

Public Review

Vancouver Building By-law (VBBL)

Proposed change to create a new Part 13

Topic: Relocation of Temporary Buildings and Uses provisions to a new Part 13

Code change number: 24-0031

Code reference: Part 13 (new)

Description of the proposed change

The VBBL is an adaptation of the BC Building Code (and NBCC) which does not specifically address temporary buildings or the concept of temporary uses of a building otherwise designed for other purposes. This proposed change is to establish a unified Part of the VBBL to further define and contain regulatory requirements related to temporary uses and buildings.

Justification

Based on recent direction by Council and on observed challenges with the current code structure there is a need to more directly address temporary uses, which are often problematic when a building permit is sought to either maintain an existing occupancy but accept a use for which it is not designed, or to permit a change in major occupancy without leading to expensive upgrades, which given the intended temporary use have little return on the invested amount.

It is therefore proposed that rather than continuing to find work arounds for existing code requirements, or requiring continual attention from senior staff, that a new Unique to Vancouver section of the Code be added as a framework to directly address temporary building and uses.

The present proposal seeks to relocate existing temporary building and use provisions, but frame them in a new context under a Part 13, which includes the concept of a temporary use within an existing but possibly different major occupancy which does not otherwise currently exist under the Canadian Model Code framework.

The proposal also includes the creation of one new temporary use, which is for temporary retail space, which has multiple purposes:

- a) To provide means to address demonstration and show suites in new construction for the purposes of presales,
- b) To provide for use of under utilized spaces for retail use on a time limited basis, and

- c) To provide for occasional time limited use to provide a legitimate space for retail use for social benefit.

The establishment of a separated Part, will also provide the opportunity to administratively separate Unique to Vancouver content from the BCBC, so that future efforts to digitize the BCBC and NBCC will require only a minimum of cross-referencing when provincial code occur. This also allow for expandability of the temporary use framework to accommodate changing City need and Council direction.

Proposed VBBL content

Black Text – 2019 Vancouver Building By-law content

Red Text – Proposed modification to Vancouver Building By-law content

Part 13 Temporary Buildings and Temporary Uses

Section 13.1. General

13.1.1. General

13.1.1.1. Scope

1) The application of this Part shall be as described in Subsection 1.3.3. of Division A.

13.1.1.2.11.6.1.1. Application

- 1) This Section applies to
 - a) temporary *buildings*,
 - b) *arts and culture indoor events* in *existing buildings*,
 - c) special event facilities in existing or temporary *buildings*,
 - d) temporary use for emergency shelters in *existing buildings*,
 - e) temporary use for retail in existing buildings, and
 - f) temporary use for shelter in existing buildings.

13.1.1.3.11.6.1.2. Alternative Compliance Measures

- 1) The alternative compliance measures provided in this Part apply to *existing buildings temporarily* used for other uses and occupancies and do not apply to new work, which must conform to the requirements for new *construction* in other Parts of this By-law.
- 2) The alternative compliance measures in Section 11.3. may be applied to existing conditions, except as otherwise required by this Part.
- 3) The alternative compliance measures in Section 11.4.11.5. may be applied to existing conditions in a *heritage building*, except as otherwise required by this Part.

13.1.1.4. Definitions

1) Words that appear in italics are defined in Article 1.4.1.2. of Division A.

13.1.1.5. Use of Term Temporary

1) For the purposes of this Part, the term “temporary building” shall refer to a *building* that is not intended for, or not constructed to a standard to support, continuous ongoing *occupancy*, that is used

a) as a special event facility for no more than two months,

b) for a time period exceeding 12 consecutive months, or

c) for a fixed term of *occupancy* that is *acceptable* to the *Chief Building Official* which does not exceed 3 years.

2) For the purposes of this Part, the term “temporary use” shall refer to the interim or provisional occupancy of a portion of an *existing building* designed to support a different *major occupancy* over a fixed time period, as permitted by this Part or as *acceptable* to the *Chief Building Official*.

13.2. Temporary Buildings

13.2.1. Temporary Buildings

13.2.1.1. Alternative Compliance Measures

1) The alternative compliance measures of Table 13.3.1.1. may be applied to temporary *buildings*.

