



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Monday, July 10, 2017 Council Chambers 7:00 p.m.

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

Staff: R. Humble, Chief Administrative Officer
A. Hicik, Director of Corporate Services
T. Tanton, Director of Development Services, Engineering, Parks & Public Works
B. Mikkelsen, Fire Chief
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** – supports the use of less vehicles, however that Sidney is “not there yet” and that the lack of parking has become a safety problem; and supports retaining the minimum parking requirements for single-family dwellings to 2 spaces.
2. **J. Gifford, 10448 Allbay Road** – supported keeping the standard maximum front yard lot coverage for parking to 30% and that any other variances be considered by Council on a case-by-case basis.
3. **D. Calveley, 9655 First Street** – expressed the importance of enforcing the Town’s 24hr parking restrictions consistently.

Public Participation Period closed at 7:09 p.m.

B. SPECIAL PUBLIC PARTICIPATION OPPORTUNITY

- i. **2016 Annual Report** *(see also - item 11a)*

There were no public speakers.

C. PRESENTATIONS

- i. **2018 Sidney Calendars**

Mr. Bob McLure, Chairman of the Calendar Committee for the Sidney Sister Cities Association, presented the 2018 Sidney Calendar (including desk calendars) and advised of their new venture in producing Sidney postcards. He was pleased to advise that this is the 7th year of producing the calendars and that Tanner’s Book Store continues to make them available for sale.

- ii. **Development Variance Permit Application No. DV100230 & Development Permit Application No. DP100719 (10490 & 10494 Resthaven Drive)**
(To relax height for portion of the roof to construct 2 multi-family townhouse buildings, each being 2.5 storeys with 4 dwelling units for a total of 8 units).

(see also - item 11b)

Mr. Ron McNeil, Designer, gave a PowerPoint presentation on the proposed 2 multi-family townhouses at 10490 & 10494 Resthaven Drive, highlighting on the following:

- demolish existing dwellings and consolidate properties;
- construct 2 buildings at 2.5 storeys, each containing 4 townhouse units;
- 3-bedroom and 2-bathroom units on second floor;
- access of Resthaven Drive through 2-way access aisle between the 2 buildings;
- 2 car garages for each unit; 10 parking spaces plus 2 for visitors;
- on-ground patio area for each unit; and landscaping.

Mr. McNeil advised a height variance is being requested to accommodate the chimneys.

- iii. **Development Permit Application No. DP100716 & Development Variance Permit Application No. DV100228 (2344 Orchard Ave)**
(To vary lot coverage and setback to legalize a detached accessory building).

(see also - item 11c)

Mr. Michael Gresham, Applicant/Property Owner, advised that he was responsible for building the shed and apologized for not doing his homework ahead of time. He stated the shed is very much needed and has received support from the neighbor.

D. PUBLIC HEARINGS

Mayor S. Price noted the rules of the procedure for public hearing. The Chief Administrative Officer read the notice for the public hearing.

- i. **Bylaw No. 2141 - Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Blvd)**
(To amend area from Intensive Single-Family Residential (RES-2) to Multi-Family (RES-3)).

Bylaw No. 2142 - Zoning, Amendment No. 32 (2211, 2213 & 2215 James White Blvd)
(To amend area from Single-Family High Density Residential – Swiftsure Area (R1.2) to Multi-Family Medium Density Residential (RM6)).

(To construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units for a total of 24 units).

(see also - items 14c & d)

The following written submission(s) were received:

1. A. Czap, 2245 James White Boulevard, letter received May 10, 2017.
2. S. Shirley, 10145 Third Street, email dated June 28, 2017.
3. P. Shirley, 10034 Cotoneaster Place, email dated June 29, 2017.
4. B. Smith, 10145 Third Street, email dated June 29, 2017.
5. H. Davies, Oakville Avenue, email dated June 30, 2017.
6. M. Massie, 2227 James White Boulevard, email dated July 5, 2017.
7. D. Friend, 2227 James White Boulevard, email dated July 5, 2017.
8. L. Burlock, 2173 Henry Avenue, email dated July 6, 2017.
9. G. Mclean, Bessredge Place, email dated May 15, and July 8, 2017.
10. G. Dopson, Bessredge Place, emails dated May 15 and July 9, 2017.
11. A. Wheeler, VIHA, email dated July 10, 2017.

