

# TOWN OF SIDNEY

## ADVISORY PLANNING COMMISSION MEETING MINUTES

August 7, 2018

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### **PRESENT:**

Chairperson: Don Carscadden

Members: Art Finlayson, Brian Losie, Debbie Gray, Denny Gelinias, Graden Sol, Jane Hall and Jason Rodd

Council Liaison: Councillor Mervyn Lougher-Goodey

Staff: Corey Newcomb, Acting Manager of Planning  
Yazmin Hernandez Banuelas, Municipal Planner  
Alissa McCrea, Administrative Assistant

Absent: Jordan Templeman and Terry Johnston

### 1. **ADOPTION OF AGENDA:**

Moved by Art Finlayson, seconded by Brian Losie, that the Agenda be adopted as circulated.

**MOTION CARRIED UNANIMOUSLY**

### 2. **ADOPTION OF MINUTES:**

Moved by Jane Hall, seconded by Graden Sol, that the Minutes of July 17, 2018 be adopted as circulated.

**MOTION CARRIED UNANIMOUSLY**

### 3. **DEVELOPMENT PERMIT APPLICATION NO. DP100765 AND DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DV100267:**

9821 & 9837 Third Street

#### **PROPOSAL:**

- The proposal is to construct a 6-storey mixed-use building consisting of ground floor commercial and five upper floors containing a total of 82 multi-family dwelling units and a 3-storey office building, with both buildings to be constructed on top of a shared underground parking garage.
- The applicant is requesting variances for the height and number of storeys for the larger mixed-use building, as well as the number and location of the required 3-bedroom units in that same building. A parking variance has also been requested to reduce the overall parking for the development from the 124 spaces required by bylaw down to 91 spaces.

- This application was first presented to APC on July 3<sup>rd</sup>, 2018. This is the subsequent redesign.

Corey Newcomb gave an overview of the proposed development.

Presenter: Heather Spinney, Praxis Architecture (Applicant)

The Applicant and Project Architect, Heather Spinney, gave a PowerPoint presentation of the changes made to the proposed development, highlighting the following:

- Setbacks were added to the portion of the building facing onto Sidney Avenue by moving the building forward and stepping back the fifth and sixth floors;
- Different cladding material was added to the 3 storey office building facing onto Second Street;
- The addition of a glazed glass and aluminum canopy facing onto Third Street as well as on Sidney Avenue, where permitted; and
- Articulation was added to the North and east elevations including centre bump-outs in a blue colour;

Ms. Spinney further advised that lighting, signage and hydro kiosk locations are currently under review but they have not have not made final determinations.

Members of the Commission commended the applicant on the revisions and the incorporation of the changes requested by the Commission at the Committee meeting of July 3<sup>rd</sup>, 2018. Several Members expressed support for additional roof elements on the north side of the building and commented that adding more of the blue colour would serve to soften the building further, as it was felt the south elevation in particular continued to have an “institutional” feel. A brief discussion was had by Members of the Commission in regards to Modo car share memberships.

**Moved by Brian Losie, seconded by Art Finlayson, that the Advisory Planning Commission recommends to Council:**

- 1. That owners and tenants in occupation of property within 100m (328ft) of the property that is the subject of Development Variance Permit Application No. DV100267 (to vary the requirements for height, number of permitted storeys, balcony setbacks, the number and location of required 3 bedroom units, and to reduce the parking requirement for the proposed development by 16 vehicle parking spaces) 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;**
- 2. That Development Permit Application No. DP100765 (for the form and character of a 6 storey mixed-use building consisting of ground floor commercial space and 82 dwelling units and a 3 storey commercial building) be brought before Council for consideration of approval if Council authorizes the issuance of the Development Variance Permit;**
- 3. That as conditions of approval of Development Permit Application No. DP100765, the property owner shall, prior to the issuance of Building Permit:**
  - a) Address Design Guidelines No. 21.3.22 (roof treatment), No. 21.3.26 (restaurant venting), No. 21.3.40 (utility kiosk location and screening), No. 21.3.46 (site lighting), and 21.3.57 (signage) 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;**

4. That as conditions of approval of Development Variance Permit Application No. DV100267, 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, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age;
  - b) Register a statutory right-of-way over the entire surface parking lot area and any pedestrian or vehicle accesses to or from it for use as a public parking lot, and;
  - c) Pay in lieu for the remaining vehicle parking spaces not reduced by variance.

