



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: February 27, 2018  
Contact: Karen Hoese  
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VanRIMS No.: 08-2000-20  
Meeting Date: March 13, 2018

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Text Amendment: 969 Burrard Street and 1019-1045 Nelson Street

**RECOMMENDATION**

- A. THAT the application by Westbank Projects, on behalf of The First Baptist Church of Vancouver, to amend CD-1 (445) District By-law No. 9204 for 969 Burrard Street and 1019-1045 Nelson Street [*PID: 030-317-924; Lot A Block 7 District Lot 185 Group 1 New Westminster District Plan EPP76101*], to increase the permitted building height from 169.50 to 169.75 m, as measured to top of the roof slab, and from 178.60 to 178.89 m to the top of the mechanical appurtenance, to account for a discrepancy in the measurement of building height for the 57-storey tower approved for this site, be referred to a Public Hearing, together with:
- (i) plans prepared by Bing Thom Architects Inc., as submitted for development permit no. DP-2017-00905 and received August 25, 2017;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

### ***REPORT SUMMARY***

This report evaluates an application to amend the building height section of CD-1 (445) for the site at 969 Burrard Street and 1019-1045 Nelson Street. The dimensional height for the 57-storey tower approved for the site was incorrectly calculated by the applicant at the time of the rezoning application due to a misunderstanding of what was the base surface. To enable the tower to be built as envisioned in the initial approval, the dimensional height as measured to top of the roof slab needs to be increased in the by-law by 0.25 m (10 in.) from 169.50 to 169.75 m. A commensurate increase in the height for the mechanical appurtenance is proposed from 178.60 to 178.89 m.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

- *CD-1 (445) By-law No. 9204, amended up to and including By-law No. 12004, enacted December 13, 2017*
- *West End Community Plan (2013)*
- *Rezoning Policy for the West End (2013)*
- *General Policy for Higher Buildings (1997, amended 2014)*
- *View Protection Guidelines (1989, last amended 2011)*

### ***REPORT***

#### ***Background/Context***

Following the Public Hearing of July 18 and 25, 2017, Council approved in principle amendments to CD-1 (445) for the site at 969 Burrard Street and 1019-1045 Nelson Street (see Figure 1) to permit the development of a 57-storey residential tower containing 331 market strata units, seismic upgrade, conservation and restoration (including interiors) of the First Baptist Church building, expanded church program space and a seven-storey residential building containing 61 social housing units. The amending By-law No. 12004 was subsequently enacted on December 13, 2017.

#### ***Strategic Analysis***

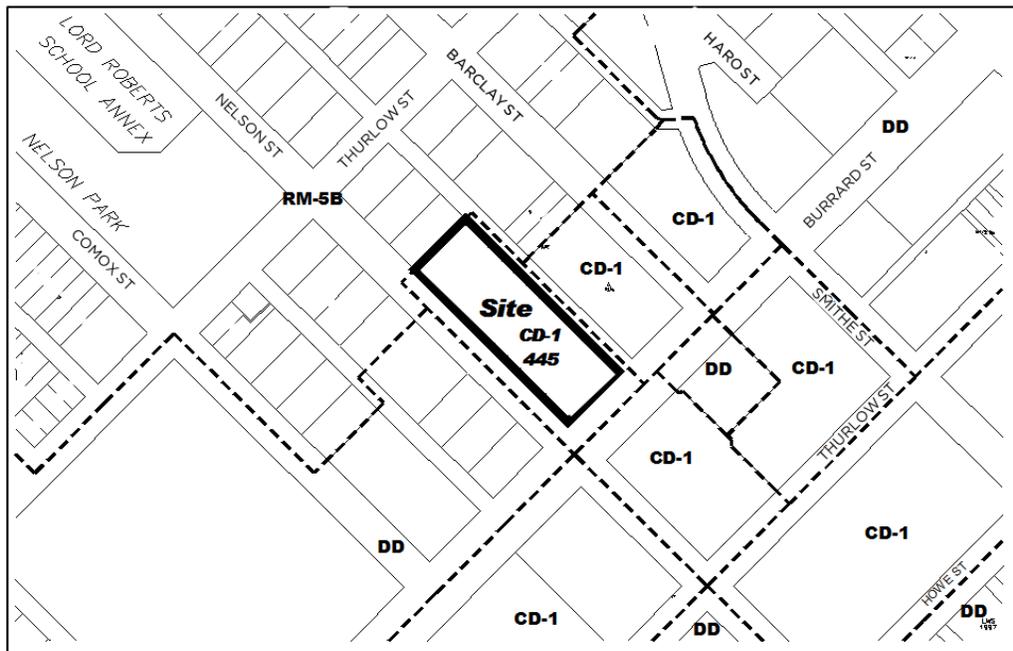
Shortly after the July 2017 public hearing, it became apparent that the building height contained in the draft by-law was incorrect. The applicant had presented a dimensional height for the tower that was measured from a base surface that excluded the land area on

which the heritage church was located. Base surface typically includes the entire development site. It is defined in the Zoning and Development By-law as:

**Base Surface** means that hypothetical surface determined by joining the official established building grades at all corners of the site. For the purpose of measuring the height of a building at any point, the elevation at that point on the base surface shall be determined by interpolating from the official established building grades.