The following verbal submission(s) were received:

1. **G. Dopson, 9887 Bessredge Place – OPPOSED**; stated the density of the development is too high for a dead end street with only one way access; expressed concerns regarding emergency vehicle access and inadequate parking for the units and would like to see a another development proposal.
2. **M. Hamza, 9883 Bessredge Place** - requested clarification regarding how many of the units would be rentals versus condos and how garbage would be managed; and expressed concerns regarding parking and traffic.
3. **C. Mackelson, 9895 Bessredge Place – OPPOSED**; expressed serious concerns regarding the lack of parking and inadequate access for emergency vehicles.
4. **B. Ripley, 9891 Bessredge Place – OPPOSED**; expressed concerns regarding emergency vehicles access and that, with the number of variances being requested, the development does not belong in neighborhood.
5. **T. Steenvoorden, 2226 James White Boulevard – OPPOSED**; stated was surprised of the scale of development; echoed the concerns of the previous speakers regarding parking and traffic, particularly with respect to senior and wheelchair/scooter pedestrians; and was concerned about trades parking during construction.
6. **P. Thiessen, Applicant**, stated several enhancements have been made to the development to mitigate the neighbors' concerns (e.g. constructing parking lot on property for trades vehicles; planting 9ft cedar hedges as a buffer; garbage containers on rolling casters for easy retrieval; one-way traffic flow in/out of the property, etc.) and stated the units would be rental.

Mayor S. Price asked three times if there were any other submissions. There being none, the Public Hearing for Bylaws 2141 and 2142 was official closed at 8:00 p.m.

2. APPROVAL OF AGENDA

2017.19.318 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that the agenda be approved as presented.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – June 26, 2017

2017.19.319 Moved by Councillor B. Fallot, seconded by Councillor C. McLennan, that Minutes of the Regular Council Meeting of June 26, 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 – June 26, 2017

i. Request for Funding - Commonwealth Games

Resolution: that the Town provide a letter of support, similar to that provided by the District of Oak Bay, for hosting the 2022 Commonwealth Games in Victoria.

6. DELEGATIONS

7. PETITIONS

8. MAYOR'S REPORT

9. COUNCILLORS' REPORTS

10. COMMITTEE REPORTS

a. Economic Development Commission – June 1, 2017

2017.19.320 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the Minutes of the Economic Development Commission Meeting of June 1, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

b. Ports & Waterfront Infrastructure Committee – June 22, 2017

2017.19.321 Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that the Minutes of the Ports & Waterfront Infrastructure Committee Meeting of June 22, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

2017.19.322 **R.1 Downtown Waterfront Vision Plan**
Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that staff report back to Council with a recommended approach including exploratory work and design for the future changes to Beacon Wharf outlined in the Waterfront Vision.

MOTION CARRIED UNANIMOUSLY

2017.19.323 **R.2 Lochside Seawall Protection – Pilot Project**
Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that \$20,000 be identified for the Lochside Trip Boulder project in the 2018 Financial Plan.

MOTION CARRIED UNANIMOUSLY

c. Advisory Planning Commission – July 4, 2017

2017.19.324 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of July 4, 2017, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

2017.19.325 **R.1 Development Permit Application No. DP100715 and Development Variance Permit Application No. DP100225 (2471 Bevan Avenue)**
(To construct a 3 storey development containing 4 dwelling units, 2 of which could be live/work units).

- Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:
1. That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100225 (to relax the front, exterior side, corner and rooftop access structure setbacks, to allow for ground floor dwelling units, and to allow for a car share vehicle and memberships in lieu of parking spaces) 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;
 2. That Development Permit Application No. DP100715 (to permit the construction of a 3 storey residential development with two residential units and two live/work units) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;
 3. That as a condition of approval of Development Permit Application No. DP100715, the property owner shall:

- a. Address Design Guidelines No. 20.3.24 (commercial façade) and 21.3.40 (utility kiosks) 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
4. That as a condition of approval of Development Variance Permit Application No. DV100225, the property owner shall:
- a. Enter into an agreement with Modo Cooperative to provide, at the property owner's expense, (a) a new Modo vehicle to be located in downtown Sidney, (b) permanent car share memberships for all units in the building and (c) provide proof of an executed agreement and payment prior to issuance of Building Permit;
 - b. Prior to the issuance of Building Permit, register a restrictive covenant on the subject property which would ensure that the future strata council may not restrict commercial uses in the two ground floor live/work units and also not restrict occupancy in the building based on age.

