal Council on the 7th day of February, 2011.

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 Sharmila Prakash other than those contained in this permit.

Signed

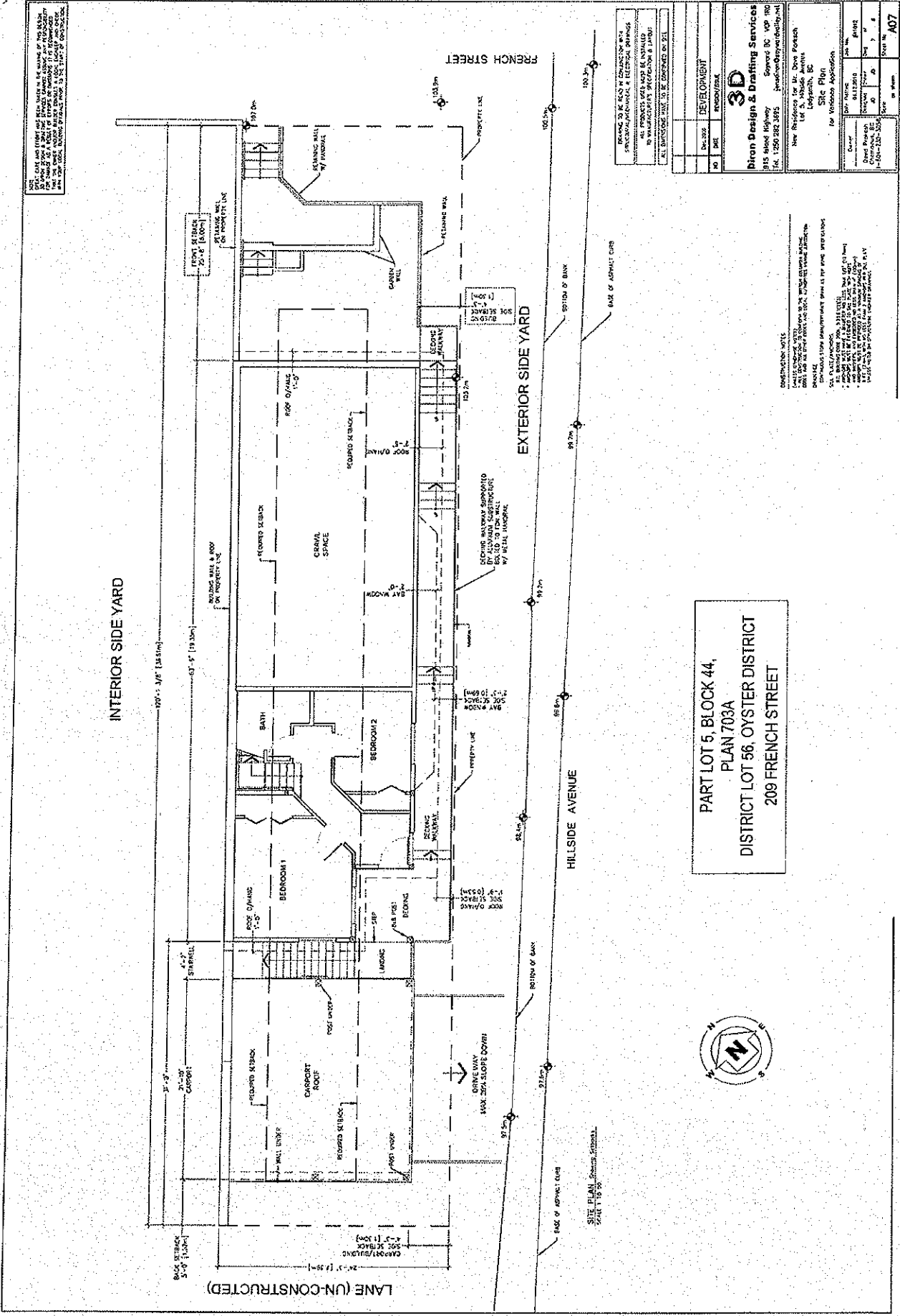
Witness

Title

Occupation

Date

Date



Schedule A: Site Plan - 3D Diron Design & Drafting Services (01.12.10)
 DVP 3090-10-04 - Sharmila Prakash



Lewkowich Engineering Associates Ltd.
geotechnical • health, safety & environmental • materials testing

Sharni Prakash
Box 1900
Ladysmith, BC
V9G 1B4

File No: G8721.01r1
January 29, 2011

**PROJECT: SINGLE FAMILY RESIDENTIAL DEVELOPMENT
209 FRENCH STREET, LADYSMITH, BC**

SUBJECT: GEOTECHNICAL ASSESSMENT

Dear Mr. Prakash:

1. INTRODUCTION

- a. As requested, Lewkowich Engineering Associates Ltd. (LEA) has conducted a geotechnical assessment relating to the proposed single family residential development at 209 French Street in Ladysmith, BC.
- b. The purpose of the assessment was to conduct a site reconnaissance and provide preliminary geotechnical discussions and recommendations with regard to the proposed development. It should be noted that these recommendations may be modified if soil conditions discovered during the excavation and construction of the development warrant such modifications.

2. SITE RECONNAISSANCE

- a. LEA visited the site on December 22, 2010. The following is a summary of the observations made during the site reconnaissance:
 - i. The main portion of the subject property is located between a dead end on French Street and Hillside Avenue. The property is situated on a slope down toward the northeast (i.e. toward Ladysmith Harbour).
 - ii. The property possesses a ramp that extends to the southeast along the upslope side of Hillside Avenue.



- iii. The slope within the main portion of the property has a very thick cover of berry vines, scotch broom, maple trees and other vegetation. The slope angle was estimated to be around 25° to 35°.
- iv. In general, the central portion of the narrow lot has been developed as a bench or ramp. At the highest point, the bench is about 3 m above Hillside Avenue. The cut slope along this portion of Hillside Avenue is at around 40° to 50°. Minor soil exposures on the cut slope indicate the slope is made up of dense, silty sand with gravel (glacial till).
- v. There is an existing single family residence on the adjoining property to the southwest of (i.e. upslope from) the ramp. The relatively level yard area for the residence is retained by a concrete wall on the south west property line. The concrete wall is displaying signs of being under mined via surface erosion of the soils near the footings of the wall, in several locations.
- vi. There is no ditchline along the upslope side of Hillside Avenue in this area. However, there is a catchbasin on the roadway near the southern extent of the ramp.

3. DISCUSSIONS AND RECOMMENDATIONS

- a. It is understood – based on conversation with the builder – that the proposed residence will be constructed along the southwest boundary of the property and will incorporate a retaining wall design in order to accommodate the elevation difference from one side of the residence to the other. It is understood that an easement is in place with the neighbour to the southwest, to the effect that that new retaining wall to be constructed, as well as the maintenance and associated landscaping will be the responsibility of the owner of the subject property (our client). Vehicle access to the residence will be from Hillside Avenue. The main portion of the property to the northwest will be developed as the yard area. Details of



house location and elevations were reviewed by LEA.

- b. The proposed construction will involve excavation of the slope along the southwest boundary of the property. It is understood that the basement wall of the new residence will be relied upon to provide permanent support for the cut slope and the yard area of the existing residence upslope. Further, it is understood that the existing retaining wall along the property line will have to be replaced.
- c. It is recommended that the permanent basement walls be constructed using reinforced, cast-in-place concrete – consistent with current construction practices. The walls will be required to resist lateral earth pressures. The lateral earth pressure distribution would be triangular and taken as:
- $$P(z) = 12 \cdot z \quad \text{where: } P = \text{horizontal pressure (kPa)}$$
- $z =$ depth of retained soil (m)
- The pressure distribution given above assumes a horizontal backfill gradient with no surcharge. In addition, construction includes installation of a base drain and placement of relatively free-draining material behind the wall. The wall drain should collect and convey seepage to a permanent storm water disposal system.
- d. Depending on the final site grading plan, other retaining walls may be required for landscaping or support of cut slopes. It is understood that 1.2m diameter by 1.2m long concrete casing, filled and also backfilled with uniformly sized rock and stacked in a 1:1 bench like configuration are proposed to create the required slope retention and erosion protection. The encountered glacial till should be cut as little as possible in order to retain its 'in-situ' strength (i.e. to accommodate the concrete casing only). LEA can provide geotechnical design details and review for these ancillary walls once final configurations have been determined. Field reviews by the geotechnical engineer will be necessary to approve the slope geometry prior to construction. Permanent, unsupported cut and/or fill slopes within the development should be graded no steeper than 2H:1V (26°).



- e. As described above, it is anticipated that the general soil conditions that will be exposed during construction will consist of silty sand with gravel (glacial till). Footings bearing on a subgrade of intact, silty sand till can be designed for an allowable bearing capacity of 145 kPa (3,000 psf).
- f. The presence of relatively shallow, glacial till on the property will likely result in substantial seepage being intercepted during excavation for construction/development. This is due to the impermeable nature of the silty sand till making it a confining layer for subsurface flows (i.e. the flows cannot infiltrate into the till). As such, careful interception and control of drainage will be critical for the development in order to maintain overall slope stability. Measures such as interceptor (trench) drains, surface grading, etc will be necessary to collect and direct runoff and seepage – by gravity - to a suitable storm water disposal system. It is anticipated that the existing storm sewer along Hillside Avenue (evidenced by the catch basin described above) could be accessed for storm water drainage from the site.
- g. It is recommended that the Geotechnical Engineer review the construction excavation and/or site grading in the field to assess the exposed soil conditions and to provide further – or more detailed – recommendations for construction, if required. Further, the Geotechnical Engineer should review the house plan and grading plan and compare this data to the topographic information to assess the potential for slope instability and potential conflicts with the supplied recommendations and also to provide recommendations for any necessary remedial measures.
- h. Under the conditions outlined above, the proposed development would be safe – from a geotechnical perspective – for the use intended (single family residence), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years.

Project: Residence, 209 French Street, Ladysmith, BC
Client: Shami Prakash
File No: G8721.01r1
Date: January 29, 2011
Page: 5 of 5



4. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector of the Town of Ladysmith as a precondition to the issuance of a building or development permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property.

It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land. We acknowledge that this report has been prepared solely for, and at the expense of, the owner of the subject land. We have not acted for or as an agent of the Town of Ladysmith in the preparation of this report.

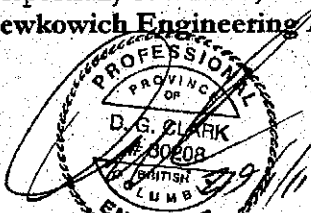
5. LIMITATIONS

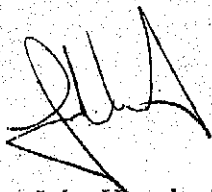
The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided.

