

FALL 2022 CP UPDATE SEMINAR

VBBL Updates
BP before DP
Clarifications

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VIA ZOOM



ARCHITECTURAL
INSTITUTE OF
BRITISH COLUMBIA



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

Background

Recap...

Zoning & Development Bylaw No. 3575 Updated:

On September 22, 2021, Bylaw No. 13123 was enacted:
Whereby 4.7.2., despite 4.7.1., permits the DoP to recommend the issuance of a building permit to the Chief Building Inspector provided....

Bylaw Amendment 13123

BY-LAW NO. 13123

A By-law to Amend Zoning and Development By-law No. 3575 Regarding Building Permits

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

1. This By-law amends the indicated provisions of the Zoning and Development By-law No. 3575.

2. Council strikes out section 4.7 and substitutes the following:

“4.7 Building Permit Validity

4.7.1 Unless issued in accordance with sections 4.7.2 and 4.7.3, no building permit issued for any operation with respect to which a development permit is required under this By-law shall be valid unless and until a development permit has been issued.

4.7.2 Despite section 4.7.1, the Director of Planning may recommend the issuance of a building permit to the City Building Inspector, provided that the:

- (i) Director of Planning has issued a “prior-to permit issuance” letter for the development;

Subsection 4.7.2.; Clause (i)

DoP has issued a “prior-to permit issuance” letter

...AND...

Bylaw Amendment 13123

- (ii) Director of Planning, in consultation with the City Engineer and Director of Legal Services, is satisfied that the applicant has made substantial progress in satisfying the conditions imposed under (i);
- (iii) City Building Inspector, in consultation with the City Engineer, is satisfied that a building permit may be issued, and the building permit:
 - (a) application is submitted by a Certified Professional; and
 - (b) is limited only to excavation and shoring associated with the proposed development permit for the same site; and
- (iv) development must include one of the following uses:
 - (a) Cultural and Recreational Uses, limited to Artist Studio, Community Centre or Neighbourhood House, Library, Museum or Archives, and Park or Playground;
 - (b) Dwelling Uses, developed as Social Housing or Secured Market Rental Housing;
 - (c) Institutional Uses; or
 - (d) any other use which the Director of Planning reasonably considers to be similar to the foregoing.

Clause (ii):
DoP, in consultation with City Engineer and Director of Legal Services, is satisfied...

Meaning that there is a **substantial** response that satisfies the conditions/requirements of the “prior-to letter”.

Clause (iii):
Highlighting that BP before DP facilitates excavation and shoring works only

Bylaw Amendment 13123 – Clause (ii)

DoP, in consultation with City Engineer and Director of Legal Services, is satisfied...

This means that DP clearance can be granted where:

- ✓ Council decisions are required and provided where it involves:
 - an Enactment of a Bylaw (eg: CD-1)
 - an approval to the Form of Development (memo that often associated with a CD-1 Bylaw)
- ✓ Satisfactorily addresses issue that are not relate to excavation and shoring and has sufficiently advanced the design development of the below grade levels to ensure that the underground parking, service/utility spaces are not going to drastically change (eg: no additional or reduction of the U/G levels because of rainwater tanks, utility rooms, hydrogeology, etc.)
- ✓ Existing residential rental tenancy relocation/arrangements are resolved with City's Housing Group (ie: Tenant Relocation Program requirements)

Bylaw Amendment 13123

4.7.3 If the Director of Planning recommends that a building permit be issued pursuant to section 4.7.2, the City Building Inspector may issue a building permit, and in addition to any authority granted to the City Building Inspector under the Building By-law, may impose conditions on the building permit that require the owner to:

- (i) provide the City with a certified Letter of Credit for an amount equal to the estimated cost of backfilling the excavation and shoring works to the satisfaction of the City Engineer; and
- (ii) register a covenant on the title of the site, pursuant to section 219 of the Land Title Act, that is satisfactory to the Director of Legal Services.”.

