

## Public Hearing Correspondence Case

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### Incident Location

Address: 311 UNADDRESSED LOCATION, VANCOUVER, VAN 311

Address2:

Location name:

Original Address: 311 UNADDRESSED LOCATION

### Request Details

- 1. Subject (address if applicable):**  
Regulation Redesign
- 2. Position:**  
Support
- 3. Comments:**  
City of Vancouver Mayor and Councillors

I have attached a letter I sent to staff at the beginning of the Regulation Redesign process with concerns I had at the time. Since that time a number of other issues have been encountered as we submit projects to the city for approvals.

#### DIRECTOR OF PLANING INTERPRETATIONS

The system would be far more efficient and lead to less conflicts if the Director's attitude was more liberal than conservative in interpreting words and phrases in the Zoning Bylaw. We constantly find a disconnect between the policy, the words written to facilitate that policy and the interpretation of those words by the Permit and Licensing group. A recent example fro last week:

Section 10 of the Zoning Bylaw allows a 1% density bonus for 'residential' projects that incorporate low energy design. We do a lot of mixed use Passive House projects in our office and we applied the exemption to the residential FSR. Staff insisted that because it was a Mixed Use project the clause did not apply. I thought that was counter to the intent of the policy and brought the issue to the attention of the energy efficiency group. They agreed and are changing the wording to 'residential portions?'. This could have easily been avoided with a 'liberal?' interpretation.

#### HEIGHT

The Planning Department is reluctant to relax height. The bylaws are written for more or less level ground. When we get sloping sites, particularly with the lane higher than the street and requirement to provide wheelchair access to all suites the only real solution is to create a level floor above the retail at a suitable height to accommodate the loading. This can often lead to significant intrusions above the warped surface that the city uses to measure grade. We need more support for these types of conditions.

#### MEASUREMENT OF FLOOR SPACE

Floor space is the single largest driver of land cost and developer profitability and is the one area we as designers are mandated to maximize.

The city incorporates numerous standards and exclusions in this to meet certain goals. We end up tracking one standard for energy, one for FSR, one for minimum suite sizes, one for parking calculation another for bike parking calculations. It would be far better to have one measurement standard that applies to all aspects of policy.

#### FLOOR SPACE RATIO

This metric more that any other complicates and works against good public policy for livability, social sustainability and environmental stewardship. Floor space should not be a bulk and massing control it should be a right to build private space.

I would advocate for measuring to the inside face of drywall on exterior walls and centre line of suite to suite walls. This would eliminate all the uncertainty and necessity of envelope letters that are now part of the system.

Require a minimum volume of storage within 8 ft of the floor level.

Amenities, Stairs, elevators and halls should be exempt.

Right now we can?t make wider hal

**4. Neighbourhood:**

Kensington-Cedar Cottage

**5. Full name:**

Scott Kennedy

**6. Organization you represent:**

Cornerstone Architecture

**7. Email:**

s. 22(1) Personal and Confidential"

**8. Subject classification:**

PH1 – 2. Regulation Redesign – Draft Updated Zoning and Development By-law

### Additional Details

### Contact Details

Name: SCOTT KENNEDY

Address: 3283 FLEMING ST, Vancouver, V5N 3V6

Address2:

Phone: 6042538800EXT302

Email: s. 22(1) Personal and Confidential"

Alt. Phone:

Preferred contact method: Either

### Case Notes

### Photo

- no picture -

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July 26, 2019

City of Vancouver  
453 W 12<sup>th</sup>  
Vancouver BC

### Attention: Regulation Redesign Initiative

I write this to illustrate some of the issues our firm has struggled with that I think deserve some consideration during the regulation redesign effort, which I consider overdue and very necessary if we are to deliver projects more expediently and therefore more economically. Overly micro-regulated processes are not in the public interest. There is no cost-benefit from many of the small changes we are requested to make during the permitting processes.

The Regulation Redesign discussion should be holistic in its scope. It should reinforce good, future-looking planning policy and not penalize it. Regulations must be clear, easy to follow and be easy to review. My observation is that the Planning Department has developed a culture of writing, interpreting and enforcing rules to restrict bad design rather than to encourage good design. The Vancouver Building Bylaw should also be part of this exercise as it has a lot of antiquated language and concepts based on construction before the mandatory use of sprinklers etc.

I have been collecting my thoughts over the last month or so and offer them for consideration.

