

EXPLANATION

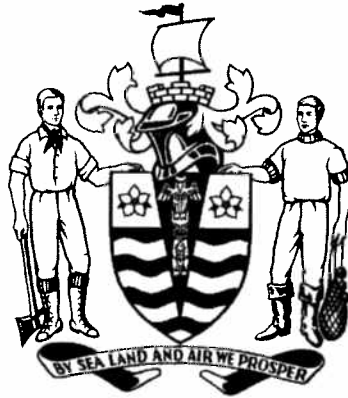
Area Specific Development Cost Levy By-law

The attached by-law will implement Council's resolution of January 18, 2007 to establish a development cost levy for South East False Creek, and to consolidate the individual area specific development cost levy by-laws into one comprehensive and modernized by-law.

Director of Legal Services
January 18, 2007

**CITY OF VANCOUVER
BRITISH COLUMBIA**

Dr.



**AREA SPECIFIC
DEVELOPMENT COST LEVY BY-LAW**

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BY-LAW NO. _____

**A By-law to impose development cost levies
in specific areas of the city**

PREAMBLE

Council is satisfied that the amounts raised by levies imposed by this By-law in any particular area are unlikely to exceed the estimated costs of projects for that area.

Council has determined that imposing levies in the amounts set out in this By-law in any particular area to contribute to the costs of projects for that area are fair and equitable.

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

**SECTION 1
INTERPRETATION**

Name of By-law

1.1 The name of this By-law, for citation, is the “Area Specific Development Cost Levy By-law”.

Definitions

1.2 In this By-law:

“area” means each of the:

- (a) Arbutus outlined in Schedule A,
- (b) Burrard Slopes outlined in Schedule B,
- (c) Cedar Cottage/Welwyn Street outlined in Schedule C,
- (d) Downtown South outlined in Schedule D,
- (e) Dundas/Wall outlined in Schedule E,
- (f) False Creek Flats outlined in Schedule F,
- (g) Grandview Boundary Industrial outlined in Schedule G,
- (h) Oakridge/Langara outlined in Schedule H,
- (i) South East False Creek outlined in Schedule I, and

(j) Triangle West outlined in Schedule J;

“building permit” means a building permit issued under the Building By-law;

“day care” means the use of premises operated as a community care facility by one or more persons licensed under the Community Care and Assisted Living Act of British Columbia, as amended or replaced from time to time, on a not for profit basis, for “group day care”, “preschool”, “special needs day care”, “emergency care”, “child minding”, or “out of school care”, in accordance with Child Care Licensing Regulation B.C. Reg. No. 319/89, as amended or replaced from time to time, and may include the use of flexible space operated for child services as determined by the Director of Social Planning for the city but excludes premises operated for “family child care”;

“development” means any construction, alteration, or extension of all or part of a building or structure that requires issuance of a building permit, and includes a surface parking lot but excludes repair or renovation work, being repair or renovation of a building or structure that does not increase the floor area of that building or structure;

“floor area” means the floor area of a development set out in the development permit that applies at the time of entitlement to delivery of the building permit authorizing the development;

“industrial use” means any manufacturing use, transportation and storage use, or wholesale use defined in the Zoning and Development By-law;

“levy” means development cost levy;

“parking garage” means all or a portion of a building or structure the principal or intended principal use of which is the parking or storage of motor vehicles but excludes all or a portion of a building or structure that provides no more than four motor vehicle parking or storage spaces accessory to a residential use;

“prime rate” means the floating annual percentage rate of interest established from time to time by the Bank of Montreal, 595 Burrard Street, Vancouver, British Columbia as the base rate that the Bank uses to determine rates of interest charged by it for Canadian dollar loans to customers in Canada and designated by the Bank of Montreal as the prime rate;

“project” means any capital project described in section 2.2;

“replacement housing” has the meaning given to it in section 523D(2.2) of the Vancouver Charter;

“school” means an institution of learning regularly giving instruction to children that is either:

- (a) under the jurisdiction of The Board of School Trustees of School District No. 39 (Vancouver) constituted under the *School Act*, or

- (b) accepted by the Ministry of Education of the Province of British Columbia, or its successor in function, as providing instruction equivalent to that furnished in the schools referred to in subparagraph (a) above;

“social housing”, for the purpose of section 523D(10)(d) of the Vancouver Charter, means:

- (a) housing in which households with incomes below core-need income thresholds occupy at least 30% of the dwelling units,
- (b) rental housing owned by or on behalf of the city, Province of British Columbia, or Canada,
- (c) rental housing owned by a non-profit corporation, or
- (d) housing owned by a non-profit co-operative association,

and where, in respect of subsections (b), (c), and (d), the registered owner or ground lessee of the freehold or leasehold title to the land upon which the housing is situated has granted to the city a section 219 covenant, housing agreement, or other security securing the housing commitments required by the city, on terms and conditions satisfactory to the city, and registered against the freehold or leasehold title with such priority of registration over other liens, charges, and encumbrances as the city may require;

“surface parking lot” means a parking lot established on the surface of land that has no portion of a building or structure above or below it; and

“temporary building” means a temporary building, structure, or shelter for which a building permit is necessary under the Building By-law.

Table of contents

1.3 The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.

Schedules

1.4 The schedules attached to this By-law form part of this By-law.

Severability

1.5 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.

**SECTION 2
LEVY AREAS AND PROJECTS**

Levy areas

2.1 Council designates that each area is subject to imposition of a levy under this By-law.

Projects

2.2 Council has determined that:

- (a) in the case of capital projects other than replacement housing, development anticipated to take place in each of the areas identified in this Section 2 will contribute to the need to provide one or more of the types of projects set out in the first column of each of sections 2.3 to 2.12 inclusive, in all or part of the applicable area, and having the estimated cost set out in the second column opposite it; and
- (b) in the case of replacement housing, development anticipated to take place in each of the areas identified in the first column of each of sections 2.4, 2.5, 2.6, 2.10, and 2.12 will contribute to the need to provide replacement housing, inside or outside the area, and having the estimated cost set out in the second column opposite it.