3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 22nd day of September, 2021

4.7.3. Clause (i):

Indicates the Letter of Credit requirement

DP Confirmation Letter

- Letter to be manually modified to reflect BP in confirmation in DP as submitted.



DEVELOPMENT, BUILDINGS, & LICENSING- Building Review Branch

Certified Professional Program - Development Permit Confirmation Letter

Name of CP: _____ Project Address: _____
Building Permit# _____ Development Permit # _____
Stage: _____

I, _____, hereby confirm that the drawings submitted for this stage of construction under the above noted Building Permit substantially comply with Development Permit drawings as issued. I also confirm that I understand this project may be audited by City staff for compliance with the Development Permit.

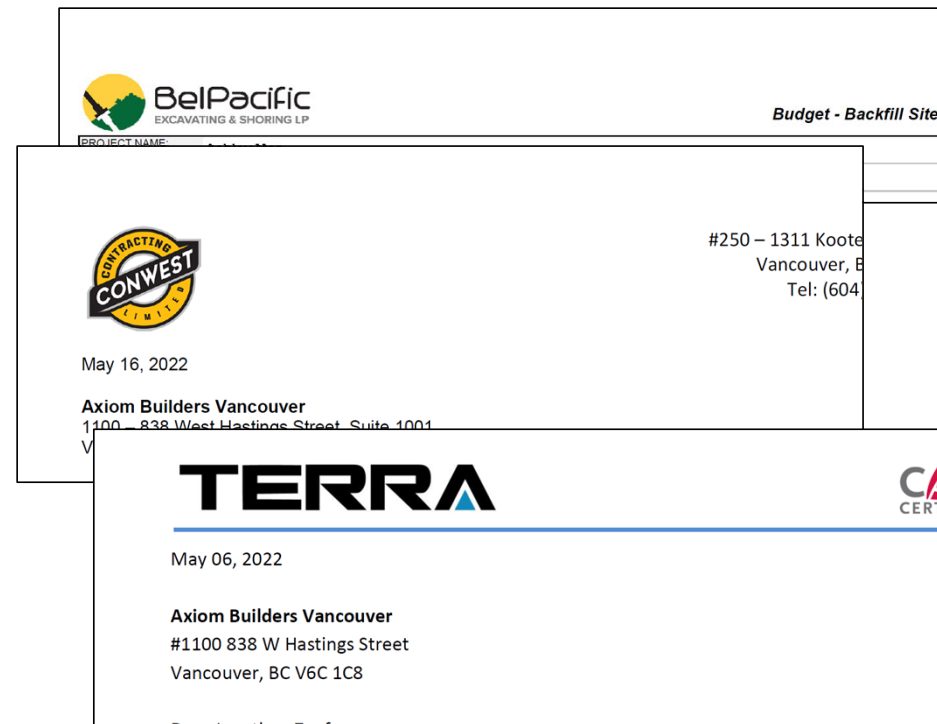
Signed by: _____ Date: _____
CRP/Architect of Record
Firm: _____ Professional Seal: _____

Change from "ISSUED"
to "SUBMITTED"

Letter of Credit

In preparation for the BP before DP, the CBO would request a minimum of three (3) competitive bids in which it broadly identifies:

- the volume of the excavation in which the backfilling of the site would entail
- the cost of providing the material, backfilling the excavation and returning it to a pre-excavation condition (this shall be the cost if the City has to perform/contract this scope of work)
- the cost of de-tensioning all installed anchor rods, as well as removing rods located within 5 feet of grade (Engineering's requirement).
- There maybe other associated cost regarding mobilization and operational requirements to conduct this scope of work that should be consider by any contractor.
- Advise whether the value includes or excludes GST
- Upon acceptance of a bid amount, the CBO or its delegate will initiate a Letter of Credit process and draft a Letter of Agreement and associated instructions.



