



Committee of the Whole Report

For the Meeting of February 21, 2019

To: Committee of the Whole **Date:** February 7, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Potential Facilitated Meeting Requirement**

RECOMMENDATION

That Council direct staff to engage the Community Association Land Use Committees and the development industry on ways of improving relationships, building trust and reducing tension in the development application process, and report back to Committee of the Whole on Options 1, 2, and 3 as outlined in this report as well as any other creative solutions that are identified.

EXECUTIVE SUMMARY

The purpose of this report is to respond to Council's motion of June 14, 2018 by providing options for Council's consideration to change the development application process to require an initial meeting between the applicant, the Community Association Land Use Committee (CALUC), the public and City staff, facilitated by a neutral, third party facilitator. The goal of this possible change in process would be to help improve relationships, build trust and reduce potential tension between the applicant, the CALUC, the public, and the City.

As per Council's motion, staff have reviewed potential thresholds for when a facilitator would be required, and have determined that if Council wishes to require a facilitator, an Official Community Plan Amendment would be the most appropriate trigger to provide consistency and predictability. This approach would be clear and easy to understand. However, it may not always correspond to applications that have more potential for conflict.

Based on a review of other municipalities' process, input from the CALUCs and staff analysis, staff recommend for Council's consideration that no change to require a facilitator be made at this time, because the potential issues may outweigh the potential benefits.

Potential issues could be:

- the threshold may not be effective, leading to some applications requiring a facilitated meeting while not causing a high degree of tension in the community, and some applications not requiring a facilitated meeting when it might be of benefit. Overall, this could add cost and time without achieving the stated goals
- choosing an appropriate facilitator would be challenging and could increase stress between the applicant and CALUC
- requiring a facilitated meeting would have several cost implications, including cost to mail

notices, cost to hire the facilitator, and staff time to complete the mail out and to attend the facilitated meeting.

Staff recommend for Council's consideration that no changes be made to the development application process at this time, and instead that creative solutions be explored, including the options outlined in this report, to improve relationships and reduce tension in the development application process and that staff report back to Committee of the Whole.

PURPOSE

The purpose of this report is to provide Council with information, analysis, options, and recommendations in response to Council's motion of June 14, 2018 related to introducing a new facilitated meeting for some rezoning applications.

BACKGROUND

At the June 14, 2018 Council Meeting, the following motion was passed:

1. *"That Council direct staff to report back to Council with a proposed amendment to the CALUC process that requires an initial meeting between the developer, the community, and city staff. The meeting would be facilitated by a neutral, third party facilitator with experience in bringing together disparate and diverse points of view.*
2. *That staff report back to Council on the appropriate threshold for requiring such a meeting to ensure that this is not an added, unnecessary step for most developments. Criteria might include a rezoning that increases density a certain percentage over the existing zoning or changes to the OCP.*
3. *That staff report back to Council on the budget implications of this proposal and suggest potential funding mechanisms for the mailout costs to be covered by the city.*
4. *Engage with CALUCs on this proposal."*

The Council Report for the June 14, 2018 Committee of the Whole meeting which brought forward the motion explains that the goal of requiring a facilitator would be to help avoid tension in development processes and erosion of trust between citizens and City Hall. Staff have included an alternate option for Council's consideration which could help with this goal but would not require a facilitator.

ISSUES & ANALYSIS

As explained in the Council Report, the facilitated meeting would be the first step in the rezoning application process and would occur before the Community Meeting (which is already a requirement). It would be a meeting between the applicant, the community, and City staff, and would be facilitated by a neutral, third party facilitator. The Council Report further describes how, at this meeting, each party would explain its requirements and preferences and the facilitator would help find a path forward that could meet the needs of all parties.

The goal of the meeting would be to help avoid tension in development processes as well as build positive relationships between the parties involved. Building more trust early in the process could end up saving time and money in the long run and result in a development that more closely aligns with the goals of the applicant and the community.

This section of the report includes the following topics:

- other municipalities using facilitated meetings
- feedback from CALUCs on requirement for a facilitator

- threshold for when to require a facilitated meeting
- requirement for meetings in advance of submission
- choosing a facilitator
- budget implications
- alternative approaches.

Other Municipalities Using Facilitated Meetings

Staff contacted other nearby and similarly-sized municipalities in British Columbia including the District of Saanich, Township of Esquimalt, District of Oak Bay, City of Nanaimo, City of North Vancouver, City of Burnaby, City of New Westminster, City of Kelowna, and the City of Prince George.

The only municipality from this list that requires a meeting with a third party facilitator is the City of North Vancouver. This meeting is required for larger projects, including proposed Official Community Plan amendments, and is conditional on Council passing a motion requiring the meeting. It occurs later in the process but in advance of the public hearing, and is in addition to a development information session that is required for nearly all development applications. Both meetings are held after the application is submitted to the City. The facilitator is chosen and paid for by the applicant. The City of North Vancouver does not require pre-submission community meetings as does the City of Victoria. It should also be noted that there is no threshold or automatic trigger to require the meeting; rather, it is initiated at the discretion of the City of North Vancouver's Council.

Feedback from CALUCs on Requirement for a Facilitator

This topic was discussed with representatives from the CALUCs on November 29, 2018 at a CALUC Check-in Meeting. The feedback included the following comments and ideas:

- people get frustrated because they don't feel heard
- don't think it will help neighbourhoods
- certain applications shouldn't have been approved, that's the real problem
- it would help if Councillor Liaisons attend CALUC meetings
- need to look at how scattered developments impact several neighbourhoods
- the planner should be at the meeting to hear
- make area planner attend all CALUC meetings (over a threshold)
- some noted the threshold should be when CALUC asks for a planner to attend
- more involvement and sharing with the area planner (staff and some of CALUCs explained that staff already attend at the request of CALUCs)
- want to feel like we're in it together with the planner
- traffic in CALUC inbox is a gauge
- threshold = request of CALUC
- planners should consider CALUC / community input
- if no resolution, bring back
- choosing facilitator is important
 - professional facilitation
 - no ties to the development community
 - some experience in land use / legal
 - focus on public interest.

The CALUCs and Urban Development Institute (UDI) were also encouraged to provide comments in letter form to the City.

Threshold for when to Require a Facilitated Meeting

Council directed staff to report back on a potential threshold for requiring a facilitated meeting. Ideally, the threshold would capture applications that have the greatest potential for differing points of view and that have more potential for tension. The threshold should not capture other applications, however, to limit increased time and associated cost for the application when it is not needed. The threshold should also be clear and easy to understand.

Two potential approaches are to use Official Community Plan amendments or a specific amount of increased density as a trigger. Staff reviewed other potential thresholds (such as other changes to the current zoning) but did not find anything appropriate. A discussion regarding potential thresholds is provided below, and the potential for Council directing its requirement at the Committee of the Whole is also explored.

OCP Amendment / Density Increase as the Threshold

Requiring all applications with Official Community Plan Amendments to have facilitated meetings would be clear and easy to understand and would be consistent with the current approach of requiring more consultation for applications that require OCP amendments. However, it also has a fairly major disadvantage in that an OCP amendment does not always correspond with increased public discourse. As a result, some applications would require a facilitated meeting when there would not be a clear benefit.

Likewise, an increase in density above a specific amount would also not always correspond with increased tension between the public and applicants. It would also be challenging to choose an appropriate cut-off density. Therefore, if Council chooses to use a predetermined threshold for when applications require a facilitator, staff recommend for Council's consideration that an OCP amendment be used as a trigger.

Request by Council at Committee of the Whole Meeting

Another option for Council's consideration, which is already available and would not require any changes to the current process, is for Council, at its discretion and on a case-by-case basis, to request a facilitated meeting. When an application is presented to Committee of the Whole, Council could pass a motion to request that further consultation occur with the addition of a third party facilitator.

A benefit of this approach is that Council may direct that a facilitated meeting be arranged whenever it deems it necessary. A drawback is that the facilitated meeting would occur later in the process, which may limit the potential benefits that it could bring (such as relationship building).

Choosing a Facilitator

The choice of facilitator would be important in order to realize any potential benefits from this approach. If Council chooses to require a facilitated meeting, staff recommend that a list of qualified facilitators be prepared. It should be noted, however, that in discussions with the CALUCs staff observed that there were different ideas regarding the ideal qualifications and experience of a facilitator.

Budget Implications

Requiring a facilitated meeting would have several cost implications, including:

- the cost to mail notices to owners and occupiers within 200m of the subject site (this

- distance is consistent with the mail out for Community Meetings for OCP amendments)
- the cost to hire the facilitator
- staff time to complete the mail out and to attend the meeting.

The cost of the mail out could be covered indirectly by the applicant if the same fee as for a Community Meeting is charged for the facilitated meeting (\$1250). The same grant (\$250) could also be provided from this fee to the CALUC. Costs to cover staff time associated with the meeting would also need to be considered. Staff estimate that the cost of skilled facilitators could range from \$2,000 to \$4,000. Both the time facilitating the meeting as well as preparation work and reporting out would need to be paid.

To help reduce increased time and cost, Council could consider requiring a facilitator at the Community Meeting instead of requiring an additional meeting (with a facilitator). This process would be similar to the current process except with the addition of a facilitator for specific applications (as determined by a threshold). It would have the advantage of not imposing as much change to the process, compared to requiring a separate meeting.

Alternative Approaches

Given the potential issues and costs associated with requiring a facilitated meeting, staff recommend for Council's consideration that Council direct staff to work with the CALUCs and development industry to explore other potential solutions aimed at enhancing mutual understanding and improving relationships. One potential option to explore is the use of a standard feedback survey for Community Meeting participants to share their comments directly with the applicant and City.

Currently, the CALUC is required to record the feedback from the Community Meeting and provide it to the City and the applicant. An alternative approach would be to have the CALUC focus on providing information such as when and where the meeting occurred, how many people attended, and confirming that the applicant presented their plans and that there was an opportunity for questions and comments by the public. The CALUC would not need to provide a summary regarding the feedback to the City and applicant. Instead, feedback forms could be provided to the public at the meeting.

OPTIONS & IMPACTS

Option 1: Explore Alternative Approaches

Staff would explore with the CALUCs and the UDI ideas to improve communication, mutual problem-solving and improving relationships, such as the use of feedback forms. The goal of this option is not to add more process, but to look at ways of improving dialogue and understanding.

With this option, Council may also choose to require a facilitated meeting for specific applications when the proposal is presented to Committee of the Whole.

Potential advantages:

- provide more direct and detailed comments from the public to the City and applicant
- allow more flexibility in the meeting format to focus on increasing dialogue between the applicant and the public
- provide an additional opportunity for affected parties to express in their own words their views of the proposal
- reduce potential tension between the applicant, CALUC, public, and City.

Potential disadvantages:

- the record of public feedback provided to the City and applicant would be longer and more detailed than the current approach.

Option 2: Encourage Optional Facilitated Meeting (both CALUC and applicant agree it is desirable)

Another option is for Council to direct staff to encourage the applicant and CALUCs to consider holding a facilitated meeting when they both feel that it is warranted. In this case, it would not be a requirement of the process. Staff would encourage applicants and CALUCs to consider this option at the preliminary meeting stage before the Community Meeting takes place. If Council chooses this option, Council may wish to direct staff to update the *CALUC Procedures for Processing Development Applications* document.

Potential advantages:

- the requirement for the meeting would likely correspond closely to the level of community interest over a given proposal as assessed by the applicant and CALUC
- the facilitated meeting would occur early in the process (in advance of submission) giving greater potential for relationship building and for finding agreed upon solutions
- could help improve relationships and build trust between the applicant, CALUC, public and the City.

Potential disadvantages:

- if an applicant believes a meeting is not needed, the meeting would not occur even if the CALUC feels it is needed
- choosing appropriate qualified facilitators may be challenging and may cause tension between the applicant and the community
- additional costs, staff time and delays to application submission.

Option 3: Explore formalizing a Process for Council to Require a Facilitated Meeting on a Case-by-Case Basis

Council may consider directing staff to explore formalizing a process for Council to require a facilitated meeting on a case-by-case basis.

Potential advantages:

- provides flexibility so that Council can require a facilitated meeting when needed
- could help improve relationships and build trust between the applicant, the CALUC, the public and the City.

Potential disadvantages:

- the facilitated meetings would occur later in the process which may limit potential benefits.

Option 4: Require a Facilitated Meeting (either in addition to the Community Meeting or in place of it)

Another option, as proposed in the June 14, 2018 Council Report to COTW, is to require a facilitated meeting for applications with OCP amendments (or a different threshold as identified by Council). This option is not recommended because the potential disadvantages would outweigh the potential advantages.

Potential advantages:

- clear and easy to understand when a facilitated meeting is required
- consistent with the approach of requiring more consultation for applications that require OCP amendments
- could help improve relationships and build trust between the applicant, CALUC, public and the City.

Potential disadvantages:

- an OCP amendment does not always correspond with increased tension between the public and with applicants. Some applications would require a facilitated meeting when it is actually not needed
- choosing appropriate qualified facilitators may be challenging and may cause tension between the applicant and community
- additional costs, staff time, and delays to application submission.

Accessibility Impact Statement

The options do not impact accessibility considerations.

2015 – 2018 Strategic Plan

This initiative is consistent with the City's Strategic Plan, Financial Plan and the *Official Community Plan: Objective 2: Engage and Empower the Community; 2018 Outcomes: Rebuild Trust with the public in terms of meaningful public engagement.*

Impacts to the Financial Plan

There will be no impacts to the Financial Plan as staff are not recommending any changes at this time. If Council wishes to pursue an alternate option, further analysis would be required to determine potential impacts to the *Financial Plan*.

Official Community Plan Consistency Statement

The CALUCs help to advance a goal included in the Plan Administration section of the OCP which states, "*Victorians are interested, informed, empowered and involved in their communities and the process of democratic governance.*"

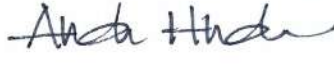
CONCLUSIONS

In response to the Council motions of June 14, 2018, related to requiring a meeting with a third party facilitator as part of the development application process, staff have provided options for Council's consideration to change the development application process to require an initial meeting between the applicant, the Community Association Land Use Committee (CALUC), the public, and City staff, that would be facilitated by a neutral, third party facilitator. Several alternative options are also provided for Council's consideration. Staff recommend that Council direct staff to engage the CALUCs and the development industry to explore creative solutions, such as Options 1, 2, and 3 in this report, with the aim of improving relationships, building trust and reducing tension in the development application process, and report back to Committee of the Whole.

Respectfully submitted,


 

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Report accepted and recommended by the City Manager:


Date: Feb 14, 2019

List of Attachments

- Committee of the Whole Report of June 14, 2018: Process Improvements for Development Process