



# AGENDA

## Community Planning Advisory Committee

Wednesday, July 3, 2024 at 7:00 p.m.  
City Hall Council Chambers, 410 Esplanade

***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. CALL TO ORDER AND ACKNOWLEDGEMENT (7:00pm)  
The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.
- 1.1 INFORMATION ON HOW TO ATTEND THE MEETING  
Residents are welcome to attend in person at City Hall Chambers at 410 Esplanade.
2. AGENDA APPROVAL (7:05pm)
3. ADOPTION OF May 1, 2024 MINUTES\* (7:05pm)
4. COUNCIL REFERRALS (7:05pm)
  - a. Zoning Bylaw Amendment Application 3360-23-10 - Lot A District Lot 126 Malone Road\* (30 minutes)
5. NEW BUSINESS (7:35pm)
  - a. Election of Chair (10 minutes)
6. MONTHLY BRIEFING (7:45pm)  
File Updates (10 minutes)
7. NEXT MEETING - TBD
8. ADJOURNMENT (7:55 pm)

\*Attachments





# MINUTES

## Community Planning Advisory Committee

Wednesday, May 1, 2024 at 7:00 p.m.  
City Hall Council Chambers, 410 Espanade

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**PRESENT:** Chair – Jason Robertson; Members - Keona Wiley, Tonya Soules, Julika Pape, John Scott; Alt. Council Liaison - Amanda Jacobson; Director of Development Services – Jake Belobaba; Planner – Julia Tippet; Recorder – Cassandra Taylor

**ABSENT:** Members - Jennifer Aker, Anthony Price; Council Liaison - Marsh Stevens

**GUESTS:** Applicant – Brody Phillips (file no. 3060-24-01)

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Chair Jason Robertson called the meeting to order at 7:06pm.

Jason Robertson acknowledged with gratitude that Ladysmith is located on the unceded territories of the Stz'uminus First Nation.

**1. ELECTION OF CHAIR**

Jason Robertson declared that he will be stepping down as Chair. The Committee has deferred the election of a new Chair to the next meeting.

**2. AGENDA APPROVAL**

It was moved, seconded, and carried that the Agenda of May 1, 2024, Community Planning Advisory Committee meeting be approved.

**3. ADOPTION OF MINUTES**

It was moved, seconded, and carried that the Minutes of April 3, 2024, Community Planning Advisory Committee meeting be approved.

**4. NEW BUSINES**

None

**5. COUNCIL REFERRALS**

**a. Development Permit Application 3060-24-01 – 11 & 17 Warren Street**

Applicant Brody Phillips introduced himself as the agent acting on behalf of the developer. Brody was available for questions during discussion. Brody noted that the developer is inclined to create affordable housing within the Town of Ladysmith.

Planner Julia Tippet provided an overview of the Development Permit application at 11 & 17 Warren Street for the purpose of obtaining feedback from CPAC on the application as it pertains to the DPA 2.

During discussion, Committee members raised questions regarding the exterior design of the proposal, snow storage and drainage, retention and planting of shade trees, parking, and waste management. The applicant is prepared to take these questions back to the designer for further discussion.

Committee members felt that overall, the application aligns well with the look and feel of downtown and were particularly pleased with the articulation of the roof line. The Committee has no major concerns with the proposal.

It was moved, seconded, and carried that the Community Planning Advisory Committee recommends that Council approve Development Permit application 3060-24-01 for 11 & 17 Warren Street as presented subject to the following comments:

- That Council consider the following pertaining to the DPA 2 - Downtown guidelines:
  - The form and character on the north-east lane side on the property;
  - Storm water management;
  - Retention of shade trees;
  - Snow storage; and
  - Onsite homeowner/tenant storage to help maintain the form and character of the downtown area.

**6. MONTHLY BRIEFING**

- 3360-22-07 - District Proposal (Lot A Holland Creek) – going to council on May 7 for introduction.
- Director of Development Services Jake Belobaba provided a brief update on the Provincial Small Scale Multi-Unit Housing legislation. Staff have been working towards the June 30 deadline.

**7. NEXT MEETING - TBD**

**8. ADJOURNMENT**

It was moved, seconded, and carried that the meeting be adjourned at 8:06 PM.

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Chair (Jason Robertson)

**RECEIVED:**

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Corporate Officer (S. Bouma)

## CPAC REFERRAL REPORT

**Report Prepared By:** Andrew Wilson, Planner  
**Meeting Date:** July 3, 2024  
**File No:** 3360-23-10  
**RE:** ZONING BYLAW AMENDMENT APPLICATION – District Lot 126 Malone Road

### EXECUTIVE SUMMARY:

A zoning bylaw amendment application has been received for District Lot 126 Malone Road for the purpose of providing additional density and flexible building forms in the multi-family areas and smaller lot sizes in the single unit dwelling areas of the existing zone. The Community Planning Advisory Committee (CPAC) is being asked to provide feedback regarding the application in accordance with the CPAC Terms of Reference.

### INFORMATION/BACKGROUND:

The subject property is a 6.8 hectare parcel located along the edge of the municipal boundary at the west end of Malone Road.

The subject property contains a mix of cleared area and undisturbed second growth forest lands. Approximately 1/3 of the property has been cleared for the excavation and servicing of single and two-unit dwellings along a new local road, Hunter Way. There are no buildings constructed on the site to date.

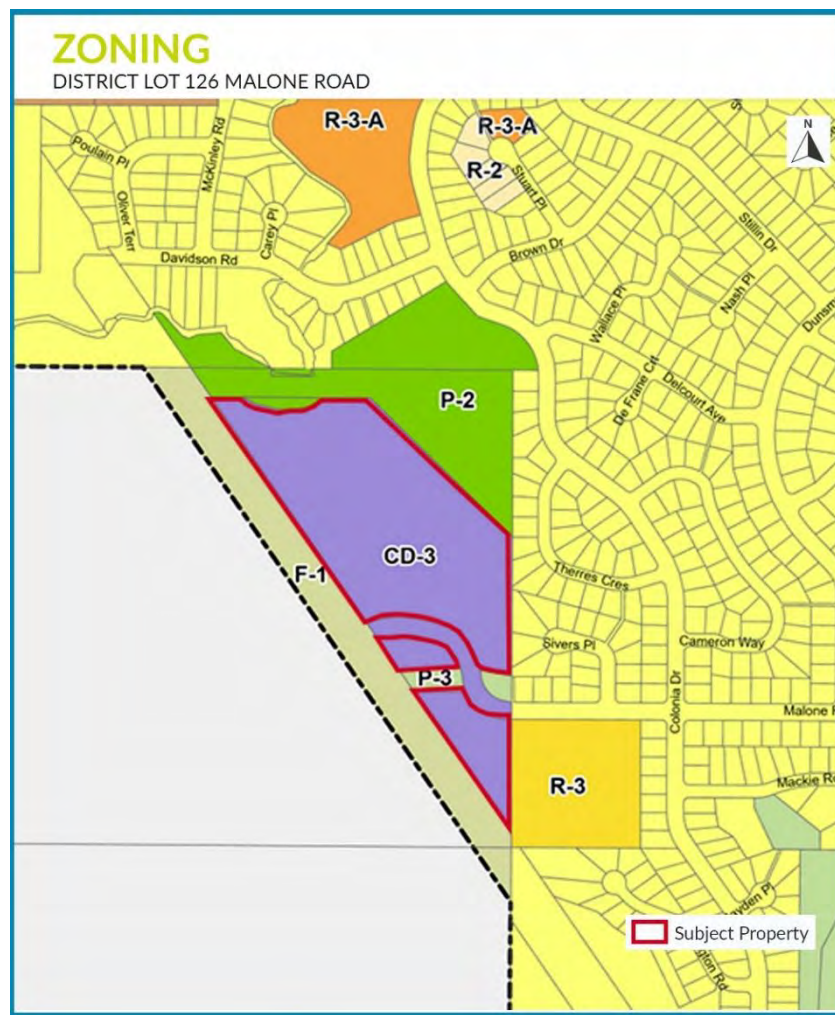
The property has an uneven topography with some steeply sloping areas and exposed bedrock. The site is constrained by Streamside Protection and Enhancement Areas (SPEAs) associated with Rocky Creek. All SPEA areas have been protected through the previous rezoning process.



The property is surrounded by Brown Road (Kinsmen) Park located to the north, single family and multi-family residential areas to the East, and single-family residential and rural undeveloped lands within the CVRD to the South and West. A BC Hydro right-of-way abuts the western parcel line.

The subject property was re-zoned in 2014 to the Comprehensive Development 3 – Malone Residential (CD-3) Zone of the Town of Ladysmith Zoning Bylaw 2014m No. 1860. The CD-3 Zone permits a mix of single family, duplexes, and multi-family housing.

A previous zoning bylaw amendment application was received in 2020 to re-zone the property to allow for single dwelling and two dwelling parcels in the multi-family Area C. At the August 18, 2020 Council meeting, Council did not support the proposed decrease in density and referred the application back to staff to work with the applicant to propose a project more in line with the existing density of the CD-3 Zone. The application was subsequently cancelled by the applicant



**PROPOSAL:**

The applicant is proposing to amend the CD-3 Zone of the Zoning Bylaw to increase density, decrease minimum parcel sizes in the single-unit and two-unit dwelling Areas A & B, and to increase permitted principal and accessory uses in the multi-family Area C to provide more flexibility in building forms. Table A below provides a list the proposed changes.

*Table A: Proposed Zoning amendments*

	Existing Zone		Proposed Zone
<b>Zoning</b>	CD-3 a) divided into Areas A, B, and C		CD-3 a) divided into Areas A, B, C-1, C-2 and C-3
<b>Principle Uses</b>	Area A	<u>Area A:</u> a) Single Unit Dwelling	No Change
	Area B	a) Single Unit Dwelling b) Two Unit Dwelling	No Change
	Area C	a) Multiple-Unit Dwellings	<u>Areas C-1, C-2, and C-3:</u> a) Multiple-Unit Dwellings. b) Townhouse Dwellings. c) Single Unit Dwellings. d) Two-Unit Dwellings. e) Despite Section 17.3(4)(c), a maximum of only 10% of the total units on a parcel may be Single Unit Dwellings.
<b>Accessory Uses</b>	Area A	a) Home Based Business b) Secondary Suite	No Change
	Area B	a) Home Based Business b) Secondary Suite	No Change
	Area C	a) Home Based Business	<u>Area C-1:</u> a) Home Based Business b) Secondary Suite c) Live/Work Unit d) Convenience Store e) Restaurant f) Coffee Shop g) Personal Service Establishment h) Office i) Artisan Studio  <u>Areas C-2 and C-3:</u> a) Home Based Business b) Secondary Suite

<b>Minimum Parcel Size</b>	Area A	Single Unit 668m <sup>2</sup> Two Unit 780m <sup>2</sup>	No Change
	Area B	Single Unit 668m <sup>2</sup> Two Unit 780m <sup>2</sup>	Single Unit 450 m <sup>2</sup> Two Unit 600m <sup>2</sup>
	Area C	2500m <sup>2</sup>	No Change
<b>Parcel Coverage</b>	Areas A & B	33%	Single Unit 40% Two Unit 50%
	Area C	33%	40%
<b>Density</b>	Areas A	Determined by number of lots	Increases are expected from 4-unit SSMUH regulations
	Area B	Determined by number of lots	Increases are expected from 4-unit SSMUH regulations and proposed decrease in minimum parcel size.
	Area C	Maximum number of Dwelling Units 103	Remove maximum dwelling units. Density to be determined by maximum floor space ratio (FSR).
<b>Floor Area and Floor Space Ratio (FSR)</b>	Areas A & B	Finished Floor Area 33% to max 240m <sup>2</sup>	Single Unit 0.5:1 FSR Two Unit 0.6:1 FSR
	Area C	0.66 FSR	<u>Area C-1:</u> 1.25:1 FSR <u>Area C-2:</u> 1.5:1 FSR <u>Area C-3:</u> 1.0:1 FSR
<b>Building Height</b>	Areas A & B	9.0m	No Change
	Area C	10.0m	<u>Areas C-1, C-2, &amp; C-3:</u> <ul style="list-style-type: none"> <li>• Lesser of 21.0m or 6 stories</li> <li>• any building constructed with either 5 or 6 stories shall set back all sides of the upper floor of the building by a minimum of 1.5 m from the face of the remaining floors in the building.</li> </ul>
<b>Setbacks</b>	Areas A & B	4.5m Front 3.0m Exterior Side 1.5m Interior Side 4.5m Rear	No Changes



	Area C	6.0m Front 3.0m Exterior Side 3.0m Interior Side 3.0m Rear	<u>Areas C-1, C-2, &amp; C-3:</u> 3.0m Front 2.5m Exterior Side 2.5m Interior Side 2.5m Rear
<b>Parking</b>		In accordance with Part 8 Parking and Loading Regulations	In accordance with Part 8 Parking and Loading Regulations  <u>Area C-1, C-2 or C-3</u> Any building that includes four (4) or more residential floors must utilize the full area of the building footprint for the purpose of underground or underbuilding parking.

The applicant has provided the following documents to support the rezoning application (Attached):

- Illustrative Development Concept
- Proposed Zoning Changes
- Project Rationale

In the current CD-3 Zone, the maximum number of Dwelling Units for CD-3 Area C is 103. According to the applicant’s Project Rationale (see Attachment D), this proposal will facilitate approximately 450-500 residential units. The proposed changes to the CD-3 Zone do not contain a cap on the allowable density permitted on the site.

The application proposes changes to minimum parcel sizes in Area B affectively increasing the number of lots and units. Additionally, the Small Scale Multi Unit Housing (SSMUH) changes to the Zoning Bylaw will permit up to 4 dwelling units on each of the one and two-unit dwelling lots.

**DISCUSSION:**

Official Community Plan Bylaw 2022, No. 2200:

The subject property is predominantly located in the Multi-Family Residential land use designation with a small area designated Neighbourhood Residential.

Multi-Family areas provide for increasing the diversity and density of multi-family residential types and tenures.

Neighbourhood Residential areas are General Infill Areas where intensification is enabled and encouraged.

The following OCP policies are relevant to the proposal:

### Policy 2.3 Land Use Designation Policies:

- t. Small-scale, neighbourhood-serving commercial uses such as cafes, corner stores, and restaurants are supported on Collector Streets, corner lots, and adjacent to parks. Institutional uses are supported.
- u. The built form of this designation should be buildings up to six storeys, with upper storeys stepped back.
- v. Minimum FSR should be 1.0. Maximum FSR should be 2.2.

### Policy 2.4 General Land Use Policies:

- a. Avoid urban sprawl, which is the low-density, predominantly single-use expansion of urban areas that are disconnected from core growth areas and are typically on greenfield sites.
- j. Support the provision of a range of housing types, tenures, densities – as well as affordable and attainable housing opportunities – to meet the diverse needs of individuals and families of varying needs and levels of incomes, in all neighbourhoods.
- u. Encourage underground parking for major developments.
- y. New development should protect and enhance natural assets including tree stands, natural features, habitat areas, the Salish Sea and shoreline, streams, and wetlands.

The proposed changes to the Zoning Bylaw are consistent with the OCP. An OCP amendment is not required.

### Zoning

The subject property is zoned Comprehensive Development 3 – Malone Residential (CD-3). The purpose of the CD-3 Zone is to accommodate a mixed residential neighbourhood with a range of housing options and densities. Emphasis is placed on protecting the natural ecosystems and landscape through comprehensive site planning.

Proposed changes to the CD-3 zone are provided in Table A above.

### Community Contributions:

The applicant has offered to provide the following amenity community contributions:

1. Protected Areas – 0.85 hectares will be protected as natural park for public use. This area accounts for 33% of Area C-1 and will include two rocky outcrop features.
2. Public Nature Trail – construction of 650 metres of public trail including construction of a concrete staircase with resting areas

3. Public Multi-Use Path System – construction of a multi-use path through Brown Drive (Kinsmen) Park to connect Hunter Way to Colonia Drive designed to also serve as an emergency access.
4. Electric Vehicle Charging Infrastructure in Areas C-1, C-2, and C-3.
5. Affordable Housing – a minimum of 10% of the total residential units will be secured for affordable housing.
6. New Off-site Sidewalk – construction of 160m of new concrete sidewalk on the north side of Malone Road between the site and Colonia Drive.
7. Tree Planting – a minimum 2 new trees to be planted for each principal dwelling unit within Areas A & B.
8. Public Park / Playground Improvements – a cash contribution of \$50,000 will be made to the Town for upgrades and improvements to Brown Drive Park playground.

*Servicing/Emergency Access:*

Municipal servicing has been extended into the site for the initial phase of the development. According to the Servicing Report provided by Newcastle Engineering, the infrastructure installed is sized to accommodate the proposed density.

The applicant is expected to provide a secondary/emergency access once 100 units are built out. Two viable options for emergency access are being explored. Option 1 would see an access constructed connecting the end of Hunter Way north through the BC Hydro corridor to Davidson Road. An emergency-only access through Brown Drive Park (Option 2) is the preferred option by the applicant.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

The application has been forwarded to Engineering, the Fire Chief, Building Inspection, and Parks, Recreation and Culture as part of the application process.

**NEXT STEPS:**

Following the referral period, the application will proceed to Council for consideration of first and second reading.

**ATTACHMENTS:**

- A. Development Concept
- B. Proposed Zoning Changes
- C. Project Rationale



# Attachment A

EXISTING / PREVIOUSLY DEDICATED PARK LAND: ROCKY CREEK / KINSMEN PARK, BIKE TRAILS, ETC. APPROX. 4.7 HA / 11.6 ACRES

3.0 - 3.5 M WIDE MULTI-USE ASPHALT PATH CONNECTING PARKING LOT AT END OF HUNTER WAY THROUGH KINSMEN / BROWN DRIVE PARK TO COLONIA DRIVE - ALSO SERVES AS EMERGENCY ACCESS (SPECIFIC ALIGNMENT TO BE CONFIRMED - MAY REQUIRE UPGRADE TO EXISTING WATERCOURSE CROSSING CULVERT)

EXISTING ENHANCED PEDESTRIAN CROSSING ON COLONIA DRIVE

2.0 - 3.0 M WIDE MULTI-USE ASPHALT PATH (WITHIN PARK) CONNECTS FROM EXISTING GATE @ INTERSECTION OF COLONIA DR. AND BROWN DR. TO EXISTING PLAYGROUND

PARK & TRAIL CONNECTION TO EXISTING OFFSITE TRAIL NETWORK

EXISTING / PREVIOUSLY DEDICATED PARK LAND: ROCKY CREEK / KINSMEN PARK, BIKE TRAILS, ETC. APPROX. 4.7 HA / 11.6 AC.

