



SPECIAL COUNCIL MEETING MINUTES

FIRST SHAUGHNESSY HCA APPEAL HEARING

JANUARY 26, 2016

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, January 26, 2016, at 6:05 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of considering applicant requests for reconsideration of the decision of the Director of Planning in refusing Development Permits and Heritage Alteration Permits in the First Shaughnessy Heritage Conservation Area.

PRESENT:	Mayor Gregor Robertson Councillor George Affleck Councillor Adriane Carr Councillor Melissa De Genova Councillor Heather Deal Councillor Raymond Louie Councillor Geoff Meggs Councillor Tim Stevenson
ABSENT:	Councillor Elizabeth Ball (Medical Leave) Councillor Kerry Jang (Leave of Absence) Councillor Andrea Reimer (Leave of Absence - Civic Business)
CITY CLERK'S OFFICE:	Janice MacKenzie, City Clerk Laura Kazakoff, Meeting Coordinator

Grant Murray, Legal Services, provided an overview of the process whereby Council was to consider three applications for reconsideration of heritage-related decisions made by the Director of Planning and reviewed the sections of the Vancouver Charter and Heritage Procedure By-law which govern Council's new role in this regard. He noted that for each application, Council may decide to either uphold or vary the decision of the Director of Planning, and that it should provide the reasons for its decision.

- 1. 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
January 18, 2016**

Staff Comments

Jane Pickering, Director of Planning, provided an overview of the Policy Report dated January 18, 2016, including a review of the timeline and process for this application and the rationale for the refusal of the development permit and heritage alteration permit which led to the request for reconsideration before Council this evening.

Applicant Opening Comments

Loy Leyland, Architect, provided a presentation on the proposed development at 3688 Hudson, stating that at the time of the application being submitted, it was compliant with rules and guidelines which had been in place for decades. He noted the proposed house was of similar height to others nearby and was supported by neighbours. He also expressed concern with regard to the new process whereby appeals such as this can no longer be considered by the Board of Variance.

Nathalie Baker, Boughton and Co, lawyer for the owner, provided additional information regarding the timeline and processes concerning the development permit application for this property. She advised it was her position that Council could issue a heritage alteration permit under the Vancouver Charter to approve the proposed development. She argued it was in Council's authority to reconsider this application and issue the Development Permit and Heritage Alteration Permit and stated that the issuance of the permit would have no negative impacts on heritage.

Council Questions

Mr. Leyland, Ms. Baker and Ms. Pickering, along with Anita Molaro, Assistant Director, Urban Design, and Tanis Knowles Yarnell, Planner, City Wide and Regional Planning, responded to questions. Grant Murray, Legal Services, in response to a question regarding the point raised about Council's authority, advised it was staff's position that a heritage alteration permit could not vary use or density of use, and that such a variance was needed.

Applicant Closing Comments

Mr. Leyland advised that if Council was going to consider appeals, it needs to be able to take into account individual circumstances such as owner hardship. He requested Council reconsider the decision of the Director of Planning.

Ms. Baker noted that any decision made tonight would not set a precedent for future applications as this application was one of only three that were applied for under the old set of rules. She expressed concern with the length of time it has taken to have the appeal heard, and restated her position that Council has the power to allow the application.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Louie

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, and because the proposed development is not consistent with the purpose of the heritage protection of the property.

CARRIED UNANIMOUSLY

**2. 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
January 18, 2016**

Staff Comments

Jane Pickering, Director of Planning, provided an overview of the Policy Report dated January 18, 2016, and reviewed the process and timeline of this application and the rationale for the refusal of the development permit and heritage alteration permit which led to the subsequent applicant request for reconsideration of that decision.

Applicant Comments

Loy Leyland, Architect, provided an overview of the proposed development, stating the proposal was in accordance with the rules that were in place at the time of the application.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Louie

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, and because the proposed development is not consistent with the purpose of the heritage protection of the property.

CARRIED UNANIMOUSLY

**3. Applicant Request for Council Reconsideration of Refused Development Permit DE419114 (4033 Osler Street) and Related Heritage Alteration Permit in the First Shaughnessy Heritage Conservation Area
January 18, 2016**

Staff Comments

Jane Pickering, Director of Planning, provided an overview of the Policy Report dated January 18, 2016, including a review of the details and timeline of this particular application, and the rationale for the refusal of the development permit and the heritage alteration permit.

Applicant Opening Comments

Loy Leyland, Architect, noted the circumstances of this situation whereby the house was originally said to have no heritage merit under the old provisions, but then was added to the list of protected heritage properties under the new guidelines. He requested Council, at the least, remove the property from the heritage list.

Council Questions

Ms. Pickering, along with Marco D'Agostini, Senior Heritage Planner, responded to questions regarding the list of protected pre-1940 properties, as opposed to the Heritage Register, and what would be involved in removing a property from the list.

Applicant Closing Comments

Mr. Leyland advised that the house should be removed from the list of protected heritage properties, given that it has no heritage value and because the rules in this regard were changed mid-stream through the application. He requested Council's support for its removal.

Council Decision

MOVED by Councillor Deal
SECONDED by Councillor Louie

THAT Council uphold the decision by the Director of Planning to refuse to issue Development Permit DE419114 and the related Heritage Alteration Permit for 4033 Osler Street because the proposed development involves the demolition of protected heritage property and does not comply with the Heritage Conservation Area Official Development Plan nor the requirements of the Zoning and Development By-law (First Shaughnessy District Schedule), and because the proposed development is not consistent with the purpose of the heritage protection of the property.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council adjourned at 8:16 pm.

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