**MOTION CARRIED UNANIMOUSLY**

4. **DEVELOPMENT PERMIT APPLICATION NO. DP100756 AND DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DV100261:**

9850, 9858-62 & 9866-68 Fourth Street

**PROPOSAL:**

- The proposal is to construct a new 4-storey multi-family residential development containing a total of 37 multi-family dwelling units.
- Variances are requested to allow balconies to project into required setbacks and to allow one parking space to protrude into the exterior side setback.
- This application was first presented to APC on June 5<sup>th</sup>, 2018. This is the subsequent redesign.

Yazmin Hernandez Banuelas gave an overview of the proposed development.

Presenter: Charles Kierulf, Project Architect (Applicant)

The Applicant, Charles Kierulf, gave a PowerPoint presentation of the changes made to the proposed development, highlighting the following:

- Exterior materials changed from stucco to Fiber cement panel as well as a mix of brick veneer and cedar siding;
- Roofline was redesigned;
- A setback was added to the South East corner unit;
- A canopy was added to the entranceway that is to also cover the outdoor bike racks;
- Interior bike parking remains in the basement bike room; and
- 6 scooter parking spots have been added to the basement bike room.

Members of the Commission complemented the applicant on the redesign expressing the design was much improved from the design presented at the Commission meeting of June 5<sup>th</sup>, 2018. Discussion was had by the Commission in regards to expanding the ground floor patios, creating a more pronounced entrance to the building and Modo car share memberships.

**Moved by Jane Hall, seconded by Graden Sol, that the Advisory Planning Commission recommends to Council:**

1. That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100261 (to allow balconies to project into required setbacks and to allow parking spaces in the exterior

- side setback) 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 variance;
2. That Development Permit Application No. DP100756 (to permit the construction of a 4 storey residential development with 37 multi-family dwelling units) be brought before Council for consideration of approval if Council authorizes the issuance of the development variance permit;
  3. That as conditions of approval of Development Variance Permit Application No. DV100261, the property owner shall, prior to the issuance of Building Permit:
    - a. Register a restrictive covenant on the title of the property prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age;
    - b. Enter into an agreement with MODO Cooperative to provide permanent car share memberships for all units in the building as per Section 4.6.2 of Town of Sidney Off-Street Parking and Loading Bylaw No. 2140; and
  4. That as conditions of approval of Development Permit Application No. DP100756, the property owner shall, prior to the issuance of Building Permit:
    - a. Address Design Guidelines 20.3.23 (hard-surfaced driveway materials), 20.3.29 (utility kiosk screening), and 20.3.31 (hard landscaping elements) to the satisfaction of the Director of Development Services, Engineering, Parks and Works;
    - b. Install tree protection fencing to the satisfaction of the Director of Development Services, Engineering, Parks and Works, keep the fencing in place until such time that all construction on the property is complete, and have all work inside the tree protection fencing to be undertaken under the direct supervision of a certified Consulting Arborist; and
    - c. 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.

**MOTION CARRIED UNANIMOUSLY**

5. **DEVELOPMENT PERMIT APPLICATION NO. NO. DP100759 AND DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DV100263:**

2450 Ocean Avenue

**PROPOSAL:**

- The proposal is to construct two new single-family dwellings in conjunction with the subdivision of the subject property.
- Variances are requested to relax lot coverage and side interior setback to allow the garages to be directly adjacent to one another, with no setback.

Corey Newcomb gave an overview of the proposed development.