Arbutus projects

2.3 Projects and estimated costs in the Arbutus area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing highway facilities	\$ 350,000
Establishing day care facilities, and acquiring property for such facilities	\$ 3,264,000

Burrard Slopes projects

2.4 Projects and estimated costs in the Burrard Slopes area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing highway facilities	\$ 1,550,000
Providing and improving park land	\$ 20,250,000

Establishing day care facilities, and acquiring property for such facilities	\$ 2,955,000
Providing or assisting in providing replacement housing	\$ 1,020,000

Cedar Cottage/Welwyn Street projects

2.5 Projects and estimated costs in the Cedar Cottage/Welwyn Street area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing highway facilities	\$ 310,000
Establishing day care facilities, and acquiring property for such facilities	\$ 1,430,000
Providing or assisting in providing replacement housing	\$ 1,595,000

Downtown South projects

2.6 Projects and estimated costs in the Downtown South area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Providing and improving park land	\$ 61,000,000
Establishing day care facilities, and acquiring property for such facilities	\$ 7,800,000
Providing or assisting in providing replacement housing	\$ 49,200,000

Dundas/Wall projects

2.7 Projects and estimated costs in the Dundas/Wall area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing highway facilities	\$ 203,000
Providing and improving park land	\$ 230,000

False Creek Flats projects

2.8 Projects and estimated costs in the False Creek Flats area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing sewage, water, drainage and highway facilities	\$20,000,000
Providing and improving park land	\$ 6,000,000
Establishing day care facilities, and acquiring property for such facilities	\$ 6,600,000

Grandview Boundary Industrial projects

2.9 Projects and estimated costs in the Grandview Boundary area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing sewage, water, drainage and highway facilities	\$ 7,380,000
Providing and improving park land	\$ 450,000

Oakridge/Langara projects

2.10 Projects and estimated costs in the Oakridge/Langara area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing highway facilities	\$ 1,000,000
Providing and improving park land	\$ 9,800,000
Providing or assisting in providing replacement housing	\$ 4,700,000

South East False Creek projects

2.11 Projects and estimated costs in the South False Creek area are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Constructing, altering, expanding, or replacing sewage, water, drainage and highway facilities	\$30,400,000
Providing and improving park land	\$ 68,900,000
Establishing day care facilities, and acquiring property for such facilities	\$ 15,900,000

Triangle West projects

2.12 Projects and estimated costs in the Triangle West are:

<u>Types of Projects</u>	<u>Estimated Cost</u>
Providing and improving park land	\$ 16,231,000
Establishing day care facilities, and acquiring property for such facilities	\$ 4,076,000
Providing or assisting in providing replacement housing	\$ 10,128,000

**SECTION 3
DEVELOPMENT COST LEVIES**

Imposition of levies

3.1 Subject to this By-law, Council imposes, on every person entitled to delivery of a building permit authorizing development in an area, the levies set out in this Section 3 for each designated area.

Arbutus levies

3.2 The levy for the Arbutus area is to be \$43.06 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) an industrial use, the levy is \$17.22 for each square metre of such floor area;
- (b) a parking garage, the levy is \$1.08 for each square metre of such floor area;

- (c) a surface parking lot, the levy is \$43.06 for each square metre of space available for parking or access to parking;
- (d) a day care use, the levy is \$10.00 in respect of each building permit; and
- (e) a temporary building, the levy is \$10.00 in respect of each building permit.

Burrard Slopes levies

3.3 The levy for the Burrard Slopes area is \$53.82 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) an industrial use, the levy is \$21.53 for each square metre of such floor area;
- (b) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (c) a surface parking lot, the levy is \$53.82 for each square metre of space available for parking or access to parking;
- (d) a day care use, the levy is \$10.00 in respect of each building permit; and
- (e) a temporary building, the levy is \$10.00 in respect of each building permit.

Cedar Cottage/Welwyn Street levies

3.4 The levy for the Cedar Cottage/Welwyn Street area is \$34.98 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) a development including residential use and consisting of a floor space ratio of 1.2 or less, the levy is \$18.84 for each square metre of residential floor area;
- (b) an industrial use, the levy is \$21.53 for each square metre of such floor area;
- (c) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (d) a day care use, the levy is \$10.00 in respect of each building permit; and
- (e) a temporary building, the levy is \$10.00 in respect of each building permit.

Downtown South levies

3.5 The levy for the Downtown South area is \$102.26 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (b) a surface parking lot, the levy is \$102.26 for each square metre of space available for parking or access to parking;
- (c) a day care use, the levy is \$10.00 in respect of each building permit; and
- (d) a temporary building, the levy is \$10.00 in respect of each building permit.

Dundas/Wall levies

3.6 The levy for the Dundas/Wall area is \$20.45 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (b) a surface parking lot, the levy is \$20.45 for each square metre of space available for parking or access to parking;
- (c) a day care use, the levy is \$10.00 in respect of each building permit; and
- (d) a temporary building, the levy is \$10.00 in respect of each building permit.

False Creek Flats levies

3.7 The levy for the False Creek Flats area is \$32.29 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 \$1.00 for each square metre of such floor area;
- (b) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (c) a school use, the levy is \$5.49 for each square metre of such floor area;
- (d) a day care use, the levy is \$10.00 in respect of each building permit; and
- (e) a temporary building, the levy is \$10.00 in respect of each building permit.

Grandview Boundary Industrial levies

3.8 The levy for the Grandview Boundary area is \$5.38 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) development in a zoning district designated under section 9.1 of the Zoning and Development By-law as “Industrial” or in that area known as “Still Creek” and

identified in By-law No. 6654, the levy is \$21.53 for each square metre of such floor area that is for any use except a dwelling use, housekeeping unit, or sleeping unit, defined under the Zoning and Development By-law;

- (b) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (c) a school use, the levy is \$1.08 for each square metre of such floor area;
- (d) a day care use, the levy is \$10.00 in respect of each building permit; and
- (e) a temporary building, the levy is \$10.00 in respect of each building permit.

Oakridge/Langara levies

3.9 The levy for the Oakridge/Langara area is \$34.98 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) a development including residential use and consisting of a floor space ratio of 1.2 or less, the levy is \$18.84 for each square metre of residential floor area;
- (b) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (c) a surface parking lot, the levy is \$34.98 for each square metre of space available for parking or access to parking;
- (d) a school use, the levy is \$5.49 for each square metre of such floor area;
- (e) a day care use, the levy is \$10.00 in respect of each building permit; and
- (f) a temporary building, the levy is \$10.00 in respect of each building permit.

