

From: "Mochrie, Paul" <Paul.Mochrie@vancouver.ca>

To: "Direct to Mayor and Council - DL"

Date: 10/16/2024 11:36:26 AM

Subject: Council Memo - Pod Hotels – Existing Building Upgrade Requirements - RTS# 16433

Attachments: Memo to Mayor & Council - Pod Hotels – Existing Building Upgrade Requirements.pdf

Dear Mayor and Council,

Please see the attached memo from Saul Schwebs, Chief Building Official (CBO), a short summary is as follows:

- This memo provides a response to the [Piloting Pod Hotels in Vancouver Council motion](#)
- Staff conducted a review of the Vancouver Building By-law (VBBL) requirements to explore if the authority of the Chief Building Official (CBO) needed to be expanded to support conversions of existing buildings or parts of thereof to Pod Hotels uses
- Staff found no by-law updates are needed as the VBBL provides the necessary authority to the CBO to facilitate the conversion of office spaces in existing buildings to temporary Pod Hotel use without requiring building wide upgrades
- The CBO can attach conditions that would facilitate longer term use of the converted spaces and promote appropriate minimum standards of performance
- An upcoming Council report from Planning (PDS) will include examination of development considerations relating to Pod Hotel proposals

If you have any questions, please feel free to contact Saul Schwebs at 604-506-5538 or saul.schwebs@vancouver.ca.

Best,
Paul

Paul Mochrie (he/him)
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səlilwətaʔ (Tsleil-Waututh) Nations.



MEMORANDUM

October 15, 2024

TO: Mayor and Council

CC: Paul Mochrie, City Manager
 Armin Amrolia, Deputy City Manager
 Karen Levitt, Deputy City Manager
 Sandra Singh, Deputy City Manager
 Katrina Leckovic, City Clerk
 Maria Pontikis, Chief Communications Officer, CEC
 Teresa Jong, Administration Services Manager, City Manager's Office
 Mellisa Morphy, Director of Policy, Mayor's Office
 Trevor Ford, Chief of Staff, Mayor's Office
 Corrie Okell, General Manager (DBL)
 Josh White, Director of Planning, General Manager (PDS)
 Sarah Hicks, Chief Licence Inspector

FROM: Chief Building Official, Director of Building Policy, Inspections and By-law Services

SUBJECT: Pod Hotels – Existing Building Upgrade Requirements

RTS #: 16433

This memo is provided in response to the [Piloting Pod Hotels in Vancouver Council](#) motion directing staff to explore the feasibility of modifying the 2019 Vancouver Building By-law (VBBL) requirements to expand the authority of the Chief Building Official (CBO) to support conversions of existing buildings or parts of thereof to Pod Hotels uses. An upcoming Council report from Planning (PDS) will include examination of development considerations relating to Pod Hotel proposals.

Staff are of the opinion that the VBBL already provides the necessary authority to the CBO to facilitate the conversion of office spaces in existing buildings to temporary Pod Hotel use without requiring building wide upgrades, and to attach conditions that would facilitate longer term use of the converted spaces and promote appropriate minimum standards of performance.

Part 11, Division B of the VBBL establishes the upgrade levels applicable to the alteration of an existing building to support a permanent change of major occupancy. This includes three paths to demonstrate compliance with the applicable upgrade levels. One path allows the CBO to

accept alternative upgrades where the owner demonstrates that upgrade levels as determined through the normal mechanism present a hardship.

Where the building or occupancy is to be temporary in nature, occupied for one year or an acceptable term of up to three years, the CBO is empowered through Division C of the VBBL, to attach conditions to a building permit for a temporary building (or temporary uses within an existing building - through a temporary occupancy permit), which may include selective compliance with the provisions of the VBBL if the CBO determines that the construction, use or occupancy will exist for a short time, and the circumstances do not warrant complete compliance with the By-law (see Appendix A for further details).