Presenter: Tara Cummings, Project Designer

The applicant, Tara Cummings, gave a brief PowerPoint presentation on the proposed development highlighting the following:

- The construction of two new single-family dwellings;
- Main living space on upper floor;
- Garages and surface parking located in the rear of the dwellings, accessed off of rear laneway; and
- Finalized Flood Construction Level to determine final size of crawl space.

Members of the Commission liked the overall design but had concerns regarding the narrow space between the two dwellings, lack of storage and lack of outdoor living space. Additional concern was raised regarding the location and orientation of the garages. Further conversation was had in regards to heating, orientation and placement of upper storey balconies, location of entrances and the possibility of a couplet house. However, most members believed that on balance, the overall design of the proposal is suitable for the property and its location.

**Moved by Jane Hall, seconded by Art Finlayson, that the Advisory Planning Commission recommends to Council:**

1. **That owners and tenants in occupation of property within 75m (246ft) of the property that is the subject of Development Variance Permit Application No. DV100263 (to relax the maximum allowable lot coverage and side interior setbacks) 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 variance;**
2. **That Development Permit Application No. DP100759 (to permit the construction of two small lot single-family dwellings) be brought before Council for consideration of approval if Council authorizes the issuance of the development variance permit; and**
3. **That as a condition of approval of Development Permit Application No. DP100759, the property owner shall, prior to the issuance of Building Permit:**
  - a. **Provide a construction detail prepared by a structural engineer showing how the adjoining garage walls, roofs and railings would be constructed; and**
  - 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.**

**MOTION CARRIED 7:1**  
**OPPOSED: G. SOL**

**6. DEVELOPMENT PERMIT APPLICATION NO. DP100760:**  
10387-10389 & 10391 McDonald Park Road

**PROPOSAL:**

- The proposal is to construct a new 2.5 storey multi-family residential development containing a total of 10 townhouse dwelling units.
- No variances are requested for the development.

Corey Newcomb gave an overview of the proposed development.

Presenter: Ryan Hoyt, Project Designer (Applicant)

The applicant, Ryan Hoyt, gave a PowerPoint presentation on the proposed development highlighting the following:

- The construction of three new multi-family buildings containing a total of 10 townhouse dwelling units;
- The project was redesigned prior to being presented to the Advisory Planning Commission;
- As a result of the redesign, no variance are being requested;
- Units were reduced from 12 units to 10 slightly larger units;
- Configuration of the buildings was changed, resulting in a reduction from 4 buildings to 3;
- A half basement was added;
- Garages will be accessed from the center drive aisle;
- Each unit will have small patios; and
- Adaptable units have been increased from 0 to 4.

Members of the Commission expressed their approval of the design and commended the applicant on the addition of the 4 adaptable units. Concern was raised in regards to the monotony of the East elevation (rear) and the motion was amended to ensure that this aspect of the proposal is sufficiently addressed.

**Moved by Brian Losie, seconded by Graden Sol, that the Advisory Planning Commission recommends to Council that Development Permit Application No. DP100760 (to permit the construction of a 2.5 storey townhouse development with 10 dwelling units) be approved, subject to the following conditions:**

- a. That the applicant address Design Guidelines No. 20.3.11 (architectural details and articulation), No. 20.3.30 (fencing), 20.3.33 (tree retention) and 20.3.34 (tree canopy over public sidewalks) to the satisfaction of the Director of Development Services, Engineering, Parks and Works; and
- b. That the property owner 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 prior to the issuance of Building Permit.

**MOTION CARRIED UNANIMOUSLY**

**7. ITEMS DISPOSITION BY COUNCIL:**

Councillor Mervyn Lougher-Goodey gave an update on Council's decisions with regard to recent development applications.

**ADJOURNMENT:**

**Moved by Art Finlayson, seconded by Debbie Gray, that the meeting be adjourned.**

**MOTION CARRIED UNANIMOUSLY**

Meeting adjourned at 5:25 p.m.

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CHAIRPERSON