South East False Creek levies

3.10 The levy for the South East False Creek area is \$156.08 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) an industrial use, the levy is \$23.68 for each square metre of such floor area;
- (b) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (c) a surface parking lot, the levy is \$156.08 for each square metre of space available for parking or access to parking; and
- (d) a temporary building, the levy is \$10.00 in respect of each building permit.

Triangle West levies

3.11 The levy for the Triangle West area is \$100.75 for each square metre of floor area in the development authorized for construction under the building permit, except that for:

- (a) a parking garage, the levy is \$1.08 for each square metre of such floor area;
- (b) a day care use, the levy is \$10.00 in respect of each building permit; and
- (c) a temporary building, the levy is \$10.00 in respect of each building permit.

Application of levy to less than four dwelling units

3.12 In the Cedar Cottage/Welwyn Street area and Oakridge/Langara area, 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) include an addition of 46.5 m² or more of floor area.

Alteration or extension of existing building or structure

3.13 If a development consists only of the alteration or extension of an existing building or structure to increase its floor area, the levy applies only to the additional floor area.

Staged development

3.14 If a development takes place in stages authorized by separate building permits, a levy is payable, under sections 3.2 to 3.11, with respect to each such building permit.

Aggregate levy

3.15 If a development includes uses, or buildings or structures, to which different levies apply, the levy for the development is to be the aggregate of them.

Payment of levy by installments

3.16 Rather than paying a levy upon issuance of a building permit, the person responsible for payment of the levy, at the time and as a condition of issuance of the building permit, may:

- (a) pay \$100.00 to the city; and
- (b) post with the city an irrevocable and unconditional letter of credit for the balance of the amount of the levy, together with an amount equal to one year's interest thereon at a rate that is two percent above the prime rate on

the day of application for the building permit, for a term of not less than 12 months.

Realization on security

3.17 The city may realize on the letter of credit referred to in section 3.16, or on any renewal of it:

- (a) within 30 days before the date of its expiry unless, before the date 11 months following the date of its issuance, the person who posted the letter of credit or its renewal posts with the city a renewal or further renewal of the letter of credit on the same terms and conditions as the original letter of credit except that fixing of the prime rate is to occur on the day of renewal or further renewal of the letter of credit; or
- (b) if the levy that it secures remains unpaid on the date of issuance of the occupancy permit permitting occupancy of the development in respect of which the levy is payable.

Default in payment of levy installments

3.18 If a levy payable by installments under section 3.16 of this By-law or any portion of it remains unpaid after its due date, Council authorizes the Collector of Taxes to insert the amount of the levy, or unpaid portion, in the real property tax roll as a charge imposed with respect to the parcel or parcels in relation to which the city issued the building permit.

Change in use of excluded floor area

3.19 If the conversion of space that is not floor area to a use that makes it floor area occurs Council deems such space to be floor area as at the date of issuance of the building permit authorizing its development.

Change in use of excluded land or development

3.20 If the development or change of use of land or a building or structure, that is exempt from a levy, makes it subject to a levy, such levy is due and payable at the time of such development, alteration, or change of use.

**SECTION 4
REPEAL AND ENACTMENT**

Repeal

4.1 Council repeals By-law No.'s 6924, 7342, 7500, 7608, 7630, 7847, 7862, 8332, and 8583.

Force and effect

4.2 This By-law is to come into force and take effect on the date of its enactment except that if the date of enactment occurs before February 1, 2007 then section 3.12 of this By-law is to come into force and take effect on February 1, 2007.

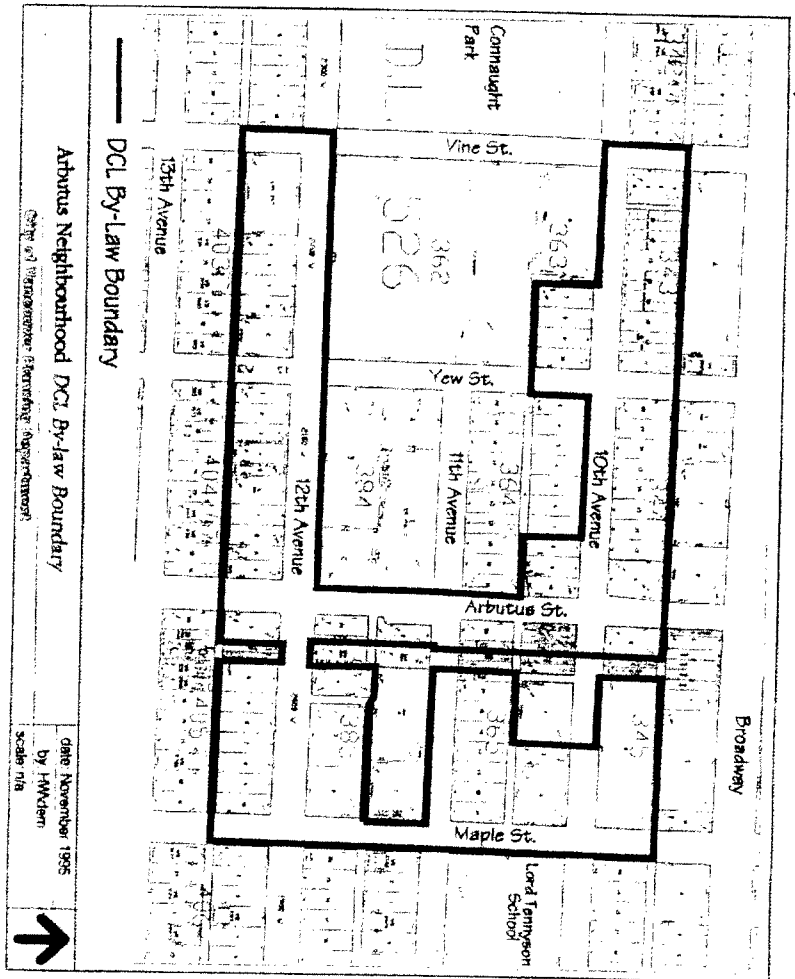
ENACTED by Council this day of , 2007

_____ Mayor

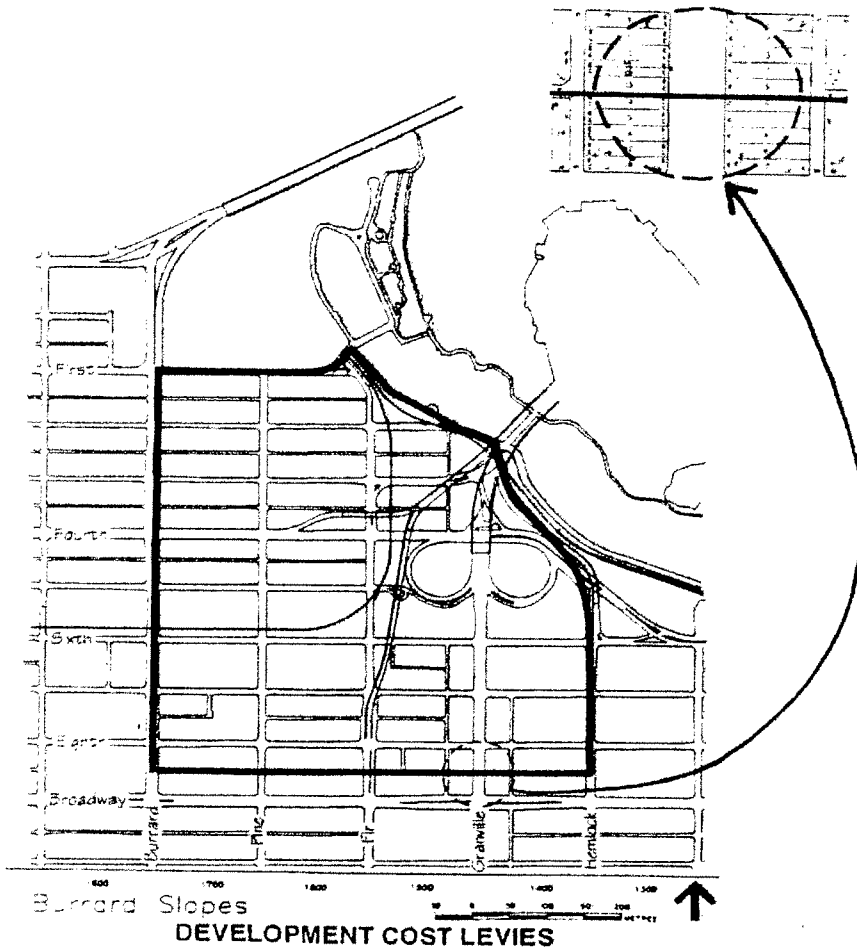
_____ City Clerk

SCHEDULE A

Arbutus

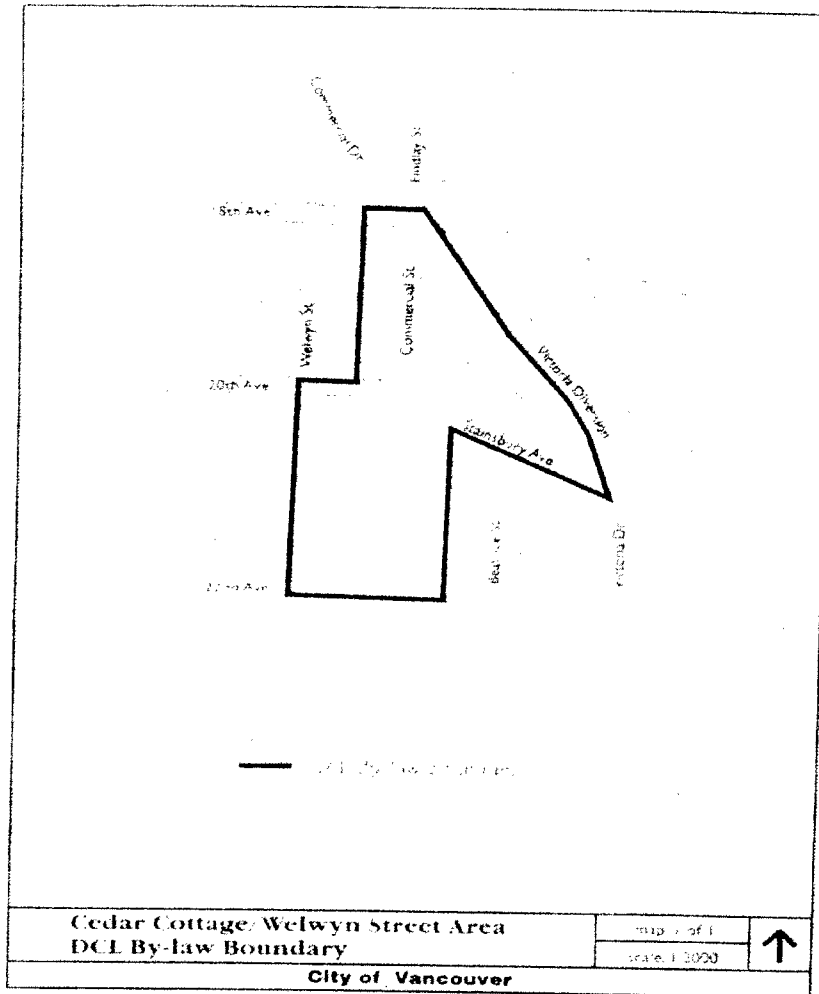


SCHEDULE B
Burrard Slopes



