A PUBLIC HEARING AND SPECIAL MEETING OF THE COUNCIL OF THE TOWN OF LADYSMITH AGENDA 7:00 P.M.

Monday, June 24, 2019 Council Chambers, City Hall

Pages

4

- 1. CALL TO ORDER (7:00 p.m.)
- 2. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Public Hearing and Special Meeting of Council for June 24, 2019.

3. PUBLIC HEARING AND SPECIAL MEETING

Outline of Public Hearing Process - Mayor Stone

3.1 Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment Bylaws 1989 & 1990

Subject property: 422 1st Avenue

(Lot A, District Lot 56, Oyster District Plan VIP67911)

- 3.1.1 Introduction of Bylaws and Statutory Requirements Senior Planner, Development Services
- 3.1.2 Submissions

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

3.1.4 Declaration that the Public Hearing for Bylaws 1989 & 1990 is Closed - Mayor Stone

4. BYLAWS (SUBJECT OF THE PUBLIC HEARING)

4.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No.1989 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No. 1990

Subject property: 422 1st Avenue

(Lot A, District Lot 56, Oyster District Plan VIP67911)

Recommendation

That subject to any additional matters raised at the public hearing, Council:

- Proceed with third reading of "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989."
- 2. Proceed with third reading of "Town of Ladysmith Zoning Bylaw, 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No.1990".
- 3. Direct staff to refer Bylaw 1990 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

5. MINUTES

5.1 Minutes of the Regular Meeting of Council held June 17, 2019

Recommendation

That Council approve the minutes of the Regular Meeting of Council held June 17, 2019.

12

5

20

6.1 Recommendations from the Municipal Services Committee Meeting held June 10, 2019

Recommendation

That Council:

- 1. Direct staff to prepare:
 - a.) A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis.
 - b.) A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).
 - c.) A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.
 - d.) A project specific Development Cost Charges (DCC) reduction bylaw (100% waiver) for the 36-unit Ladysmith Resources Centre Association not-for-profit affordable rental housing development at 314 Buller Street.
- 2. Approve the amended Payment and Signing Authority Policy.
- 7. NEW BUSINESS
- 8. UNFINISHED BUSINESS
- 9. ADJOURNMENT

Within Circulation Area

Mayor, Council, and City Staff Town of Ladysmith PO Box 220 Ladymith BC V9G 1A2 info@ladysmith.ca



June 12, 2019.

Lori Evans 125 Gatacre Street

Re: Public Hearing June 24, 2019: Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment, Bylaws 1989 & 1990.

Dear Mayor, Council, City Staff and Ladysmith Citizens,

I am writing in protest to the proposed bylaw amendments. First, I am old enough and wise enough to realize that money talks, and I understand that the Town is jubilant to finally have an investor for the Traveller's Hotel, located at 422 First Avenue. That being said, I wonder how on earth any city council could consider it reasonable to amend Bylaw 1990, to allow for less than ½ of the required parking stalls necessary in providing tourist accommodation in a downtown, central location; where parking is already pushed beyond reason with probably the majority of local businesses/ property owners not complying with the onsite parking required by current commercial bylaws. As a resident, homeowner, and mother living directly behind the Traveller's Hotel; I am extremely concerned about the proposed amendment to decrease the required number of onsite parking places required to less than half- and protest, and speak against the proposed number of "9" versus the likely amount of stalls required being closer to "24". The overflow of parking will again fall into our immediate residential area- where vehicles will continue to pose risks to pedestrians and visibility of children, who live and play within the 100 block of Gatacre Street- where the "Little League" baseball field is situated, and already congests our neighbourhood and access to our homes on a daily basis- often close to 7 days per week. As well, vehicle traffic through the back lane of Roberts Street/ Gatacre Street continues to be treacherous- with vehicles taking this as a shortcut or using it as an exit point from the already abysmal "downtown parking lot" for business staff, and visitors to our "downtown core". Please get real, if you honestly think that "9 off-street parking spaces" is adequate for a proposed 4 storey hotel, located on the main street of any city; especially ours that won the title of, 'Best Street in Canada'. I am adamantly against this proposed amendment to Bylaw 1990. (However, I would support modification of the Sanskrit symbols.)

Sincerely, Lori Evans, RN BScN AMMA Ladysmith, BC.

