



TOWN OF SIDNEY

MINUTES OF SPECIAL COUNCIL MEETING Monday, June 18, 2018 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
C. Newcomb, Acting 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. **J. Blair, 2312 Henry Avenue** - with respect to the sale of the Fire Hall and the associated properties for \$9 million, questioned how and who determined/ appraised the value of the lands? and why is it obligatory that it be sold no later than October 16, 2018, just 4 days before the municipal election?
2. **A. Cuthill, 2460 Bevan Avenue** – referring to item 3c, advised that the developer and architect have adjusted their plans to include privacy screening on balconies in order to address privacy concerns, and that they are willing to listen to neighbors' concerns.
3. **Property Owner at 9768 Third Street** – referring to item 3c, expressed concerns regarding 5 storey as it will block the sunlight, and create moss on the roof, and stated that Council should consider the neighbours' concerns.

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

B. PRESENTATION

- i. **Development Permit Application No. DP100749 and Development Variance Permit Application No. DV100255 (9762 Third Street & 9763 Fourth Street)**
(To relax the number of storeys, setbacks for the upper storey decks, the percent of the lot devoted to parking, the location of the required 3 bedroom units and to allow residential to front on to the street (live/work units) in order to construct a 5 storey mixed use development with a total of 29 multi-family residential dwelling units).

(see item 3c)

Mr. Charles Kierulf, Architect, provided a summary of the changes that have been made to the development proposal in order to address some of the Town's concerns and the neighbours' privacy concerns:

- Fourth Street setbacks – pulled back elevation 10ft;
- Third Street setbacks – pulled back uppers storeys;
- addition of privacy screening on balconies and walkways; and
- enhancement landscaping by adding a green wall.

Mr. Kierulf advised they have reviewed plans for main living adjacencies with 9751 Fourth Street.

c. PUBLIC HEARING

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. 2152 - Zoning, Amendment No. 34
(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 construct a 6-storey mixed-use development consisting of ground floor commercial, including a theatre, and 5 upper floors containing a total of 45 multi-family dwelling units).

(see Bylaw – item 3a)

The following written submission(s) were received:

1. D. & S. Atha, 9929 Fourth Street, email dated January 11 & May 12, 2018.
2. Y. Verspoor, letter dated February 26, 2018.
3. D. & B. Macdonald, 2550 Bevan Avenue, email dated February 28, 2018.
4. D. Baxter, 10384 Resthaven Drive, email dated April 11, 2018.
5. R. & S. Lindsay, 9818 Third Street, letter dated April 27, 2018.
6. Muffet & Louisa, 9813 Third Street, letter dated May 5, 2018.
7. B. Harfield, 2506 Shoreacres Road, email dated May 9, 2018.
8. N. Hockey, 9904 Third Street, email dated June 15, 2018.
9. J. Biggs, 9870 Second Street, email dated June 18, 2018.
10. J. & J. Dodds, Mayne Island, email dated June 16, 2018.
11. K. Murphy, letter dated June 16, 2018.

The following verbal submission(s) were received:

1. **P. Losie, 10051 Third Street – IN-FAVOUR.**
2. **B. Losie, 10051 Third Street – IN-FAVOUR;** is going to be a boom to the Town and thanked the developer for the work they have done.
3. **A. Cuthill, 2460 Bevan Avenue – OPPOSED;** questioned when will the storeys stop elevating, and why do we have rules if we are just going to keep breaking them.
4. **G. Townsend, 9870 Second Street – IN-FAVOUR;** the theatre is a key component of their lifestyle and thanked the developer with their proposal to improve the theatre.
5. **M. Newman, 9870 Second Street – IN-FAVOUR.**
6. **C. McWilliams, 2029 Hornby Place – OPPOSED;** expressed concerns regarding the increase in storeys and condo construction, the lack of parking and stated that more build up makes the Town less charming.
7. **S. Garnett, 9583 Christine Place – OPPOSED;** supports the Star Cinema as it's an integral part of the community, provide employment, defines Sidney's small-town charm, etc., however expressed concerns regarding the 6 storeys (too high and is the Fire Department equipped to perform rescues); understands the developer should get something back, but is the Town giving up too much - height or parking, not both; noted Sidney's landscape is changing dramatically; proposal should benefit the community more; and will set a precedent for other development.
8. **L. Soleil-Garbutt, 10471 Resthaven Drive - IN FAVOUR;** stated is not in favour of 6 storeys, however stated the Star Cinema is an essential asset for Sidney and that it needs to be saved.
9. **R. Lindsay, 9818 Third Street – IN-FAVOUR;** supports the overall proposal, however expressed concerns regarding parking; stated the developer and architect have worked carefully with the Town with design changes, but stressed that there is a parking problem in Sidney, that \$10,000/stall is not adequate, and its time the Town gets a property area plan and deal with the parking issues.

10. **A. Greene, 9809 Seaport Place – IN-FAVOUR**; supports the Star Cinema and the project, and noted that people live in 6 storey buildings, those who decide to downsize and only have 1 car.
11. **N. Hockey, 9904 Third Street – OPPOSED**; stated supports the project with the Star Cinema, but not in favour of the height and parking variances, and urged Council to reduce the height of the building to at least 5 storeys.
12. **I. Brown, North Saanich – IN-FAVOUR**; supports the Star Cinema, and stated that: it's unfortunate the project is tied in with the parking discussion; the project is appropriate; the height and parking variances is in exchange to enlarge the cinema in order to make it viable; and noted we can't have everything and encouraged Council to support it.
13. **M. Patterson, 9870 Second Street – IN-FAVOUR**; stated the Star Cinema must exist, however parking and the increase in the number of storeys are issues that need to be addressed, and that it would be a shame if the Town gets over built.
14. **K Isomaa, 10459 Resthaven Avenue - IN-FAVOUR**; supports the Star Cinema, however is not in favour of 6 storeys and that parking is a bigger issue that needs to be dealt with, but it's something that we are all responsible for, not just Council.
15. **D. Gelinias, 2545 Oakville Avenue – IN-FAVOUR**; stated that it's a tough decision with respect to the request for 6 storeys and parking variances, however hopes the Town gets a sustainable theatre; noted parking is an issue and perhaps there should be an increase to the fees developers' pay for in lieu of parking; and questioned the flexibility of the theatre being able to provide for other activities.
16. **T. Hague, 2133 Brethour Park Way – IN-FAVOUR**; stated this community has a diverse audience with different interests, all of which need to be served, and that it is pretty remarkable for a developer to be working with the community in mind.

The Mayor asked three times if there were any other submissions. There being none, the Public Hearing for Bylaw No. 2152 was official closed at 7:43 p.m.

2. APPROVAL OF AGENDA

2018.22.322 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the agenda be approved as presented.

MOTION CARRIED UNANIMOUSLY

3. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

- a. **Bylaw No. 2152 - Zoning, Amendment No. 34 (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 construct a 6-storey mixed-use development consisting of ground floor commercial, including a theatre, and 5 upper floors containing a total of 45 multi-family dwelling units).

2018.22.323 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that, pursuant to public hearing and receipt of approval from Ministry of Transportation, Bylaw No. 2152 – Zoning, Amendment No. 34 (9830, 9832, 9838, 9842 & 9844 Third Street) be given third reading.

MOTION CARRIED UNANIMOUSLY

2018.22.324 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Bylaw No. 2152 – Zoning, Amendment No. 34 (9830, 9832, 9838, 9842 & 9844 Third Street) be adopted.

MOTION CARRIED UNANIMOUSLY

b. Development Variance Permit Application No. DV100248 and Development Permit Application No. DP100735 (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 construct a 6-storey mixed-use development consisting of ground floor commercial, including a theatre, and 5 upper floors containing a total of 45 multi-family dwelling units).

(*Correspondence – as per the Public Hearing).

2018.22.325

Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit 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 construct a 6-storey mixed-use development consisting of ground floor commercial, including a theatre, and 5 upper floors containing a total of 45 multi-family dwelling units) be approved, and that Development Permit Application No. DP100735 be approved, subject to the conditions as per Council Resolution No. 2018.08.131.

MOTION CARRIED UNANIMOUSLY

c. Development Permit Application No. DP100749 and Development Variance Permit Application No. DV100255 (9762 Third Street & 9763 Fourth Street)

(To relax the number of storeys, setbacks for the upper storey decks, the percent of the lot devoted to parking, the location of the required 3 bedroom units and to allow residential to front on to the street (live/work units) in order to construct a 5 storey mixed use development with a total of 29 multi-family residential dwelling units).

Written Submission(s):

1. Letter from Modo, dated May 4, 2018.
2. Letter from T. Lunn, 9774 Third Street, dated May 8, 2018.
3. Email from G. Boucher, 9751 Fourth Street, dated May 24, 2018.
4. Email from E. Bowker, 9751 Fourth Street, dated May 24 & June 7, 2018.
5. Letter from G. Padilla, 2460 Bevan Avenue, dated May 24 & June 15, 2018.
6. Email from B. & G. Perry, 2460 Bevan Avenue, dated May 25, 2018.
7. Email from K. Rosadiuk, dated May 26, 2018.
8. Email from B. & R. Rogers, 9751 Fourth Street, dated May 26, June 7 & 8, 2018.
9. Email from K. Blaine, 9751 Fourth Street, dated May 27, 2018.
10. Letter from City for Everyone, dated May 27, 2018.
11. Email from A. Cuthill, 2460 Bevan Avenue, dated May 28 & June 15, 2018.
12. Email from M. & R. Hardie, 9751 Fourth Street, dated June 7 & 14, 2018.
13. Email from C. Louis, K. MacLeod & R. Cumberland, 9751 Fourth, dated June 9, 2018.
14. Email from J. Stewart, 9751 Fourth Street, dated June 10, 2018.
15. Email from S. Nolin, 9751 Fourth Street, dated June 11, 2018.
16. Email from S. Kang & K. Ramesh, 9751 Fourth Street, dated June 13, 2018.
17. Email from C. & S. Tretick, 9751 Fourth Street, dated June 13, 2018.
18. Letter from P. Schorle, Strata President of 9751 Fourth Street, dated June 15, 2018.
19. Email from R. Vission, 9768 Third Street, dated June 17, 2018.
20. Email from K. Pandolfo, 2013 Courser Drive, dated June 18, 2018.
21. Email from C. McWilliams, 2029 Hornby Place, dated June 18, 2018.
22. Letter from Sidney Fourth St. Dev. Ltd., 9775 Fourth Street, dated June 15, 2018.

2018.22.326

Moved by Councillor M. Lougher-Goodey, seconded by Councillor E. Bremner-Mitchell, that the staff report dated June 14, 2018, advising of the design revisions to the proposed development at 9762 Third Street and 9763 Fourth Street, be received for information.

MOTION CARRIED UNANIMOUSLY

2018.22.327 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that Development Permit Application No. DP100749 and Development Variance Permit Application No. DV100255 (9762 Third Street & 9763 Fourth Street) be lifted from the table.

MOTION CARRIED UNANIMOUSLY

2018.22.328 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that Development Variance Permit Application No. DV100255 (9762 Third Street & 9763 Fourth Street - to relax the number of storeys, setbacks for the upper storey decks, the percent of the lot devoted to parking, the location of the required 3 bedroom units and to allow residential to front on to the street (live/work units) in order to construct a 5 storey mixed use development with a total of 29 multi-family residential dwelling units) be approved, and that Development Permit Application No. DP100749 be approved, subject to conditions as per Council Resolution No. 2018.18.228.

MOTION CARRIED UNANIMOUSLY

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

2018.22.329 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 Council and Officers be excluded from the meeting to consider confidential matters relating 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

5. ADJOURNMENT

2018.22.330 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the meeting be adjourned at 8:25 p.m.

MOTION CARRIED UNANIMOUSLY

MAYOR

CORPORATE OFFICER