



**POLICY REPORT  
DEVELOPMENT AND BUILDING**

Report Date: January 18, 2016  
Contact: Jane Pickering  
Contact No.: 604.873.7456  
RTS No.: 11278  
VanRIMS No.: 08-2000-20  
Meeting Date: January 26, 2016

TO: Vancouver City Council

FROM: Acting General Manager of Planning and Development Services and the Director of Legal Services

SUBJECT: Applicant Request for Council Reconsideration of Refused Development Permit DE418937 (3688 Hudson Street) and Related Heritage Alteration Permit in the First Shaughnessy Heritage Conservation Area

***RECOMMENDATION***

THAT Council uphold the decision by the Director of Planning to refuse to issue Development Permit DE418937 and the related Heritage Alteration Permit for 3688 Hudson Street because the proposed development does not comply with the requirements of the Zoning and Development By-law (First Shaughnessy District Schedule) and the Heritage Conservation Area Official Development Plan.

***REPORT SUMMARY***

This report recommends that Council uphold the Director of Planning's refusal to issue Development Permit DE418937 (3688 Hudson Street) and the related Heritage Alteration Permit because the proposed development does not comply with the zoning regulations governing the property.

***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

*Heritage Action Plan (2013)*

- In December 2013, City Council adopted the Heritage Action Plan, including an action that directed staff to review and update the First Shaughnessy Official Development Plan to address concerns regarding the demolition of pre-1940 homes in the area as well as the form of development of new homes being built. This action included specific direction to consider establishing a Heritage Conservation

Area for First Shaughnessy, to replace the First Shaughnessy Official Development Plan.

The *Vancouver Charter*:

- Part XXVII (Planning and Development) authorizes broad zoning and development powers.
- Part XXVIII (Heritage Conservation) authorizes Council to delegate certain authorities, including mechanisms for heritage review, and tools and methods for temporary protection and continuing protection of heritage property. Requires that certain delegated decisions be subject to reconsideration by Council.
- Section 596B(1) of the Vancouver Charter prohibits certain actions affecting property within an HCA unless the action has been authorized by a heritage alteration permit.

*Temporary Protection of First Shaughnessy:*

*First Temporary Control Period (2014)*

- On June 24, 2014, Council enacted a Heritage Control Period (First Shaughnessy) By-law (2014) for temporary protection of First Shaughnessy for a period of 1 year.

*Further Temporary Protection Period (2015)*

- On June 25, 2015, Council referred to Public Hearing the development plan designating First Shaughnessy as a Heritage Conservation Area. This resulted in a further 120 day protection period pursuant to Section 589A(1) of the Vancouver Charter.

*Heritage Conservation Area Official Development Plan (2015)*

- On September 29, 2015, Council enacted the Heritage Conservation Area Official Development Plan which designates the First Shaughnessy area as a Heritage Conservation Area, providing continual protection of the heritage area.

*Development Regulations for First Shaughnessy:*

*First Shaughnessy Official Development Plan (1982)*

*First Shaughnessy Design Guidelines (1982)*

- Repealed in 2015

*Zoning and Development By-law (2015)*

- On September 29, 2015, Council adopted a new First Shaughnessy District Schedule to the Zoning and Development By-law.

*First Shaughnessy Heritage Conservation Area Design Guidelines (2015)*

- On September 29, 2015, Council adopted the First Shaughnessy Heritage Conservation Area Design Guidelines, as appendix A3 to the Heritage Conservation Area Official Development Plan.

### *Heritage Procedure By-law*

- On September 29, 2015, Council adopted the Heritage Procedure By-law to provide procedures for managing heritage property in the City. The by-law includes in Part 6 provisions for applicants to request reconsideration by Council of certain Director of Planning decisions. The City must provide for reconsideration if certain decisions are delegated to the Director of Planning.

### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The Acting General Manager of Planning and Development Services recommends approval of the foregoing recommendation.

### ***REPORT***

#### ***Background/Context***

On December 4, 2013, Council instructed staff to undertake a review of the First Shaughnessy Official Development Plan as Action #7 of the Heritage Action Plan. The goal of this work was to encourage retention of pre-1940 homes and to support new development that better contributed to the character of the area. In June 2014, Council adopted a temporary heritage protection period for First Shaughnessy to prevent further demolition of pre-1940 homes, while the zoning review was underway. A consultant was engaged to undertake this work in September 2014, and public consultation on the review of the First Shaughnessy Official Development Plan began in February 2015. Public engagement and consultation activities with stakeholders included open houses, public learning sessions, practitioner workshops, and online surveys and email updates.

In September 2015, Council adopted the Heritage Conservation Area Official Development Plan (HCA ODP) which designated the First Shaughnessy Heritage Conservation Area (FSHCA) as the first heritage conservation area in Vancouver. The FSHCA includes General Guidelines, a Statement of Significance, design guidelines, and a list of protected heritage properties. Council also enacted a series of other by-laws intended to work together with the HCA ODP to support the preservation and protection of the unique character of the FSHCA, including the Heritage Procedure By-law and the Heritage Property Standards of Maintenance By-law.

