



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: January 11, 2016  
Contact: Jane Pickering  
Contact No.: 604.873.7456  
RTS No.: 11254  
VanRIMS No.: 08-2000-20  
Meeting Date: January 19, 2016

TO: Vancouver City Council

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

SUBJECT: First Shaughnessy Heritage Conservation Area ("FSHCA") - Amendments Regarding the Heritage Conservation Area Official Development Plan and Related By-laws

**RECOMMENDATION**

- A. THAT the Acting General Manager of Planning and Development Services be instructed to make application to bring forward a by-law to amend the *Heritage Conservation Area Official Development Plan By-law ("HCA ODP")*, in regards to the FSHCA, generally as outlined in Appendix A, to:
- (i) Remove references to the Director of Planning regarding exemptions from heritage alteration permit requirements;
  - (ii) Remove the reference to the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada";
  - (iii) Revise the description of protected heritage property in Appendix A4 from "real property" to specifically list those buildings, structures, lands or features that are protected by this by-law or earlier by-laws;
  - (iv) Add three properties to the list of protected heritage properties;
  - (v) Describe the process for demolition, or removal from the protected heritage property list, of protected heritage property that no longer retains sufficient heritage character or heritage value to justify its conservation; and
  - (vi) Allow vehicle parking to be located below finished grade in a principal building in limited circumstances;

FURTHER THAT the by-law be referred to Public Hearing;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at the Public Hearing.

- B. THAT subject to the approval of Recommendation A, the Acting General Manager of Planning and Development Services be instructed to make application to bring forward a by-law to amend the *Heritage Procedure By-law*, generally as outlined in Appendix B, to:
- (i) Remove references to the Director of Planning regarding exemptions from heritage alteration permit requirements;
  - (ii) Clarify the authority of the Director of Planning regarding issuance and refusal of a heritage alteration permit for protected heritage property and property in an HCA;
  - (iii) Clarify that requests for reconsideration of a Director of Planning decision to refuse a development permit is in respect of protected heritage property only; and
  - (iv) Amend the power of entry of the Director of Planning to refer to the authority under the Vancouver Charter to obtain an entry warrant;

FURTHER THAT the by-law be referred to the same Public Hearing as the proposed HCA ODP amendments;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at the Public Hearing.

- C. THAT subject to the approval of Recommendation A, the Acting General Manager of Planning and Development Services be instructed to make application to bring forward a by-law to amend the *Heritage Property Standards of Maintenance By-law*, generally as outlined in Appendix C, to:
- (i) Remove reference to "real property", amend the definition of HCA and add a definition of "ODP" to align with the Heritage Procedure by-law, and make consequential housekeeping amendments;
  - (ii) Add definitions of routine building and garden maintenance;
  - (iii) Clarify that routine maintenance does not require a heritage alteration permit; and
  - (iv) Remove the reference to the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada";

FURTHER THAT the by-law be referred to the same Public Hearing as the proposed HCA ODP amendments;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at the Public Hearing.

- D. THAT, subject to the approval of Recommendation A, the Acting General Manager of Planning and Development Services be instructed to make application to bring forward a by-law to amend the First Shaughnessy District Schedule to the *Zoning & Development By-law*, generally as outlined in Appendix D, to:

- (i) Permit vehicle parking below finished grade of a principal building in limited circumstances;
- (ii) Include existing churches as a permitted use; and
- (iii) Correct the building depth regulation to correspond with standard district schedule provisions;

FURTHER THAT the by-law be referred to the same Public Hearing as the proposed HCA ODP amendments;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at the Public Hearing.

- E. THAT, subject to the approval of Recommendation A, the Acting General Manager of Planning and Development Services be instructed to make application to bring forward a by-law to amend the *Zoning & Development Fees By-law*, generally as outlined in Appendix E, to extend the existing provision for protected heritage buildings to properties within the FSHCA, thereby providing reduced permit fees for maintenance or minor repair that requires a heritage alteration permit;

FURTHER THAT the by-law be referred to the same Public Hearing as the proposed HCA ODP amendments;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at the Public Hearing.

- F. THAT Council accept for information the administrative bulletin entitled "Procedure for Review of Protected Heritage Property Status in the First Shaughnessy Heritage Conservation Area (Heritage Character and Heritage Value Impact Assessment)" that sets out the process to determine if a property no longer retains sufficient heritage character or heritage value to justify its conservation, generally as outlined in Appendix F.

