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**TOWN OF SIDNEY**  
**MINUTES OF COMMITTEE OF THE WHOLE MEETING**  
**Monday, January 15, 2018**  
**Council Chambers**

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

**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  
M. van der Linden, Manager of Engineering & Environmental Services  
T. Restell, Manager of Finance  
S. Nelson, Corporate Officer

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**2. APPROVAL OF THE AGENDA**

*Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the agenda be approved with addition of the following:*

- 1. item 7a – email from M. McMahon, Malaview Avenue, dated January 11, 2018; and*
- 2. item 7b – email from D. Atha, Fourth Street, dated January 11, 2018.*

**MOTION CARRIED UNANIMOUSLY**

**3. PRESENTATIONS**

**a. 2017 Year End Policing Report**

S/Sgt. Wayne Conley, Sidney/North Saanich RCMP, advised there are 3 vacant positions at this time and provided the crime statistics report for 2017:

- Violent crime down 25%
- Property crime up 25% (highest since 2013, most dramatic theft from vehicle - tripled)
- Mischief and fraud slightly up
- No fatal accidents
- Drug seizures remained the same
- Calls for service up 1% (2% related to mental health)
- Sidney 49% for service in 2017

S/Sgt. Conley advised the 2018 policing priorities focus on: 1. road and traffic safety; 2. property crime reduction (left from vehicles); 3. safe public spaces; and 4. drug trafficking, and noted that Sidney supports integrated policing teams in Greater Victoria. He advise the 2018 budget is forecasted to come under budget.

*Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the 2017 Year End Policing Report be received for information.*

**MOTION CARRIED UNANIMOUSLY**

**b. 2018 World Coastal Rowing Championships**

Ms. Brenda Taylor, World Coastal Rowing Championships, presented the proposal for Sidney to consider hosting the upcoming world championships from October 11 – 14, 2018 at Tulista Park. She advised that it would be the first time the event would be held in North America and that they will be working with the Coast Guard and RCMP units. She advised the community has been very supportive and requested the following permission from the Town:

- use of Tulista Park, including the boat ramp and parking lot areas;
- designating a staff liaison to work with their Committee; and
- that the Town consider becoming an event sponsor (funding or in-kind).

Ms. Taylor stated the event would attract over 400 participants (mostly from Europe) and have a positive economic impact and worldwide exposure for Sidney as a destination for the coastal touring market.

*Moved by Mayor S. Price, seconded by Councillor C. McLennan, that the Committee recommend to Council that Council sees merit in the World Coastal Rowing Championships occurring in Tulista Park in October of 2018 and that staff be authorized to:*

1. *Provide written confirmation that Tulista Park including the boat launch and parking lot are available for this event;*
2. *Provide a letter of support to the bid committee from the Town of Sidney;*
3. *Provide a staff liaison person to work out the details with the bid committee if their application is successful;*
4. *Provide confirmation that the unleased portions of the Iroquois Park Clubhouse are available for this event, and;*
5. *Prepare a budget item for this event in the amount of \$5,000 for consideration by Council during the 2018 Budget deliberations.*

**MOTION CARRIED UNANIMOUSLY**

**4. ADMINISTRATION & FINANCE**

**a. Draft 2018-2022 Financial Plan**

Andrew Hicik, Director of Corporate Services, presented the draft 2018-2022 Financial Plan, which starts out with a general tax increase of 4.1% for 2018, which includes several new requests that have not yet been approved by Council. He advised of the significant impacts to the budget: \$134,500 for supplemental requests; \$98,000 for debt servicing, resulting from the Community Safety Building; \$54,000 increase in reserve transfers; an additional \$88,500 in tax-funded capital projects; \$70,700 for community support; and \$119,000 in miscellaneous operational increases. He noted that the budget was prepared to support the Town's Strategic Plan and Council's key priorities. Mr. Hicik advised the draft budget, along with a copy of this evening's PowerPoint presentation, will be made available on the Town's website.

**5. PARKS & INFRASTRUCTURE**

**6. PROTECTIVE SERVICES**

**7. DEVELOPMENT & PLANNING**

**a. Zoning Amendment Application No. RZ100098 and Development Variance Permit Application No. DV100249 (2225 Malaview Avenue)**

(To rezone property from Single- and Two-Family Residential (R2) zone to the Comprehensive Development 42 (CD42) and subdivide the property in order to construct 3 single-family dwellings).

**i. Presentation from Applicant**

Mr. Will Peereboom, Victoria Design Group (Designer), presented the proposal to subdivide the existing property into 3 lots in order to construct 3 single-family dwellings, each with a 2-bedroom secondary suite above the garage. He advised the garages are located in front and

designed in a way to minimize the driveway access from the street (noting a total of 8 parking spaces). Mr. Peereboom noted this is an innovative proposal that introduces housing that has affordable rental for those with lower incomes or providing housing for extended family living.

Councillor E. Bremner commended the proponent for providing additional parking and for canvassing the neighborhood, however noted that increased density could also be achieved within its current R2 zoning, which allows for a single-family dwelling (with a secondary suite) and a two-family dwelling.

Mayor S. Price stressed the importance of Council's strategic goal in achieving a balanced demographic and providing affordable housing, and was pleased to see such an innovative proposal.

Councillor P. Wainwright noted the large number of properties zoned R2 and expressed concerns regarding spot zoning and setting a precedent.

Councillor T. Chad and Councillor B. Fallot expressed concerns that the proposal does not fit in with the neighborhood.

*Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the Committee recommend to Council that Zoning Amendment Application No. RZ10098 and Development Variance Application No. DV100249 (2225 Malaview Avenue – to construct 3 single-family dwellings, each with a secondary suite) be rejected.*

**OPPOSED: Mayor S. Price & Councillors: M. Lougher-Goodey & C. McLennan**  
**MOTION CARRIED 4:3**

**ii. Public Participation Period (maximum 10 minutes)**

*(Due to the recommendation to reject the proposal, no public participation followed).*

**b. Zoning Amendment Application No. RZ100099, Development Permit Application No. DP100735; and Development Variance Permit Application No. DV100248 (9830, 9832, 9838, 9842 & 9844 Third Street)**

(To amend the Downtown Commercial (C1) zone to add a site specific floor area exemption to allow for movie theatre use, to increase the height and number of storeys and relax parking requirements in order to develop the properties with a 6-storey mixed-use development consisting of ground floor commercial, including a theatre and 2 commercial units, as well as 5 upper floors containing a total of 45 multi-family dwelling units).

**i. Presentation from Applicant**

Mr. Kyle Shick, Finlayson Bonet Architecture, presented the proposal for a 6-storey, mixed use development at the corner of Third Street and Sidney Avenue, noting the incorporation of the Star Cinema and commercial spaces on the ground floor. Mr. Shick noted the building stepsback to 4 storeys on Sidney Avenue and noted the design of the theater requires a higher ceiling height, and also for soundproofing. He advised of the 45 dwelling units on the upper 5 floors and the 48 underground parking spaces. He noted the building's entrance is located along Sidney Avenue and the access to underground parking is off Third Street.

Mr. Shick advised the following variances are being requested:

- to increase height from 49.2 ft to 74.1ft and number of storeys from 4 to 6;
- for theatre facility, to remove FAR calculation for bonus density;
- for theatre facility, waive payment in lieu (\$290,000) for shortfall of 29 parking spaces

He advised of the landscaping plan and building materials (glass, aluminum and wood accents).

Councillor E. Bremner-Mitchell had the following questions for the Committee: 1. Do we support the Star Cinema not being calculated in the FAR bonus density calculation?; Do we support the additional height and storeys?; Do we support such a reduction in parking?; and Do we support a variance for 39 commercial parking spaces?

Councillor P. Wainwright noted that the proponent is requesting variances with respect to the Star Cinema component, i.e. to not include cinema facility in FAR calculation for bonus density - \$110,000 and \$290,000 for parking in lieu. He suggested, in order to determine the rationale for the variances and the viability of the theater expanding to 3 screens, that the Star Cinema submit a Business Plan.

Mayor S. Price stated he supports the Town's vision for a resilient economy and a balanced demographic. He stated he was pleased that the proponent is working to keep the Star Cinema in the community and that a Business Plan is not required. The Mayor stated he supports the proposal as it supports the Town's OCP and Council's strategic goals and objectives. He suggested some changes be made to the building's finishing materials, however supports the proposal being presented to the APC for review.

Staff confirmed that the Town's OCP and Downtown Local Area Plan supports 4 to 6 storeys mid-block from Beacon Avenue.

Other members expressed support for retention of the Star Cinema with no concerns regarding lack of theatre parking, and was in support of the application being presented to the APC for review.

Councillor B. Fallot expressed concerns regarding the variance requests for development contribution fees (totaling \$400,000) and the impact on the Town's budget.

*Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the Committee recommend to Council that Zoning Amendment Application No. RZ100099, Development Variance Permit Application No. DV100248 and Development Permit Application No. DP100735 (9830, 9832, 9838, 9842 & 9844 Third Street – to construct a 6-storey mixed-use development) be forwarded to the Advisory Planning Commission for further review and comment, subject to the condition that prior to proceeding to the Advisory Planning Commission, the applicant provide a report from a qualified Professional Engineer regarding flood construction level as per Interim Flood Construction Level Policy No. DV-014.*

**MOTION CARRIED UNANIMOUSLY**

**ii. Public Participation Period (maximum 10 minutes)**

1. **S Simosko, (local business owner and President of SBIA)** – expressed support for the proposal and the retention of the Star Cinema; stated the theatre is an economic driver in the community; and expressed the need for restaurants on side streets as rents on Beacon Avenue are too expensive.
2. **N. Hockey, 9904 Third Street** – stated the building is massive and is opposed to the proposal, however is not opposed to the Star Cinema; and expressed concerns regarding lack of parking in the area.
3. **S. Garnett, 9583 Christine Place** – stated supports the Star Cinema and sees merit in confirming its viability because of the large variances being requested; supports 5 storeys, but not 6; suggested a compromise in parking spaces; and note decision would be precedent setting.
4. **K. Wyckham, 2499 Rothesay Avenue** – supports the cinema, however expressed concerns regarding the impact of the 6<sup>th</sup> floor.

5. **J. Rollins, 9918 Fourth Street** – requested clarification on how much higher the building would be compared to the neighboring Meridian building. The Architect stated it would be 1 storey higher, approximately 10 – 14ft.

*Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the time allotted for the public participation period be extended.*

**MOTION CARRIED UNANIMOUSLY**

6. **M. Shenduk (Casman Properties)** – for clarification advised that the theatre space is treated differently in that the Star Cinema would be paying below market commercial rent; and that they have been working with the Star Cinema to ensure its financial viability and success.
7. **D. Gelinas, 2545 Oakville Avenue** – stated the need to plan for commercial parking spaces into development applications.
8. **S. Duck, 9805 Second Street** – supports the suggestion for a business case for the Star Cinema and questioned whether the proponent is seeking \$400,000 release of funds in order to support the Star Cinema.
9. **I. Brown, 9255 Pine Tree Road** – expressed the need for the Star Cinema to have a third screen in order to ensure its long term economic viability.
10. **D. Calveley, 9655 First Street** – supports a business case for the Star Cinema; noted that \$400,000 in development fees equals a 4% increase in property taxes; questioned whether APC reviews proposals based on the Town's vision, and not just regulations; and noted the need to include restaurant infrastructure during construction, not after.

8. **OTHER BUSINESS**

9. **NEW BUSINESS**

10. **MOTION TO GO "IN-CAMERA" (closed meeting)** - Not required.

11. **ADJOURNMENT**

*Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that the meeting be adjourned at 8:46 p.m.*

**MOTION CARRIED UNANIMOUSLY**

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CHAIR

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CORPORATE OFFICER