

MINUTES of a regular meeting of COMMITTEE OF THE WHOLE of the Municipal Council of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Monday April 15, 2019 at 7:00 PM.

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

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

REGRETS: Councillor H. Braithwaite

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, W. Jones
Deputy Director of Corporate Services, D. Hopkins
Director of Building and Planning, B. Anderson
Manager of Planning, D. Jensen
Director of Engineering Services, D. Horan

REGULATORY ITEM(S):

1. **Community Amenity Contributions Policy - PLP00008**
 - Report - Community Amenity Contributions Policy - PLP00008
 - Rpt Attach 1 - Draft Community Amenity Contribution Policy

The Manager of Planning provided an overview of the Community Amenity Contribution Policy. She acknowledged the complexities of balancing community benefits, development costs and overall feasibility of community amenity contributions (CACs). Ms. Jensen noted that consultation with the development community had not yet been conducted.

Discussion ensued around the negotiation process between staff and developers, implementation of CACs in neighbouring jurisdictions, values of the base rates, advisory bodies completing a review of the policy, options and procedures for including land lifts, establishing an affordable housing fund and allowing designation of CACs to this fund, voluntary nature of the CACs in the absence of applicable legislation, the applicability of CACs only to applications requiring rezoning, the provision of certainty to applicants and to staff by way of this policy as compared to the policies outlined in the Official Community Plan (OCP) and anticipated schedule of future reviews.

Mayor Murdoch invited members of the public to address the Committee.

C. Hobson, Oak Bay resident, asked if mixed use developments would be dealt with on an individual basis and if affordable housing units are to be waived, how will increased infrastructure needs be handled. Mr. Hobson said that the proposed base rates in the policy are low and suggested that a combination of land lift and base rate negotiation may be a better approach. He expressed concern that the low base rates allow the developers to gain more from the sales profits than the community gains in amenities. Mr. Hobson asked that Council be aware of each CAC process and that this be codified in policy. He suggested that better decision making could occur if the Community Amenity Contributions (CACs) and the Development Cost Charges (DCCs) were being considered together. Mr. Hobson also asked if CACs can be avoided if the application includes a subdivision thereby delegating decision-making to the Approving Officer.

In response, the Manager of Planning said that there are a number of different programs that impact proposed developments. She noted that the implementation of this policy would not preclude any existing bylaws but that this policy would allow for a balance of elements to be included in a proposal.

Mayor Murdoch commented that there are many tools to draw on besides CACs and emphasized that CACs can only be negotiated in developments that include a request for rezoning.

S. Minus, Oak Bay resident, asked whether heritage homes would be exempt from the Community Amenity Charges and whether developers could propose designation later in the process to avoid paying for the charges.

The Manager of Planning responded that properties included on the heritage register would be exempt. She added that CACs are part of a negotiation process which would then be forwarded to Council for consideration.

J. Richardson, Oak Bay resident, said that trees and mature landscapes are community amenities and asked about options for including trees in these charges to maintain the look and feel of the community.

Mayor Murdoch replied that the Tree Protection Bylaw is the correct mechanism to apply in this situation.

MOVED and seconded: That it be recommended to Council that Community Amenity Contribution Policy be referred to the applicable advisory bodies for review.

The Director of Corporate Services said that staff will continue to monitor the process and the efficacy of the policy. Mr. Jones suggested that Council adopt the policy, have staff continue to monitor it, refer the policy for advisory body review in 12 months and then look to revise the policy if necessary. He said it is critical to provide the development community with some certainty in knowing they will be negotiating for CACs as well as an idea of the associated costs to provide to their financial institutions.

The Director of Building and Planning said that this is a policy and as such can be

amended anytime with Council's direction. He commented that a review could be done in a year, although the typical schedule is to review every five years.

MOVED and seconded: That it be recommended to Council that staff be directed to adopt the Community Amenity Contribution Policy; and that staff be directed to

- 1) include affordable housing in Section 2.1 of the policy;
- 2) explore options for including a land lift in the policy for consideration at a future Council meeting; and that
- 3) the policy be referred to appropriate advisory committees for review and comment to be provided to Council over the next year.

Council requested that the policy be added to the corporate website for public review and feedback.

In response to questions from Council, Mr. Dan Huang, Urban Systems, said that in order to incorporate a land lift approach that a land lift analysis would be required. Mr. Huang noted that there is lots of variations for land lift percentages and that they are only applied to major projects. The Director of Building and Planning stated that the cost to conduct a land lift is less than \$20,000 and that there is also a negotiation process that accompanies that analysis.

The question was then called and it was carried as amended.

CARRIED

ADJOURNMENT:

2. ***Motion to Adjourn to In Camera***

That in accordance with section 90(1)(c) and (e) of the *Community Charter*, that the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss labour relations or other employee relations; and the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

The meeting adjourned to In Camera at 8:57 p.m.

Certified Correct:

Chair

Deputy Director of Corporate Services