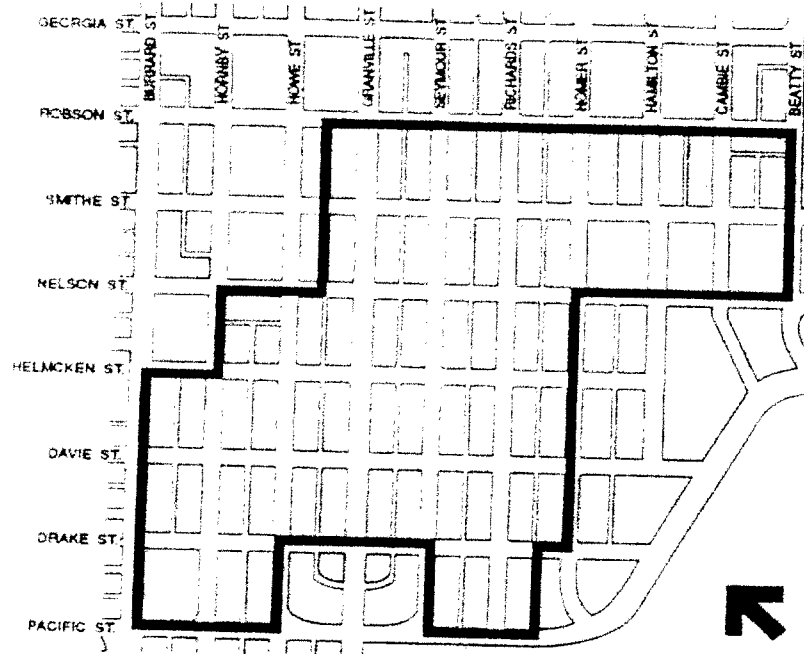
SCHEDULE C

Cedar Cottage/Welwyn Street



SCHEDULE D

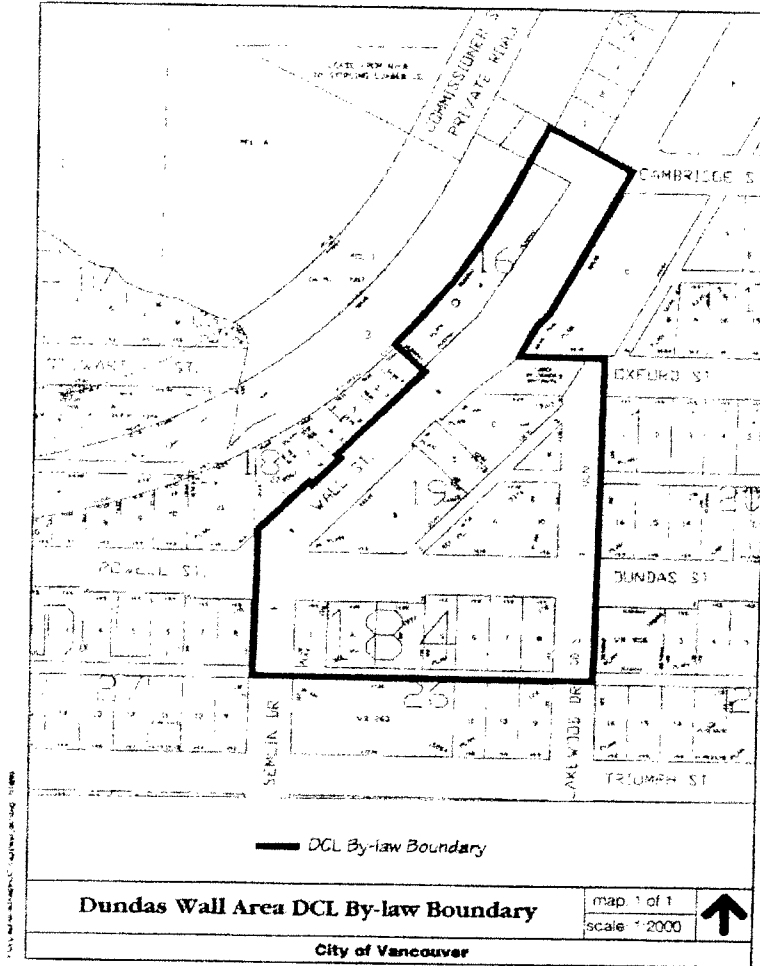
Downtown South



DEVELOPMENT COST LEVIES

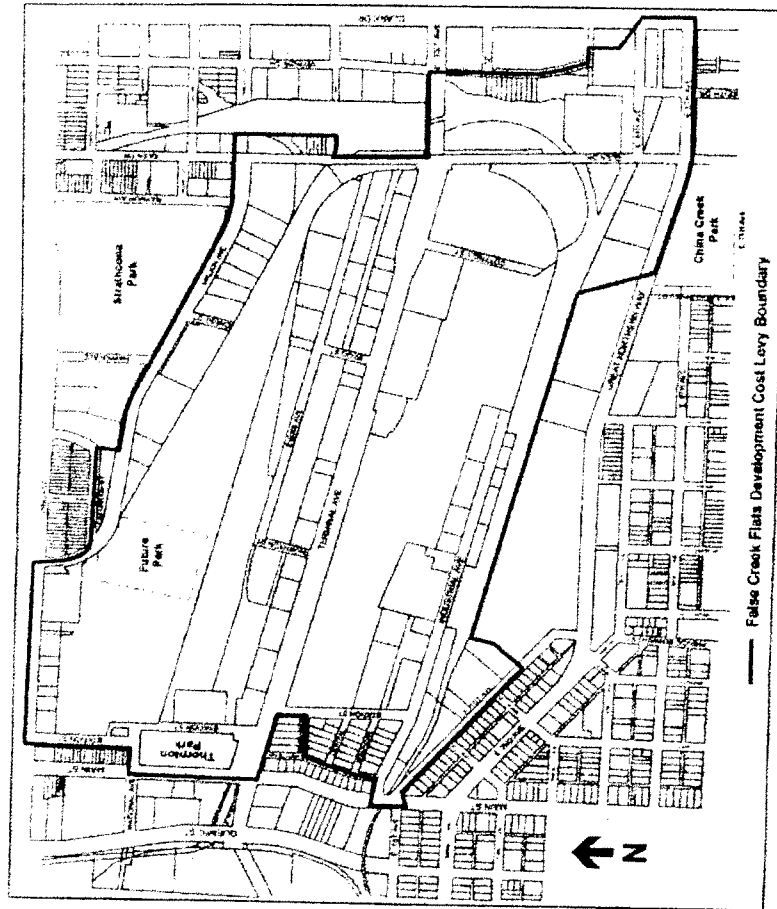
SCHEDULE E

