



AGENDA

Community Planning Advisory Committee

Wednesday, February 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. **INTRODUCTION OF NEW MEMBER**
3. **ELECTION OF CHAIR**
4. **AGENDA APPROVAL**
5. **ADOPTION OF JANUARY 6. 2021 MINUTES***
6. **COUNCIL REFERRALS**
 - a. **Zoning Bylaw Amendment application***
3360-20-05 - 630 Farrell Road
7. **NEW BUSINESS**
None.
8. **MONTHLY BRIEFING**
None.
9. **NEXT MEETING - TBD**
10. **ADJOURNMENT**

*Attachments



MINUTES

Community Planning Advisory Committee

Wednesday, January 6, 2021 at 7:00 p.m.
via Zoom

-
- PRESENT:** Acting Chair – Jason Harrison; Members – Tamara Hutchinson, Jennifer Sibbald, Steve Frankel, Brian Childs; Council Liaison – Tricia McKay; Acting Senior Planner & Recorder - Julie Thompson
- ABSENT:** Members – Tony Beckett,
- GUESTS:** Applicants – Toby Seward, Mike Crucil, Frank Crucil; Architects – Will Melville, Brian Kapuscinski (BJK Architecture)
-

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

1. SELECTION OF AN ACTING CHAIR

In the absence of a Chair, it was moved, seconded and carried that Jason Harrison act as the meeting chair.

2. AGENDA APPROVAL

It was moved, seconded and carried that the Agenda of January 6, 2021 be approved.

3. ADOPTION OF MINUTES

It was moved, seconded and carried that the Minutes of December 2, 2020 be approved.

4. COUNCIL REFERRALS

a. OCP and Zoning Bylaw Amendment application

3360-20-04 – 201/203 Dogwood Drive

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

The applicant's architect, Will Melville, provided a presentation of the application, and described the proposed building design. The applicants and architects answered CPAC's questions.

Member Steve Frankel left the meeting at 8:07 p.m.

CPAC members discussed the application and deliberated aspects of the proposal, including building design, location, landscaping, density, and pedestrian safety.

It was moved, seconded and carried that the Community Planning Advisory Committee (CPAC):

1. Supports in principal the design as proposed, in particular:

- a. The building design and proposed density at the proposed location (201-203 Dogwood Drive); and
- b. The proposal change from rental to for-market dwelling units.

2. Recommends that Council consider the following items:
 - a. CPAC acknowledges that building height and views are a public concern, but should not be a deciding factor of approval; and
 - b. The developer should continue looking at plant species for the landscape plan that are low maintenance, native, drought-tolerant and suitable for a changing climate; replace the proposed grass with a less water-intensive alternative ground cover; and install permeable hard surfacing on non-landscaped areas.
 - c. The installation of a signalized crosswalk in the vicinity of the development which serves the development.

5. NEW BUSINESS

6. MONTHLY BRIEFING
None.

7. NEXT MEETING – TBD

8. ADJOURNMENT

It was moved, seconded and carried that the meeting be adjourned at 9:05 p.m.

Acting Chair (J. Harrison)

RECEIVED:

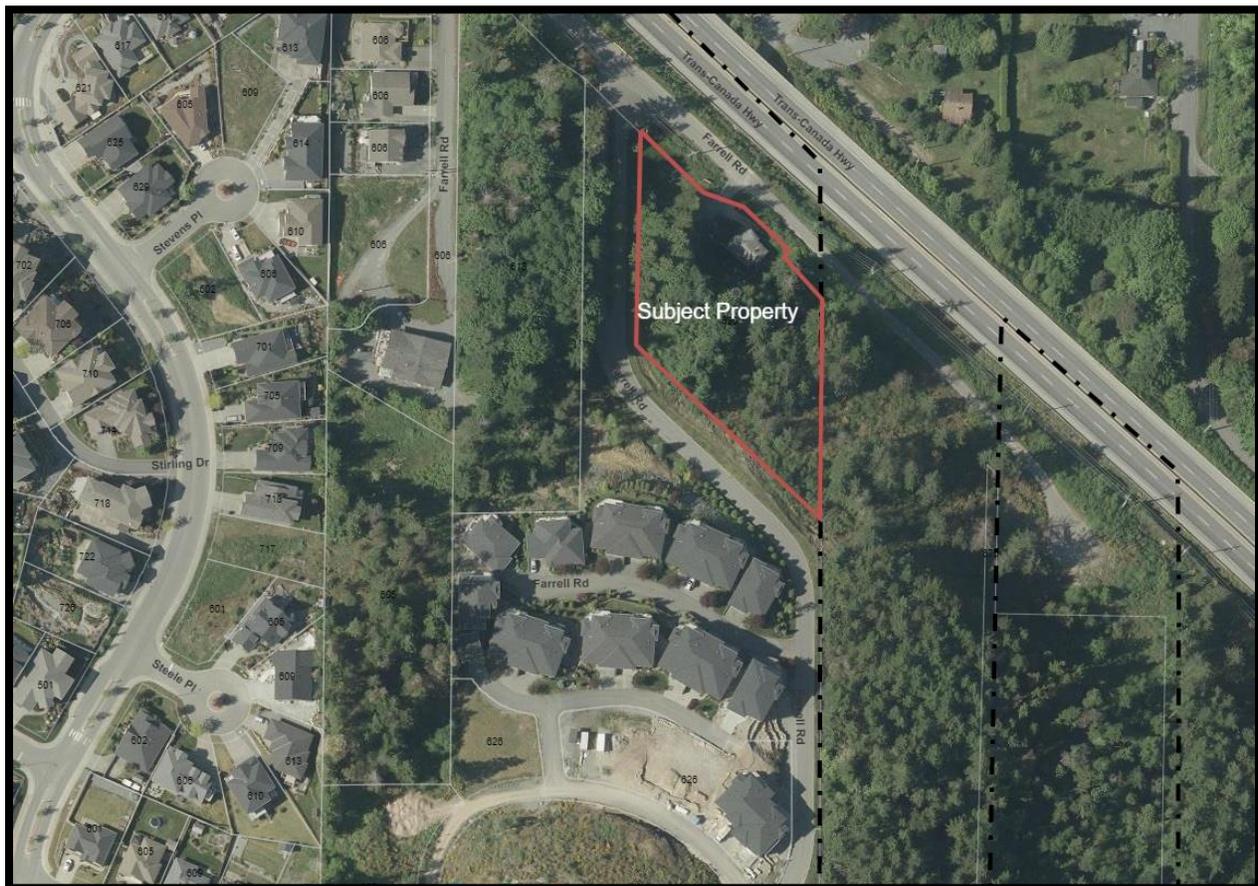
Corporate Officer (D. Smith)

STAFF REPORT TO CPAC

Report Prepared By: Julie Thompson, Planner
Meeting Date: February 3, 2020
File No: ZBL 3360-20-05
Re: Zoning Bylaw Amendment Application – 630 Farrell Road

EXECUTIVE SUMMARY:

An application has been submitted to rezone the 3899m² (0.39ha) property located at 630 Farrell Road to allow Two Unit Dwelling (duplex) as a principal permitted use. The subject property is proposed to be subdivided into six parcels and a duplex is proposed on five parcels. The Community Planning Advisory Committee is being asked to provide comment on the application and if necessary, make recommendations to Council.



PREVIOUS COUNCIL DIRECTION

Resolution # & Meeting Date	Council Resolution
June 27 th , 2017 CS 2017-217	<i>Moved and seconded:</i> That Council adopt Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 5) 2016, No. 1912. <i>Motion carried.</i>

On June 27th, 2017 Council adopted Bylaw No. 1917 to rezone the subject property from the Rural Residential (RU-1) zone to the Single Dwelling Residential (R-1) zone to facilitate subdivision of the property into six parcels. The rezoning was conditional on the following:

- A \$5000 voluntary contribution to the amenity fund; and
- Registration of a section 219 covenant on title to address the following land-use matters:
 - To secure the Lewkowitch Engineering Associates Ltd. Geotechnical assessment, addressing concerns related to suitable building sites on each lot and geotechnical hazards.
 - To require that a grading plan be submitted and approved by the Approving Officer for the proposed residential lots as a condition of subdivision application;
 - To require a 4 metre minimum protection radius around several trees along the west and south property lines, including requirements for tree protection during and after construction utilizing best practices from the 'BC Landscape Standard'.

