



**POLICY REPORT  
DEVELOPMENT AND BUILDING**

Report Date: January 18, 2016  
Contact: Jane Pickering  
Contact No.: 604.873.7456  
RTS No.: 11279  
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 DE419075 (1341 Matthews Avenue) 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 DE419075 and the related Heritage Alteration Permit for 1341 Matthews Avenue 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 DE419075 (1341 Matthews Avenue) 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 DE419075 (1341 Matthews Avenue).

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 DE419075 (1341 Matthews Avenue) 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 DE419075 (1341 Matthews Avenue) was submitted on May 4, 2015. This occurred during the one year temporary protection period authorized by the Heritage Control Period (First Shaughnessy) By-law. On June 9, 2015, Council referred the Heritage Conservation Area Official Development Plan and First Shaughnessy District Schedule to Public Hearing. At the time of application, the standard processing time of 12-14 weeks for approval of a development permit could not be completed before Council would make its decision on the proposed new regulations (noting that issuance of the permit could take even longer depending on any conditions of approval). The applicant knew that staff were not recommending to Council that in-stream applications be "grandfathered", should Council adopt the new regulations.

Council referred the proposed by-laws to public hearing on June 21, 2015. The applicant for development permit DE419075 (1341 Matthews Avenue) was informed of this and potential implications of the proposed development (see Appendix C). Prior to the referral, the applicant was informed of the nature and progress of the review of the First Shaughnessy Official Development Plan. He attended a practitioners' workshop, an open house, and was sent email updates. During the public hearing, the applicant spoke to Council several times requesting that in-stream applications be "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".

For Council's information, a timeline and summary of the processing of development permit DE419075 (1341 Matthews Avenue) is provided in Appendix D. It is noted that the applicant and staff held a pre-application meeting on the project 11 months prior to the application being made, and that the applicant did not follow advice for additional pre-application review. Further, the application was taken to the First Shaughnessy Advisory Design Panel (FSADP) on June 18, 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 unanimous non-support from the FSADP, as noted in the minutes of the meeting (see Appendix E).

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 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 because the property is in a heritage conservation area. Like the development permit DE419075 (1341 Matthews Avenue), the heritage alteration permit was also refused, in order to ensure that any development would be consistent with the preservation 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 DE419075 and the related heritage alteration permit for 1341 Matthews Avenue, 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 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 DE419075 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.

\* \* \* \* \*

## 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: 1341 Matthews Ave., DE 419075**

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 419075.

On May of 2015, we applied for a development permit to construct a new single family dwelling at 1341 Matthews Ave. on behalf of the owner, Mr. Guo.

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 (DE419075 - 1341 Matthews Ave.)**

Staff have reviewed your request for reconsideration by Council of the Director of Planning decision to refuse Development Permit (DE419075) 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



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



June 23, 2015

**RE: First Shaughnessy District - Potential Regulatory Changes  
1341 Matthews Ave - DE419075**

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 1341 Matthews Ave was received on 04<sup>th</sup> May 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.

1341 Matthews Ave - Anita's June Notice Letter of Potential Regulatory 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



## Appendix D - Part 2

### Detailed Summary of Application Processing: Development Permit DE419075 (1341 Matthews Avenue) and Related Heritage Alteration Permit

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On **June 02, 2014** planning staff and the applicant held an initial pre-application enquiry meeting to discuss development of a new house site at 1341 Matthews Ave in the First Shaughnessy District containing a post-1940 dwelling. The development site was noted as having no lane service and would retain the existing vehicular crossing to Matthews Ave. The applicant was advised that an arborist report and tree protection diagram would be required, given the significant mature planting on site along the rear property line and the east side yard. Preliminary elevations provided at this stage were broadly in line with FS OPD in the use of materials, tripartite expression and dominant roofscape. Staff expressed concern that the proposed deck in the west side yard overlooked adjacent dwellings.

On **June 12, 2014**, following internal review with senior planning staff, a written confirmation of the advice outlined at pre-application meeting was provided. The email stated that the existing dwelling was built in 1958 so it would not be subject to merit evaluation procedures then in operation in FSD. Staff also noted that the existing property has a non-conforming side yard to the east which would not be supported in a new development. Potential overlook concerns from an upper level deck on the west elevation were noted. The applicant was advised that an application substantially in line with the preliminary design could move forward and it was suggested that landscape and floor plans be reviewed again at pre-application stage. The application would then proceed to FSADP as an application, not an enquiry.

There was no further contact on the proposed development until a new house application was submitted on **May 04, 2015**. Staff note that it is not unusual for projects in FSD to be dormant for 11 months. However, this delay fell during a period of significant change in the development of Heritage Action Plan proposals that would affect the area. Note that after the delay of 11 months the application was received without further review.

