



AGENDA

Community Planning Advisory Committee

Wednesday, March 3, 2021 at 7:00 p.m.
via Zoom

Mandate: *The mandate of the committee is to provide feedback to applicants and advice to Council on land use applications, policies, regulations and initiatives referred either directly by Council or through the Development Approval Procedures Bylaw.*

1. **ACKNOWLEDGEMENT**
The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.
2. **AGENDA APPROVAL**
3. **ADOPTION OF FEBRUARY 3, 2021 MINUTES***
4. **COUNCIL REFERRALS**
 - a. **Official Community Plan & Zoning Bylaw Amendment application***
3360-20-08 – 10864 Westdowne Road
 - b. **Official Community Plan & Zoning Bylaw Amendment application***
3360-20-09 – 336 Belaire Street
5. **NEW BUSINESS**
 - a. **Council Committee Structure**
Councillor McKay
6. **MONTHLY BRIEFING**
None.
7. **NEXT MEETING - TBD**
8. **ADJOURNMENT**

*Attachments



MINUTES

Community Planning Advisory Committee

Wednesday, February 3, 2021 at 7:00 p.m.
via Zoom

PRESENT: Chair – Jason Harrison; Members – Abbas Farahbakhsh, Tamara Hutchinson, Jennifer Sibbald, Brian Childs; Council Liaison – Tricia McKay; Acting Senior Planner & Recorder - Julie Thompson

ABSENT: Members – Tony Beckett, Steve Frankel

GUESTS: Applicant – Matt Schnurch (Turner Land Surveying)

The meeting was called to order at 7:03 p.m.

1. INTRODUCTION OF NEW MEMBER

The Town's Acting Senior Planner, Julie Thompson, introduced the new Community Planning Advisory Committee member, Abbas Farahbakhsh. Abbas provided a brief overview of his professional background.

2. ELECTION OF A CHAIR

It was moved, seconded and carried that Jason Harrison be the Chair of the Community Planning Advisory Committee. Jason opened the meeting by recognizing the traditional territory of the Stz'uminus First Nation.

3. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of February 3, 2021 be approved.

4. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of January 6, 2020 be approved.

5. COUNCIL REFERRALS

a. Zoning Bylaw Amendment application

3360-20-05 – 630 Farrell Road

The Town's Acting Senior Planner, Julie Thompson, provided a brief overview of the application.

The applicant, Matt Schnurch (Turner Land Surveying) provided a short presentation of the application, including the property owner's rationale for rezoning, to allow for stratification of the proposed duplex units.

CPAC members discussed the application and deliberated aspects of the application including the structure of the strata, stormwater management, bird nesting sites, and building schemes/design parameters.

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC) supports in principal Zoning Bylaw amendment application 3360-20-05, and recommends that Council consider the following items:

- a. Stormwater management;
 - b. A survey for bird nesting sites;
 - c. The structure of the proposed strata with particular consideration to reviewing the services provided by the Town, and the services provided by the strata; and
 - d. Clarification with respect to building design guidelines for this subdivision.
7. **NEW BUSINESS**
None.
8. **MONTHLY BRIEFING**
None.
9. **NEXT MEETING - TBD**
10. **ADJOURNMENT**
It was moved, seconded and carried that the meeting be adjourned at 8:15 p.m.

Chair (J. Harrison)

RECEIVED:

Corporate Officer (D. Smith)

CPAC REFERRAL REPORT

Report Prepared By: Julie Thompson, Planner
Meeting Date: March 3, 2020
File No: ZBL 3360-20-08
Re: Zoning Bylaw Amendment Application – 10864 Westdowne Road

EXECUTIVE SUMMARY:

An application has been submitted to rezone the 6110m² (0.611ha) property located at 10864 Westdowne Road to allow “Storage Yard” as a principal permitted use. The applicant is proposing outdoor commercial storage of RV’s, boats, and vehicles. The Community Planning Advisory Committee is being asked to provide comment on the application and if necessary, make recommendations to Council.

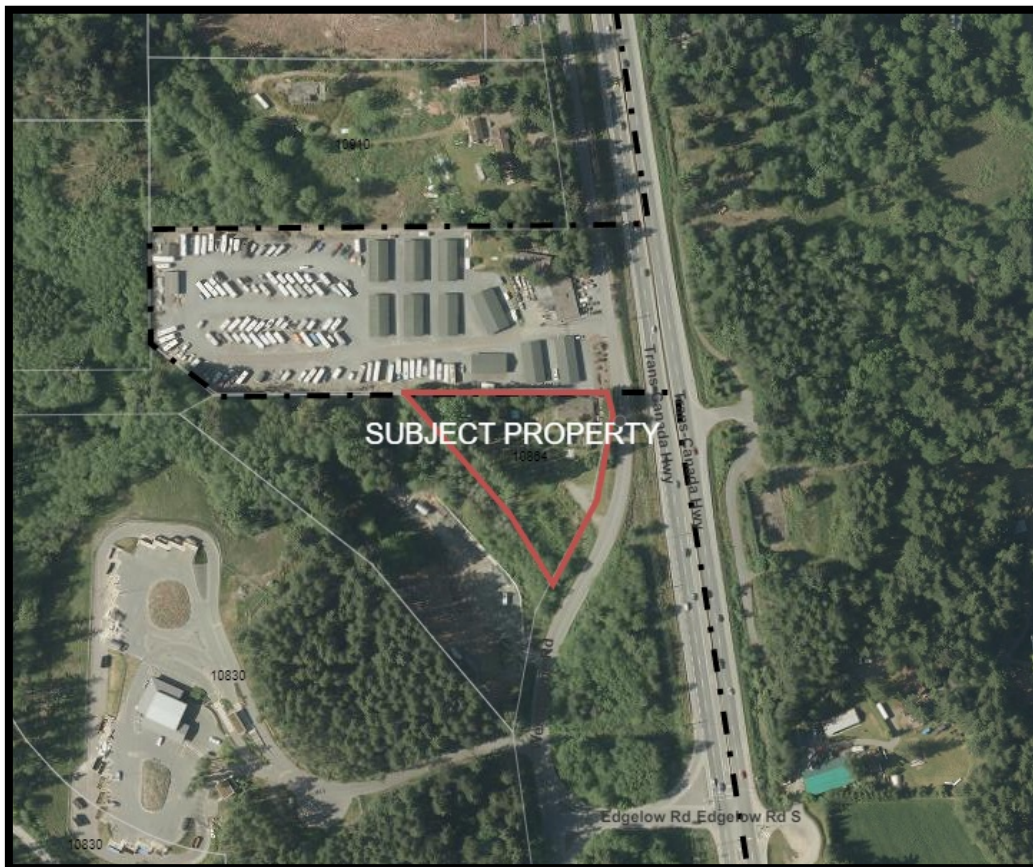


Figure 1: Subject Property

INTRODUCTION/BACKGROUND:

The 0.611ha subject property is located at 10864 Westdowne Road. It currently contains a house and a small cabin. A tributary of Stocking (Kerr) Creek and riparian area located on the property (see figure 3). Land uses in the vicinity of the subject property are summarized in table 1, below.

Table 1: Surrounding Land Uses

North	The property immediately adjacent to the north in is located in the CVRD and contains a commercial storage facility, and industrial uses.
East	TransCanada Highway and forested CVRD lands.
South	Peerless Road Recycling Centre and industrial (I-2) zoned lands.
West	Peerless Road Recycling Centre and industrial (I-2) zoned lands.



Figure 2: Surrounding Zoning

The property owner is proposing to do outdoor commercial storage of RVs and boats on the subject property, possibly as an expansion of the outdoor storage use occurring on the property to the north. Additionally, the owner operates a mechanic business on the same neighbouring property to the north, and stores vehicles waiting for repair on the subject

property. The proposed outdoor commercial storage would also include storage of these vehicles awaiting repair.