Dundas/Wall



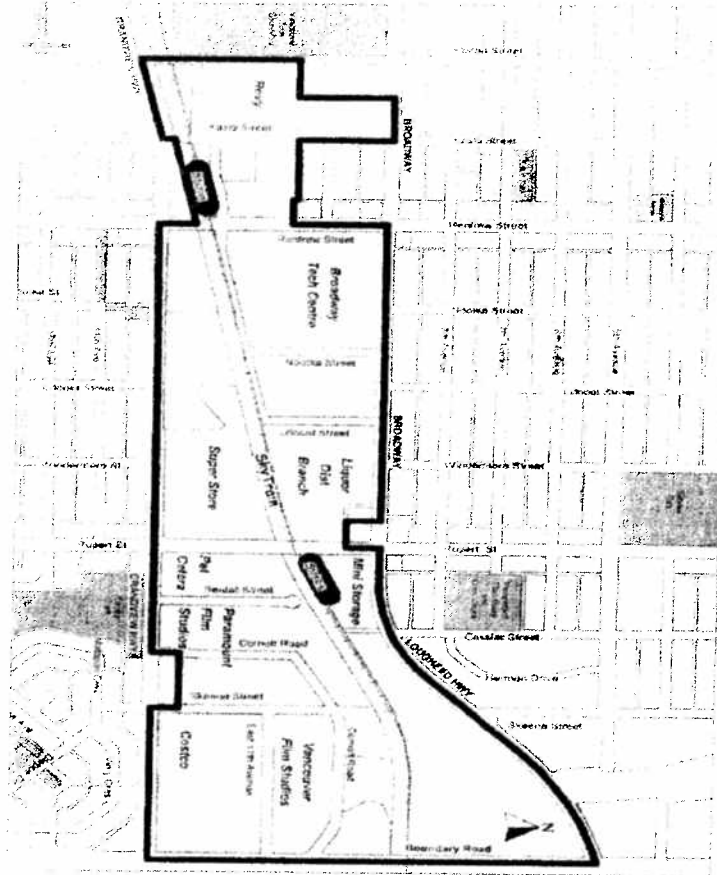
SCHEDULE F

False Creek Flats

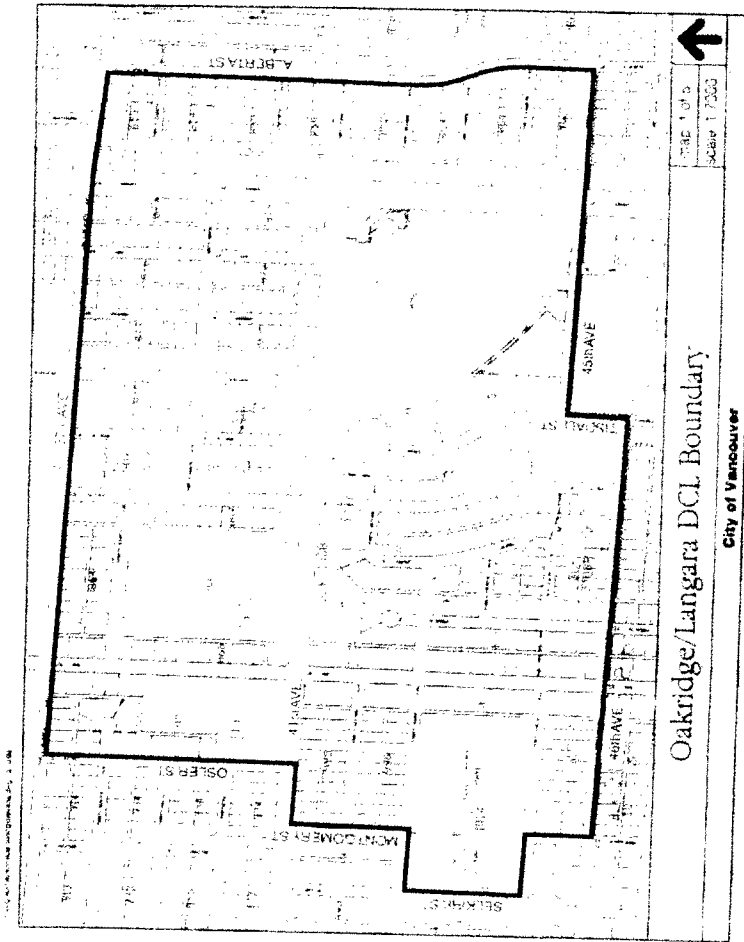


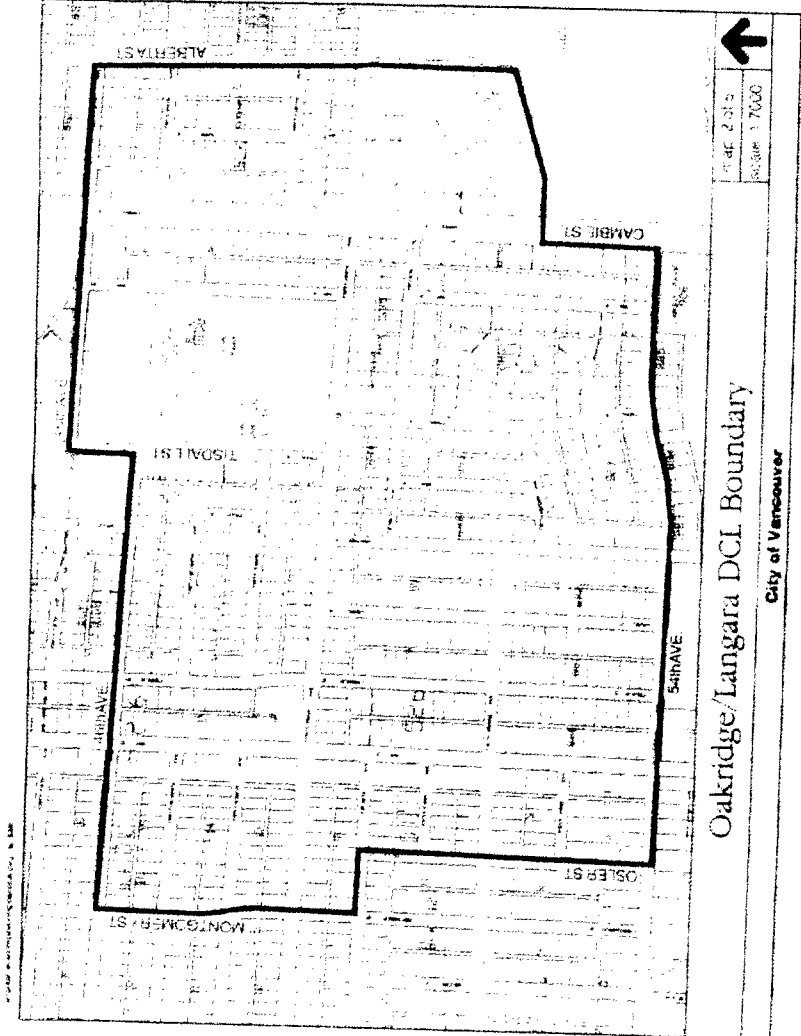
SCHEDULE G

Grandview Boundary Industrial



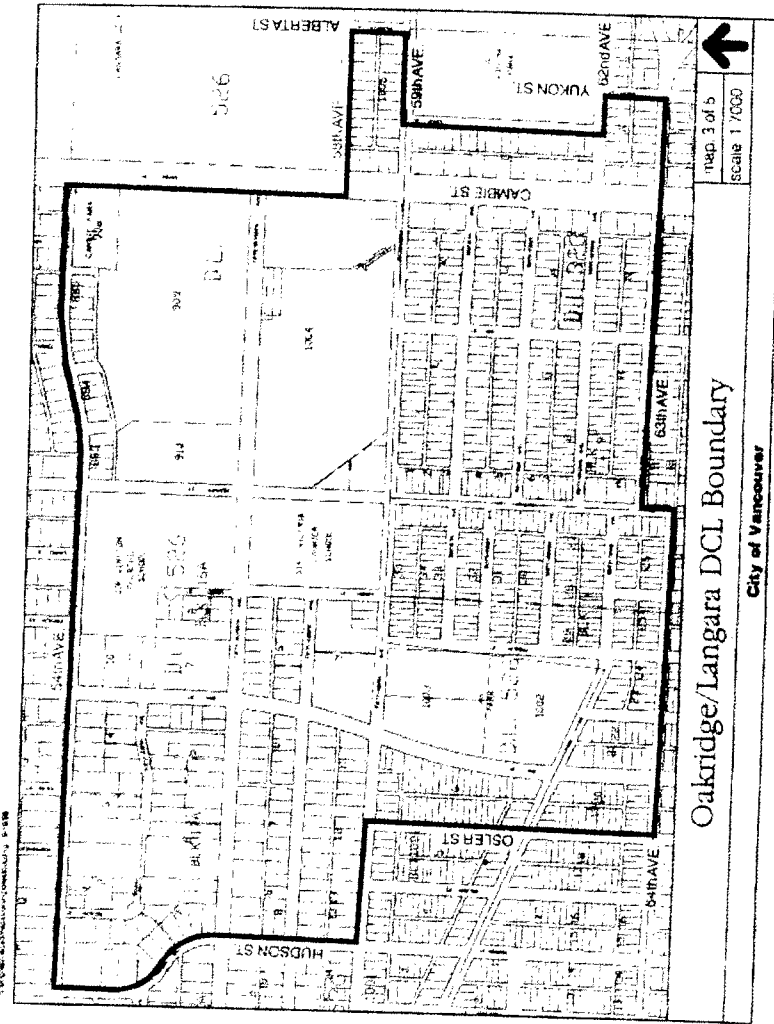