Table 13.2.1.1. Alternative Compliance Measures for Temporary Special Events Facilities, Emergency Shelters and Temporary Buildings Forming part of Sentence 11.6.3.1.(1)		
No.	By-law Requirement Division B	Alternative Compliance Measures
<u>1</u>	Handrails 3.4.6.5.	Handrail extensions for temporary <i>buildings</i> may extend vertically downward not less than 300 mm beyond the top and bottom of the stairway.
<u>2</u>	Guards 3.4.6.6.	Openings greater than 100 mm may be permitted in <i>guards</i> where a) the guard serves stairs that are used only by staff or work force volunteers, and b) a triangular space created by the stair tread, stair rise, and the underside of the <i>guard</i> , provided the opening will not permit the passage of a sphere greater than 200 mm, in egress stairs that serve bleacher seating. Member, attachment or openings located between 140 mm and 900 mm above the level being protected by the <i>guard</i> may be permitted where

Table 13.2.1.1.
Alternative Compliance Measures for Temporary Special Events Facilities,
Emergency Shelters and Temporary Buildings
 Forming part of Sentence 11.6.3.1.(1)

No.	By-law Requirement Division B	Alternative Compliance Measures
		a) the <i>guard</i> serves stairs that are used only by staff or work force volunteers, and b) rosettes in the vertical posts of scaffolding type bleachers have been installed.
<u>3</u>	Treads and Risers 3.4.6.8.	In locations where it is not practical for persons with disabilities to work, stairs with no public access, may have a) runs of not less than 250 mm between successive steps, b) risers between successive treads not less than 125 mm and not more than 190 mm, and c) open risers.
<u>4</u>	Direction of Door Swing 3.4.6.12. Door Release Hardware 3.4.6.16.	Temporary sliding gates may be used as <i>exit</i> doors provided a) gates are left open during normal operating hours and always manned by <i>supervisory staff</i> , b) gates are closed during non-operating hours, and locked c) operational procedures are in place to ensure that the gates are unlocked during operating hours, and d) <i>supervisory staff</i> are trained for emergency evacuation procedures.
<u>5</u>	Environment Separation Part 5	Part 5 does not apply.
<u>6</u>	Commercial Cooking Equipment 6.2.2.7.	26 gauge galvanized sheet metal kitchen exhaust ducts with seams are permitted provided clean-out access panels are provided at all elbow locations and at 6 m spacing for straight runs.
<u>7</u>	Faucets and Shower Head Efficiency Book II, Division B, 2.2.10.6.	No restriction required.
<u>8</u>	Water Closet Efficiency Book II, Division B, 2.6.1.6.	No restriction required.
<u>9</u>	Urinal Efficiency Book II, Division B, 2.6.1.6.	All urinals shall conform to CSA B45 "Plumbing Fixtures" and shall have an average water consumption not exceeding 3.8 litres per flush cycle.
<u>10</u>	Sanitary Connection 2.4.2.1. Book II	Portable water closets that form part of a temporary facility need not be connected to the <i>sanitary drainage system</i> .
<u>11</u>	Storm Drainage Connection Book II, Division B, 2.4.2.1.	Roofs and paved areas need not be connected to the storm drainage system

13.3. Tents

13.3.1. Tents

13.3.1.1. General

1) Except as permitted by this Subsection, a tent shall comply with the requirements of 3.1.18., and Section 3.3. and 3.4.

13.3.6.2. Clusters of Tents

1) A cluster of tents, may be considered a single tent for the purposes of spatial separation under Article 3.1.18.3., where

- a) The cluster of tents have an aggregate area of not more than 60 m², and
- b) Each tent in the cluster is located no more than 3 m away that any other tent in that cluster.

2) Fabric tent material may conform to

- a) NFPA 701, "Standard Methods of Fire Tests for Flame Propagation of Textiles and Films", 2004 edition, or
- b) Certification of Registered Flame Resistant Product certified by the California Department of Forestry and Fire Protection, Office of the State Fire Marshall.