DISCUSSION:

Official Community Plan (OCP):

The subject property is located within the Industrial designation in the Official Community Plan Bylaw No. 1488. The Industrial designation is intended to accommodate industrial development and employment centres. It provides for the range of industrial and light industrial uses, and limited commercial uses to support industrial parks. The maximum density is 0.3 floor space ratio (FSR) for industrial and 0.7 FSR for light industrial developments. The subject property also falls within the South Ladysmith Area Plan (SLAP; Schedule D of the OCP). The subject property is within the Industrial designation in the SLAP, intended to provide larger land parcels with reasonable costs to attract value added forest sector uses, as well as other industrial uses.

The following OCP policies are relevant to the proposal:

- Fish bearing and non-fish bearing riparian areas shall be protected from unnecessary intrusion and development.
- Riparian corridors will be protected for their contribution as linkages between ecosystems.
- Industrial development is directed to the newly created industrial park areas in Ladysmith. Serviced industrial locations are currently designated in the Plan for the north waterfront in the northeast sector of the Town. A new industrial area in the south sector of Town is planned for a rural level of servicing in the interim, and is to be fully serviced in the long term.
- Direct urban development growth through sequential extensions to the existing infrastructure servicing distribution systems. Interim rural servicing standards are allowed in the recently incorporated South Ladysmith area for industrial and agricultural uses, with connection to full municipal services when made available.

The following SLAP policies are relevant to the proposal:

- Permit industrial development in the area designated Industrial.
- Industrial uses are intended to permit the range of uses anticipated for an industrial park, including land-extensive heavy industry associated with the forest sector, primary processing, manufacturing, warehousing, wholesaling and storage, product assembly and service, transportation and distribution uses.
- New development in the industrial designation on parcels of a minimum 2.0 ha and uses with minimal water supply and sewage flow demands can be serviced with municipal or private well water and a private sanitary system. Parcels less than 2.0 ha are required to be on municipal services.

With respect to the OCP policies, staff have the following comments:

- The proposed density consistent with the light industrial density regulations.
- The proposed use is consistent with the industrial designation.

- The parcel is less than 2.0ha in size and is not currently serviced by municipal servicing, including water and sanitary sewer. The Town's Engineering Department has noted that a water main is available in proximity to the site. However, sanitary sewer is not yet available to the area and is not expected to be available in the near future. The SLAP was written in 2002, and the policies anticipated extensive infrastructure and servicing upgrades in the plan area which have not been implemented.

Development Permit Areas (DPA):

The subject property is located within Development Permit Area 5 - Industrial and Development Permit Area 6 - Riparian, pursuant to the OCP. A Development Permit (DP) will be required prior to establishment of the proposed use which may require earthworks, screening and/or landscaping, and demolishing of the existing cabin. A DP application would require submission of a Riparian Areas Protection Regulation (RAPR) assessment, to also be submitted and approved by the Province in accordance with the Provincial RAPR Regulation. A future RAPR assessment and DP would evaluate the proposed development in more detail and provide specific protection measures for the watercourse located on the property.

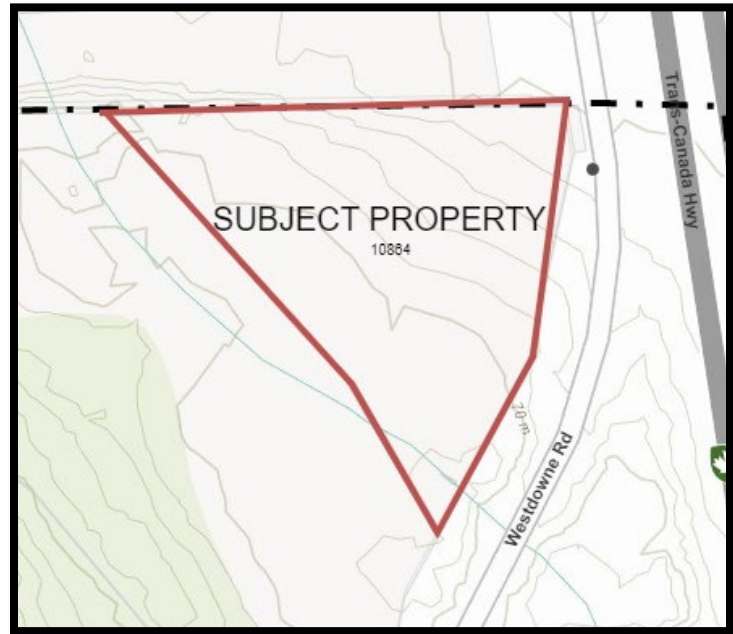


Figure 3: Approximate Location of Kerr Creek Tributary

The applicant has submitted an Environmental Impact Assessment (EIA) report from a registered biologist (see attached). According to the report, fill has been imported into the DPA without a permit and approximately 80-100m² of the fill is within the Streamside Protection and Enhancement Area (SPEA). The biologist recommends that fill should be removed from the SPEA as soon as possible and the site should be stabilized from surface erosion to prevent sedimentation of Stocking (Kerr) Creek. This remediation of the stream is required regardless of whether the zoning application is approved.

The EIA report contains several other recommendations, see attached report for details.

Zoning:

The subject property is located within the Light Industrial (I-1) zone in Zoning Bylaw No. 1860. The I-1 zone does not permit the proposed use, which would most closely fall under

Storage Yard, a permitted use in the Industrial (I-2) zone. The definition of Storage Yard in accordance with the Zoning Bylaw is:

“the use of land outside of an enclosed building where construction materials and equipment, new building materials, monuments and stone products, public utility equipment, or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether as a principal or accessory use.”

The Zoning Bylaw requires all uses permitted under the bylaw to be connected to the Town community water and community sewer system. A variance or site specific bylaw amendment may be required as community sewer is not available to the area at this time.

Proposed Bylaw:

The proposed bylaw would allow Storage Yard use on a site specific basis in the I-1 zone on the subject property. Additionally, the definition of Storage Yard is proposed to change to include RV and boat storage. The proposed bylaw may also include regulations to screen the Storage Yard use, such as through a fence and/or landscaping.

Covenants:

There is one covenant on the subject property title requiring a 15m setback from Stocking (Kerr) Creek.

SUMMARY:

This rezoning application is being referred to CPAC for comment in accordance with the Town’s Development Procedures Bylaw and CPAC’s Terms of Reference. The minutes from this CPAC meeting will be on the agenda for the next available Council meeting.

ATTACHMENT(S):

- Environmental Impact Assessment



February 8, 2021

Shane Seifried
10864 Westdown Road
Ladysmith BC

Via Email: sseifried@hotmail.com
Cc: kriskennedy39@gmail.com

**RE: ENVIRONMENTAL IMPACT ASSESSMENT
10864 WESTDOWN ROAD LADYSMITH BC**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete an Environmental Impact Assessment for a proposed zoning amendment for 10864 Westdown Road in Ladysmith BC.

As understood, the property is zoned I-1 Light Industrial and the owner wishes to add vehicle storage activities to the existing zoning. The intent is to lease additional storage space to the neighbouring business, Ladysmith Mini Storage Centre for vehicle / boat / trailer storage.

A review of the Town of Ladysmith maps identifies the property is subject to Development Permit Area 5 (DPA 5) – Industrial. A tributary of Stocking Creek, locally known as Kerr Creek, forms the western boundary and therefore DPA 6 should apply, though the town map does not indicate the riparian DPA beside the mapped stream. This stream is subject to the provincial Riparian Areas Protection Act and Regulation as it flows into Stocking Creek – a fish bearing watercourse.

A site location map is included with this report as Figure 1. A series of photographs taken by Aquaparian during the site visit is included as Appendix A.

2.0 PROVINCIAL REGULATIONS

Riparian Areas Protection Regulation. The RAPR calls on local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed activities to determine the appropriate riparian setback and prescribes measures to protect the setback from the proposed development. This regulation applies to fish bearing watercourses

and tributary streams connected to fish bearing watercourses. For streams, the Riparian Assessment Area extends 30m; if land alteration is proposed in this area, a RAPR assessment is to be conducted before development is allowed to proceed. The assessment will determine the Streamside Protection and Enhancement Area (SPEA) and prescribe measures to protect the SPEA from Development.

Provincial Water Sustainability Act (2016).