PARK DEDICATION AND PARKING AREA (AS PER PREVIOUS REZONING COMMITMENTS)

MODIFIED / WIDENED PARK DEDICATION TO ALLOW FOR CONSTRUCTION OF OFF-SET STAIRS - SAFETY ENHANCEMENT

**AREA B**  
SINGLE AND TWO UNIT DWELLING LOTS (FINAL LOT COUNT / CONFIGURATION SUBJECT TO CHANGE)

FUTURE EXTENSION OF HUNTER WAY TO LANDS BEYOND (BY OTHERS)

**AREA B**  
SINGLE AND TWO UNIT DWELLING LOTS (FINAL LOT COUNT / CONFIGURATION SUBJECT TO CHANGE)

ROCKY KNOLL / OUTCROPS, AS IDENTIFIED BY MADRONE ENVIRONMENTAL - TO BE INCLUDED WITHIN PROTECTED AREA

1.0-1.5 m SOFT SURFACE TRAIL NETWORK - PROTECTED BY SRW FOR PUBLIC USE

MIN. 30% (0.77 HA / 1.9 ACRES) OF AREA C-1 TO BE PROTECTED GREEN SPACE - SPECIFIC AREA TO BE DEFINED THROUGH SUBSEQUENT SUBDIVISION OR DEVELOPMENT PERMIT

AREA C-1 MAINTENANCE BUILDING

ROCKY KNOLL / OUTCROPS, AS IDENTIFIED BY MADRONE ENVIRONMENTAL - TO BE INCLUDED WITHIN PROTECTED AREA

**AREA C-1**  
MULTI-FAMILY DEVELOPMENT POTENTIAL APARTMENT / TOWNHOUSE / MULTI-UNIT DEVELOPMENT

FUTURE EXTENSION OF MALONE ROAD TO LANDS BEYOND (BY OTHERS)

**AREA A**  
LOTS 1-6: SINGLE UNIT DWELLING LOTS

**AREA A**  
LOTS 1-6: SINGLE UNIT DWELLING LOTS

SOUTH HALF OF BUILDING 'B' IDENTIFIED FOR POTENTIAL MAIN FLOOR LOCAL / NEIGHBOURHOOD COMMERCIAL USES - UP TO 800 M2 MAX.

POTENTIAL COMMERCIAL PLAZA / COMMUNITY GATHERING SPACE

EXISTING / PREVIOUSLY DEDICATED PARK LAND

**AREA C-3**  
MULTI-FAMILY POTENTIAL APARTMENT / TOWNHOUSE / MULTI-UNIT DEVELOPMENT

## LEGEND

- RESIDENTIAL LAND USE / BUILDINGS
- COMMERCIAL LAND USE / BUILDINGS
- PARK (EXISTING / PROPOSED)
- AREA C-1 PROTECTED GREEN SPACE  
MIN. 30% OF AREA C-1. SPECIFIC AREA TO BE CONFIRMED
- MUNICIPAL BOUNDARY
- PROJECT / SITE BOUNDARIES
- \* - ENVIRONMENTAL FEATURE / ROCKY OUTCROP  
(PER MADRONE - TO BE WITHIN PROTECTED GREEN SPACE)
- 3.5 m MULTI-USE TRAIL / EMERGENCY ACCESS  
(RED LINE DENOTES EMERGENCY ACCESS ROUTE)
- 1.0-1.5 m SOFT SURFACE / NATURE TRAIL
- POTENTIAL AREAS REQUIRING RETAINING
- POTENTIAL AREAS REQUIRING ROCK CUT
- EXISTING WATERCOURSE
- MULTI-FAMILY BUILDING PRIMARY ACCESS
- MULTI-FAMILY UNDER-BUILDING PARKING ACCESS

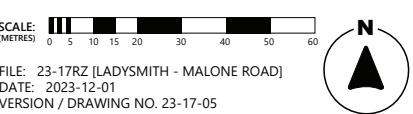
**AREA C-2**  
MULTI-FAMILY POTENTIAL APARTMENT / TOWNHOUSE / MULTI-UNIT DEVELOPMENT

EXISTING / PREVIOUSLY DEDICATED PARK LAND

APPROX. 160 m OF NEW OFF-SITE SIDEWALK ON NORTH SIDE OF MALONE ROAD TO CONNECT NEW SIDEWALK NETWORK WITHIN THE DEVELOPMENT TO EXISTING MUNICIPAL SIDEWALK NETWORK THAT COMMENCES AT CORNER OF MALONE ROAD AND COLONIA DRIVE

\* THIS DEVELOPMENT CONCEPT REPRESENTS A 'MAXIMUM' BUILD-OUT SCENARIO / BUILDING FORM IN THE MULTI-FAMILY AREAS (C1-C3). FINAL / ACTUAL DEVELOPMENT MAY RESULT IN LOWER DENSITY / ALTERNATIVE BUILDING FORMS (e.g. TOWNHOUSES) ON SOME PORTIONS OF THESE SITES. ALL DEVELOPMENT SCENARIOS / LAYOUTS ARE CONCEPTUAL AND ULTIMATELY SUBJECT TO THE PROVISIONS OF THE CD-3 ZONE.

- NOTES:
1. THIS PLAN IS CONCEPTUAL AND PROVIDED FOR ILLUSTRATIVE / DISCUSSION PURPOSES ONLY.
  2. THIS DRAWING SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES.
  3. ALL PLANS AND PROPOSALS ARE PRELIMINARY AND SUBJECT TO CHANGE.
  4. BASE PLAN / CONTOUR INFORMATION PROVIDED BY BENNET SURVEYING AND NEWCASTLE ENGINEERING.



# MALONE RIDGE ILLUSTRATIVE DEVELOPMENT CONCEPT



# Attachment B

## DRAFT

### 17.3. COMPREHENSIVE DEVELOPMENT 3 - MALONE RESIDENTIAL (CD-3)

The purpose of the Comprehensive Development 3 Zone is to accommodate a mixed residential neighbourhood with a range of housing options and densities **along with limited neighbourhood-scale commercial development**. Emphasis is placed on protecting the natural ecosystems and landscape through **the clustering of density and** comprehensive site planning.

#### 1. CD-3 Zone Areas

a) The Comprehensive Development 3 Zone is divided into: ~~Areas A, B and C~~

- i. **Area A**
- ii. **Area B**
- iii. **Areas C-1, C-2 and C-3**

located as shown on the Plan in Section 17.3(15). The location of Areas A, B, ~~and C~~, **C-1, C-2 and C-3** shall comply with Section 17.3(15) CD-3 Zone Areas.

#### 2. Principal Uses: Area A

a) Single Unit Dwelling.

#### 3. Principal Uses: Area B

- a) Single Unit Dwelling.
- b) Two Unit Dwelling.

#### 4. Principal Uses: Area C-1, C-2 and C-3

- a) Multiple-Unit Dwellings.
- b) Townhouse Dwellings.**
- c) Single Unit Dwellings.**
- d) Two-Unit Dwellings.**
- e) Despite Section 17.3(4)(c), a maximum of only 10% of the total units on a parcel may be Single Unit Dwellings.**

#### 5. Accessory Uses: Area A and B

- a) Home Based Business, subject to Part 6, Section 6.8.
- b) Secondary Suite, subject to Part 6, Section 6.4.

#### 6. Accessory Uses: ~~Area C~~ **Areas C-1, C-2 and C-3**

- a) Home Based Business, subject to Part 6, Section 6.8.
- b) Secondary Suite, subject to Part 6, Section 6.4.
- c) Live/Work Unit
- d) Convenience Store
- e) Restaurant
- f) Coffee Shop
- g) Personal Services Establishment
- h) Office
- i) Artisan Studio
- j) Despite Sections 17.3(5)(c-i), the noted accessory uses shall only be permitted:
  - i. in Area C-1, as shown on the plan in Section 17.3(16);
  - ii. within a Multiple-Unit Dwelling (Apartment Building);
  - iii. within a ground floor unit that has direct exterior access; and,
  - iv. to have a cumulative gross floor area of 800 m<sup>2</sup>.

#### 7. Sizing and Dimensions of Parcels: Area A and B

- a) No Parcel for Single Unit Dwelling Use **within Area A** shall be created which has a Parcel Area less than 668 square metres in area, ~~including a Parcel containing a Single Unit Dwelling created by subdivision under the Strata Property Act.~~
- b) ~~No Parcel for Two Unit Dwelling Use shall be created which has a Parcel Area less than 780 square metres.~~
- b) No Parcel for Single Unit Dwelling Use within Area B shall be created which has a Parcel Area less than 450 square metres.
- c) No Parcel for Two Unit Dwelling Use within Area B shall be created which has a Parcel Area less than 600 square metres.
- e) ~~Despite Section 17.3(7)(b), a Parcel, containing one Dwelling Unit of a Two Unit Dwelling, created by subdivision under the Strata Property Act may have a Parcel Area of 390 square metres.~~
- c) Despite Section 17.3(7)(c), registration of a strata plan, under the Strata Property Act, for each unit within a Two Unit Dwelling is permitted, except that it must not be a bareland strata plan.

#### 8. Sizing and Dimensions of Parcels: ~~Area C~~ Areas C-1, C-2 and C-3

- a) No Parcel shall be created which has a Parcel Area less than ~~2.5 hectare~~ (2,500 m<sup>2</sup>).



**9. Size and Density of the Use of Land, Buildings and Structures: Areas A and B**

- a) No Single Unit Dwelling shall have a ~~Finished Floor Area that exceeds 33.0 percent of the Parcel Area or 240.0 square metres, whichever is less.~~ **Floor Space Ratio that exceeds 0.5:1**
- b) No Two Unit Dwelling shall have a ~~Finished Floor Area that exceeds 33.0 percent of the Parcel Area or 310 square metres, whichever is less.~~ **Floor Space Ratio that exceeds 0.6:1**
- c) No Building or Structure shall exceed a Parcel Coverage of ~~33.0~~ **40.0** percent **for a Single Unit Dwelling and 50% for a Two Unit Dwelling.**
- d) **A Parcel may contain more than one Principal Building.**

**10. Density of the Use of Land, Buildings and Structures: Area C-1, C-2 and C-3**

- a) The maximum ~~number of Dwelling Units is 103 Dwelling Units.~~ **Floor Space Ratio allocation within the sub-areas of Area C is as shown in the Table below:**

<u>AREA</u>	<u>MAXIMUM FLOOR SPACE RATIO</u>
i. Area C-1	1.25:1
ii. Area C-2	1.5:1
iii. Area C-3	1.0:1

- b) ~~The Floor Space Ratio shall not exceed 0.66.~~
- c) No Building or Structure shall exceed a Parcel Coverage of ~~33.0~~ **40.0** percent.
- d) A Parcel may contain more than one Principal Building.

**11. Siting, Sizing and Dimension of Uses, Buildings and Structures: Areas A and B**

- a) No Principal Building or Structure shall exceed a Height of 9.0 metres, except where the 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) No Accessory Building or Structure shall exceed one Storey and shall not include an Attic or Roof Space greater than 1.5 metres in Height measured from the ceiling of the Storey below to the highest point of the Building.
- d) No Principal Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

<u>PARCEL LINE</u>	<u>MINIMUM SETBACK</u>
i. Front Parcel Line	4.5 metres
ii. Exterior Side Parcel Line	3.0 metres
iii. Interior Side Parcel Line	1.5 metres
iv. Rear Parcel Line	4.5 metres

e) ~~Despite Section 17.3(11)(d), any portion of a Building comprising an attached garage shall be offset a minimum of 1.5 metres from the front face of the Building.~~

f) Despite Section 17.3(11)(d), no Buildings or Structures shall be located closer than 6.0 metres to the boundary of a ~~hydro right of way Lot line~~ **Plan 597 R/W**.

g) No Accessory Building or Structure shall be located closer to the Parcel Line than the minimum Setback shown in the Table below:

<u>PARCEL LINE</u>	<u>MINIMUM SETBACK</u>
i. Front Parcel Line	6.0 metres
ii. Interior or Exterior Side Parcel Line:	1.5 metres
iii. Rear Parcel Line	1.5 metres

h) Despite Section 17.3(11)(g), no Accessory Buildings or Structures shall be located closer than 6.0 metres to the boundary of a ~~hydro right of way Lot line~~ **Plan 597 R/W**.

## 12. Siting, Sizing and Dimension of Uses, Buildings and Structures: Area C-1, C-2, and C-3

a) No Principal Building or Structure shall exceed a Height of ~~10.0 metres~~, **the lesser of 21.0 m or 6 stories**.

**b) Despite Section 17.3(12)(a), any building constructed with either 5 or 6 stories shall set back all sides of the upper floor of the building by a minimum of 1.5 m from the face of the remaining floors in the building.**

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

<u>PARCEL LINE</u>	<u>MINIMUM SETBACK</u>
i. Front Parcel Line	<del>6.0</del> <b>3.0</b> metres
ii. Interior Side Parcel Line	<del>3.0</del> <b>2.5</b> metres
iii. Exterior Side Parcel Line	<del>3.0</del> <b>2.5</b> metres
iv. Rear Parcel Line	<del>3.0</del> <b>2.5</b> metres

c) Despite Section 17.3(12)(b), no Building or Structure shall be located closer than 6.0 metres to the boundary of a ~~hydro right of way Lot line~~ **Plan 597 R/W**, and ~~6.0 metres to the boundary of Area B as shown on the plan in Section 17.3(16).~~

**d) Despite Section 17.3(12)(b), no Building or Structure shall be located closer than 6.0 metres to the boundary of Area B as shown on the plan in Section 17.3(16).**

d) No Buildings or Structures may be located within a Streamside Protection Enhancement Area as defined by the Riparian Area Regulation, B.C. Reg. 376/2004.

## 13. Landscaping and Screening

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

#### 14. Parking and Loading

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

b) Despite Section 17.3(14)(a), any building located within Area C-1, C-2 or C-3 that includes four (4) or more residential floors must utilize the full area of the building footprint (excluding areas for common areas and mechanical facilities) for the purpose of underground or under-building parking.



# MALONE RIDGE

## COMPREHENSIVE DEVELOPMENT PLAN

# PROJECT RATIONALE

DECEMBER 7, 2023

MALONE ROAD  
(COLLECTOR ROAD)

SUBMISISON PREPARED BY:

BUILDING  
TOWNSITE  
PLANNING

PARK

RECESSED  
EXTERIOR WALLS  
FOR UPPER FLOOR

BUILDING

800 m2  
Main Floor  
Commercial

(SOUTH SIDE OF BUILDING)



## CONTENTS

1.0	BACKGROUND / SITE CONTEXT	2
2.0	APPLICATION HISTORY	3
3.0	OCP & ZONING CONTEXT	5
3.1	AREA A	6
3.2	AREA B	6
3.3	AREA C (C-1, C-2 & C-3)	7
4.0	ECOLOGICAL CONSIDERATIONS	11
5.0	PARKS & OPEN SPACE	12
6.0	SITE SERVICING / INFRASTRUCTURE	13
7.0	GREEN BUILDING & DESIGN FEATURES	15
8.0	COMMUNITY AMENITY CONTRIBUTIONS	18
9.0	SUMMARY	22

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## 1.0 – BACKGROUND / SITE CONTEXT

The subject property is located in the Town of Ladysmith near the western boundary between the Town of Ladysmith and the Cowichan Valley Regional District (CVRD), at the west end of Malone Road and includes a total developable area of approximately 6.8 ha (16.8 acres).

The site is currently comprised of a mix of cleared lands (approximately 1/3 of the site has been cleared for initial phases of servicing and development to accommodate anticipated Single and Two-Unit Dwellings) along with undisturbed forested lands (second growth) on the remaining 2/3 of the site (multi-family lands).

There are a number of watercourses on and around the property. All of these riparian / watercourse areas, included required setbacks, have been identified and protected through previous development processes.

The site has significant changes in topography / elevation through different portions of the site.

The lands directly adjoining the site to the south/southwest are encumbered by a 45.0 m wide BC Hydro right-of-way for their primary Vancouver Island Transmission corridor. Lands to the west of the BC Hydro right-of-way are rural, undeveloped, and located within the CVRD. Lands to the east are a mix of primarily existing low density residential (R1 Single Family) and park lands. To the southeast is a large multi-family site comprising an existing 70-unit townhouse development. To the northeast and north are municipal park lands, which comprise a mix of developed park space (Kinsmen / Brown Drive Park) and less formal park space (forested lands, bike trails and riparian areas). These lands also contain trails which connect to significant existing formal and informal trail networks on surrounding lands.

There are currently no buildings located on the subject property. A newly constructed portion of both Malone Road (collector road) and Hunter Way (new local road), along with associated site servicing, has been constructed over the past 24 months as part of the development of the initial phases of the subdivision. Plans for the first phases of development (13 lots) have been submitted for registration with the British Columbia Land Title Survey Authority (LTSA) as of the date of this application but are not yet registered.

As noted above, municipal servicing is available and has been extended into the site as part of the development of the initial phases. Potential additional infrastructure requirements, including preliminary fire flow calculations, are addressed as part of this submission in the attached reports from Newcastle Engineering (Schedules M & N).

## 2.0 – APPLICATION HISTORY

The subject properties have been subject to several previous development applications. Most significantly, the lands were rezoned by the previous developer in 2014, a process which created the current **Comprehensive Development Malone Residential CD-3 Zone** under Bylaw No. 1860.

