

BY-LAW NO. 13497

A By-law to amend the Area Specific Development Costs Levy By-law No. 9418 regarding administrative and levy matters

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

1. This By-law amends the Area Specific Development Cost Levy By-law.
2. 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;”;

““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;”;

““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.”.

- 3. Council strikes the definition of “industrial use” from section 1.2.
- 4. Council strikes the definition of “parking garage” from section 1.2.
- 5. 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”.

- 6. 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 this By-law for the 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).”.

7. 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.”.

8. Council inserts a new section 3.1C as follows:

“Extent of waiver

3.1C Every class A for-profit affordable rental housing project shall be entitled to a waiver of 100% of the development costs levies otherwise payable under this By-law, and every class B for-profit affordable rental housing project shall be entitled to a waiver of 86.24% of the development costs levies otherwise payable under this By-law.”.

9. Council strikes “industrial use” from subsections 3.2(a), 3.3(a) and 3.4(c) and replaces it with “industrial”.

10. Council strikes and replaces section 3.7 as follows:

“False Creek Flats levies

3.7 The levy for the False Creek Flats area is \$70.16 for each square metre of floor area in the development authorized for construction under the building permit, except that for a:

- (a) works yard, the levy is \$10.00 in respect of each building permit;
 - (b) school use, the levy is \$5.49 for each square metre of such floor area;
 - (c) child care, the levy is \$10.00 in respect of each building permit;
 - (d) temporary building, the levy is \$10.00 in respect of each building permit;
 - (e) Cultural Facility, the levy is \$10.00 in respect of each building permit;
 - (f) Community Centre/Neighbourhood House, the levy is \$10.00 in respect of each building permit;
 - (g) Community Energy Centre, the levy is \$10.00 in respect of each building permit;
 - (h) library, the levy is \$10.00 in respect of each building permit;
 - (i) public authority use, the levy is \$10.00 in respect of each building permit;
- and

- (j) social service centre, the levy is \$10.00 in respect of each building permit.”.

11. Council strikes and replaces section 3.10 as follows:

“South East False Creek levies

3.10 The levy for the South East False Creek area is \$216.91 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) Industrial, the levy is \$34.64 for each square metre of such floor area;
- (b) a temporary building, the levy is \$10.00 in respect of each building permit;
- (c) a community energy centre, the levy is to be \$10.00 in respect of each building permit;
- (d) a Cultural Facility, the levy is \$10.00 in respect of each building permit;
- (e) a child care, the levy is \$10.00 in respect of each building permit;
- (f) a Community Centre/Neighbourhood House, is \$10.00 in respect of each building permit;
- (g) a library, the levy is \$10.00 in respect of each building permit;
- (h) a public authority use, the levy is \$10.00 in respect of each building permit;
- (i) a social service centre, the levy is \$10.00 in respect of each building permit; and
- (j) a works yard, the levy is \$10.00 in respect of each building permit.”.

12. Council strikes and replaces section 3.12 as follows:

“Application of levy to less than four dwelling units

3.12 A levy is payable where a building permit authorizes the construction, alteration, or extension of a building that, after the construction, alteration, or extension, will:

- (a) contain less than four self-contained dwelling units;
- (b) be put to no other use other than residential use in those dwelling units; and
- (c) in the case of an alteration or extension, except for the alteration or extension of a garage into a laneway house, include an addition of 46.5 m² or more of floor area.”.

13. Council inserts a new section 3.15 as follows:

“Staged building permit

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

14. Council renumbers section 3.15 as section 3.16.

15. Council inserts a new section 3.17 as follows:

“Micro dwellings

3.17 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.”.

16. Council strikes the existing sections 3.16, 3.17 and 3.18.

17. Council re-numbers the existing section 3.19 as 3.18.

18. Council re-numbers the existing section 3.20 as 3.19.

19. 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.

20. This By-law is to come into force and take effect on September 30, 2022, except that the provisions set out in section 7 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