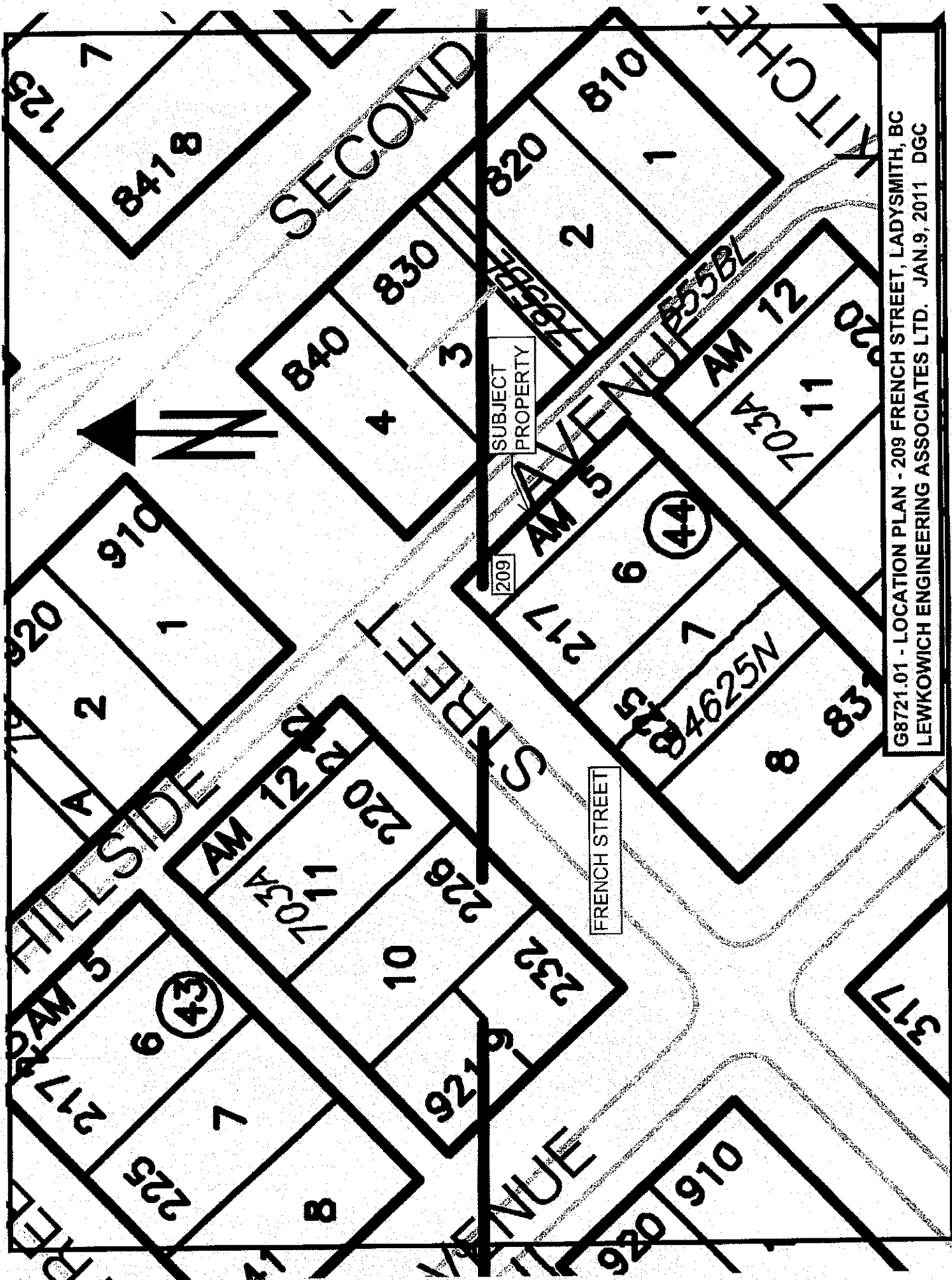
6. CLOSURE

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

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

A circular professional seal for D.G. Clark, a geotechnical engineer. The seal contains the text 'PROFESSIONAL ENGINEER', 'PROVINCIAL OF BRITISH COLUMBIA', 'D.G. CLARK', and '30208'.
Darron G. Clark, Eng.
Geotechnical Engineer

A handwritten signature in black ink.
John Hessels, ASCT
Senior Technologist



SUBJECT
PROPERTY

209

FRENCH STREET

G8721.01 - LOCATION PLAN - 209 FRENCH STREET, LADYSMITH, BC
LEWKOWICH ENGINEERING ASSOCIATES LTD. JAN.9, 2011 DGC

Town of Ladysmith

COMMITTEE REPORT



LADYSMITH

To: Mayor and Council
From: Councillor S. Arnett, Chair
Date: January 20, 2011
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - January 17, 2011

At its meeting on January 17, 2011 the Government Services Committee recommended to Council the following:

1. That the complaints from Grahame and Marie Quakenbush and Donna Blythe regarding the height of hedges and the definition of 'fence' in the Zoning Bylaw be referred to the next Government Services meeting in order for staff to provide further information regarding bylaws in other municipalities governing height and width of hedges.
2. That Council engage a property agent to begin discussions with Island Timberlands about the right to carry out test drilling at a site identified as Site A in the Technical Memo from EBA Engineering, dated March 26, 2010, and if successful, to negotiate the provision of a community well site within the proposed Timberlands development, with all necessary provisions for wellhead and aquifer protection.
3. That Council authorize the removal of the Smarag Junipers in front of Lait Bloomer Florists to the Ladysmith Arboretum, with the cost to be paid by Lait Bloomer Florists.
4. That the Town participate as an exhibitor with a booth in the 2011 Ladysmith Home, Garden and Business show at a cost of \$250 and that all members of Council participate.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 1, 2011
File No: 3300-20 (218 Bayview)

Re: **STRATA CONVERSION APPLICATION - 218 BAYVIEW AVENUE**

RECOMMENDATION(S):

That Council consider the recommendations in the staff report dated January 12, 2011 regarding the strata conversion application for 218 Bayview Avenue.

1. That Council not support the request for the Town to accept a 125% bond, letter of credit, or cash-in-lieu for the \$137,300 value of remedial measures identified in the Building Code Compliance Report for 218 Bayview Avenue by Curtis Paxton Miles, Architect, dated December 2010.
2. Given the recommendation of the Fire Chief, that Council consider requiring the installation of a fire sprinkler system at 218 Bayview Avenue, Ladysmith as a condition of strata conversion approval.

PURPOSE:

The purpose of this report is to provide information to Council as requested at its meeting held January 17, 2011.

INTRODUCTION/BACKGROUND:

In its deliberation of the staff report on this topic considered at the Council meeting held on January 17, 2011, Council requested that staff:

- a) consult with other jurisdictions which have granted a similar bond to the developer and report to Council, and
- b) consult with the developer and report back to Council with further information regarding the extent of the sprinkler system, installation costs, insurance implications, and clarification on the relevant bylaw.

SCOPE OF WORK:

- a) Local government research regarding bonding
Staff contacted the four municipalities where the applicant has undertaken other strata conversion applications. Three additional municipalities were also contacted. The results of this consultation can be found in Table 1.
- b) Sprinkler system research

Extent of the Sprinkler System

The applicant advises that there are existing fire sprinklers in the storage / boiler room which were installed back when the room was the garbage chute room.

The applicant's contractor advised that installation of fire sprinklers in the corridor-only is not worthwhile if the fire starts within the suite. Sprinklers within the corridor will not help. The

Fire Chief advises that there should be no fire load in the hallways so a chance of a fire starting in the hallway is rare. Fire sprinklers suppress fire in a fire load area such as a suite.

Installation Costs

The applicant provided information regarding the cost of installing fire sprinklers in the attached letter.

Insurance Implications

Staff contacted the LCU Insurance Agencies who advised that if a residential apartment building had fire sprinklers the cost of residential and building insurance would be decreased slightly (10% to 15% depending on the insurer).

The applicant has provided specific information about his building insurance in the attached letter.

Building and Plumbing Bylaw

Section 6.2.2.8 (fire sprinkler requirement) of the Town's Building and Plumbing Bylaw 1994, No. 1119, was amended by Bylaw 1479 so that this section only applies under certain conditions established by bylaw to the Downtown area. The Downtown area is the area comprised of the south side of Symonds Street to the north side of Baden-Powell Street and Esplanade to the east-side of Second Avenue.

ALTERNATIVES: N/A

FINANCIAL IMPLICATIONS: N/A

LEGAL IMPLICATIONS: N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS: N/A

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS: N/A

RESOURCE IMPLICATIONS: N/A

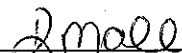
ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT: N/A

ALIGNMENT WITH STRATEGIC PRIORITIES: N/A

SUMMARY:

Council has requested further information which this report provides.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

- Local government survey of strata conversion policy and bonding
- Letter from Generation Properties Inc. dated January 31, 2011
- Staff Report dated January 12, 2011 (previously considered by Council).

Local Government Survey of Strata Conversion Policy & Bonding

	Local Government Information	Generations Property Information
District of North Cowichan	<p>Building Inspector – do not bond for work related to bringing the building up to substantial compliance with the BC Building Code.</p> <p>Policy attached.</p>	<p>2020 Properties (2004) – Pine St., Chemainus</p> <p>\$26,000 – Front entry ramp and sidewalk</p>
		<p>2020 Properties Inc (2004) – Crystal Creek</p> <p>\$11,500 – Smoke detector installation in 23 units.</p>
City of Vernon	<p>Approving Officer – prefer work to be undertaken first. One bond accepted where the work was outside and did not impact the fire, safety, and health aspects of any dwelling units and did not involve bringing any units up to substantial compliance with the building code. Development agreement required with 125% bond with a prescribed completion date.</p> <p>In 30 years, 4 out of 6 applicants have completed work before submitting a formal strata conversion application.</p> <p>Policy attached.</p>	<p>20/20 Properties (2004) – Hawthorne Lane</p> <p>\$210,000 – 125% of the cost estimate to bring building to substantial compliance (interior unit and common areas).</p>
District of Ucluelet	Sprinklers not required	651405 BC Ltd (2004) – Edgewater Estates (250 Hemlock)
City of Cranbrook	<p>Policy – under limited circumstances the City may consider the acceptance of security for outstanding work yet to be completed.</p> <p>Director of Planning does not recommend bond approach.</p> <p>Policy attached.</p>	<p>20/20 Properties & 668510 BC Ltd. (2002) – Woodland Court</p> <p>\$52,000 bond</p>
City of Campbell River	Director of Planning does not recommend bonding.	n/a
City of Kelowna	<p>Approving Officer – The City will not approve a Strata Conversion with only a bond in place. The works must be completed and passed inspection before a strata plan is signed.</p> <p>Likely willing to accept equivalencies for fire protection.</p> <p>Policy attached.</p>	n/a
City of Williams Lake	<p>Policy – Bonds not accepted.</p> <p>Policy attached.</p>	n/a

~~* North Cowichan SS policy~~

- DEC 18, 1991 that Council rescind its policy dated October 18, 1989 "that policy be established whereby this Council deny approval of conversions of rental units to strata title until the vacancy rate is 4% or greater".
- JAN 20, 1993 that Council confirm its policy to base latecomer payments for the installation of excess or extended services on an oversize cost basis where the cost to oversize sewer mains, pumps, etc. are distributed to the benefiting area.
- JUN 16, 1993 that Council establish policy authorizing staff to process and forward directly to the B.C. Agricultural Land Commission all applications for: (1) non-farm use; (2) second dwelling; and (3) subdivision, providing the applications comply with Municipal bylaws and policies.
- FEB 2, 1994 Rescinded November 15, 1995.
- APR 6, 1994 that Council set policy clarifying those circumstances in which Council will consider granting developers excess or extended services (latecomer) protection, in particular: 1) works and services that are installed on a subject property and along its frontage, including minor extensions to allow for continuation of servicing on adjacent properties, will not be considered as excess or extended services, except as noted in (2) following; 2) works and services that are oversized specifically to accommodate servicing of other properties (i.e. trunk water or sewer mains) shall be considered as excess services with the cost of oversizing to be distributed over a benefiting area; 3) works and services that are installed offsite (excluding frontage improvements) that directly benefit other properties shall be considered as extended services with the total cost to be distributed over a benefiting area; 4) major facilities, such as sewer pump stations, that are sized to service an area considerably larger than the subject property, shall be considered as excess/extended services with the total cost of the facilities to be distributed over a benefiting area; 5) except in special circumstances as approved by Council, the Municipality would not contribute towards the cost of any excess or extended services; AND FURTHER, if a contribution is considered, the amount will be at the discretion of Council, with latecomer protection provided as outlined above.
- JUN 1, 1994 that Council confirm its policy requirement that the Municipality will accept 150% bonding for base course and asphalt only, as a condition of final subdivision approval.
- AUG 17, 1994 that Council set policy regarding strata title conversion applications for townhouse and apartment complexes as follows: (1) the vacancy rate must be at least 4% (as established by the Canada Mortgage and Housing Corporation); (2) the applicant must provide a report that the building meets BC Building Code standards; (3) if the building does not meet BC Building Code standards, the report referred to in the previous section must identify how it does not, and the building must be upgraded to Code standards; (4) the applicant must have building electrical and fire safety inspections done, and provide upgrading, as required; (5) the applicant must provide evidence that the present tenants have been given the right of first refusal, and that measures have been taken to ensure they are satisfactorily relocated; (6) the applicant must provide a report from an architect or engineer indicating building life expectancy and major deficiencies; (7) the applicant must bear the cost of road and other works and services (i.e. sidewalks) upgrading, if required; and (8) the property must comply with the "Zoning Bylaw 1979", No. 1850, to the extent that the same number of units could be reconstructed if the building was destroyed.
- MAY 3, 1995 that Council rescind its May 15, 1991 resolution regarding liquor license referendums, and set policy that 1) all applicants for new beer and wine stores and neighbourhood and marine pubs must conduct referendums (in accordance with the Liquor Licensing and Control Branch's Manual on the



THE CORPORATION OF THE CITY OF VERNON
 3400 – 30th Street, Vernon, B.C. V1T 5E6
 Telephone: (250) 545-1361 FAX: (250) 545-4048
 website: www.vernon.ca

Corporate Policy

Section:		
Sub-Section:		
Title:	Strata Conversion Applications	

RELATED POLICIES

Number	Title

APPROVALS

POLICY/AMENDMENT APPROVED BY:	DATE OF COUNCIL MEETING:	SECTION AMENDED
<i>"Wayne McGrath"</i> Mayor	<i>June 7, 1999</i>	ORIGINAL POLICY
<i>"Wayne Lippert"</i> Mayor	<i>November 13, 2007</i>	Part B(1) revised
<i>"Wayne Lippert"</i> Mayor	<i>September 13, 2010</i>	Part B(5) added

POLICY

It is important that tenants in larger rental projects, landlords, City Council and staff have a reasonable set of guidelines from which to deal with strata conversion applications. These guidelines are to cover those areas as required to be considered by City Council in accordance with the Strata Property Act.