AND FURTHER THAT, subject to enactment of the proposed HCA ODP amendments in Recommendation A, the Director of Planning be instructed to publish the administrative bulletin for public reference.

Note: Note: A 2/3 vote is required to enact the by-laws referred to in Recommendations A, B, and D, as required by Section 579(1) of the Vancouver Charter regarding delegation of Council authority.

### **REPORT SUMMARY**

This report proposes certain amendments to regulations governing the FSHCA. The amendments being recommended arise in part from a review (subject to litigation and solicitor/client privilege) of the HCA ODP and related by-laws undertaken as a result of a petition filed in the BC Supreme Court. Other proposed changes are housekeeping amendments to address improvements that have been identified through the implementation of the new regulations in development permit review processes over the past few months.

The overall intent of the proposed amendments in this report is to ensure that the various regulations that govern protected heritage property and property in an HCA, particularly in First Shaughnessy, are clear.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

The *Vancouver Charter*:

- Part XXVIII (Heritage Conservation) of the Vancouver Charter provides Council with many powerful tools to protect heritage property, including the authority to delegate certain authorities under this part, including, among other things, mechanisms for heritage review, and tools and methods for temporary protection and continuing protection of heritage property.
- Section 596B (1) of the Vancouver Charter prohibits certain actions affecting protected heritage property and property within an HCA unless the action has been authorized by a heritage alteration permit.

### *Heritage Action Plan (2013)*

- In December 2013, Council adopted the Heritage Action Plan, and directed staff to review and update the First Shaughnessy Official Development Plan to address concerns regarding the loss 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 an HCA for First Shaughnessy, as a replacement to the First Shaughnessy Official Development Plan.

### *Heritage Conservation Area Official Development Plan (2015)*

- In September 2015, Council enacted the HCA ODP - Heritage Conservation Area Official Development Plan which designates the First Shaughnessy area as an HCA - First Shaughnessy Heritage Conservation Area - and provides continuing protection of the FSHCA and of protected heritage property listed by the HCA ODP and listed in Appendix A4. The HCA ODP sets out objectives for the FSHCA as well as specific guidelines and design guidelines respecting the manner in which the objectives are to be met.

### *Zoning and Development By-law (2015)*

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

### *Heritage Procedure By-law (2015)*

- In September 2015, Council adopted a new Heritage Procedure By-law to provide procedures for managing heritage property in the City.

### *Heritage Property Standards of Maintenance By-law (2015)*

- In September 2015, Council adopted the Heritage Property Standards of Maintenance By-law to regulate maintenance and upkeep of protected heritage property listed in a schedule to the HCA ODP and property within an HCA.

### *Zoning and Development Fee By-law #5585 (1982)*

- This by-law sets out development permit fees. It presently includes provisions for reduced fees for heritage alteration permits related to the maintenance or minor repair of a building, structure, use or site designated under the Heritage By-law or located in an HA District.

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

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

### **REPORT**

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

The First Shaughnessy area has been recognized for its heritage value and has had various regulations in place to encourage the retention and rehabilitation of pre-1940 buildings for more than 33 years. In 1982, the First Shaughnessy Official Development Plan (ODP) and Design Guidelines were adopted by Council. Despite efforts to encourage and support the retention of heritage buildings in the area, redevelopment pressure has been on the rise to demolish existing pre-1940 buildings and increasing rapidly in recent years. In June 2014, Council adopted a temporary heritage protection period for First Shaughnessy to prevent further demolitions while a zoning review was underway through the Heritage Action Plan.

In September 2015, Council exercised its power to create heritage conservation areas for the first time, enacting the HCA ODP and designating the 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. As well, Council enacted a series of other regulations intended to work together with the HCA ODP to support the preservation and protection of the unique pre-1940 character of the FSHCA, including a new First Shaughnessy zoning district schedule, the Heritage Procedure By-law and the Heritage Property Standards of Maintenance By-law.

#### ***Strategic Analysis***

On September 29, 2015, after a lengthy public hearing, Council established First Shaughnessy as an HCA as part of a comprehensive and complex set of regulations which includes the HCA ODP, the First Shaughnessy Zoning District Schedule, the Heritage Procedure By-law and the Heritage Standards of Maintenance By-law. These regulations work together in the following way:

- HCA ODP - establishes First Shaughnessy as an HCA, sets objectives for the area and guidelines respecting how the objectives are to be met, and includes a list of protected heritage properties;
- First Shaughnessy District Schedule - a schedule to the Zoning and Development by-law that establishes regulations for land use and development in the FSHCA;
- Heritage Procedure by-law - outlines procedures for managing heritage property in the city, including the FSHCA, such as procedures for heritage alteration permits, heritage inspections, and opportunities for reconsideration by Council; and
- Heritage Standards of Maintenance by-law - sets out minimum standards for maintenance and upkeep of protected heritage property listed in a schedule to the HCA ODP and property within an HCA.

At the public hearing, Council directed staff to report back after 15 projects had been completed in order to monitor implementation and outcomes of the FSHCA. As well, given the complexity of the regulations, staff advised that there would be a report back to Council in the interim if further improvements could be made. Issues have been identified and it was felt that reporting back before the completion of 15 projects, as was indicated at the public hearing, was valid.

After the new regulations were enacted, a petition was filed challenging several aspects. In reviewing the substance of the legal challenge, it has been concluded that certain amendments could be made which would address these concerns by improving clarity. Outlined below is a summary of the key concerns raised in the petition and the proposed amendments to address the issues (in italics):

- Listing "real property" as protected heritage property is overly broad
  - *It is proposed that the description of protected heritage property by section 1.10 of Schedule A of the FSHCA General Guidelines be changed from "real property in Appendix A4" to "buildings, structures, lands or features listed under the column with the heading "protected heritage property" in Appendix A4" in order to specify that protected heritage property in the FSHCA General Guidelines and in Appendix A4 means, in the majority of cases, buildings existing prior to January 1, 1940, unless other structures, lands or features are specifically listed.*
- Perception that a property on the list of protected heritage property could never be demolished or removed from the list
  - *Although Council and the public were advised at the public hearing of the fact that it would be possible to demolish or remove a property from the protected heritage property list in certain circumstances, there is still an apparent public misconception around this issue. In order to clarify this misconception, it is proposed to add several sections to the FSHCA General Guidelines that detail the process for demolition or removal from the list of protected heritage property that no longer retains sufficient heritage character or heritage value to justify its conservation. As well, a set of procedures have been developed to assist the public in this area as referred to in Recommendation F and Appendix F of this report.*
- Requirement that the Director of Planning be consulted in every case to determine whether or not a heritage alteration permit was required for a proposed action, including minor interior alterations and routine maintenance.

- *It is recommended that the reference to the opinion of the Director of Planning in relation to maintenance that does not require a heritage alteration permit be removed from the HCA ODP and the Heritage Procedure By-law and that the Heritage Standards of Maintenance By-law be amended to provide that routine building and garden maintenance does not require a heritage alteration permit.*
- Concern that the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada", listed as the guidelines for work on protected heritage property, is too complex a document for property owners to follow.
  - *It is recommended that the reference to the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada" be removed from the HCA ODP and the Heritage Standards of Maintenance By-law. While this standard guide is useful to the Director of Planning and heritage planners when reviewing heritage conservation proposals, appropriate conservation outcomes can be achieved without reference to this document in the by-laws.*
- Lack of reference in the Heritage Procedure By-law related to the power of entry of the Director of Planning, clarifying that in the event of a refusal by the homeowner to permit entry, the Director of Planning may apply to the Supreme Court for an entry warrant.
  - *Although it is unnecessary to refer specifically to the warrant power in Section 7.2 of the Heritage Procedure By-law, it is recommended that this reference be added to address the concerns expressed by members of the public on that topic.*

In addition, after conducting reviews of development enquiries and applications using the new regulations over the past few months, several areas have been identified where the regulations might be improved or where omissions were made inadvertently. The following section summarizes the proposed amendments:

#### *Heritage Procedure By-law*

- Section 2.2 (e) should be amended as the authority of the Director of Planning under section 598 of the Vancouver Charter is limited to subsections (1), (2) and (3).
- Section 4.1(b) should be amended to clarify the extent of the Director of Planning's authority in an HCA in the case of property that is not protected heritage property.
- Section 4.9 should be amended to clarify that the authority of the Director of Planning to refuse a heritage alteration permit for a proposed action that would detract from heritage character or heritage value applies to all property in a heritage conservation area.
- Section 6.1 should be amended to clarify that requests for reconsideration of a Director of Planning decision to refuse a development permit is in respect of protected heritage property only.
- In Section 9.1(c) the word "protected" ought to be inserted before "heritage property"

### *Heritage Property Standards of Maintenance By-law*

- The definition of "heritage conservation area property" in the Heritage Standards of Maintenance by-law should be amended and a definition of "ODP" added to align with the definition in the Heritage Procedure by-law. This change also necessitates some consequential housekeeping amendments to align with that change.