The \$5000 contribution to the amenity fund was paid and the covenant was registered to title.

INTRODUCTION/BACKGROUND:

The 0.39ha subject property is located at 630 Farrell Road, adjacent to 'The Gales' multi-family residential development, south of the subject property. The applicant is proposing to subdivide the parcel into five 780m² parcels and one 752m² parcel (see Attachment 1). The applicant has applied for a Zoning Bylaw amendment to allow the construction of a duplex on each of the five 780m² parcels in lieu of single family dwellings with secondary suites. The applicant is proposing to stratify each duplex unit, while stratification of a secondary suite from a single family dwelling is not permitted. The 752m² parcel is proposed to contain a single family dwelling and does not require rezoning.

It is noted that the configuration of the subdivision has changed from that presented in the previous rezoning in order to accommodate the proposed duplexes, but the number of proposed parcels remains the same. The applicant had applied for subdivision and received preliminary layout acceptance for the previous subdivision layout (see Attachment 2), which must now be amended to reflect the current proposal.

Official Community Plan (OCP):

The subject property is located within the Single Family Residential designation in the Official Community Plan Bylaw No. 1488. The Single Family Residential designation provides for low density, ground-oriented residential uses including single unit dwellings, duplexes, and small lot

single family residential development in neighbourhoods. The maximum density allowed in this designation for duplex development is up to 15 units per hectare. The applicant is proposing a total of 10 duplex units, which equates to approximately 3.9 units per hectare. The OCP also requires a minimum parcel size of 780m² for duplex parcels, which required the applicant to reconfigure the previous subdivision layout in order to achieve a greater number of duplex parcels.

The proposal also meets the following OCP policies:

- S. 3.2.3 (7): The Town will encourage new development in the following areas over the next five to twenty years:
 - Holland Creek;
 - Infill of existing residential areas;
 - Waterfront;
 - Near the Downtown Core; and
 - South Ladysmith.(The subject property is located in South Ladysmith).
- S. 3.1.4 (2): to protect open space, ecological features and rural character, the Town will direct growth to lands within the Urban Containment Boundary (the subject property is located within the Urban Containment Boundary).

The proposal is consistent with the OCP and an OCP amendment is therefore not required.

Development Permit Area:

The subject property is not currently located within a development permit area (DPA). For the purpose of regulating the form and character of residential development, [section 488 of the Local Government Act](#) only allows designation of a DPA for intensive residential development or multi-family residential development. The proposed density of the duplex parcels does not meet the OCPs threshold for intensive residential development¹, and duplex development is considered single family residential development where it is located within the Single Family Residential designation and a single family residential zone. As such, designation of a DPA on the subject property is not proposed.

Zoning:

The subject property is located within the Single Dwelling Residential (R-1) zone in Zoning Bylaw No. 1860 (see Attachment 3). The R-1 zone permits Single Unit Dwellings containing Secondary Suites but does not permit duplexes. A Zoning Bylaw amendment is required to accommodate the proposal for stratified duplex units.

It is noted that the Zoning Bylaw restricts the gross floor area of Secondary Suites to a maximum of 90m² or 40% of the gross floor area of the Single Unit Dwelling, whichever is less, and Secondary Suites cannot be stratified. In the R-1 zone, parcels allowing Single Unit Dwellings with

¹ Residential development where the density exceeds 17.3 units per hectare is considered 'intensive residential development' in accordance with section 3.2.3.4 of the OCP.