DEFINITIONS

PROCEDURES

Applications submitted to City Council requesting strata plan approval related to existing buildings as provided for in the Strata Property Act or any amendments made thereto shall meet the following criteria:

A. For All Strata Conversions (Residential, Commercial or Industrial)

1. A Certificate from a professional Engineer or Architect registered in the Province of British Columbia must be provided and such Certificate must indicate that the existing building(s) and subject development substantially complies with all the current bylaws and codes that apply to the property.
2. Written consent from all utility companies that service the subject property confirming their concerns have been satisfied must be provided.
3. Security acceptable to the City must be provided by the property owner/applicant in cases where on-site improvements related to the strata conversion have not been completed prior to strata plan approval.
4. A strata conversion application fee shall be paid prior to City Council reviewing the application and a processing fee shall be submitted should Council approve the application. The rate of the fees are outlined in the current Fees and Charges Bylaw.
5. City Council's approval is for 364 days from the date of approval. One reapproval may be granted upon application for same and the approval conditions related to the re-approval may differ from the approval conditions of the original approval. Any further approvals will require that a new application be submitted accompanied with the applicable documentation, plans and fee.

B. For Residential Strata Conversions Only

1. That no approvals for residential strata conversions be granted if the residential rental vacancy rate for Vernon, as determined by the Canadian Mortgage and Housing Corporation, is less than four percent (4%), except for a detached single family dwelling unit on one (1) lot which will form part of a multi-unit (2 or more units) strata titled project. In such case there is to be a Covenant registered on the titles of all the strata lots that indicates rental of the units cannot be prohibited by the Strata Corporation and their implementation bylaws, regulations and rules.
2. The property owner/applicant must submit to the City a complete list of the names and addresses for all tenants residing in the subject residential complex so the City can survey those tenants in order to determine if they have any objection to the strata conversion application and whether there are any special considerations for them to purchase, rent or lease one of the units.
3. The property owner/applicant must submit to the City any written considerations that are being offered to the existing tenants as incentives which are intended to make it attractive for them to purchase one of the units being strata titled.
4. The existing tenants will be provided an opportunity to provide their written and verbal comments to City Council before a final decision is made.
5. The residential strata conversion application is to be referred to Council's Affordable Housing Advisory Committee, or any such committee replacing same, for their review and recommendation.



THE CORPORATION OF THE CITY OF CRANBROOK

STRATA TITLE CONVERSION GUIDELINES

This guide summarizes the process involved in considering an application for a Strata Conversion. It is not a legal document; it is intended only to assist you through the conversion process. It does not include details of the pertinent Acts, Bylaw and Regulations that may be relevant to your application. While every care is taken in the preparation of this brochure, the City of Cranbrook assumes no responsibility or liability with respect to its contents. The public is advised to review the applicable legislation and bylaws and conduct its own inquiries with City Staff.

Previously occupied buildings may be converted to strata units with the approval of the City of Cranbrook. The following guidelines outline the requirements and approval process used by the City of Cranbrook.

1. Background

From time to time the City of Cranbrook receives applications for the conversion of rental units to strata title under the *Strata Property Act* (SPA). In considering an application for strata title conversion, the City of Cranbrook reviews:

- the current amount of rental accommodation available to meet the needs of present and future residents of Cranbrook,
- potential for displacement of residents by a strata title conversion, and
- the extent to which converted units meet a standard of construction, appearance, and amenity that will benefit the neighbourhood and the community.

2. Guideline Goals

The following guidelines have been established in order:

1. to provide direction for those interested in applying for municipal approval of strata plans,
2. to provide a responsible and reasonable assurance to prospective owners of the buildings integrity,
3. to enable review of proposals according to set criteria,
4. to assist the Approving Authority in its consideration of the merits of specific requests for strata title conversions.

3. The Requirements

Applicants shall be advised that in accordance with the Section 242 of the *Strata Property Act*:

1. The City of Cranbrook shall not approve the strata plan unless:
 - (a) The property shall substantially comply with all applicable bylaws including full compliance in terms of use and density, and
 - (b) the building complies with the British Columbia Building Code.
2. The City of Cranbrook shall consider:

- (a) the availability of rental accommodation in Cranbrook,

The City of Cranbrook considers a 5% vacancy rate as a desirable minimum threshold. The City refers to data provided by Canada Mortgage and Housing Corporation. In reviewing applications both the overall and relevant unit type rates are considered.

- (b) the proposal for the relocation of persons occupying a residential building,

The applicant must supply the City of Cranbrook with a written statement indicating that they will comply with the *Residential Tenancy Act* with regard to the existing tenants of the building. If the applicant is prepared to go beyond the minimum requirements of this Act, they may wish to identify any other measures they are prepared to undertake relating to tenant relocation.

- (c) the life expectancy of the building,
- (d) projected major increases in maintenance costs due to the condition of the building, and
- (e) any other matters that, in its opinion, are relevant.

STRATA TITLE CONVERSION GUIDELINES

CONTINUED

An Approval in Principle, is valid for a period of one year from the date of City Council's resolution.

The decision of the approving authority under Strata Property Act, subsection 242(4) is final and may not be appealed.

4. The Application

The following items constitute a complete application:

1. **A completed application.** If the application is being made on behalf of the landowner a letter of authorization shall accompany the application. General Information is identified on the application form and is required in order that City Staff can conduct their review. This information includes: the number and type of units (e.g. studio, one & two bedroom) and size of units, the amount and type of common property, the number and size parking stalls, etc.
2. **A Certificate of Title** for the subject property that is not more than 30 days old. If a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application shall be a company director.
3. **Applicable Fee Submission.**
4 units or less is \$100 plus \$25/unit
More than 4 units is \$300 plus \$25/unit
4. **Site plan** - with building footprint shown, dimensions provided from the closest building face to all property lines, location of sidewalks, on site parking stalls (including dimensions), driveways, dumpster location, recreational vehicle storage (if applicable) existing landscaping and any exterior amenity spaces.

Small-scale development - the initial plan submission may be hand drawn if the plan is legible, drawn with a straight edge and drawn to scale. The second submission will be a survey certificate produced by a registered surveyor.

Large-scale development - site plans shall be drafted by a professional surveyor or engineering firm.
5. **Proposal for Tenant Relocation.** The applicant will submit a written statement of how they intend to comply with the Residential Tenancy Act and any other information that they feel is relevant on

this matter for Council's consideration at the initial application stage.

6. **Building Report.** The Applicant shall submit a written report by a Professional Engineer or Architect that provides a BC Code review that specifically addresses: fire separation, soundproofing, structural integrity, and mechanical review. This report should also include information on the building's state of repair, general workmanship, life expectancy of the building(s), projected major increases in maintenance costs due to the condition of the building(s) and assessments of the condition of the roof and the exterior and interior surfaces and details of the building. If the building does not comply with the current BC Building Code the professional shall identify the work that is required to bring the structure up to code. This report will be retained as public record.

5. The Process

The formal submission of an application for strata title conversion starts the process. However, applicants are encouraged to discuss the proposal with staff prior to making an application in order to determine whether there are any known concerns with the property.

City Staff will not proceed with the application unless it is complete and all information that is identified on form has been submitted and fees paid.

Phase One - Approval in Principle -

Once the application is complete, the applicant will be notified and the review of the application will commence. Specific review steps include:

1. Review of the property to ensure substantial compliance with the applicable City Bylaw shall be undertaken by City Staff.
2. Review of the Building Report by City Staff that may include the Building Inspector, Corporate Services, Engineering, and/or Fire Department staff.

Inspection Staff from the Building and Fire Departments may inspect the building(s) with a view of determining conformance with current bylaws, building, and safety codes.

STRATA TITLE CONVERSION GUIDELINES

CONTINUED

3. Review of the property to ensure substantial compliance with the applicable City Bylaw shall be undertaken by City Staff.

4. Review of the Building Report by City Staff that may include the Building Inspector, Corporate Services, Engineering and/or Fire Department staff.

Inspection Staff from the Building and Fire Departments may inspect the building(s) with a view of determining conformance with current bylaws, building, and safety codes.

5. City Staff shall undertake review of the local vacancy rate for rental accommodation. The vacancy rate shall be considered relative to the type of rental unit; for example apartment units vs. semi-detached townhouse units as well as the overall rate. Staff will refer to information released by CMHC in this regard.

4. Review of the tenant relocation proposal and the general suitability of the property for conversion. Compliance with the provisions of the *Residential Tenancy Act* is required.

The applicant may be contacted during the review process, should there be a requirement for additional information. City Staff will prepare a Report to Council based upon the review of the above-mentioned items.

First Consideration by Council - Approval In Principle

Council will first evaluate any application for a strata conversion in principle. Council will consider those matters noted in Sections 242(5) and (6) of the *Strata Property Act*, including:

- a) compliance with the applicable Bylaws,
- b) compliance with the BC Building Code,
- c) review of the local vacancy rate for rental accommodation,
- d) the owner/developer's proposal to relocate the present tenants,
- e) life expectancy of the building,
- f) projected major increases in maintenance costs due to the condition of the building, and

g) the general suitability of the units for conversion. Council shall consider the following items.

- The number of type of units to be converted; a high proportion of bachelor/studio type units without suitable communal facilities and open space may be considered questionable.

- The amount and type of common area and facilities. Apartment type development shall be closely evaluated for outside green space, inside storage, laundry, and common recreational areas.

- The number of parking spaces to be provided. The requirements are 1.5 spaces per unit for apartment units and 2 spaces per unit for townhouse units.

- Amount of space reserved for secure storage of recreational vehicles is considered relevant in larger projects.

- Any revisions of improvement planned for the development.

- Any other matters that Council considers relevant. The applicant may be required to provide special services or facilities as directed by Council, depending on the circumstances centred on the individual application.

The Conditions for conversion will be clearly specified for the applicant having regard for matters that the Council considers relevant, and the applicant will signify their acceptance of these conditions.

An Approval in Principle is valid for a period of one year from the date City Council's resolution.

Phase Two – Consideration for Final Approval

The applicant shall provide their written acceptance of the conditions, which Council has placed on their approval in principle.

If the Building Report or City Staff have identified any requirements necessary to bring the subject property into compliance with the BC Building Code or Municipal bylaws, the work shall be undertaken and certified complete. Under limited circumstances the City may consider the acceptance of security for outstanding work yet to be completed.

STRATA TITLE CONVERSION GUIDELINES

CONTINUED

The applicant, at their own expense, will be required to file a report by a Qualified Exterminator certifying that the building(s) are free of vermin and infestation.

The City shall contact the local Medical Health Officer to obtain their review of the general health and sanitation conditions of the building(s).

The applicant, at his or her own expense, will submit a strata plan, which shall:

- Show the specific location of all buildings on the site,
- Identify the proposed strata boundaries
- Indicate the area of each unit
- Include a schedule of unit entitlement
- If the conversion is to be phased, indicate what the boundaries of the phases are and the expected completion dates.

Once the information noted above has been received, a report to Council shall be prepared for Final Approval.

Council shall consider the report and either:

- Grant approval of the Propose Strata Title Conversion.
- Grant approval with additional conditions as a result of information received in phase two.
- Not grant approval (note there is no appeal of this decision).

Upon completion of all terms and conditions as specified by Council, the Applicant may submit a formal strata plan, pursuant to Part 14 of the *Strata Property Act* and all BC Regulations thereto, for final approval by the City.

City Staff shall certify that all work and requirement have been met. The Mayor and City Administrator or Approving Officer shall then endorse the Strata Title Conversion Plans.

Applications forms are available from the Planning Division of Corporate Services, City of Cranbrook.