The First Shaughnessy Advisory Design Panel (FSADP) reviewed the application on **June 18, 2015**. It typically takes 6-8 weeks from the date of application to schedule a presentation to the FSADP. This allows preliminary review of the application to ensure that all materials have been received and that neighbourhood notification can proceed. It also allows for receipt of a scale model and distribution materials for FSADP members.

The application received **unanimous non-support** from the FSADP with the summary of commentary noting:

- The lack of variation of architectural design and repetitive design in the neighbourhood is contrary to First Shaughnessy ODP which calls for varying styles;
- There are too many materials being used and they are not of good quality;

- The design is too busy, and there needs to be a more robust and better roof;
- The front gate could also be more special, and the pool needs more of a buffer between it and the neighbour;
- The back yard is too busy and the house has maxed out property;
- This house needs more work to gain support from the panel.

The applicant was advised on **June 23, 2015** that public hearing for the proposed changes to FSD would commence on July 21, 2015. The applicant was also advised 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. Staff note that it takes 12-14 weeks to process an application. Even with support of FSADP, the decision for this application could not have been scheduled for approval prior to the public hearing on July 21, 2015.

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.

## Minutes of First Shaughnessy Advisory Design Panel Meeting Held on June 18, 2015

*Note: Below is an excerpt of the relevant portion of the minutes of the FSADP meeting held on June 18, 2015. The full record of the meeting is available online at following link: <http://vancouver.ca/files/cov/committees/FSADP-2015-June-18.pdf>*

**FIRST SHAUGHNESSY ADVISORY DESIGN PANEL MINUTES**

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Address:	1341 Matthews
Description:	New House Post-Date Site
Review:	Application (First)
Architect:	Loy Leyland
Delegation:	Loy Leyland, Julie Hicks

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**EVALUATION: NON-SUPPORT (0 in favor, 1 abstention, 9 against)**

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**Planning Comments:**

This is a proposal for a new house on a mid-block, post-date site on Matthews Avenue with no lane access. The lot does not have any significant cross slopes and includes mature trees, concentrated around the rear shared property line to the north, and to the front of the lot at the shared property line to the eastern neighbour. Tree removal is relatively limited and supported by an arborist report. The house is in accordance with provisions of the current ODP as it relates to siting, setbacks, double-height spaces, etc. Parking is at grade to the east side yard and excluded by virtue of being beneath residential living space; the basement area is partially developed. The house is presented as 'Tudor-Craftsman' and features a primary cross gable with asymmetrical vertically, expressed bays to the front elevation, and tripartite massing through variation of material expression at each level.

First Shaughnessy Advisory Design Panel Minutes

Date: June 18, 2015

**Questions to Panel:**

Staff are seeking commentary from the panel as follows:

1. General commentary around the proposed architectural and landscape design proposals as they relate to the FS ODP & Guidelines.

Specific commentary around the location of the proposed pool in the west side yard as it relates to neighbourliness in light of proposed tree removal and landscape design.

**Applicant's Introductory Comments:**

The house is on a post-date site and the clients wanted a traditional look with a turret element. There is a nice side port-cochere and the height has been accentuated the best we can. A pool exists which could be a problem in its current location. The parking is at grade and gives a 'court' effect. Traditional form and materials are being used.

**Landscape:**

Across the front of the project there is a very un-friendly street edge with an uncapped existing low stone wall, featuring a high fence on top of it. The proposal is to retain the wall, to put a cap on it, and then to put a wrought iron fence on top of it. The current vehicular opening is also to be retained with new gates and gate posts. The pedestrian entry is new and designed to be opposite the front door.

A number of existing trees, including a Dogwood and a Maple, exist around the site. The tree retention plan keeps the existing paving in place to protect the tree roots. When inside the property there are a lot of very nice views, including the existing side yard shrubs which are to be retained.

The trees along the side yard line by the pool were determined to be of poor quality by an arborist before a pool was being considered for the area. So they would have been taken out regardless. The north property line on this site and the adjacent one are slightly raised up from grade. This grade is being retained with a garden added at a lower grade. There is not much grass and lawn; however, a sunken patio and small fountain exists along with a lot of planting in the back. Additional planting will help screen the neighbours and provide filigree across the front.

**Panel Commentary:**

Although the panel is glad that the old house is being replaced the proposed house seems to be too big for the lot size, and displays an over-utilized style which is contrary to the First Shaughnessy ODP. The design also utilizes too many styles and materials, which make it seem confusing and busy from the streetscape.

The roofs should all share a similar slope and use something other than durroid shingles. All of the facias could be combined to create a common fascia, and as there are double-height ceilings inside the windows need to better reflect the space by being more vertical. As well, having the chimney use the same material as the base takes away from the tripartite expression.

While the panel appreciates that there is no below-ground parking, there needs to be much more of a buffer between the driveway and the pool. As the house is too big and pushes the pool up against the property line, more greenery will add additional privacy and screening for the neighbours.

First Shaughnessy Advisory Design Panel Minutes

Date: June 18, 2015

Overall there is too much hard surface and not enough green space on the property. The back of the garden seems too busy without serving enough function, there is not enough of an 'estate-like' quality, and more decorative elements are needed. Adding a First Shaughnessy gate and additional planting could help address this.

**Chair Summary:**

The lack of variation of architectural design and repetitive design in the neighbourhood is contrary to First Shaughnessy ODP which calls for varying styles. There are too many materials being used and they are not of good quality, the design is too busy, and there needs to be a more robust and better roof. The front gate could also be more special, and the pool needs more of a buffer between it and the neighbour. The back yard is too busy and the house has maxed out property. This house needs more work to gain support from the panel.

## Refusal of Development Permit DE419075 (1341 Matthews Avenue) 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 DE419075 (1341 Matthews Ave.)**

As per your request to the Director of Planning, Development Permit (DE419075) 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, appearing to read "Jane Pickering", with a long horizontal flourish extending to the right.

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

JP/tky

Enclosure (Refused Permit DE419075)

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 419075</b>																													
LEGAL DESCRIPTION <b>AMENDED LOT B OF 7 BLOCK 56 DISTRICT LOT 526 PLAN 6664</b>				ADDRESS <b>1341 MATTHEWS AV</b>																														
ADDITIONAL ADDRESS INFORMATION				SPECIFICS																														
APPLICATION DATE <b>MAY 04, 2015</b>	PURPOSE <b>CONSTRUCT</b>	PROJECT VALUE	ASSESSED VALUE	PLANS METRIC <b>8 NO</b>	PLACE NAME																													
TEMPORARY BUILDING DATES		TEMPORARY USE DATES			SUBTYPE																													
COMPLEXITY <b>003 DWG USE 1-2FD GUI</b>				CO-ORDINATE <b>702-135-77-0000</b>																														
APPLICANT <b>DESIGN PROF LOY LEYLAND LOY LEYLAND ARCHITECT 1 - 1864 WEST 1ST AV VANCOUVER BC V6J 1G5</b>		CONTACT 2 <b>PROPERTY OWNER MR QI FEI GUO</b>		CONTACT 3																														
TEL 604-736-1419 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 a new two-storey plus cellar one-family dwelling with an attached garage providing three parking spaces having vehicular access from Matthews Avenue.</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.</p> <p>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, Front Yard, Side Yard, Rear Yard, Floor Area &amp; Density, Footprint, 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.</p> <p>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.</p> <p>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 <b>D30 ONE-FAM DWELLING</b>	SPECIFICS/LOCATION	AREA (SF)	OCC <b>C</b>	PROPOSED USE	SPECIFICS/LOCATION	AREA (SF) OCC																												
ITEM <b>0040 PROCESSED THROUGH</b>	SPECIFICS/REFERENCE <b>32 PROC CTR -MGR DE</b>	QTY/AMT		ITEM <b>0080 ZONE</b>	SPECIFICS/REFERENCE <b>Z065 PSD</b>	QTY/AMT																												
PROCESSED BY: PROC CNTR DEV REVIEW BY K PRINGLE LANDSCAPE REVIEW BY U ARAJS			DEVELOPMENT PLANNER IS C KING ENGINEERING CLEARANCE BY K CAVELL																															
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## Summary of Rationale for Refusal of Development Permit DE419075 (1341 Matthews Avenue) and Related Heritage Alteration Permit

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Outlined below is a summary of the reasons for refusal of development permit DE419075 and the related heritage alteration permit. The reasons for refusal indicate the primary areas of non-conformance with the application as it relates to policies, regulations and guidelines, 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.

1.1 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.

1.2 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; Front Yard; Side Yard; Rear Yard; Floor Area & Density; and, Building Depth.

1.3 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.

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. Front Yard;  
(Note: Proposed front yard setback does not meet the minimum required by Section 4.4.1 of the FS District Schedule).
  - iii. Side Yard;  
(Note: Proposed side yard setbacks do not meet the minimum required by Section 4.5.1 of the FS District Schedule).
  - iv. Rear Yard;  
(Note: Proposed side yard setbacks do not meet the minimum required by Section 4.6.1 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).