

From: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)
To: ["Direct to Mayor and Council - DL"](#)
Date: 5/17/2023 7:47:56 AM
Subject: A By-law to enact a Housing Agreement for 495 W 41st Avenue (5670 Cambie Street) – Notification of change to remove the DCL waiver
Attachments: Memo to Mayor & Council - A By-law to enact a Housing Agreement for 495 W 41st Avenue (5670 Cambie Street) – Notification of change to remove the DCL waiver.pdf

Dear Mayor and Council,

Please see the attached memo from Theresa O'Donnell to inform Council prior to enactment of the Housing Agreement By-law that the applicant at 495 W 41st Avenue has requested to remove their DCL waiver prior to Development Permit issuance stage.

A Housing Agreement By-law securing the project as "secured market rental housing", without the DCL Waiver, will be before Council for adoption on May 30, 2023.

Should you have any questions, please contact Theresa O'Donnell (Theresa.o'donnell@vancouver.ca) or Dan Garrison (Dan.Garrison@vancouver.ca).

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
paul.mochrie@vancouver.ca



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliwətał (Tsleil-Waututh) Nations.

MEMORANDUM

May 16, 2023

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Armin Amrolia, Deputy City Manager
Karen Levitt, Deputy City Manager
Maria Pontikis, Chief Communications Officer, CEC
Rosemary Hagiwara, Acting City Clerk
Teresa Jong, Administration Services Manager, City Manager's Office
Mellisa Morphy, Acting Chief of Staff, Mayor's Office
Trevor Ford, Director of Operations, Mayor's Office
Yardley McNeil, Director, Rezoning Centre
Dan Garrison, Director, Housing Policy and Regulation
Jeff Greenberg, 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 495 W 41st Avenue (5670 Cambie Street) – Notification of change to remove the DCL waiver

RTS #: N/A

The purpose of this Memo is to notify Council that the applicant for the rezoning of 495 W 41st Avenue have informed staff of their intention to no longer take the DCL Waiver, as previously declared at the time of rezoning application. The Housing Agreement By-law is scheduled to go to Council for consideration on May 30th, 2023.

Overview of DCL Waiver Process

Projects that create new rental supply, where 100% of the residential development is rental in tenure, are eligible to seek a DCL waiver for the rental 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. The DCL Waiver is optional and no Council decision is required.

Rezoning Application at 496 W 41st Avenue

The rezoning application at 495 W 41st Avenue was approved in principle at the Public Hearing on June 21, 2022. At the time of rezoning application, the applicant opted to take the DCL waiver, and at the time of Public Hearing, a DCL waiver of approximately \$1,294,514 was anticipated. Real Estate staff reviewed the rezoning application development pro forma and concluded that no additional CAC is expected. The public benefit from this application is the contribution to the City's rental housing stock.

A Development Permit application for the project was submitted on August 3, 2022. 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 December 2022. A building permit was submitted on February 16, 2023. The applicant has now decided not to opt for the DCL Waiver and instead will pay the full DCL fee. The applicant's decision to remove the DCL Waiver means that the City will no longer be able to secure initial starting rents in the rental portion of the development. Instead, rents will be set by the applicant, as dictated by the market. Real Estate staff have reviewed the applicant's decision to remove the DCL Waiver, and confirm that removing the waiver does not have any implications on CACs, or other development charges.

The applicant's decision to remove the DCL waiver at Development Permit application stage reflects the preference of the applicant. Staff confirm that this does not 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



Theresa O'Donnell
General Manager, Planning, Urban Design and Sustainability
604.673.8434 | theresa.o'donnell@vancouver.ca