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Strata Conversion of Existing Occupied Buildings/ Strata Property Act

APPROVED September 12, 2005

RESOLUTION: R375/10/04/26

REPLACING: R1039/08/11/24; R922/00/11/20; R892/1999/11/01; R-1981/04/14; R-1980/08/05; R856/05/09/12

DATE OF LAST REVIEW: April 2010

1. Any strata conversion application submitted under the provisions of the Strata Property Act for consideration of the Municipal Council or the Subdivision Approving Officer/Chief Building Official in their capacity of Approving Authority shall be accompanied by a Statutory Declaration duly sworn and executed encompassing the following matters:
 - a) That all tenants affected by any proposed strata conversion be advised by the owner that an application for a strata conversion has been made to the City of Kelowna under the provisions of the Strata Property Act to stratify by way of a strata plan the building occupied by the said tenants.
 - b) That the owner of any proposed residential strata conversion include in the said Statutory Declaration any proposals for the relocation of persons occupying the said building(s).
 - c) That the owner of any strata conversion, provided he intends to place the strata units on the open market for sale, give the present tenant or tenants a first refusal to purchase prior to giving any notice to the tenant or tenants to vacate the said strata unit or units. (The intent of this provision is to permit the owner to retain the right to sell any strata conversion unit without obligation to present tenants in specific situations such as a sale to members or relatives of his family in estate situations where an "in-house" private sale may be made without the unit being placed on the open market for sale.)
 - d) THAT the applicant of any residential strata conversion application provide all tenants with information from the "Guide for Landlords and Tenants" under the "Residential Tenancy Act" in order to advise all tenants of their rights with respect to termination of their tenancy in the event that they are not given the opportunity or do not wish to purchase the strata unit which they occupy.
 - e) That the applicant of any multiple housing strata conversion application provide all tenants of the building proposed to be stratified with a letter, at least 10 days prior to the matter being presented to Council for their consideration, advising the tenants the date and time of the council meeting at which such application is to be considered and that any tenant(s) who deem their interest to be affected by such strata conversion may appear before Council and express their views regarding such conversion.

2. Applications for strata conversion of previously occupied buildings shall not be considered when:
 - a) The lot is incorrectly zoned.
 - b) The lot is zoned RU6, but the lot area as required by the Zoning Bylaw is not sufficient for two dwelling housing use.
 - c) The lot is zoned RM3, RM5 or RM6, but the existing building has a greater floor area ratio than that permitted by the Zoning Bylaw under the Development Regulations section.

3. The Municipal Council has delegated the approving authority under section 242(10) of the Strata Property Act to the Subdivision Approving Officer or Chief Building Official for the proposed stratas of previously occupied buildings classified as Two Dwelling Housing, Commercial, Industrial and Institutional.

The Subdivision Approving Officer or Chief Building Official shall not approve the proposed stratification unless the building substantially complies with City Bylaws and the British Columbia Building Code. The Subdivision Approving Officer or Chief Building Official shall also consider the following in making his decision:

 - (a) the priority of rental accommodation over privately owned housing in the area,
 - (b) any proposals for the relocation of persons occupying a residential building,
 - (c) the life expectancy of the building,
 - (d) projected major increases in maintenance costs due to the condition of the building

Municipal Council is the approving authority for Multiple Housing (three units and greater) as regulated in section 242 of the Strata Property Act.

REASON FOR POLICY

To address the rights of existing tenants when buildings are stratified, to outline when applications for strata conversion of residential buildings will not be considered and to state the limits and conditions of the Subdivision Approving Officer/Chief Building Official when approving stratas.

LEGISLATIVE AUTHORITY

Strata Property Act, Residential Tenancy Act, Council Resolution.

PROCEDURE FOR IMPLEMENTATION

Applications for stratification are received and processed through the Development Services Department.

REVISED: MARCH 14, 1995
ISSUED: JANUARY 12, 1982
PREPARED BY: T. GOSLING, BUILDING INSPECTOR
AUTHORIZED BY: COUNCIL
TITLE: STRATA TITLE POLICY
PAGE: 64 (SIXTY-FOUR)

City of Williams Lake Regulations for the conversion into Strata Lots of a previously occupied building.

Step 1: Council will consider applications for Strata Title Conversions of existing rental accommodation when:

- a) When a completed Strata Title Conversion application along with an application fee of \$1,000.00 per application is deposited with the City.
- b) Application for Strata Conversion must be made to the Director of Planning & Engineering for the City of Williams Lake on the form provided.

Step 2: When Council considers Conversion applications which conform to Step 1, the following materials may be required to accompany the application:

- a) The owner/developer provides a vacancy rate study prepared by an independent agency which indicates that the vacancy rate of rental accommodation in the City of Williams Lake exceeded 3 1/2% for the previous twelve month period.



- b) When the owner/developer provides an up to date list of the names of his tenants along with the signed consent of 80% of the tenants of the building to be converted.
- c) A structural engineer's report certifying the structural adequacy of the building to be converted, along with the engineers estimate of the usable life of the building.
- d) An as built plan of all services which are located on the land included in the proposed Strata development.
- e) An architect's report certifying compliance of the building to the British Columbia Building Code when deemed necessary by the Director of Planning & Engineering.
- f) A written report from the City Planning Department showing the proposed Conversion complies to the Zoning and Official Community Plan Bylaws with respect to density, parking, setbacks, height, landscaping and uses.
- g) A written report from the City Engineering Department showing that the proposed Conversion complies with the servicing requirements of the City.



- h) A written report of the City Fire Department and Building Inspection Department showing that the proposed conversion complies with the requirements of the latest editions of the B.C. Fire Code and B.C. Building Code.
- i) An as built plan of the plumbing, electrical and mechanical services within the proposed Conversion.
- j) A plan showing that the owner/developer has provided adequate playground and common landscaped area to serve the needs of the buildings to be converted.
- k) A copy of the proposed prospectus, including the selling price of each suite.
- l) The owner/developer's plan for the resettlement of the present tenants of the building to be converted.

Step 3: Council shall consider the application, pursuant to Section 9 of the Condominium Act (RSBC Chapter 61, 1979), and grant approval by Resolution, if satisfied that the building to be converted substantially complies with the applicable Bylaws of the City, the procedures in Steps 1 and 2 have been followed, and upon advisement from the Advisory Planning committee.





January 31, 2011

Town of Ladysmith
132C Roberts Street
Ladysmith, British Columbia
V9G 1A4

Attention: Town Council

Dear Sirs & Mesdames:

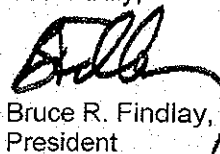
Re: Strata Conversion of 218 Bayview Avenue, Ladysmith, BC

Pursuant to the Council Meeting of January 17th and the request for more information on the true cost of sprinklering the building at 218 Bayview Avenue, should Council accept the recommendation of the Fire Chief, please find below the information you requested:

Sprinklers	\$130,000 (quote)
Water Service / Vault	\$ 40,000 (quote)
Cost of Tenant Moving	\$ 22,000 (\$250/unit move-out, \$250/unit move-in)
Drywall Repairs – Hallways	\$ 11,000 (quote)
Drywall Repairs – Suites	\$ 22,000 (\$500/unit)
Excavating, Backfill, Jackhammering	\$ 10,000 (estimate)
Asphalt Repair	\$ 5,000 (estimate)
Contingency (10%)	<u>\$ 24,200</u>
Sub-Total	\$266,200
HST	<u>\$ 31,944</u>
Total	<u>\$298,144</u>

As well, there was a request to determine the insurance savings should the sprinklering be installed. In discussions with our insurance company, they state the savings would be approximately \$675 per year (see attached email) and thus payback for the installation cost would take 442 years.

Yours truly,



Bruce R. Findlay, BBA
President

Bruce R. Findlay, BBA

From: Lorne Pollock [LPollock@hsmininsurance.com]
Sent: January-25-11 8:52 AM
To: 'bruce@generationproperties.ca'
Subject: re Ladysmith Building/218 Bayview, Ladysmith BC V9G 1S9

Bruce,

Further to your inquiry regarding possible installation of sprinklers in the above noted building, underwriters confirm the insurance portion for the building would reduce annually by \$675.00 should sprinklers be installed.

Regards,

Lorne Pollock CAIB
Hendry Swinton McKenzie
Insurance Services Inc.
830 Pandora Ave.
Victoria, BC V8W 1P4
Direct Line: (250) 940-9424
Ph: (250) 388-5555 Fax: (250) 388-5959
lpollock@hsmininsurance.com

Confidentiality Clause: This email, including any attachments, may be privileged and may contain confidential or proprietary information intended only for the addressee(s). Any other distribution, copying, use, or disclosure is unauthorized and strictly prohibited. If you have received this message in error, please notify the sender immediately by reply email, or phone and permanently delete the message, including any attachments, without making a copy. Thank you.



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: January 12, 2011
File No: 3300 20 (218 Bayview Ave.)

Re: Strata Conversion Application - 218 Bayview Avenue
Generations Properties Inc.

RECOMMENDATION(S):

1. That Council not support the request for the Town to accept a 125% bond, letter of credit, or cash-in-lieu for the \$137,300 value of remedial measures identified in the Building Code Compliance Report for 218 Bayview Avenue by Curtis Paxton Miles, Architect, dated December 2010.
2. Given the recommendation of the Fire Chief, that Council consider requiring the installation of a fire sprinkler system at 218 Bayview Avenue, Ladysmith as a condition of strata conversion approval.

PURPOSE:

The purpose of this report is to update Council on the progress of the strata conversion application for 218 Bayview Avenue and to seek Council direction regarding the applicant's request to bond for the required strata conversion Building Code remedial measures.

INTRODUCTION/BACKGROUND:

In June 2010 Generations Properties Inc. applied for a strata conversion of the 44 residential units at 218 Bayview Avenue. In August 2010 Council passed a motion providing preliminary approval to convert 218 Bayview Avenue to strata units subject to conditions.

It was moved, seconded and carried that Council provide preliminary approval to convert 218 Bayview Avenue to strata title units, subject to:

1. Staff and the applicant working towards a Housing Agreement Bylaw (s. 905, LGA) to secure in general terms (1) on-going rental, (2) maximum rental increases, and (3) including an accessible unit, as defined by the BC Building Code, in the renovation of the building.

Status: approved by Council; to be registered.

2. The applicant providing the following information and commitments, in a form acceptable to the Town:

- a) The immediate payment of a non-refundable processing fee of \$200 per unit up to \$2,500.

Status: \$2500 has been received.

- b) Notarized declaration regarding notice to current tenants.
Status: to be provided.

- c) Written report from a registered architect or engineer, in a form acceptable to the building inspector, that the building is of reasonable quality for its age, including reference to the state of repair, general workmanship, and whether the building substantially complies with applicable bylaws and the Building Code.

Status: The Architect's Building Code review report states that several building renovations and updates need to be completed prior to the building substantially complying with the BC Building Code. The Architect has provided a cost estimate for the remedial work. Once the remedial work has been completed, a final report would be provided that confirms that the building substantially complies with the BC Building Code and the other terms required by this Council resolution.

- d) Written report from an electrical engineer stating that all the electrical works have been upgraded to current electrical code standards and a letter from the Provincial Electrical Inspector verifying and confirming the contractor's report.
Status: in process.

- e) Written report from the Fire Chief stating that each unit has been inspected and the building and each unit meets the Fire Department's requirements and applicable Provincial and Town bylaw regulations, including consideration of the installation of a fire sprinkler system.

Status: The Fire Chief's report provides that the building be brought up to meet the current BC Building Code requirements for the fire alarms system, emergency lighting, exit lighting, fire extinguishers, fire hose stations, and that a revised fire safety plan be prepared.

With regards to consideration of the installation of a fire sprinkler system, the Fire Chief recommends that for life safety that it is a high priority that Council require the building to be sprinklered.

Under the Strata Property Act Council has a broad power to impose conditions that, in its opinion, are relevant. A fire sprinkler system could be required.

- f) Written report from the gas inspector stating that a gas inspection has been completed and approval received.
Status: to be provided.

- g) Preparation of a s. 219 Restrictive Covenant to secure (1) no change to the tenants' leases as part of the strata conversion; (2) right of first refusal for current tenants to purchase their suite, at a minimum 10% discount to the market value; (3) \$25,000 contribution to the Town's community amenity fund prior to final plan approval.
Status: approved by Council, to be signed and registered.

3. That upon completion of the above items to the satisfaction of the Town within 18 months of Council's approval, unless an extension is granted upon request of the owner,

- a) Preparation of a building strata plan, including dimensions, strata lots, limited common property and common property, in accordance with the provisions of the *Strata Property Act*.
- b) Registration of the building strata plan.

Status: to be provided once conditions have been met.

SCOPE OF WORK:

Remedial Work – Bond Request

A list of the BC Building Code required remedial work for the 218 Bayview Avenue building, with associated costs, is attached in Schedule A. The applicant is requesting that Council accept a bond, letter of credit or cash in-lieu for 125% of \$137,000 so that the BC Building Code works can be completed after strata approval.

