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TOWN OF SIDNEY

MINUTES OF REGULAR COUNCIL MEETING  
Monday, March 12, 2018  
Council Chambers  
7:00 p.m.

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**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. **J. Tapio, 9496 Lochside Drive** – was pleased to receive confirmation that Short Term Vacation Rentals (STVR) were prohibited under the Town's current Zoning Bylaw; expressed support for regulating STVR in residential zones; and stated that the Town should proactively enforce the bylaw, i.e. not only upon complaint.
2. **S. Oliver (owner of Star Cinema)** – referring to 10dR1, stated was not in a position to purchase or redevelop the land and expressed support for Casman Properties who embraced the prospect of incorporating the Star Cinema into their development plans and to come up with this unique and affordable way to keep this amenity for the Town.
3. **S. Garnett, 9583 Christine Place** – referring to the February 26 Council meeting and the proposed development at the corner of Fourth Street & Beacon Avenue, stated that community members came out to speak and provide their feedback to Council and that it was not appropriate for an elected official to speak negatively towards the public.

Public Participation Period closed at 7:11 p.m.

**2. APPROVAL OF AGENDA**

2018.08.117 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the agenda be approved as presented.

**MOTION CARRIED UNANIMOUSLY**

**3. ADOPTION OF MINUTES**

**a. Regular Council Meeting – February 26, 2018**

2018.08.118 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of February 26, 2018, 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 – February 26, 2018**

**i. Resignation - Economic Development Commission**

*Resolution: that the letter from J. Sneddon, dated February 13, 2018, advising of her resignation from the Economic Development Commission, be received for information.*

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR'S REPORT**

Mayor S. Price advised, through a recent CRD press release, that the CRD will be receiving \$50,000 from the Federal Government, from their Abandoned Boats Program, to help increase public awareness about the environmental and safety risks posed by abandoned boats across the region and a further \$10,000 to assess the condition and removal costs of 10 abandoned vessels in Sidney's Tsehum Harbour.

**9. COUNCILLORS' REPORTS**

**10. COMMITTEE REPORTS**

**a. Emergency Planning Committee – January 31, 2018**

2018.08.119 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that the Minutes of the Emergency Planning Committee Meeting of January 31, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**b. Audit & Finance Committee – March 5, 2018**

2018.08.120 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the Minutes of the Audit & Finance Committee Meeting of March 5, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 2018 Grants-In-Aid**

2018.08.121 Moved by Councillor M. Lougher-Goodey, seconded by Councillor B. Fallot, that the following 2018 grants-in-aid be approved:

1.	Peninsula Figure Skating Club	\$ 500
2.	Saanich Peninsula Piranha Swim Club	500
3.	Saanich Peninsula Pipe Band	500
4.	Sidney Concert Society	500
5.	Crisis Intervention & Public Information Society	600
6.	Mount Newton Centre Society	500
7.	ORCCA (Oral Care for Children & Adolescents)	2,500
8.	Saanich Marine Rescue Society	1,500
9.	Greater Victoria Bike to Work Society	500
10.	Peninsula Streams (School Programs)	500
11.	676 Kittyhawk Sponsoring Committee Society	750
12.	Navy League of Canada	750
13.	Peninsula Dry Grad Society	1,500
14.	Sidney Guide & Scout Hall Society	500

**Total** \$11,600

**MOTION CARRIED UNANIMOUSLY**

*Councillor E. Bremner-Mitchell left the meeting room at 7:15 p.m., citing a potential conflict of interest as family members are involved in the organization.*

**R.2**

2018.08.122 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that a grant-in-aid in the amount of \$1,000 to Wounded Warriors Canada be approved.

**MOTION CARRIED UNANIMOUSLY**

*Councillor E. Bremner-Mitchell returned to the meeting at 7:16 p.m.*

2018.08.123 Moved by Mayor S. Price, seconded by Councillor M. Lougher-Goodey, that staff develop and implement a public process to determine if Sidney residents support funding of the arts through continued Group 2 participation in the CRD Arts Service.

**OPPOSED: Councillors: E. Bremner-Mitchell, T. Chad, B. Fallot & P. Wainwright  
MOTION DEFEATED 4:3**

2018.08.124 Moved by Councillor E. Bremner-Mitchell, seconded by Councillor B. Fallot, that staff bring forward a report to budget deliberations in 2019 exploring the option of increasing funding to ArtSea specifically for their grant programs.

**OPPOSED: Mayor S. Price  
MOTION CARRIED 6:1**

**c. Committee of the Whole – March 5, 2018**

2018.08.125 Moved by Councillor C. McLennan, seconded by Councillor M. Lougher-Goodey, that the Minutes of the Committee of the Whole Meeting of March 5, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Development Permit Application No. DP100746 (2413 Orchard Avenue and 9647 Fifth Street)**

(To construct a 2 storey, 6 unit multi-family townhouse development).

2018.08.126 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that Development Permit Application No. DP100746 (to permit the construction of a 2 storey townhouse development with 6 dwelling units at 2413 Orchard Avenue and 9647 Fifth Street) be forwarded to the Advisory Planning Commission for review and comment.

**MOTION CARRIED UNANIMOUSLY**

**R.2 Approach Report - Short Term Vacation Rentals**

2018.08.127 Moved by Councillor C. McLennan, seconded by Councillor P. Wainwright:

1. That Council see merit in an approach for regulating Short Term Vacation Rentals (STVR) in Sidney, that permit STVR in residential zones considering a principal occupant reside on the property and that staff be directed to bring forward the necessary bylaw amendments for consideration, and
2. That the public outreach process be undertaken to inform the public that Council intends to take action on this issue.

**MOTION CARRIED UNANIMOUSLY**

**d. Advisory Planning Commission – March 6, 2018**

2018.08.128 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the Minutes of the Advisory Planning Commission Meeting of March 6, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 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 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).

2018.08.129 Moved by Councillor M. Lougher-Goodey, seconded by Councillor T. Chad, that the correspondence from Casman Properties, dated March 5, 2018, providing additional information regarding the theatre component of the proposed development, be received for information.

**MOTION CARRIED UNANIMOUSLY**

2018.08.130 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan, that the application move forward to the bylaw consideration stage, subject to the following design revisions:

1. That the soffit above the commercial façade be improved with wood or similar material;
2. That the east façade of the building be redesigned to highlight the theatre as a prominent element of the building design, including a signage concept;
3. That the theatre entrance be improved with increased seating options and additional landscaping elements;
4. That the ground floor entrances to the building be provided with increased weather protection, including a prominent canopy extending out from the theatre entrance;
5. That the ground floor commercial units be better differentiated to address Design Guideline 21.3.7 (small scale retail fronts); and
6. That the north-east corner of the building be redesigned to include a corner feature, to address Design Guideline 21.3.8 (corner design of buildings).

**MOTION CARRIED UNANIMOUSLY**

2018.08.131 Moved by Councillor M. Lougher-Goodey, seconded by Councillor C. McLennan:

1. That staff prepare a Zoning amendment bylaw in relation to Zoning Amendment Application No. RZ100099, and that the bylaw be brought before Council for consideration of first and second readings and whether to schedule a public hearing on the bylaw;
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. DV100248 (to relax the height, number of permitted storeys and number of required vehicle and bicycle 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;
3. That Development Permit Application No. DP100735 (to permit the construction of a 6 storey mixed-use development consisting of ground floor commercial space and 45 dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;
4. That prior to proceeding to a public open house, the property owner incorporate:
  - a. design revisions recommended by the Advisory Planning Commission regarding the proposed building; and

- b. greater design attention to the mid-block connection extending along the west side of the building, including lighting details, integration of appropriate landscaping elements, street furniture for pedestrians, interesting and varied surface walkway material, and other means to ensure a vibrant, safe and active pedestrian space;
- 5. That as conditions of approval of Development Permit Application No. DP100735, the property owner shall, prior to the issuance of Building Permit:
  - a. Address Design Guideline No. 20.3.29 (utility kiosk screening) 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.
- 6. That as conditions of approval of Zoning Amendment Application No. RZ100099, the property owner shall, prior to the issuance of Building Permit:
  - a. Register a restrictive covenant on the title of the property with the Town as a signatory, restricting the use of the theatre space to only that use.
  - b. Register a restrictive covenant on the title of the property with the Town as a signatory, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age.
  - c. Register a statutory right-of-way for future public access over the portion of the property measuring 3 metres in width and running parallel with the west lot line, for the full extent of the property between the north and south lot lines.

**MOTION CARRIED UNANIMOUSLY**

2018.08.132 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the final revised plans be presented to Council prior to second reading of the Zoning Amendment Bylaw.

**MOTION CARRIED UNANIMOUSLY**

## 11. STAFF REPORTS

### a. Extension of RCMP Premises Agreement with District of North Saanich

2018.08.133 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the RCMP Premises cost sharing agreement with the District of North Saanich be renewed, as amended, for an additional five years, beginning on January 1, 2018.

