

EXPLANATION

**A By-law to amend the Zoning and Development By-law
Re: 969 Burrard Street and
1019-1045 Nelson Street**

Following the public hearing on July 18 and 25, 2017, Council resolved to give conditional approval to the rezoning of the site at 969 Burrard Street and 1019-1045 Nelson Street. The Director of Planning has advised that all prior to conditions have been met, and enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
December 13, 2017

HC

969 Burrard Street and
1019-1045 Nelson Street

BY-LAW NO. _____

A By-law to amend CD-1 (445) By-law No. 9204

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

1. Council strikes out Sections 2 through 7 of By-law No. 9204 and substitutes:

“

Uses and definitions

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (445).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
- (b) Institutional Uses, limited to Child Day Care Facility, Church, and Social Service Centre;
- (c) Retail Uses, limited to Retail Store; and
- (d) Accessory Use customarily ancillary to any use permitted by this section.

2.3 For the purposes of this By-law, “tower” shall mean any new building containing dwelling units that has a height greater than 29.5 m, and “midrise” means any new building containing dwelling units that has a height equal to or less than 29.5 m.

Conditions of use

3.1 The design and lay-out of at least 25% of the dwelling units in a tower and at least 35% of the dwelling units in a midrise must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms; and

- (c) comply with Council's "*High Density Housing for Families with Children Guidelines*".

3.2 Circulation areas on each floor containing a dwelling unit, including common access passages, may not be enclosed in a tower.

Floor area and density

4.1 Computation of floor space ratio must assume that the site consists of 4 821.6 m², being the site size at the time of the application for the rezoning evidenced by this By-law.

4.2 The floor space ratio for all combined uses must not exceed 11.27.

4.3 The floor areas are subject to the following provisions:

- (a) the floor area for a tower must not exceed 42,736 m²; and
- (b) the floor area for a midrise must not exceed 4,208 m²;

except that the use of the following floor areas must be for the following specific purposes:

- (c) 23 m² of area located above grade must be limited to amenity for a tower;
- (d) 9,763 m² of area located above grade must be limited to circulation, garbage, mechanical and other service areas in a tower on levels 1 to 57; and
- (e) 288 m² of area located above grade must be limited to rooftop mechanical and service areas in a tower.

4.4 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, to be measured by their gross-sectional areas and included in the measurements for each floor at which they are located.

4.5 Computation of floor area must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:

- (i) the total area of all such exclusions must not exceed 12% of the residential floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
 - (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit there will be no exclusion for any of the residential storage area above base surface for that unit.

4.6 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) for a tower, residential amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20% of the permitted floor area of a tower, or 929 m²;
- (b) for a midrise, residential amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20% of the permitted floor area of a midrise, or 929 m²; and
- (c) for a tower, permanently installed planters with landscaping located in the common circulation areas on levels 5 to 57, except that the total exclusion for this purpose must not exceed 200 m² for a tower.

4.7 The use of floor area excluded under section 4.5 or 4.6 must not include any use other than that which justified the exclusion.

Building height

5.1 For a tower, the building height measured to the top of the roof slab must not exceed 169.5 m, except that no part of the development shall protrude into the approved view corridors, except for view cone 3.2.1, the Queen Elizabeth Park view cone, as set out in the City of Vancouver View Protection Guidelines.

5.2 Despite the provisions of section 5.1 and of section 10.11 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms located at least 3 m from the roof perimeter, mechanical screens, or similar features, if the Director of Planning first considers:

- (a) their siting and sizing in relation to views, overlook, shadowing, and noise impacts; and
- (b) all applicable policies and guidelines adopted by Council,

except that the Director of Planning must not permit any structure above a maximum height of 178.6 m.

5.3 For a midrise, the building height, measured to the top of the roof parapet, must not exceed 22.3 m.

5.4 Despite the provisions of section 5.3 and of section 10.11 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms located at least 2 m from the roof perimeter, access and infrastructure required to maintain green roofs or urban agriculture, or an amenity room, provided that the Director of Planning considers:

- (a) their siting and sizing in relation to views, overlook, shadowing, and noise impacts; and
- (b) all applicable policies and guidelines adopted by Council,

except that the Director of Planning must not permit any structure above a maximum height of 29.5 m.

Setbacks

6.1 Setback from the west property line must be a minimum of 6.6 m.

6.2 Despite the provisions of section 6.1, the Director of Planning may allow projections into the required setback, provided that no additional floor area is created and that projections meet the provisions of section 10.7 of the Zoning and Development By-law.

Horizontal angle of daylight

7.1 Each habitable room must have at least one window on an exterior wall of a building.

7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 If:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of the unobstructed view is not less than 3.7 m,

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

7.5 An obstruction referred to in section 7.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (445).

7.6 A habitable room referred to in section 7.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10 % or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

8. All development permit applications require evidence in the form of a report and recommendations prepared by a licensed professional acoustical engineer demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise Levels (decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45 "