Under the legislation, a strata plan must not be approved by Council for a building that does not substantially comply with the BC Building Code.

The applicant has indicated that he intends to finance the completion of the remedial and other work through the sale of the strata units. Strata units cannot be created without the registration of a strata plan.

While there is provision in the *Strata Property Act* for Council to approve the application subject to terms and conditions, staff do not recommend this approach. The applicant has advised staff that the work will commence if the bond approach is not supported by Council as the funding is available to undertake the remedial work.

Sprinkler System - Fire Chief Recommendation

The technical (code) building review established for the purposes of the application of the Building Code that the building is three storeys. However, the Fire Department treats the building as four storeys for its fire planning purposes as the building functions as four storeys on the ground.

Council has the authority to extend the sprinkler bylaw that applies to the Downtown to other areas of the Town.

Staff has learned that other island communities have required the installation of sprinklers through the strata conversion process. For example, a three storey building in Ucluelet was required to have sprinklers installed in the common corridors as a part of a strata conversion application (also undertaken by this applicant).

A local contractor has estimated the cost to fully sprinkler the building to be under \$150,000.

ALTERNATIVES:

That Council consider supporting the approach of accepting a bond for the non-fire safety requirements (i.e. remedial items 8 & 10), and direct the applicant to prepare

an agreement for review by the Town's solicitor, at the cost of the applicant, to remove liability from the Town if the work is not completed.

FINANCIAL IMPLICATIONS:

Bonding is accepted for works that cannot be completed due to weather, e.g. road paving in the winter months. The Town does not bond for works on private property.

LEGAL IMPLICATIONS:

The Town's legal counsel does not recommend that Council accept the bond approach. The risks to the Town are high if the owner defaults on the work.

Upgrading a privately owned rental building is not the Town's role.

The Town could potentially be left with dealing with tenants who are not the Town's tenants, individual strata owners if the units are sold, and a strata corporation. As well, unknown building code items that have not been accounted for at this point could emerge through the renovation process. Builder's lien registration is also a potential risk.

If the strata units do not sell or take years to sell and the remedial work is not done the municipality would be at risk. The individual strata unit owners, or the strata corporation once formed, could be looking to the Town for action.

Using a bond approach creates a precedent for the future if other strata conversion proposals are considered by Council.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

A tenant meeting was held on July 28, 2010. There will be no change to tenant leases. Tenants will have the right of first refusal to purchase strata units at a 10% discount to market rates.

The applicant/building owner suggests that tenants will be inconvenienced if the work takes place. The work can be managed to minimize disruption to tenants.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Building Inspector has been working closely with Development Services staff with regards to the subject application. The Fire Chief has reviewed fire safety aspects.

RESOURCE IMPLICATIONS:

If Council supports an approach to bonding, there are further agreements to be reviewed and brought to Council. If the work was defaulted, there would be issues to be addressed.

Once the conditions established by Council in its August 3, 2010 resolution have been satisfied, the applicant can prepare the building strata plan for approval by the Town and registration with the Land Title Office.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

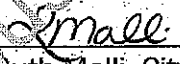
ALIGNMENT WITH STRATEGIC PRIORITIES:

The requirement for a sprinkler system at 218 Bayview Avenue aligns with Strategic Direction F - "A Safe and Healthy Community".

SUMMARY:

The new building owner of 218 Bayview and applicant for a strata conversion is working through Council's requirements in order to achieve strata plan approval. These conditions are not yet met. Staff does not recommend a change to Council's previous direction.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

- Architect's Cost Estimate – Remedial Measures for 218 Bayview Ave.
- Letter dated January 6, 2011 from Bruce Findlay, President, Generation Properties Inc.
- Report from the Fire Chief dated January 10, 2011

Report Reviewed at a Previous Meeting

Cost Estimate -- REMEDIAL MEASURES

- | | |
|---|-----------|
| 1. 110V Hard wired smoke detectors in each suite ----- | \$13,000 |
| 2. A heat rise detector system in the Janitor Storage room, Stairs
and Corridors ----- | \$500 |
| 3. Install fire dampers at all outlet grilles of corridor
pressurization system. ----- | \$3,500 |
| 4. Additional layer of 5/8" type X gyproc to the existing 1/2" gyproc
to the interior face and ceiling of the Janitors Storage/Work room
on the main floor as well as the Laundry Room, Storage Room
and Electrical Room ----- | \$2,700 |
| 5. Remove the existing door and replace with a solid core door
in a steel frame in the Main floor Janitor room ----- | \$400 |
| 6. Add door closures (or spring loaded hinges) to all suite doors
and upgrade all existing door closures leading to stair shafts ----- | \$3,100 |
| 7. Install and interconnect to all (non-suite) Smoke and Heat rise
detectors and automatic sprinkler system (in storage room) -
and new annunciation Panel. ----- | \$4,000 |
| 8. Install new Vinyl Windows and rated at A3, B3, C3.
Install new sliding patio Vinyl framed doors ----- | \$80,000 |
| 9. Upgrade boilers ----- | underway |
| 10. Install new 60mil Vinyl Deck to all balconies. Repair wood guards and fascia
as required ----- | \$30,000 |
| TOTAL ----- | \$137,300 |



Ladysmith Fire / Rescue

P.O. Box 760 Ladysmith, B.C. V9G 1A5
Phone: 250-245-6436 • Fax: 250-245-0917



Attn: Mayor and Council Town of Ladysmith.

January 10, 2011

Re: Seaview Manor 218 Bayview Avenue Ladysmith B.C.

Please be advised that after viewing the results of the report from Herold Engineering Limited regarding building height I understand that the building does meet the classification as a three storey structure when the building was constructed under the applicable Building Code of that time. With respect to building height and number of storeys, the building would therefore substantially comply with the Building Code.

In regards to Fire & Life Safety issues I recommend that the building be brought up to meet the current BC Building Code requirements for the Fire Alarms System, Emergency lighting, Exit Lighting, Fire Extinguishers, Fire Hose stations and revised Fire Safety Plan. Note that the Fire Alarm System must be signed and sealed by a consultant and verified by an independent alarm company.

I also recommend that for life safety that it is a high priority that council require that the building be sprinklered.

Yours Sincerely

Ray Delcourt Ladysmith Fire Chief



January 6, 2011

Town of Ladysmith
132C Roberts Street
Ladysmith, British Columbia
V9G 1A4

Attention: Town Council

Dear Sirs & Mesdames:

Re: Strata Conversion of 218 Bayview Avenue, Ladysmith, BC

Pursuant to the preliminary approval granted by the Town of Ladysmith at its regular Council meeting in August 2010, Generation Properties has been working diligently with the Town staff to complete the conditions required for final approval and execution of the strata plan.

In working with staff, we have come to an agreement on the Building Code compliance, based on a report by our architect. In that Code report some remedial repairs were detailed to bring the building up to substantial compliance with the current BC Building Code, as required by the Town's strata approval. The work involved is quite intrusive and destructive and, as such, we are formally requesting that the strata approval provided by the Town be amended to permit Generation to place with the Town a bond, letter of credit or cash-in-lieu for the amount of those remedial repairs, rather than requiring the repairs to proceed prior to strata plan execution.

By permitting bonding, the Town will allow Generation to plan the work as units are vacated, and to relocate tenants remaining to facilitate work requirements, as well as to minimize the inconvenience to tenants resulting from unnecessary work being performed during inclement weather. This is in the best interest of everyone involved. Given the timeline to date, we are formally requesting that this be brought to a Council vote on Monday, January 10th at its regular Council meeting. Bonding is a normal occurrence in strata conversions, and we have been involved in 6 in BC alone where funds were placed in trust for code work such as this. We believe staff has researched this in North Cowichan, Port Alberni, Ucluelet, Vernon and Cranbrook. All project upgrades went smoothly and the funds in trust released back to the company.

If bonding is not permitted, Generation will have no choice but to move forward immediately with the intrusive work, including opening up external walls to replace windows and patio doors, along with drywall work and other destructive renovations, all while tenants remain in their suites. We hope the Town will agree this is not the best course of action, and permit Generation to bond the remedial repairs immediately to allow for execution of the strata plan. We look forward to Council's decision.

Yours truly,

A handwritten signature in black ink, appearing to read "B. Findlay", is written over a stylized signature line.

Bruce R. Findlay, BBA
President

Vancouver Island Office, P.O. Box 220, Crofton, British Columbia, CANADA V0R 1R0 | Phone: 250.416.0200 | Fax: 250.416.0292

Extraordinary Lifestyles. Superior Investments.



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: February 1, 2011
File No: 3760-02

Re: **SECONDARY SUITES – CONSULTATION, POLICY & REGULATION – CONTRACT AWARD**

RECOMMENDATION(S):

That Council award the Secondary Suites – Consultation, Policy and Regulation contract to CitySpaces Consulting Ltd.

PURPOSE:

The purpose of this report is to outline the results of the Request for Proposals (RFP) for the Secondary Suites project and to seek Council's authorization to award the contract.

INTRODUCTION/BACKGROUND:

At its meeting held December 20, 2010, Council approved funding for the development of a secondary suite policy and regulations, including community-wide and neighbourhood-level consultation, and directed staff to issue a RFP. The total available budget for the project is \$40,000, exclusive of HST.

SCOPE OF WORK:

The Town received six proposals in response to the RFP. Staff reviewed the proposals and evaluated them using the criteria provided in the RFP. All of the proposals came within the \$40,000 budget which was provided in the RFP document. All of the consultants could start the project in February with a June completion date.

All of the firms provided good proposals that addressed the RFP requirements. The proposed consultation process, team composition and related knowledge and experience became deciding factors in the staff evaluation. Highlights from the recommended firm are below.

Staff recommends that the firm of CitySpaces Consulting Ltd. be awarded the contract in the amount of \$39,515 plus HST.

Proposed Consultation

- Community education through the Town's website, three neighbourhood-based topic forums (contribution of secondary suites to sustainability, secondary suites as an affordable housing option for renters and homeowners, various secondary suite types and forms), community-wide

telephone survey (200), and 1 community open house. Mustel Group would undertake the telephone survey.

Team Composition

- Brenda McBain (Social Planner and Project Manager), Noha Sedky, MCIP (Senior Planner), Linda Allen, FCIP (Senior Advisor and Principal-in-Charge), Mustel Group (telephone survey)

Related Knowledge and Experience

Since 1986, housing studies and strategies for over 20 BC local governments, including extensive Canada-wide “best practices” research in connection with secondary suites, accessory buildings, and lane-way housing. Examples:

- Laneway Housing for the City of Nelson, 2010
- Housing Needs Study and Housing Strategy, City of Nelson, 2010
- City of Calgary Secondary Suites Initiative (2009-2011)
- City of Calgary Secondary Suites Study, 2007
- Secondary Suites Guide, Province of BC, 2005

Stakeholder and community engagement

- Respected firm for its ability to plan and carry out multi-facted strategies involving focus groups, workshops and symposia, key informant interviews, various types of surveys, and producing communications materials of various types.

Company Name	Proposed Consultation Process	Budget Proposal
CitySpaces Consulting Ltd.	Community education, 3 neighbourhood forums (topic-based – sustainability, affordable housing, secondary suite forms), telephone survey (200), 1 community session, webpage	\$39,515
Urban Systems Ltd.	Telephone survey (250), council workshop, advisory committee (APC?), 2 public workshops, webpage	\$39,969
HBLanarc	Council presentation, Key stakeholder consultation interviews, 1 community forum, Online survey, 3-5 kitchen-table discussions	\$39,854
Landworks Consultants Inc.	3 neighbourhood meetings, 1 community meeting	\$39,398
IPS Island Planning Services Consortium	Focus Group workshops, community workshop	\$40,000
Focus Corporation	Home Show (Design workshop), online survey, kitchen-table discussions, key-stakeholder interviews	\$33,638

ALTERNATIVES:

That Council award the contract to another firm.

FINANCIAL IMPLICATIONS:

Council has previously funded this project from 2010 carry-forward and the 2011 budget. Under the Town's Purchasing Policy, Council approval of the proposal award is required.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The project will provide significant opportunity for the public to provide input into Council's deliberations on secondary suites, including neighbourhood-based meetings, telephone survey, and community open house. March to May is planned as the key times for community participation.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The project includes in-house education for the planning staff, building inspector and bylaw enforcement officer.

RESOURCE IMPLICATIONS:

The project will be managed by the Development Services Department with the Director as the key resource. Corporate Services would be involved in posting material to the Town's website and including project information in Town mailings and announcements. The timeframe for the project is February to June 2011.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Complete community land use is the first of eight pillars in the Ladysmith sustainability strategy.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Undertaking a secondary suites policy and regulations study with community involvement is a Council priority. Effective land use planning and community design are strategic directions.

