

## MEMORANDUM

July 2, 2021

TO: Mayor and Council

CC: Paul Mochrie, City Manager  
Karen Levitt, Deputy City Manager  
Katrina Leckovic, City Clerk  
Lynda Graves, Administration Services Manager, City Manager's Office  
Maria Pontikis, Director, Civic Engagement and Communications  
Anita Zaenker, Chief of Staff, Mayor's Office  
Neil Monckton, Chief of Staff, Mayor's Office  
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Chris Robertson, Assistant Director, City-wide and Regional Planning, Planning, Urban Design and Sustainability

FROM: Theresa O'Donnell  
General Manager, Planning, Urban Design and Sustainability

SUBJECT: Retractable Balcony Enclosures

RTS #: N/A

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On June 25, 2020 Council directed staff to review opportunities to permit retractable balcony enclosures and bring them forward to Council for consideration for referral to public hearing.

This memorandum provides Council with information on the opportunities for retractable balcony enclosures through existing regulations and guidelines.

### 1. Background - Open and Enclosed Balconies

Balconies on residential buildings within the City of Vancouver have long been regulated under provisions contained within the Zoning and Development By-law and related provisions within the Vancouver Building By-law.

Despite recent trends seeing developers opting for shared rooftop amenity space, especially on busy streets, balconies have been an important element for providing private outdoor space for units in multiple dwellings and mixed-use developments.

### a) Open Balconies:

Since the 1960s, zoning regulations have enabled open balconies for residential dwelling units through floor area exclusions. These exclusions prescribe the amount of floor area for open



balconies that can be “excluded” from the calculation of a building’s floor area. These limits balance the provision of balconies with ensuring that the bulk and massing of a building are kept within acceptable limits and that exterior balcony spaces do not compromise views from adjacent dwelling units.

As part of the by-law amendments brought forward by the Regulation Redesign team in June 2020, adjustments were made to the exclusions for open balconies in several district schedules to increase the size of them and make them more consistent with newer districts. The intent of this change was to allow more open balcony spaces.

Balcony exclusions (typically combined with deck and porch exclusions) are primarily set at 8% for lower density development (e.g. single detached dwellings and duplexes) and 12% for multiple dwellings and commercial/industrial buildings (see Appendix A).

Also, recent amendments introduced definitions for a number of building elements, including balconies. These definitions are now included in Section 2 of the Zoning and Development By-law to ensure that staff and applicants have a common understanding of these building elements<sup>1</sup>.

### b) Enclosed Balconies

In addition to the open balcony provisions within the Zoning and Development By-law, many district schedules allow limited floor area exclusions for enclosed balconies (see Appendix A).



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<sup>1</sup> Balcony: A platform providing useable outdoor space that: (a) projects from a building or is recessed into a building; (b) is only accessed from within the building; (c) may be covered by a roof or floor above; and (d) is not enclosed, except for a required guard, or where it is recessed between adjacent walls.

Enclosed balconies are also defined in the Zoning and Development By-law<sup>2</sup> and are intended to allow an enclosure that affords an occupant the year-round enjoyment of the space. Enclosures that maximize glass area and openable windows are encouraged.

The *Balcony Enclosure Guidelines* apply to enclosed balconies on new and existing buildings and are used in evaluating proposals for balcony enclosures to ensure their design, location, and materials are in keeping with the design of the building. The objectives of the design guidelines include:

- ensure enclosures complement existing building character or the design of a new building and do not significantly increase bulk and massing;
- limiting the impacts on views and light access for neighbouring units;
- generally limiting enclosures to one balcony per dwelling unit (except for very large units);
- limiting enclosures to lower floors in high-rise developments to avoid impacts on views, shadowing and bulk; and
- maximizing openable windows in the enclosure for natural ventilation and to provide opportunities to use the balcony in a manner similar to an open balcony.

Exclusions from floor area for enclosed balconies are available in many multiple dwelling and mixed-use districts and are generally limited to 50% of the allowable open balcony exclusion.

Over time, some issues related to enclosed balconies have emerged. Despite the intention for enclosed balconies to provide year-round access to a private outdoor space, most enclosed balconies have not been designed for that purpose. Many are built as permanently enclosed and heated space and marketed as additional interior floor area (e.g. a den). In 2019, the Vancouver Building By-law was amended to prevent enclosed balconies from being heated or air conditioned to reflect their intended function as exterior space. Also, because enclosed balconies are excluded from floor area calculations, they are exempt from the payment of development cost levies, despite often being designed as interior spaces.

### **c) Retractable Balcony Systems:**

Retractable balcony systems are generally installed as a fully enclosed system (floor-to-ceiling glass, placed on the inside of the existing balcony railing). A retractable glass system can be installed from the railing up to the ceiling, but as that does not provide full protection from the elements, the full enclosure option is generally more popular. Custom blinds may also be fitted to cover the glass enclosure.

Retractable balcony systems have been approved under existing regulations for enclosed balconies recently, including for a new building on a CD-1 site (5733 Alberta/376-392 West 41<sup>st</sup> Avenue) and for an existing building (1128 Quebec Street).

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<sup>2</sup>Enclosed Balcony: A platform that is enclosed on all sides to provide protection from weather or noise that: (a) projects from a building or is recessed into a building; (b) is only accessed from within the building; and (c) is not conditioned by heat or air conditioning.

## **d) Other Jurisdictions**

Staff reviewed other local jurisdictions and determined that policies and regulations for balconies vary: several municipalities do not regulate floor area for balconies and of those that do, some have determined that a retractable enclosure is not considered an open balcony. Most jurisdictions have, to date, approved installation of retractable enclosures on new buildings only and have not ventured into the retro-fit market for existing buildings.

## **2. Opportunities for retractable balcony enclosures**

Opportunities for retractable balcony enclosures exist within existing regulations for enclosed balconies. Retractable balcony enclosures meet the definition of an enclosed balcony as currently defined in the Zoning and Development By-law. Past experience suggests that once full enclosures are installed they tend to remain closed. Partial opening of a retractable system may occur from time to time but would not be considered an “open” balcony. As there are already opportunities for enclosed balconies to be excluded from floor area in many districts (see Appendix A), including in many residential comprehensive districts (CD-1s), an additional exclusion from floor area is not required. The *Balcony Enclosure Guidelines* also apply to ensure impacts of enclosures on bulk, design, and light access to neighbouring balconies are minimized.

Continuing to allow the enclosures under existing regulations means no regulatory or guideline amendments are required. This approach recognizes recent Council direction to work towards reducing/not adding to the complexity of regulations in order to assist with clearing the permit backlog. It balances allowing retractable enclosures with impacts on permit review and processing.

Staff considered options to increase opportunities for retractable balcony enclosures, including regulatory amendments to introduce balcony enclosure exclusions into more residential and mixed use districts or to enable retractable balcony systems on open balconies. However, the following challenges were identified with implementation of these options:

- considerable policy and regulatory work to create new regulations, and design guideline amendments to deal with allowances for retractable balcony glass systems;
- significant impacts on number of applications, review and processing times for both development and building permits, and impacts on inspections;
- there may be issues related to sprinklering and fire separation that need to be considered, particularly for retro-fits to existing open balconies;
- it may be difficult to manage the impact of balcony enclosures on building design/bulk and access to daylight if all balconies can have a retractable enclosure; and
- once the system is installed it would be very difficult to control how it is treated:
  - for some products, manufacturers have indicated that custom blinds are available for the system; should these be installed at some point, it would detract from any benefits the clear glazing would offer in terms of visual impact;
  - as more companies develop these products there is the potential for a variety of enclosure types on the face of a building which may detract from overall building design and appearance.

### 3. Conclusion

Staff have reviewed opportunities for retractable balcony enclosures as directed by Council. Many zoning districts currently permit them (as enclosed balconies) and recent development approvals have been granted. Expanding the opportunities would require significant work to amend and implement regulations. It would also conflict with Council's direction to minimize impacts on the Development, Building and Licensing department while the focus is on addressing the permitting backlog. Staff will pause this work until a more comprehensive review of regulations for balconies is undertaken.



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**Current Floor Area Exclusions for Balconies**

Districts	Open Balconies (combined with decks)	Open Balconies (combined with decks) - for Multiple Dwellings	Enclosed Balconies
RA, RS, RT	Max. 8%		
RM-5, RM-12 C-5, C-5A, C-6, FC-2 HA-1 I-1, I-1A, I-1B, I-2, I-3, I-4 IC-1, IC-2, IC-3 M-1, M-1A, M-2	Max. 12%		
RM-1, RM-2, RM-4, RM-7, RM-8, RM-9, RM-10, RM-11	Max. 8%	Max 12%	
RM-3, RM-3A, RM-6 C-1, C-2, C-2B, C-2C, C-2C1, C-3A, C-7, C-8 FC-1 MC-1, MC-2 DEOD, DD, SEGS Many residential CD-1 districts	Max. 8%		Max 50% of 8%
FM-1	No limit		
HA-2, 3	no exclusion - unique regulations for heritage districts		