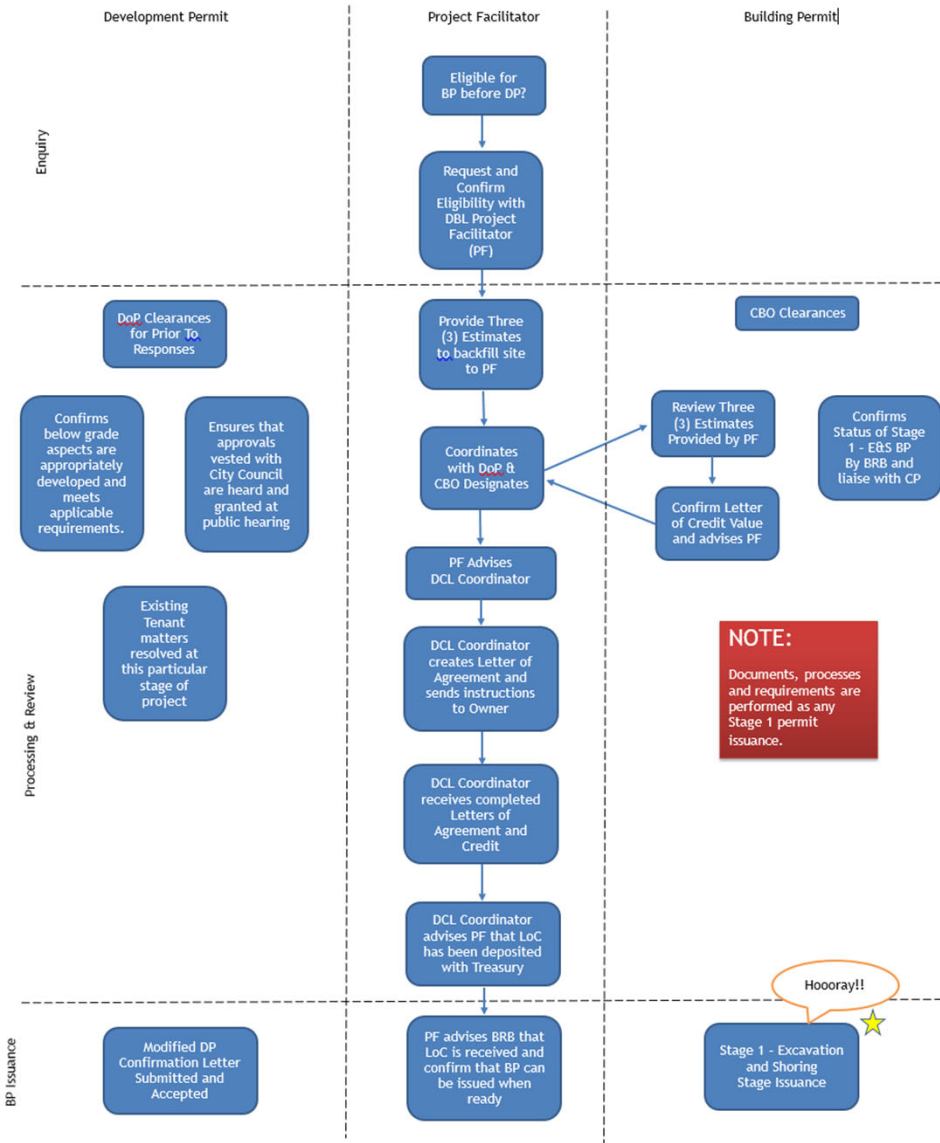
Letter of Agreement

Letter of Agreement outline the terms of the issuance of the BP before DP. Establishes a mechanism in which a Letter of Credit can be drawn upon.

