

**E.1.a.a Council Member Motion: Notification for Public Hearing for  
1200-Block Gladstone Avenue Project**

*Mayor Helps recused herself at 4:43 p.m. as she lives close to the proposed application.*

*Councillor Thornton-Joe assumed the Chair.*

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council authorize a variance from the Land Use Procedures Bylaw to provide for notification to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel for the Public Hearing to consider the application relating to 1230 Grant Street, 1209-1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue.

**CARRIED UNANIMOUSLY**

*The Mayor assumed the Chair at 4:44 p.m.*

**I.1 Council Member Motion: Notification for Public Hearing for 1200-Block Gladstone Avenue Project**

Committee received a Council Member Motion dated February 2, 2021 from Councillor Isitt and Councillor Dubow regarding a request from the Fernwood Community Association that notification for the Public Hearing for the application relating to 1230 Grant Street, 1209-1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue be distributed to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel.

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Young

That Council authorize a variance from the Land Use Procedures Bylaw to provide for notification to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel for the Public Hearing to consider the application relating to 1230 Grant Street, 1209-1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue.

**CARRIED UNANIMOUSLY**



**Council Member Motion**  
**For the Committee of the Whole Meeting of February 11, 2021**

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**Date:** February 2, 2021

**From:** Councillor Sharmarke Dubow and Ben Isitt

**Subject:** Notification for Public Hearing for 1200-Block Gladstone Avenue Project

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**Background:**

The Fernwood Community Association has requested that notification for the Public Hearing for the application relating to 1230 Grant Street, 1209-1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue be distributed to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel.

The rationale provided in the attached letters from the FCA seems reasonable, proposing a notification requirement equivalent to that of Community Meetings on applications requiring an amendment to the Official Community Plan.

City Council has authorized similar notification provisions of 200 metres for other applications.

It is therefore recommended that Council authorize a variance from the *Land Use Procedures Bylaw* to provide for mailed notification to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel for the Public Hearing to consider the application relating to 1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue.

**Recommendation:**

That Council authorize a variance from the *Land Use Procedures Bylaw* to provide for notification to residents and property owners within two hundred (200) metres of the Victoria High School property boundary and the subject parcel for the Public Hearing to consider the application relating to 1230 Grant Street, 1209-1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'S. Dubow'.

Councillor Dubow

A handwritten signature in blue ink, appearing to be 'B. Isitt'.

Councillor Isitt

**Attachments:**

1. Letter from Fernwood Community Association dated July 10, 2020
2. Letter from Fernwood Community Association dated November 13, 2020



## FERNWOOD COMMUNITY ASSOCIATION

July 10, 2020

Mayor and Council, City of Victoria  
Victoria, BC

Dear Mayor and Council,

This letter concerns the notices that will be mailed to residents of Fernwood regarding the date, time, and location of the Public Hearing for the development proposed on the lots behind Victoria High School (1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue).

It has come to our attention that the City's Land Use Procedures Bylaw (section 32) says letters about the Public Hearing will be mailed out to residents within 100 metres of the lots to be rezoned. The same Bylaw calls for letters about the Community Meeting hosted by Community Association Land Use Committees to be mailed to residents within 200 metres when it concerns amendments to the OCP; as is the case for this application.

The different notification distance for the Community Meeting and the Public Hearing is an inconsistency that is difficult to understand. The Local Government Act does not specify a distance and only requires the following: '(ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice, of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.' (Local Government Act, Part 14, Division 3, —Notice of public hearing, Section 466(4) (ii). Since the current bylaw specifies two different distances, we are concerned that this inconsistency will mean that some neighbours who were engaged through the Community Meeting will be excluded from the Public Hearing.

The future of these lots is of significant interest to many in the community and for this reason we are petitioning you to amend the process for this Public Hearing, and send letters to the same residents who received notification about the Community Meeting held in June 2019. While we encourage Council to consider why there is an inconsistency in the bylaw and whether the Public Hearing distance should be amended to match that of the Community Meeting, we are at this time most concerned about this specific development, and **want to ensure the Public Hearing letter will be sent to all residents within 200**

**metres of the school property boundary**, the same distance and measuring point used for the Community Meeting.

As Council is surely aware, this is a major development for Fernwood and there is a diversity of voices that need to be heard. Our wish is that our neighbours feel encouraged to participate in an open and authentic process. Extending the letters for the Public Hearing to all residents within 200 metres of the school property boundary will reassure them that community engagement is not just a "check-box" formality, but an authentic opportunity to hear and incorporate both positive comments and concerns. Without this change, the City risks appearing to attempt to restrict community input in a way that seems surreptitious and therefore suspicious.

We request that you provide an answer to this letter to the Fernwood Community Association through our Council representative, Councillor Sharmarke Dubow, by July 31<sup>st</sup>, 2020

Thank you for your attention to this matter.

Yours respectfully,

A handwritten signature in blue ink, appearing to read 'Kalen Harris', followed by a horizontal line and the word 'per' written below it.

Kalen Harris, President  
Fernwood Community Association



## FERNWOOD COMMUNITY ASSOCIATION

November 13, 2020

Dear Mayor and Council,

We received your email response to our July 8, 2020 letter concerning the notices that will be mailed to residents of Fernwood regarding the date, time, and location of the Public Hearing for the development proposed on the lots behind Victoria High School (1230 Grant Street, 1209, 1218, 1219, 1220 and 1226 North Park Street, 1219 Vining Street, 1235 Caledonia Avenue and 1211 Gladstone Avenue). Although your email response was dated July 14, 2020 we did not receive it until September 2, 2020 due to a number of unfortunate circumstances.

Upon reviewing our earlier letter it is apparent that when we said 'we are petitioning you to amend the process for this Public Hearing' we did not clearly let you know that we were asking Mayor and Council to grant a variance to the Land Use Procedures Bylaw for this Public Hearing. Attached are copies of our July 8, 2020 letter that explains our reason for this request and the City's ensuing response. Since receiving your September 2, 2020 email we have confirmed with the Ministry of Municipal Affairs and Housing that City Council, should they wish to exercise it, can grant this requested variance.

We look forward to resolving this matter as soon as possible.

Sincerely,

Kalen Harris, President, Fernwood Community Association

Cc: Fernwood Community Association Land Use Committee