**MOTION CARRIED UNANIMOUSLY**

### b. Joint Report on Fire Dispatch Services Selection

2018.08.134 Moved by Councillor T. Chad, seconded by Councillor M. Lougher-Goodey, that the Fire Dispatch Proposal received from the City of Surrey, in response to the joint Fire Dispatch RFP process, be accepted as the preferred proposal and that staff begin the process to conclude a transition program and contract.

**MOTION CARRIED UNANIMOUSLY**

### c. Modo Car Share Data 2017

2018.08.135 Moved by Councillor C. McLennan, seconded by Councillor E. Bremner-Mitchell, that the staff report dated March 5, 2018, providing information on the usage of the Town's 2 Modo Car Share vehicles from June 1 - December 2017, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**d. Sidney Boat Show**

2018.08.136 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that the BC Yacht Brokers Association be granted the closure of Beacon Avenue, from the east side of the roundabout to the start of the Beacon Wharf, from May 2 -7, 2018, subject to the following conditions:

1. That BCYBA provide the Town with proof of \$3,000,000 liability insurance naming the third party insured as the Town of Sidney for this event;
2. That BCYBA submit for approval prior to the event a Traffic Management Plan to the satisfaction of town staff and emergency services;
3. That BCYBA send notices 45 days prior to the event to the adjacent businesses advising of the event and that BCYBA will work with the businesses to minimize the impacts as much as is reasonable;
4. That BCYBA provide adequate signage at the roundabout indicating that all the businesses within the closure area are open; and
5. That no costs are to be incurred by the Town in relation to this event.

**MOTION CARRIED UNANIMOUSLY**

**12. OTHER REPORTS**

**13. CORRESPONDENCE**

**14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

2018.08.137 Moved by Councillor T. Chad, seconded by Councillor B. Fallot, that the following correspondence be received for information:

1. Email from F. Boyce, Friends of Shoal Harbour, regarding derelict boats ashore in Tsehum Harbour, dated February 13, 2018. Reply dated March 7, 2018.
2. Letter from UBCM Local Government Program Services, advising the Town was approved \$25,000 grant funding for Emergency Social Services Supplies and Educational Resources, dated February 19, 2018.
3. Letter from District of North Saanich, regarding marihuana addiction treatment, prevention and education, dated February 21, 2018.
4. Letter from Village of Valemount, regarding cannabis tax revenue sharing, dated February 20, 2018.
5. Letter from Township of Spallumcheen, regarding 2018 resolution on asset management, dated February 22, 2018.
6. Letter from F. Boyce, Friends of Shoal Harbour, regarding proposed redevelopment of 10383 Allbay Road and protection of foreshore trees, dated February 23, 2018.
7. Email from K. Elgersma, regarding proposed development on Beacon Avenue and the February 26 Council's meeting, dated February 26, 2018. Reply dated March 2, 2018.
8. Email from C. Peters, BC's anti-human trafficking educator, requesting support for provincial education and enforcement, dated February 26, 2018.
9. Email from Minister Katrine Conroy, regarding the 2018 budget and Child Care BC, dated February 27, 2018.
10. Email from N. & W. Franklin, Allbay Road, regarding proposed developments and Sidney's vision, dated February 28, 2018. Reply dated March 2, 2018.
11. Letter from Village of Port Alice, regarding revenue from cannabis sales, dated March 1, 2018.
12. Letter from Songhees Nations, requesting support for their bid to host the 2020 North American Indigenous Games, dated March 1, 2018. Reply dated March 6, 2018.
13. Email from B. & B. Mathews, advising withdrawal of their offer to contribute to funding underground hydro at corner of Fifth and Bevan, dated March 5, 2018.
14. Proclamation: Purple Day for Epilepsy Awareness – March 26, 2018.

**MOTION CARRIED UNANIMOUSLY**

Councillor T. Chad noted that he would refer item 8 above to the Victoria Family Court & Youth Justice Committee.

**17. NOTICES OF MOTION**

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

2018.08.138 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 relating to legal and intergovernmental issues, pursuant to section 90.1 (i) and 90.2 (b) of the *Community Charter* and that Council continue the meeting in closed session.

**MOTION CARRIED UNANIMOUSLY**

**19. ADJOURNMENT**

2018.08.139 Moved by Councillor B. Fallot, seconded by Councillor M. Lougher-Goodey, that the meeting be adjourned at 8:10 p.m.

**MOTION CARRIED UNANIMOUSLY**

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MAYOR

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CORPORATE OFFICER