Page 4 of 20

STAFF REPORT TO COUNCIL

Report Prepared By: Lisa Brinkman, Senior Planner

Date: June 14, 2019

Report Reviewed By: Felicity Adams, Director of Development Services

Meeting Date: June 24, 2019 File No: 3360-18-13 RE: **422 First Avenue**

RECOMMENDATION:

That subject to any additional matters raised at the public hearing, Council:

- 1. Proceed with third reading of "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.56) 2019, No. 1989.
- 2. Proceed with third reading of "Town of Ladysmith Zoning Bylaw, 2014, No. 1860, Amendment Bylaw (No.23) 2019, No.1990".
- 3. Direct staff to refer Bylaw 1990 to the Ministry of Transportation and Infrastructure pursuant to the Transportation Act.

PURPOSE:

The purpose of this staff report is to present Council recommendations regarding consideration of third reading for Bylaw 1989 and 1990, and referral to the Ministry of Transportation and Infrastructure.

PREVIOUS COUNCIL DIRECTION

Meeting date and Resolution #	Resolution Details
June 3, 2019	That Council:
CS 2019-200	1. Proceed with first and second reading of Bylaw 1989, cited as "Official Community Plan
	Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989".
	2. Proceed with first and second reading of Bylaw 1990, cited as "Town of Ladysmith
	Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No. 1990".
	3. Direct that prior to consideration of final approval of Bylaws 1989 and 1990, a
	contribution of \$30,000 be collected for the Municipal Parking Fund.
	4. Receive the Conservation Plan (CDH Design Ltd.) for the Traveller's building and require
	that the Conservation Plan form part of the Development Permit for 422 First Avenue,
	in place of a Heritage Revitalization Agreement.
	5. Direct staff to assign a public 15 minute parking space adjacent to the lane at 422 First
	Avenue, at time of Occupancy Permit issuance for 422 First Avenue.
	6. Refer Bylaw 1989 and Bylaw 1990 to public hearing.

INTRODUCTION/BACKGROUND:

The current stage of this application is to: 1) consider comments heard at the public hearing; 2) consider further bylaw readings; and 3) receive direction to refer Bylaw 1990 to the Ministry of Transportation.

Bylaw 1989

Bylaw 1989 proposes to amend Section 3.8.1 of the OCP by adding the following sentence to the 'Downtown Core' paragraph:

"A higher FSR may be supported for the restoration of buildings on the Community Heritage Register."

Bylaw 1990

Bylaw 1990 proposes to amend the Zoning Bylaw by adding a site specific regulation to the 'Downtown Commercial' (C-2) Zone for the property at 422 First Avenue. The site specific regulation states that:

- A floor space ratio of 2.0 is permitted;
- The average permitted building height is 14 metres, with the exception of a stair tower which may protrude 2.5 metres above the roof of the fourth storey.
- The fourth floor of the building shall be setback 2.7 metres from the front parcel line and 1.5 metres from the exterior side parcel line (adjacent to lane).
- Nine standard parking spaces shall be provided onsite, rather than 24 spaces, and that the parking spaces shall comply with the design standards in the Zoning Bylaw.

Table 1: 422 First Ave. Application Summary (3360-18-13)

Official Community Plan	Current	Proposed	
Designation	Downtown Core	Downtown Core	
Development Permit Area	Downtown (DPA 2)	Downtown (DPA 2)	
Floor Space Ratio (FSR) 1.0		A higher FSR may be considered for the restoration of buildings on the Community Heritage Register.	

Zoning Bylaw	Current	Proposed
Zone	Downtown Commercial (C-2)	Downtown Commercial (C-2)
Floor Space Ratio	1.0	2.0
Height	12 metres (three storeys)	14 metres (four storeys) with the exception of an enclosed stair tower which may protrude 2.5 metres above the roof of the fourth storey.
Setbacks	0 metres from Front parcel line 0 metres from Side parcel line	The fourth floor of the building must be setback 2.7 metres from the Front parcel line and 1.5 metres from the Exterior side parcel line (adjacent to lane).
Parking	24 on-site parking spaces required	9 on-site parking spaces required

ALTERNATIVES:

Council can choose to not proceed with Bylaw 1989 and 1990.

FINANCIAL IMPLICATIONS;

None.

LEGAL IMPLICATIONS;

Following the close of the public hearing, Council may consider information received as part of the public hearing and determine if any changes are required to the proposal; this could initiate the requirement for a further public hearing.