SUMMARY:

Staff recommends that Council award the contract for the Secondary Suites – Consultation, Policy and Regulation project to CitySpaces Consulting Ltd.

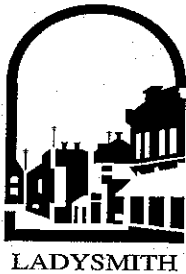
I concur with the recommendation.

R. Malli

Ruth Malli, City Manager

ATTACHMENTS:

"None".



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Heritage Revitalization Advisory Commission
Date: January 19, 2011
File No:

Re: SUPPORT LETTER REQUEST FROM HERITAGE BC

RECOMMENDATION:

It is recommended that Council send a letter to the BC Heritage Minister expressing concerns about the present state of the province's heritage program and making a call to renew the provincial heritage program.

BACKGROUND / HISTORY:

At its meeting held January 13, 2011, the members of the Heritage Revitalization Advisory Commission (HRAC) discussed the attached letter from Heritage BC regarding support for heritage and concerns about the present state of the Province's heritage program.

The Town is a member of Heritage BC. Heritage BC has supported local heritage initiatives in the past, e.g. Heritage Tourism Workshop. The Town has received grant funding from the Provincial Heritage Branch for the Heritage Strategic Plan and the creation of records for the Community Heritage Register.

ANALYSIS:

"A Call to Renew BC's Heritage Program" issued by Heritage BC includes the following call to action which has been provided to the Provincial government.

Adopt the Provincial Heritage Strategy

Adopt the draft British Columbia Heritage Strategy to reaffirm commitment to conservation and renew confidence in the future.

Restore the Heritage Branch Budget

The Heritage Branch is the provincial agency that implements government heritage policies and administers essential programs, but drastic cuts have seriously undermined its capacity to deliver on these responsibilities. The Heritage Branch budget must be restored.

Resolve the Heritage Properties Question

The series of historic sites known as the Heritage Properties has become a chronic problem and a drain on energy and resources. The government must resolve the Heritage Properties question so that it can address other urgent issues in the heritage file.

Restore Community Support

The "B.C. approach" to heritage conservation devolves substantial responsibilities to the local level. A restored heritage program budget must restore services, funding and encouragement to local government and community heritage organizations.

Invest in the Heritage Legacy Fund

The Heritage Legacy Fund now plays a central role in the provincial heritage program. To meet new and growing responsibilities the Fund must have a substantial increment to its endowment.

In response to the letter from Heritage BC, the Heritage Revitalization Advisory Committee made the following resolution at its January 13th meeting.

It was moved, seconded and carried that the Heritage Revitalization Advisory Committee recommend that Council send a letter to the BC Heritage Minister expressing concerns about the present state of the province's heritage program and making a call to renew the provincial heritage program.

Further information on "A Call to Renew BC's Heritage Program" is available at: www.heritagebc.ca

ATTACHMENTS:

Letter from Heritage BC dated January 4, 2011.

Heritage BC



January 4, 2011

JAN 11 2011

Dear Heritage BC Member:

On behalf of the Board of Directors, please accept our wishes for a very happy New Year.

This is the time for new beginnings and fresh resolutions. I would like to ask you to add this item to your "to do" list: write to the heritage minister, the Honourable Margaret MacDiarmid, to express your support for heritage, and concerns about the present state of the province's heritage program. Heritage BC has requested a meeting with the minister to present our concerns to her directly. The more support there is from members, the more substance our advocacy will have. It is essential that the government sense the full weight of our 170 member organizations. Here is the minister's address:

Hon. Margaret MacDiarmid
Minister of Tourism, Trade and Investment
Room 347
Parliament Buildings
Victoria, BC
V8V 1X4
margaret.macdiarmid.mla@leg.bc.ca

Heritage BC last August sent "A Call to Renew British Columbia's Heritage Program" to the provincial government and our members. I hope you have seen it. This document spells out the issues in detail, and proposes a number of actions needed to restore the situation. It can be found on a new "Call to Renew" page on our website, along with a number of other items including a sample letter to the minister which you may find useful: www.heritagebc.ca.

Sending a copy to the Premier and your MLA will add to the impact of any communications. Please remember to send one to Heritage BC as well. If you have already written but did not send us a copy, we would appreciate receiving one.

Thank you for your continuing support. Let us work together this year to make a difference and see a turn around in the current distressing situation. Time is running out, so please act soon.

Best Regards,

Larry Foster
President

MAIN OFFICE: 914 Garthland Place West, Victoria BC Canada V9A 4J5 TEL: 250.384.4840

www.heritagebc.ca



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: January 26, 2011
File No:

Re: Ladysmith and District Historical Society

RECOMMENDATION(S):

It is recommended that Council refer this funding request by the Ladysmith and District Historical Society to the annual Grants-in-Aid process.

PURPOSE:

To provide information on the budgeting process as it relates to the Ladysmith and District Historical Society and explore the feasibility of a fee for service contract for the operation of the Ladysmith Archives.

INTRODUCTION/BACKGROUND:

At the January 10, 2011 Council meeting, Council requested staff to prepare a report on the funding request from Ladysmith and District Historical Society and explore the feasibility of a fee for service contract for the operation of the Ladysmith Archives.

Each year, the budget is developed with the input of Staff and Council. It is a yearly budget of the operation and capital required to run the Town. Only items which are in the control of the Town are considered within the Town budget. Outside organizations are not within the control of the Town, are not considered as operational items and, as such, are not included within the Town's budget.

The Town does provide funding assistance to external non-profit organization that offer social, cultural, recreational, and special events for the Town of Ladysmith through the Grants-in-Aid program. Each year, as the budget is being developed, requests for Grant-in-Aid applications are received. Council reviews the list of applicants and awards funds in relation to budgetary restrictions.

The total amount of Grants-in-Aid funds provide in 2010 was \$93,750. The Ladysmith and District Historical Society received \$20,000 in grants and approximately \$2,145 annually in Permissive Tax Exemptions.

Under the Operating Agreement between the Town Of Ladysmith and the Ladysmith and District Historical Society, a written request for the annual operating grant must be received by November 1st of each year. The Ladysmith and District Historical Society request for 2011 is \$25,000.00 which represents 79% of their total expected revenue. There is no reference to a fee for service under the current Operating Agreement. The Agreement details the requirements that the Ladysmith and District Historical Society must "manage and operate the Archives Office". Section 11.2 of the Operating Agreement states:

The granting, if any, of Municipal operating funds (requested in accordance with Section 7.1(a)(vi) of this agreement) is at the sole discretion of the Municipal Council and will be determined annually at the same time the Municipality establishes its budget for the ensuing year, and will be subject to Municipal bylaws.

Even though there is a desire to secure long-term funding, the Ladysmith and District Historical Society should follow the Grants-in-Aid procedure of submitting an application before application deadline of February 25, 2011 for their 2011 funding request to be considered as part of the entire process.

SCOPE OF WORK:

Council will review the Grants-in-Aid packages during the Budget process.

ALTERNATIVES:

Council may consider allocating a set amount of funds to the Ladysmith and District Historical Society over the next few years, though the process of approving the funds will still be an annual approval process.

Though the Province has reduced the amount of funding for non-profit organizations, there is still monies available. The Ladysmith and District Historical Society could apply to other Government agencies.

Amend the current Operating Agreement.

FINANCIAL IMPLICATIONS:

Grants-in-Aid is funded directly from general revenue.

LEGAL IMPLICATIONS:

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Many organizations apply for Grants-on-Aid.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

RESOURCE IMPLICATIONS:

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

ALIGNMENT WITH STRATEGIC PRIORITIES:

This is consistent with the strategic priority of wise financial management.

SUMMARY:

That Council consider the Ladysmith and District Historical Society request for funding as a Grant-in-aid and require the Society to submit an application each year.

I concur with the recommendation.

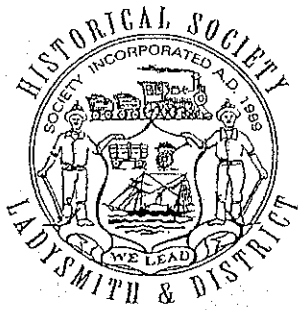


Ruth Malli, City Manager

Attachment:—

List of all 2010 Grants in Aid as approved by Council on May 3, 2010

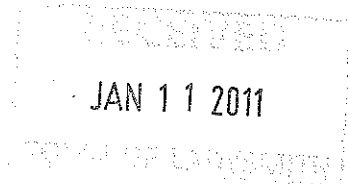
Organization	2010
	Approved
Arts on the Avenue	1,000
Ladysmith & District Historical Society	20,000
Ladysmith Celebrations Society	8,000
Ladysmith Festival of Lights	12,000
Ladysmith Fire/Rescue Santa Parade	1,000
Total Celebrations	42,000
Ladysmith & District Marine Rescue Society	1,500
Ladysmith Maritime Society Festival	1,500
Ladysmith Maritime Society Museum	1,000
Total Harbour Functions	4,000
Ladysmith Resources Centre Assn.	12,500
Ladysmith Resources Centre Assn. - Police Based Victims	11,000
Ladysmith Resources Centre Assn- Special Service to Child	
Ladysmith Resources Centre Assn. - Youth at Risk	11,500
Total Resource Centre	35,000
Arts Council of Ladysmith & District	1,000
Cowichan Family Caregivers Support Society	750
Cowichan Therapeutic Riding Association	
Ladysmith Fellowship Baptist Church	
Lady Smith Little Theatre	
Ladysmith Citizens of Patrol	1,500
Ladysmith Community Gardens Society	5,000
Ladysmith Family and Friends (LAFF)	
Ladysmith Golf Club Society	
Ladysmith RCMP Community Policing	
Ladysmith Sportsmen Club	500
Nanaimo Chamber Orchestra	
Royal Canadian Legion #171	
St. John's Anglican Church	
Total Other	8,750
Central Vancouver Island Crisis Society	500
Ladysmith Chamber of Commerce - Golf Tournament	
Ladysmith OPT Education	1,000
Total Social Services	1,500
Boys & Girls Club	
Kids Help Line	
Ladysmith Ambassador Committee	1,000
Ladysmith Minor Baseball	
Ladysmith Minor Football Association	
Ladysmith Secondary School - Frank Jameson Bursary	1,500
Total Youth, Education & Sport	2,500
TOTAL	93,750



Ladysmith and District Historical Society
"To Research, Record and Preserve"
www.ladysmithhistoricalsociety.org

#B-1115-1st Avenue, PO Box 813, Ladysmith BC
V9G 1A6
Telephone & Fax (250) 245-0100

January 10/2011



To Mayor and Council:

Enclosed please find our year end report as per our agreement with the Town of Ladysmith.

Also find the Statement of Income and Expenditures for 2010 and the Budget for 2011.

Also enclosed is a copy of our request to be included as part of the Towns financial planning process.

Regards

Isabelle Ouelette

JAN 11 2011

LADYSMITH & DISTRICT HISTORICAL SOCIETY

YEAR IN REVIEW 2010

We have 89 members in our society and 20 of these are dedicated volunteers who logged 6314 hours in 2010.

We have had 277 visitors to the Archives in 2010.

Five of our volunteers have been working on the Irving K. Barber Grant from UBC since May 2010. This involves digitizing photos from the Knight Collection and uploading them onto our website. Barber Grant II hours 578

Christine Meutzner, archivist from Nanaimo Community Archives, has been supervising this project since July after Susan Jones was dismissed. The project will be completed by April. Christine will stay on as a consultant and volunteer educator. Amanda Schultz is our new webmaster. Our new website is: www.ladysmithhistoricalsociety.ca. Tours through the archives include two grade 4 school groups, the Ladysmith Ambassadors, the Diggers Club plus many private individuals.

Fund raising has included two raffles, a garage sale and a table at Arts on the Avenue. We also attended the Nanaimo Family History Fair to promote our Society and also sent a speaker to the Ladysmith Rotary Club.

At our AGM meeting in April our guest speaker was Tim Willis from the Royal B.C. Museum

Two of our volunteers met with the Chemainus First Nations Band Chief and asked them to share their stories and to become involved in our archives.

We held a celebration of Life for Portugese Joe Silvey at the Eagles Hall. Honoured guests were Carlos de Sousa Amora, Consulate General of Portugal and his wife Sandra, Jean Barman, UBC Historian and author of "The Remarkable Adventures of Portugese Joe Silvey", Eunice Weatherell, gr. Granddaughter of Joe Silvey, and Mayor Rob Hutchins. The event drew about 160 guests and we made \$230.00 in donations. We have onsite Portugese Joe Silvey's headstone & many other artifacts which the family have donated to the archives for safe keeping.

Daphne Patterson from Nanaimo Museum came to discuss with Brian about the Chinese artifacts that were part of the Knight Collection.

Cemetery inventory updating. Have completed over 40 hours will not be finished until 2011.

Contributed 8 photographs to Jean Crowder M.P. as she requested for 2011 calendar.

Purchase 4 new computers.

Had 5 of Ray Knights interview audio tapes transcribed by Cabin Fever Studios onto a DVD. We have over 100 more tapes to do at a huge expense.

Approval from V.H.A. to move our storage trailer beside the ambulance station.

Received 20 boxes of Ladysmith Chronicle Photographs & negatives. This is our 2011 project to go through one photo at a time to determine if there is any historical value.

December 19th our Cooking Up History Vol. II book launch at Salamander Books. After one year of gathering recipes, family stories and photos it was finally ready. We took 10 recipes from the Cookbook for everyone to sample with tea & coffee. Huge success!

Our researcher Bridget Watson has been very busy in this last year. Bridget has looked up many skeletons in closets for people, bringing them satisfaction to their lineage. She has had requests from as far away as England. Bridget puts her heart & soul into her projects. Her research hours for the year are enormous and donations for this work have amounted to over \$500.00 for this year.

We would like to see a museum in the near future. We have people telling us that they have things to donate but do not want to unless they are sure it will be in a local museum. We believe Ladysmith is the only town on the island without a museum.

Brian Williams, President

D. Ouellette vice president

JAN 11 2011

Ladysmith & District Historical Society

STATEMENT OF INCOME AND EXPENDITURES

JANUARY , 2010 TO DECEMBER 31, 2010

BALANCE CARRIED FORWARD JANUARY 1, 2010	\$ 2709.51
REVENUE	
Cookbook/Book & Print Sales	\$ 3637.60
Grants/Donations	\$ 29112.22
Fund Raising (Cookbook Ads etc)	\$ 5342.25
Membership	\$ 855.00
Research	\$ 552.76
Raffles	\$ 3692.00
Misc.	\$ 1440.90
Transfer from High Interest Savings	\$ 10,000.00
<u>Total</u>	<u>\$ 57,342.24</u>
EXPENDITURES	
Advertising & Promotion	\$ 395.74
Archival Equipment & Supplies	\$ 1371.45
Computers Upgrades & Service	\$ 4475.56
Computer Software	\$ 535.49
Contract Barber Grant Work (Susan/Christine/Amanda)	\$ 12977.50
New Website Fees	\$ 321.22
Fund Raising Expenses	\$ 7489.35
Insurance	\$ 1202.00
Office Supplies/Petty Cash & Postage	\$ 2218.09
Fixtures	\$ 198.54
Alarm	\$ 530.00
Sundries	\$ 273.20
Event Expenses (AGM & P. Joe)	\$ 548.95
Membership Fees	\$ 357.70
Office Equip & Maintenance	\$ 712.63
Travel/Conventions & Education	\$ 600.00
Artifacts Purchase	\$ 200.00
Transfer to High Interest Savings	\$ 20,000.00
Transfer to High Interest Savings	\$ 5,000.00
<u>Total</u>	<u>\$59,407.42</u>

Ladysmith & District Historical Society

2011 Budget

JAN 11 2011

Revenue

Cookbooks	750.00
Donations	100.00
Fund Raising	4500.00
Membership	750.00
Other Books/Drawing Sales	200.00
Research Projects	500.00
Request Municipal Funding	25,000.00

Total \$31,800.00

Expenditures

Advertising & Promotion	1000.00
Archival Equipment/Supplies	5000.00
Audit	250.00
Computer Software	250.00
Computer Upgrades	300.00
Fixtures	200.00
Fund Raising Expenses	300.00
Insurance	1500.00
Office Supplies	2200.00
Outside Storage	6000.00
Part Time Office Administrator	11000.00
School Education Program	250.00
Security (Alarm)	550.00
Sundry	250.00
Temporary Displays	500.00
Events	300.00
Membership Fees/Licences	400.00

Petty Cash	450.00
Repairs & Maintenance	100.00
Travel/Education Expenses	500.00
Volunteer Training	500.00

<u>Total</u>	\$31,800.00
---------------------	--------------------

Dec 15, 2010

Mayor and Council
Town of Ladysmith

JAN 11 2011

The members of the Ladysmith & District Historical Society would like to extend our best wishes for the New Year. We also wish to thank you for your continuing support of our efforts to maintain and run the Community Archives.

With the New Year upon us, our minds turn to the need to plan for our upcoming budgetary year. In recent years the Town has supported us through the 'grant in aid' process. While we are very grateful for this support, the chronic uncertainty surrounding the amount of funding we may receive makes it very difficult for us to plan any meaningful archival programs on an ongoing basis.

We would therefore like to request that you **consider funding the LDHS Archives as a line item within the Town's budget**. This would enable us to undertake long term (5 year) planning and thus to ensure the integrity and continuity of the Archives.

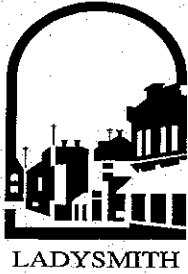
The volunteer-run LDHS functions as the primary custodian of the archives and artefacts of the Town, administering and protecting them, and making them available to the public. For example, up to 10 November 2010 volunteers had logged 58 written requests for information about Ladysmith's history. Open on average five days/week, we also regularly assist walk-ins and tourists who would like to know more about Ladysmith's past, provide information to building and homeowners who are interested in preserving and/or restoring their homes, and promote and publicize Ladysmith's rich history and heritage at many public events, through publications and via our online presence throughout the year.

Ladysmith is a community that clearly values its heritage and we try our best to maintain the Archives to the highest professional standards in order to preserve this history and keep it accessible, for now and for future generations.

Making us part of the Town's own financial planning process would ensure that we can continue to sustain and improve our operations on a long term basis and thus better fulfil our mandate to "research, record and preserve" our community's history. We would welcome the opportunity, with the assistance of Town staff, to create a financial plan that would comply with Town budgetary practices and would allow us to better manage our funding expectations.

Thank you very much for your consideration of this request.

Isabelle Ouelette



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: January 12, 2011
File No:

RE: LADYSMITH MARITIME SOCIETY – TOWN SHARE OF COSTS INCURRED AT LADYSMITH COMMUNITY MARINA

RECOMMENDATION(S):

That Council:

- a) Not contribute to prior year expenditures of debris clean-up and direct Staff to advise LMS on the procedure of submitting a Grants-in-Aid application to assist in the cost of 2011 debris clean-up.
- b) Direct staff to negotiate a new contract regarding the washroom facility at the Machine Shop;
- c) Consider providing total funding of up to \$40,000 to assist in the construction of a sewage pump-out station.
- d) Direct staff to obtain cost estimates for a second road egress and include this in the 2011 Budget discussion.

PURPOSE:

To review and report on the procedure of requesting funding.

INTRODUCTION/BACKGROUND:

In 2009, the DL 2016 Holdings Corporation was founded. This Corporation was created with the intention of supporting the community marina in what is referred to as District Lot 2016 in Ladysmith Harbour.

The water lot is leased from the Province of BC through the Town of Ladysmith to DL 2016 Holdings Corporation. There is a Management and Operating Agreement between DL 2016 Holdings Corporation and the Ladysmith Maritime Society (LMS).

LMS pays to the Town nearly \$16,000 (which is 3.5% of the potential moorage revenue) to lease the area. In turn, LMS retains all of the revenue received from moorage.

LMS received the following from the Town of Ladysmith in 2010:

Permissive Tax Exemption for 616 Oyster Bay Drive	\$1,075
Permissive Tax Exemption for 610 Oyster Bay Drive	\$1,017
Grants in Aid (Festival & Museum)	\$2,500

At a past Council meeting, a letter from Ladysmith Maritime Society was presented which requests additional expenditures by the Town. This includes:

- a) Cost share a one-time clean-up of debris
- b) Cost share the maintenance and cleaning costs of the Machine Shop washroom
- c) Town to pay for all costs involved extending and connecting to the marine sewage pump-out station
- d) Town to pay for second road egress for the marina

Each item is discussed below.

Item A - Clean-up of Debris

The actual cost of the clean-up was \$14,786 for 2010, with \$2,500 budgeted by LMS for 2011. As with all expenditures within the Town, pre-approval is necessary before the expenditure is incurred. As such, it is not recommended that the Town pay a portion of the clean-up. If Council wishes to make a payment towards the clean-up for 2011, the Grants-in-Aid program is the appropriate avenue to request funding.

Item B - Washroom Maintenance Cost-share

In 2008, the LMS entered into an agreement with the Town to upgrade the washroom. This agreement has since expired. At this time there is no agreement for the LMS to occupy the washroom facilities. At Council's direction, Staff could proceed with new negotiations and include in the discussion a section regarding the washroom use and cost.

Item C - Sewer Pump-out Station

Council has already committed \$25,000 towards a sewer pump-out station at the waterfront. This is at the request of the LMS, who had initially requested that the Town contribute \$25,000 of the total project cost of \$40,000.

LMS is now requesting the Town contribute 100% of the total cost of the project. To facilitate this project in 2011, it is recommended that Council commit additional funding prior to the Budget process. The total amount of recommended funding for the entire project is \$40,000.00.

Item D - Second Road Egress

Additional studies are necessary to facilitate this request. In light of the recent fire at the marina, this may become a higher priority for Council. To date, there are no detailed studies. Staff would be required to consult with engineers to determine cost, scope and feasibility.

SCOPE OF WORK:

Additional studies and plans will have to be developed depending on the direction of Council.

ALTERNATIVES:

Council could continue with status-quo.

FINANCIAL IMPLICATIONS:

There is potential for significant cost increases for capital expenditures. Project costs must be determined prior to fully analyzing the financial impact.

LEGAL IMPLICATIONS:

Additional agreements and possible amendments to existing contracts may be required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

In regards to Item D – Second Road Egress, citizens have commented on that section of the trail system as beautiful and tranquil. Changing it from a trail to a road could negatively impact some citizens.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Parks, Recreation and Culture trail system may be affected if the second road egress is placed over an existing trail.

Public Works would need to be in contact with engineering firms to perform the necessary cost estimates and scope of work.

RESOURCE IMPLICATIONS:

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The waterfront is one of the priority development areas addressed in the sustainability visioning report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This is consistent with the strategic priority of Effective Land Use and Community Design.

SUMMARY:

LMS has requested additional funding and upgrades at the Community Marina. It is recommended that Council does not pay for prior year items; renegotiate the use of the washroom facility; and update the budget with current year requests once actual amounts are determined.

I concur with the recommendation.



Ruth Malli, City Manager

ATTACHMENTS:

Correspondence from Ladysmith Maritime Society

Significant costs were also incurred in 2010 in cleaning up marine junk and unused and rotting pilings that came with the lot. While all of this junk was on DL 2016, under lease to the Town, not all of it was on the portion licensed by the Town, as landlord, to LMS. Because ridding the location of this unsightly material was important to attracting marine tourists, we propose that the Town share in the cost of this one-time clean-up.

LMS paid the substantial costs of fitting up the washroom at the end of the Expo building and has placed a portable facility in the parking area down at the marina. The full cost of maintaining and cleaning these facilities is being borne by LMS. Our intent in upgrading these facilities was to provide a very basic level of amenities for marine tourists. These facilities are now used extensively by members of the public, who are actively encouraged to come down to their water front, and by the other tenants in the Expo building. The tenants have declined to share the maintenance and cleaning costs on the basis that access to a washroom was a provision of their lease from the Town. New washrooms will be part of the new Visitor Reception Centre and be a cost to LMS, but we propose that maintenance and cleaning costs of the Expo washroom and portable be shared by the Town.

Finally, I would like to draw to your attention to two projects in 2011 that will require 100% Town expenditure. Both of these projects have been discussed with you and Town staff:

1. LMS expects to install a marine sewage pump-out station in the marina in 2011. Sewage will be pumped to shore, but it needs to connect to the Town infrastructure there. Expense will be incurred by the Town in making this extension and connecting to the shore flange; and
2. The marina parking area becomes very congested and very difficult for emergency vehicles to access and turn around. A second road egress is required from the area for safety reasons.

I would be pleased to discuss the above proposals with you at any time.

Yours sincerely,



Doug Bell
President

cc. Ruth Malli, President, DL 2016 Holdings Corp.

