

BY-LAW NO. _____

A By-law to amend Downtown-
Eastside/Oppenheimer Official Development Plan By-Law
Regarding bonus density for cultural facilities

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

1. This By-law amends the indicated provisions of the Downtown-Eastside/Oppenheimer Official Development Plan By-law.

2. In Section 4.8, Council:

(a) amends the title to read **"4.8 Social, Cultural and Recreational Facilities"**;

(b) strikes out section 4.8.1 and substitutes:

"4.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building."

(c) Strikes out section 4.8.3 and substitutes:

"4.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area; and
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

3. In section 5.8, Council:

- (a) Amends the title to read **"5.8 Social, Cultural and Recreational Facilities"**;
- (b) Strikes out Section 5.8.1 and substitutes:

"5.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building." ; and

- (c) Strikes out Section 5.8.3 and substitutes:

"5.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area; and
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

4. In section 6.8, Council:

- (a) Amends the title to read "6.8 Social, Cultural and Recreational Facilities";
- (b) Strikes out Section 6.8.1 and substitutes:

"6.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building." ; and

- (c) Strikes out Section 6.8.3 and substitutes:

"6.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;

- (c) the rental value of the increased floor area; and
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

5. In section 7.8, Council:

- (a) Amends the title to read "**7.8 Social, Cultural and Recreational Facilities**";
- (b) Strikes out Section 7.8.1 and substitutes:

"7.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building."

- (c) Strikes out Section 7.8.3 and substitutes:

"7.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area; and
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

6. 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.

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2016

Mayor

City Clerk