### *First Shaughnessy District Schedule (Zoning & Development By-law)*

- It has been noted that the requirement that parking be in a separate accessory building may cause hardship on a sloping site or on a site with an unusual configuration, or if the construction of an accessory building would necessitate altering or removing features with heritage character or heritage value. An amendment is proposed to allow parking to be located below finished grade in a principal building on protected heritage property with these site hardship circumstances, as well as on non-protected heritage property with similar site hardship circumstances and no rear lane access, and to allow exclusion of a certain amount of the permitted parking from the calculation of floor area.
- Church use was inadvertently omitted and should be added as there are existing churches in the FSHCA.
- There is an error in the wording of the building depth regulation and an amendment is necessary to ensure that this section is consistent with the building depth regulation in other district schedules.

### *Zoning & Development Fee By-law*

- The addition of a reference to properties located in an HCA is required in order to extend to properties in First Shaughnessy the same provision for reduced heritage alteration permit fees for building maintenance or minor repair as is provided to heritage buildings located elsewhere in the city.

### *HCA ODP*

- Three properties were inadvertently omitted from the list of protected heritage properties in the HCA ODP, despite the fact that these properties were previously protected by Council by heritage designation by-laws or heritage revitalization agreement by-laws. These properties should be added to the list of protected heritage properties for consistency.

### *Summary of Proposed Amendments*

The tables below provide a comprehensive summary of all substantive amendments proposed to the five by-laws. These tables include both amendments that address issues raised by the petition, as well as those identified in the first few months of work with the new regulations. Note, minor housekeeping amendments such as grammatical corrections and renumbering are not included in the tables below. To review all amendments proposed to the by-laws, refer to the appropriate appendix to find a black-line version of the by-law.



1. *Summary of Amendments to the Heritage Conservation Area Official Development Plan (See Appendix A to review all proposed amendments to the by-law in detail)*

<b>Table 1 - Heritage Conservation Area Official Development Plan</b>		
<b>Section</b>	<b>Change</b>	<b>Rationale</b>
<ul style="list-style-type: none"> <li>Section 3.2 (d) and (g)</li> </ul>	<ul style="list-style-type: none"> <li>Strike "designated as"</li> <li>Add provision to indicate that the FSHCA General Guidelines includes a process for demolition (and removal from the list) a protected heritage property that no longer retains sufficient heritage character or heritage value to justify its conservation</li> </ul>	<ul style="list-style-type: none"> <li>Clarification</li> </ul>
<p><b>Schedule A</b></p> <ul style="list-style-type: none"> <li>Section 1.7 (b), (c), and (d)</li> </ul>	<ul style="list-style-type: none"> <li>Remove Director of Planning consideration of works that do not require a heritage alteration permit</li> <li>Add in reference to designated interiors and that work that affects these features will require a heritage alteration permit</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies the role of the Director of Planning in determining exemptions from heritage alteration permit requirements</li> <li>Ensures heritage alteration permits are required when work is proposed that affects designated interior features</li> </ul>
<p><b>Schedule A</b></p> <p>Section 1.9</p>	<ul style="list-style-type: none"> <li>Remove references to the Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada"</li> </ul>	<ul style="list-style-type: none"> <li>Simplified section and clarified that the FSHCA Design Guidelines will be the standard measure for all works in the area</li> </ul>
<p><b>Schedule A</b></p> <ul style="list-style-type: none"> <li>Section 1.10</li> </ul>	<ul style="list-style-type: none"> <li>Change from "real property in Appendix A4" to "buildings, structures, lands or features listed under the column with the heading "protected heritage property" in Appendix A4"</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies that the listing of protected heritage property means buildings existing prior to January 1, 1940, unless other structures, lands or features are specifically listed.</li> </ul>
<p><b>Schedule A</b></p> <ul style="list-style-type: none"> <li>1.11 and 1.12</li> </ul>	<ul style="list-style-type: none"> <li>Add new provisions to set out the process for the demolition or removal from the list of a protected heritage property that no longer retains sufficient heritage character or heritage merit to justify its conservation</li> </ul>	<ul style="list-style-type: none"> <li>Clarification of process for demolition or removal of a protected heritage property from the list.</li> <li>Note that an administrative bulletin is appended to this report (Appendix F) that provides further detail on this process.</li> </ul>