Secondary Suites may be a minimum of 668m² in size. To accommodate the proposed duplexes, the bylaw amendment proposes to mirror the duplex regulations contained within the Old Town Residential (R-2) zone. These regulations allow for larger units than what is allowed by the secondary suite regulations, but accordingly, the minimum parcel size to allow duplexes is also larger (see table 1 for detail).

Staff recommends that the proposed rezoning be accommodated in the existing R-1 zone on a site specific basis.

Proposed Bylaw:

The proposed amending bylaw will allow duplex use on the subject property on a site specific basis. The proposed site specific regulations are summarized in table 1.

Table 1: Proposed Duplex Regulations

Proposed Use	Zoning Parameters
Two Unit Dwelling (duplex)	Permitted on site specific basis on the subject property. Minimum parcel area of 780m ² required. Minimum Finished Floor Area of 137.0m ² . Maximum Finished Floor Area of 390.0m ² or 50% of the parcel area, whichever is less. ²

All other zoning regulations in the R-1 zone are proposed to remain the same. Additional R-1 zoning regulations that will affect the form of the proposed duplexes include parcel coverage (maximum 33%), setbacks, and height (maximum 9.0m). These zoning regulations apply to any principal building in the R-1 zone, including Single Unit Dwellings containing Secondary Suites.

Community Amenity Contribution Policy:

Through the Town’s Community Amenity Contribution (CAC) policy, Council encourages rezoning applicants to consider proposing CACs towards needed infrastructure and amenities as a way of ensuring that the proposed development is seen as making a positive contribution to the neighbourhood and community at large. It is noted that during the previous rezoning of the subject property, the applicant provided a \$5000 CAC to the Town of Ladysmith Amenity Fund. The \$5000 CAC was equal to \$1000 per each additional parcel proposed under the R-1 zone.

Staff are not recommending a CAC for the proposed development as the overall number of dwelling units proposed per parcel is not increasing beyond what is currently permitted, the rezoning is minor, and CACs are not always collected through minor rezoning applications. It is noted that any applicable development cost charges (DCCs) will be calculated at time of building permit in accordance with the DCC bylaw. DCCs provide funds to assist in paying the capital costs to Town infrastructure.

² For clarity, the Finished Floor Area requirements refer to any storey in the whole building, rather than an individual unit.

Covenants:

There are three covenants registered to the property title. Covenant ET11011, registered in 2002, contains restrictions for on-site sewage disposal systems. This covenant is not relevant to the proposed rezoning and sewage disposal will be accommodated by Town infrastructure. Covenant ET11012, registered in 2002, contains geotechnical recommendations and requires further geotechnical evaluation of the property prior to construction.

Covenant CA6042493 was registered to the property title during the 2017 rezoning to the R-1 zone. The covenant contains pre-subdivision, tree protection, and geotechnical requirements specific to the previous subdivision proposal. All requirements in covenant CA6042493, such as tree protection, are relevant to this rezoning application, however, the covenant requires amendment to reflect the current subdivision proposal. Amendments to the covenant include modification of the language to reference the new proposal, replacement of the old subdivision layout with the new one, and replacement of the geotechnical assessment with an updated one. The applicant intends to provide an updated geotechnical assessment prior to Council consideration of the application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

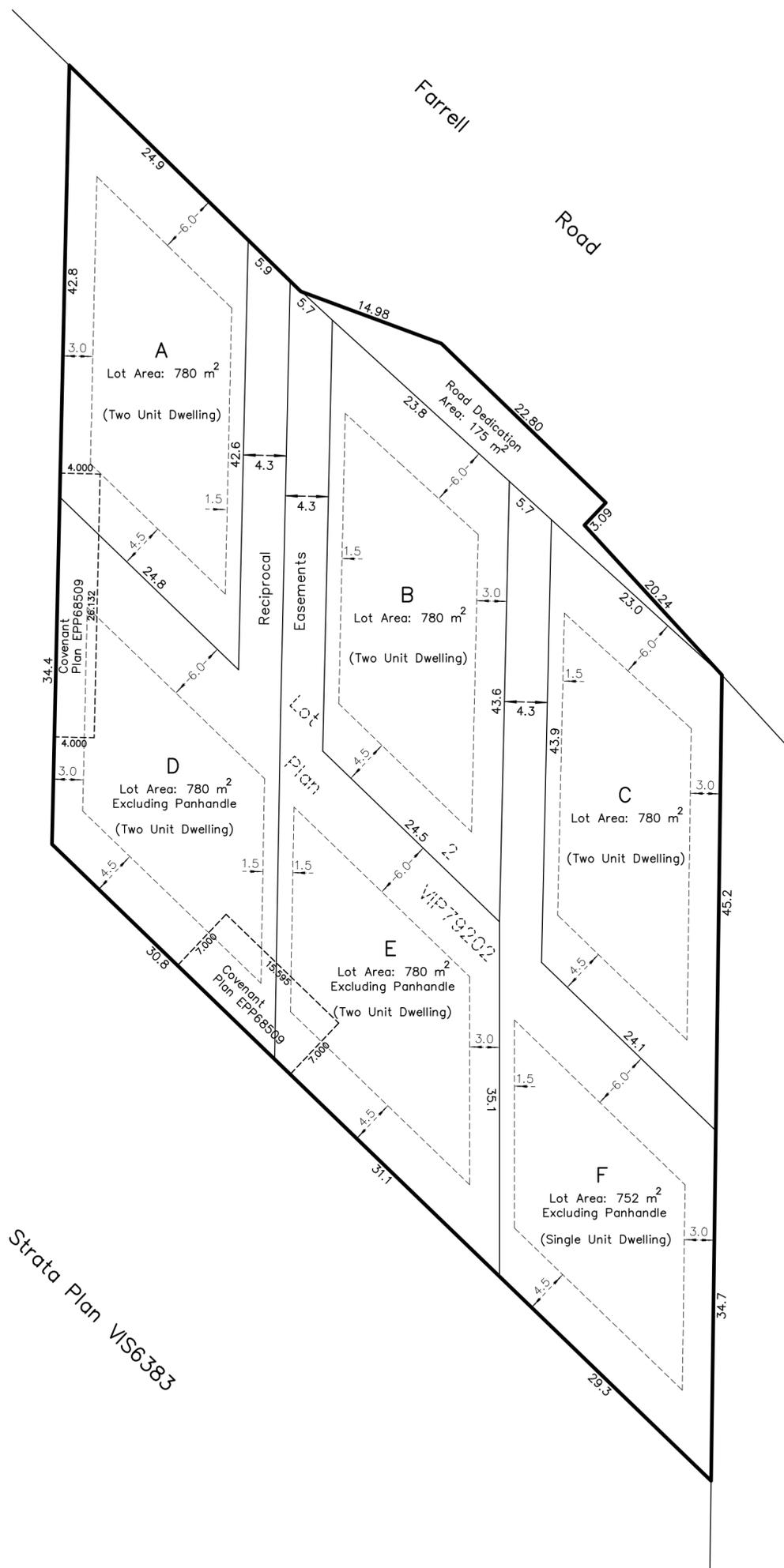
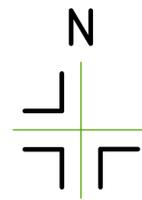
A Neighbourhood Information Meeting (NIM) is not required by Development Procedures Bylaw No. 1667 as an OCP amendment is not required. An opportunity to gather the views of the residents will occur through the public hearing process.

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):

- Attachment 1: Current Subdivision Layout
- Attachment 2: Previous Subdivision Layout
- Attachment 3: R-1 Zoning Excerpt



Rem. Pt. 20
Plan 2519

NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
M76300, C36474, ET11011, ET11012.
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

SITE PLAN SHOWING PROPOSED SUBDIVISION OF:
LOT 2, DISTRICT LOT 41,
OYSTER DISTRICT, PLAN VIP79202

Certified correct this 12th day of January, 2021.

B.C.L.S.
(This document is not valid unless originally signed and sealed.)