Unlike the VBBL, the BC Building Code (BCBC) does not speak directly to upgrades and expects that any new construction, inclusive of a change of major occupancy (such as a change from office to hotel), shall fully comply with the requirements of the current building code. This includes upgrades as determined by the local authority having jurisdiction, so that the resultant combination of new and existing construction will achieve, as closely as possible, the fire and life safety standard required of new construction (see Appendix B for additional information).

Noting that the purpose of building upgrading is to bring an existing building closer to the standards of new construction, including life safety, it is of great importance that proponents consider the original purpose, age, and condition of an existing building when selecting candidate buildings for conversion to Pod Hotels. Better performing buildings, will naturally require less improvement to achieve an acceptable level of performance, whereas it will remain a challenge for older and substantially less compliant buildings to satisfy even greatly reduced safety requirements.

To assist the CBO in establishing appropriate permit conditions for a good candidate building, staff suggest the applicant consider the selection criteria for candidate Pod Hotels buildings include the following items:

- Building fire sprinkler and fire alarms systems to provide a minimum level of fire safety for a hotel use,
- Two fully enclosed exit stairs to reduce evacuation risks,
- Non-combustible construction for buildings over 2 storeys to reduce the risk of fire spread, and
- Construction or seismic upgrading no older than 2007 to avoid substantive seismic upgrade challenges.



Saul Schwebs, Architect AIBC
Chief Building Official
Director of Building Policy, Inspections and By-law Services

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Memo: Pod Hotels – Existing Building Upgrade Requirements – Appendix A

Excerpt from 2019 VBBL – Division C, Subsections 1.6.8., and 1.7.4.:

1.6.8. Permits for Temporary Buildings, Including Tents and Air-Supported Structures

1.6.8.1. Definition of “Temporary”

1) In this Subsection, “temporary” means for a time period not exceeding 12 consecutive months or a fixed term of occupancy not to exceed 3 years where *acceptable*.

1.6.8.2. Compliance with By-law

1) Except as otherwise provided in this Subsection or in Section 11.6, Division B, Book 1, no person shall erect a temporary *building*, including a tent or *air-supported structure*, which does not comply with this By-law.

1.6.8.3. Permit Required

1) No person shall erect, or use or occupy a temporary *building*, including a tent or *air-supported structure* without a *permit*.

1.6.8.4. Compliance with Permit Conditions

1) No person shall erect, or use or occupy a temporary *building*, including a tent or *air-supported structure*, in contravention of the conditions of a *permit*.

1.6.8.5. Application Requirements

1) The application for a *permit* for a temporary *building*, including a tent or *air-supported structure*, shall be accompanied by

a) plans showing the location of the temporary *building*, tent or *air-supported structure* on the site, all other *existing buildings* on the same property and all other *buildings* on adjacent property located within at least 10 feet of the property line of the site,

b) *construction* details of the *building*, tent or *air-supported structure*, and

c) a statement by the *owner* indicating the intended use and intended duration of such use.

2) The application for a temporary *occupancy permit* for a tent or *air-supported structure* shall be accompanied by documentation sufficient to establish that the tent or *air-supported structure* complies with Subsection 3.1.6. of Division B of Book I (General) of this By-law.

1.6.8.6. Time Limited Permits for Temporary Buildings

1) The *Chief Building Official* may issue a *permit* authorizing the *construction*, use or *occupancy* of a temporary *building*, including a tent or *air-supported structure*, and may attach conditions to such *permit*, including conditions allowing for selective compliance with the provisions of this By-law, if the *Chief Building Official* determines that the *construction*, use or *occupancy* will exist for a short time, and the circumstances do not warrant complete compliance with this By-law.

1.6.8.7. Permit End Date

1) A *permit* for a temporary *building*, including a tent or *air-supported structure*, shall state the date after which the *permit* is no longer valid.

1.6.8.8. Permit Extension

1) A *permit* for a temporary *building*, including a tent or *air-supported structure*, may only be extended if an extension is granted by the *Chief Building Official* prior to the expiry of the *permit*.

2) An *owner* who wishes to seek an extension of a *permit* for a temporary *building* from the *Chief Building Official* shall submit an application in writing to the *Chief Building Official* accompanied by the requisite extension fee.

