

# TOWN OF SIDNEY

## ADVISORY PLANNING COMMISSION MEETING MINUTES

March 6, 2018

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### **PRESENT:**

Chairperson: Don Carscadden

Members: Debbie Gray, Graden Sol, Jane Hall, Jason Rodd, Jordan Templeman and Terry Johnston

Council Liaison: Councillor Mervyn Lougher-Goodey

Staff: Randy Humble, Chief Administrative Officer  
Alison Verhagen, Manager of Planning  
Corey Newcomb, Municipal Planner  
Alissa McCrea, Administrative Assistant

Absent: Art Finlayson, Brian Losie and Denny Gelinis

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

Moved by Jane Hall, seconded by Graden Sol, that the Agenda be adopted as circulated.

**MOTION CARRIED UNANIMOUSLY:**

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

Moved by Terry Johnston, seconded by Graden Sol, that the Minutes of February 6, 2018, be adopted as circulated.

**MOTION CARRIED UNANIMOUSLY:**

### 4. **DEVELOPMENT PERMIT APPLICATION NO. DP100735, DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DV100248 AND ZONING AMENDMENT APPLICATION NO. RZ100099:**

9830, 9832, 9838, 9842 & 9844 Third Street

#### **PROPOSAL:**

- The proposal is for the construction of a 6-storey mixed-use development consisting of ground floor commercial space in three units and five upper floors containing a total of 45 multi-family dwelling units.
- The development is proposed to have a Floor Area Ratio (FAR) of 3.39, over the maximum permitted density of 3.0 FAR in the C1 zone. The additional density is to allow for the inclusion of a 674 m<sup>2</sup> (7,250 ft<sup>2</sup>) movie theatre in the ground floor of the development. The additional floor area proposed for the theatre requires a zoning amendment to the C1 zone and staff propose to add the theatre as a floor area exclusion. The exclusion of the theatre from the FAR calculation would bring the FAR for the proposed development to 2.98, which is within the range of "bonus density" for the C1 zone.

- Variances are requested to relax the height and number of storeys of the building, the number of commercial parking spaces (primarily for the theatre) and the number of bicycle parking spaces for the development.

Corey Newcomb gave a brief overview on the proposed development.

Presenter: Kyle Shick, Finlayson Bonet Architecture (Applicant)

Mr. Kyle Shick, Finlayson Bonet Architecture, presented the proposal for a 6-storey, mixed use development at the corner of Third Street and Sidney Avenue, noting the incorporation of the Star Cinema theatre and two other commercial spaces on the ground floor. Mr. Shick noted the building steps back to the fourth storey level on Sidney Avenue, and back again to the fifth and sixth storeys. He noted the design of the theater requires a higher ceiling height at the ground floor level, as well as soundproofing. He advised that lpe wood screening is proposed along the top of the commercial windows to reduce the feeling of height. Mr. Shick advised 45 dwelling units on the upper 5 floors are proposed as well as 48 underground parking spaces. He advised that the smaller units on the second floor are intended to be more affordable to allow those who have been unable to get into the market the opportunity to purchase. He noted the building's residential entrance is located along Sidney Avenue along with the two smaller commercial units and that access to the theatre and underground parking is located along the Third Street frontage of the building. Mr. Shick further advised that the lighter colour used in their design is the same colour as was used on the Meridian development at 9818 Third Street, in close proximity to the south, to provide a more cohesive streetscape.

Mr. Shick advised the following variances are being requested:

- Increase in height from 49.2 ft to 74.1ft and number of storeys from 4 to 6;
- Waiver of payment in lieu (\$290,000) for shortfall of 29 parking spaces for the theatre facility.
- He also advised that the zoning amendment is requested in order to exclude the floor area of the theatre space from the FAR calculation for the proposed development.

Mr. Shick gave an overview of the proposed parking, floorplans, exterior materials, and accent lighting proposed for the building, describing how building elements address the street corner at Third Street and Sidney Avenue, and how additional details in the use of materials and colours were added to the ground floor to enhance the building from a pedestrian perspective. Mr. Shick explained the request for a parking variance was based on the current parking for the cinema, which currently has no parking spaces.

Positive comments were made by several Commission members regarding the building's upper storey design elements, upper storey setbacks, colours, and materials. Members were in favour of the proposed variances for height and number of storeys, the proposed FAR increase to accommodate the theatre use and waiver of the payment in lieu for 29 parking spaces. There was extensive discussion regarding the design of the commercial frontage on Third Street as well as the need for a more dramatic design for the north-east corner of the building. In addition, Commission members made several recommendations including the addition of natural elements such as flower boxes or benches along the base of the windows along Third Street and discussed possible options for a more distinctive corner feature for the building, or relocating one of the smaller commercial entrances to the north-east corner. Options for further breaking up the long Third Street commercial façade into smaller segments were discussed. In addition, members of the Commission felt that the appearance of the overhang along the building's frontages could be softened by using wood on the underside of the soffits.

Members further commented on the overhang, and questioned whether it could be extended out over the public sidewalk to provide more weather protection for pedestrians, particularly moviegoers. Staff provided clarification that approval from the Town in the form of an Encroachment Agreement would be required in order for a canopy to project out beyond the property line. There

was consensus among the group that the applicant should work with staff to see if canopies or overhangs to at least the property line and potentially beyond could be incorporated into the building's design.

Members of the Commission engaged in further in-depth conversation regarding the exterior appearance of the theatre. Members felt that the theatre's frontage design should be more distinctive and that the theater's front entrance area should be better defined, including its signage. Several members commented that they would like to see a more traditional looking theatre entrance; a member suggested using the Roxy theatre in Victoria as a template. Other suggestions included adding lighting, enhanced signage, and setting back the entrance to create more of a canopy for moviegoers.

Additional conversation was had by the commission in regards to parking details, storage for the residential units, hydro poles and the possible undergrounding of overhead utilities, the potential uses in the smaller commercial spaces and whether the smaller units in the building might be used for short-term rentals. Staff advised that short-term rentals are not a permitted use in condo units at the present time.

**Moved by Jane Hall, seconded by Jordan Templeman, that the Advisory Planning Commission recommends to Council 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 exterior 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:**

**5. ITEMS DISPOSITION BY COUNCIL:**

Councillor Lougher-Goodey gave an update on Council's decisions with regard to recent Development Applications.

**ADJOURNMENT:**

**Moved by Jane Hall, seconded by Debbie Gray, that the meeting be adjourned.**

**MOTION CARRIED UNANIMOUSLY**

Meeting adjourned at 5:08 p.m.

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CHAIRPERSON