Works in and about a stream under Section 11 of the *Water Sustainability Act* requires that a person may only make “changes in and about a stream” under an Approval or Notification. “Changes in and about a stream” means: *any modification to the nature of the stream including the land, vegetation, natural environment or flow of water within the stream, or any activity or construction within the stream channel that has or may have an impact on a stream.* A Notification is used for specified low risk changes in and about a stream that have minimal impact on the environment or third parties. Notifications are used for specified low risk changes in and about a stream that have minimal impact on the environment or third parties. The work must meet the requirements of the Water Sustainability Regulation, and comply with any conditions set out by a habitat officer in response to a notification. Notifications are to be submitted at least 45 days prior to the scheduled work and within the same calendar year as the proposed work. Exceptions exist for certain emergency situations but must be reported to province.

3.0 RESULTS

Aquaparian (Sarah Bonar R.P.Bio) completed a site assessment on February 3, 2021 to document the existing site conditions and environmental attributes of the property.

The property is roughly triangular in shape fronting Westdown Road on the eastern side of the parcel. The property is bounded on the north by the Ladysmith Mini Storage Centre. The western boundary is formed by a wetland reach of a tributary of Stocking Creek, a fish bearing watercourse. The Ladysmith Mini Storage Centre is comprised of a number of storage buildings and a levelled gravel yard for storing recreational trailers, boats, utility trailers and vehicles. Kerr Creek is culverted from one side of this property to the other discharging into the subject parcel and adjacent property across the creek.

The property is developed with a house located within a fenced portion of the yard located in the northeast corner near the road. A small, unused cabin is located in the back of the property near the northern boundary. A number of vehicles in various states of disrepair and one fifth-wheel are parked near the driveway. The driveway is dirt and has recently had fill imported and graded to level an area proposed for additional vehicle storage. As understood, a pile of old fill left by the previous landowner was levelled out and additional fill has also been deposited and graded into the riparian area of the creek.

The remaining riparian vegetation is comprised of a ~5m wide strip of young red alder trees and reed canary grass and patches of salmonberry. A row of ten mature Lombardi poplar trees is located along the edge of the floodplain roughly in the middle of the parcel. A couple of larger trees are located toward the north end of the property. The primary environmental feature is Kerr Creek which is a linear wetland reach with wide floodplain areas to either side of the main flow channel. The floodplain edges are dominated by reed canary grass.

In 2012 Aquaparian completed a Riparian Areas Regulation Assessment of the parcel located across the creek. Results of the assessment determined the Streamside Protection and Enhancement Area for this reach of the stream is 15m starting from the edge of the active floodplain. Based on the channel morphology, and the parcel being on the north side of the creek, the SPEA will be the same 15m on the subject parcel. Aquaparian placed flagging along the stream channel, at the edge of the active floodplain, at the approximate 15m SPEA and the approximate 30m DPA to determine the encroachment of the fill and plan remediation requirements. The flagging along the 15m SPEA also provides a visual reference to indicate the maximum allowable developable area. Approximately 80 to 100m² of the 15m SPEA has been impacted by fill placement.

A review of the most recent Google Earth image (May 20, 2020) shows riparian vegetation was green up to the edge of the driveway. The edge of the driveway was approximately located at the 15m SPEA boundary. A review of the property on Google Earth street view dated June 2016 taken from Westdown Road shows most of the riparian area was vegetated by grass, a row of young red alder trees, a few shrubs and the row of Lombardi poplars. A small pile of soil was located in the middle of the lawn area and a triangular driveway entrance appears to be recently gravelled. The area of new fill placement appears to have been over the area of grass extending almost to the row of red alder trees that are located along the edge of the floodplain.

As per the RAPR, any alteration of land within 30m of the stream should have been subject to a Development Permit. If this process had been followed, a RAPR assessment would have been completed and a 15m SPEA would have been identified as the limit of disturbance allowed. Measures would have been prescribed to carry out the project while protecting the SPEA from development – in this case fill placement to create a larger level storage area. The province does not allow RAPR assessments to be conducted retroactively when there is already and impact within the SPEA – instead an impact and remediation assessment report is to be submitted to the municipality to address the bylaw violation. Remediation of the site will likely be a condition for the rezoning and future development plan of the property.

3.0 CONCLUSIONS AND RECOMMENDATIONS

Based on site observations and measurements, fill was imported within the 30m DPA without a permit and approximately 80 to 100m² of the fill is within the SPEA. The maximum area that the parcel can be developed for storage is up to the 15m SPEA boundary. Therefore, the fill should be removed from the SPEA as soon as possible and the site should be stabilized from surface erosion to prevent sedimentation of Kerr Creek.

The following measures are recommended prior to rezoning:

- The 15m SPEA boundary should be more accurately located by a surveyor;
- Remove the fill from the 15m SPEA down to the original ground – it is recommended to remove at least one more meter back from the SPEA in order to have a stable slope, manage sediment migration and allow space for a future retaining wall if required;
- If fill is stored on site for future land development, it is to be stored outside the 30m DPA and covered with a tarp to prevent sediment migration;
- Install a row of silt fence along the section of SPEA beside the fill placement to prevent sediment migration into the creek. The bottom skirt of the silt fence is to be buried as per required installation methods;
- Cover the newly exposed soils within the SPEA with grass seed and straw to prevent surface erosion.
- Fill is to be clean and free of contaminants;
- All heavy equipment is to be clean and free of leaks and have spill management materials on board;
- Any spills of deleterious substances to watercourses are to be reported to EMBC at 1-800-663-3456.

The following will be required for future storage area development:

The property is subject to the Industrial Development Permit Area and the Riparian Development Permit Area. As such, a Development Permit application is to be submitted to the Town prior to any future development of the property.

Between the 15m SPEA and 30m DPA, future development of the storage area is expected to require additional fill, grading of fill, installation of a lock block or armour rock retaining wall, gravel placement and fencing. The small cabin may also be demolished. Some vegetation may be removed between the 15m SPEA and the 30m DPA. As understood, development of the additional storage area is to be undertaken by Ladysmith Mini Storage Centre once a lease agreement is negotiated.

Prior to any further alteration within the 30m DPA, a RAPR Assessment is to be completed which is to be submitted to the province for Approval prior to the Town of Ladysmith issuing a Development Permit. The RAPR assessment will require a legal survey of the site showing the watercourse, 30m DPA, 15m SPEA and proposed storage area. The report will prescribe measures to be implemented to protect the SPEA from construction and future land use. Recommendations are expected to include fencing along the SPEA or top of retaining wall if installed along the SPEA boundary to prevent future encroachment. The 15m SPEA is to be allowed to revegetate naturally and is to be considered a no-go area.

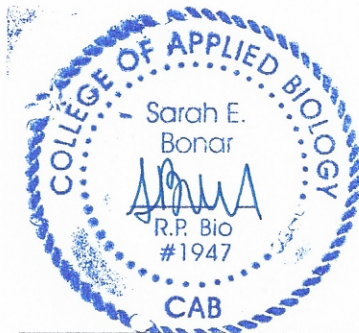
4.0 CLOSURE

This report has been based on a site assessment, past project experience and in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:

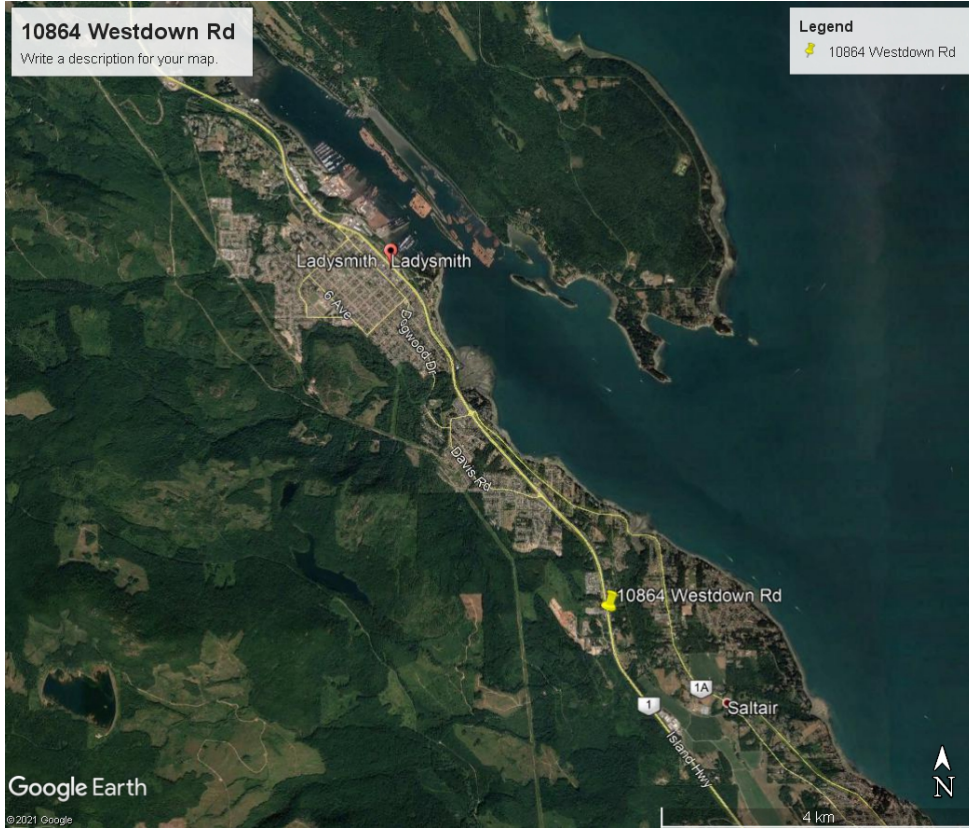


Sarah Bonar B.Sc., R.P.Bio
Biologist/Principal

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FIGURE 1
SITE LOCATION MAP

10864 WESTDOWN ROAD LADYSMITH SITE LOCATION MAP



APPENDIX A
SITE PHOTOGRAPHS

10864 WESTDOWN ROAD
Photo Sheet 1



Photo 1. Google Earth Street View of the property taken in 2016 showing limited riparian vegetation dominated by grass and a row of immature red alder and several Lombardi poplar trees.



Photo 2. Showing the same view where the fill has been placed in the 30m DPA of Kerr Creek up to the row of red alder trees.

Photo Sheet 2



Photo 3. Showing a portion of the fill within the 15m SPEA looking toward Westdown Road.



Photo 4. Showing another portion of the fill within the 15m SPEA up to the edge of the active floodplain.

Photo Sheet 3



Photo 5. Showing the fill within the 30m DPA .



Photo 6. Showing the largest portion of the fill within the 30m DPA.

Photo Sheet 4



Photo 7 & 8. Showing the northern property boundary and the 15m SPEA and 30m DPA flagging on the fence line shared with the Ladysmith Mini Storage property.



Photo Sheet 5



Photo 9 & 10. Showing the poorly defined stream channel within a floodplain reach characteristic of a linear wetland dominated by reed canary grass, red osier dogwood and salmonberry. Red alder trees are growing along the edge of the active floodplain.



CPAC REFERRAL REPORT

Report Prepared By: Christina Hovey, Senior Planner
Meeting Date: March 3, 2021
File No: 3360-20-09
Re: Application to Rezone 336 Belaire (the Jailhouse) from 3 to 4 storeys

EXECUTIVE SUMMARY:

The current application is to amend the zoning for 336 Belaire to allow for a fourth-storey (one floor commercial, three floors of residential). The current zoning on the property allows for three-storeys, with commercial on the main-floor and residential units in the two storeys above. The current zoning was adopted by Council in January, 2020.

PREVIOUS COUNCIL DIRECTION

Resolution Number	Resolution Date	Resolution
CS 2020-005	Jan. 7, 2020	That Council adopt Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020.
CS 2019-397	Dec 2, 2019	That Council: <ol style="list-style-type: none"> 1. Proceed with third reading and final adoption of Bylaw 2018, cited as Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw 2018. 2. Proceed with third reading of Bylaw 2020, cited as Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, 2019, No. 2020 3. Direct staff to refer Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw, No. 2020 to the Ministry of Transportation and Infrastructure, pursuant to the Transportation Act.

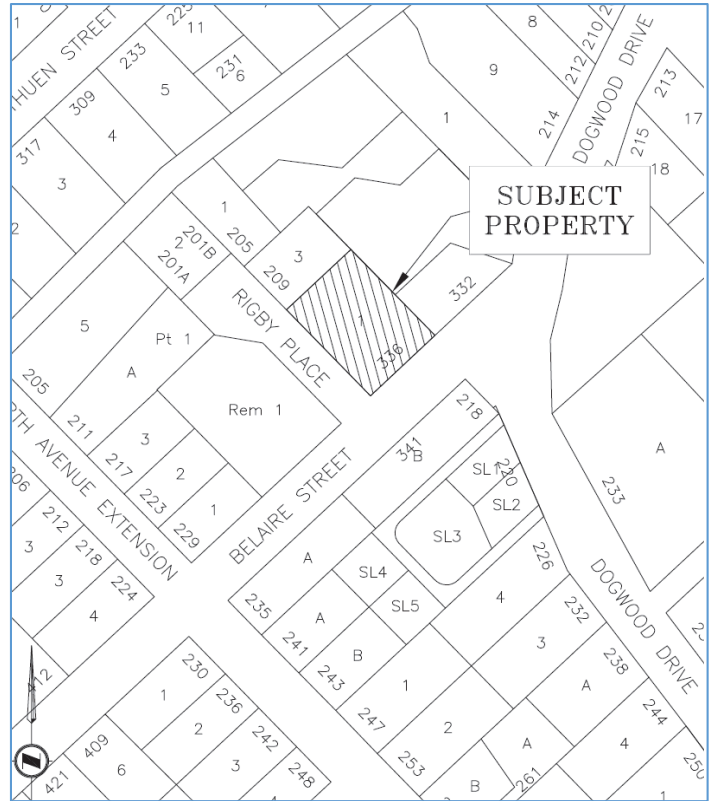
INTRODUCTION/BACKGROUND:

In January 2020, 336 Belaire Street (the subject property) was rezoned from C-1 (Local Commercial) to the CD-6 Zone (Comprehensive Development 6 – Belaire Mixed Use) zone. The property is 1,530 m² in size and was the site of a former police station. The police station building has been demolished and the property is now vacant. This application is to amend the zoning for 336 Belaire to allow for a fourth-storey (one floor commercial, three floors of residential) and up

to four additional residential units (to a total of 12 units). The current zoning on the property allows for three-storesys, commercial on the main-floor and up to eight residential units in the two storeys above.

Site Context:

The subject property is located at the corner of Belaire Street and Rigby Place, near the intersection between Belaire Street and Dogwood Drive. Adjacent to the property on the opposite side of Rigby Place is Wickham Park, a small, landscaped park. On the opposite side of Belaire Street, to the rear of the subject property, and surrounding Wickham Park are single-family residential properties. There is a multi-family (townhouse) development adjacent to the property at Dogwood Drive. On the opposite side of Dogwood Drive there are a mix of single-family and multi-family residential properties.



DISCUSSION/ANALYSIS:

Official Community Plan:

The subject property is designated as local commercial in the Official Community Plan (OCP) and is within both Development Permit Area 3 ‘Commercial’ (DPA 3) and Development Permit Area 4 ‘Multi-Unit Residential’ (DPA 4). The Local Commercial Designation is intended to accommodate small scale commercial uses located within neighbourhoods. It provides for a limited range of retail, office, and service uses, which do not compete with the commercial uses in the downtown core. The OCP states that residential uses may be included within the Local Commercial Designation provided that they are consistent with the scale, form, and character of the surrounding neighbourhood.

As of the 2020 rezoning, 336 Belaire is within a Comprehensive Development Zone. The OCP states that Comprehensive Development Zones may be located within any designation, provided that the mix of uses conform or are compatible with the permitted uses of the designation.

