



TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING Monday, June 11, 2018 Council Chambers 7:00 p.m.

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

ABSENT: Councillor M. Lougher-Goodey

Staff: R. Humble, Chief Administrative Officer
A. Hicik, Director of Corporate Services
T. Tanton, Director of Development Services, Engineering, Parks & Public Works
C. Newcomb, Acting Manager of Planning
S. Nelson, Corporate Officer

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

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

A. PUBLIC PARTICIPATION PERIOD

1. **S. Garnett, 9583 Christine Place** – referring to the proposed development at 10387-10389 & 10391 McDonald Park Road, expressed concerns regarding the displacement of the current tenants and encouraged Council to have the developer meet the bylaw requirements for adaptable units.
2. **M. Goncalves (GM and Executive Chief at The Beacon Landing)** - expressed concerns regarding the number of food vendor trucks being permitted to set up at events in Town and that it is negatively affecting downtown businesses – taking away customers, causing parking problems, obstructing views, inadequate washroom facilities, etc., and would like Council to do something about it.
3. **D. Kelm, Fifth Street** - expressed concerns regarding the toxic fumes emanating from the transit buses at the Fifth Street bus stop and does not wish to pay the transit tax portion of the property taxes.

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

B. PUBLIC HEARINGS

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

- i. **Bylaw No. 2155 – Zoning, Amendment No. 35**
(To prohibit retail sale, production and distribution of recreational cannabis).
(see Bylaw – item 14a)

The following written submission(s) were received: None.

The following verbal submission(s) were received: None.

The Mayor asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2155 was official closed at 7:17 p.m.

The Chief Administrative Officer read the notice for the public hearing.

- ii. **Bylaw No. 2157 – Heritage Revitalization Agreement, Amendment No. 1**
(To remove the requirement for public access across the property at 2326A Harbour Road).

(see Bylaw – item 14c)

The following written submission(s) were received:

1. Email from R. Gray, Lovell Avenue, dated June 11, 2018 – **OPPOSED.**

The following verbal submission(s) were received: None.

The Mayor asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2157 was official closed at 7:19 p.m.

2. APPROVAL OF AGENDA

2018.21.296 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the agenda be approved with the following amendments:

1. addition of item 9a – Councillor P. Wainwright’s Report; and
2. item 1bii – email from R. Gray, dated June 11, 2018.

MOTION CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

a. Regular Council Meeting – May 28, 2018

2018.21.297 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that Minutes of the Regular Council Meeting of May 28, 2018, be adopted as presented.

MOTION CARRIED UNANIMOUSLY

4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING

5. BUSINESS ARISING FROM MINUTES

6. DELEGATIONS

7. PETITIONS

8. MAYOR’S REPORT

9. COUNCILLORS’ REPORTS

- a. **Councillor P. Wainwright** – presented a written report regarding the new Sidney Arts and Media Society’s proposal to set up a community radio broadcasting station in Sidney, which is anticipated to start in mid-August. He advised that the Town’s Zoning Bylaw does not currently permit radio broadcasting as a permitted use and that staff would be bringing forward, as a Council initiative, a bylaw amendment for Council’s consideration at the June 25th meeting.

10. COMMITTEE REPORTS

a. Committee of the Whole Meeting – June 4, 2018

2018.21.298 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the Minutes of the Committee of the Whole Meeting of June 4, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Development Variance Permit Application No. DV100264 and Development Permit Application No. DP100760 (10387-10389 & 10391 McDonald Park Road)

(To relax rear setback and requirements for adaptable dwelling units to allow a 2-storey, 12-unit townhouse development).

2018.21.299

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100264 and Development Permit Application No. DP100760 (10387-10389 & 10391 McDonald Park Road - to relax rear setback and requirements for adaptable dwelling units to allow a 2 storey, 12-unit townhouse development) be forwarded to the Advisory Planning Commission for further review and comment; subject to the following condition:

1. That the applicant submit a detailed landscape plan and a tree retention plan prior to review by the APC Commission; and
2. That the applicant present a design option to the APC that meets the bylaw requirements for adaptable units.

MOTION CARRIED UNANIMOUSLY

b. Advisory Planning Commission Meeting – June 5, 2018

2018.21.300

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of June 5, 2018, be received for information.

MOTION CARRIED UNANIMOUSLY

Minutes contain recommendation(s) regarding:

R.1 Official Community Plan Amendment No. OP100034; Zoning Amendment Application No. RZ100100; Development Permit Application No. DP100757; and Development Variance Permit Application No. DVP100262 (2325 Harbour Road)

(To amend the OCP designation from Neighborhood Residential (RES-1) to Multi-Family Residential (RES-3) and Zoning designation from Single-Family Low Density Residential (R1) to Multi-Family Low Density Residential (RM5) and to relax front, rear and side exterior setback requirements and to waive the adaptable dwelling unit requirement in order to construct a two storey, 3-unit multi-family townhouse development).

2018.21.301

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan:

1. That staff prepare Official Community Plan Bylaw and Zoning Bylaw amendments in relation to Official Community Plan Amendment Application No. OP100034 and Zoning Amendment Application No. RZ100100 for 2325 Harbour Road, and that the bylaws be brought before Council for consideration of first and second readings and whether to schedule public hearings on the bylaws;
2. That owners and tenants in occupation of property within 75m (246ft) of the property that is subject to Development Variance Permit Application No. DV100262 (2325 Harbour Road- to relax the front, rear and side exterior setbacks and adaptable dwelling unit requirement) be notified regarding the proposed variances and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variances;
3. That Development Permit Application No. DP100757 (2325 Harbour Road - to permit the construction of a two storey townhouse development with 3 dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;

4. That as conditions of approval of Zoning Amendment Application No. RZ100100, the property owner shall, prior to the issuance of Building Permit:
 - a. Construct, or provide surety for the construction of, a concrete sidewalk along the entire frontage of the property and extending to Allbay Road.
 - b. That a construction management plan be provided committing the property owner to: (1) ensuring that demolition and construction activities not commence until after the current Great Blue Heron nesting cycle is complete on or about September 15, 2018, (2) completing the shell of the eastern townhome as quickly as practical before the commencement of the next nesting cycle on or about January 15, 2019 so as to provide a noise barrier between construction activities and the nesting area, and ensuring that activities which create significant noise occur to the extent practical at the western end of the property, and (3) protection of trees along the southern and eastern property lines.
 - c. Register a restrictive covenant on the title of the property with the Town as a signatory, committing the property owner to a construction timeline in order to protect the Great Blue Heron nests on the adjacent property, advising future residents of the existence of adjacent marine industrial and commercial uses and their potential impacts, and prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age.
5. That as conditions of approval of Development Permit Application No. DP100757 the property owner shall, prior to the issuance of Building Permit:
 - a. Address Design Guidelines No. 20.3.23 (hard surfaced areas), No. 20.3.29 (utility kiosk screening) and 20.3.34 (tree canopy over public sidewalks) 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.

OPPOSED: Councillors: T. Chad, B. Fallot & P. Wainwright

MOTION DEFEATED 3:3

R.2 Development Permit Application No. DP100756 and Development Variance Permit Application No. DV100261 (9850, 9858-62 & 9866-68 Fourth Street)

(To relax requirements for location of parking spaces, boundary for payment in lieu of parking spaces, and front, interior side, and exterior side setbacks for upper storey balconies in order to construct a 4 storey, 37 unit multi-family residential development).

2018.21.302

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the applicant for Development Permit Application No. DP100756 and Development Variance Permit Application No. DV100261 (9850, 9858-62 & 9866-68 Fourth Street - to relax requirements for location of parking spaces, boundary for payment in lieu of parking spaces, and front, interior side, and exterior side setbacks for upper storey balconies in order to construct a 4 storey, 37 unit multi-family residential development) redesign the proposed development, addressing elements related to exterior design and materials, upper storey setbacks, roofline, and vehicle, bicycle, and scooter parking, and present the revised design to the Advisory Planning Commission.

OPPOSED: Councillor T. Chad
MOTION CARRIED 5:1

R.3 Development Permit Application No. DP100751 (2060 White Birch Road)

(To construct two 4 storey multi-family residential buildings with a combined total of 34 residential units).

2018.21.303

Moved by Councillor E. Bremner-Mitchell, seconded by Councillor C. McLennan, that Development Permit Application No. DP100751 (2060 White Birch Road - to construct two 4-storey buildings with a total of 33 multi-family dwelling units and commercial space) be approved, subject to the following condition:

1. That prior to the issuance of Building Permit, the applicant pays to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development.

MOTION CARRIED UNANIMOUSLY

11. REPORTS

a. Purchase and Sale Agreement – Fire Hall Lands & Adjacent Parking Lot

2018.21.304

Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that the Purchase and Sale Agreement to sell 9837 and 9821 Third Street and 2477 Sidney Avenue, for a purchase price of \$9,000,000 (with the potential to increase that amount should Council approve additional square footage up to the maximum floor area ratio under the current zoning) be approved.

MOTION CARRIED UNANIMOUSLY

b. Paving Tender Award No. 2018-002

2018.21.305

Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that the tender for the 2018 Paving Program Contract No. 2018-002 be awarded to the low bidder, Capital City Paving Ltd. at a total cost of \$886,781.70.

MOTION CARRIED UNANIMOUSLY

12. OTHER REPORTS

13. CORRESPONDENCE

a. Request for Letter of Support – 55+ BC Games

2018.21.306

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the email from Greater Victoria Sport Tourism Commission, dated June 4, 2018, be received and that the Town provide a letter of support for the 55+ BC Games.

MOTION CARRIED UNANIMOUSLY

14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

a. Bylaw No. 2155 – Zoning, Amendment No. 35

(To prohibit retail sale, production and distribution of recreational cannabis).

2018.21.307

Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that, pursuant to public hearing, Bylaw No. 2155 – Zoning, Amendment No. 35, be given third reading.

MOTION CARRIED UNANIMOUSLY

2018.21.308

Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Bylaw No. 2155 – Zoning, Amendment No. 35, be adopted.

MOTION CARRIED UNANIMOUSLY

- b. Bylaw No. 2156 – Off-Street Parking & Loading, Amendment No. 2**
(To extend boundary for which payment in lieu of providing parking spaces is permitted).

2018.21.309 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Bylaw No. 2156 – Off-Street Parking & Loading, Amendment No. 2, be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2018.21.310 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Bylaw No. 2156 – Off-Street Parking & Loading, Amendment No. 2, be given second reading.

MOTION CARRIED UNANIMOUSLY

2018.21.311 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Bylaw No. 2156 – Off-Street Parking & Loading, Amendment No. 2, be given third reading.

MOTION CARRIED UNANIMOUSLY

- c. Bylaw No. 2157 – Heritage Revitalization Agreement, Amendment No. 1**
(To remove the requirement for public access across the property at 2326A Harbour Road).

2018.21.312 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that, pursuant to public hearing, Bylaw No. 2157 – Heritage Revitalization Agreement, Amendment No. 1 (2326A Harbour Road), be given third reading.

MOTION CARRIED UNANIMOUSLY

2018.21.313 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Bylaw No. 2157 – Heritage Revitalization Agreement, Amendment No. 1 (2326A Harbour Road), be adopted.

MOTION CARRIED UNANIMOUSLY

- d. Bylaw No. 2158 – Service Connection Fees & Charges**
(To update the service connection fees and charges).

2018.21.314 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the staff report dated June 5, 2018, providing information regarding staff's review of the Town's service connection fees and charges, be received for information.

MOTION CARRIED UNANIMOUSLY

2018.21.315 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2158 – Service Connection Fees & Charges be introduced and given first reading.

MOTION CARRIED UNANIMOUSLY

2018.21.316 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2158 – Service Connection Fees & Charges be given second reading.

MOTION CARRIED UNANIMOUSLY

2018.21.317 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2158 – Service Connection Fees & Charges be given third reading.

MOTION CARRIED UNANIMOUSLY

15. NEW BUSINESS

16. CORRESPONDENCE FOR INFORMATION

2018.21.318 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that the following correspondence, with the exception of items 3. and 5., be received for information:

1. Letter from Sidney Concert Society, expressing appreciation to the Town for the 2018 grant in aid, dated May 15, 2018.

2. Letter from Vancouver Island South Film & Media Commission, expressing appreciation to the Town for the 2018 grant in aid, dated May 23, 2018.
4. Emails from J. Anderson & C. Nielsen, Amalgamation Yes, regarding Sidney's decision to switch Fire Dispatch providers, dated May 24, June 3 and June 6, 2018. Reply dated May 29, 2019.
6. Letter from the Village of Lion Bay, regarding the province's new taxes, dated May 30, 2018.
7. Letter from Islands Trust, regarding a request for a joint standby rescue tug to be located in Sidney, dated May 31, 2018.
8. Letter from District of Kent, regarding new employer health tax, dated June 5, 2018.
9. Letter from Triangle RV, expressing concerns over plans to move the center line of McDonald Park Road, dated June 5, 2018.
10. Letter from City of Langford, regarding the new speculation tax, dated June 8, 2018.
11. Proclamation: Garden Day – June 16, 2018.

MOTION CARRIED UNANIMOUSLY

- 2018.21.319 Moved by Councillor E. Bremner-Mitchell, seconded Councillor B. Fallot, that item 3. - Email from T. McDowell, regarding VISTA Expo 2019, dated May 28, 2018, be referred to the Economic Development Commission and a copy forwarded to the Saanich Peninsula Chamber of Commerce and the Sidney North Saanich Industrial Group.

MOTION CARRIED UNANIMOUSLY

- 2018.21.320 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that item 5. - Email from Far & Away Adventure, proposing that Sidney expand on its art theme and incorporate fountains throughout the Town, dated May 30, 2018, be forwarded to the Sidney Business Improvement Area Society for information.

MOTION CARRIED UNANIMOUSLY

17. NOTICES OF MOTION

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

19. ADJOURNMENT

- 2018.21.321 Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that the meeting be adjourned at 8:03 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER