

MOTION ON NOTICE

4. Investigating DCL Waivers

MOVER: Councillor Carr

SECONDER:

WHEREAS

1. City Council's approval of the rezoning application for 1396 Richards Street at the Public Hearing of June 18, 2013, based on the Policy Report of May 6, 2016 presented to Council on May 15, 2013, required the payment of a Development Cost Levy (DCL) of \$4,550,319 (Appendix G page 1 Public Benefits Summary), with no consideration of waiver of this DCL;
2. The 2015 Annual Report on Development Cost Levies of May 20, 2016, presented to Council on May 31, 2016 notes in Appendix F, page 3 a 2014 DCL waiver of \$1,558,753 for 1398 Richards, an address for which there was no specific staff Policy Report or Public Hearing or Council decision, although the address is geographically located on the same site as the rezoning application for 1396 Richards Street;
3. In an email to Council dated November 30, 2016, the City Manager stated that Onni Group, the developer for this site, agreed to pay the city the DCL, and staff are reviewing how this project received the DCL waiver and reviewing each of the 30 projects that have received DCL waivers since 2009 to ensure this didn't happen with other projects.

THEREFORE BE IT RESOLVED THAT Council direct staff to include in its public report to Council on 1396/1398 Richards and the 30 projects that have received DCL waivers since 2009:

1. How the address of 1398 Richards came to be used in the 2015 Annual Report on Development Cost Levies, as opposed to the address of 1396 Richards which was the address for the rezoning application and Public Hearing.
2. Whether there are any other address changes relevant to DCL waivers.
3. Whether the City provides discretionary authority to any City Staff to overturn a Council decision regarding payment vs. waivers of DCLs and if so:
 - Which City staff have this discretionary authority.
 - Since when.
 - Under what legal authority.
 - Under what specific circumstances or with what limits, if any.