OPPOSED: Councillors: E. Bremner-Mitchell & B. Fallot
MOTION CARRIED 5:2

11. STAFF REPORTS

a. 2016 Annual Report

2017.19.326 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the Town of Sidney 2016 Annual Report be approved as presented.

MOTION CARRIED UNANIMOUSLY

b. Development Variance Permit Application No. DV100230 & Development Permit Application No. DP100719 (10490 & 10494 Resthaven Drive)

(To relax height for portion of the roof to construct 2 multi-family townhouse buildings, each being 2.5 storeys with 4 dwelling units for a total of 8 units).

2017.19.327 Moved by Councillor M. Lougher-Goodey, seconded by Councillor E. Bremner-Mitchell, that Development Variance Permit Application No. DV100230 and Development Permit Application No. DP100719 (to relax the requirements pertaining to maximum building height in order to permit the construction of a 2.5 storey townhouse development with 8 dwelling units on the properties of 10490 & 10494 Resthaven Drive) be forwarded to the Advisory Planning Commission for review and comment, subject to the condition that prior to the Advisory Planning Commission meeting, the applicant:

1. Redesign the chimney to conform to the requirements of Zoning Bylaw No. 2015; and
2. Provide staff with:
 - a. An updated landscape plan that incorporate a minimum of two trees in the front yard;
 - b. A driveway transition detail that shows the proposed slope and transitions between Resthaven Drive and the maneuvering aisle between garages; and
 - c. A detailed section drawing for the retaining walls located in the rear yard of the property.

MOTION CARRIED UNANIMOUSLY

c. Development Permit Application No. DP100716 & Development Variance Permit Application No. DV100228 (2344 Orchard Avenue)

(To vary lot coverage and setback to legalize a detached accessory building).

2017.19.328 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Development Permit Application No. DP100716 and Development Variance Permit No. DV100228, (to relax the maximum allowable lot coverage and accessory building setback) be denied and the structure be removed.

MOTION CARRIED UNANIMOUSLY

2017.19.329 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that an article be placed in Town Talk advising residents to contact Town staff for prior to adding structures, changing fencing or making other changes to their property.

MOTION CARRIED UNANIMOUSLY

d. Contract Award - Public Works Solar Power Project

2017.19.330 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that staff be authorized to contract with UGE for the delivery of the Works Yard Solar Project, as per their proposal dated June 29, 21017.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2138 - Tree Preservation

2017.19.331 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2138 – Tree Preservation be adopted.

MOTION CARRIED UNANIMOUSLY

b. Bylaw No. 2139 - Noise Bylaw, Amendment No. 2

2017.19.332 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that second reading of Bylaw No. 2139 – Noise, Amendment No. 2, be rescinded.

MOTION CARRIED UNANIMOUSLY

2017.19.333 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that Bylaw No. 2139 – Noise, Amendment No. 2 be given second reading as amended.

MOTION CARRIED UNANIMOUSLY

2017.19.334 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that Bylaw No. 2139 – Noise, Amendment No. 2 be given third reading.

MOTION CARRIED UNANIMOUSLY

c. Bylaw No. 2141 - Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Blvd)

(To amend area from Intensive Single-Family Residential (RES-2) to Multi-Family (RES-3) to construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units for a total of 24 units).

2017.19.335 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that, pursuant to public hearing, Bylaw No. 2141 – Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Boulevard) be given third reading.

MOTION CARRIED UNANIMOUSLY

2017.19.336 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Bylaw No. 2141 – Official Community Plan, Amendment No. 18 (2211, 2213 & 2215 James White Boulevard) be adopted.