SCHEDULE H
Oakridge/Langara





Oakridge/Langara DCL Boundary

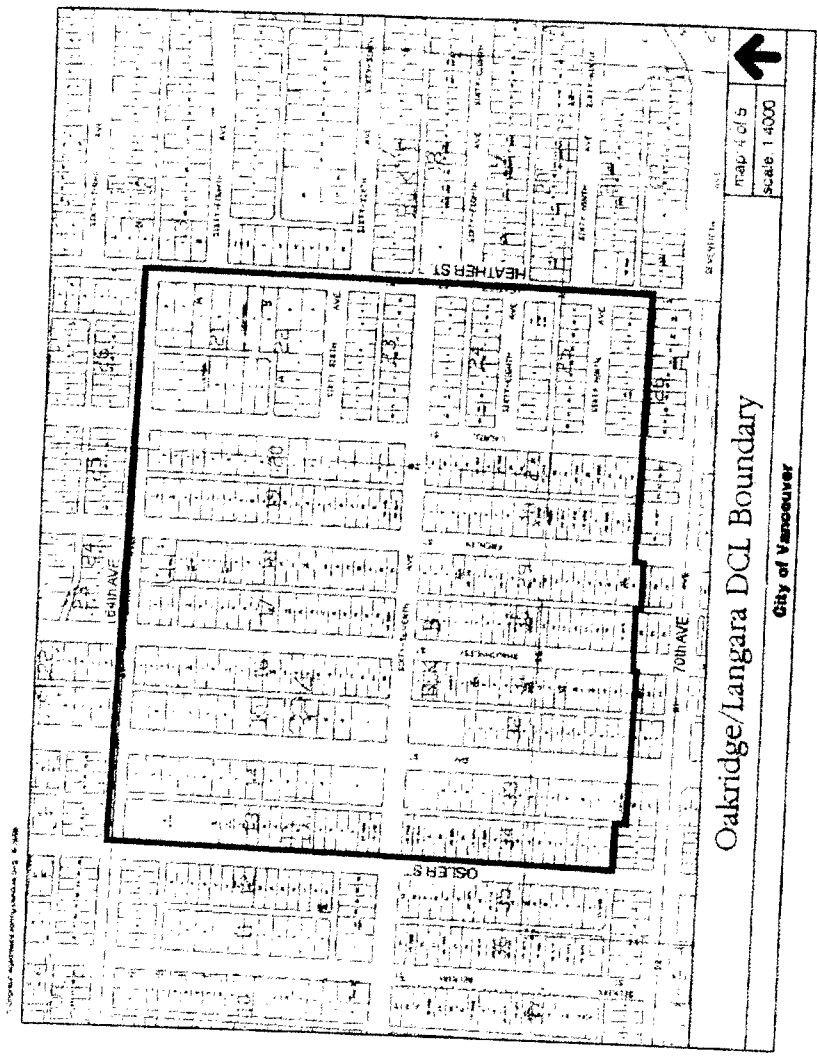
City of Vancouver



Oakridge/Langara DCL Boundary

City of Vancouver

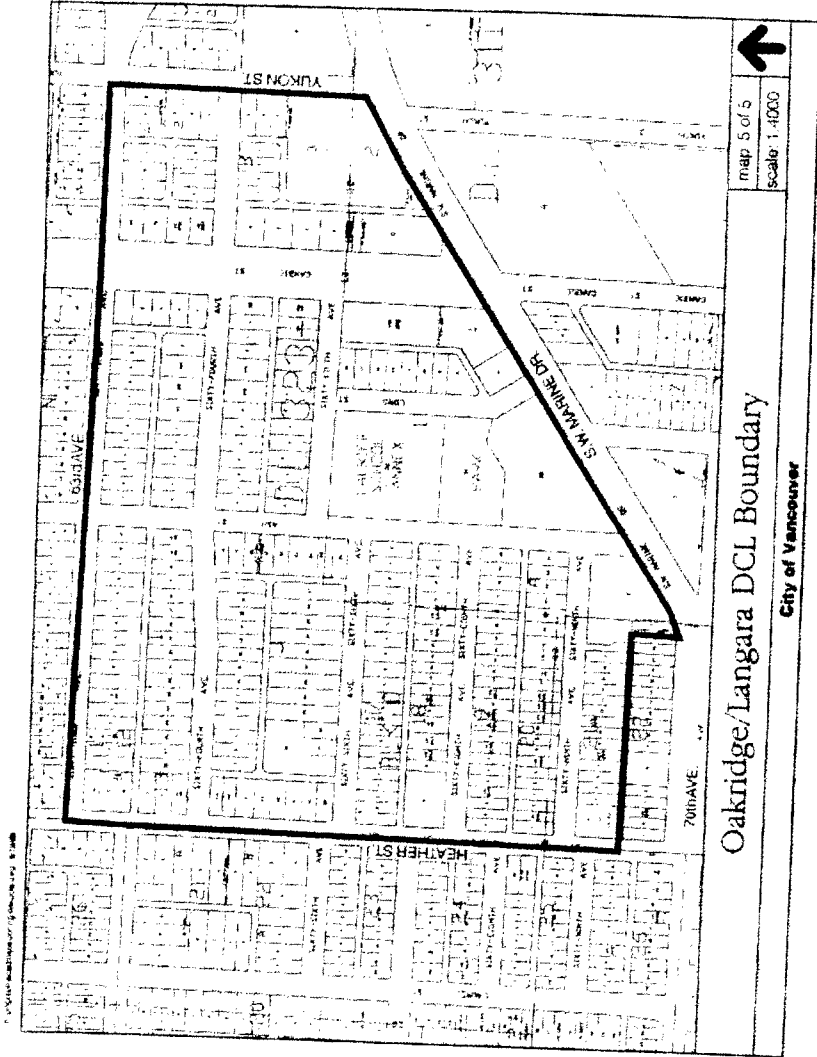
