



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Monday, January 23, 2017 Council Chambers 7:00 p.m.

PRESENT: Mayor S. Price
Councillors: T. Chad, B. Fallot, M. Lougher-Goodey, C. McLennan and P. Wainwright

ABSENT: Councillor E. Bremner-Mitchell

Staff: R. Humble, Chief Administrative Officer
A. Hicik, Director of Corporate Services
B. Mikkelsen, Fire Chief
M. van der Linden, Manager of Engineering & Environmental Services
A. Verhagen, Manager of Planning
S. Nelson, Corporate Officer

1. **CALL TO ORDER / PUBLIC PARTICIPATION PERIOD (maximum 20 minutes) / INTRODUCTIONS / PRESENTATIONS / PUBLIC HEARINGS**

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

A. PUBLIC PARTICIPATION PERIOD

1. **S. Garnett, 9583 Christine Place** – regarding bonus density and the Town's move to Floor Area Ratio (FAR), expressed concerns regarding the loss of public input in some of the development applications.
2. **D. Gelinis, 9635 Second Street** – suggested a public consultation process be held to assist in determining the breakdown and use of the new amenity funds.
3. **S. Duck, 9805 Second Street** - also suggested public consultation respecting the new amenity funds and that there be annual reporting of those funds for review by the public.
4. **D. Calvaley, 9655 First Street** – noted who would, in fact, be providing the cash flow for the amenity funds and that it could increase the housing prices in Sidney.

Public Participation Period closed at 7:08 p.m.

B. PRESENTATIONS

- i. **Development Variance Permit Application No. DV100213 (9633 Sixth St)**
(To increase lot coverage to allow a single-family dwelling).

(see Staff Report – item 11a)

Mr. John Hestnes, applicant, advised of the proposal to demolish the existing home and to construct a new single-family dwelling on his property at 9633 Sixth Street, noting the purpose of which is to accommodate his entire family and provide for an in-law suite. He noted that the current zoning allows for 35% lot coverage and that he is requesting consideration for an increase to 51%. He advised the footprint of the decks and carports are included in the lot coverage which has contributed to the coverage. Mr. Hestnes advised that there are a variety of homes in the Orchard neighborhood that they are well over 40% lot coverage, and expressed the desire to continue to live in the area.

Staff provided clarification that if the property were to be subdivided into two parcels, the permitted lot coverage for each dwelling on each lot would also be 35%.

- ii. **Development Variance Permit Application No. DV100214 (2238 Malaview)**
(To increase percentage of front yard occupied by parking area to allow a single-family dwelling).

(see Staff Report – item 11b)

Mr. Sheng Ma, applicant, advised of the proposal to demolish the existing home and to construct a new single-family dwelling with a secondary suite on his property at 2238 Malaview Avenue. He noted the parking bylaw restricts parking areas in a front yard to no more than 30% and that he is requesting consideration for an increase to 45%. He advised it would provide sufficient access to the garage and also provide one off-street parking spot for the suite. Mr. Ma advised that he is agreeable to staff's recommendation to complete the driveway in two finishes to enhance the appearance of the driveway.

- iii. **Development Variance Permit Application No. DV100215 (10426 Eden PI)**
(To increase percentage of front yard occupied by parking area to allow two single-family dwellings).

(see Staff Report – item 11c)

The applicant was not in attendance and there was no presentation.

2. APPROVAL OF AGENDA

- 2017.03.030 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the agenda be approved as presented.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – January 9, 2017

- 2017.03.031 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of January 9, 2017, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

5. BUSINESS ARISING FROM MINUTES

a. Council In-Camera Meeting – January 9, 2017

i. Appointment – Peninsula & Area Agricultural Commission

Resolution: *that Mr. Satnam Dheenshaw of Gobind Farms be appointed to the Commission for a 3-year term.*

6. DELEGATIONS

7. PETITIONS

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

a. Councillors P. Wainwright & C. McLennan - RE: Segways

- 2017.03.032 Moved by Councillor C. McLennan, seconded by Councillor P. Wainwright, that the application by Ride the Glide for Segway tours be lifted from the table.