In September 2015, Council also adopted a new zoning district schedule for First Shaughnessy. The First Shaughnessy District Schedule (FS-DS) updated both the technical regulations and design guidance for the area to address recurring concerns of both the staff and neighbourhood around forms of development over the preceding years. The most significant changes to the zoning relate to siting and massing of new houses, which respond to concerns that new development was out of scale with the heritage character of the district. As a result, provisions for side yards, floor area, underground parking, building footprint and envelope and architectural variety were changed in the new FS-DS. These changes raise many of the issues related to the refusal of development permit DE418937 (3688 Hudson Street).

It is noted that no provisions for "grandfathering" of in-stream applications were included in the new FS-DS, and the referral report specified that if the proposed by-laws were enacted, all applications and current enquiries would have to be considered under the new by-laws and

zoning regulations. Efforts were made to ensure applicants and property owners were aware of the possibility of zoning changes and potential implications to their projects through in-person meetings, emails, and formal letters.

### ***Strategic Analysis***

As set out as Appendix A, the applicant for development permit DE418937 (3688 Hudson Street) and the related Heritage Alteration Permit has requested reconsideration by Council of the Director of Planning's decision to refuse these permits. It was noted that the reasons outlined in the applicant's letter were limited, so the applicant was provided with an opportunity to provide further details but nothing further was provided (see the letter from the Acting General Manager and Director of Planning in Appendix B).

### ***Application Review Summary***

The application for development permit DE418937 (3688 Hudson Street) was made on March 18, 2015. This occurred during the one year temporary protection period authorized by the Heritage Control Period (First Shaughnessy) By-law. For Council's information, a timeline and detailed summary of the key stages of processing of development permit DE418937 (3688 Hudson Street) is provided in Appendix C. The application was taken to the First Shaughnessy Advisory Design Panel (FSADP) on April 16, 2015, and was reviewed against the First Shaughnessy Official Development Plan (1982) and First Shaughnessy Design Guidelines (1982) that were in place at the time. The proposed development received non-support from the FSADP (7 non-support: 1 support), as noted in the minutes of their meeting (see Appendix E) and was not reviewed again by the FSADP.

The applicant submitted a revised submission on June 8, 2015, but it only addressed some of the concerns expressed by the FSADP at their meeting on April 16, 2015. On June 9, 2015, Council referred the Heritage Conservation Area Official Development Plan and First Shaughnessy District Schedule to Public Hearing. The applicant for development permit DE418937 (3688 Hudson Street) was informed of this and of the potential implications to the proposed development should Council adopt the proposals after the public hearing (see Appendix D). During the public hearing, the applicant spoke to Council several times requesting that in-stream applications are "grandfathered" and allowed to proceed under the old regulations.

On September 29, 2015, Council adopted the Heritage Conservation Area Official Development Plan and First Shaughnessy District Schedule, along with other related by-laws. All applications in process at the time would now be required to meet the new regulations, as the old regulations were repealed and replaced and there are no provisions for "grandfathering".

Staff met with the applicant on October 14, 2015 to discuss options for moving the project forward. At the request of the applicant, the application was refused so that he could request reconsideration by Council of the refusal. See Appendix F for the refusal documents.

### ***Rationale for Refusal to Issue a Development Permit and Heritage Alteration Permit***

The development permit was refused because it does not comply with the zoning regulations governing First Shaughnessy. The primary reasons for the refusal are building siting, floor area and density, and the location of parking within a principal building (see Appendix G for a summary of the reasons for refusal). The application also requires a heritage alteration permit (HAP) because the property is in a heritage conservation area. Like the development permit DE418937 (3688 Hudson Street), the heritage alteration permit was also refused in order to ensure that any development would be consistent with the conservation goals of the heritage conservation area.

### ***Reconsideration Process***

Part 6 of the Heritage Procedure By-law includes provisions for applicants to request reconsideration by Council of certain Director of Planning decisions. After hearing the request, Council may decide to uphold or vary the decision.

In the case of Development Permit DE418937 and the related Heritage Alteration Permit for 3688 Hudson Street, it is recommended that Council uphold the decision to refuse issuance of these permits. Should Council wish to vary this decision, it should consider that before the permits can be issued, the Heritage Conservation Area Official Development Plan, the First Shaughnessy Heritage Conservation Area Design Guidelines, and the First Shaughnessy District Schedule to the Zoning and Development By-law would have to be amended to accommodate the proposed development's variances from current regulations, and that these amendments would require consideration at a Public Hearing before they can be adopted.

Prior to the enactment of the heritage conservation area, the applicant may have sought to appeal the refusal of the development permit to the Board of Variance. However, per section 573(2.1) of the Vancouver Charter, the Board of Variance does not have jurisdiction over properties subject to a heritage alteration permit.

### ***CONCLUSION***

This application for reconsideration is seeking to have the proposed development approved in accordance with previously existing, but now repealed, zoning regulations. It is in effect a request for 'grandfathering' of a non-compliant development. Staff recommend that Council uphold the decision by the Director of Planning to refuse Development Permit DE418937 and the related Heritage Alteration Permit. The development proposed by these permits is inconsistent with Council's recently adopted Heritage Conservation Area Official Development Plan and First Shaughnessy District Schedule of the Zoning and Development By-law.

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## Applicant's Letter of Request for Council Reconsideration

7 December, 2015

City of Vancouver  
453 W. 12th. Ave.  
Vancouver, V6Y1V4

Loy Leyland Architect Inc.  
1 - 1864 W. 1st Ave.,  
Van., B.C., V6J1G5

Attention City Clerk ;

**Re: 3688 Hudson Street, DE 418937**

Pursuant to s. 6.1 of Heritage Procedure Bylaw, we hereby request a reconsideration by Council of the Director of Planning's November 27, 2015 decision to deny DE 418937.

On March of 2015, we applied for a development permit to construct a new single family dwelling at 3688 Hudson on behalf of the owner, Mr. Lai.

The application was accepted by the planning department as a Development Permit application under the previous First Shaughnessy regulations of the City of Vancouver.

There is an existing, post 1940s home on the Property. The property is not on the Heritage list. The Director of Planning refused the permit for a new house November 27th, 2015 because:

- : 002 .. the proposed house does not comply with regulations of the Zoning and Development ByLaw that affect the site.
- : 003 .. does not comply with the intent statement in the District Schedule... to protect the distinct estate character of FSD the First Shaughnessy Heritage Conservation area.
- : 005 .. the proposed development does not comply with policies or guidelines that affect the site.
- : 019 .. any further applications made must be prepared in a clear and concise manner.

The application complied with the intent of the District Schedule that existed at the time that the City accepted the Development Application.

The Board of Variance no longer has jurisdiction to consider appeals of this nature as Shaughnessy is now a Heritage Conservation Area. The Planning department did not have time to process the application and has now refused it because it does not comply with the new schedule.

Sincerely, Loy Leyland, architect aibc

## Letter Inviting Applicant to Submit Additional Reasons



PLANNING AND DEVELOPMENT SERVICES  
General Manager's Office

December 18, 2015

Mr. Loy Leyland  
1-1864 West 1st Avenue  
Vancouver, BC V6J 1G5

Dear Mr. Leyland:

**RE: Request for Submission of Supplementary Reasons (DE418937 - 3688 Hudson Street)**

Staff have reviewed your request for reconsideration by Council of the Director of Planning decision to refuse Development Permit (DE418937) and the related Heritage Alteration Permit. As outlined in my letter dated November 19, 2015 (received by you on November 27), Part 6 of the Heritage Procedure By-law states that requests for reconsideration by Council of a decision by the Director of Planning can be made by submitting the request in writing to the City Clerk within 14 days of the decision, setting out the reasons for the request. However, it is noted that your letter dated December 7, 2015 requesting Council reconsideration could be more expansive.

While oral representations will be permitted at the Council reconsideration, the written reasons you have provided will form an integral part of the basis of Council's reconsideration, and will be appended to the Council report related to the reconsideration. A copy of that report will be made available prior to the Council reconsideration. Based on this, the City is giving you the opportunity to submit additional or supplementary written reasons to the City Clerk by email to [ccclerk@vancouver.ca](mailto:ccclerk@vancouver.ca) by Monday, January 4<sup>th</sup> (end of business day). If supplementary reasons are not received by this date, the City will proceed with developing the Council report based on what has already been submitted.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Pickering", written over a horizontal line.

Jane Pickering  
Acting General Manager & Director of Planning  
Planning and Development Services

JP/tky

cc: Janice MacKenzie, City Clerk  
Anita Molaro, Assistant Director of Planning - Urban Design  
John Greer, Assistant Director - Development Review Branch

City of Vancouver  
453 West 12th Avenue  
Vancouver, British Columbia V5Y 1V4 Canada  
tel: 3-1-1  
website: [vancouver.ca](http://vancouver.ca)



## Appendix C - Part 1

### Timeline of Application Processing: Development Permit DE418937 (3688 Hudson Street) and Related Heritage Alteration Permit

#### Heritage Action Plan Milestones:



#### Application Processing Milestones:

#### Development Permit DE 418937 (3688 Hudson Street)





## Appendix C - Part 2

### Detailed Summary of Application Processing: Development Permit DE418937 (3688 Hudson Street) and Related Heritage Alteration Permit

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On **June 12, 2014** the applicant and planning staff held an initial pre-application enquiry meeting to discuss development of a new house on a site at 3688 Hudson St. in the First Shaughnessy District. The existing house on the site was constructed after 1940. The development site has no lane service and would retain the existing vehicular crossing to Hudson St. Preliminary sketches indicated the creation of a new second vehicular crossing and the applicant was advised that this would likely not be supported in any forthcoming application because it was inconsistent with the automobile and streetscape legacy elements of the FS ODP Guidelines. Staff noted substantial planting along the shared property lines and the applicant was advised that an arborist report and tree protection diagram would be required for any forthcoming application. The preliminary massing provided at this stage was considered to be broadly in line with First Shaughnessy Official Development Plan (FSODP) in the use of materials, tripartite expression and dominant roofscape. Staff expressed concern with the length of the street facing elevation and requested discussion of this by means of preparation of a contextual streetscape at pre-application stage. The dominant concern was with the north elevation, particularly as it related to the placing of a lot of building mass along the side yard with potential privacy impacts on existing adjacent development.

On **June 12, 2014**, following internal review with senior planning staff, written advice was provided to the applicant by email confirming the advice outlined at the pre-application meeting. The existing residence was built in 1976, so it would not be subject to merit evaluation procedures then in operation in FSD. Staff recommended design development to the north elevation to address the concerns noted in the pre-application review.

The applicant submitted revised drawings on **August 29, 2014**. After further review, the applicant was advised on **September 12, 2014** that the form of development was generally consistent with the FSODP and design guidelines related to massing, tripartite expression, etc. but concerns with the elevations remained. The applicant was advised that the guidelines did not intend for new houses to replicate older character housing in the district, but new developments are expected to be compatible with the historic area. Staff noted that many recent proposed new houses had met resistance at FSADP for what is regarded as an assembly of different architectural styles, rather than the rigour of a single architectural style. The applicant was also advised that FSADP often seeks clarification of the historical style the dwelling is referencing when it reviews feature historical style detailing (such as the turrets, eyebrows, etc. proposed in this instance). The applicant was also advised that the FSADP has not generally been supportive of proposals where it identifies a lack of consistency in the elevations. This information was provided as a courtesy to the applicant. The applicant responded on **September 12, 2014** in writing that: "we will have to take our chances as usual".

There was no further pre-application contact on the proposed development until a new house application was submitted on **March 18, 2015**. Staff note that it is not unusual for projects in FSD to be dormant for 6 months, but that this delay came during a period of significant change in the development of Heritage Action Plan proposals that would affect the area. After the delay of 6 months, the application was received without further design development to address the issues identified in previous advice.

The FSADP reviewed the application on **April 16, 2015**. Staff note that the 4-week turnaround from receipt of application to presentation to FSADP is faster than normal as it usually takes 6-8 weeks. The accelerated timeline was an effort to expedite the processing of the application. The application received **7:1 non-support** from the FSADP with the summary of commentary noting:

- The house is not in character with the other homes in the area and it overwhelms the site.
- Specifically, the two large dome roof elements or turrets on either side of the house are too dominant.
- There are too many materials on the house, and the copper on two large turret elements clashes with the asphalt shingles. Slate tile would be a better choice for roof material.
- The stonework on the bay windows would look better if it were situated at a lower level than the rooflines.
- Overall this house is over-powering and may be improved with one dome element rather than two as this would provide some asymmetry.
- This house is not compatible with the surrounding houses or streetscape.
- A farther setback and more garden-like feel would help with this and be better for the surrounding neighbourhood.

If a project receives non-support from FSADP as a result of basic form of development issues rather than detail material assembly issues, any revisions are required to be considered by FSADP again, to gain support of the panel before proceeding to conditions of approval. In this instance a revised submission was received from the applicant on **June 08, 2015**, one day before referral to public hearing of the revised FS District Schedule and HCA Bylaw on **June 09, 2015**.

The applicant was advised on **June 23, 2015** that the public hearing for the proposed changes to FSD would commence on July 21, 2015. The applicant was also told that if Council adopted the proposed by-laws before a development permit was issued, the subject application would have to conform to the new regulations. The applicant was urged to review these changes in anticipation of their approval. This would help minimize disruption to the ongoing application process. It would also help ensure that the applicant understood the extent of redesign that may be required in order for the application to be approved under the new regulations.

Over the course of the public hearing held between July and September 2015, the applicant urged Council to allow "grandfathering" of in-stream applications but Council did not allow for "grandfathering". After the new by-laws were enacted, City staff met with the

applicant to discuss options for moving forward with the project on October 14, 2015. These options were limited to withdrawal of the application, redesign to comply with new regulations, or refusal of the application with the option to appeal to Council for reconsideration of the refusal. The application was refused at the request of the applicant on November 27, 2015.

## Letter Informing Applicant of Referral of First Shaughnessy Items to Public Hearing



June 23, 2015

**RE: First Shaughnessy District - Potential Regulatory Changes  
3688 Hudson St - DE418937**

Dear Loy,

I am writing to inform you that on Tuesday, June 9, 2015 City Council referred significant regulatory changes for the First Shaughnessy District (FSD) to a Public Hearing tentatively scheduled to commence on Tuesday, July 21, 2015. The proposed changes include a new Heritage Conservation Area Official Development Plan (HCA ODP), new zoning regulations, updated design guidelines, and related by-law amendments.

These changes are being proposed as part of the City of Vancouver's ongoing Heritage Action Plan and were developed during multiple rounds of public consultation and stakeholder engagements in the neighbourhood, aimed at finding ways to encourage conservation of heritage and character homes in the FSD and improving the compatibility of new development with the area's pre-1940 character. The staff reports outlining recommended changes are available on our website at:

<http://former.vancouver.ca/ctyclerk/cclerk/20150609/regu20150609ag.htm>

Your application at 3688 Hudson St was received on 18<sup>th</sup> March 2015 and has not yet been approved by the issuance of a Development Permit. If Council adopts the changes after holding the Public Hearing and enacts the proposed by-laws before a development permit is issued, your application must be reviewed against and conform to the new regulations.

I urge you to review these changes in anticipation of their approval so as to minimize disruption to your ongoing application process in this period of transition, and to ensure that you have a full understanding of the extent of redesign that may be required in order for your application to be approved under the by-laws, policies and guidelines that may be in place at the time your application is ready for approval. With that in mind, I would note the following implications of the referral to Public Hearing:

- As a result of first reading and referral of the proposed HCA ODP to Public Hearing, a 120-day temporary protection period is in place for FSD. During this 120-day period, a Heritage Alteration Permit (HAP) is almost certainly required. Heritage Alteration Permits will be processed concurrently with development permits and should not affect project processing time or fees.

3688 Hudson St - Anita's Letter Notice of Potential Reg Changes

City of Vancouver  
453 West 12th Avenue  
Vancouver, British Columbia V5Y 1V4 Canada  
tel: 3-1-1, Outside Vancouver 604.873.7000 fax: n/a  
website: vancouver.ca



- During the 120-day period, the Director of Planning or Council could issue Heritage Alteration Permits for properties in the proposed HCA in accordance with the Heritage By-law, the Vancouver Charter and any other relevant by-laws and policies.
- During the 120-day period, the Director of Planning and Council could withhold all development permits related to properties in the HCA, and any development proposals subject to withholding can be delayed until the proposed by-laws are enacted.

More information on the Heritage Action Plan, its aims and background can be found at <http://vancouver.ca/home-property-development/heritage-action-plan.aspx>

Yours truly,



Anita Molaro, Architect, AIBC LEED AP  
Assistant Director of Planning, Urban Design  
515 W 10<sup>th</sup> Ave, Vancouver, BC  
[anita.molaro@vancouver.ca](mailto:anita.molaro@vancouver.ca)  
tel: 604.871.6479

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## Minutes of First Shaughnessy Advisory Design Panel Meeting Held on April 16, 2015

*Note: Below is an excerpt of the relevant portion of the minutes of the FSADP meeting held on April 16, 2015. The full record of the meeting is available online at following link: <http://vancouver.ca/files/cov/committees/FSADP-2015-April-16.pdf>*

First Shaughnessy Advisory Design Panel Minutes

Date: April 16, 2015

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- |    |              |  |
|----|--------------|--|
| 1. | Address:     | <b>3688 Hudson Street</b>                                  |
|    | Description: | New house on a post-date site                              |
|    | Review:      | Application - first  |
|    | Architect:   | Loy Leyland Architect                                      |
|    | Delegation:  | Loy Leyland Architect, Donna Chomichuk Landscape Architect |
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**EVALUATION: NON-SUPPORT (1 in favor, 7 against)**

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**Planning Comments:**

This is a proposal for a new dwelling on a 227ft x 136ft mid-block lot with no lane service. Parking is located at grade in the north side yard, accessed an existing crossing to Hudson St. A second crossing is proposed, and supported given the frontage width of this large site. The dwelling demonstrates tripartite expression within a symmetrical formal massing with a street facing gable flanked by vertical bays topped with turreted roof forms. The application features significant double height spaces in the central mass of the front elevation, the window treatment of which is differentiated from single story volumes at the second floor level. Staff note that side yards provided are above the minimum requirement under zoning.

An Arborist report has been submitted and reviewed by landscape staff, who note that the existing trees proposed for removal in the side yards are in poor condition due to previous topping and removal seems supportable. Maple trees in the rear yard are a high priority for retention.

First Shaughnessy Advisory Design Panel Minutes

Date: April 16, 2015

**Questions to Panel:**

Staff are seeking commentary from the panel as follows:

1. General commentary on the proposed form of development and architectural expression of the dwelling as it relates to the FS ODP & Guidelines;
2. Specific commentary around the relationship between the covered porches and open terraces at grade level and sunken patio at lower level with the rear yard;
3. Specific landscape commentary as it relates to the relocation of the existing maple trees in the rear yard and removal of trees in the front yard to facilitate the landscape plan.