The opinion of Staff is that the proposed zoning amendment is consistent with the OCP and an OCP amendment is not required.

A development permit will be required prior to construction. The applicant has provided renderings of the building design which are provided in Attachment A.

Zoning Bylaw:

The property is currently zoned Comprehensive Development 6—Belaire Mixed-Use (CD-6). A density bonus provision of the CD-6 zone requires the owner to construct parking improvements on the other side of Rigby Place along edge of Wickham park. The proposed rezoning would add an additional density bonus provision to allow for up to four additional residential units providing that the owner meets additional requirements. The proposed zoning amendment is described below in Table 1: Summary of Zoning Amendment.

Table 1: Summary of Zoning Amendment

Provision	Current Zoning	Proposed Zoning Amendment
Floor Space Ratio	0.9 maximum	1.2 maximum (to be confirmed)
Residential Density	Eight (8) units maximum with a requirement to provide street parking and drainage improvements on Rigby Place adjacent to Wickham Park	12 units maximum with the following requirements: - to provide street parking and drainage improvements on Rigby Place adjacent to Wickham Park (the same requirement as for 8 units) - Underground parking is required for the residential units - Green building provisions (compliance with BC step code, step 1 or higher)
Height of Principal Building(s)	11.0m maximum	13.5m maximum
Step Back of Upper Storey(s)	None specified	Fourth storey to be a maximum of 85% of the size of the first storey (to be confirmed)

Amenity Contribution

The applicant is proposing to provide 11 parking spaces adjacent to Wickham Park and to update the storm water infrastructure along Rigby Place. The applicant is also proposing to construct a pavilion/shelter in Wickham Park. This proposal is consistent with the vision for the park as a place for people to congregate and relax and as a potential location for a community garden.

ATTACHMENTS:

- Attachment A – Applicant’s Rationale
- Attachment B – Proposed Community Amenity Contributions

the Jailhouse
336 Belaire Street, Ladysmith BC
Owner: the Jailhouse Brewing Co. Ltd.

**A Rezoning to increase height
from three to four storeys**
November 06, 2020

DRAFT 2020.11.12

BACKGROUND

Height Consideration given to the immediate neighbours

Ladysmith's Visioning Public Preference Handbook recommends four storey commercial-residential buildings as the preferred model for mixed-use projects.

"A four storey (12.7m) commercial and residential building type forming part of a street wall is the preferred model when integrating mix use."

~ Visioning Public Preference Handbook

In 2018, the Jailhouse project was presented to the Town of Ladysmith for rezoning the OI' RCMP Building Site from a three storey commercial to a four storey mixed-use building.

At that time, feedback from the community at two Neighbourhood Information meeting favored the mixed-use model with over 75 attendees expressing general acceptance for **four storeys**.

There were some concerns remaining from immediate neighbours and with much consideration, the Owner subsequently met with selected neighbours in person.

- Two main concerns were discussed,**
- adequate parking along Rigby Place;
 - building height and overlook.

At the time, the project did not include underground parking and the Owner felt that it was economically possible to forgo the fourth floor.

The approved CD-6 zone limited the Jailhouse Project to three storeys.

"Roads form part of the transportation network. As part of a walkable community, vehicles share the road with other pedestrian activities, and form part of a vibrant community. Street calming techniques should be explored through the use of traffic islands, landscaped medians, curb extensions, raised street sections and textured pavement visual signals and messages."

~ Ladysmith's Vision, Public Preference Handbook

RZ PROPOSAL 2020

Increase height from three to four storeys

The Project proceeded with three storeys and as the design progressed, underground parking was once again on the table and with the Town of Ladysmith's reconsideration for access off Beaire Street, this amenity became possible.

Residential parking would be provided underground, on-site visitor and commercial surface parking. Street parking would be provided on Beaire as well as along the park-side of Rigby Place. In addition, there would be a stormwater system installed along Rigby Place.

An evaluation of the economics for the additional underground parking as well as the Rigby street stormwater upgrade made it clear that a fourth floor was needed for the overall project viability.

Hence, this rezoning proposes to increase the overall building height from three to four storeys.

- This was presented to the community in 2018 and favorably accepted.
- Four storeys is a "preferred model when integrating mix use."

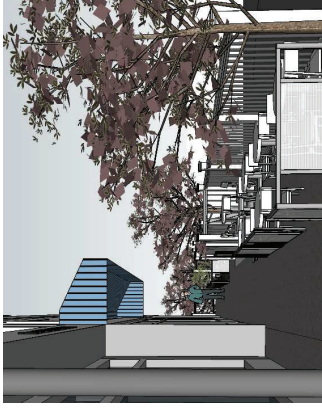
"Love the idea of bringing life back into the neighborhood"
~ PIM01 Survey comment

Would love a community area near my house (Bayview Ave) to socialize and enjoy.
~ PIM01 Survey comment

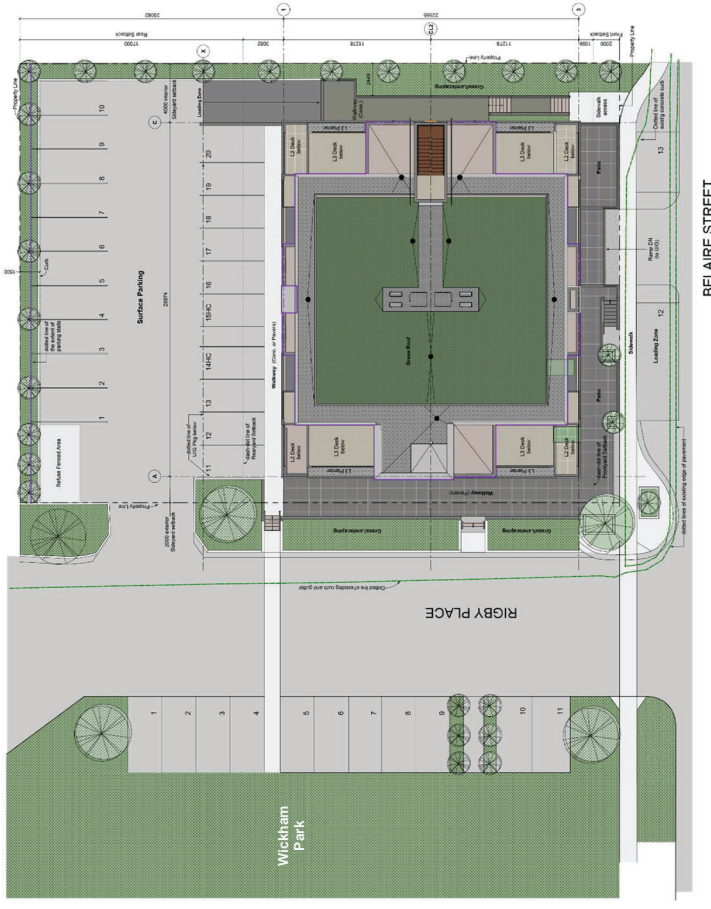
"Developing an area for people to enjoy, accessible, and affordable."
~ Ladysmith's Visioning Public Preference Handbook

Town Vision Value & Themes People

Public Spaces – Creating great spaces to be; Sidewalks into places of animation, conservation and colour; Parks for all ages; Great Streets that offer pedestrian experiences; Housing diversity that support residents at all stages of their lives to preserve friendships and relationships over the years.



DRAFT 2020.11.12

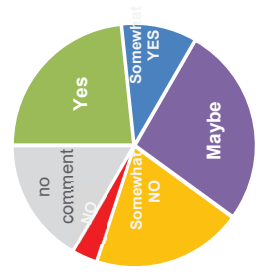


PUBLIC PARKING

Town Vision Value & Themes Environment
 Parks and trails – Preserving and extending the parks and trail systems in the community so everyone lives within a short distance of a park or greenway;



Public Parking
 Enough Street Parking for Wickham Park



RZ.2018: Rigby Place parking

In 2018, the community was presented with a parking layout with five (5) parallel parking spaces along Rigby Place. They were asked if the public parking was enough for Wickham Park. Their response was mixed with a significant level of concern that public parking may not be adequate.