As part of that rezoning application, the developer (previous) committed to a number of development conditions which were secured through the registration of Section 219 covenant. Key commitments include:

1. Provision of a road alignment / layout that generally matched the 2014 development concept, including extension of Malone Road to the western site boundaries and establishment of a local road (Hunter Way).
2. Protection of all trees and site vegetation on the lands identified as Area C (multi family lands) until such time that development has been approved / initiated on these lands through subsequent Subdivision or Development Permit applications.
3. Creation and transfer of a residential lot to Mid-Vancouver Island Habitat for Humanity at no cost.
4. Provision of a pedestrian pathway and parking staging area adjoining Brown Drive Park to connect and provide access from the new neighbourhood to existing park lands.
5. Construction of fencing along the boundary between the proposed Single and Two Unit Dwelling lots and Brown Drive Park.
6. That all residential building on the lands will be constructed to meet the EnerGuide 80 Energy Standard.
7. That a minimum of 10% of the multi-family units will be constructed as adaptable units as defined by the BC Building Code.
8. Provision of a comprehensive stormwater management plan with any future development.

A current copy of the title as well as the existing covenants and all other registered charges requirements are all included with this submission as part of Schedules D and E1-6. To date, all of the commitments registered against the property have either been honoured and/or have been accounted for in planning for development of the site. Of particular note, the new lot that will be gifted to Habitat for Humanity is included in Phase 1 of the development and the transfer of these lands has been included with the package that has been submitted to Land Titles for registration.

More recently, the current developer submitted an application to the Town of Ladysmith in 2019/2020 to rezone the properties to facilitate a potential lower density development of the site. This would have involved down-zoning most of the multi-family areas to facilitate additional Single and Two Unit Dwelling development.



Council, at their August 18, 2020 meeting, provided their feedback on the proposal and were clear in their comments - and ultimately in their motion - that they did not support amendments to the zoning which would have the effect of decreasing density and producing a more conventional lower density subdivision. The Town has also subsequently developed and adopted a new OCP, which contains policies which only serve to reinforce and support the feedback provided by Council in 2020.

**Townsite Planning** was engaged by the developer in 2022 to develop a new vision for the project, taking into account Council's views, best planning practices, and present housing market realities. Upon reviewing the video / minutes of the August 18, 2020, we noted a number of key themes coming out of that discussion, in terms of what Council would like to see included with the planning and zoning for these lands. Key takeaways for our group were:

1. *"Decreased building footprints and increased building height";*
2. *"Build / expand upon the provisions outlined in the existing CD-3 zone";*
3. *"Additional / higher densities";*
4. *"Parking at ground level / under-building with residential units above";*
5. *"Protecting significant existing forest cover and environmental features on the site".*
6. *"Development of a network of trails"; and,*
7. *"Connectivity between existing parks and trails through this site to lands beyond".*

In response, we have attempted to address all of these key points in our updated application and believe that we developed a plan and draft zoning that will allow for the implementation of a development that will produce positive benefits for not only the developer, but also for the Town of Ladysmith and both future and existing residents of the neighbourhood.

### 3.0 – OCP & ZONING CONTEXT

The subject properties are currently designated almost entirely for **Multi-Family Residential** under the Town of Ladysmith’s new OCP Bylaw No. 2200, except for a small area on the eastern boundary which is designated for **Neighbourhood Residential** in proximity to the existing residential areas to the east. The remainder of the site is designated as **Park**, previously dedicated in order to protect existing riparian areas, provide community parks and open space, and in order to satisfy statutory park dedication requirements. Of note, this application does not require or propose to amend the OCP or alter the existing OCP land-use designations. We have developed a plan and new zoning for these lands that aligns with the Town’s vision, as laid out in the OCP.

As previously noted, the entire site is currently subject to the zoning provisions contained in the **Comprehensive Development Malone Residential (CD-3) Zone** under Bylaw No. 1860, which was developed and adopted in 2014.

We have developed a draft / updated CD-3 Zone and CD-3 Zoning Map (Schedules J & K) to reflect the requested amendments to the CD-3 zone necessary to facilitate the proposed development contemplated in our application. The current CD-3 establishes three (3) areas (A, B and C), within which certain land uses and densities are permitted. Within the updated CD-3 zone we have broken Area C into three (3) sub-areas (c-1, C-2 and C-3) in order to provide clarity on which portion of the multi-family lands is being discussed.

Schedule I provides a detailed illustrative concept which outlines the potential form and location of development that would be permitted under the updated CD-3 zone. While the layout for Areas A and B (Single- and Two-unit Dwellings) is fairly set and certain in terms of anticipated development, there are a number of ways in which Areas C-1, C-2 and C-3 could be developed based on the regulations set out in the updated CD-3 zone.

This plan (Schedule I) represents a “maximum build-out” scenario and contemplates potential apartment buildings in the multi-family areas (Areas C-1, C-2 and C-3), however, the CD-3 zone would also allow for a range of multi-family uses in these areas, and so it is entirely possible that portions of Areas C-1, C-2 and C-3 would be developed for different forms of housing, such as townhouses or patio homes. These types of developments would result in lower overall densities but are still keeping with OCP policy guidance.

What remains consistent, however, in any development scenario, is the commitment, through the zoning and the amenity contributions and commitments outlined in this application, is that significant portions of the multi-family lands will be retained in their natural state in order to respect existing ecological features and provide for development that is built *into*, instead of on the natural environment.

Each of these CD-3 areas, along with the proposed changes, are discussed in more detail below:

### 3.1 CD-3 (AREA A)

**Area A** is the small portion of lands on the east side of the southern portion of Hunter Way that falls within the **Neighbourhood Residential** OCP designation. At present, the CD-3 zone allows for Single Unit Dwellings with a minimum parcel size of 668 square metres.

While the neighbourhood designation does support uses beyond just single family (such as duplex, triplex, fourplex, etc.) the intention of the developer is to see these lands developed with single family homes out of respect for the adjoining single-family neighbourhood to the east.

The only change to the Area A zoning is to slightly alter the area boundaries to better align with the Phase 1 subdivision boundaries.

### 3.2 CD-3 (AREA B)

**Area B** comprises the remainder of Hunter Way. The CD-3 zone (both current and proposed) contemplates a mix of Single and Two Unit Dwellings in Area B. The primary change to the zoning regulations in Area B is to reduce the minimum parcel area from 780 square metres to 600 square metres for a Two Unit Dwelling and from 668 square metres to 450 square metres for a Single Unit Dwelling. This reduction in minimum parcel area within Area B provides both greater flexibility and housing affordability and is much more in keeping with best planning practices for low density residential development. The current minimum parcel areas for Single Unit and Two Unit Dwellings (668 and 780 sq. m., respectively) are very large and are not consistent with good planning practice for serviced lands within an urbanized municipality.

There are also a number of other minor modifications to the CD-3 zone with regard to lot coverage and Floor Space Ratio, etc. These proposed changes are highlighted in Schedule J.

We also note that the Town of Ladysmith recently adopted amendments to the Zoning Bylaw in order to allow for secondary suites within Two Unit Dwellings. The developer (one of the owners is a Licensed Residential Builder) is keen to take advantage of this opportunity and believes that secondary suites form a very important part of the housing spectrum, particularly in regard to affordability. To this end, the developer is prepared to commit to the construction of necessary rough-ins to facilitate a secondary suite for all of the Single Unit and Two Unit Dwellings (beyond the first 13 lots which have already been completed and committed for sale) in Area A and B.

As of the date of this letter, we acknowledge that *Bill 44 (Housing Statutes) Residential Development Amendment Act, 2023*, along with associated development regulations and policy guidance, are expected to be released in the coming weeks by the Province, and that these will likely influence development opportunities within Areas A and B. We look forward to working with the Town and with these new regulations from the Province to ensure that development in this area is completed in a viable and responsible manner that creates positive outcomes for both the developer and the Town.

### 3.3 AREA C (C-1, C-2 & C-3)

Area C currently comprises the majority of the remainder of the property and is where the most substantive changes to the CD-3 zone are proposed. Area C currently contains three (3) distinct physical parcels, totalling 3.674 ha (9.08 acres) of land. The current CD-3 zone allows only for a maximum of 103 units and 2.5 stories (10.0 m) in building height across all three of these sites (cumulative). If fully built-out, this represents a density of 28 units per ha, or 11.34 units per acre. This is extremely low density for a multi-family area and does not align with the Town of Ladysmith’s OCP policies for multi-family areas.

By comparison, single-family density is generally accepted to be in the range of +/- 15-20 units per , whereas most multi-family designations typically encourage densities in the range of 60-100 units per ha. In addition, the significant limitations within the current zoning (as discussed below) would likely only allow for the development of townhouses within the multi-family areas. Using an average unit size of 1400 square feet (130 square metres) for a typical 3-bedroom townhouse, the Floor Space Ratio (FSR) under current zoning would end up being approximately 0.35. By comparison, the current OCP identifies a minimum (FSR) expectation of 1.0, and up to a maximum of 2.2. In short, compared to the most likely development scenario under the current CD-3 zoning, the new OCP requires at least three times (3x) and as much as six times (6x) as much finished floor area within Area C.

Also, as noted, the current CD-3 zoning only allows for a maximum building height of 10 metres (2.5 stories). By comparison, The Town of Ladysmith OCP encourages building heights of up to six (6) stories (6-storey wood-frame buildings can now be constructed under the BC Building Code) in multi-family areas.

