



COUNCIL REPORT

Report Date: November 1, 2023
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Meeting Date: November 28, 2023
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TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: Conversion of Rezoning Latecomer Agreement for 4575 Ash Street and 623-693 West 30th Avenue

Recommendations

- A. THAT Council approve the conversion of a 24-hour Latecomer Agreement to that of a full standard Latecomer Agreement for 4575 Ash Street and 623-693 West 30th Avenue.
- B. THAT Council direct Engineering Services to provide a full standard Latecomer Agreement to the developer of the rezoning site at 4575 Ash Street and 623-693 West 30th Avenue.

Purpose and Executive Summary

The purpose of the report is to seek Council approval to convert a 24-hour Latecomer Agreement conditioned for the rezoning site at 4575 Ash Street and 623-693 West 30th Avenue (the "Site") to a full standard Latecomer Agreement for sewer upgrades.

At Public Hearing on July 6, 2021, Council approved in principle the rezoning application for the Site (RM-8A – Cambie Corridor Townhouses) subject to conditions. One condition was the entry into a 24-hour Latecomer Agreement for sewer upgrades which effectively is a waiver to collect and receive latecomer charges. However, the development of the site is now advancing and is the initial developer which must deliver the sewer upgrades.

With the 24-hour Latecomer Agreement, the developer of the site accepts the full cost of the sewer upgrades with no cost recovery. A full standard Latecomer Agreement would allow the developer of the site to recoup partial costs of the sewer upgrades from other potential benefitting development sites within a recovery cost period of up to 15 years.

Council Authority/Previous Decisions

- Latecomer Policy (October 19, 2021)
- Council’s approval in principle of the Rezoning application for 4575 Ash Street and 623-693 West 30th Avenue (July 6, 2021)
- Council enacted RM-8A for the Site (February 8, 2022)

City Manager’s Comments

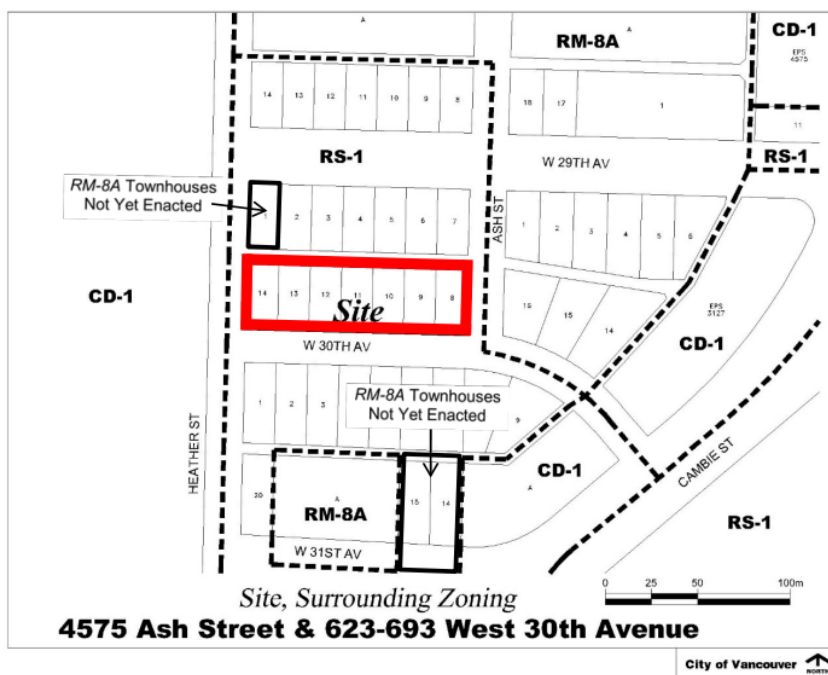
The City Manager concurs with the foregoing recommendations.

Context and Background

Background

Following a Public Hearing on July 6, 2021, Council approved a rezoning application for 4575 Ash Street and 623-693 West 30th Avenue to rezone from RS-1 (Single-detached Houses and Duplexes) to RM-8A (Multiple Dwelling) in accordance with the RM-8A/RM-8AN District Schedule to allow for a townhouse development.

Figure 1: Location Map



Policy Context

On March 5, 2020, the Province amended the *Vancouver Charter* to add latecomer provisions and allow the City to administer Latecomer Agreements. A Latecomer Agreement is a development finance agreement between a municipality and a land or property owner that results from developing their land. These agreements allow developers to recover costs associated with excess or extended services (e.g., sewer upgrades that serve beyond the land being developed) for up to 15 years, using the municipality’s ability to levy and collect charges from owners and remit back to the initial developer.

On October 19, 2021, Council endorsed the Latecomer Policy allowing development applications that had either been approved in principle on or after March 5, 2020 to enter into a Latecomer Agreement.

Discussion

The applicant is requesting to change the 24-hour Latecomer Agreement to a full standard Latecomer Agreement. A 24-hour Latecomer Agreement is effectively a waiver by the initial developer for the collection of any latecomer charges from subsequent developments. A full standard Latecomer Agreement allows for partial cost recovery of the asset over a 15-year period within an established benefitting area, at a recovery rate calculated based on cost and developable floor area.

Staff have reviewed this request based on the following information and recommend approval of this request:

- The City approved three development sites with the same or similar sewer upgrades prior to the amendment of the *Vancouver Charter* by the Province, and an additional three sites (including the subject Site) post amendment of the *Vancouver Charter*.
- As it was expected that other development sites would construct the sewer upgrade prior to the site connecting to the system, the 24-hour Latecomer Agreement was conditioned for the site.
- The site must now deliver the sewer upgrade as the initial developer to support the project.
- As the initial developer, the change to a full standard Latecomer Agreement would potentially allow for partial cost recovery.

Financial Implications

A full standard Latecomer Agreement would allow the site potential cost recovery as the initial developer. Conversely, a 24-hour Latecomer Agreement, would not allow collection of any latecomer charges from subsequent developers who have same or similar sewer upgrade requirements.

Legal Implications/Risks

Sections 571A and 571B of the *Vancouver Charter* authorize latecomer agreements in Vancouver. This report recommends a latecomer agreement in accordance with the *Vancouver Charter*.

Subject to Council's approval, this change would indicate to subsequent developers that latecomer charges to the initial developer would apply with the full standard Latecomer Agreement.

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