Turner & Associates
land surveying™
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca

Client: STEVEN & AVTAR PABLA	Civic Address: 630 FARRELL ROAD
File: 16-063	Scale: 1:400
Drawn by: MDS	Property Zoning: R-1

10.2. SINGLE DWELLING RESIDENTIAL (R-1)

The purpose of the Single Dwelling Residential Zone is to accommodate residential development within a neighbourhood setting.

1. Principal Uses

- a) *Single Unit Dwelling*.

2. Accessory Uses

- a) *Secondary Suite*, subject to Part 6, Section 6.4.
- b) *Home Based Business*; subject to Part 6, Section 6.8.
- c) *Urban Agriculture*.
- d) *Bed and Breakfast*, subject to Part 6, Section 6.7.

3. Sizing and Dimension of Parcels

- a) No *Parcel* shall be created which has a *Parcel Area* less than 668 square metres.
- b) Despite Section 10.2(3)(a), for the *Parcel* legally described as Lot 18, District Lot 52, Oyster District, Plan 11855 (432 Walker Avenue), the minimum *Parcel Area* is 626 square metres.
- c) No *Parcel* shall be created which has a *Frontage* less than 18.28 metres.

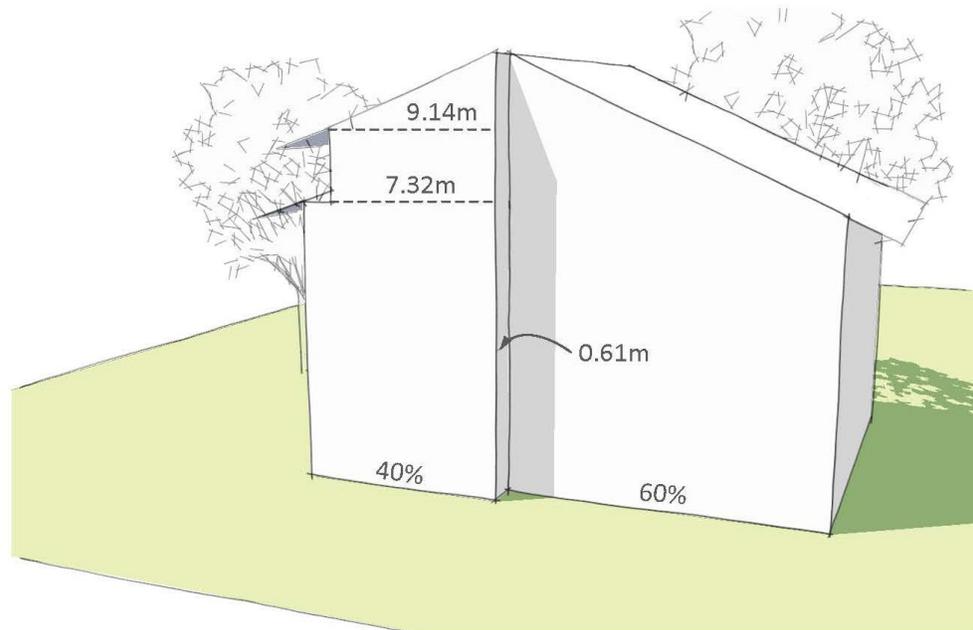
4. Size and Density of the Use of Land, Buildings and Structures

- a) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is less than 83.0 square metres.
- b) No *Single Unit Dwelling* shall have a *Finished Floor Area* that is greater than 33.0 percent of the *Parcel Area* or 240.0 square metres, whichever is less.
- c) No *Buildings* or *Structures* shall exceed a *Parcel Coverage* of 33.0 percent.