At the time of application, the applicant thought that there would be two sites – one for the heritage church and another for the balance of the site, containing the new development, such that the height of the tower would be measured from a base surface comprising the westerly two-thirds of the site. However, the proposed seismic upgrades to the church will be undertaken concurrently with the new development. The project is therefore treated as one development site and the former parcels have now been consolidated into one legal parcel. So base surface includes the whole legal parcel.

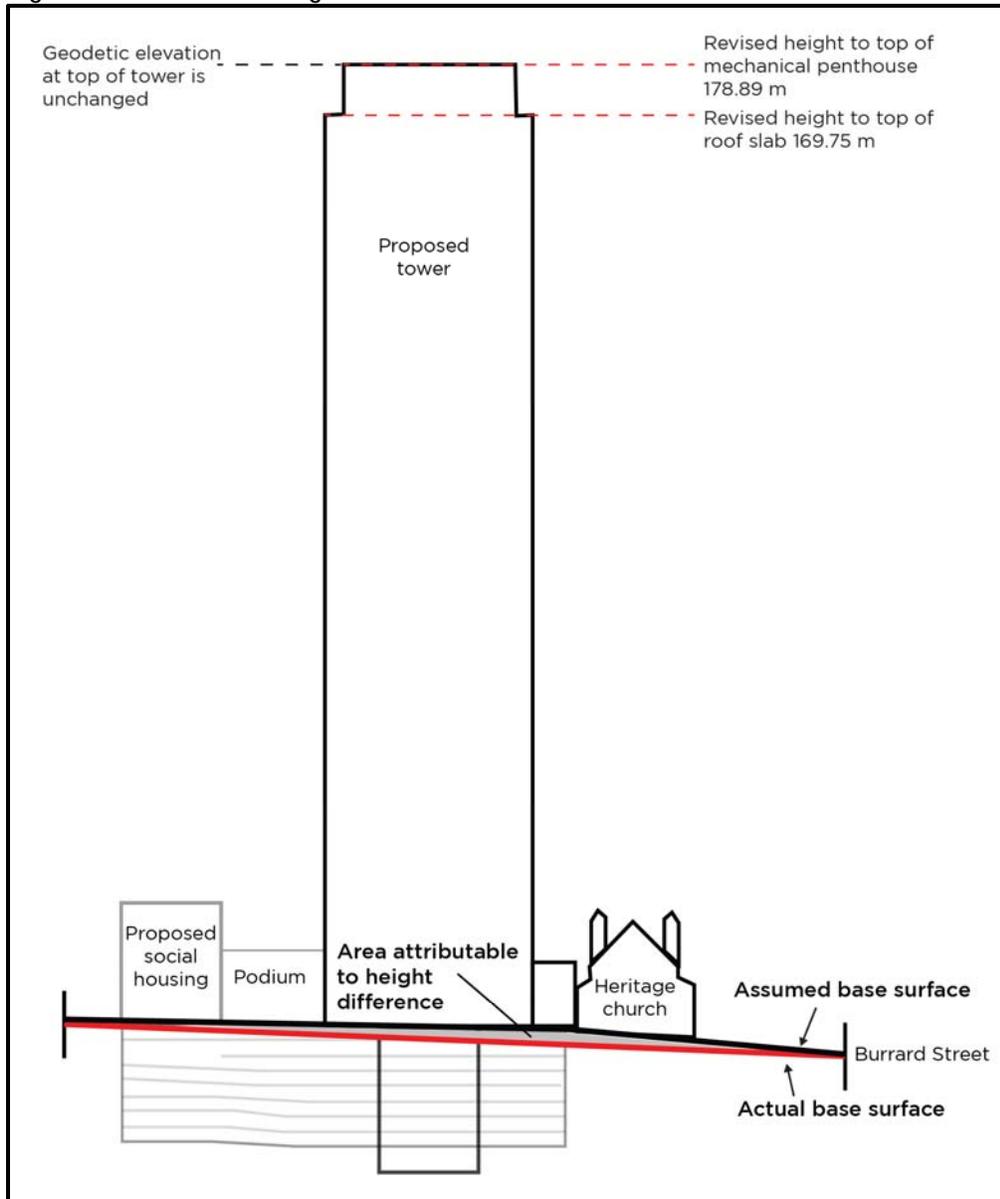
Figure 2: Site and surrounding context



The long, almost 400-foot development site slopes down from west to east – gradually across the portion to receive the new development and sharply at Burrard Street where the church is located. As such, the building grades at the eastern corners of the site are about two metres lower than those assumed by the applicant to the west of the church. This has the effect of lowering the base surface at the tower by 0.25 to 0.29 m (see Figure 3).