3) If the *Chief Building Official* is of the opinion that the temporary *building* complies with the life safety requirements of this By-law, the *Chief Building Official* may extend the *permit* once only, and the *Chief Building Official* may require documentation from *registered professionals* to verify that the requirements of this By-law are being met.

1.7.4. Temporary Occupancy Permit

1.7.4.1. Temporary Occupancy Permit

1) The *Chief Building Official* may issue a temporary *occupancy permit* for a temporary use within an *existing building*, or for the limited use of a *building* approved according to Subsection 1.6.8. or as otherwise provided in this By-law.

Memo: Pod Hotels – Acceptable Upgrade Background Material – Appendix B

VBBL Application to Existing Buildings:

The VBBL provides a unique Part 11 in Division B, which codifies the upgrade requirements applicable to existing buildings. This approach differs from the Provincial approach, in that it tries to establish an acceptable level of upgrade based on the intended scope of work which is deterministic and repeatable, and does not require a subjective determination by City staff.

Despite its mechanical differences, this is fundamentally aligned with Provincial objectives for existing construction, with the benefit that user of the code can predetermine what the expected upgrades should be, and the results are consistent.

Upgrade Objectives of Part 11 of the VBBL (identified in Sentence 11.2.1.1.(1)):

- a) all unsafe conditions shall be corrected to an acceptable level,
- b) all new materials and construction work shall comply with this By-law,
- c) the building shall be upgraded to an acceptable level of
 - i) fire, life and health safety,
 - ii) structural safety,
 - iii) non-structural safety,
 - iv) accessibility for persons with disabilities, and
 - v) water efficiency,
- d) any significant extension of the design life of an existing building beyond its original design life shall require upgrading to an acceptable level,
- e) an alteration to an individual suite within an existing building will not trigger upgrades within any other suites except where the alteration creates non-conformity with the By-law within such other suites, and
- f) the level of life safety and building performance shall not be decreased below the existing level.

The acceptable level upgrade is established by a documented upgrade mechanism, which allows the use to follow a set of flowcharts based on the intended scope of work and increase in hazard level.

Once the hazard level has been determined, the occupant may then either:

1. Apply a set of acceptable solutions that are deemed to comply with the acceptable level of upgrade,
2. They may propose an alternative set of upgrades supported by the design consultants which City staff could then evaluate for acceptance, or
3. They may on a basis of hardship, request that senior staff or the CBO interceded to accept a different more appropriate level of upgrade.

BCBC Application to existing Buildings:

BCBC objectives are based on the National Building Code requirements (NBC) and are broadly concerned with the idea of compliance with current requirements. This approach leaves the establishment of specific upgrade requirements applicable to an existing buildings undefined, to be established by the local authority having jurisdiction.

This approach is outlined in the User's Guide to Part 3 of the National Building Code of Canada (last published with the 1995 edition), from which we have included an excerpt conceptualizing of the general upgrade objectives expected under the NBCC:

*"In the design and construction of a new building, all requirements of the [current code] must be complied with, either directly or by the incorporation of other measures that provide an equivalent performance level. In the case of an existing building, the degree of compliance with the [current code] will vary markedly, depending on the age of the building and the editions of the NBC or other local legislation that were applied at the time of construction or during subsequent alterations. **Where substantial changes have been made in applicable building codes over the life of the building, it will be extremely difficult, and in some cases impossible, to meet***

current building code requirements. In these situations, compensatory measures should be applied, if necessary, to ensure that an appropriate level of safety is achieved.

In the case of life safety, the performance intended by the [current code] should be achieved as closely as possible.* In the case of property protection, judgment will have to be exercised through economic studies to determine the cost benefits that can be achieved through changes to the building. Where the basic structural frame would have to be replaced or bearing walls and shafts relocated in order to improve egress widths, it would normally be uneconomical to make these changes. It may be necessary to limit occupant loads or use other compensatory safety features in lieu of structural changes.

(*emphasis added, references to the 1995 NBCC recontextualized as the current code of the day to reduce confusion)