

SIDNEY COMMUNITY ASSOCIATION
“COUNCIL WATCH” REPORT
REGULAR COUNCIL MEETING HELD MONDAY, June 25, 2018

DISCLAIMER

We offer this Council Watch Report as a service to our members. We have attempted to be as accurate as possible but recognize that our interpretation of Council discussions may not be quite as the speakers intended.

- *We encourage residents to consult the [attachments to the agenda](#) for background information;*
- *This meeting is available [as a video](#) and we also encourage you to view the video. Our report will indicate the main discussions from our perspective and indicate the point on the video where you can view them.*
- *The minutes of this meeting will be included in draft form as part of the agenda package for the next regular Council meeting. Once approved and posted on the [Council Meetings, Agendas, Minutes](#) page, they are the official record.*
- *Residents may also consult [members of Town Council](#) for clarification of details.*
- *We will correct any significant errors that are brought to our attention.*

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Mayor Steve Price was in the chair. All Councillors were present

Audience: 58 including presenters.

Editor’s note: Several topics in this agenda come up two or more times, eg. The Fire Hall site is a Presentation and a Staff Report; Sidney Radio is a Delegation, a Staff Report and a Bylaw. For these topics, we have grouped all discussion and decisions together.

PUBLIC PARTICIPATION

This is at the beginning of [the video](#).

Diana Hughes-Gough wanted Council to support passenger train service going up island.

Scott Garnett reflected on last week’s Public Hearing and the bylaws and why we don’t stick to them. He looked at the OCP (Official Community Plan) which is described as setting broad policy to guide decisions. He looked at the LAP (Downtown Local Area Plan) passed in 2007 as a framework to guide development for the next 5-10 years. As a layperson, he has attended Council meetings for over 3 years. He understands that we have zoning bylaws, rules and regulations that govern, while the OCP and LAP are guides. From the perspective of the resident and taxpayer, it seems to have flip flopped and the OCP and LAP now govern, while the rules are just guidelines. This is just his perspective. As a resident, he has had less and less say in how the town develops, and developers have more and more say. It’s frustrating and confounding for him and he hears same thing from others on the street. He believes in the rule of law and has been shocked by the ease with which developers get variances and bylaw amendments approved with just 4 members of Council agreeing. He recognizes that there is a process, but it seems relatively easy. As an example, if someone is driving on the highway at 120 kph in an 80 zone and gets pulled over by police, he can respond “yes, but the Official Community Driving Plan says I can go up to 120 k if I am on the way to the ferry.” It comes across that way to a resident layperson in the audience. It seems far too easy. He doesn’t know the solution but would like the zoning rules held to more account

and less variances granted. “A lot of people are concerned, and I am one of them. I hope you will give that some thought as you make decisions.” *There was scattered applause from the audience.*

Mayor Steve Price said “There is no applause. If he had some accusations, he is more than welcome to do so, but there is none. We follow the rule of law here too. Comments like that are really inappropriate. Unless you want to back it up with something in writing, I recommend you do not do that”. *This exchange starts at [minute 5:38 on the video](#).*

PARTNERSHIP TO ESTABLISH ECONOMIC DEVELOPMENT OFFICER POSITION

Editor’s Note: The topic of the Partnership to Establish the Economic Development Officer is referenced by 2 speakers during Public Participation and comes up in two places later on the agenda, under PRESENTATIONS and STAFF REPORTS. In this Council Watch Report, all references to this topic are kept together.

David Calveley, (former chair of the Economic Development Commission (EDC)) said that as there would be no opportunity to speak after the presentation later in the meeting, he was basing his comments on the material in the agenda package. ([See page 78 for the staff report and 81 for the SBIA proposal](#).) He agreed there is a clear need for a part time Economic Development Officer in Sidney. The EDC needs resources beyond those available as a pure volunteer group. Council has budgeted for that and the Executive Director of the BIAS (Business Improvement Area Society) would be an excellent choice. But at the end of 2017, Council approved the EDC’s Action Plan which included, for example, marketing West Sidney Industrial Area as an Innovation Centre. He didn’t see anything in the BIAS proposal that goes outside the BIA area, which is a mistake for Sidney. This Council has worked to eliminate unnecessary groups, but the proposed Sidney Economic Advisory Committee would duplicate, or eliminate the EDC by taking away budget and resources and rendering the EDC useless. Why duplicate? Why replace? Staff may want to bring a proposal to Council before discussion with other groups. The EDC minutes indicate that there has been no discussion with the EDC at all. That means no discussion with other stakeholders like the West Sidney Industrial Group, which generates the jobs, or the Breakfast Group, or the Chamber. The proposal has merit. Please give it to the EDC to review and make a proposal for next year’s budget. “Please do not approve it now.”

Denny Gelinas agreed that the Economic Development Officer was a good thing, but the proposal is limited to the SBIA area; all the project examples are SBIA-centric, ignoring the Harbour Road and West Sidney industrial areas. Marketing commercial real estate is the job of the real estate industry, not taxpayers.

PRESENTATION: **Susan Simosko** of the Sidney Business Improvement Area Society spoke about the SBIA’s proposal, which is [at page 81 in the agenda package](#). Her presentation, which can be viewed at [25:13 on the video](#), outlines the pilot proposal and several projects as a win-win for the Town.

Councillor Erin Bremner-Mitchell asked how advocacy for businesses and fits in.

Ms. Simosko said they believe advocacy is the job of the Chamber of Commerce. These projects are economic development, not advocacy.

STAFF REPORT:

[See 2:02:35 on the video](#) for Council’s discussion and decision on the staff report recommendation.

MOVED that Council see merit in a partnership with the BIA in a jointly funded Economic Development Officer (EDO) function and that \$45,000 be allocated from the Economic Development fund to an interim pilot project under the auspices of the BIA, to be initiated as soon as practical and extend

through the 2019 budget process: and consideration of a 4 year term for the EDO and associated incremental budget request be forwarded to the 2019 budget deliberations.

Councillor Erin Bremner-Mitchell wanted to address the concerns raised in Public Participation. She supports the proposal. She is very proud of the work done by the volunteers on the EDC, past and present but there is a clear need for someone with dedicated time to move things forward. This has been recommended before but was not feasible. She appreciates the pilot project and evaluation. There is a need to build relationships beyond the BIA area and develop trust with those businesses. Council must serve the whole of Sidney, not just these identified areas but also the pockets of commercial activity that need some love too. She has met recently several times with the West Sidney Industrial Group, whose concerns are availability of skilled trades, workforce housing and transportation, plus recently the new Employers' Health tax and property taxes, all of which need advocacy, which is why she asked the question. She looks forward to this function being able to grow to serve all of Sidney.

Councillor Peter Wainwright supports the EDO, but as the proposal has not been referred to stakeholders, he **MOVED** that it be tabled to allow time for comments. **MOTION DEFEATED**

Councillor Cam McLennan said for years multiple bodies representing businesses have said we want an EDO but it is very expensive to add to staff. Finally, this is a great opportunity to make it happen. He fully supports the motion to work with the SBIAS on this pilot project.

Councillor Mervyn Lougher-Goodey said all groups, the West Sidney Industrial Group, the Chamber etc., are represented on the Economic Development Commission, which would continue to function.

Councillor Tim Chad said he has been here 20 years and EDOs have come and gone. Let's get on with it.

Councillor Barbara Fallot noted the recommendation is under the SBIAS. Should the EDO not be above the SBIA, reporting directly to the Town? **Councillor Bremner-Mitchell** replied that the Advisory Panel would represent the whole town.

Mayor Steve Price thanked "our prospective mum" (Councillor Bremner-Mitchell). Her work on the EDC has been wonderful. He has huge respect for Susan and Donna and sees no reason to second guess them. By the end of the term, this Council will have done everything on their list.

ORIGINAL MOTION CARRIED UNANIMOUSLY

PRESENTATIONS

Editor's Note: There are 4 presentations on the agenda. All but the Update on the Shoal Centre *are dealt with elsewhere in this report.*

Update on the Shoal Centre.

For the full presentation, see [11:50 on the video](#), **Glenys Cavers, Beacon Community Centre** described the very impressive array of services and activities at the Shoal Centre. They now serve 2500 volunteer services clients. Innovative programs serving seniors and the community include Neighbourhood Chats, Seniors Lunch, Music and Memory, Advocacy, Better at Home.

DELEGATION

New Community Radio Station

To view the delegation, see [minute 1:25:35 of the video](#). **Bill Collins, Mike Fecteau & M. Bennett, Sidney Arts & Media Society** presented their plans to operate Sidney Radio.

Later, on the agenda under **BYLAWS**, Council unanimously approved a Zoning Bylaw amendment to include Radio Broadcasting as a permitted use. *The Bylaw is on [page 121 of the agenda package](#).*

ADOPTION OF MINUTES

- Minutes of the Regular Council Meeting June 11 are on [page 6, agenda package](#).
- Minutes of the Special Council Meeting with the Public Hearing on the Cameo and Star Cinema development, including written submissions and a summary of the 16 speakers, start on [page 13 of the agenda package](#).

COMMITTEE REPORTS

MOTIONS to accept the following two reports were carried unanimously. [See 1:33:59 on the video](#).

- **Emergency Planning Committee** May 23, 2018. (Starts on [page 18 in the agenda package](#), with *Preliminary findings of the 2018 Community Risk Assessment on p 22.*)
- **Economic Development Commission** June 14, 2018 ([Agenda package page 26.](#))

Councillor Erin Bremner-Mitchell listed some highlights from the EDC meeting, including an update from BC Transit (see letter on page 144 of the agenda package and page 30 for correspondence with the Vancouver Island Sustainable Technology Association.)

STAFF REPORTS

- **9965 & 9881 FOURTH STREET - DEVELOPMENT PERMIT APPLICATION** for a proposed 4 storey residential development with 32 units.

PRESENTATION by **Duane Ensinger**, Designer. ([See minute 33:38 on the video.](#))

Councillor Barbara Fallot asked several questions about the exterior finish, location of the handicapped parking spots and the shortage of adaptable and 3 bedroom units.

Councillor Erin Bremner-Mitchell asked about how it relates to neighbouring buildings, possibility of a partnership to get some affordable units, removal of mature trees and whether any consideration was given to townhouse-type units on the main floor.

STAFF REPORT (*The Staff Report begins at [page 41 in the agenda package](#). Council's discussion and decision [starts at minute 1:36:08 of the video.](#)*)

MOVED that the application be forwarded to the Advisory Planning Commission (APC) for further review and comment subject to the following conditions: that the applicant redesign the floor plan to meet the 3 bedroom and adaptable unit requirements in the zoning bylaw and redesign the parking area to accommodate the required number of class 1 bicycle stalls.

Councillor Erin Bremner-Mitchell questioned why the proponent had not met the conditions before coming to Council. It reminded her of 9850-9868 Fourth St that came to the June 5 APC meeting without having dealt with identified concerns. The APC then recommended redesign and resubmission.

MOTION CARRIED, UNANIMOUS

- **9821 & 9837 THIRD ST (FIRE HALL & PARKING LOT) – DEVELOPMENT AND VARIANCE**

APPLICATIONS to relax height, number of storeys, number, size and location of 3 bedroom units and parking requirements for a 6 storey building with ground floor commercial and 85 condos, plus a 3 storey office building, with shared underground parking. (See [minute 52:33 on the video](#). *Building plans start on page [68 of the agenda package](#).*)

PRESENTATION by **Fraser McColl** on behalf of himself and **Dan Robbins**, partners in the development. **Heather Spinney, Praxis Architecture** described the building and answered questions. **Jim Lombard** of Lombard North answered questions on landscaping.

Councillor Erin Bremner-Mitchell likes the corner setback, other aspects of the streetscape and the employee parking. She asked how garbage and recycling would be done? **Ans.** A small truck will bring it up to street level for pick-up. She also asked the purpose of the loading space in the parking garage?

Councillor Peter Wainwright asked how deliveries would get to businesses from the loading dock on level 1? If businesses use their back doors for deliveries, not customer access, customers who park in the public lot must walk all the way around the building to get to the front door. **Ans.** The emphasis is on the street side. These drawings are just a shell now, more work needs to be done.

Councillor Barbara Fallot agreed there is a problem with receiving and garbage. She asked about other surface options for the rear parking lot as asphalt produces heat in a confined space. She asked whether the trees along Third would be at grade. She also noted that they are short of 3 bedroom units, many are less than 1000 sq. ft. and some bedrooms have no closet, so they don't qualify. Forcing the 3 bedrooms will affect quality of life.

Councillor Erin Bremner-Mitchell suggested a pedestrian connection to help customers get to businesses. The APC will ask how people access bicycle storage and want an alternative to the elevator. She thought the APC would also note the lack of step backs on upper floors on Sidney St.

Ms. Spinny responded that it would be very difficult to step back on Sidney St. with a double corridor.

STAFF REPORT

To view the discussion and Council's decisions, [see minute 1:38:13 of the video](#). The staff report begins at [page 57 in the agenda package](#), with architectural drawings starting page 68.

MOVED that the application be forwarded to the APC for further review and comment.

Councillor Peter Wainwright commented that the applicant is requesting a variance rather than payment in lieu of parking. "We should tonight make a motion to deny this rather than sending it to the APC. Currently we have a 47 parking space lot including 2 handicap spaces in the Town's public lot on the 3rd street site. We indicated that we wanted a minimum of 30 public spaces, so we were agreeable to seeing a reduction. The applicant has come forward with 30 spaces. In total, only 35 surface spaces are offered, 30 for the town and only 5 for customers. This seems light given the amount of commercial space, particularly if they expect this to be a vibrant development with restaurants etc. The last Parking Study found this is one of the busiest lots with 89% occupancy at peak. An average of 15 spaces in the current lot have a monthly parking permit. If those continue, half of the 30 spaces will be allocated to monthly parking permits. Some Beacon St businesses use these spaces for delivery vehicles. We have approved reduced parking for the Cameo/Star Cinema building and for the one at Fourth and Beacon, while bringing more people into the area. Putting this together, the parking available on site in this context does not work... I'd like to see consideration and redesign... There was some misunderstanding regarding the 30 public spaces and some adjustments have been made, but I don't see this as workable, nor do I see that sending it to APC will provide a solution. I believe this needs some rethinking before sending it to the APC. My concerns are the commercial parking spaces, the receiving area and how deliveries get to and from commercial units. The building turns its back to the parking lot without entrances.

Finally, the frontage on Sidney St. goes straight up 6 storeys. While our OCP (Official Community Plan) and LAP (Local Area Plan) allow the possibility of 6 storeys here, it is prescriptive about upper storey setbacks. Some sections of the OCP are guidelines, but the one listing objectives and policies states that these will act as a blueprint for our community over the next several years. Not a guideline, a blueprint. Paragraph 6.3.15 says residential on the

upper storeys of a building “shall be tiered, stepped back.” On that street, there is no step-back at all. This does not conform to our blueprint. I’m one of those people that get wired up about 6 storey buildings; they have their place and maybe this is one of them, but if we are doing 6 storeys, at least we should have the upper storeys set back. I appreciate that this is hard to do with units on either side of the corridor.

There are enough things I see as problems, with parking being fundamental, that I believe a redesign is called for. We have a challenging time line getting this approved and development permits issued by October 16th. If we spin our wheels by sending it to APC, then tell them a redesign is required, it will cost them at least a week or two. If we tell them tonight to do a redesign, then go to APC, we’ll be helping them expedite the process. If the majority still wants to go to the APC, I suggest the motion be changed to tell them right from the start that there will be no variance for reduced parking and a redesign is required.

Councillor Barbara Fallot’s repeated her concern about the asphalt surface of the parking lot. It is an enclosed space surrounded by condos, so noise and garbage are also an issue. The 3 bedroom units are too small and not necessarily workable, so it needs a redesign.

Councillor Cam McLennan suggested the parking area could be left as a lighter concrete surface. Dealing with garbage by bringing bins out is common practice in downtowns and the building should not be stifled for how it deals with garbage. ” To me, that isn’t a problem.”

Councillor Erin Bremner-Mitchell had 3 pages of notes. She described the differing views on parking. “Sidney is in a peak transition period.” With all these major reductions in parking and the misunderstanding about the required parking for this site, she felt they needed to give clear direction to the proponent. The Watt study recommended 62 spots, plus the Bylaw requires 15 spots for commercial staff and 25 for patrons, plus the Town’s 30 public spaces totals 133 spaces. This matches the bylaw requirement for 41 commercial, plus 62 for residential, plus the Town’s 30, so the shortfall is 12 additional parking spots needed. She recently learned that condos are sold without parking and a spot can be an additional purchase.

Councillor Cam McLennan felt that Council has been working on parking via the employee parking lot under construction at Mary Winspear, which will make a big difference.

Councillor Peter Wainwright said the employee lot at Mary Winspear will not benefit these businesses. Some of the monthly permit holders might move, but the Mary Winspear lot will not solve the customer parking shortage in this part of town.

Mayor Steve Price believes the Mary Winspear lot will help. Many business owners, like Tanners Books, on Beacon provide zero parking for their customers and no loading bays. “Do we want our Town to evolve or just leave it as it is with no parking?” Delivery drivers find a way; they park in the middle of the street, get in and out quickly. They have been doing it for years.” This building looks great. It has 2 loading bays and provides the amenity of \$9.6 million to the Town, \$9 million for the new Safety Building and \$600,000 for bonus density, 2/3rds of which will go to affordable housing. People who live in affordable rental don’t have cars. All of north Saanich wants to move into Sidney. They don’t want big places and have given up cars. Both sides of Beacon have to be redeveloped. He will support this motion because he wants to hear from the APC; he wants to hear what other people have to say. **MOTION CARRIED 4:3**

Councillors Bremner Mitchell, Wainwright, Fallot OPPOSED

• **COMMUNITY SAFETY BUILDING BUDGET UPDATE**

Please see [page 91 of the agenda package](#) or [2:16:43 of the video](#).

MOVED that the report be received and \$7 million of the proceeds from the sale of the fire hall and parking lot site be dedicated to funding the new Community Safety Building (CSB).

Councillor Peter Wainwright, explained for the public that the cost estimate for the CSB is now \$16.5 million, up a bit from the last estimate. Most of the staff report is about where the funding comes from. If \$7 million comes from the sale of the fire hall and parking lot, the borrow would be \$5.7 million, in the low range of the original projected borrowing, generally good news. However, he had an issue in principle with the second part of the motion. There is no urgency to allocate \$7 million to the CSB now. The sale is conditional on the development permit being approved. Spending the money now would lead most people to say the fix is in. The second part of the motion is inappropriate. Spending the money before we've issued the approvals is wrong in principle.

Mayor Steve Price asked that the motion be amended to add **“should the sale of the fire hall and parking lot site proceed”**. **MOTION CARRIED, UNANIMOUS.**

DOWNTOWN EMPLOYEE PARKING LOT PROJECT

Please see [page 95 of the agenda package](#). **MOVED** that the report be received for information and that the financial plan be amended by advancing the 3rd phase of the downtown employee parking lot project and supplementing the budget with an additional \$100,000 from gas tax funding.

The total is \$1.34 million for 167 spaces.

MOTIONS CARRIED, UNANIMOUS

2017 STATEMENT OF FINANCIAL INFORMATION

Please see [page 98 of the agenda package](#). **MOVED** that Council approve the Statement of Financial Information for the year ending December 31st 2017. **MOTION CARRIED, UNANIMOUS.**

TORQUE MASTERS CAR SHOW

[Please see page 103 of the agenda package](#). Street closures, etc. and a \$2500 grant. **Councillor Cam McLennan** excused himself as he is associated with Torquemasters. **MOTION CARRIED 5:1**

Councillor Erin Bremner-Mitchell said she could not support the \$2500 grant from the Town being taken from Economic Development funds. “This is not economic development”.

COASTAL ROWING WORLD CHAMPIONSHIPS - BEER GARDEN

See [page 107 of the agenda package](#) or view [minute 2:24:43 of the video](#). Arrangements were approved.

MONTHLY BUILDING PERMIT REPORT – MAY 2018

[Please see page 111 of the agenda package](#).

BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION

Off-Street Parking & Loading Amendment

To extend boundary for which payment in lieu of providing parking spaces is permitted. [See page 113 of the agenda package](#).

MOVED and CARRIED UNANIMOUSLY

Service Connection Fees & Charges - To update the service connection fees and charges.

[Please see page 115 of the agenda](#)

MOVED and CARRIED UNANIMOUSLY

Election Procedure Bylaw Amendment - To update legislative section number references and other minor housekeeping items. [Page 117 of the agenda](#). **MOVED and CARRIED UNANIMOUSLY**

CORRESPONDENCE FOR INFORMATION – *8 pieces of correspondence are listed on page 3 of the agenda. They can be read starting at page 124.*

MOTION TO GO “IN CAMERA” (CLOSED MEETING)

Members of the public were excluded so that Council could consider confidential matters related to personnel and/or legal issues.