



REPORT of Public Hearing

Thursday, January 14, 2021 @ 7:00 PM
Council Chambers

PRESENT: Mayor K. Murdoch, Chair
Councillor A. Appleton
Councillor H. Braithwaite
Councillor C. Green
Councillor T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, S. Williams
Director of Strategic Initiatives, S. Bagh *
Deputy Director, Corporate Services, S. Morden
Manager of Planning, D. Jensen *
Director, Building, Bylaw & Planning, B. Anderson*
Director of Finance, C. Paine*
Recorder, A. Nurvo

* attended the meeting electronically

Call to Order

We acknowledge that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically, we recognize the Lekwungen-speaking peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

Mayor Murdoch called the Public Hearing to order at 7:00 p.m.

Opening Remarks

Mayor Murdoch advised that this Public Hearing is being live webcast and the recording will be archived on the District's website for future viewing. Personal information including name, municipality of residence and opinions may be collected and disclosed as part of Council proceedings on the video. The Mayor stated that when presenting to Council, if a person is acting as a representative of a resident of Oak Bay or speaking of another party, to ensure not to disclose any personal information about that person for which you do not have consent to do so.

Mayor Murdoch advised that this Public Hearing is convened pursuant to Section 465 of the *Local Government Act* to allow the public to make the representations to Council respecting matters contained in the following proposed Bylaw: "Zoning Amendment Bylaw 2020 No. 3531.105"

Mayor Murdoch outlined the protocols for the Public Hearing, as follows:

- Everyone wishing to speak will be given an opportunity to be heard;
- Speakers are to limit their initial comments to a maximum of 5 minutes so that everyone has an opportunity to speak;
- Once everyone has had a chance to speak, those wishing to speak again may do so, if they have new points to present;
- Please keep comments respectful of Council, staff and other members of the public;
- All comments are to be directed to Mayor and Council and must relate to the proposed Bylaw;
- The purpose of the Public Hearing is to give Council an opportunity to listen to the views expressed by the public; Council is not here to debate the merits of the application;
- Council members may ask clarifying questions of speakers to better understand what they have heard here at the hearing;
- The Public Hearing is not an opportunity for the public to learn details about the application; this opportunity occurred through previous meetings and presentations, and within the staff reports provided to date;
- The Public Hearing is an opportunity to hear from the public on the rezoning application. It is important to note that the lease with the current tenant (VIRCS) is not part of what is up for discussion tonight. As such, comments are to be limited to the rezoning.
- The Mayor stated that as Chair, he reserves the right to conclude any presentation made by any member of the public, Council or staff that: does not relate to the proposed bylaw or is disrespectful towards any other person;
- Council members are here to listen to the public's opinion with an open mind, no one has prejudged the outcome of this application.

Mayor Murdoch reviewed the order of business for the Public Hearing, which follows a formal 7-step process as follows:

1. Staff will introduce the proposed Bylaw;
2. Council will formally receive written submissions provided prior to the Public Hearing;
3. Late submissions will be read aloud and formally received;
4. The Applicant would normally present their proposal at this point but given that the District is the applicant, this will be covered off by staff in the Introduction of the Bylaw;
5. Council will ask clarifying questions of Staff;
6. Members of the public will be invited to provide comment on the Bylaw;

7. The Public Hearing is then recessed or closed, as determined by Council motion.

Staff Introduction of Bylaw

The Director of Strategic Initiatives provided background on the application and advised that the District acquired 1538 Monterey in 2016, but that the ultimate use of this property will not be determined until completion of the Oak Bay Village Area Plan. VIRCS has requested that the District permit the temporary use of the property for housing refugees until 2023. The proposed congregate use as a 'Welcome House' requires a rezoning and the District as owner is the applicant for this rezoning. The Lease Agreement between the District and VIRCS is independent and is not under consideration at this Public Hearing.

The Manager of Planning provided an overview of the Zoning Bylaw Law under consideration and advised that it is a site specific amendment to allow for congregate housing use for a mix of refugees to a maximum of 8 people and up to 2 on-site caretaker staff. The Manager advised that the requirement for parking 3 vehicles on-site is met. She advised that the application was reviewed by the Committee of the Whole on November 16, 2020 and that Council gave the Bylaw first and second readings on November 23, 2020 and passed a Motion directing that the Public Hearing be held today. The Manager confirmed that public notice has been published and distributed to properties within the required distance and that following tonight's Public Hearing the Bylaw will be considered for third reading and adoption at the Council meeting on January 25, 2021.

Receipt of Written Submissions

MOVED and seconded: THAT the written submissions received and distributed prior to the Public Hearing, as attached to Agenda Item 4, be received.

CARRIED

Reading of New Submissions

The Director of Corporate Services advised that in addition to the 12 submissions which were included in the Agenda when it was published on January 8, 2021, the District has received an additional 41 submissions which have been appended to the online agenda for Council and the public's viewing. The Director summarized the additional 41 submissions as follows: 36 expressed support for the rezoning, 3 were opposed to the rezoning, and 2 provided comments of a neutral perspective or had questions. The Director advised that of those who were opposed, key points made were:

- 2 were in support of the use for a short-term solution and encouraged Council to consider longer term options;

- 1 expressed concern that the Bylaw did not specify the type of congregate housing and indicated they would be supportive if the Bylaw was specific to refugee transition; and
- 1 expressed concern with the suitability of the facility to house 10 unrelated individuals (especially during COVID).

MOVED and seconded: THAT the 41 additional written submissions received after the publication of the Agenda and prior to the deadline to submit of 3:00 p.m. January 14, 2021 be received.

CARRIED

Public Comment

Mayor Murdoch invited members of the public to call into the meeting to provide comments to Council. He reminded the viewing public that the information to join the meeting was available on the livestream as well as in the Public Hearing Agenda and on the District's website.

1. Chris Kershaw, Oak Bay resident, spoke as a representative of the Rotary Club of Oak Bay, and expressed strong support for this application. He stated that the Rotary Club is excited by the opportunity to support vulnerable refugees starting out their lives in Canada, and that they have several volunteers at the property helping to get it ready for use.
2. Martin Cowndon, Saanich resident, spoke as a representative of the Oak Bay Village Business Improvement Association (BIA), and stated that while the BIA does not oppose VIRCS and what Council are doing, the property was identified for Village expansion purposes and there are several other properties that could be available in Oak Bay for refugee housing. He stated the BIA was concerned about how this interim use would come to an end and how it impacts the neighbourhood.
3. David Lau, Executive Director of the Victoria Refugee Centre, stated that he appreciated all the letters of support to Council from the community, and reviewed how this proposal speaks to all of Council's priorities.
4. Stephen Miller, Oak Bay resident, expressed his appreciation for all the efforts to improve the property, and stated that this is a very good plan.
5. Ian Robertson, Oak Bay resident, advised that he had submitted written comments, and that this and an additional property had been purchased for development of the downtown core. He stated while this is a wonderful project, it could have been placed anywhere in Oak Bay. Approval of the bylaw would mean this property would not be available for development of the downtown core into the immediate future.

Mayor Murdoch called a second time for public input and invited individuals to speak a second time if to provide new or additional information. He reshared where the public could locate the information to join the meeting including on the livestream.

6. Chris Kershaw addressed Council for a second time in support of the application.
7. Martin Cowndon addressed Council for a second time, commended Council and staff for making Oak Bay Village a wonderful and vibrant place and stated while the BIA supports housing for less fortunate people, it was assumed that this property would be used for the expansion of the Village area.

Mayor Murdoch called a third and last time for public input and invited members of the public to call into the meeting and advised that this is the final opportunity to provide Council with comments.

The Director of Corporate Services advised there have been no further calls from members of the public.

Close of Public Hearing

Mayor Murdoch declared the Public Hearing closed at 7:50 p.m.

Closing Remarks

Mayor Murdoch stated that now that the Public Hearing is closed, no further submissions or comments from the public or interested persons can be accepted by Members of Council. The Mayor further advised that should Council need clarification or staff opinion on issues raised at this Public Hearing, or the information associated with the Public Hearing, Council can request such clarification from staff after the Close of the Public Hearing at the January 25, 2021 Regular meeting of Council when third reading and adoption of the proposed Bylaw will be considered.

The Director of Corporate Services advised that two additional members of the public have just joined the meeting. The Mayor reopened the meeting and repeated the third and final call for public comments, no further comments were received.

Mayor Murdoch declared the Public Hearing closed at 7:54 p.m.

Mayor Murdoch stated that it should also be noted that as per the *Local Government Act*, after a Public Hearing, Council may, without further notice or hearing, adopt or defeat the proposed bylaw, or alter and then adopt the bylaw so long as it does not affect use or density.

Mayor Murdoch inquired whether there were any questions of clarification from Council. There was one question on how the rezoning and change in use will impact parking. The

Manager of Planning advised that the Zoning Bylaw does not speak to parking, and that is dealt with through the Parking Bylaw. The Manager advised that congregate housing is permitted in the P2 zone with a requirement of 3 off-street parking spaces per building, that same requirement could apply to this site, and that staff's analysis is that this site will accommodate that requirement.

MOVED and seconded: THAT the Hearing be adjourned at 7:57 p.m.

CARRIED

Chair

Director of Corporate Services