

VANCOUVER CHARTER AMENDMENT ACT (No. 2), 1990**CHAPTER 77**

Assented to July 27, 1990.

Preamble

WHEREAS the City of Vancouver has presented a petition praying that the *Vancouver Charter* be amended;

AND WHEREAS it is expedient to grant the prayer of the said petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. Section 523D (1) of the *Vancouver Charter*, S.B.C. 1953, c. 55, is amended

- (a) in subsection (1) in the definition of "capital project" by striking out "and" at the end of paragraph (a), by adding "and" at the end of paragraph (b) and by adding the following paragraph:

(c) establishing day care facilities in premises leased or owned, and acquiring property for such facilities. ,

- (b) by adding the following subsections:

(2.1) In addition to the capital projects referred to in subsections (1) and (2), Council may impose a development cost levy for the purpose of assisting in providing Replacement Housing in such a manner as it deems appropriate and assisting in providing such housing shall be deemed to be a capital project.

(2.2) For the purposes of this section, "Replacement Housing" means housing which Council reasonably anticipates will, as a result of development in the area in which a development cost levy is imposed, be necessary to house persons displaced and unable to afford comparable accommodation in that area and, in anticipating the housing required, Council may look to development anticipated during a 20 year period commencing on the date the by-law imposing the development cost levy is imposed. ,

- (c) by repealing subsection (3) and substituting the following:

(3) The Council may, by by-law, impose a development cost levy in accordance with this section,

- (a) in the case of capital projects other than Replacement Housing, where the Council determines that development anticipated to take place in an area designated by it will contribute to the need to provide one or more capital projects in all or part of the area, and

- (b) in the case of Replacement Housing, where the Council determines that development anticipated to take place in an area designated by it will contribute to the need to provide Replacement Housing inside or outside the area. ,

- (d) by repealing subsection (6) and substituting the following:

(6) The Council may undertake any of the capital projects referred to in subsections (1), (2) and (2.1). , and

- (e) by adding "Except for money raised for purposes set forth in subsection (2.1)," at the beginning of subsection (17).

2. Section 565A is amended by adding the following paragraphs:
- (j) requiring as a condition of the issuance of a development permit that the applicant for the permit submit
 - (i) a plan showing all trees having a diameter greater than 8 inches at a point 3 feet above the ground which may be affected by the development, and
 - (ii) a plan satisfactory to the Director of Planning showing replacement trees to be provided as part of the development where the trees shown in the plan referred to in subparagraph (i) are affected by the development;
 - (k) prohibiting the use or occupancy of any land or building where replacement trees have not been provided in accordance with a plan referred to in paragraph (j), unless permission for that use or occupancy is given by the Director of Planning.
3. Section 573 (1) is amended by adding the following paragraph:
- (f) by any person unable to obtain a development permit by reason of section 565A (j) or unable to use or occupy land or a building by reason of section 565A (k).