**Applicant's Introductory Comments:**

The house is quite large and was made with symmetry in mind. The roof is simple with large cross gables. The materials are a very high standard, although the roof could be done in slate instead of Duroid. The detailing is definitely estate-like and tripartite as consistent with First Shaughnessy. Parking is at grade and works quite well.

**Landscape:**

The current site is an early 60's landscape, and has a lot of erosion around the trees and root zones. A lot of the trees are overgrown spruces, firs and cypresses which are being proposed for removal. The big maple trees in the back will be moved to open up the back space and provide more breathing room. Two large spruces in the front are being removed in order to install a more pastoral landscape. They will be replaced with a tree of significant scale and other, softer, elements. A formal patio comes out into a summer garden with roses and lavender, as well as a pavilion. Outside walls have been terraced with planting to make them less wall-like when seen from the basement.

**Panel Commentary:**

The panel thinks that this is a very pretty house in the wrong neighbourhood. Although the centre of the house is successful, it is not in keeping with the style of the flanking sides. The house also doesn't appear to have a conversation with the other houses in the neighbourhood and actually detracts from the streetscape. It also appears not to adhere to any one school of design and seems too busy. More of a setback would help differentiate it from the large neighboring house.

The proposed design is simply too massive and will overwhelm the site. Dual turrets and gables at each end contribute to the massing and create an overbearing structure. The gables also break the roof up into pieces and compete with the other rooflines; although they do detract from the squatness of the house. Overall the panel felt that more verticality was needed to bring the house up instead of out.

The symmetry of the house is not supported. A Duroid roof seems inappropriate and the skylights may not supportable.

Overall there are too many materials, and no one material seems to be prominent. There are a confusing number of angular railings, the port cochère should be located at the front, and the porches are too commercial in style and should be softened. The windows at the front appear stark, and the windows on the west elevation have too many different types of trim.

While the panel is pleased with the amount of outdoor space being proposed, they feel the house has two front yards and no back. The front achieves an estate feel, but the back should maintain a sense of informality in order to contrast the imposing aspect of the house. Working around the

First Shaughnessy Advisory Design Panel Minutes

Date: April 16, 2015

trees or moving them somewhere that isn't the edge of the property line could help with this. It is acceptable to take out a few trees in order to achieve this look.

The sunken patio at the back works well with the landscaping in the backyard. However, the stonework in the front comes up quite high and looks out of place. Keeping the stonework lower at a lower level than the eaves would be preferable.

**Chair Summary:**

This was a clear presentation with good artwork and a good model. However the house is not in character with the other homes in the area and it overwhelms the site. Specifically, the two large dome roof elements or turrets on either side of the house are too dominant.

There are too many materials on the house, and the copper on two large turret elements clashes with the asphalt shingles. Slate tile would be a better choice for roof material. The stonework on the bay windows would look better if it were situated at a lower level than the rooflines. The skylight doesn't appear to be an issue. On a positive note the sunken patio works in this case as it flows into the back yard. The Panel understands that in this particular case some of the trees need to be removed.

Overall this house is over-powering and may be improved with one dome element rather than two as this would provide some asymmetry. This house is not compatible with the surrounding houses or streetscape. A farther setback and more garden-like feel would help with this and be better for the surrounding neighbourhood.

**Adjournment:**

There being no further business the meeting was adjourned at 6:20pm



## Refusal of Development Permit DE418937 (3688 Hudson Street) and Related Heritage Alteration Permit



PLANNING AND DEVELOPMENT SERVICES  
General Manager's Office

November 19, 2015

Mr. Loy Leyland  
1-1864 West 1st Avenue  
Vancouver, BC V6J 1G5

Dear Mr. Leyland:

**RE: Request for Refusal of Development Permit DE418937 (3688 Hudson Street)**

As per your request to the Director of Planning, Development Permit (DE418937) has been refused and is attached to this letter. This refusal also constitutes a refusal of a Heritage Alteration Permit. The Development Permit has been refused as it does not meet the requirements of the First Shaughnessy District Schedule or the First Shaughnessy Heritage Conservation Area Design Guidelines. The Heritage Alteration Permit has been refused as the proposed development is not consistent with the purpose of the heritage conservation of the property as part of the First Shaughnessy Heritage Conservation Area.

As you know, Part 6 of the Heritage Procedure By-law enables reconsideration by City Council for certain Development Permit and Heritage Alteration Permit refusals. Such requests must be made in writing to the City Clerk within 14 days of the refusal and reasons for the request must be provided. Requests should be sent by email to [ccclerk@vancouver.ca](mailto:ccclerk@vancouver.ca).

If a request is received, the City Clerk will schedule a Council meeting to consider the matter as soon as reasonably possible, and you will be informed approximately two weeks in advance of the meeting. Staff will provide Council with a report on the permit application and refusal, and the owner and permit applicant will have an opportunity to speak to Council on the matter.

Should you have any questions regarding the permit refusal or the procedures for Council Reconsideration, please contact me or Anita Molaro, Assistant Director of Planning.

City of Vancouver  
453 West 12th Avenue  
Vancouver, British Columbia V5Y 1V4 Canada  
tel: 3-1-1  
website: [vancouver.ca](http://vancouver.ca)



Sincerely,

A handwritten signature in black ink that reads "Jane Pickering". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Jane Pickering  
Acting General Manager & Director of Planning  
Planning and Development Services

JP/ky

Enclosure (Refused Permit DE418937)

cc: Anita Molaro, Assistant Director of Planning - Urban Design  
John Greer, Assistant Director - Development Review Branch  
Janice MacKenzie, City Clerk

453 WEST 12TH  
VANCOUVER, B.C. V5Y 1V4  
TEL : 604-873-7344 FAX : 604-873-7060

# CITY OF VANCOUVER

(THIS IS NOT A PERMIT)

DATE ISSUED <b>NOVEMBER 27, 2015</b>		PERMIT TYPE <b>DEVELOPMENT PERMIT REFUSAL</b>			REFUSAL NUMBER <b>R DE 418937</b>																																											
LEGAL DESCRIPTION <b>LOT 6 BLOCK 60 DISTRICT LOT 526 PLAN 4502</b>				ADDRESS <b>3688 HUDSON ST</b>																																												
ADDITIONAL ADDRESS INFORMATION				SPECIFICS																																												
APPLICATION DATE <b>MAR 18, 2015</b>	PURPOSE <b>CONSTRUCT</b>	PROJECT VALUE	ASSESSED VALUE	PLANS <b>9</b>	METRIC <b>NO</b>	PLACE NAME																																										
TEMPORARY BUILDING DATES		TEMPORARY USE DATES		SUBTYPE																																												
COMPLEXITY <b>016 FSD ZONE</b>				CO-ORDINATE <b>144-702-32-0000</b>																																												
APPLICANT <b>DESIGN PROF LOY LEYLAND</b>		CONTACT 2 <b>INVOICE REFERENCE MR. TIE FENG LAI</b>		CONTACT 3																																												
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TEL FAX	BUS LICENSE CERTIFICATE	TEL FAX	BUS LICENSE CERTIFICATE	TEL FAX	BUS LICENSE CERTIFICATE																																											
<p>THE APPLICATION SUBMITTED WITH PLANS TO:</p> <p><b>To develop on this site a two-storey one-family dwelling with an attached garage having vehicular access from Hudson Street.</b></p>																																																
<p>AND IS REFUSED FOR THE FOLLOWING REASONS:</p> <p>002 The proposed development does not comply with the regulations of the Zoning &amp; Development By-law that affect the site. The proposed development does not comply with the regulations of the FS District Schedule Development governing Conditional Approval Uses as they relate to Accessory Uses, Footprint, Front Yard, Side Yard, Floor Area &amp; Density, and Building Depth.</p> <p>003 The proposed development does not comply with the intent statement set out in the District Schedule of the Zoning &amp; Development By-law. The intent of the FS District Schedule is to protect the distinct estate character of the First Shaughnessy Heritage Conservation Area. For all development, emphasis is on sensitive site planning, compatible building scale, flexible and varied outcomes of built form and high quality design, materials, and construction. The Director of Planning is not satisfied that the form of development proposed is consistent with this intent.</p> <p>005 The proposed development does not satisfactorily comply with the policies or guidelines that affect the site. Development under the FS District Schedule is expected to be in accordance with landscape and built form principles described in the First Shaughnessy Heritage Conservation Area Design Guidelines.</p> <p>019 Any further applications made to the City must be prepared in a clear and concise manner, explicitly showing the proposed development with all the necessary and relevant information.</p>																																																
PROPOSED USE D30 ONE-FAM DWELLING	SPECIFICS/LOCATION	AREA (SF)	OCC C	PROPOSED USE	SPECIFICS/LOCATION	AREA (SF) OCC																																										
ITEM 0040 PROCESSED THROUGH	SPECIFICS/REFERENCE 32 PROC CTR -MGR DE	QTY/AMT		ITEM 0080 ZONE	SPECIFICS/REFERENCE 2065 FSD	QTY/AMT																																										
PERMITS REQD IN ADDITION TO THIS PERMIT INCLUDE			BUILDING																																													
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<table border="1"> <thead> <tr> <th>FEE</th> <th>AMOUNT</th> <th>FEE</th> <th>AMOUNT</th> <th>SIGNED BY</th> <th colspan="2"></th> </tr> </thead> <tbody> <tr> <td>114 DEV SCHED 1 (C)</td> <td>3,450.00</td> <td></td> <td></td> <td>LOY LEYLAND</td> <td colspan="2"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>DATE</td> <td colspan="2">SEE APPLICATION</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>HANDLED BY</td> <td colspan="2">K PRINGLE</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>FOR THE</td> <td colspan="2">DIRECTOR OF PLANNING &amp; DEV</td> </tr> <tr> <td colspan="3">INVOICE: 776926 776928</td> <td>TOTAL</td> <td colspan="3">\$3,450.00</td> </tr> </tbody> </table>							FEE	AMOUNT	FEE	AMOUNT	SIGNED BY			114 DEV SCHED 1 (C)	3,450.00			LOY LEYLAND							DATE	SEE APPLICATION						HANDLED BY	K PRINGLE						FOR THE	DIRECTOR OF PLANNING & DEV		INVOICE: 776926 776928			TOTAL	\$3,450.00		
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## Summary of Rationale for Refusal of Development Permit DE418937 (3688 Hudson Street) and Related Heritage Alteration Permit

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### Rationale for Refusal

Staff would note that apart from the Heritage Conservation Area provisions enacted as a part of the Heritage Action Plan, Council also enacted also replaced the FS-ODP with a new First Shaughnessy District Schedule (FS-DS). Aside from the heritage provisions, the generation of the FS-DS was an opportunity to update both the technical regulation and design guidance attached to the zoning district to address recurring concerns of both the staff and neighbourhood around forms of development presented to panel and staff through application over the preceding years.

The most significant of these changes were around the siting and massing of new houses and concerns with their being out of scale with the heritage character of the district. As a result, provisions for side yards, floor area, underground parking, building footprint and envelope and architectural variety were changed in the new FS-DS. The reasons for refusal below indicate the higher level failings of the subject application as it relates to policies, regulations and guidelines post-enactment, while the note on deficiencies outlines the extent of design development necessary to revise the application to comply with the FS-DS focussing on the form of development rather than technical.

DE418937 was refused on the following grounds:

1. The proposed development does not comply with the intent statement set out in the First Shaughnessy District Schedule of the Zoning and Development By-Law.

Note: The intent of the FS District Schedule is to protect the distinct estate character of the First Shaughnessy Heritage Conservation Area. For all development, emphasis is on sensitive site planning, compatible building scale, flexible and varied outcomes of built form and high quality design, materials, and construction. The Director of Planning is not satisfied that the form of development proposed is consistent with this intent.

2. The proposed development does not comply with the regulations of the Zoning and Development By-Law that affect the proposed use on the site;

Note: The proposed development does not comply with the regulations of the FS District Schedule Development governing Conditional Approval Uses as they relate to Accessory Uses; Site Coverage; Front Yard; Side Yard; Floor Area & Density; and, Building Depth.

3. The proposed development does not satisfactorily comply with the policies and guidelines of the Zoning and Development By-Law that affect the proposed use on the site;

Note: Development under the FS District Schedule is expected to be in accordance with landscape and built form principles described in the First Shaughnessy Heritage Conservation Area Design Guidelines. The proposed development is deficient in those areas described in the Note below.

Deficiencies that Require Design Development are as follows:

The application would require significant design development as follows to remedy deficiencies as they relate to the First Shaughnessy District Schedule and the First Shaughnessy Heritage Conservation Area Design Guidelines to the extent that a new form of development and expression would result:

1. Design development to comply with the regulations of First Shaughnessy District Schedule as follows;
  - i. Accessory Uses;  
(Note: Per Section 3.2.A, parking is not permitted in a principal building unless the parking was in existence at the date of enactment of the FS District Schedule).
  - ii. Site Coverage;  
(Note: Proposed site coverage exceeds the provisions of Section 4.2.1 of the FS District Schedule).
  - iii. Front Yard;  
(Note: Proposed front yard setback does not meet the minimum required by Section 4.4.1 of the FS District Schedule).
  - iv. Side Yard;  
(Note: Proposed side yard setbacks do not meet the minimum required by Section 4.5.1 of the FS District Schedule).
  - v. Floor Area & Density;  
(Note: Proposed floor area exceeds the provisions of Section 4.7.2 of the FS District Schedule. Furthermore, the exclusion of parking in the principal building contravenes Section 4.7.4(d) of the FS District Schedule).
  - vi. Building Depth;  
(Note: Proposed building depth exceeds the provisions of Section 4.16.1 of the FS District Schedule).
2. Design development to improve massing and expression as it relates to the First Shaughnessy Heritage Conservation Area Design Guidelines, specifically those guidelines concerned with Building Envelope and Footprint:

(Note: Section 3.6.1 the First Shaughnessy Heritage Conservation Area Design Guidelines note that building envelopes are prescribed to establish minimum standards for sites to perform favourably towards neighbouring sites and are not intended as a basis for generating building form. Previously outlined deficiencies regarding building siting and massing as it relates to yards, setbacks, FSR, etc. need to be addressed in a manner that improves the performance of the building in line with the intent and specific aims of the guidelines. Reference should also be made to design development sought by the FSADP in their non-support of the current proposal).