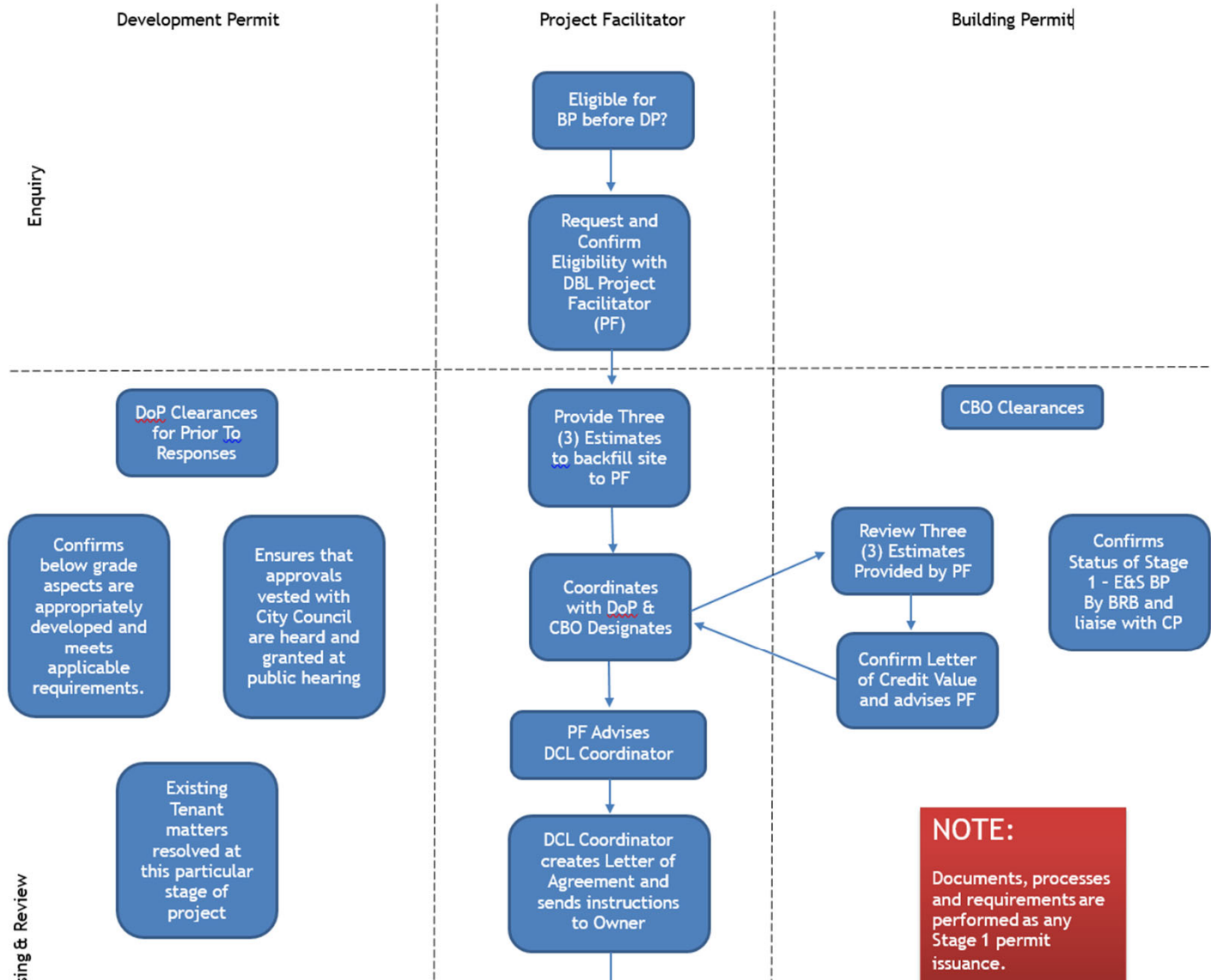
- Upon acceptance of a bid amount, the CBO or its delegate will initiate a Letter of Credit process and draft a Letter of Agreement and associated instructions.
- Letter of Agreement will be signed by Chief Building Official
- Instructions will be sent, by the DCL Coordinators, to the owner with the signed Letter of Agreement via email. An executed copy shall be returned to the DCL Coordinator
- Letter of Credit will be deposited to the City's Treasury Department.
- DCL Coordinator confirms receipt of Letter of Credit to BRB Staff