3) ~~Tent~~ Exit doors for a tent, may be equipped with fabric flaps, tie straps, zippers, or VELCRO brand or equivalent hook and loop fasteners in lieu of doors that swing on a vertical axis provided

- a) a minimum of two exit doors are be provided for each tent,
- b) the occupant load of the tent does not exceed 60, and
- c) supervisory staff are trained for emergency evacuation procedures, and remain in the vicinity of the exit at all times.

13.4. Temporary Uses in Existing Buildings

13.4.1. Special Event Facilities and Temporary Uses

13.4.1.1. Alternative Compliance Measures

1) The alternative compliance measures of this Section, may be applied to the

- a) temporary use of a building or part of a building, and
- b) temporary use of a tent.

13.4.2. Special Events

13.4.2.1. Alternative Compliance Measures for Special Events

1) A fire separation between adjacent occupancies and the seats is not required provided

- a) the only occupied space beneath the bleacher seating is used as a pedestrian walkway for access to the bleacher seating.

- b) the occupied space is not used for storage, signage must be posted in the space beneath the bleacher seating that reads “No Storage Permitted in This Area”, and
- c) cleanup crews must clean up debris from the space beneath the bleacher seating at the end of each day.

13.4.3. Temporary Arts and Culture Event

13.4.3.1. Alternative Compliance Measures for Arts and Culture Events

1) Where the occupancy of an existing building or portion of an existing building is classified as Group D offices, Group E retail, Group F Division 2 production or rehearsal studio, wholesale, warehouse, or factory, or Group F Division 2 artist studio without living accommodations, the major occupancy may be classified as a temporary Group A Division 2 major occupancy for an arts and culture event where

- a) the arts and culture event is located in the first storey or the storey below the first storey,
- b) the floor area containing the arts and culture event complies with the fire and life safety requirements of Sentences (2) and (3), and
- c) an Occupant Load plan acceptable to the Fire Chief is obtained where an arts and culture event has an occupant load of more than 60 persons or where alcohol is served in connection with a Special Occasion Liquor License issued by the Province, or
- d) an approved Security Assessment by the Vancouver Police Department is obtained where an Arts and culture event is a public event with an occupant load of more than 60 persons or where alcohol is served in connection with a Special Occasion Liquor License issued by the Province

2) Floor area used for an arts and culture event shall

- a) be constructed of concrete supported by solid ground without suspended slab, or certified by a registered professional, to be suitable for assembly occupancy and designed to a minimum specified uniformly distributed live load of 4.8 kPa,
- b) include at least one accessible entrance conforming with Subsection 11.3.7.1.(1)(d) or (e),
- c) be sprinklered in a basement used for an arts and culture event,
- d) except as required by Clause 11.6.2.1(4)(b), be provided with a fire alarm or at least one designated supervisory staff posted at each required egress door, but in no case shall there be fewer than two supervisory staff for an arts and culture event, and
- e) include emergency lighting
 - i) inside washrooms or, in the case of a single toilet room, immediately outside the entrance door and visible under the closed toilet room door, and
 - ii) in locations leading from the arts and culture event to the street as described in Sentence 3.2.7.3.(1).

3) Means of egress from floor areas used for an arts and culture event shall include

- a) exits in compliance with the requirements of Section 3.4. with respect to size, travel distance, and number, as applicable to a Group A, Division 2 major occupancy, except that not less than
 - i) one exit is permitted where the occupant load does not exceed 60 persons, or
 - ii) two exits are permitted where the occupant load does not exceed 250 persons, and

- b) exit signs installed over or adjacent to exits and in common paths of travel where the occupant load exceeds 60 persons.
- 4) Floor area used for an arts and culture event which occurs more than 3 days per month or occurs with any other arts and culture event more than 3 days per month, shall
 - a) include a fire separation to adjacent occupancies or uses
 - b) be served by a permanent or temporary fire alarm system, and
 - c) except where the floor area is sprinklered, draperies, fabrics or combustible hangings shall be flame retardant and other combustible finishes shall be of fire-retardant-treated wood or have a Flame-spread rating of not more than 150 (see Note A-11.6.2.1.(4)).
- 5) An arts and culture event shall include portable fire extinguishers installed in accordance with the Fire By-law, with
 - a) at least one extinguisher at the main entrance and at each egress door leading from the arts and culture event floor area, and
 - b) the approved fire emergency procedures and security plan with approved maximum occupant load posted beside each portable extinguisher at the main entrance and at each egress door leading from the arts and culture event.
- 6) Cooking which generates grease-laden vapour is not permitted at an arts and culture event, unless commercial cooking and ventilation equipment, installed under permit and conforming with Article 6.3.1.7., is used.