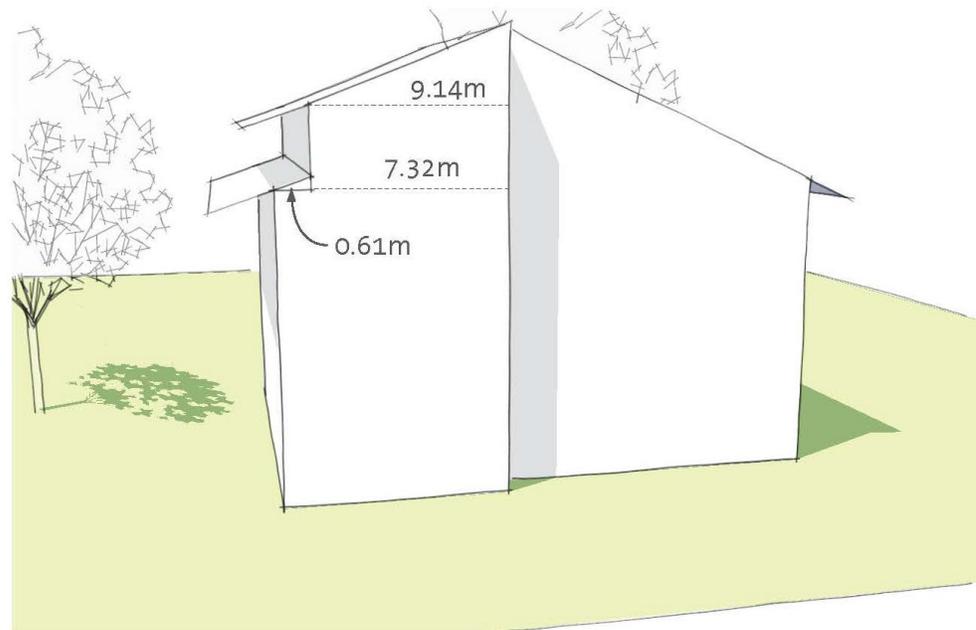
5. Siting, Sizing and Dimension of Uses, Buildings and Structures

- a) No *Principal Building* or *Structure* shall exceed a *Height* of 9.0 metres; except where a *Principal Building* roof pitch is less than 4:12, in which case the maximum *Height* shall be 7.5 metres.
- b) No *Accessory Building* or *Structure* shall exceed a *Height* of 5.0 metres; except where the roof pitch is less than 4:12, in which case the maximum *Height* shall be 3.5 metres.
- c) The maximum *Perimeter Wall Height* for any wall of a *Single Unit Dwelling* is 7.32 metres.
- d) The *Perimeter Wall Height* may be increased to a maximum of 9.14 metres provided that:

- i) The portion of the wall face that is over 7.32 metres does not exceed 60% of the width of that *Building* elevation without a vertical offset of a minimum of 0.61 metres; and
- ii) The portion of the wall face that is over 7.32 metres has a horizontal offset of a minimum of 0.61 metres.



An Illustration of Perimeter Wall Height Vertical Offset



An Illustration of Perimeter Wall Height Horizontal Offset

- e) No *Principal Building* or *Structure* shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Other Interior Side Parcel Line</i>	1.5 meters
<i>Rear Parcel Line</i>	4.5 metres

Bylaw 1904

- f) No *Accessory Building* or *Structure*, with a *Finished Floor Area* (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 ≤ 10.0 M ²	MINIMUM SETBACK >10.0 M ²
<i>Front Parcel Line</i>	6.0 metres	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	1.0 metres	1.5 metres
<i>Rear Parcel Line</i>	1.0 metres	1.5 metres

6. Parking and Loading

- a) Off-street parking and off-street loading shall be provided in accordance with Part 8: Parking and Loading Regulations.

7. Site Specific Regulations

- a) A *Two Unit Dwelling* is permitted as a *Principal Use* on the *Parcels* legally described as:
- i) Lot 2, District Lot 129, Oyster District, Plan 37258 (521/525 Walkem Road);
 - ii) Strata Lot 1 and Strata Lot 2, District Lot 129, Oyster District, Strata Plan 1033, Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form 1 (517/519 Short Close); and
 - iii) Strata Lot 1 and Strata Lot 2, District Lot 129, Oyster District, Strata Plan 1034, Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form 1 (521/523 Short Close).

Bylaw 1904