**Floor Space** is the single most important regulation. It should be redefined. It should not be looked at as a density and massing control, that is the purview of height and setbacks. **It should be the maximum amount of private space that can be built.** This is how the development industry measures it, buys it and rents, leases or sells it.

There is a lot of emphasis on the isolating and anonymous nature of city living. Getting to know neighbours is a key to improving the social structure of our society. The best way is to encourage architects to provide rich social spaces. If you exempt all public spaces from floor area. (stairs, elevators, halls, amenity rooms, lobbies, workshops etc.) we can widen hallways, provide recessed suite entries that can be personalized, extend corridors to the exterior to get natural light. We can add a beautiful third stair in a lobby that is not part of the exit system and can therefore be open and inviting allowing for casual fitness and encounters. We can't do that at a penalty of \$1000 per square foot or more in lost revenue.

There is a growing desire to produce energy efficient buildings. This typically involves thicker walls. If floor area is measured to the inside face of an exterior wall there is no penalty for better wall construction, rain screens and more durable exterior finishes like brick etc.

Incidentally this is how the city measures minimum unit sizes for the Rental 100 program. *"Unit sizes are calculated from the inside of the walls (paint to paint) excluding storage rooms and enclosed balconies."*

**Storage** should be required rather than bonused and the metric should be flexible to allow designers the opportunity to plan it more efficiently. It could be a 2' deep cabinet along a hall and be more useful and effective than a 4' wide and 10' deep closet. As it is many of the storage areas are staged as a den for sales anyway.

**Height** also needs to be rethought in all zones. For instance in the C2 District Schedule the height limit is 45'. A typical building is 4 storeys. The market place has generally moved to 9' ceilings on residential floors to allow for deeper light penetration into spaces and to accommodate better ventilation systems etc.

In wood construction floors are typically 12-14" thick depending on spans. Three residential floors are therefore 30 to 31' in total height. Add another 12" for curbs and roof insulation so say 32'. That leaves 13' for commercial uses yet the city is typically now requesting 18' for commercial space when we are undertaking re-zonings. That leads to a 50' high envelope and we haven't yet added the effect of slope on the site.

Slopes are very challenging in light of the accessibility regulations in the Building Bylaw. The best solution is typically to keep all floors above the main floor level. It doesn't take much slope on a wide frontage building to seriously compromise the height envelope. This needs to be reconsidered.

This can also manifest itself in the limits posed by the VBBL. A six storey conventional wood building can be a maximum of 18m or 59ft to the sixth floor level. If we assume 4 floors at 10.2 ft for residential and 18 ft for commercial we get 58.8 ft. We just make it but if we add slope we will miss as it is measured on the lowest side.

**Roof Access** It is good policy to require roof areas be designed as useful amenity and gardening space. What would really help the social life is if an indoor amenity can be associated with the roof. This is not possible under the current VBBL in a tall wood frame building. I'd like to encourage an amendment that allows a small amenity area on level 7 based on the mezzanine rules (10% of the storey below or some minimum and absolute maximum). It should be tied to the elevator and two exits which can pierce the building envelope.

In apartment buildings there is a market desire to provide private roof access. While I think this is an acceptable practice I think there should be a percentage of the roof that is to be made available for all residents in this situation.

**Townhouses can't use the public sidewalk to access parking and garbage.** This is an ill-conceived regulation. We need to encourage the casual use of the street as it is typically where one meets neighbours and the activity reduces crime. This needs to be abolished. It can't be squared with other concepts permitting parking on adjacent sites. In the past we have been forced to install sidewalks on private property running parallel with a city sidewalk 2' away compromising interior layouts or reducing land available for landscaping just so tenants can walk to the garbage or parking areas without stepping on the public sidewalks.

**Covered outdoor Space** It rains frequently in Vancouver. Roofed areas should be allowed on outdoor spaces to allow furniture to be left out without it getting wet in the rain. One only has to look at all the unpermitted aluminum covers to see that there is a demand. By permitting it it can be properly structurally designed and any fire safety issues like sprinklers can be addressed at the time of construction.

**Balconies** - There is an obsession in the planning department with providing balconies to all residential units in the city but when you look at the buildings they are rarely used. There are many cities without balconies on apartments. This is really an individual's choice. Some people don't have an interest or a need for a balcony. While I can support some form of minimum number of balconies at some minimum size I don't see the need for them on the north side of a building facing a busy street. The enclosed balcony makes sense in that case. I'd instead propose a common roof deck, which would be more useful and encourage meeting neighbours.

#### **No Stairs in side yards**

This is a very un-uniformly enforced design guideline. Often this is the only place for a stair access to parkades, particularly in townhouse projects, without compromising the units above. In wider side yards this should not be questioned. The same goes for simple stairs for accessing the top of parkades in townhouse projects.

**No use of Lanes for firefighter access** We are designing a townhouse project with a lane along one side. It would be ideal to provide firefighter access using the lane rather than providing a 2m wide sidewalk parallel to the lane. There seems to be a reluctance to consider lanes for any purpose other than garbage and car access. If we redesigned our firefighting equipment and rethought the building code firefighter access provisions, lanes could again be useful. In the one fire I was living next to many years ago the fire truck did use the lane.

#### **Exterior stairs to access units.**

The building code always talks about interior travel distance to a door within 1.5m of grade. It makes more sense to allow 3m or one storey to grade as once outside the environment is safer. In Vancouver snow is not a concern.

**The Attitude of the Application process needs to change.** Most municipalities have staff attitudes and processes designed to help you get through the process. It often feels the opposite in the City of Vancouver and the bad habits are spreading in the Lower Mainland. It is not a staff issue so much as a rigid process issue and staff not feeling they have the authority to make decisions.

#### **Residential Units Below Grade**

This is another randomly enforced standard. In single family zoning it seems OK to have basement suites with floors well below grade to meet height restrictions. In multi-family design, particularly on sloping sites that can be difficult to meet. There are many instances where there are very livable spaces below grade. This is usually possible by incorporating a sunken garden space with a reasonable dimension. At that point it is not unlike the many walled gardens in the world we all find charming.

#### **Reserve some portions of commercial streets for Disability Parking**

For small commercial projects (sites less than 66' wide) it can be very challenging to provide disability parking with proper access to the street. It is not feasible to provide an elevator and the rear area is often taken up by loading, PMT's and exits. If the city reserved one stall per block on the street or on a side street for disability use I think a relaxation could be considered for smaller building designs.

#### **Parking off the lane at grade behind commercial**

I've always felt that at grade parking off the lane behind commercial uses provides a good opportunity for customer parking rather than descending into a parkade. This is often denied except on smaller sites although I have seen it recently behind a new project on Kingsway. Some consistency and clarity on the issue would be helpful.

#### **Words in the bylaw are interpreted differently in different District Schedules.**

The classic one we have run into is "Open Balconies". Sometimes it means one side is open (C2) sometimes it means no roof (RT). To me a balcony without a roof is unusable for most of the year. A roof allows one to place better furniture outside, allows seating on rainy days and shelters one from the damaging sun on sunny days, a win in all aspects.

#### **Compact Building Forms**

This is a balance of scale vs efficiency. Compact Building Forms are less expensive to build and maintain and are significantly more energy efficient. Our design guidelines typically force very inefficient building forms. There are many simple buildings forms that are charming when constructed with quality materials and details. (Think Gastown or Yaletown). Stepping buildings in plan is very tough when supplying fresh air and other services in central mechanical systems.

#### **Loading Parallel to the Lane**

There are many buildings, particularly when the lane is significantly higher or lower than the street, which would benefit from allowing the loading area to be a parallel stall on the lane. This stops the protrusion of the loading space into the retail areas at grade, allows for a simple loading passage ramp system parallel

to the lane to deal with the grade and provides the opportunity to pass a garbage truck parked in the lane as they lift their forks.

**Parking** in mixed-use projects we are often required to provide a separately secured commercial parking area. To do this it requires a third or even fourth parkade exit and security gates etc. In smaller mixed-use projects this is not practical. Also in smaller projects commercial parking serves the employees not customers. The requirements should automatically be waived when the requirement commercial parking is less than 6 cars or so.

**Bike Storage** The Building Code is being interpreted to require all bike rooms to be wheelchair accessible. In many instances where there are grade changes this is difficult and unnecessary. I have seen instances where a wheelchair lift, which requires annual maintenance etc., has been added solely to meet this requirement. Provision of access to one bike storage area with a minimum number of bikes would be more appropriate.

Many developers have begun to address the bike storage issue by providing a double-wide locker for each suite in the bike storage room. This is a more secure way to store bikes, particularly more expensive models where the door can be solid so would be thieves can't see the merchandise as easily. Engineering has now decided that they might be used for storage and is requiring individual lockers. Who Cares? The ability to store bikes has been provided. Some people chose not to own them at this time and if they want to store their camping equipment instead why not let them?

**Solar Panels and Renewable Energy** For a leading green city there is a paucity of solar panel installations. This has a lot to do with the high costs and time consuming processes in the permitting process. Lets get this fixed.

**Landscape, Parks, Engineering, Utility Coordination** There are many instances where the objectives of the landscape department, the parks department and engineering are at odds, particularly on public property and often exacerbated when private land is being dedicated for road widening. Examples we have encountered include when there are retaining walls engineering wants removed on land being dedicated but there are trees at the top of the wall landscaping wants saved. We have had clear statements from engineering, which we have designed to but then had to make major redesign changes later when engineering is told the walls stay. We have also had a project where we required the developer to do tree protection for street trees and then when the building was almost finished the developer called Parks Board and they came out and removed the trees.

We are now being asked by landscaping to show where the utility connections are intended to be at the Development Permit stage. Engineering often hasn't made the decisions at that time so we end up showing something just to get the permit processed.

**Incremental Density Planning** The provincial government has done a good job in creating the Step Code to provide a map of where building efficiency is heading over a time period to allow industry to train, create products and adapt. We need to do something similar for the planning processes in our city. This would include the capacity of city systems such as sewer and water and the associated upgrading schedule. It can also include limits on the number of projects in a given area such as has been done as part of the Grandview Woodland Plan. It should include for Development Cost Charges to help finance affordable housing including all new construction and major renovations to single family housing, which is a luxury product in Vancouver. This will also help control land prices so developers can purchase single family use land without paying a major premium for it.

**Planning for vehicle free streets** The best pedestrian and retail streets in the world are car free. The city should be pursuing a future where car use and ownership is significantly reduced. A long range plan for

taking roads out of service over time should be implemented to help inform zoning and massing decisions and to create really functional pedestrian retail areas throughout the city.

**Incremental change including fire-fighting equipment, transit...** The city needs to adapt to reduced use of vehicles and increased use of walking, cycling, electric scooters and transit. Closing streets to cars will radically improve the quality of life in the public realm. In anticipation of this fire fighting equipment and transit options need to adapt. A long-range vision will help in establishing requirements for future purchases of the necessary safety, transit and delivery vehicles to allow this to happen.

**Process** Either make it the applicant's responsibility to communicate with each department directly in a clear process to get approvals or have the coordinator do all of it. At the moment it is very unclear as to what the "coordinator" is doing other than adding another level communication complicating discussions on days off etc. We believe having the applicant contact each department directly is the better approach. On application we should be assigned a contact in each department we can communicate with. This eliminates the need for a middle person that may or may not understand the subtleties of the issue to be addressed.

**Minor Amendments** Things happen during construction, that require quick responses. Sometimes it means small alterations to parking or bike storage etc. Often these are not significant issues but the minor amendment process is time consuming and sometimes fraught with uncertainty. There needs to be a process where we can inform a coordinator at city hall about the change who can evaluate if there are any concerns affecting the public that need to be addressed. If not the changes should simply be recorded and sent to city hall in the form of "Final Design Drawings" in a manner similar to the CP process. These drawings would replace both the Building Permit and the Development Permit drawings as the final record of what was constructed.

We are also facing challenges in our Passive House work. The energy modeling for Passive House is much more detailed than conventional modeling. We are typically starting with thicker walls to give us a cushion should we need it once we get better information on products etc. Our final step is seeing how much we can shave off the wall thickness once we have all the other components sorted out. This has an effect on the floor area calculations, which can be very painful and involve a significant amount of work. It is not like the Vancouver modeling guidelines where there is some tolerance for redesign that doesn't require reworking the energy model. I don't have a clear solution for this but calculating FSR to the inside face of the drywall would help.

I trust these comments are of some use in the Regulation Redesign Process. Getting it right is a challenge and there will still be issues but I applaud the effort. Whatever the outcome the plan needs to be reviewed every few years to keep it on track with changes in the industry.

Sincerely

CORNERSTONE architecture

Scott M Kennedy P Eng.  
Principal

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