MOTION CARRIED UNANIMOUSLY

- d. Bylaw No. 2142 - Zoning, Amend. No. 32 (2211, 2213 & 2215 James White Blvd)**
(To amend area from Single-Family High Density Residential – Swiftsure Area (R1.2) to Multi-Family Medium Density Residential (RM6) to construct 3 multi-family buildings, each being 3 storeys with 8 dwelling units for a total of 24 units).
- 2017.19.337 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that, pursuant to public hearing and receipt of approval from the Ministry of Transportation & Infrastructure, Bylaw No. 2142 – Zoning, Amendment No. 32 (2211, 2213 & 2215 James White Boulevard) be given third reading.
MOTION CARRIED UNANIMOUSLY
- 2017.19.338 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2142 – Zoning, Amendment No. 32 (2211, 2213 & 2215 James White Boulevard) be adopted.
MOTION CARRIED UNANIMOUSLY
- 2017.19.339 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DP100223 and Development Permit Application No. DP100708 (2211, 2213 & 2215 James White Boulevard) be approved, subject to conditions as per Council Resolution No. 2017.16.253.
MOTION CARRIED UNANIMOUSLY
- 2017.19.340 Moved by Councillor P. Wainwright, seconded by Councillor M. Lougher-Goodey, that staff prepare a report on the possibility of moving up the 2022 road upgrades for James White Boulevard for the 2018 budget deliberations.
MOTION CARRIED UNANIMOUSLY
- e. Bylaw No. 2143 - Official Community Plan, Amend. No. 19 (2268-2070 Henry Ave)**
(To amend area from Neighbourhood Residential (RES-1) to Multi-Family Residential (RES-3) to construct a 3 storey, 8 unit multi-family development).
- 2017.19.341 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that Bylaw No. 2143 – Official Community Plan, Amendment No. 19 (2268-2270 Henry Avenue) be introduced and given first reading.
MOTION CARRIED UNANIMOUSLY
- 2017.19.342 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that Bylaw No. 2143 – Official Community Plan, Amendment No. 19 (2268-2270 Henry Avenue) be given second reading and that staff be authorized to advertise for public hearing.
MOTION CARRIED UNANIMOUSLY
- f. Bylaw No. 2144 - Zoning, Amendment No. 33 (2268-2270 Henry Avenue)**
(To amend area from Single and Two-Family Residential (R2) to Multi-Family Medium Density Residential (RM6) to construct a 3 storey, 8 unit multi-family development).
- 2017.19.343 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that Bylaw No. 2144 – Zoning, Amendment No. 33 (2268-2270 Henry Avenue) be introduced and given first reading.
MOTION CARRIED UNANIMOUSLY
- 2017.19.344 Moved by Councillor M. Lougher-Goodey, seconded by Councillor P. Wainwright, that Bylaw No. 214 – Zoning, Amendment No. 33 (2268-2270 Henry Avenue) be given second reading and that staff be authorized to advertise for public hearing.
MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2017.19.345 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the following item be raised for further discussion:

1. Email from D. Cross, regarding underground service work on boulevard, dated June 20, 2017. Reply dated June 21, 2017.

MOTION CARRIED UNANIMOUSLY

There was discussion regarding public boulevards and reminding property owners to be aware that the Town may need immediate access to the area and that any plantings, stones or other material installed by the adjacent property owner will be removed.

2017.19.346 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor M. Lougher-Goodey, that the following correspondence be received for information:

2. Letter from the CRD, providing notification of agreement to a non-binding dispute resolution process for the 2016 Regional Growth Strategy, dated June 21, 2017.
3. Email from S. Otjes, advising of improvements needed in various playground areas in Sidney, dated June 26, 2017. Reply dated June 28, 2017.
4. Letter from City of New Westminster, regarding resolution to UBCM on addressing homelessness, dated June 30, 2017.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

2017.19.347 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that it is in the opinion of Council that the public interest requires that persons other than members of the Committee and Officers be excluded from the meeting to consider confidential matters relating to personal information, pursuant to section 90.1 (a) and (j) of the *Community Charter* and that Council continue the meeting in closed session.

MOTION CARRIED UNANIMOUSLY

19. ADJOURNMENT

2017.19.348 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the meeting be adjourned at 8:45 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER