

BY-LAW NO. 13495

**A By-law to amend Vancouver Development Cost Levy By-law No. 9755
regarding administrative and levy matters**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the Vancouver Development Cost Levy By-law No. 9755.
2. Council strikes the entire "Table of Contents" and replaces it as follows:

"

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PREAMBLE

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- Schedule A - Part 1
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3. Council inserts the following new definitions in section 1.2 in correct alphabetical order:

““Alteration” means any physical change to a building or structure that includes significant retention of primary structural elements, but does not include demolition and replacement of the structure, or façade-only retention without significant retention of other primary structural elements;”;

““Community Energy Centre” means the use of premises as an energy supply facility that provides heat energy in the form of hot water to buildings across different parcels through a distribution system;”;

““Cultural Facility” means the use of premises for delivering arts and culture programs and services, including Artist Studio (Class A and B), gallery, halls, museum or archives, theatre limited to live theatre, production or rehearsal studio limited to the rehearsal of dance, music or drama, and necessary and customarily incidental uses to support the primary use of the Cultural Facility;”;

““floor space ratio” (FSR) means the figure obtained when the area of the floors of the buildings on a site is divided by the area of the site in accordance with the Zoning and Development By-law;”;

““micro dwelling” means a micro dwelling as defined in the Zoning and Development By-law;”;

““social service centre” means the use of premises by a non-profit society:

- (a) providing information, referral, counselling, advocacy or health care services; or
- (b) dispensing aid in the nature of food or clothing; or
- (c) providing drop in or activity space, but does not include premises used for residential purposes or detoxification centre;” and

““works yard” means the use of a partially enclosed building, or a portion thereof, for the storing, repairing, or cleaning of supplies, materials, equipment, or vehicles of any business which conducts construction, installation, cleaning, repair or other industrial trade services off-site.”.

4. Council strikes the definition of “industrial zone” in section 1.2 and replaces it as follows:

““industrial” means:

- (a) any zoning district designated as “Industrial” by section 9.1 of the Zoning and Development By-law, and includes the following zones: I-2, M-1, M-1A, M-1B, M-2 zoning districts;
- (b) the land zoned by CD-1 By-law No. 6654 with respect only to those uses that the by-law permitted on the date of its enactment; and
- (c) for all other zones involving industrial uses including MC-1, MC-2, and IC-3, DCLs to be applied based on land use category where industrial means any manufacturing use, transportation and storage use, and wholesale use as defined in the Zoning and Development By-law;”.

5. Council strikes the definition of “mixed employment (light industrial)” from section 1.2 and replaces it as follows:

““mixed-employment (light industrial)” means the following zones: IC-1, IC-2, I-1, I-3, I-4, I-1A, I-1B and I-1C zoning districts, the land zoned as CD-1 (803) By-law 13257 with respect only to those uses that the CD-1 by-law permitted on January 25, 2022, and the land zoned as CD-1 (816) By-law 13352 with respect only to those uses that the CD-1 by-law permitted on January 25, 2022;”.

6. Council strikes the definition of “temporary building” from section 1.2 and replaces it as follows:

““temporary building” means a temporary building, structure, or shelter erected for a period not exceeding twelve months for which a building permit is necessary under the Building By-law; and”.

7. Council strikes the definition of “parking garage” from section 1.2.

8. Council strikes section 2.2 and replaces it as follows:

“2.2 Development cost levies are imposed under this by-law for the purpose of providing funds to assist the City in paying the capital cost of providing, constructing, altering, or expanding highway facilities, replacement housing, childcare, and providing and improving parkland.”.

9. Council strikes section 3.1A and replaces it as follows:

“Waiver or reduction for for-profit-affordable housing

3.1A Notwithstanding section 3.1, Council waives or reduces the levy otherwise required under Schedule C by the rates set out therein for construction of for-profit affordable rental housing, which shall mean housing where:

- (a) all dwelling units in the building are rental units;

- (b) no dwelling units are strata units;
- (c) the average size of the dwelling units of each unit type is not greater than:

Bedroom Type	Apartment Unit	Townhouse Unit
Studio	42 square meters	-----
One Bedroom	56 square meters	56 square meters
Two Bedroom	77 square meters	90 square meters
Three Bedroom	97 square meters	112 square meters
Four Bedroom	-----	125 square meters

except that the average sizes for townhouse units of two or more storeys with stairways may add 4 square meters to the maximums listed in the table;

- (d) At least 20% of the residential floor area that is counted in the calculation of the floor space ratio consists of units with average rents per unit type for initial occupancy that do not exceed a rate that is 10% less than the average rents for studio units, one bedroom units, two bedroom units and units with three or more bedrooms in the city, as published by the Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables in the previous calendar year, or where instead of complying with (d);
- (e) agreed upon average rents per unit type for initial occupancy do not exceed the average rents for studio units, one bedroom units, two bedroom units and units with three or more bedrooms built in the City since 2005, as published by the Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables in the previous calendar year, except that such rents may be 10% higher than the rents otherwise stipulated under this section if the housing is located in the West Area as shown on the map attached to this By-law as Appendix "A", and rents shall also be adjusted annually on January 1:
 - (i) for all studio units, one bedroom units, two bedroom units and units with three or more bedrooms to reflect the change in average rents for studio units, one bedroom units, two bedroom units, and units with three or more bedrooms built in the City since 2005, as those rents are set out by the Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables published in the previous calendar year, or the most recently published data for the newest building age category for private rental apartment units published in the Canada Mortgage and Housing Corporation's Rental Market Survey Data Tables; or
 - (ii) when the average rent data for any bedroom type is not reported in the Canada Mortgage and Housing Corporation's Rental Market Survey Data Tables, the change in average rents will reflect the average rents for the most recent building age category available in the Canada Mortgage and Housing Corporation's Housing

Market Information Portal, as those rents are set out for the previous calendar year,

- (f) the owner of the property on which such housing is situate has registered against title to that property an instrument, in form and substance, and with priority of registration, satisfactory to the Director of Legal Services, ensuring the initial rents are in accordance with 3.1A (d) or 3.1A (e), and otherwise in compliance with this By-law, and restricting the tenure of such housing to rental for:
 - (i) the longer of the life of the building in which they are situate and 60 years, or
 - (ii) such other term to which the City and owner may agree; and
- (g) class A for-profit affordable rental housing shall mean housing in compliance with subsections (a), (b), (c), (d) and (f), and class B for-profit affordable rental housing shall mean housing in compliance with subsections (a), (b), (c), (e) and (f).”

10. Council strikes section 3.1B and replaces it as follows:

“Administration of waiver

3.1B The waiver under section 3.1A shall be administered as follows:

- (a) rents to be agreed upon shall not exceed the rents stipulated in section 3.1A and this By-law at the time of Council’s approval in principle of any zoning by-law required to authorize the development of the site, or at the time the ‘prior-to permit issuance’ letter related to the development permit is issued if no new zoning by-law is required to authorize development of the site, and for clarity, the rents to be agreed upon may be lower than the rents stipulated under this By-law, but may not exceed the rents stipulated under this By-law;
- (b) if a new zoning by-law was required to authorize the development of the site, the rents to be agreed upon should be stipulated in the conditions of enactment of the zoning by-law approved by Council following the public hearing;
- (c) notwithstanding sections 3.1B (a) and (b), if a new zoning by-law was required to authorize the development of the site and the tenure of the residential area of the building for which a waiver is being sought was not secured as rental housing as a condition of enactment, the rents to be agreed upon shall not exceed the rents stipulated in section 3.1A and this By-law at the time the ‘prior-to permit issuance’ letter related to the development permit is issued and do not need to be stipulated in accordance with 3.1B (b);
- (d) notwithstanding sections 3.1B (a), (b) and (c), the rents that may be charged at initial occupancy may be increased annually from the time that

the rents are agreed upon at the applicable triggering event specified in section 3.1B (a) and (c) until initial occupancy in accordance with the annual maximum increases authorized by the province of British Columbia under section 22 of the Residential Tenancy Regulation, B.C. Reg. 477/2003;

- (e) any waiver of a development cost levy authorized under section 3.1A is to be calculated and determined at the time of issuance of a building permit authorizing construction of the building subject to the waiver;
- (f) a building that qualifies under section 3.1A for a development cost levy waiver shall not forfeit the waiver because other housing otherwise exempt from development costs levies under City by-laws or the Vancouver Charter is also located in the building; and
- (g) all units of all unit types must meet all the requirements in section 3.1A (a) and (b), all units of all unit types must be used to calculate the averages specified in 3.1A (c), all units of all unit types that comprise the 20% of residential floor area used to calculate 3.1A (d) must meet the rents specified in 3.1A (d), and all units of all units types must be used to calculate the average rents specified in 3.1A (e), except that a building that contains studio units, one bedroom units and two bedroom units that meet all requirements in 3.1A (a),(b),(c), and (e) qualifies for a waiver for all those units in each of those unit types on a pro rata basis even if the building contains units with three or more bedrooms that do not meet the requirements in section 3.1A (e), in which case none of the units with three or more bedrooms qualifies for the waiver.”.

11. Council strikes and replaces section 3.6 as follows:

“Staged building permit

“3.6 If a building permit is issued in stages, a levy is payable prior to issuance of the first building permit.”

12. Council re-numbers the previous section 3.6 as 3.7.

13. Council inserts a new section 3.8 as follows:

“Micro dwellings

3.8 No levy is payable for micro dwelling units that measure no more than 29.7 m², and are built in accordance with a building permit.”.

14. Council strikes sections 3.7 to 3.9 inclusive.

15. Council re-numbers section 3.10, 3.11 and 3.12 as 3.9, 3.10 and 3.11 respectively.

16. Council strikes Schedule A – Part 1 and replaces it with the new Schedule A – Part 1 attached as Exhibit “A”.

17. Council strikes Schedule "C" and replaces it with the new Schedule "C" attached as Exhibit "B".

18. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

19. This By-law is to come into force and take effect on September 30, 2022, except that the provisions set out in section 10 of this By-law governing the administration of the for-profit affordable rental housing waiver do not, unless agreed to, come into force or take effect with regard to any rezoning applications that are approved in principle by Council before September 30, 2022, or if no new zoning by-law was required to authorize the development, any development permit applications where a 'prior-to permit issuance' letter is issued before September 30, 2022.

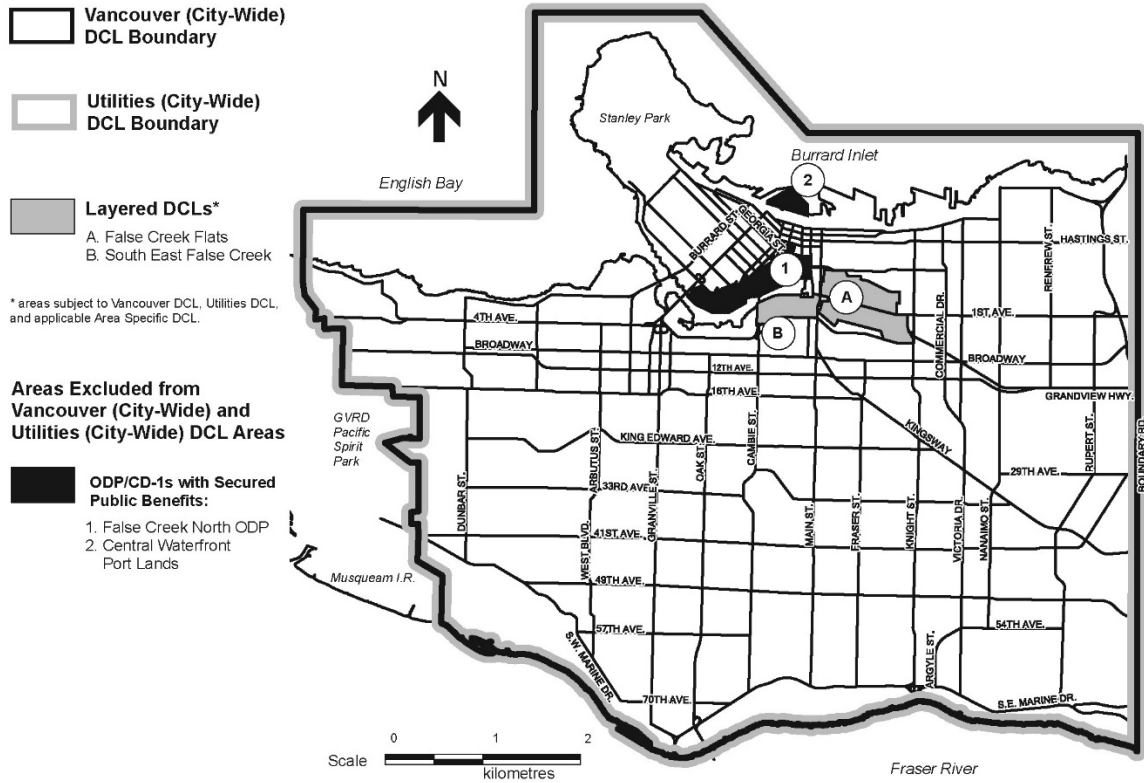
ENACTED by Council this 20th day of July, 2022

Signed _____ "Kennedy Stewart"
Mayor

Signed _____ "Katrina Leckovic"
City Clerk

EXHIBIT "A"

SCHEDULE A - PART 1



note: boundaries of highlighted areas are approximate and shown for illustrative purposes only.

EXHIBIT "B"

SCHEDULE "C"

Category/Use	Total Development Cost Levy (Effective September 30, 2022)	Unit/area cost
RESIDENTIAL		
Residential at or below 1.2 FSR and Laneway House	\$50.01	Per m ²
Medium Density Residential Above 1.2 to 1.5 FSR	\$107.63	Per m ²
Higher Density Residential Above 1.5 FSR	\$215.49	Per m ²
NON-RESIDENTIAL		
Industrial	\$80.00	Per m ²
Mixed-Employment (Light Industrial)	\$150.09	Per m ²
Commercial & Other	\$200.18	Per m ²

Category/Use	Total Development Cost Levy Waiver
For-Profit Affordable Rental Housing – Class A	100%
For-Profit Affordable Rental Housing – Class B	86.24%

Category/Use	Rate	Unit/ Area cost
School use	\$5.49	Per m ²
Childcare Use	\$10.00	Per building permit
Temporary Building	\$10.00	
Community Energy Centre	\$10.00	
Cultural Facility	\$10.00	
Community Centre/ Neighbourhood House	\$10.00	
Library	\$10.00	
Public Authority Use	\$10.00	
Social Service Centre	\$10.00	
Works Yard	\$10.00	