Sustainability Strategy #2
 Low Impact Transportation
 Pursuing innovative parking design strategies and exploring new street standards to make streets more environmentally & socially more friendly.

RZ.2020: Rigby Place Parking

Recent discussions with the Town of Ladysmith has resulted in a design layout showing Rigby Place with parking only on the Park-side. It was felt that this would be a safe configuration for a community amenity. Eleven (1) 90d parking spaces and a stormwater management system will service both park and commercial visitors. In addition, all residential parking will be accommodated underground, leaving on-site parking for commercial activities.

"Cluster parking encouraged: 6-8 spaces with landscape buffering. If more than 10, provide landscape bays for division. Auto to pedestrian paths should include transitional elements, such as plantings, land forms, screens, and structures."
 ~ Ladysmith's Visioning Public Preference

PRIVACY AND OVERLOOK

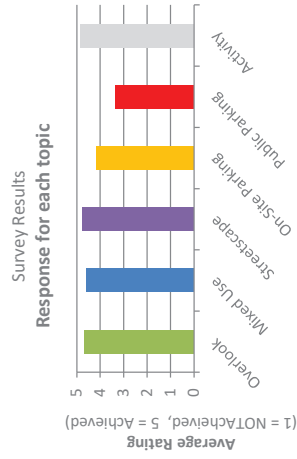
RZ.2018: Privacy and overlook comments

The community felt that the overall design does minimize overlook as well as maximize privacy for the Project's only two immediate neighbours.

NIM #2 Survey Topic : BUILDING LOCATION ON SITE

How do you feel these fall within the scale of 1 to 5 ?

1 Overlook	Configuration & location of the building on the site seeks to minimize overlook & maximize privacy for the neighbours.
2 Mixed Use	Optimization of the configuration and economics of the building.
3 Streetscape	Social spaces such as outdoor patios, terraces, a community oriented street character.
4 On-Site Parking	On-site parking location gives greater spatial separation to neighbours.
5 Public Parking	Street parking for Wickham Park is enough.
6 Activity	Public activity is focused towards Rigby & Belaire corner to respect neighbours.



RZ.2020: Privacy and overlook

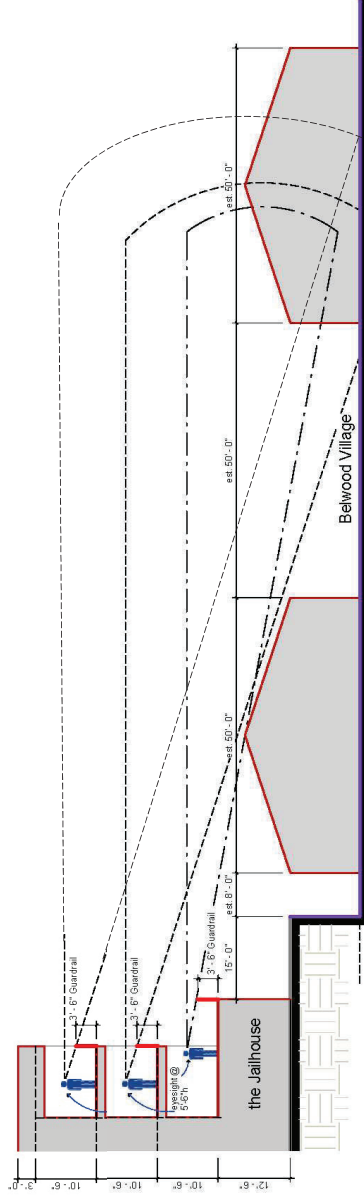
The proposed fourth floor would have similar if not less overlook and privacy concerns.

- A wide rear setback ensures privacy and minimal overlook towards the northern neighbour.
- Large outdoor residential decks with horizontal views towards the ocean, buffers overlook downward to Belwood Village.

Overlook

Concerns were primarily raised by immediate neighbour in regards to overlook of Belwood Village.

With a 15ft wide setback and an additional upper floor setback, overlook has been minimized and impact limited to primarily front yards.



ZONING Proposed revisions related to adding the fourth floor

The additional residential fourth floor proposes to add four units for a total of 12 units. Other CD-6 zoning requirements un-related to density remains unchanged, such as

- Site coverage remains @ 40%.
- Setbacks remain as is, and
- Parking and landscape requirements
- Commercial space on the main level

The commercial component on the main level remains unchanged. The additional level provides for an additional four residential units or a total of 12 units.

17.6 COMPREHENSIVE DEVELOPMENT 6 – BELLAIRE MIXED-USE (CD-6)

The purpose of the CD-6 Bellaire Mixed-Use is to accommodate a three-storey mixed-use development containing ground floor commercial and second and third floor multi-family residential development.

1. Principal Uses

- Coffee shop
- Community care facility
- Media production studio
- Multiple-Unit Dwellings.
- Neighbourhood pub
- Office
- Personal service establishment
- Restaurant
- Retail sales
- Veterinary clinic

2. Accessory Uses

- Home Based Business, subject to Part 6, Section 6.8.

3. Sizing and Dimension of Parcels

- No Parcel shall be created which has a Parcel Area less than 1,500 square metres.
- No Parcel shall be created which has a Frontage less than 30 metres.

4. Size and Density of the Use of Land, Buildings and Structures

- The Floor Space Ratio shall not exceed 0.9
- The maximum number of Dwelling Units permitted in this Zone is one.
- Notwithstanding Section 17.6(4)(b), the owner shall be entitled to a maximum residential density of 53.5 units per hectare, to a maximum of 8 units, provided that:
 - the owner constructs, at their cost, street parking and drainage improvements, in accordance with the standards established by the Town, on that portion of Rigby Place immediately adjacent to Wickham Park; and
 - prior to obtaining a building permit for the dwelling units under this section, the owner provides a bond or other surety satisfactory to the Town from which the Town may draw upon if the owner fails to complete the works under (i).

- No commercial use on the parcel shall have a Gross Floor Area greater than 250 square meters
- The combined Floor Space Ratio for all commercial uses on the property shall not exceed 0.5.
- No Building or Structures shall exceed a Parcel Coverage of 40.0 percent.
- A Parcel may contain more than one Principal Building.

5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- No Principal Building or Structure shall exceed 3 metres.
- No Accessory Building or Structure shall exceed a Height of 7.5 metres; except where the roof pitch is less than 4:12, in which case the maximum Height shall be 5.0 metres.
- No Principal Buildings or Structures shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
Front Parcel Line (Belaire Street)	2.0 metres
Interior Side Parcel Line	4.5 metres
Exterior Side Parcel Line	2.0 metres
Rear Parcel Line	17.0 metres

- No Accessory Building or Structure, with a Finished Floor Area (10 m²) as shown in the Table below, shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
Front Parcel Line	6.0 metres
Interior Side Parcel Line	4.5 metres
Exterior Side Parcel Line	3.0 metres
Rear Parcel Line	13.0 metres

6. Landscaping and Screening

- Landscaping and screening shall be provided in accordance with Part 7: Landscaping and Screening Regulations.

7. Parking and Loading

- Off-street parking shall be provided in accordance with Part 8: Parking and Loading Regulations.
- Notwithstanding Part 8: Parking and Loading Regulations, the total number of on-site loading spaces required on a parcel shall be one.