MOTION CARRIED UNANIMOUSLY

- 2017.03.033 Move by Councillor C. McLennan, seconded by Councillor P. Wainwright, that the application by Ride the Glide requesting permission to operate Segway tours be denied.

MOTION CARRIED UNANIMOUSLY

10. COMMITTEE REPORTS

a. Economic Development Commission – December 2 & December 16, 2016

2017.03.034 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that the Minutes of the Economic Development Commission Meetings of December 2 and December 16, 2016, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Committee of the Whole – January 16, 2017

2017.03.035 Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that the Minutes of the Committee of the Whole Meeting on January 16, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1-R.6 Density Review – Downtown Mixed Use & Multi-Family

2017.03.036

Moved by Councillor P. Wainwright, seconded by Councillor T. Chad:

1. That staff be directed to create an overarching Amenity Program that includes a bonus density structure within the Zoning Bylaw, as well as an Amenity Policy that addresses the calculations and contributions for Bonus Density and Community Amenity Contributions;
2. That base and bonus Floor Area Ratios be included in each of the subject zones with reference to an Amenity policy, as recommended in the Phase 4: Amenity Program report from Barefoot Planning, as follows:
 - a. RM5: base FAR maximum of .75, bonus FAR maximum of 1.30;
 - b. RM6: base FAR maximum of .90, bonus FAR maximum of 1.75;
 - c. RM7: base FAR maximum of 1.30, bonus FAR maximum of 2.00;
 - d. C1 on Beacon: base FAR maximum of 2.30, bonus FAR maximum of 2.70;
 - e. C1 off Beacon: base FAR maximum of 2.40, bonus FAR maximum of 3.00;as part of the Zoning Bylaw amendment including recommendations from the Phase II Final Report on the Density Review, for consideration by Council;
3. That another category be added to the existing General Amenity Reserve Fund to separately track amenity contributions towards facilitating the creation of attainable and affordable housing;
4. That amenity funds directed toward housing should be used to fund programs that facilitate and incentivize affordable and attainable housing, rather than to directly produce a limited number of actual units;
5. That staff draft an Amenity Policy for consideration by Council that includes the details (e.g. calculations and contributions) of the bonus density and rezoning-based CACs, including the following:
 - a. A fixed-rate amenity contribution of \$150 per square metre of additional floor area above the base FAR maximum;
 - b. Allowance for the provision of Council-approved in-kind amenities of equal or greater value allowing in-kind contributions of an equal or greater value to the fixed rate amount;
 - c. 1/3 of cash in lieu contributions be directed towards general amenities and 2/3 towards housing; and
 - d. That Council give future consideration to a negotiated amenity approach for large scale redevelopment sites.
6. That staff monitor the Amenity Program and report annually to Council on its outcomes.

OPPOSED: Councillors: B. Fallo & P. Wainwright
MOTION CARRIED 4:2

c. Advisory Planning Commission – January 17, 2017

2017.03.037 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of January 17, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Official Community Plan Amendment Application No. OP100031; Zoning Amendment Application No. RZ100094; Development Permit Application No. DP100689 and Development Variance Permit Application No. DV100212 (2447 Henry Avenue)

(To amend the OCP to allow for 15 additional units and to reduce the rear and exterior setbacks in order to construct a 4 storey residential development consisting of 24 strata dwelling units).

2017.03.038 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:

1. That staff prepare Official Community Plan and Zoning amendment bylaws in relation to Official Community Plan Amendment Application No. OP100031 and Zoning Amendment Application No. RZ100094, and that the bylaws be brought before Council for consideration of first and second readings and whether to schedule a public hearing on the bylaws;
2. That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100212 (to relax the rear and side exterior setbacks) be notified regarding the proposed variance and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance;
3. That Development Permit Application No. DP100689 (to permit the construction of a 4 storey residential development with 24 multi-family dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the development variance permit; and
4. That as a condition of approval of Development Permit Application No. DP100689, the property owner:
 - a. Address Design Guidelines No. 20.3.11 (façade materials), 20.3.21 (pedestrian walkway materials), 20.3.23 (hard-surfaced driveway materials), 20.3.29 (utility kiosk screening), and 20.3.31 (hard landscaping elements) to the satisfaction of the Director of Development Services, Engineering, Parks and Works.
 - b. Pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development prior to the issuance of Building Permit; and
5. That as a condition of Zoning Amendment Application No. RZ100094, the property owner register a restrictive covenant on the title of the property prior to the issuance of Building Permit, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age.