13.4.4. Temporary Emergency Shelters

13.4.4.1. Alternative Compliance Measures for Emergency Shelters

- 1) Notwithstanding the provisions of this By-law, a temporary emergency shelter is permitted in an *existing building*, except that there shall be
 - a) no cooking in the *building*, other than food re-heated by microwave,
 - b) no less than one staff for each 20 shelter spaces on duty at all times,
 - c) no more than one shelter bed for every 3.7 m² of *floor area* or, if bunk beds are provided, no more than two shelter beds for every 3.7 m² of *floor area*,
 - d) aisles no less than 900 mm wide on both sides of every shelter bed,
 - e) at least 2 *means of egress*,
 - f) *exit signs* on all *exit doors*,
 - g) additional directional *exit signs*, in any circumstance where *exit signs* over *exit doors* are not visible from any location in the shelter,
 - h) *exit signs* which comply with Subsection 3.4.5.,
 - i) *smoke alarms* conforming to Article 3.2.4.20. installed throughout the entire *building*,
 - j) at least one water closet for every 20 shelter spaces,
 - k) at least one lavatory for every 5 water closets, and
 - l) all staff shall have training in first aid and emergency evacuations.
- 2) A fixed term transitional housing or emergency shelter complying with the requirements of this Sentence is permitted to remain for not more than 3 years provided
 - a) the *building* is constructed as a
 - i) temporary emergency shelter complying with the requirements of Sentence (1), or

- ii) factory constructed *building* complying with CSA Z240 MH except as required by 1.1.1.1.(2)(g) of Division A,
- b) the *building* is *sprinklered* with quick response or residential sprinklers,
- c) the *building* is provided with a single stage fire alarm system, and
- d) the owner provides an operating agreement stating the intended fixed term of occupancy, maximum occupant load, and minimum operating staff level, as acceptable to the *Chief Building Official*.

13.4.5. Temporary Retail Use

13.4.5.1. Alternative Compliance Measures for Retail Use

1) Notwithstanding the provisions of this By-law, a temporary use for retail is permitted in an existing building floor area of Group A Division 2, Group D, Group F, Division 2 or Group F Division 3 major occupancy, where

- a) the temporary use for retail is located on the first storey or the adjacent grade level, but not both,
- b) the building is provided with a fire alarm system, and
- b) the floor area containing the arts and culture event complies with the fire and life safety requirements of Sentences (2) and (3).

2) Floor area used for temporary use for retail shall

- a) be constructed of concrete supported by solid ground without suspended slab, or certified by a registered professional, to be suitable for assembly occupancy and designed to a minimum specified uniformly distributed live load of 4.8 kPa,
- b) be separated from other all other major occupancies by a fire separation with a fire resistance rating of at least 2 h,
- c) be sprinklered in accordance with NFPA 13,
- c) have washroom facilities complying with Subsection 3.7.2.,
- d) have emergency lighting
 - i) inside washrooms or, in the case of a single toilet room, immediately outside the entrance door and visible under the closed toilet room door, and
 - ii) in common paths of egress travel to the exits as described in Sentence 3.2.7.3.(1), and
- e) include at least one accessible entrance conforming with Subsection 11.3.7.1.(1)(d) or (e).

3) Means of egress from a temporary use for retail shall include

- a) exits in compliance with the requirements of Section 3.4. with respect to size, travel distance, and number, as applicable to a Group A, Division 2 major occupancy, except that not less than
 - i) one exit is permitted where the occupant load does not exceed 60 persons,
or
 - ii) two exits are permitted where the occupant load does not exceed 250 persons, and
- b) exit signs installed over or adjacent to exits and in common paths of travel where the occupant load exceeds 60 persons.

