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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, May 28, 2018 Council Chambers 7:00 p.m.

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- PRESENT:** Acting Mayor: Councillor E. Bremner-Mitchell  
Councillors: T. Chad, B. Fallot, C. McLennan and P. Wainwright
- ABSENT:** Mayor S. Price and 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  
B. Mikkelsen, Fire Chief  
A. Verhagen, Manager of Planning  
C. Newcomb, Municipal Planner  
S. Nelson, Corporate Officer

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

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

##### A. PUBLIC PARTICIPATION PERIOD

1. **A. Cuthill, 2460 Bevan Avenue** – referring to item 14e, expressed concerns regarding loss of sunlight and privacy, as the skylights will be overshadowed by the proposed building, and stated would like to see a solution to the concerns.
2. **G. Boucher, 9751 Fourth Street** – referring to item 14e, expressed concerns regarding the loss of sunlight, no consultation with the neighbours and the lack of a notice posted on the site; and stated that it was inconceivable that a building could even be built on the site.
3. **G. Padilla, 2460 Bevan Avenue** – referring to item 14e, also expressed concerns regarding loss of sunlight and privacy, and the lack of a notice posted on the site.
4. **E. Bowker, 9751 Fourth Street** – referring to item 14e, expressed concerns regarding loss of sunlight and the lack of air (i.e. humidity problems) due to the close proximity/setbacks of the building.
5. **C. Kierulf, deHoog & Kierulf Architects**– responding to the concerns regarding item 14e, advised of the following: only 1 unit faces towards 2460 Bevan Avenue; the courtyard is aligned to provide access to views and light for 9751 Fourth Street; height is within the allowable requirements; and did not post notice on site as it was not an OCP or Zoning Amendment Application.
6. **G. Perry, 2460 Bevan Avenue** – referring to item 14e, expressed concerns regarding severe lack of privacy and problems with parking in the downtown.

Public Participation Period closed at 7:20 p.m.

##### B. PRESENTATION

###### i. Update from The SHOAL Centre

*It was noted that the presentation has been rescheduled.*

## 2. APPROVAL OF AGENDA

2018.20.269 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the agenda be approved with the following amendments:

1. addition of item 16.10 – Access Awareness Day on June 2, 2018; and
2. move item 14e to after item 9.

**MOTION CARRIED UNANIMOUSLY**

## 3. ADOPTION OF MINUTES

### a. Regular Council Meeting – May 14, 2018

2018.20.270 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Minutes of the Regular Council Meeting of May 14, 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

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

### e. 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, 2018.
5. Letter from G. Padilla, 2460 Bevan Avenue, dated May 24, 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, 2018.
9. Email from K. Blaine, 9751 Fourth Street, dated May 27, 2018.
10. Email from City for Everyone, dated May 27, 2018.
11. Email from A. Cuthill, 2460 Bevan Avenue, dated May 28, 2018.
12. Staff Report dated May 28, 2018.

*Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, 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.*

2018.20.271 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that the above motion be tabled until all members of Council are in attendance (at the Special Council Meeting on Monday, June 18, 2018).

**MOTION CARRIED UNANIMOUSLY**

**10. COMMITTEE REPORTS**

**a. Economic Development Commission – March 8 & April 19, 2018**

2018.20.272 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the Minutes of the Economic Development Commission Meetings of March 8 and April 19, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**b. Economic Development Commission – May 17, 2018**

2018.20.273 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the Minutes of the Economic Development Commission Meeting of May 17, 2018, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Communications/Website**

2018.20.274 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that \$3,000 from the Economic Development Fund, to implement the EDC's communications plan, be approved.

**MOTION CARRIED UNANIMOUSLY**

**c. Committee of the Whole Meeting – May 22, 2018**

2018.20.275 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that the Minutes of the Committee of the Whole Meeting of May 22, 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).

2018.20.276 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that staff and the Advisory Planning Commission consider the following:

1. That demolition and construction activities not commence until after the current nesting cycle (January 15<sup>th</sup> to September 15<sup>th</sup>) is complete;
2. That a construction management plan be provided with emphasis on completing the shell of the eastern townhome as practical before January 15<sup>th</sup> 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 parcel;
3. That protection of trees along the eastern property line be specifically addressed in a construction management plan; and
4. That variances to setbacks be provided to allow the development to be sited farther away from the eastern property line.

**OPPOSED: Councillor T. Chad  
MOTION CARRIED 4:1**

2018.20.277 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that staff bring forward, during the 2019 OCP update, a proposal to designate the parcels in the immediate vicinity of the Blue Heron nests as an Environmental Sensitive Area.

**MOTION CARRIED UNANIMOUSLY**

**R.2**  
2018.20.278 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Official Community Plan Amendment Application No. OP100034, Zoning Amendment Application No. RZ100100, Development Variance Permit Application No. DV100262 and Development Permit Application No. DP100757 (2325 Harbour Road - to permit the construction of a 2 storey residential development with 3 multi-family dwelling units) be forwarded to the Advisory Planning Commission for review and comment.

**MOTION CARRIED UNANIMOUSLY**

**R.3**  
2018.20.279 **Development Permit Application No. DP100739 and Development Variance Permit Application No. DV100252 (2313 Oakville Avenue)**  
(To relax lot coverage and side interior setback in order to construct two small-lot single-family dwellings).

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Development Permit Application No. DP100739 (2313 Oakville Avenue - to permit the development of two small-lot single-family residential dwellings) and Development Variance Permit Application No. DV100252, (to relax the maximum allowable lot coverage and side interior setbacks) be redesigned by the applicant and presented to Committee of the Whole once the following elements have been submitted by the applicant:

1. A revised streetscape elevation drawing, drawn to scale;
2. Revised elevation drawings that address Intensive Single Family Residential Design Guideline No. 19.3.26 (side elevations) and 19.3.46 (hard surface materials);
3. Revised section drawings that show the proposed buildings;
4. A report from a certified Consulting Arborist outlining the perceived impacts of the proposed retaining walls, raised grade, and service connections on Town-owned boulevard trees on Oakville Avenue and any adjacent trees on neighbouring properties; and
5. A detail drawing, completed by a Professional Engineer, of the proposed transition slope between the laneway and driveway.

**MOTION CARRIED UNANIMOUSLY**

**R.4**  
2018.20.280 **Development Permit Application No. DP100759 and Development Variance Permit Application No. DV100263 (2450 Ocean Avenue)**  
(To relax lot coverage and side interior setback in order to construct two single family small lot dwellings).

Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Development Permit Application No. DP100759 (to permit the development of two small-lot single-family residential dwellings) and Development Variance Permit Application No. DV100263, (2450 Ocean Avenue - to relax the maximum allowable lot coverage on the first storey, and side interior setbacks) be forwarded to the Advisory Planning Commission for further review and comment, subject to the following condition:

1. That prior to proceeding to the Advisory Planning Commission, the applicant consult a qualified Professional Engineer and submit the following:
  - a. A detailed report establishing an appropriate flood construction level for this property;
  - b. A detailed turning template example shown on the site plan; and
  - c. Updated drawings, if required, to address the changes necessary to meet the recommended floor construction level, common wall construction, and turning templates.

**MOTION CARRIED UNANIMOUSLY**

## 11. REPORTS

### a. Agreement - Fire Dispatch Services

2018.20.281 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that the 5-year agreement with the City of Surrey for Fire Dispatch Services be approved.

**MOTION CARRIED UNANIMOUSLY**

### b. Funding Request – The Saanich Peninsula Youth Clinic

2018.20.282 Moved by Councillor T. Chad, seconded by Councillor B. Fallot:

1. That the funding request from the Saanich Peninsula Primary Health Care Society, on behalf of the Youth Clinic, be approved in the amount of \$1,000; and
2. That the funding request from Beacon Community Services, for the provision of homeless counselling and outreach, be approved in the amount of \$1,400.

**MOTION CARRIED UNANIMOUSLY**

### c. Monthly Building Permit Report – April 2018

2018.20.283 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that the Monthly Building Permit Report for April 2018 be received for information.

**MOTION CARRIED UNANIMOUSLY**

## 12. OTHER REPORTS

## 13. CORRESPONDENCE

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

### a. Bylaw No. 2154 – Council Remuneration

2018.20.284 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that Bylaw No. 2157 – Council Remuneration be adopted.

**MOTION CARRIED UNANIMOUSLY**

### b. Bylaw No. 2155 – Zoning, Amendment No. 35

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

2018.20.285 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Bylaw No. 2155 – Zoning, Amendment No. 35, be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2018.20.286 Moved by Councillor P. Wainwright, seconded by Councillor T. Chad, that Bylaw No. 2155 – Zoning, Amendment No. 35, be given second reading and that staff be instructed to advertise for public hearing.

**MOTION CARRIED UNANIMOUSLY**

### c. Bylaw No. 2156 – Off-Street Parking & Loading, Amendment No. 2

(To extend boundary for which payment in lieu of providing parking spaces is permitted).