MOTION CARRIED UNANIMOUSLY

11. STAFF REPORTS

a. Development Variance Permit Application No. DV100213 (9633 Sixth Street)

(To increase lot coverage to allow construction of a single-family dwelling).

2017.03.039 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that owners and tenants in occupation of property within 75 metres (246 feet) of 9633 Sixth Street be notified regarding Development Variance Permit Application No. DV100213 (to increase lot coverage - first storey from 35% to 51% and second storey from 30% to 34%) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance, subject to the following condition:

1. That the driveway be completed with a minimum of two finishes.

MOTION CARRIED UNANIMOUSLY

- b. Development Variance Permit Application No. DV100214 (2238 Malaview Avenue)**
(To increase percentage of front yard occupied by parking area to allow construction of a single-family dwelling).
- 2017.03.040 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that owners and tenants in occupation of property within 75 metres (246 feet) of 2238 Malaview Avenue be notified regarding Development Variance Permit Application No. DV100214 (to increase the percentage of vehicle parking area in the front yard to 45%) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance, subject to the following condition:
1. That the driveway be completed with a minimum of two finishes.
MOTION CARRIED UNANIMOUSLY
- c. Development Variance Permit Application No. DV100215 (10426 Eden Place)**
(To increase percentage of front yard occupied by parking area to allow construction of two single-family dwellings).
- 2017.03.041 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that owners and tenants in occupation of property within 75 metres (246 feet) of 10426 Eden Place be notified regarding Development Variance Permit Application No. DV100215 (to relax the maximum percentage of vehicle parking area in the front yard from 30% to 83.2% on Lot A and 60.3% on Lot B) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance, with the following condition:
1. That the driveway be finished entirely in interlocking permeable paving stones.
MOTION CARRIED UNANIMOUSLY
- d. Amenity Contribution – Development Proposal for 2447 Henry Avenue**
- 2017.03.042 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the proposed amenity contribution of underground parking and \$75,000 towards streetscape improvements and underground parking for the proposed development associated with Official Community Plan Amendment Application No. OP100031, Zoning Amendment Application No. RZ100094, Development Variance Permit Application No. DV100212, and Development Permit Application No. DP100689 (2447 Henry Avenue) be accepted.
MOTION CARRIED UNANIMOUSLY
- e. CRD Regional Growth Strategy Referral**
- 2017.030.43 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that staff be directed to respond to the Capital Regional District with a statement of acceptance for Regional Growth Strategy Bylaw No. 4017.
MOTION CARRIED UNANIMOUSLY
- f. Agreement – New Municipal Connection to CRD Sewer Trunk (Ocean Avenue)**
- 2017.03.044 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the agreement between the Capital Regional District and the Town for a new municipal sewer connection to the CRD sewer trunk on Ocean Avenue be approved and that the Mayor and the Chief Administrative Officer be authorized to execute the agreement.
MOTION CARRIED UNANIMOUSLY
- g. Peninsula & Area Agricultural Commission**
- 2017.03.045 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that Option 1 (that staff be instructed to advise Peninsula & Area Agricultural Commission that the Town of Sidney is withdrawing its Commission membership in PAAC as a sponsoring municipality) be approved.
MOTION CARRIED UNANIMOUSLY

h. Monthly Building Permit Report – December 2016

2017.03.046 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the Monthly Building Permit Report for December 2016 be received for information.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2017.03.047 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the following correspondence be received for information:

1. Email from M. Savage, Bowerbank Road, regarding bonus density, dated January 16, 2017. Reply dated January 17, 2017.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

18. MOTION TO GO “IN-CAMERA” (CLOSED MEETING)

2017.03.048 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that it is in the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential matters related to a personnel issue, pursuant to section 90.1 (a) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2017.03.049 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that the meeting be adjourned at 7:45 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER