

# NOTICE

## **PUBLIC HEARING TO AMEND THE ZONING BYLAW** *to Remove Zoning Bylaw Barriers to High-Performance Buildings*

**WHAT:** A public hearing will be held regarding proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974, 2018 to remove barriers to high-performance buildings that exceed the District's minimum energy efficiency requirements. Amendment bylaw provisions address the loss of usable floor area and interior volume due to thicker wall and roof insulation by amending building height and highest building face, floor area, site coverage and required yard consideration. These provisions would apply only to new buildings constructed to the highest or second highest steps of the BC Energy Step Code.

Additional provisions address other identified barriers to building energy efficiency. The required yards for existing buildings would be reduced to allow for increased insulation or rainscreening, and solar energy systems would be eligible for height exemptions currently allowed for other roof projections. The amendment also forwards a number of provisions to improve the legibility of the bylaw.

**WHEN:** April 23, 2018, 6 p.m. public hearing

**WHERE:** West Vancouver Municipal Hall, Council Chamber,  
750 17th Street, West Vancouver, BC

**PROVIDE YOUR INPUT:** Council welcomes public input. All persons who believe their interest in property is affected by the proposed bylaw will be given an opportunity to be heard and to present written submissions respecting matters contained in the proposed bylaw at the April 23, 2018 public hearing. Written submissions may be sent prior to the public hearing: email to Council at [mayorandcouncil@westvancouver.ca](mailto:mayorandcouncil@westvancouver.ca); mail to Council at Municipal Hall, 750 17th Street, West Vancouver BC V7V 3T3; or deliver to Legislative Services at Municipal Hall. Please provide written submissions no later than 3 p.m. on Monday, April 23, 2018 to make them available to Council for the public hearing. Written submissions will be included in the public information package for Council's consideration. **After the public hearing has closed no further submissions can be considered by Council.**

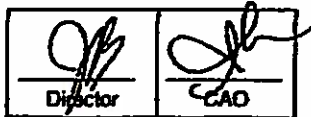
**GET MORE INFORMATION:** the proposed bylaw and other relevant documents that Council may consider in deciding whether to adopt the proposed bylaw may be inspected at [westvancouver.ca](http://westvancouver.ca) and at Municipal Hall, from April 6, 2018 to April 23, 2018, Monday to Friday (except for statutory holidays), 8 a.m. to 4:30 p.m. Copies may also be inspected at the Memorial Library, or at the public hearing.

**QUESTIONS?** Courtney Miller, Senior Sustainability Planner  
[cmiller@westvancouver.ca](mailto:cmiller@westvancouver.ca) | 604-913-2774

westvancouver

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**COUNCIL AGENDA**

Date: ~~March 12, 2018~~ Item: ~~9~~  
**APRIL 23, 2018** **R-1**



**DISTRICT OF WEST VANCOUVER**  
 750 17TH STREET, WEST VANCOUVER BC V7V 3T3

## COUNCIL REPORT



R-1

Date:	February 21, 2018
From:	Courtney Miller, Senior Sustainability Planner
Subject:	Removal of Zoning Bylaw Barriers to High-Performance Buildings
File:	1610-20-4974

### RECOMMENDATION:

THAT

1. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974, 2018" be read a first time; and
2. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974 be presented at a public hearing scheduled for April 23, 2018 at 6:00 p.m. in the Municipal Hall Council Chamber, and that statutory notice be given of the scheduled Public Hearing.

### 1.0 Purpose

To introduce the proposed amendment bylaw to remove zoning barriers to high-performance buildings and to introduce housekeeping amendments.

### 2.0 Background

#### 2.1 Previous Decisions

At the January 22, 2018 Council meeting, Council passed the following motion:

THAT staff bring forward housekeeping amendments to remove barriers to high-performance buildings.

#### 2.2 History

Staff reported through the April 2017 Community Energy and Emissions Plan (CEE Plan) update that review of the Energy Step Code was underway and that "greening" bylaws to remove barriers and facilitate innovation would be forthcoming in 2017/2018. Council adopted the Energy Step Code through a Building Bylaw amendment in February 2018 and directed staff to remove barriers to high-performance buildings. These regulations are principally under the purview of the Zoning Bylaw, amended from time-to-time since its 2010 enactment. Amendment Bylaw No. 4974, seeking to remove zoning barriers to high-performance buildings, is the subject of this report.

### 3.0 Policy

The Working Group-created CEE Plan advances one of Council's eight priorities, "Natural Environment and Climate Action," and it directs policy to lower community GHG emissions. It enables durable and substantive changes that realize a better climate *and* a better community through its implementation. The annual update on the status of CEE Plan implementation will be provided this spring. The CEE Plan Housing and Land Use Strategies D1 and F support removing barriers and strengthening capacity of the District and industry to meet and exceed building code standards. CEE Plan Housing and Land Use Strategies B1 and B2 support retrofits of existing homes.

### 4.0 Analysis

#### 4.1 Discussion

The *Local Government Act* (LGA) enables the District to regulate the density, siting, size and dimensions of buildings, structures and permitted uses. The District's Official Community Plan (OCP) includes a community greenhouse gas emissions (GHGs) reduction target in accordance with LGA Section 473.

The Zoning Bylaw is the District's primary instrument to regulate land use and physical change. High-performance building construction requires thicker walls and roofs for insulation. The resulting loss of usable floor area and interior volume currently deters builders from exceeding the minimum required energy performance. Staff has identified that amendments to site coverage, floor area, building height and setbacks are required to address these barriers. Further, any approach must consider neighbourliness and other impacts.

This bylaw amendment also provides an opportunity to address barriers for on-site renewables, and to remove an existing provision that is no longer enforceable under the Building Act.

#### 4.1.2 Proposed approach

In response to Council direction, staff has identified a preferred approach that is aligned with current regulations and that limits disruption to the District's planchecking and permitting procedures.

Step Code standards are performance-based—limiting energy use—rather than prescriptive—dictating how a building is constructed. Thus the specific floor area and building height impact of a more energy efficient structure varies widely between buildings. In order to effectively meet the stated intent of the bylaw to remove barriers, the proposed regulatory adjustments are informed by construction details that are common in high-performing buildings.

The table below summarizes the proposed bylaw amendments by Energy Step Code step for both simple and complex buildings, as defined by the building code. The combined impact of these adjustments addresses the increased insulation requirements in a manner that minimizes both building bulk and planchecking impact. The approach prioritizes limiting increased height, as it is the zoning control that is commonly identified as having the most potential impact in the community. The height relaxation in other Metro municipalities is as much as four times as that proposed.

Energy Step Code	Part 9 Smaller, simpler buildings			Part 3 Larger, complex buildings		
	Step 3	Step 4	Step 5	Step 2	Step 3	Step 4
	DWV min July 2018		Passive House	DWV min July 2018		Passive House
Max Floor Area	-	+ 4%	+ 8%	-	+ 4%	+ 8%
Max Site Coverage	-	+ 4%	+ 8%	-	+ 4%	+ 8%
Max Height	-	+ 0.15 m	+ 0.30 m	-	+ 0.15 m	+ 0.30 m
Min Setback	-	- 0.15 m	- 0.30 m	-	- 0.15 m	- 0.30 m

The proposed reduction in minimum yard will apply to both side yard and combined side yard requirements. The increase in maximum height will apply to highest building face as well as building height limits.

In addition to the regulations above, Amendment Bylaw No. 4974 brings forward the revisions outlined in sections 4.1.3 to 4.1.6 to simplify the Zoning Bylaw and to address other identified barriers.

#### 4.1.3 Housekeeping

The proposal seeks to ensure that bylaw amendments to remove barriers to high-performance buildings do not unduly complicate the bylaw. Amendment Bylaw No. 4974 will revise sections of the bylaw as required to integrate new provisions. These revisions simplify the bylaw without changing the current requirements.

#### 4.1.4 Existing home retrofits

The Energy Step Code applies only to new buildings. Amendment Bylaw 4974 will also enable an owner to add insulation or rainscreen to the outside of an existing building under permit by allowing a 0.15 metre side yard reduction. This provision does not increase the permitted floor area, is limited to retrofits for the above purposes, and only applies to buildings existing at the time of this bylaw.

The intent is that this narrowly defined provision removes a specific barrier to improve the energy efficiency, health and safety of aging buildings by allowing the addition of insulation and/or rainscreen. It does not reference a performance standard, nor does it address mechanical energy efficiency or airtightness.

#### 4.1.5 Solar energy systems

Technologies that support West Vancouver's progress towards energy efficiency and GHG reductions continue to evolve. The Zoning Bylaw requires single-family and duplex homes in West Vancouver to screen or enclose equipment with the exception of "solar heating panels". This term is typically associated with solar thermal (hot water) heating and not photovoltaic systems. Although the District has not refused a permit due to this distinction, Amendment Bylaw 4974 addresses this potential limitation by replacing the existing term with "solar energy systems."

In addition, the bylaw expands the existing height exclusion that applies to skylights to solar energy systems. The building massing and neighbourly impacts are unchanged, but the potential for solar energy is increased for both new and existing buildings.

#### 4.1.6 Building Act alignment

The Building Act that recently came into effect establishes the Province as the sole authority to set technical requirements for construction. In the course of typical work, staff has identified a provision of the Zoning Bylaw that is no longer enforceable. The BC Building Code specifies the minimum clear height of a garage is 2.0 metres. The Zoning Bylaw specifies a minimum of 2.1 metres except in specific conditions in which a lower standard is applied.

Amendment Bylaw No. 4974 will remove the requirement for a clear height in a parkade from the Zoning Bylaw to avoid confusion. Staff does not anticipate any conflicts generated as a result of this minor regulatory change.

#### 4.1.7 Complementary policy directions

In alignment with Council's January 22, 2018 resolution, staff is preparing additional policy directions for Council's consideration this spring. This includes a rezoning policy to increase consistency and clarity for staff, applicants and the community regarding sustainability for projects seeking rezoning. In addition, preferential permit processing and possible fee adjustments to encourage builders of smaller projects to involve certified professionals to confirm energy performance and building details are under review. These directions will assist in accelerating local market transformation to high-performance buildings.

Should Amendment Bylaw No. 4974 proceed to Public Hearing, staff anticipates introducing at the April 23, 2018 Council meeting these complementary policy directions—which do not legislatively require a public hearing—so that they may be considered by Council in tandem.

#### 4.2 Next Steps

Following first reading of the proposed amending bylaw and scheduling of a public hearing by Council, staff will notify the community of the public hearing consistent with District policy and legislated requirements.

After the closure of the public hearing, Council may give additional readings of the proposed amending bylaw. After additional readings and at a subsequent Council meeting, Council may adopt the bylaw.

#### 4.3 Sustainability

The CEE Plan focuses on environmental sustainability by identifying and forwarding strategies to reduce GHG emissions. High-performance homes also advance a range of community social and economic deliverables, including public health and infrastructure savings. The current draft OCP includes supportive policies to this effect. Improved new building performance and increased building retrofits both contribute to the District's pursuit of its CEE Plan target of 40% reduction below 2007 emissions by 2040. This progress is supported by senior government action, future technological advances and socio-economic considerations.

#### 4.4 Public Engagement and Outreach

The District's robust engagement on sustainability issues led to the adoption of the Working Group-prepared CEE Plan in 2016, and the BC Energy Step Code is the culmination of a multiyear effort led by the Province to define a standard to transition to net-zero energy ready buildings. Additional industry dialogue will be conducted this spring in preparation of Energy Step Code enactment, and staff is pursuing grant opportunities to help facilitate this transition.

#### 4.5 Other Communication, Consultation, and Research

The continuing implementation of the CEE Plan requires consultation, research and cooperation between District departments as well as with external agencies.

### 5.0 Options

#### 5.1 Recommended Option

It is recommended that Council give first reading to the proposed Zoning Bylaw amendments and establish a date for a public hearing.

#### 5.2 Considered Options

Council may request further information (to be specified) or defer consideration of the proposed Zoning Bylaw amendment.

## 6.0 Conclusion

The proposed Zoning Bylaw amendment would remove barriers to high-performance buildings and advance CEE Plan strategies. This will support local industry to be leaders in the region and province.

Author:

  
Courtney Miller,  
Senior Sustainability Planner

Concurrence:

  
Kevin Spooner,  
Manager of Permits & Inspections

Appendix:

- A. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974, 2018"





# APPENDIX A

District of West Vancouver

## **Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974, 2018**

Effective Date:

**Zoning Bylaw No. 4662, 2010,  
Amendment Bylaw No. 4974, 2018**

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District of West Vancouver

# Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974, 2018

A bylaw to remove barriers to high-performance buildings and to introduce housekeeping amendments.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4680, 4689, 4697, 4701, 4710, 4712, 4716, 4726, 4736, 4737, 4752, 4757, 4767, 4772, 4784, 4787, 4788, 4791, 4805, 4809, 4828, 4839, 4854, 4866, 4873, 4895, 4898, 4905, and 4944.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to amend Zoning Bylaw No. 4662, 2010;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

## Part 1 Citation

1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4974, 2018.

## Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## Part 3 Amendment

3.1 Zoning Bylaw No. 4662, 2010, is amended as follows:

3.1.1 Following Part 110 Definitions, "Dwelling, two family or duplex", insert the new defined term, definition, and reference:

<b>Energy Step Code</b>	building energy performance standard set out in the BC Building Code, and as amended or re-enacted from time to time.	120.29
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**3.1.2 In Part 120 General Regulations for All Zones, replace Clause 120.19(5) with:**

- (5) Height shall not include:**
  - (a) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the height specified in Section 120.29(1);**
  - (b) chimneys no greater than 1.8 metres in horizontal length and vent pipes;**
  - (c) mechanical equipment and enclosures, provided that no part is greater than 0.6 metre above the permitted height;**
  - (d) skylights and solar energy systems no greater than 3.0 metres in horizontal length, provided that no part is greater than:
    - (i) 0.6 metre above the permitted height of a building with a flat roof;**
    - (ii) 0.6 metre above the finished roof of a building with a pitched roof, to a maximum not to exceed the highest point of the building.****

**3.1.3 Following Part 120 General Regulations for All Zones, Clause 120.20(1), insert the new clause:**

- (2) Building height grade line shall not include the height specified in Section 120.29(1) where a principal building is designed to meet the Energy Step Code.**

**3.1.4 In Part 120 General Regulations for All Zones, replace Clause 120.21(2) with:**

- (2) Floor area shall not include:**
  - (a) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the floor area specified in Section 120.29(2);**
  - (b) open balconies, open terraces and exterior steps;**
  - (c) enclosed balconies provided that the all-weather glass doors and windows remain in place;**
  - (d) one entrance lobby per building provided that it is exclusively for residential use;**
  - (e) common recreation rooms and swimming pools;**

- (f) common floor area in a basement or sub-basement for the following uses:
  - (i) hallways, elevator shafts and stairwells;
  - (ii) boiler rooms, mechanical rooms, electrical rooms, transformer vaults, garbage rooms and building maintenance rooms;
  - (iii) laundries, workshops, lockers and storage spaces;
- (g) parking and loading areas.

3.1.5 In Part 120 General Regulations for All Zones, replace Clause 120.24 with:

120.24 Site Coverage

- (1) Site coverage shall not include:
  - (a) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the site coverage specified in Section 120.29(3);
  - (b) roof overhangs to a maximum of 1.2 metres from the exterior wall;
  - (c) decks or patios provided that no part is greater than 0.6 metre above the higher of natural and finished grade;
  - (d) trellises up to a maximum of 3% of site area;
  - (e) garden walls;
  - (f) children's play equipment.

3.1.6 In Part 120 General Regulations for All Zones, delete Clause 120.27(3) in its entirety.

3.1.7 Renumber Part 120: Previous 120.27(4) becomes 120.27(3) and 120.27(5) becomes 120.27(4).

3.1.8 Following Part 120 General Regulations for All Zones, Clause 120.27(4), insert the new clauses:

- (5) Mechanical equipment must be located within the permitted building envelope.
- (6) The following may be located within a required yard:
  - (a) structures at or below the grade line for the following uses:
    - (i) underground parking;
    - (ii) vehicle ramp providing parking access in the rear yard only;
  - (b) trellises and flag poles.

- (7) The following may be located within a required yard, provided that no part is further than the specified distance from the required yard setback:
- (a) exterior walls of a principal building:
    - (i) where designed to meet the Energy Step Code in accordance with Section 120.29(4); or
    - (ii) where an application for a building permit was made prior to July 1, 2018, 0.15 metre solely for the provision of additional insulating materials and/or protection against wind, water and vapour;
  - (b) accessory buildings and structures:
    - (i) where a detached secondary suite is designed to meet the Energy Step Code in accordance with Section 120.29(4); or
    - (ii) where permitted elsewhere in this bylaw;
  - (c) chimneys within 0.6 metre provided that:
    - (i) no part is further than 0.6 metre from an exterior wall; and
    - (ii) the combined length of all chimneys is no greater than 3.0 metres in each yard;
  - (d) uncovered and unenclosed steps within 1.2 metres in the front yard only.
- (8) Portions of structures or buildings permitted to be located in a required yard per Section 120.27(6) and 120.27(7) are permitted to be located in a combined side yard.
- (9) Roof overhangs may be located within a required yard, provided that no part, including gutters, is further than the specified distance from the exterior wall:
- (a) 1.2 metres where the exterior wall is no less than 2.4 metres from the site line;
  - (b) 0.6 metre from any other exterior wall.

3.1.9 Following Part 120 General Regulations for All Zones, Clause 120.28, insert the new clause:

#### 120.29 High-Performance Buildings

The following adjustments apply where a principal building or detached secondary suite is designed to meet the specified step of the Energy Step Code.

- (1) Building height and highest building face:
- (a) where a building is considered under Part 9 of the BC Building Code:
    - (1) 0.15 metre where the building meets Step 4;
    - (2) 0.30 metre where the building meets Step 5;

- (b) where a building is considered under Part 3 of the BC Building Code:
    - (1) 0.15 metre where the building meets Step 3;
    - (2) 0.30 metre where the building meets Step 4.
- (2) Floor area:
  - (a) where a building is considered under Part 9 of the BC Building Code:
    - (1) 0.04 times the floor area permitted elsewhere in this bylaw where the building meets Step 4;
    - (2) 0.08 times the floor area permitted elsewhere in this bylaw where the building meets Step 5;
  - (b) where a building is considered under Part 3 of the BC Building Code:
    - (1) 0.04 times the floor area permitted elsewhere in this bylaw where the building meets Step 3;
    - (2) 0.08 times the floor area permitted elsewhere in this bylaw where the building meets Step 4.
- (3) Site coverage:
  - (a) where a building is considered under Part 9 of the BC Building Code:
    - (1) 0.04 times the site coverage permitted elsewhere in this bylaw where the building meets Step 4;
    - (2) 0.08 times the site coverage permitted elsewhere in this bylaw where the building meets Step 5;
  - (b) where a building is considered under Part 3 of the BC Building Code:
    - (1) 0.04 times the site coverage permitted elsewhere in this bylaw where the building meets Step 3;
    - (2) 0.08 times the site coverage permitted elsewhere in this bylaw where the building meets Step 4.
- (4) Required yard:
  - (a) where a building is considered under Part 9 of the BC Building Code:
    - (1) 0.15 metre where the building meets Step 4;
    - (2) 0.30 metre where the building meets Step 5;
  - (b) where a building is considered under Part 3 of the BC Building Code:
    - (1) 0.15 metre where the building meets Step 3;
    - (2) 0.30 metre where the building meets Step 4.

**3.1.10** In Part 130 General Regulations for Residential Zones, Clause 130.07 delete the phrase "excluding solar heating panels" and replace it with "excluding solar energy systems".

**3.1.11** In Part 130 General Regulations for Residential Zones, replace Clause 130.08(3) with:

- (3) Floor area shall not include:
- (a) where a principal building or detached secondary suite is designed to meet the Energy Step Code, the floor area specified in Section 120.29(2);
  - (b) interior areas used for the storage of vehicles with a combined area no greater than 41 square metres;
  - (c) accessory buildings other than garages provided that:
    - (i) no part is less than 4.5 metres from a principal building and the combined area is no greater than 22.5 square metres; or
    - (ii) a single building on the site no greater than 4.6 square metres;
  - (d) crawl spaces and non-habitable attics;
  - (e) underground basement provided that:
    - (i) no part is located outside of the perimeter defined by exterior walls of the storey immediately above; and
    - (ii) the top of the floor structure immediately above is no greater than 0.9 metre above the lower of natural and finished grade at the perimeter;
  - (f) partially underground basement provided that:
    - (i) no part is located outside of the perimeter defined by the furthest extent of the exterior walls of any storey above; and
    - (ii) the excluded floor area is determined as the percentage of the total basement volume that is below the lower of average natural and average finished grade as shown in Figure 1, and calculated:

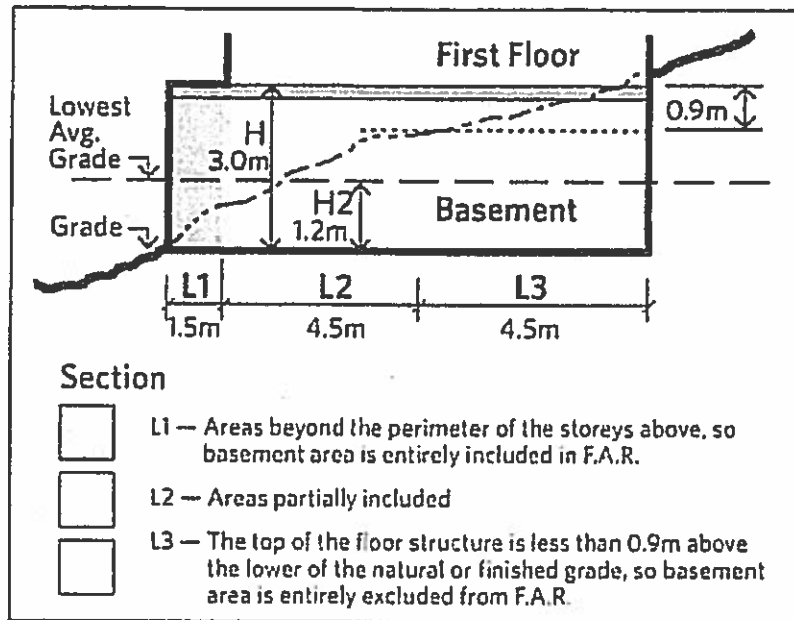
$$\frac{\text{average grade elevation} - \text{basement floor elevation}}{\text{main floor elevation} - \text{basement floor elevation}} \times 100$$

**3.1.12** Following Part 130 General Regulations for Residential Zones, Clause 130.08(3), insert the new clause:

- (4) Floor area includes any portion of a basement that is not located beneath the building, as determined by the furthest extent of the exterior walls of any storey above.



Figure 1



3.1.13 Following Part 130 General Regulations for Residential Zones, Clause 130.10(4), insert the new clause:

- (a) where a principal building is designed to meet the Energy Step Code, the height specified in Section 120.29(1);

3.1.14 Renumber Part 130: Previous 130.10(4)(a) becomes 130.10(4)(b), 130.10(4)(b) becomes 130.10(4)(c), and 130.10(4)(c) becomes 130.10(4)(d).

3.1.15 In Part 140 General Regulations for All Zones, delete Clause 142.06(2) in its entirety.

3.1.16 Renumber Part 140: Previous 142.06(3) becomes 142.06(2) and 142.06(4) becomes 142.06(3).

3.1.17 Revise the Table of Contents to include the sections added and amended by this Amendment Bylaw.

READ A FIRST TIME on [Date], 2018

PUBLICATION OF NOTICE OF PUBLIC HEARING on [Date] and [Date], 2018

PUBLIC HEARING HELD on [Date], 2018

READ A SECOND TIME on [Date], 2018

READ A THIRD TIME on [Date], 2018

ADOPTED by the Council on [Date], 2018.

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Mayor

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Municipal Clerk