Attachment



Ladysmith Maritime Society

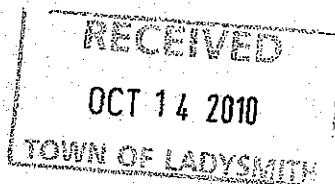
www.ladysmithmaritimesociety.ca

P.O. Box 1030, Ladysmith, B.C., V9G 1A7

Tel: 250-245-0109 Fax: 250-245-0108

October 12, 2010

Mayor Rob Hutchins
Town Of Ladysmith
Main Office
410 Esplanade, P. O. Box 220
Ladysmith, B.C. V9G 1A2



Dear Mayor Hutchins:

Re: Town share of costs incurred at LMS Community Marina

The purpose of this letter is to present certain costs incurred by LMS during the Town of Ladysmith's current fiscal year and costs expected during the 2011 fiscal year as a basis for discussion regarding a sharing of these costs and, in the case of 2011, provision for them in the Town's budget. The subject costs and projects are summarized on the attached page.

A discussion of the benefits places these costs in perspective. In 2010 LMS had 794 visitor-boat nights. At the well established average spending in the community of \$200-250/boat/day, we can confidently estimate that an incremental \$180,000 of direct spending in the Town's businesses resulted from this program, with an estimated total of \$325,000 total economic impact in the region. LMS expects these benefits to be 25% greater in 2011 due to continued marketing and to improved facilities and a cleaner site offered to visitors.

As further background, LMS pays the annual lease payment owed by the Town to the Province, an amount that was \$15,900 in 2010 and is forecast to be \$18,100 in 2011. Furthermore, in a cost burden not shared by other marinas, LMS pays the Town an additional annual rental for the water lot - \$16,100 in 2010 and a forecast \$18,800 in 2011. LMS also paid \$13,500 in property taxes in 2010 and forecasts \$15,000 in 2011.

The Town and the Ladysmith Maritime Society (LMS) entered into a Memorandum of Understanding on October 15, 2008. This Memorandum, based on a shared vision and a spirit of partnership, set out a principled relationship that would govern the parties relative to the development and functioning of the Community Marina. These principles were embedded in subsequent agreements entered into by the Town, DL 2016 Holdings Corp., and LMS. One of these principles is that "the parties will have joint responsibility for marketing the community marina for the purposes of enhancing and expanding marine tourism." The rationale for this principle is that a successful marine tourism program benefits the entire community. Advertising and marketing costs for 2010 and 2011, together with a proposal for cost-sharing, are summarized in the attached chart.

Selected Costs Associated with LMS Community Marina

<u>Item</u>	<u>Spent 2009-10</u>	<u>Budget 2010-11</u>	<u>Proposed Town Share</u>	<u>Town 2010</u>	<u>Town 2011</u>
<u>Marine Tourism Advertising and Marketing</u>					
Ads in major boating journals, cruising guides of Pacific Northwest	\$7,496	\$7,800	50%	\$3,748	\$3,900
Regional ads for harbour tours, festival, Museum (Chronicle, Take 5)	\$8,950	\$9,500	25%	\$2,237	\$2,375
Welcome packages for marine visitors	\$1,761	\$2,100	50%	\$ 880	\$1,050
Sub-total	\$18,207	\$19,400		\$6,865	\$7,325
<u>Clean-up of inherited marine junk from DL 2016, both inside and outside of area subleased to LMS</u>					
	\$29,572	\$5,000	50%	\$14,786	\$2,500
<u>Washrooms, including portable at shore</u>					
	\$7,982*	\$8,310	50%	\$3,991	\$4,155
<u>TOTAL</u>	<u>\$55,761</u>	<u>\$32,710</u>		<u>\$25,642</u>	<u>\$13,980</u>

Town-funded projects required in 2011:

- Additional road egress for emergency	-	-	100%	-	?
- Sewage hookup for marine pumpout	-	-	100%	-	?

* 2009-10 washroom costs do not include \$20,000 (\$12,000 cash plus \$8,000 in-kind volunteer labour) to fit up washroom facility at Expo building.

From: Doug Bell [mailto:d.h.bell@shaw.ca]

Sent: Thu 2009-12-31 9:57 AM

To: Rob Hutchins

Subject: Town of Ladysmith support for the Community Marina Visitor Facilities Project

To: Mayor and Council

In August 2009, the Ladysmith Maritime Society (LMS) was successful in its application for \$543,000 of ICET funding to support the Visitor Facilities Project at the LMS Community Marina. Although a significant and generous contribution the ICET grant provides only 1/3 of the funding for the total project. LMS is re-submitting its application for WCCAP Funding in the amount of \$250,000. Key to this application is a clear indication from the Town of Ladysmith that it fully supports the Visitor Facilities Project by partnering in the construction of some of the infrastructure. The Town indicated earlier that it would consider paying for the sewage system costs from the flange at the Community Marina to a tie-in point with municipal infrastructure on the uplands.

LMS is now respectfully requesting Town Council to consider formally partnering with the LMS in helping build the sewage pump out station. The cost of such a facility is estimated to be \$40,000. From earlier discussions with Town staff, we understand the landside costs of such a facility to be \$25,000. We would welcome the opportunity to include in our re-submission a letter from the Town indicating it will provide \$25,000 towards the sewage pump out facility.

Regards,

D.H. Bell
Ladysmith Maritime Society

2009-12-31



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Pat Durban, Director of Parks, Recreation & Culture
Date: February 2, 2011
File No:

RE: HERITAGE CANADA GRANT & SERVICE CANADA GRANT

RECOMMENDATION(S):

That staff be authorized to make application for a Heritage Canada Grant in the amount of \$2,000 for Canada Day celebrations and a Service Canada Grant in the amount of \$2,000 for summer student employment.

PURPOSE:

To provide additional funding to supplement the budget.

INTRODUCTION/BACKGROUND:

The Parks, Recreation & Culture Department has applied in the past and been successful in receiving grants for the Canada Day Celebration and Canada Summer Jobs.

SCOPE OF WORK:

Requires staff time to administer grants.

ALTERNATIVES:

Council can choose not to approve application for one or both sources of funds.

FINANCIAL IMPLICATIONS:

Not receiving the grants may affect the scale of programs being offered by the Parks, Recreation and Culture Department.

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Offering fewer programs could be perceived as a reduction in the level of services and opportunities offered to citizens through the Parks, Recreation and Culture Department.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

N/A

RESOURCE IMPLICATIONS:

Less resources will be required if not approved.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The Canada Day Celebrations and hiring summer staff to assist in delivering summer programming, align the 'Healthy Commu**82**' sustainability pillar.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The programs supported by these funds align with Strategic Direction 6 – a Safe and Healthy Community.

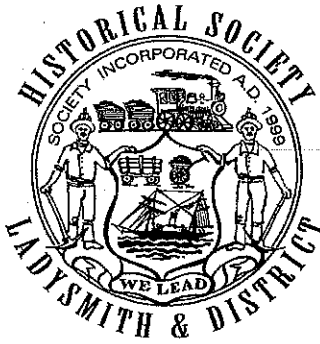
SUMMARY:

These grants provide some assistance with budget requirements.

I concur with the recommendation



Ruth Mali, City Manager



Ladysmith and District Historical Society
"To Research, Record and Preserve"

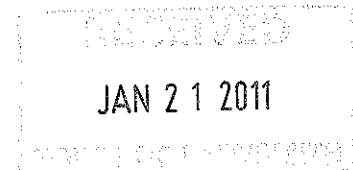
www.ladysmithhistoricalsociety.ca

#B-1115-1st Avenue,
PO Box 813
Ladysmith, BC V9G 1A6

Telephone/Fax: 250.245.0100

Mayor Rob Hutchins and Council
Town of Ladysmith

January 18, 2011



Due to the fact that there are two organizations in Ladysmith whose focus is on heritage, I believe it would be a good idea to have one person serving as a liaison between the two.

The obligation of this person would be to report to HRAC on our activities, and also to deliver a report back to the monthly meeting of our organization.

A majority of projects taken on by HRAC to bring forward the Town's rich heritage almost certainly involve research done at the Archives. They often utilize the Ray Knight collection which is the property of the Town and is being held in the custody of Ladysmith & District Historical Society. Therefore, such a liaison makes sense for both groups.

The Nanaimo Heritage Commission presently has an Archives Liaison person sitting on their Commission as it works very well. Nanaimo also has a liaison from the First Nations and from their Museum – something that might also be considered by the Town of Ladysmith.

Thank you for your consideration of this proposal.

Sincerely

Isabelle Ouelette
Vice President

A ONE DAY CELEBRATION OF
VISUAL AND PERFORMING ARTS
Sunday August 28, 2010
DOWNTOWN LADYSMITH, BC



January 17, 2011

JAN 19 2011

Town of Ladysmith,
410 Esplanade
P.O. Box 220,
Ladysmith, B.C.,
V9G 1A2

Attention: Rob Hutchins

Dear Rob:

We would like your support for Arts on the Avenue 2011!

It's lucky 13 for Arts on the Avenue. It's hard to believe, but 2011 will mark the 13th anniversary of this exciting event. If you don't know, the entire volunteer committee was new in 2009 and while we are still trying to find our way, we have increased the participation of various kinds of artists who contribute, while still keeping the integrity of the original concept. Those who attended the event last year will have noticed that we included food artisans, student artists and members of the Arts Council of Ladysmith. This year we hope to make a few more changes to keep the event fresh and interesting. This should attract new visitors while still entertaining those who have attended in previous years.

This cannot be done without the help of the business community on the Island. We are grateful for the contribution you made in 2010 and hope that we can count on you for the same or greater support next year.

The levels of sponsorship are as follows:


- Platinum--\$1,000. and over, with your logo included on all promotional materials;
- Gold--\$500. and over;
- Silver--\$250. and over; and
- Bronze.

As in past years, we recognize your sponsorship through various media, before, during and after the event.

If you have any questions, please do not hesitate to contact me at 250-245-5496 or email at

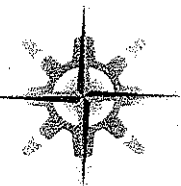
Thank you again.

Yours truly,


Wendy Sayers
Fundraising

Box 2370 Ladysmith BC V9G 1B8

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES



FIRST NATIONS SUMMIT

**Community to
Community Forum**

Administration provided
by UBCM and First Nations
Summit

Funding provided by the
Ministry of Community,
Sport & Cultural
Development and Indian
and Northern Affairs
Canada (BC Region)

Please direct all
correspondence to:

Local Government House
525 Government Street
Victoria, BC, V8V 0A8

lgps@ubcm.ca
Phone: (250) 356-5134
Fax: (250) 356-5119

January 17, 2011

JAN 26 2011

Ruth Malli, City Manager
Town of Ladysmith
Box 220
Ladysmith, BC, V9G 1A2

**RE: 2010/11 REGIONAL COMMUNITY TO COMMUNITY FORUM FUNDING
- APPROVAL IN PRINCIPAL**

Dear Ms. Malli,

Thank you for submitting an application for the 2010/11 Community to Community (C2C) forum program. We have reviewed your submission and are pleased to advise you that your request has been approved in principle pending receipt of outstanding items.

To date, the date of the event has not been provided to UBCM. Upon satisfactory receipt of this outstanding item your application will be eligible for final approval and 50% of the grant will be released. The remainder of the grant will be available after the event is completed and a final report and financial summary has been received.

I would like to congratulate you for responding to this opportunity to build relations with neighbouring First Nations and/or local governments and encourage you to complete your application as soon as possible.

If you have any questions, please feel free to contact Local Government Program Services at (250) 356-5134 or lgps@ubcm.ca.

Sincerely,

Danyta Welch
Policy & Program Officer

TOWN OF LADYSMITH

BYLAW NO. 1750

A BYLAW TO AMEND THE LADYSMITH DEVELOPMENT PROCEDURES BYLAW 2008, NO. 1667

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

1. Amendment:

Section 3 "Application Procedure" is amended by adding the following new section (e):

"3(e) Accompanied by a completed Sustainable Development Checklist prescribed by the Director and approved by Council, as follows:

- (i) Every application for an amendment to the Official Community Plan and the Zoning Bylaw must provide the Sustainable Development Checklist; and
- (ii) Every application for a Development Permit, Development Variance Permit and a Temporary Use Permit is encouraged to provide the Sustainable Development Checklist."

2. Citation

This bylaw may be cited for all purposes as "Ladysmith Development Procedures Bylaw 2008, No. 1667 Amendment Bylaw 2011, No. 1750".

READ A FIRST TIME on the _____ day of _____, 2011

READ A SECOND TIME on the _____ day of _____, 2011

READ A THIRD TIME on the _____ day of _____, 2011

ADOPTED on the _____ day of _____, 2011

Mayor (R. Hutchins)