

## MEMORANDUM

November 24, 2021

TO: Mayor and Council

CC: Paul Mochrie, City Manager  
Karen Levitt, Deputy City Manager  
Katrina Leckovic, City Clerk  
Lynda Graves, Administration Services Manager, City Manager's Office  
Maria Pontikis, Director, Civic Engagement and Communications  
Anita Zaenker, Chief of Staff, Mayor's Office  
Neil Monckton, Chief of Staff, Mayor's Office  
Alvin Singh, Communications Director, Mayor's Office  
Yardley McNeil, Assistant Director, Rezoning Centre  
Dan Garrison, Assistant Director, Housing Policy and Regulation  
Jeff Greenberg, Assistant Director of Legal Services  
Templar Tsang-Trinaistich, Issues Manager, Planning Urban Design and Sustainability

FROM: Theresa O'Donnell  
General Manager, Planning, Urban Design and Sustainability

SUBJECT: A By-law to enact a Housing Agreement for 512 W King Edward Avenue – notification of change to take the DCL waiver

RTS# 11624

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The purpose of this Memo is to notify Council, prior to enactment of the Housing Agreement By-law, that the applicant at 512 W King Edward Avenue has sought the DCL waiver at Development Permit application stage. The Housing Agreement By-Law for 512 W King Edward Avenue is scheduled to go to Council for enactment on December 7<sup>th</sup>, 2021.

The project meets the criteria for the DCL Waiver as set out in the DCL By-law and there are no implications on any other development charges, such as CACs. The applicant is therefore entitled to qualify for the DCL waiver at Development Permit application stage and no action is required by Council.

### **Overview of DCL Waiver Process**

The DCL Waiver is optional. Projects where 100% of the residential development is rental in tenure are eligible to seek a DCL waiver for the residential portion of the development. The Vancouver DCL By-law permits DCLs to be waived for 'for-profit affordable rental housing' where the tenure is secured through a Housing Agreement.

To qualify for a DCL waiver a project must meet the definition of 'for-profit affordable rental housing' as defined in Section 3.1(B) of the DCL By-law, which requires projects to meet maximum average unit size and starting rent criteria by unit type.

If a project meets the maximum average unit size and rent criteria, and there are no other implications on other development charges, such as CACs, the applicant is eligible to take the waiver and no Council decision is required.

In November 2019, Council approved amendments to the DCL By-law. Section 3.1B (a), of the DCL By-law, as amended, stipulates that starting rents for projects not subject to a CAC must be set at the date of "prior-to permit issuance" as part of the Development Permit process.

Applicants that wish to seek the waiver must inform staff by submitting a copy of the DCL Waiver Request form either at Rezoning stage (for projects subject to a CAC) or Development Permit application stage prior to the issuance of the "prior-to permit issuance" letter (for projects not subject to a CAC).

### **Rezoning Application at 512 W King Edward Avenue**

The rezoning application at 512 W King Edward Avenue was approved in principle at the Public Hearing on October 20, 2016. At the time of rezoning application, the applicant opted not to take the DCL waiver, and at the time of Public Hearing, a DCL of approximately \$461,784 was anticipated. Real Estate staff reviewed the rezoning application development pro forma and concluded that the rezoning would not be subject to a CAC. At this time, the provision under Section 3.1B (a) of the DCL By-law, which permits rezoning projects not subject to a CAC to seek a DCL waiver at Development Permit application stage, had not yet been approved by Council.

A Development Permit application for the project was submitted on August 29<sup>th</sup>, 2019. At this time, the applicant opted to take the DCL Waiver. A "prior-to permit issuance" letter securing the DCL Waiver rents for this project was issued in March 2020.

Staff have reviewed the DCL Waiver Request form submitted at Development Permit application stage and confirm that the project meets the maximum average unit size and starting rent criteria by unit type. The project therefore meets the definition of "for-profit affordable rental housing" as defined in the DCL By-law and is eligible for the DCL Waiver.

Real Estate staff have also reviewed the applicant's decision to take the DCL Waiver at Development Permit application stage, and confirm that taking the waiver does have any implications on CACs, or other development charges. The applicant is therefore permitted to request a DCL waiver at Development Permit application stage in accordance with the DCL By-law, and staff have included starting rents set at the date of "prior-to permit issuance" letter issuance.

The applicant's decision to seek the DCL waiver at Development Permit application stage reflects the preference of the applicant. Staff does not consider it to create any material difference to Council's decision regarding the rezoning application.

**No action is required by Council.**

Thank you for your consideration. If you have questions or concerns, please do not hesitate to reach out to Dan Garrison at [dan.garrison@vancouver.ca](mailto:dan.garrison@vancouver.ca)

A handwritten signature in black ink that reads "Theresa O'Donnell". The signature is written in a cursive, flowing style.

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