Referral to the Ministry of Transportation and Infrastructure (MOTI) will be required for Bylaw 1990 as the subject property is within 800 metres of a controlled access highway. Following approval by MOTI, and receipt of the contribution to the Municipal Parking Fund, Bylaw 1989 and 1990 would be presented to Council for consideration of adoption.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Notification regarding the public hearing was mailed and delivered to the neighbourhood and was published in the local newspaper on June 13 and June 20, 2019.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Infrastructure Services Department provided input during the application review stage.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:					
⊠Complete Community Land Use	\square Low Impact Transportation				
☐ Green Buildings	☐ Multi-Use Landscapes				
☐ Innovative Infrastructure	☐ Local Food Systems				
☐ Healthy Community	\square Local, Diverse Economy				
☐ Not Applicable					
ALIGNMENT WITH STRATEGIC PRIORITIES:					
⊠ Employment & Tax Diversity	☐ Natural & Built Infrastructure				
☐ Watershed Protection & Water Managem	nent \square Partnerships				
☐ Communications & Engagement	☐ Not Applicable				

SUMMARY:

It is recommended that Council: 1) consider comments received or heard at the public hearing; and 2) consider giving third reading to Bylaw 1989 and 1990.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

Bylaw 1989 and 1990

TOWN OF LADYSMITH

BYLAW NO. 1989

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. "Official Community Plan Bylaw 2003, No. 1488" is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989".

READ A FIRST TIME	on the 3 rd	day of June	, 2019
READ A SECOND TIME	on the 3 rd	day of June	, 2109
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 (A. Stone)
		Comon	ate Officer (J. Winter)
		Corpor	ate Officer (J. Willier)

Bylaw No. 1989 - Schedule A

- 1. Schedule "A" "Town of Ladysmith Community Plan" is amended as follows:
 - Section 3.8.1 "Land Use Designations" is amended by adding a new sentence to the end of the paragraph 'Downtown Core': (a)
 - "A higher FSR may be supported for the restoration of buildings on the Community Heritage Register".
 - Table 8 "Density Summary" is amended by adding: (b)

 - (i) A new Note 6:

 "6 Higher FSR potential for restoration of buildings on the Community Heritage Register."
 - (ii) Note 6 to Downtown Core Commercial.

TOWN OF LADYSMITH

BYLAW NO. 1990

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

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

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

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

- (1) Schedule A Zoning Bylaw Text of "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is hereby amended by:
 - (a) Amending Section 11.2 Downtown Commercial (C-2) Zone by adding a new subsection (g) to Section 10 Site Specific Regulations:
 - "(g) For the *Parcel* legally described as Lot A, District Lot 56, Oyster District, Plan VIP67911 (422 First Ave.) the following site specific regulations shall apply:
 - i) Despite Section 11.2(4)(c), the *Floor Space Ratio* shall not exceed 2.0.
 - ii) Despite Section 11.2(5)(a), no *Principal Building* shall exceed a *Height* of 14 metres, with the exception of an enclosed stair tower which may protrude 2.5 metres above the roof of the fourth storey.
 - iii) Despite Section 11.2(5)(c), the fourth storey of a *Principal Building* shall be setback 2.7 metres from the *Front Parcel Line* and 1.5 metres from the *Exterior Side Parcel Line*.
 - iv) Despite Section 11.2(7)(b), nine (9) off-street parking spaces are required to be provided on-site and shall comply with the design standards in Section 8.2(9).

day of June

2019

CITATION

READ A FIRST TIME.

(2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No.1990".

on the 3rd

KEND HINGT HAVE	on the	3	day of same	, 2019
READ A SECOND TIME	on the	3^{rd}	day of June	, 2019
PUBLIC HEARING held pursuan	t to the pro	ovisions of the	Local Governn	nent Act
	on the		day of	,
READ A THIRD TIME	on the		day of	,
APPROVED pursuant to s. 52(3)(a) of the Tr	ransportation .	Act.	
	on the		day of	
ADOPTED	on the		day of	
				Mayor (A. Stone)
			Corp	orate Officer (J. Winter)



MINUTES OF A REGULAR MEETING OF COUNCIL

Monday, June 17, 2019 7:00 P.M. Council Chambers, City Hall

Council Members Present:

Mayor Aaron Stone Councillor Tricia McKay
Councillor Amanda Jacobson Councillor Marsh Stevens
Councillor Rob Johnson Councillor Jeff Virtanen

Council Members Absent:

Councillor Duck Paterson

Staff Present:

Guillermo Ferrero Lisa Brinkman Erin Anderson Sue Bouma Geoff Goodall Mike Gregory

Joanna Winter

1. CALL TO ORDER (6:00 p.m.)

Mayor Stone called this meeting of Council to order at 6:01 p.m.

2. CLOSED SESSION

CS 2019-218

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session at 6:02 p.m. in order to consider items related to the following:

Litigation or potential litigation affecting the municipality - section 90(1)(g)
 Motion Carried

3. REGULAR MEETING (7:00 p.m.)

Mayor Stone called this Regular Meeting of Council to order at 7:01 p.m., recognizing the traditional territory of the Stz'uminus People.

4. AGENDA APPROVAL

CS 2019-219

That Council approve the agenda for this Regular Meeting of Council for June 17, 2019 as amended to include the following:

• Item 10.4, "Stocking Lake Main Rupture" Motion Carried

5. RISE AND REPORT- Items from Closed Session

Council rose at 6:24 p.m. without report.

6. MINUTES

6.1 Minutes of the Public Hearing and Regular Meeting of Council held June 3, 2019

CS 2019-220

That Council approve the minutes of the Public Hearing and Regular Meeting of Council held June 3, 2019.

Motion Carried

6.2 Minutes of the Special Meeting of Council held June 10, 2019

CS 2019-221

That Council approve the minutes of the Special Meeting of Council held June 10, 2019.

Motion Carried

7. DEVELOPMENT APPLICATIONS

7.1 Zoning Amendment Application – 1134 Trans Canada Hwy.

CS 2019-222

That Council:

- 1. Consider the application (3360-19-05) to amend the Zoning Bylaw to allow a licenced childcare facility, as a principal use, to be located at 1134 Trans Canada Hwy.
- 2. Direct staff to:

- a. Refer application 3360-19-05 to the Community Planning Advisory Committee.
- b. Commence the preparation of a Zoning Amendment Bylaw for application 3360-19-05.

Motion Carried

7.2 Development Permit Application -Thrift Store-J. Anderson CS 2019-223

That Council:

 Issue Development Permit (DP) 3060-18-22 for the form and character of site and building improvements at Parcel B (being a consolidation of Lots 1 and 2, see CA7428266) Block 30, District Lot 24, Oyster District, Plan 703A (910 First Ave.);

subject to the property owner:

- i. submitting a landscape bond of \$4500 to ensure landscape installation;
- ii. registering a right-of-way on the certificate of title for the turnaround space off the lane;
- iii. obtaining a development variance permit (DVP) for a reduction of the rear parcel line setback for the building addition and garbage enclosure; and
- iv. obtaining a DVP for a reduction of the off-street parking space requirements.

And that the Mayor and Corporate Officer be authorized to sign the Development Permit once the subject conditions have been met.

- 1. Direct staff to:
 - a. assign an on-street public 15 minute parking space on French Street, near the Thrift Store customer entrance, to allow for donation drop-off and loading; and
 - b. formalize the on-street public parking space for persons with disabilities on French Street.

Motion Carried

8. REPORTS

8.1 Fire Truck Disposal

CS 2019-224

That Council:

- Waive the purchasing policy for the disposal of the surplus 1990 Custom Pierce Dash Pumper truck (Unit 7)
- 2. Accept the offer from the Village of Port Alice to purchase the surplus 1990 Custom Pierce Dash Pumper truck (Unit 7) for a total purchase price of \$10,000.

Motion Carried

8.2 Fire Sprinkler System Bylaw No. 1940

CS 2019-225

That Council repeal "Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940".

Motion Carried

8.3 Statement of Financial Information Report

CS 2019-226

That Council approve the Statement of Financial Information for the Town of Ladysmith for the fiscal year ended December 31, 2018.

Motion Carried

8.4 Baden Powell Street Watermain Replacement (Phase 1)

CS 2019-227

That Council:

- 1. Award the Contract A for the Baden Powell Street Watermain Replacement (Phase 1) to David Stalker Excavating Ltd. for \$301,220.80 plus applicable taxes;
- 2. Increase the water capital budget for the project titled Baden Powell Street Watermain Replacement (Phase 1) to a total project cost of \$356,000, with the additional funds to come from the Warren Street project and 2019 projected water surplus; and

3. Direct staff to amend the 2019-2023 Financial Plan accordingly *Motion Carried*

CS 2019-228

That Council:

- Direct staff to award the Contract B for the Baden Powell Street Watermain Replacement (Phase 1) to David Stalker Excavating Ltd for \$90,000, with the additional funds to come from the 2019 projected water surplus; and
- 2. Direct staff to amend the 2019-2023 Financial Plan, accordingly. *Motion Carried*

8.5 Solid Waste Collection Service Request For Proposal

CS 2019-229

That Council direct staff to:

- Amend Town of Ladysmith Garbage, Recycling and Organics Collection Waste Bylaw No. 1588 to allow solid waste collection from all units in a multi-family property if requested, where the property meets the following criteria:
 - Each unit must have its own street-level entry and collection containers.
 - The multi-family property must be serviceable by the contracted collection trucks (who may be entering private roads to provide the service).
- 2. Continue with a manual collection system for the upcoming five-year collection contract.
- Implement the Contamination Reduction Plan as presented in Appendix B, pages 4-8 of the consultants' report on solid waste collection in Ladysmith, with the funds to come from the Town's MMBC (Recycle BC) Solid Waste reserve.
- 4. Issue a Request for Proposals (RFP) for the provision of solid waste collection services, to incorporate all direction received from Council in response to the consultants' report.

- 5. In the Request for Proposals, seek optional pricing for the Large Item Collection (Spring Clean-up) service and defer the decision to continue with the service until actual costs have been determined.
- 6. In the Request for Proposals, seek optional pricing for a "consistent day" collection service and defer the decision about implementation until actual costs have been determined.

Motion Carried

9. CORRESPONDENCE

9.1 Ladysmith Celebrations Society Request for Trolley Rental

CS 2019-230

That Council waive the fees for the use of the Town Trolley and driver for the three days during the 2019 Ladysmith Days celebration August 3 - 5, as requested by the Ladysmith Celebrations Society in their correspondence dated June 7, 2019.

Motion Carried

Council acknowledged that providing the trolley for Ladysmith Celebrations is contingent on the availability of a trolley driver.

10. NEW BUSINESS

10.1 Vancouver Island Economic Alliance Annual Conference October 23-24, 2019

CS 2019-231

That Council refer to staff the issue of attendance at the Vancouver Island Economic Alliance Annual Conference, held October 23-24, 2019, to review in relation to both the Council Professional Development budget and Travel Expenses Policy 5-1790-B, and report back to Council with recommendations regarding the number of Councillors who could attend. *Motion Carried*

10.2 Council Self-Evaluation

CS 2019-232

That Council direct staff to create a policy on the Council practice of regular self-assessment, with a focus on excellence in governance in the Town of Ladysmith.

Motion Carried

10.3 Victoria City Council Resolution to the Union of British Columbia Municipalities Requesting Restored Provincial Support for Libraries

CS 2019-233

That Council endorse the Victoria City Council Resolution to the Union of British Columbia Municipalities requesting that Provincial support for libraries be restored.

Motion Carried

10.4 Stocking Lake Main Rupture

CS 2019-234

That Council:

- 1. Authorize Staff to spend up to \$150,000 from the Water Capital Reserve for repairs to the Stocking Lake water main;
- 2. Waive the Purchasing Policy and direct award the repair work to David Stalker Excavating based on time and material pricing; and
- 3. Direct Staff to amend the 2019-2023 Financial Plan accordingly. *Motion Carried*

11. QUESTION PERIOD

A member of the public enquired whether the \$10,000 received from the sale of the 1990 Custom Pierce Dash Pumper truck could be applied to the purchase of the Town's recently acquired new pumper truck.

12. ADJOURNMENT

CS 2019-235

That this Regular Meeting of Council adjourn at 8:16 p.m. *Motion Carried*

Mayor (A. Stone)

Corporate Officer (J. Winter)

Municipal Services Committee Recommendations to Council June 24, 2019

At its June 10, 2019 meeting, the Municipal Services Committee recommended that Council:

- 1. Direct staff to prepare:
 - a. A Development Cost Charges (DCC) reduction bylaw affordable rental housing policy, including eligibility conditions that could be considered on an individual project basis.
 - b. A bylaw to repeal the current DCC reduction bylaw for not-for-profit rental housing (Bylaw 1804).
 - c. A bylaw to amend the Downtown DCC reduction (waiver) Bylaw 1781 to add a five year sunset clause.
 - d. A project specific Development Cost Charges (DCC) reduction bylaw (100% waiver) for the 36-unit Ladysmith Resources Centre Association not-for-profit affordable rental housing development at 314 Buller Street.
- 2. Approve the amended Payment and Signing Authority Policy.