Proposed Height: 4 Storeys

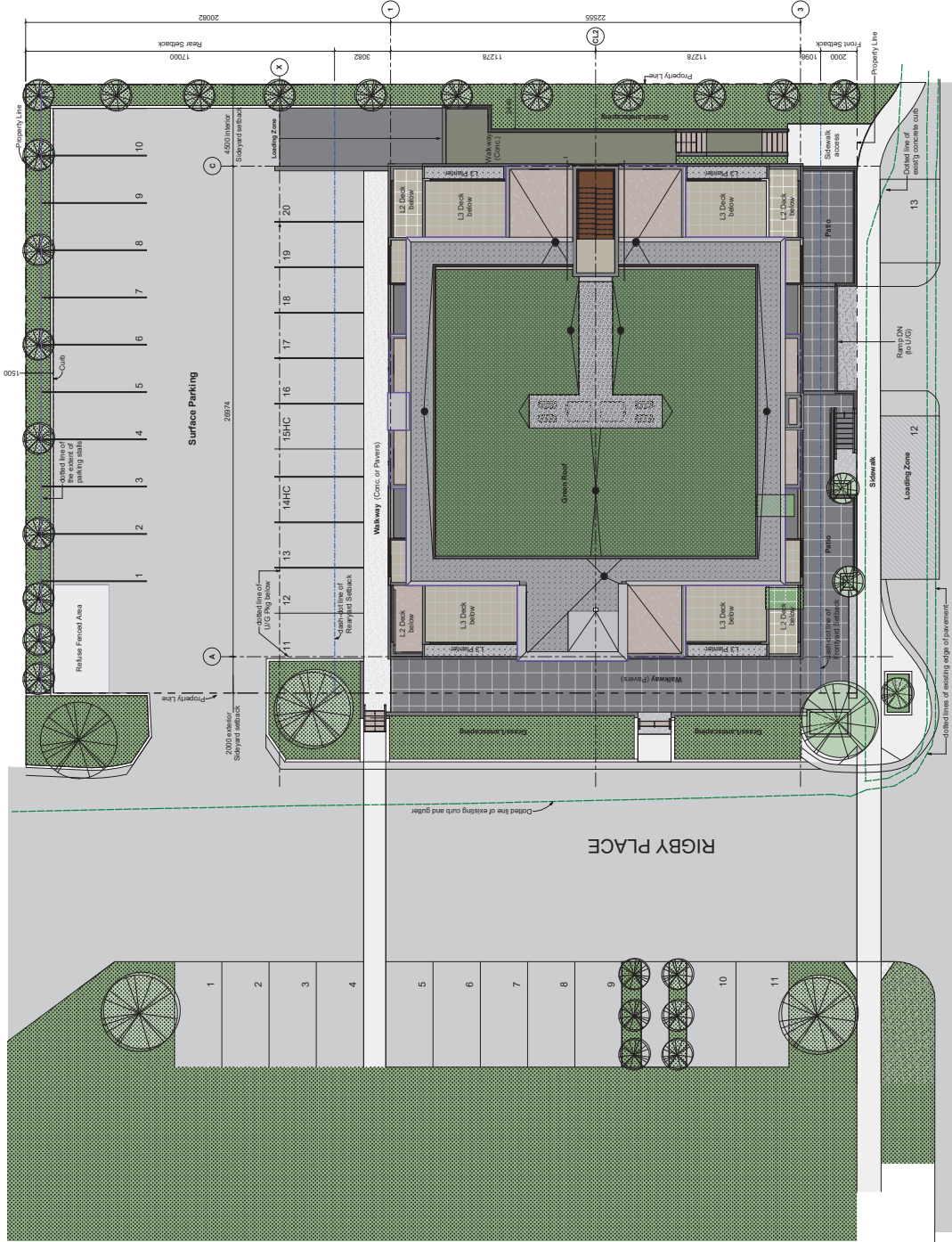
Schedule II – Bylaw 2020



SCHEMATIC DESIGN

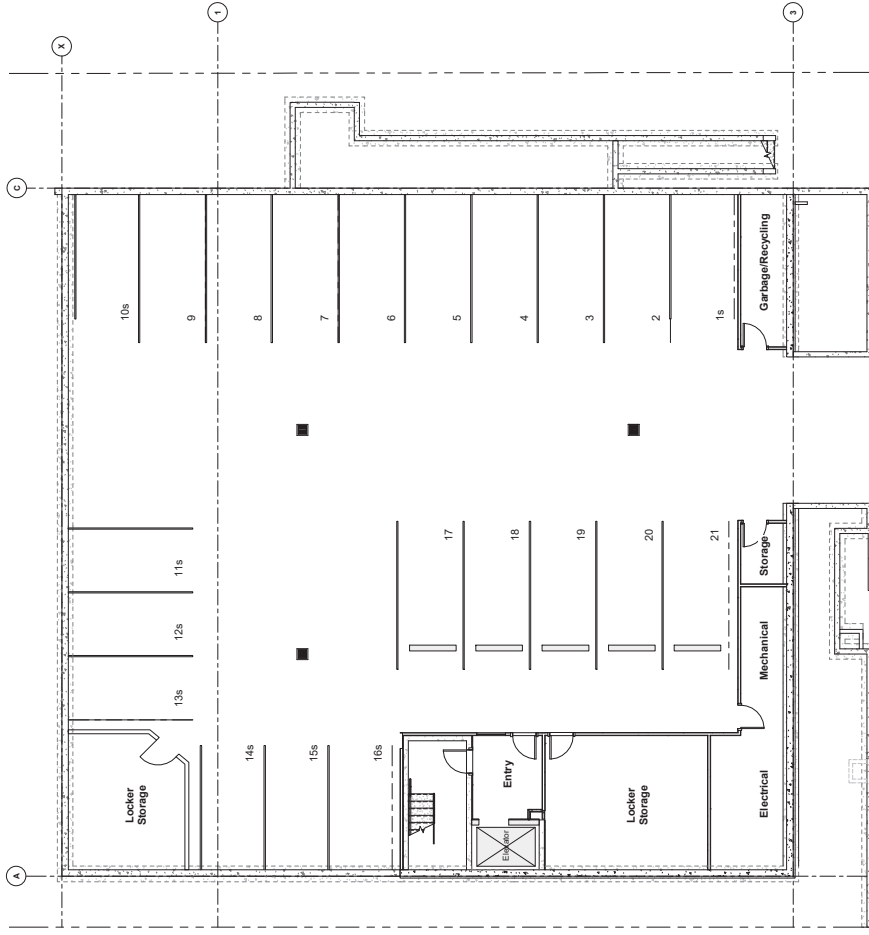
Four Storey Mixed-use Building
Architectural drawings

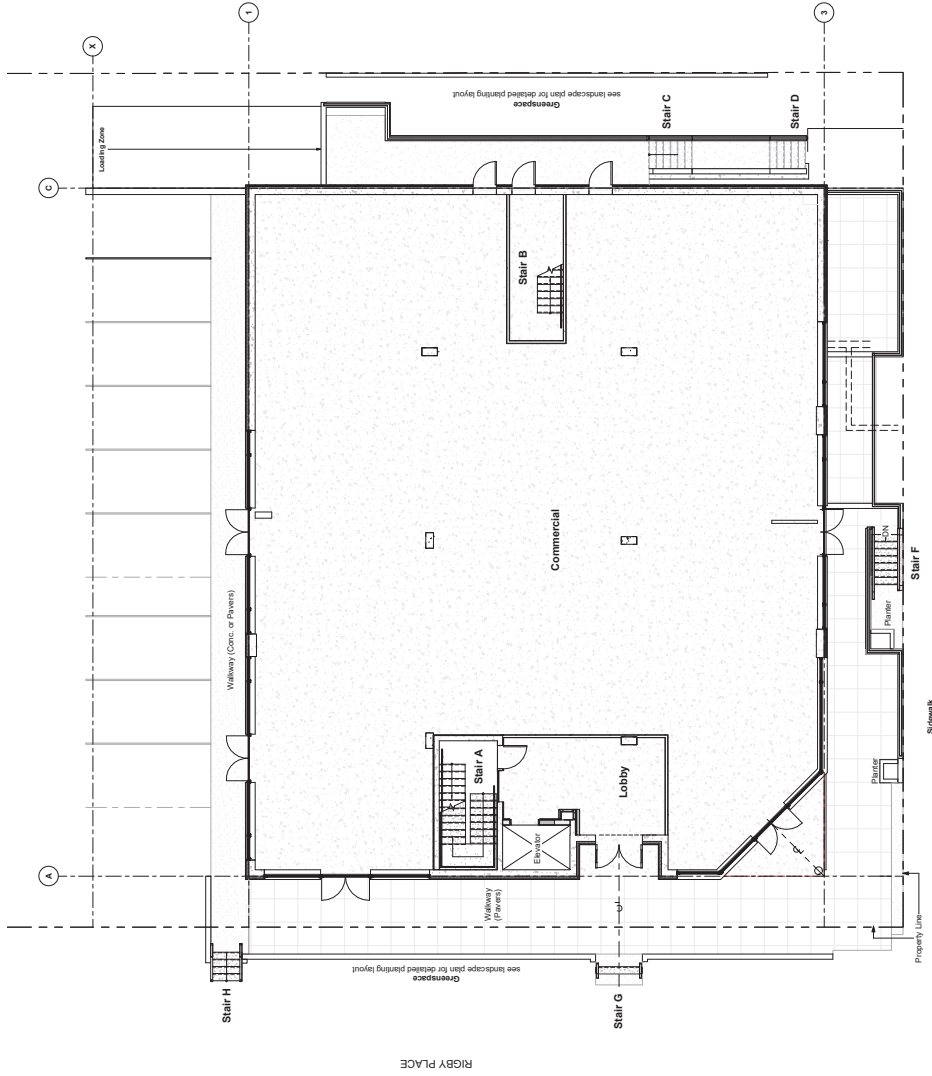
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BELAIRE STREET