2018.20.287 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that the staff report dated May 22, 2018, providing information on the proposed extension of the area within which payment in lieu of providing parking spaces is permitted, be received for information.

**MOTION CARRIED UNANIMOUSLY**

2018.20.288 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that Bylaw No. 2156 – Off-Street Parking & Loading, Amendment No. 2 be referred back to staff to amend Schedule A to reflect only half a block to the north from Sidney Avenue to James White Boulevard.

**MOTION CARRIED UNANIMOUSLY**

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

2018.20.289 Moved by Councillor C. McLennan, seconded by Councillor P. Wainwright, that the staff report dated May 22, 2018, providing information regarding the request to remove the requirement for public access across the property at 2326A Harbour Road, be received for information.

**MOTION CARRIED UNANIMOUSLY**

2018.20.290 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that Bylaw No. 2157 – Heritage Revitalization Agreement (2326A Harbour Road), Amendment No. 1, be introduced and given first reading.

**MOTION CARRIED UNANIMOUSLY**

2018.20.291 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that Bylaw No. 2157 – Heritage Revitalization Agreement (2326A Harbour Road), Amendment No. 1, be given second reading and that staff be instructed to advertise for public hearing.

**MOTION CARRIED UNANIMOUSLY**

- e. 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).

*(This item already dealt with, after item 9).*

- f. Development Variance Permit Application No. DV100259 (105-2537 Beacon Avenue)**  
(To relax Sign Bylaw requirements in order to allow one portable sign to be placed on private property in front of business).  
*(No written submissions were received).*

2018.20.292 Moved by Councillor C. McLennan, seconded by Councillor B. Fallot, that Development Variance Permit Application No. DV100259 (105-2537 Beacon Avenue - to relax Sign Bylaw requirements in order to allow one portable sign to be placed on private property in front of business) be approved.

**MOTION CARRIED UNANIMOUSLY**

- g. Development Variance Permit Application No. DV100260 (2526 Bevan Avenue)**  
(To relax height requirements to allow the construction of a previously approved mixed use commercial/residential development with ground floor commercial space and 21 multi-family dwelling units).

Written Submission(s):

1. Email from D. & B. Macdonald, 2550 Bevan Avenue, dated May 22, 2018.
2. Email from E. Thibeault, 2550 Bevan Avenue, dated May 25, 2018.
3. Email from A. Stibbe, 9717 First Street, dated May 28, 2018.

2018.20.293 Moved by Councillor C. McLennan, seconded by Councillor T. Chad, that Development Variance Permit Application No. DV100260 (2526 Bevan Avenue - to relax height requirements to allow the construction of a previously approved mixed use commercial/residential development with ground floor commercial space and 21 multi-family dwelling units) be approved.

**OPPOSED: Councillor B. Fallot  
MOTION CARRIED 4:1**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

2018.20.294 Moved by Councillor P. Wainwright, seconded by Councillor C. McLennan, that the following correspondence be received for information:

1. Letter from Senator of BC, regarding border implications of Bill C-45, dated May 3, 2018.
2. Letter from Township of Spallumcheen, regarding cannabis production facilities on ALR Lands, dated May 8, 2018.
3. Letter from Village of Belcarra, regarding Human Trafficking Task Force, dated May 10, 2018.
4. Email from Citizens for Safe Technology, regarding Microcell Resolution & Notice of Wireless Harm, dated May 10, 2018.
5. Letter from SPARC BC, regarding Access Awareness Day on June 2, 2018, received on May 14, 2018.
6. Letter from City of Langley, regarding Provincial Employer Health Tax, dated May 17, 2018.
7. Letter from Ministry of Public Safety and Solicitor General, regarding the G7 Leaders Summit and RCMP resource redeployment, dated May 18, 2018.
8. Email from Washington State Ferries, regarding Summer Service Plan, dated May 21, 2018.
9. Letter from BC Yacht Brokers Association, regarding the Boat Show in Sidney, dated May 21, 2018.
10. Proclamations: ALS Awareness Month – June 2018; Intergenerational Day on June 1, 2018; National Health & Fitness Day on June 2, 2018; and Access Awareness Day - June 2, 2018.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

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

**19. ADJOURNMENT**

2018.20.295 Moved by Councillor T. Chad, seconded by Councillor C. McLennan, that the meeting be adjourned at 7:50 p.m.

**MOTION CARRIED UNANIMOUSLY**

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ACTING MAYOR

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CORPORATE OFFICER