It is clear that the current zoning does not align and is not consistent with the new OCP, and that additional density and alternative building forms should be supportable in this area. Key proposed changes within the updated / draft CD-3 zone for Area C are outlined in the table below:

	EXISTING CD-3 ZONE	TOWN OF LADYSMITH OCP	DRAFT / PROPOSED CD-3 ZONE
PERMITTED USES	<ul style="list-style-type: none"> <li>Multi-Unit Dwellings</li> </ul>	<ul style="list-style-type: none"> <li>Diverse mix of residential types and tenures</li> </ul>	<ul style="list-style-type: none"> <li>Multi-Unit Dwellings</li> <li>Townhouses</li> <li>Two Unit Dwellings</li> <li>Single Unit Dwellings</li> <li>Neighbourhood-scale commercial uses</li> </ul>
FLOOR SPACE RATIO	<ul style="list-style-type: none"> <li>0.66 Permitted</li> <li>0.35 Estimated Actual</li> </ul>	<ul style="list-style-type: none"> <li>Min. 1.0</li> <li>Max. 2.2</li> </ul>	<ul style="list-style-type: none"> <li>Ranging from 1.0 – 1.5</li> </ul>

<b>BUILDING HEIGHT</b>	<ul style="list-style-type: none"> <li>• 10 m</li> <li>• (2.5 Stories)</li> </ul>	<ul style="list-style-type: none"> <li>• 6 stories</li> </ul>	<ul style="list-style-type: none"> <li>• 6 stories</li> </ul>
<b>UNDERGROUND / UNDER-BUILDING PARKING</b>	<ul style="list-style-type: none"> <li>• None required</li> </ul>	<ul style="list-style-type: none"> <li>• Encouraged</li> </ul>	<ul style="list-style-type: none"> <li>• Any building with 4 or more residential floors will be required to provide underground / under-building parking</li> </ul>

Table 3.3.1 – Proposed Key CD-3 Zoning Amendments

Within the draft CD-3 zone, Area C has been broken into three (3) sub-areas (Areas C-1, C-2 and C-3) in order to provide better clarity, and also given that these are three physically distinct sites.

1. In accordance with OCP policy, which supports a broader range of land uses, the range of potential Principal Uses in Areas C-1, C-2 and C-3 (which currently permits only Multi Unit Dwellings) has been expanded to also include Townhouses, Two Unit Dwellings and Single Unit Dwellings. The purpose here is to provide for the greater flexibility for a variety of different residential projects on these lands, including the possibility of apartments, townhouses, patio homes, and neighbourhood commercial, etc. (Note: see discussion re: commercial uses below). Also, there is a limitation within Areas C-1, C-2 and C-3 on the number of Single Unit Dwellings (max. 10%) in order to discourage this use generally, utilizing it only where site limitations warrant consideration (e.g. on a patio home site where site limitations might only facilitate or allow for one additional unit).
2. In accordance with OCP policy, the maximum building height in the CD-3 zone has been increased to the lesser of 21.0 m or 6 stories. Of note, for any building (apartment) that contains either 5 or 6 stories, the upper floor of the building must be setback at least 1.5 m from the face of the remainder of the building in order to create enhanced building articulation and reduce massing impact.
3. In accordance with OCP policy, the updated CD-3 zoning also includes provision for limited neighbourhood-scale commercial uses, which is strongly encouraged in the OCP. We have added a number of local commercial uses as potential Accessory Uses within Area C-1, with limitations to ensure that these uses are carefully planned and integrated into a mixed-use development. The commercial uses would be required to be located on the ground / main floor of a Multi Unit (Apartment) Building, with their own direct exterior access, and would be limited to a cumulative total of 800 square metres (8600 square feet). Live/Work units are also supported as an accessory Use in Areas C-1, C-2 and C-3.

4. In accordance with OCP policy, which encourages the use of underground / underbuilding parking, for any building within Areas C1, C-2 or C-3 that contain 4 or more floors of residential use, the building footprint must be designed to accommodate underground / under-building parking (except for common and mechanical areas).
5. There are also a number of other minor modifications to the CD-3 zone with regard to lot coverage, parcel area, etc. These proposed changes are highlighted in Schedule J.

Ultimately, there are many reasons that we believe that the proposed zoning amendments and the resulting development potential they would create, are supportable. There are dozens of OCP policies which support our application, however it is not feasible to address each policy specifically. As stated earlier in this report, every effort has been made to incorporate and implement critical OCP policies with every aspect of our submission.

Some of the key reason that we believe this application is support able include:

- Perhaps most importantly, the proposed land uses and densities are fully supported by the OCP.
- Taller buildings proposed within this development are located west of any existing residential development and at the western extent of the Town's current corporate limits and will have no impact on any existing or surrounding residential landowners.
- There is an existing well-built network of collector roads within the neighbourhood. Malone Road / Roberts Street and Dunsmuir Crescent / Symonds Street provide excellent vehicular access from this site to numerous community facilities and services. We have also included a number of proposals within our application that will augment the existing pedestrian and cycling network, creating new and increased opportunities for active transportation for both existing and future residents in this area.
- The site is located within walking distance from the following community facilities:
  - 400 m – BC Transit stops (corner of Malone Road and Dunsmuir Crescent)
  - 780 m – Frank Jameson Community Centre
  - 750 m – Ladysmith Secondary School
  - 725 m – Ladysmith Primary School
  - 950 m – Ladysmith Fire Hall
  - 1000 m – Ladysmith RCMP Detachment

From a density perspective, the Town of Ladysmith's previous OCP targeted a density of 60 units per ha in areas designated for multi-family development. If utilized, a density target of 60-100 units per ha across this project (recognizing that 90% of the site is designated for multi-family) would produce between 400-700 units.

The updated zoning proposed as part of this application is intended to facilitate the construction of approximately 450-500 residential units, which puts this project at the low end of that density spectrum. The new OCP - while no longer containing specific density targets - does contain policy and regulatory guidance that easily supports densities in this same range in multi-family areas, based on targeted Floor Space Ratios (1.0 - 2.2) and building heights (up to six (6 stories).

From a planning perspective, of course each site must be considered on its own merit and taking into account its unique characteristics. While this site has excellent access to numerous key local services (parks, transit, schools, downtown, etc.) we are in the low range for multi-family density in acknowledgement that this site, like all sites, has constraints, including:

- It is located near the western edge of the Town's current boundary;
- It has unique environmental characteristics that warrant and require protection;
- It has topographical constraints; and
- It is located adjacent to a primarily low-density neighbourhood (noting that there is, however, a 70-unit townhouse development directly to the southeast of this site)

In accordance with the approach outlined in the new OCP, the draft CD-3 zone does not contain a specific density cap, rather we are proposing zoning provisions which align with OCP policies related to building form, heights and floor space ratio.

## 4.0 ECOLOGICAL CONSIDERATIONS

We acknowledge that the original CD-3 zoning was developed and put in place with significant consideration for broader environmental and ecological considerations. This was discussed by Council at their August 18, 2020 meeting, is a critical component of the new OCP, and is noted specifically in the current purpose statement for the CD-3 zone:

*"The purpose of the Comprehensive Development 3 Zone is to accommodate a mixed residential neighbourhood with a range of housing options and densities. Emphasis is placed on protecting the natural ecosystems and landscape through comprehensive site planning."*

In recognition of these important ecological considerations, the developer engaged Madrone Environmental to prepare an updated Ecological Assessment for the subject property in order to review key environmental features and provide updated recommendations for protection (see Schedule L). The report confirmed that there are no significant environmental features that require protection, such as new or previously identified riparian areas, but does acknowledge those areas that have already been protected (e.g. riparian areas / watercourses) through previous application processes.

The Ecological Assessment did identify that there are two rocky outcrops within Area C-1 that do have broader environmental value. In acknowledgement of the environmental goals outlined in the OCP, along with the previous development objectives identified for this site, we are proposing to cluster the development on Area C-1, to the southern portion of the area, allowing for protection of a minimum of 33% of Area C-1 (0.85 ha / 2.1 acres) in its natural state through registration of a Section 219 covenant to prevent land alteration / removal of vegetation.

The lone exception to this limitation would be to allow for the construction of a proposed soft-surface trail network through the protected area (as outlined on Schedule I and discussed in later sections of this report).

In addition, we recognize that interface wildfire has become a critical consideration for all new developments, but in particular those located at or near the edge of built-up urban areas, adjoining rural and forested lands.

The developer engaged Strathcona Forestry to provide a comprehensive Wildfire Assessment, in order to ensure that best practices are utilized in the planning and development of this site. This assessment is attached as Schedule O. The Wildfire Assessment provides for a series of recommendations and discusses best practices for implementation at the development and building stage in order to mitigate fire risk. The report does also recommend that a secondary / emergency access be included as part of the development, either as a gated road or trail. This issue is further discussed in Section 6.0 below.



## 5.0 PARKS & OPEN SPACE

The dedication and protection of park lands, environmental areas and green spaces in this area has taken place incrementally and through multiple processes over the past +/-25 years.

The 0.85 ha (2.1 acres) of land proposed to be protected within Area C-1 (33% of Area C-1) represents 12.5% of the current overall development site (approx. 6.80 ha) and is in addition to the 0.36 ha (0.89 acres) (5.3%) of land previously dedicated and/or committed for park dedication, riparian protection, etc. with initial phases of development following successful rezoning in 2014.

In total, approximately 1.21 ha (3.0 acres) of this site (approximately 18% of the site) will be protected through either park dedication or covenant protection within the development area, based on a combination of previous dedication and the commitments contained herein.



Furthermore, this is also in addition to the 2.58 ha of land that was transferred to the Town of Ladysmith in approximately 2001, which allowed for a substantial expansion to the south of the Kinsmen / Brown Drive Park to protect and provide dedicated public access for forested areas with bike trails and for watercourse / riparian protection.

In total, including the commitments contained as part of our application, out of the original 10.30 ha parent parcel that existed in 2001, a total of 3.65 ha (greater than 35%) of the original lands have been or will be protected from development for park lands, riparian protection and protected green space.

We believe this represents an excellent balance between development, parks and open space and ecology.

Figure 5.1 – Neighbourhood parks and protected lands (existing and proposed). Source: Bennett Land Surveying / Townsite Planning

## 6.0 SERVICING / INFRASTRUCTURE CONSIDERATIONS

Please see the attached Servicing Report (Schedule M) from Newcastle Engineering, which provides additional detail regarding proposed servicing and existing infrastructure and system capacities required to accommodate the proposed development.

In general, infrastructure installed to date as part of this development is sized sufficiently to accommodate the anticipated housing forms and densities included as part of this application. We anticipate further discussion with the Town regarding whether there are any off-site or downstream infrastructure limitations, and whether this project will be required to contribute towards resolution of those issues, recognizing that existing areas, other development lands, and DCC's would all also likely be contributing to any potential existing downstream system upgrades.

In addition, the Town identified in a pre-application meeting that provision of a secondary / emergency access may be necessary as a result of the proposed increase to the density. This was also a recommendation within the Wildfire Hazard Assessment.

Following review, we have determined that there are only two viable / potential options for emergency access:

1. The first option would be to provide for an emergency access from the west end of Hunter Way, north through the BC Hydro transmission corridor / right-of-way north to Davidson Road (approx. 300 m). We contacted BC Hydro (who hold a right-of-way over those lands) and they indicated that they had no concerns with the possibility of an emergency access located below their transmission lines. Unfortunately, when we reached out to the landowner (Timberwest / Mosaic), they indicated that they were unwilling to grant a right-of-way over their lands to facilitate the construction of an emergency access. It was very clear in their correspondence that this was a direct result of the Town's decision not to support their application for annexation to bring these lands within the Town's municipal boundaries in 2014. Efforts on our part to continue the conversation with Timberwest or seek alternatives that might allow Timberwest / Mosaic to change their position have not yielded any positive results to date.
2. The second option would be to construct an emergency access from the north side of the new park lands on the north side of Hunter Way, through Kinsmen / Brown Drive Park, to the intersection of Colonia Drive and Brown Drive. While we acknowledge that Staff did not express support for this proposal in earlier discussions, we wish to advance this request with Council, focussing on the significant benefits that this option provides.

Our proposal would see the construction of a 3.0 - 3.5 m wide asphalt multi-use path through the park between the two roads, that would be designed and constructed to also accommodate an emergency vehicle. Emergency access routes are very rarely (in some cases

never) used for emergency purposes, meaning that this infrastructure will act as a pedestrian and cycling connection through the park, virtually 100% of the time. It will also provide enhanced park access for Parks Operations vehicles.

As part of this commitment and in the interest of providing for enhanced connectivity and access for all ages and abilities, we have also proposed to construct a 2.0 - 3.0 m wide asphalt multi-use path connection within the park from the east end of this link, south to connect to the existing playground. This will allow for pedestrians, cyclists, parents with strollers and those in wheelchairs full access to the park and to connect this new neighbourhood to the existing neighbourhood to the east.

We believe that very few trees would need to be removed (as this would be constructed generally in the same area where underground utilities were recently installed to service the development), and the developer would be prepared to replace any tree that was ultimately required to be removed from within the park on a 2:1 basis.

As an emergency access route, Option #2 (through the park) is significantly shorter (approx. 200 m) than Option #1 (300 m) and is a much easier route to navigate as Option #1 would have some topographic constraints. In the event of a potential interface wildfire, an emergency access to the east (through the park) is also much more likely to be of use / valuable than would an emergency access that is likely headed towards the source of any potential wildfire (lands to the west).

Ultimately, we believe there is a potential win-win here that allow for both improved public safety as well as new public amenities and enhancements to the existing park lands and neighbourhood connectivity.

We understand that the Staff are in the process or are about to undertake a park planning process to determine the long-term needs and potential uses within this park. The current CD-3 zoning allows for a maximum of 146 residential units and currently has no requirements for an emergency / secondary access. We would expect, if ultimately required, that the emergency access wouldn't be required to be constructed until at least that many units had been constructed. In that scenario, this provides ample time for the Town to complete its planning process and determine how best to integrate this new amenity into the long-term plans for the park, prior to construction of the 147<sup>th</sup> unit in this development. We note also that there is an existing culvert crossing the small watercourse (presumably also used by Parks Operations vehicles) within the park, and that the developer may need to upgrade that crossing to accommodate an emergency vehicle.

Alternatively, we would request that the Town either assist us in our efforts to work with Timberwest/Mosaic or reconsider this potential requirement to provide for emergency access. It would seem to be unfair for the Town to impose this requirement but then not be willing to

work with the developer to satisfy this requirement given that the Town is directly involved in the decision-making and history related to both options.

We would also point out that, even without an emergency access connection allowing for vehicular access, there will always be an emergency access for residents between Hunter Way and Colonia Drive, by simple virtue of the existing and anticipated park lands. These are public lands and are available for public use at all times. In the event of any number of hypothetical emergency scenarios where Malone Road is completely blocked at the entrance to the development, it will always be possible for people to physically get in and out of the development using this connection through public lands.

## 7.0 PROPOSED GREEN BUILDING & DESIGN FEATURES

Green building & design considerations are a critical component of any new development proposal, as both municipal Planners and elected officials seek to balance and achieve density and affordability, while decreasing the impact that new development has on the natural environment. This development incorporates numerous green building and development features to support this goal.

Every aspect of this development has been reviewed under an environmental lens in order to determine how best to create a new neighbourhood that minimizes impact on the natural environment.

Key commitments in this regard include:

1. Clustering of development on the multi-family portions of the site in order to protect the existing forest canopy and ecological features on the site. This protection ensures that roughly 25% of the existing tree canopy within the developable area (min. 33% within Area C-1) will be protected.
2. Working with the natural topography and identification of preferred building locations and orientation within Areas C-1, C-2 and C-3 in order to minimize site disturbance and land alteration.
3. Installation of a minimum of two (2) new trees per principal unit within Areas A and B in order to re-establish a new tree canopy within the developed areas of the site over time. This is anticipated to add approximately 120-130 new trees in Area A and B. Lands within Area C (multi-family sites) will be required to provide comprehensive landscape plans – which will likely introduce hundreds of additional new trees – as part of subsequent Development Permit applications.
4. On each multi-family site (Area C-1, C-2, and C-3) projects will be designed, and infrastructure will be installed at the time of development in order to allow for the future installation of Level 2 electric vehicle chargers for each parking stall on the site.
5. Construction of all residential buildings required to meet the EnerGuide 80 Energy Standard (*already secured through registration of Section 219 covenant*).
6. As per provincial and municipal regulations, all Part 3 and Part 9 buildings are now required to be constructed to meet Step 3 of the BC Energy Step Code.

7. Provisions within the draft CD-3 zone to allow for appropriate small-scale commercial uses within the neighbourhood in order to reduce the need to leave the neighbourhood for day-to-day goods, services and employment.
8. Protection for all watercourse and key environmental features both on and near the site.
9. Reduction of impermeable surfaces through requirement for underground/underbuilding parking for any residential building with four (4) or more residential stories.
10. Reduction of Malone Road cross-section (width) through the site in order to increase traffic safety and decrease impermeable surfaces (storm run-off).
11. Construction of approximately 300 m of multi-use path and approximately 650 m of soft surface trail network, as well as construction of approximately 160 m of new concrete sidewalk on the north side of Malone Road from the site entrance to the intersection of Colonia Drive. These amenities will significantly enhance walkability and access to active transportation options (walking, cycling, transit) for area residents
12. Provision of comprehensive stormwater management plans with all development in order to effectively manage rain and storm water leaving the site, from both a water quality and quantity perspective.

## 8.0 COMMUNITY AMENITY CONTRIBUTIONS

As required by the Town of Ladysmith, we have reviewed the Town’s *Community Amenity Contribution* policies, including recent updates outlined in the new OCP. The developer acknowledges that an increase in density creates increased demand on existing municipal resources and community services.

To this end, the developer is prepared to provide a number of additional amenities (beyond those already committed), which we will believe will offset the potential impact generated by an increase in density and provide for tremendous additional benefits that will enhance both the new development as well as the broader existing neighbourhood and community. To be clear, these new community amenity contributions are in addition to those already agreed upon with the previous rezoning approval in 2014.

The details and specifics of all proposed new amenities will be secured through registration of a Section 219 covenant(s) prior to adoption of the zoning bylaw amendment. In addition, all constructed amenities shall be built to municipal standards and in accordance with plans prepared by a civil engineer and shall be subject to approval for construction by the Town of Ladysmith. Proposed timing for the construction of any physical amenities is addressed with each commitment as per below:

### 1. PROTECTED AREAS (see over)



Figure 8.1 – Excerpt from Illustrative Site Plan identifying general location of 0.85 ha / 2.1 acres of protected green space.

A minimum of 33% of Area C-1 (0.85 ha / 2.1 acres) will be protected as natural green space and for public use. The area within Area C-1 will include both of the rocky knolls and will be as identified generally on the attached Illustrative Site Plan prepared by Townsite Planning Inc. (protection conditions will provide for an exemption for works related to the proposed amenity noted in Item 2. below). This amenity is to be provided via registration of a Section 219 covenant with language outlining the minimum commitments prior to adoption of the zoning bylaw amendment. A subsequent / new covenant, which will include a reference plan to specifically define the protected area, will be registered in concert with either the first subdivision or Development Permit application for the lands within Area C-1.

## 2. PUBLIC NATURAL TRAIL SYSTEM (ON-SITE)



Figure 8.2 – Image of proposed similar natural trail through Area C-1. Source: [www.destinationwestport.com/directory/cong-forest-nature-trail](http://www.destinationwestport.com/directory/cong-forest-nature-trail)

Construction of approximately 650 metres of public trail system (1.0 - 1.5 m soft surface), secured with statutory rights-of-way where required, within Areas B, C-1 and dedicated park lands. This will also include construction of an offset concrete staircase, with resting areas (benches) within the proposed park lands on the south side of Hunter Way, all as identified generally on the Illustrative Site Plan prepared by Townsite Planning Inc. This amenity is to be completed prior to issuance of Final Occupancy of the first residential unit for lands located on Area C-1.



### 3. PUBLIC MULTI-USE PATH SYSTEM (OFF-SITE)

Construction of a 3.0-3.5-metre-wide asphalt multi-use path (designed and constructed to also serve as an emergency access) to connect from the end of the parking area within the park lands on the north side of Hunter Way, through Kinsmen / Brown Drive Park to the intersection of Colonia Drive and Brown Drive (approx. 200 l.m.), including potential culvert crossing upgrades / replacement. Included also as part of this amenity will be the replacement of any tree that is required to be removed from the park to facilitate construction on a 2:1 basis.

This amenity will also include construction of a 2.0-3.0-metre-wide asphalt multi-use path (not required for emergency access) within Kinsmen / Brown Drive Park from the park gate at / near the Colonia Drive / Brown Drive intersection south to the existing pedestrian entrance to the park at the playground (approx. 80 l.m.). This amenity is to be completed prior to issuance of Final Occupancy of the 147th residential unit within the entire development area (Areas A, B, C-1, C-2 and C-3).

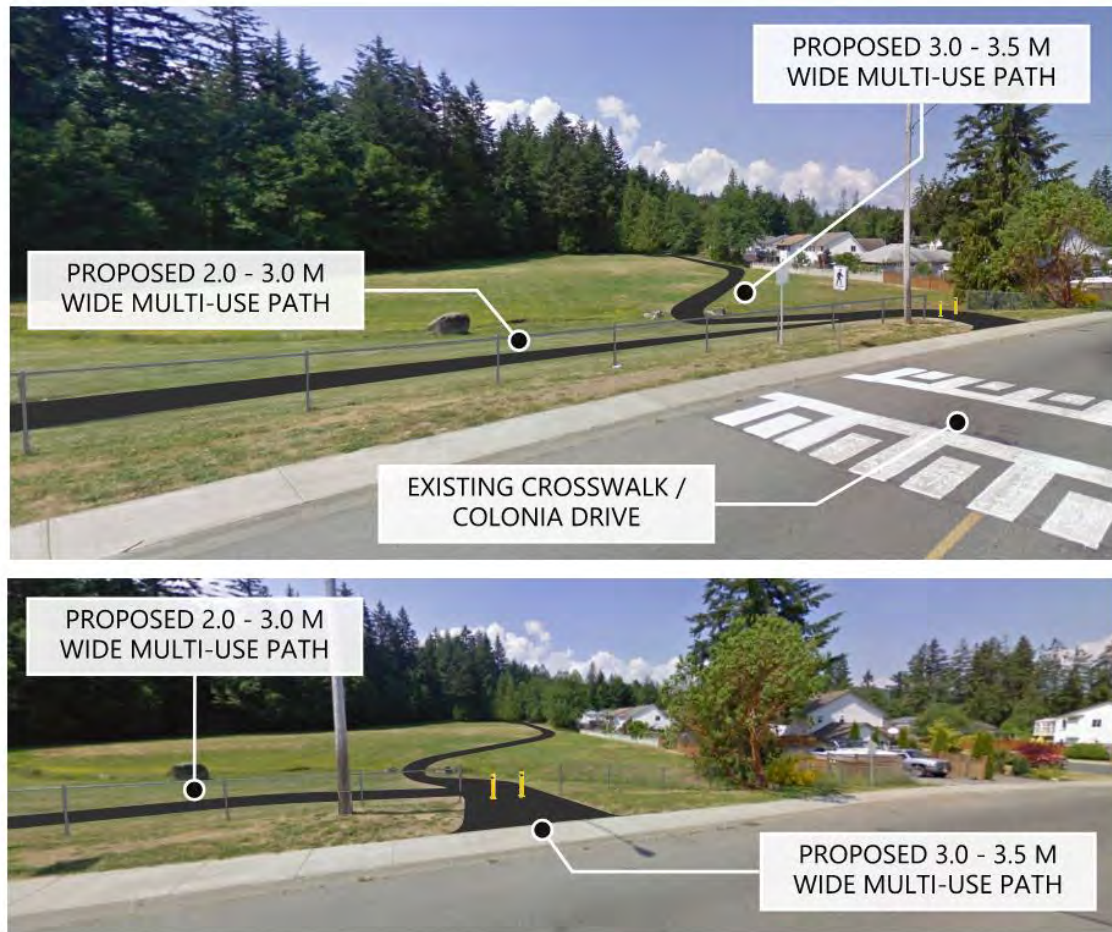


Figure 8.3 – Rendering of proposed Multi-Use Path through Kinsmen / Brown Drive Park. Source: Google Maps / Townsite Planning

#### 4. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

On each multi-family site parcel (Area C-1, C-2, and C-3), projects will be designed, and infrastructure will be installed at the time of development in order to allow for the future installation of Level 2 electric vehicle chargers for each parking stall on the site. This amenity is to be completed as a condition of future Building Permits for each of the projects in Area C-1, C-2 and C-3.

#### 5. AFFORDABLE HOUSING

Within the multi-family lands (Area C-1, C-2, and C-3), a minimum of 10% of the total residential units will be secured for affordable housing. This commitment may be combined with the previous commitment to provide for a minimum of 10% of the multi-family units as adaptable units as defined by the BC Building Code (i.e. a unit may be both adaptable and affordable and would count towards the minimum 10% threshold for both commitments).

#### 6. NEW SIDEWALK (OFF-SITE)

Construction of approximately 160 metres of new concrete sidewalk on the north side of Malone Road, directly adjoining the existing concrete curb, between the entrance to the site and the intersection of Malone Road and Colonia Drive to eliminate this significant gap in the Town's sidewalk network. This amenity is to be completed in conjunction with construction of the servicing for the next phase of the subdivision within Area B.

#### 7. TREE PLANTING

A minimum of two (2) new trees will be installed within the front and/or rear yard (min. one tree within front yard area) for each principal dwelling unit within Areas A and B (except for the 13 lots included within the lands already submitted for subdivision registration with Land Titles), including provisions for a \$500 deposit payable at the time of Building Permit to ensure tree installation and survival for one (1) year. Any forfeited deposits (or where planting of the required trees is not feasible), the deposit funds will be used by the Town's Parks Department to add new trees within existing neighbourhood parks.

#### 8. PUBLIC PARK / PLAYGROUND IMPROVEMENTS

A cash amenity contribution of \$50,000 will be made to the Town of Ladysmith to be used for improvements / upgrades to the Kinsmen / Brown Drive Park playground. This amenity is to be paid prior to issuance of the first Building Permit for lands located on Area C-1, C-2 or C-3.

## 9.0 – SUMMARY

In closing, we believe that the development proposed with this application represents exactly the type of development that is specifically targeted and supported in the Town of Ladysmith OCP. Our application, including the plan and draft CD-3 zone introduce and allow for a broader range of housing densities, forms and tenure not currently permitted under existing zoning. However, of equal importance, our application also respects surrounding neighbourhoods and existing community character, provides fantastic opportunities for outdoor recreational opportunities, encourages the use of active transportation, and protects critical ecological features and functions found both on site and within nearby protected lands.

When combined with the significant amenities and benefits that the developer is offering to provide to both new and existing community and area residents, we believe that the proposed development represents a significant net benefit for the Town and neighbourhood and community residents.

Finally, in consideration of the new OCP and when reflecting back on the extensive comments from Council at the August 18, 2020 meeting – where it was clear that Council could see much greater potential for this site than was either proposed at that time or was possible under the existing CD-3 zoning – we believe that we have responded to that feedback and produced a plan that better represents Council’s vision for this site and allows the community to realize the goals set out in the OCP.

We thank you sincerely for your consideration.

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END OF DOCUMENT