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BELAIRE STREET

RIGBY PLACE

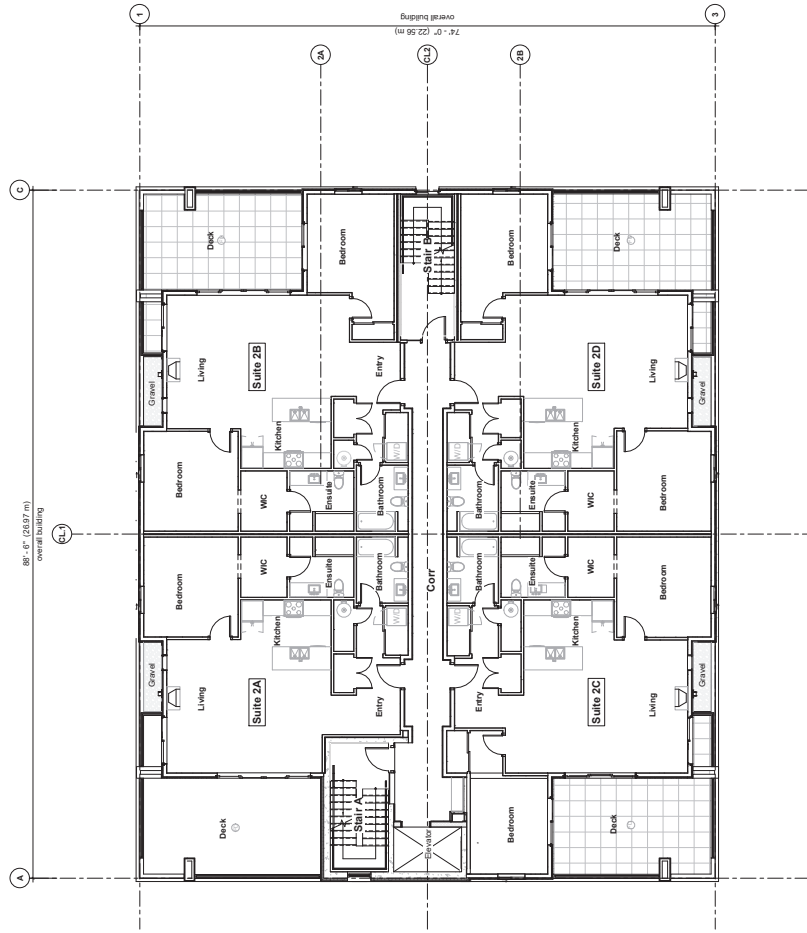
PROPERTY LINE

Sidewalk

Greenpace
 see landscape plan for detailed planting layout

Greenpace
 see landscape plan for detailed planting layout

Loading Zone





RZ.201106 (5)
Elevations
Scale: 1/8" = 1'-0"
2020-11-12 11:24:47 AM

AQ2011
The Jailhouse Mixed-use
336 Belair Street,
Ladysmith BC

DRAFT 2020.11.12

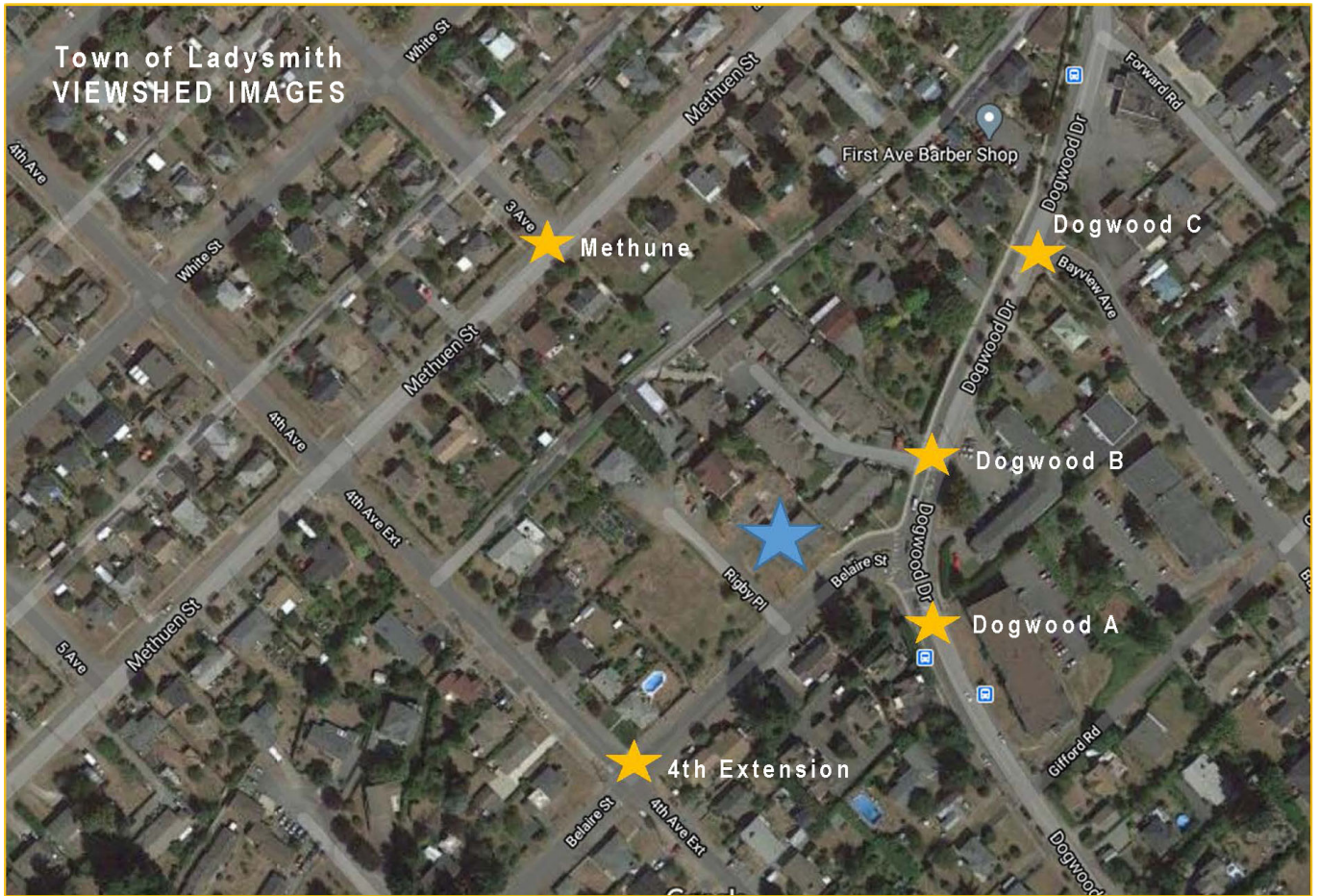
AYPO ARCHITECTURE
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① 3D Rigby-Belair Corner

Attachment B - Proposed Community Amenity Contributions (Wickham Park)









Dogwood C View



4th Extension