4) The temporary use shall be provided with

- a) portable fire extinguishers installed in accordance with the Fire By-law, with at least one extinguisher at the main entrance and at each egress door,
 - b) a safety plan, outlining procedures for supervisory personnel with no less than one staff member for each interval of up to 50 occupants, and training in first aid and emergency evacuations, and
 - c) *smoke detectors* installed in accordance to Article 3.2.4.20. are installed throughout the *temporary use*,
- 5) *Floor area* use for the *temporary use* of retail may not include cooking.

13.4.6. Temporary Day Care for Children

13.4.6.1. Alternative Compliance Measures for Day Care for Children

- 1) Notwithstanding the provisions of this By-law, a temporary daycare facility for children is permitted in an *existing building*, where it
- a) has a fixed term of occupancy of not more than 3 years, or otherwise acceptable to the *Chief Building Official*, and
 - b) complies with the requirements of this Article.
- 2) The temporary daycare facility for children shall be located in a *floor area* of Group A, Division 2 major occupancy, where
- a) the temporary daycare facility for children does not exceed 30 *children*,
 - b) the temporary daycare facility for children is separated from other all other major occupancies by a *fire separation* with a *fire resistance rating* of at least 1 h,
 - c) the *storey* containing the temporary daycare facility for children and all *storeys* below are fully *sprinklered*, except where
 - i) *means of egress* are provided directly to the exterior,
 - ii) it is not required to travel up or down more than 1 *storey*, and
 - iii) at least two *means of egress* are located so that one *means of egress* could provide egress, if any other *means of egress* becomes inaccessible due to fire,
 - d) the temporary daycare facility for children is equipped with emergency lights in accordance with articles 3.2.7.3. and 3.2.7.4.,
 - e) firefighter access conforms with Part 3 of this By-law,
 - f) A fire alarm system with heat and smoke detection in accordance with Articles 3.2.4.10. and 3.2.4.11.,
 - g) nonstructural elements and other falling hazards in the temporary daycare facility for children are restrained to resist lateral loads due to earthquakes,
 - h) interior partition walls and ceiling, and their support frames and overhead lights and services are restrained, and
 - i) all *unsafe conditions* are corrected to the satisfaction of the *Chief Building Official*.

Notes to Part 13

Temporary Buildings and Temporary Uses

A-13.4.3.1.(4) Combustible Finishes Combustible finishes have been associated with the rapid propagation of fire within assembly occupancies. Such materials will often be affixed to wall and ceiling surface, or loose hanging materials will be provided so as to improve the appearance of a space or reduce hard surface that reflect sound.

Sentence 11.6.2.1.(4) is intended to limit the type of built-in combustible wall and ceiling finishes and hanging materials (such as draperies or fabrics) to reduce the risk to occupants where the space is not protected by fire sprinklers, which can respond to a fire before rapid fire propagation occurs.

Loose fabric materials should be flame retardant, which is commonly demonstrable through a product listing identifying that it meets the requirements of CAN/ULC-S109. Built-in combustible finishes must demonstrate a flame-spread rating of not more than 150 which is readily demonstrable by listings confirming the product meets the requirement of CAN/ULC-S102, or they may be constructed with fire retardant-treated wood.

A-13.4.4.1.(2) Fixed Term Transitional Housing or Emergency Shelter. The requirements for fixed term transitional housing or emergency shelters described in Sentence 11.6.3.2.(2) are intended to accommodate temporary, but longer term housing that may be deployed for a fixed duration to address ongoing housing concerns. Fixed term housing or shelters may consist of temporarily repurposed buildings, or may be constructed as modular factory built structures in accordance with CSA Z240 MH to the extent permitted by Division A (See also Note A-1.1.1.1.(3) of Division A) or other regulatory requirements.

The requirements of Sentence 11.6.3.2.(2) and Division C Sentence 1.6.8.1.(1) require that the term of occupancy be limited. This reflects the potential risk that the form of construction may not be appropriate for permanent use, either as a consequence of the inability to maintain the building due to ongoing use, or due to reduced durability. However, this term may be extended once by the Chief Building Official in accordance with Article 1.6.8.8., provided that it can be shown that the building will be able to support extended use.