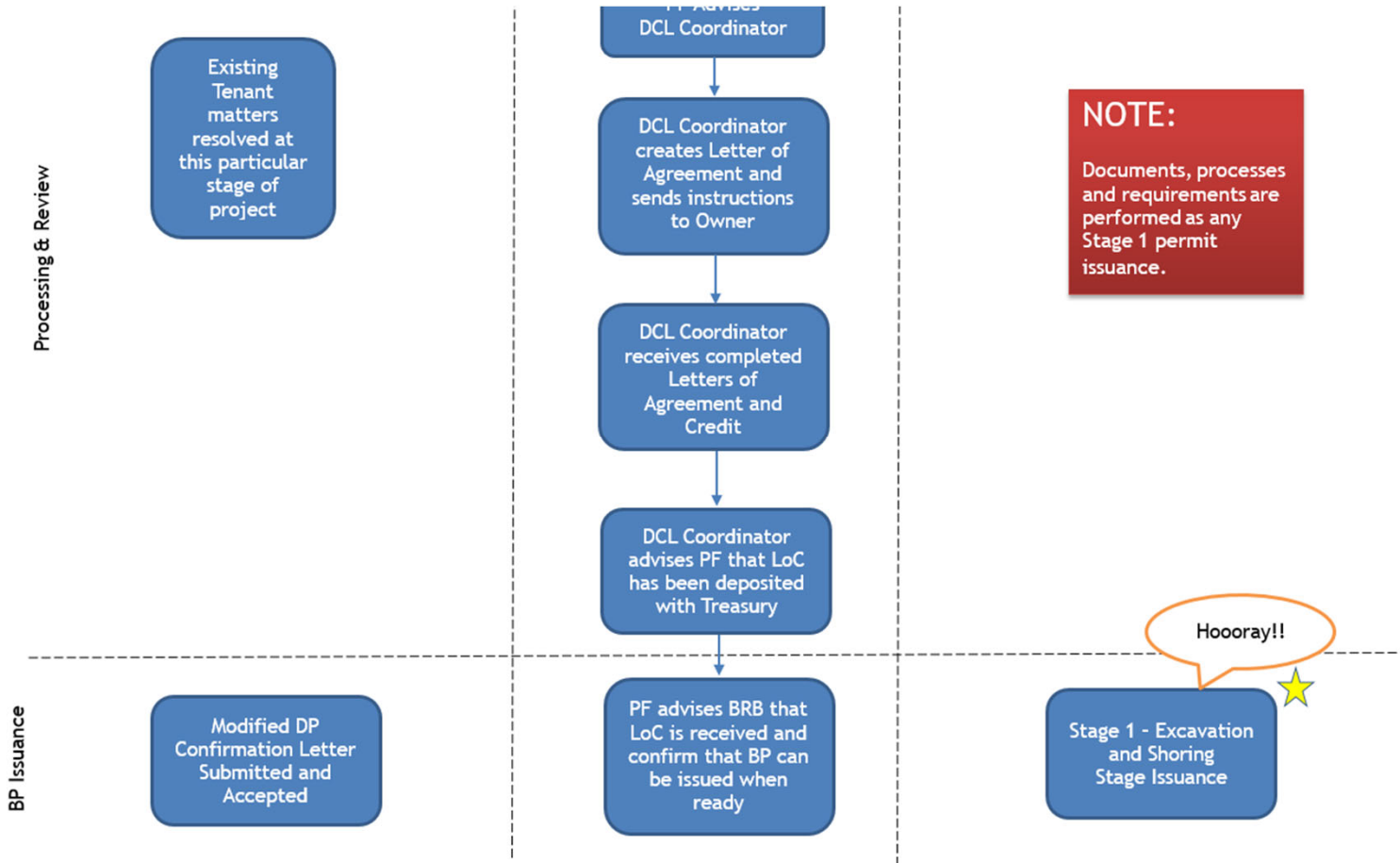
Graphical Explanation



Graphical Explanation



Graphical Explanation



QUESTIONS?

THANK YOU