The tower would now measure 169.75 m (556.92 ft.) to the top of the roof slab instead of 169.50 m (556.10 ft.). The geodetic elevation, or point above sea level, at the top of the building would be unchanged, as the tower would occupy the same space. It is the elevation point at which the measurement starts that lowers with the revised base surface, noting that it is a hypothetical surface.

Figure 3: Sectional facing north from Nelson Street



Staff support amending the by-law to add approximately 0.25 m to the dimensional height of the tower, as it has no impact on what was initially proposed and approved, and because the discrepancy arose from a misunderstanding of the base surface for the development. There would be no further implications for this development with regard to the *General Policy for Higher Buildings* or the *View Protection Guidelines*, beyond those discussed in the original rezoning report dated June 13, 2017, titled "CD-1 Rezoning: 969 Burrard Street and 1019-1045 Nelson Street".

The proposed amendments to the by-law are contained in Appendix A. Section 5.1 of the by-law governs the tower height to the top of the roof slab and section 5.2 is for the overall height including mechanical appurtenances. As both of these heights are measured from the base surface, they have been increased by 0.25 m and 0.29 m respectively. The two height

increases differ slightly because each is measured to a different point on the sloping base surface.

The measurement of height for the proposed mid-rise social housing building is governed by sections 5.3 and 5.4 in the by-law. As the revised interpretation of base surface does not affect this building's height, these sections are unchanged.

### *Financial*

The proposed amendments to the building height provisions have no implications for development cost levies or for the other public benefits offered as part of the initial rezoning approval, as there is no change to density or floor area.

### *CONCLUSION*

Staff support the application to increase the building height for the tower proposed for 696 Burrard Street and 1019-1045 Nelson Street, as it corrects an inadvertent error in the way the height was measured in the initial rezoning application. The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to a public hearing and, subject to the public hearing, that it be approved.

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969 Burrard Street and 1019-1045 Nelson Street  
DRAFT AMENDMENTS TO CD-1 (445) BY-LAW NO. 9204

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

In Section 5 titled "Building Height", Council:

- (a) in subsection 5.1, strikes "169.5 m" and replaces it with "169.75 m"; and
- (b) in subsection 5.2, strikes "178.6 m" and replaces it with "178.89 m".

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969 Burrard Street & 1019-1045 Nelson Street  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	969 Burrard Street and 1019-1045 Nelson Street
Legal Description	<i>PID: 030-317-924; Lot A Block 7 District Lot 185 Group 1 New Westminster District Plan EPP76101</i>
Applicant/Architect	Bing Thom Architects
Property Owner	The First Baptist Church of Vancouver
Developer	Westbank Projects

SITE STATISTICS

Site Area	4,821.6 m <sup>2</sup> (51,912 sq. ft.)
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed Text Amendment	Recommended Changes by Staff
Zoning	CD-1 (445)	CD-1 (445)	
Uses	Institutional (Child Day Care Facility, Church, Social Service Centre) & Residential (Multiple Dwellings) & Retail	no change	—
Max. FSR	10.83 FSR	no change	—
Floor Area	52,198.7 sq. m. (561,881 sq. ft.)	no change	—
Floor Plate	807.3 sq. m. (8,690 sq. ft.)	no change	—
Maximum Height	Bldg. height: 169.50 m (556.10 ft.) or 57 storeys Height of rooftop appurtenance: 9.10 m (30 ft.) or 178.60 m	Bldg. height: 169.75 m (556.92 ft.) or 57 storeys Height of rooftop appurtenance: 9.14 m (30 ft.) or 178.89 m	—
Unit Mix (Strata)	One-bedroom 136 Two-bedroom 159 <u>Three-bedroom + 36</u> Total 331	no change	—
Unit Mix (Social Housing)	Studio 15 One-bedroom 22 Two-bedroom 19 <u>Three-bedroom 5</u> Total 61	no change	—
Parking, Loading & Bicycles	Total parking 540 Total bicycle spaces 520 Class A loading 6 Class B loading 2	no change	—