

DISTRICT OF WEST VANCOUVER
750 17th STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: September 16, 2013 File: 1010-20-12-069
From: Andrew Browne, Senior Community Planner
Subject: **Update on Community Amenity Contribution (CAC) for the 1300 block Marine Drive development application**

RECOMMENDED THAT:

1. Council receive for information the report dated September 16, 2013 titled "Update on Community Amenity Contribution (CAC) for the 1300 block Marine Drive development application".

Purpose

To provide Council with an update on the potential Community Amenity Contribution for the 1300 block Marine Drive development application.

1.0 Background

1.1 Prior Resolutions

July 22, 2013 – Council directed that staff move forward with a proposed CAC on the basis of an approximate 80% cash / 20% in-kind split, subject to further evaluation of the in-kind portion of the CAC, that a public parking facility be explored as a primary CAC item, that staff not investigate allocating CAC funds to a community space within the development, and that staff report back to Council with an update on the CAC prior to bylaws being presented.

June 17, 2013 – Council directed that the application advance in the development consideration process, that the applicant work to complete various refinements to their proposal, that staff bring forward the necessary bylaws and permits for Council consideration after refinement, design development, and additional Design Review Committee evaluation, and that staff return to Council with a progress report on a potential CAC.

May 13, 2013 – Council directed that the revised proposal be referred to the DRC for evaluation of the applicant's response to Council's direction of March 4, 2013, and directed that staff return to Council with recommendations for final revisions and potential direction for bylaw preparation.

March 4, 2013 – Council set direction for revisions to the application and asked that the proposal come back to Council prior to returning to the DRC.

November 19, 2012 – Council directed that consultation begin, that the proposal be referred to the DRC for comment, and that staff report back on the outcome.

2.0 Policy

2.1 Policy

In December 2007 Council adopted the *Public Amenity Contribution Policy* (attached as Appendix B) that defined a framework for considering community benefits and public amenities. The policy goes on to differentiate between normal community benefits arising from the development (e.g. more diverse housing choice in the community) and public amenities that go over and above (e.g. public art), and also describes a number of possible legal instruments for securing amenities. While it is District practice to receive 75% of the lift in land value for rezoned land, this guideline is not specifically expressed in the *Policy*.

3.0 Analysis

3.1 Discussion

Background

A CAC is only applicable to the privately-owned lands on the block. The District-owned lands that are the subject of Purchase & Sale Agreements have been conditionally sold as a zoned site; consequently, the District has captured the land lift in the sale price.

For the purposes of the 'land lift' analysis, the project density is to be considered as uniform across the site (e.g. a uniform FAR of 2.92 as opposed to a spot-by-spot analysis). This avoids any CAC distortion resulting from, for example, a terraced building form that might impact the valuation of the District-held lands more or less than the valuation of the privately-held lands.

Expert opinion

The District has retained the services of Burgess Cawley Sullivan & Associates Ltd. to estimate the 'lift' in land value upon rezoning for the non-District owned portion of the full-block redevelopment. It is District practice that 75% of the estimated 'land lift' is to be returned to the District as part of a CAC.

Discussions with our consultant are ongoing at the time of writing. District staff anticipate being able to disclose the methodology and magnitude of CAC when presenting this report to Council.

Use of resulting Community Amenity Contribution

Following further discussion with the applicant, staff can confirm that it is the preference of the applicant to provide cash in-lieu to the District. Cash gives the District maximum flexibility with the setting of project priorities, community consultation programme, construction timelines, etc.

Amenity projects will be selected by Council through a public process; some projects may be pre-identified during the consultation process for the 1300 block. CAC funds will be deposited into the appropriate reserve account(s) and will not flow to general revenues. Those funds can only be spent by Council direction, typically as part of the District's annual budget process.

The applicant has requested that approximately \$200,000 be accepted as a credit against the CAC for enhanced streetscape works beyond the centreline on 14th Street. Staff consider the request to be reasonable and do not have any concerns.

On July 22, 2013, Council directed staff to further explore a covered parking structure (with three tennis courts above) to be provided at the present-day site of the tennis courts at Marine Drive & 13th Street. Staff have obtained a more detailed preliminary cost estimate, and depending on landscaping, tennis court fit-out, and site geotechnical conditions, the project cost is estimated between \$2.8-3.2 million, to yield approximately 70 net new parking stalls (\$43-46k/stall). The estimated cost per stall includes the cost to re-establish the tennis courts.

3.2 Consultation

Any proposed CAC forms part of the development proposal package and will be available for public comment at Council meetings, public information meetings, and the public hearing.

3.3 Timeline

See Appendix A for an updated project timeline.

4.0 Options

(as recommended by staff)

A. As recommended by staff in the report dated September 16, 2013;

(or, alternatively)

B. Provide different or modified direction (to be specified) and/or request additional information (to be specified).

Author: _____

Appendices:

A – Application timeline

B – Public Amenity Contribution Policy

APPENDIX A – Application timeline

#	Date	Milestone & Description
1	18 Oct 2012	Complete application received.
2	19 Nov 2012	RTC #1 – Council authorized public consultation.
3	13 Dec 2012	DRC #1 – Recommended resubmission.
4	17 Jan 2013	Open House #1 – WVCC Atrium
5	19 Jan 2013	Open House #2 – WVCC Atrium
6	23 Jan 2013	Public Meeting #1 – Kay Meek
7	4 Mar 2013	RTC #2 - Presented consultation results and Council affirmed direction for revisions.
8	13 May 2013	RTC #3 – Returns revised concepts to Council, referred to DRC, set next steps.
9	30 May 2013	DRC #2 – Recommended advancement to development permit drawings.
10	17 Jun 2013	RTC #4 – Recommends application advance in approval process.
11	29 Jul 2013	RTC #5 – Progress report on Community Amenity Contribution.
12	5 Sep 2013	DRC #3 – Review of progress on final revisions directed by Council in June.
13	30 Sep 2013	RTC #6 – Progress report on Community Amenity Contribution.
14	21 Oct 2013 *	RTC #7 – Council receives draft bylaws (may give 1 st reading)
15	TBD	Open House #3 – Public information meeting (pre-public hearing)
16	TBD	Open House #4 – Public information meeting (pre-public hearing)
17	14 or 21 Nov 2013 *	Public Hearing at Kay Meek
18	2 Dec 2013 *	Council may give 2 nd and 3 rd reading
19	9 or 16 Dec 2013 *	RTC #8 – Confirms conditions precedent to adoption have been met (adoption of bylaws and development permit issuance).

RTC means Report to Council

DRC means Design Review Committee

* Dates are tentative.

District of West Vancouver ADMINISTRATIVE POLICY

Planning Lands & Permits Division	Public Amenity Contribution Policy
Policy #02-80-303	
File: 0282-20-303	

1.0 Purpose

1.1 The purpose of this policy is to define in policy form a public amenity contribution framework for the District of West Vancouver.

1.2 Definitions:

- a) **“Community Benefit”** refers to the overall contribution that a new development could make to the community – i.e., how well a proposal responds to OCP policies, and contributes to enhancing community livability by providing basic services, mitigation actions, and public amenities.
- b) A **“Public Amenity”** is a feature that improves the quality of life in the community, over and above the basic development; and may fall within a broad range of categories including: public realm enhancements, arts and cultural facilities, public art, parks and environment, heritage conservation, greater housing choice, and adaptable design features, child care facilities, and similar features or facilities.

A public amenity contribution is one type of community benefit from new development.

2.0 Policy

2.1 *Community Benefit Objectives*

All new development shall meet the community goals outlined in the OCP, and provide the following:

- a) basic services to accommodate the development;
- b) works to centreline of abutting streets;
- c) mitigation actions to address any direct negative impacts on the community; and

- d) under certain conditions, as outlined in Section 2.3, the provision of *public amenities* or a financial contribution toward the cost of such *amenities*.

2.2 Provision of Infrastructure Services

The requirements for basic services, works to centreline and mitigation actions to be provided by the property owner will be determined during the development application process.

2.3 *Public Amenities*

A *public amenity* contribution is provided:

- a) As part of a site-specific rezoning;
- b) As part of an amenity bonus provision in the Zoning Bylaw; and
- c) When considering significant variances from zoning regulations.

2.4 Securing *Amenity* Contributions

Public amenities can be secured through one or more of the following methods:

1. A comprehensive phased development agreement, under proposed Section 905.1 of the *Local Government Act*, which includes the contribution of amenities;
2. Zoning for amenities and affordable housing, under Section 904 of the *Local Government Act*;
3. A housing agreement for affordable and special needs housing, under Section 904 and/or 905 of the *Local Government Act*;
4. As articulated in the terms of a sale agreement for projects involving the disposition of an interest in land owned by the District;
or
5. Other methods as recommended by the Municipal Solicitor.

2.5 Type and Scale of *Public Amenity* Contributions

A description of *public amenity* categories may be identified by Council, or determined through a community planning process for a specific area of the municipality. The appropriate scale of *public amenity* contributions shall reflect, in part, the size of the project and its impacts on the community; how well it responds to OCP and other policy objectives; and

factors impacting project viability, such as extraordinary risk or difficulty of land assembly.

In the case of Section 904 zoning-based bonus density, the value of the amenity being provided shall reflect a percentage of the increased value of the land associated with the bonus density, or other value determined by Council (for example, on a 'per buildable square foot' basis).

In the case of larger area plans for new development (e.g., Rogers Creek in the Upper Lands, or an 'Evelyn Drive' type project), the use of comprehensive phased development agreements may be considered, with overall benefits and amenities, or the cash equivalent for same, provided as a result of the larger area planning discussions.

In regard to amenity zoning, Council shall have discretion in determining whether in-kind amenities or a cash contribution in respect of the amenity is to be provided. If cash is contributed, it will be deposited to an amenity reserve fund if not going immediately to pay for the amenity.

Approval Date: December 03, 2007	Approved by: Council
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