

File No.: 04-1000-20-2024-187

May 7, 2024

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of March 22, 2024 under the *Freedom of Information and Protection of Privacy Act* for:

**Record of staff comments relating to the refusal of Development Application (DP-2022-00133) at 21 Water Street. Date range: February 9, 2022 to May 17, 2022.**

All responsive records are attached.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2024-187); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

[Signed by Cobi Falconer]

**Cobi Falconer, MAS, MLIS, CIPP/C**  
**Director, Access to Information & Privacy**  
[cobi.falconer@vancouver.ca](mailto:cobi.falconer@vancouver.ca)  
453 W. 12th Avenue Vancouver BC V5Y 1V4

If you have any questions, please email us at [foi@vancouver.ca](mailto:foi@vancouver.ca) and we will respond to you as soon as possible. Alternatively, you can call the FOI Case Manager at 604-871-6584.

Encl. (Response Package)

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**RECOMMENDATION TO DOP**

May 17, 2022

ACCEPT ---  REFUSE ---

ADDRESS: 21 WATER STREET, Vancouver, BC

PERMIT NUMBER: DP-2022-00133

RECOMMENDATION TO: Mandy So FROM: G. Sneddon  
Manager/Supervisor Name Staff Initials

**RECOMMENDATION SUMMARY:**

I would recommend REFUSAL to perform exterior alterations to this existing Heritage C building, by adding a public art installation to the top of the mechanical shaft.

No alterations proposed for the heritage façade of the building

- **Refusal 1 – Non-Compliance – Regulations;** the proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site;
  - o Height exceeds the maximum per district schedule
- **Refusal 2 – Non-Compliance – Policies and Guidelines;** the proposed development does not satisfactorily comply with the policies or guidelines that affect this site;
  - o Non-compliance with the Downtown Eastside development Plan, see DEOD planning comments below

**Note:** The applicant provided varied drawings throughout the process and had renderings prepared (but not part of the DP application) that showed fecal matter beneath the goose statue. If applicant goes to BOV, please ensure they provide accurate drawings at BOV that match DP application.

**SPECIAL DEPARTMENTAL NOTES:**

Department	Note	Condition Reference
Heritage	Although proposed art installation is reversible, height relaxation is not supportable as it does not satisfactorily meet HA-2 Design Guidelines, in particular "4.1.2 Height".  The proposed public art does not reflect area’s special status, in particular Gastown’s “turn of the century” historical and architectural character.  (review comments reflect feedback from A/D)	
Development	Height does not comply with permitted height per HA-2 District Schedule	

Planning	In support but defer to Cultural Services and DEOD.	
ACCS	Not in support -	
DEOD Planning	<ul style="list-style-type: none"> <li>Exceeds maximum height The location of the art piece on top of the mechanical shaft exceeds the maximum height of 22.9 metres (75 ft) permitted by the DTES Plan (7.2.1) and HA-2 district schedule (4.3.1) by 4 metres (13 ft). As Gastown is a designated National Historic Site, we are sensitive to the impact of additional height on buildings within the area. Zlatan or someone from his team may have additional comment.</li> <li>Need to be sensitive to the local context In terms of the art piece itself, we defer to Arts &amp; Culture. However I'd like to note the artist is not local and it is unclear whether the broader community (outside of the BIA) has been engaged. The DTES Plan's policy on Art in Public Places (14.3.1) encourages public art that engages with and reflects the neighbourhood, and wherever possible, involve neighbourhood-based artist. We need to be sensitive to the local context as there are significant socio-economic tensions in Gastown with some residents and businesses being quite affluent, and other community members who face systemic barriers including poverty, homelessness, racism, mental health and addiction, etc.</li> <li>Indigenous Reconciliation Given the context of the Gassy Jack statue, we are particularly mindful that this art piece would be highly visible from Maple Tree Square. As the City is currently working with the Squamish Nation, who are taking the lead on how they would like to approach that former public art piece and broader public awareness and process, the timing and lack of engagement and involvement of the Indigenous Nations are a significant concern. Eric from Public Art and Rachel from Street Activities may have additional comment.</li> </ul>	
Engineering (Public Realm)	Not in support	

**NOTIFICATION SUMMARY:**

**Site Sign:**      Yes                      **Install Date:**    March 14, 2022

**Postcards:**     No

**Open House:** *No*

Results of Notification:

**Responses:** 3

**Objections:** 0

**In Favour:** 2

**Enquiry(s):** 1

2/3 responses received were in support of this art piece.

Summary of Comments Received from Recognized Neighborhood Groups:

Gastown BIA is also in support. Refer to letter under Application Documents tab

**HISTORY:**

Number of Dwelling Units: ##

Approved Use: <OCCUPANCY>

Occupancy: *Select*

Permit / Application Details:

Permit Number	Issue Date	Project Description

**TECHNICAL REVIEW:**

Permitted height per HA-2 District Schedule: 22.9 m (75.13 ft.)

Proposed height measured to top of public art: 27 m (88.58 ft.)