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scale 1:7000



map 4 of 5
Scale 1:4000

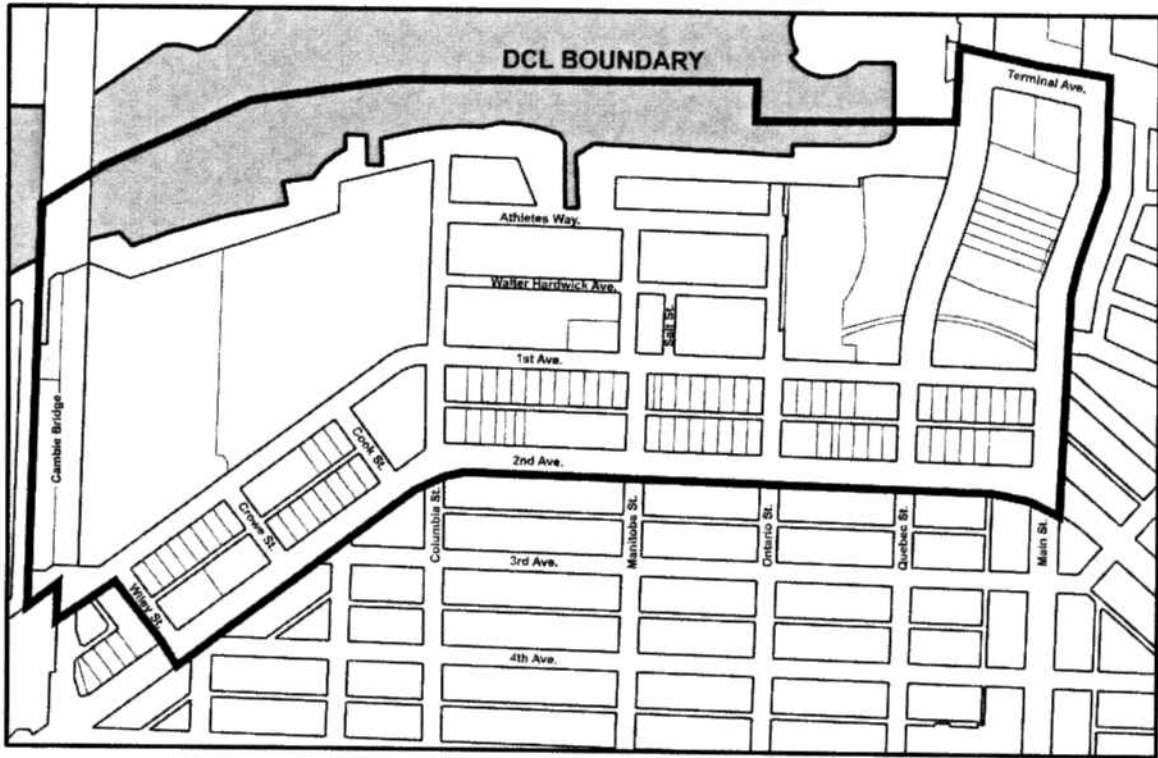
Oakridge/Langara DCL Boundary

City of Vancouver



SCHEDULE I

South East False Creek



SCHEDULE J

Triangle West