Section	Change	Rationale
<p>Schedule A</p> <ul style="list-style-type: none"> <li>Appendix A3 - Section 3.6.6</li> </ul>	<ul style="list-style-type: none"> <li>Provisions added to allow parking to be located below finished grade in a principal building in limited circumstances due to slope or configuration of the site, or where loss of heritage features would be required to accommodate parking in an accessory building</li> </ul>	<ul style="list-style-type: none"> <li>Supports conservation of the estate-like character of First Shaughnessy by allowing parking below finished grade in principal buildings in limited circumstances where not doing so would result in hardship or loss of heritage features</li> </ul>
<p>Schedule A</p> <ul style="list-style-type: none"> <li>Appendix A4</li> </ul>	<p>Add the following properties to the list of protected heritage property:</p> <ul style="list-style-type: none"> <li>1638 Marpole</li> <li>1083 Matthews</li> <li>1489 McRae</li> </ul>	<ul style="list-style-type: none"> <li>Council previously protected these properties by heritage designation or heritage revitalization by-laws, but they were inadvertently omitted from the list of protected heritage properties in the HCA ODP. They should be added to the list for consistency.</li> </ul>
<p>Schedule A</p> <ul style="list-style-type: none"> <li>Appendix A4</li> </ul>	<ul style="list-style-type: none"> <li>Add column to specify the buildings, structures, land or features that are protected heritage property</li> </ul>	<ul style="list-style-type: none"> <li>Provides clarity by describing the component of each site that is protected heritage property</li> </ul>

2. *Summary of Amendments to the Heritage Procedure By-law (See Appendix B to review the proposed amendments to the by-law in detail)*

Table 2 - Heritage Procedure By-law		
Section	Change	Rationale
2.2	<ul style="list-style-type: none"> <li>Add a reference to subsections (1) to (3) of section 598 of the Vancouver Charter</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies the authority of the Director of Planning</li> </ul>
3.2	<ul style="list-style-type: none"> <li>Remove reference to interior alteration, routine building maintenance, and routine garden maintenance and replace with reference to work that requires a heritage alteration permit</li> <li>In (b) remove reference to architectural fixtures</li> </ul>	<ul style="list-style-type: none"> <li>Clarifies the type of work the Director of Planning would review when considering if work detracts from the heritage character or heritage value of protected heritage property</li> <li>Features not fixtures would be reviewed</li> </ul>

Section	Change	Rationale
4.5	<ul style="list-style-type: none"> <li>• Remove Director of Planning consideration of works that do not require a heritage alteration permit</li> <li>• Add reference to designated interiors and that work that affects these features will require a heritage alteration permit</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies the role of the Director of Planning in determining exemptions from heritage alteration permit requirements</li> <li>• Ensures that heritage alteration permits are required when work is proposed that affects designated interior features</li> </ul>
4.9	<ul style="list-style-type: none"> <li>• Add reference to property in a heritage conservation area, and to criteria in section 3.1 of the by-law for the factors to consider in determining heritage character or value</li> </ul>	<ul style="list-style-type: none"> <li>• Provides additional criteria for consideration by the Director of Planning when making decisions on heritage alteration permits</li> <li>• Clarifies that the Director of Planning may refuse a heritage alteration permit on all property in an HCA if a proposed action would detract from heritage character or heritage value</li> </ul>
6.1	<ul style="list-style-type: none"> <li>• Add reference to protected heritage property</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies that the possibility of reconsideration by Council of a development permit refusal by the Director of Planning only applies if the refusal is in relation to protected heritage property</li> </ul>
7.2	<ul style="list-style-type: none"> <li>• Add reference to section 584 of the Vancouver Charter</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies that powers of entry are subject to the warrant provisions of the Vancouver Charter, should a homeowner refuse entry to the Director of Planning pursuant to a heritage inspection order</li> </ul>
9.1(c)	<ul style="list-style-type: none"> <li>• Insert the word "protected" before "heritage property"</li> </ul>	<ul style="list-style-type: none"> <li>• Inadvertently omitted</li> </ul>

3. *Summary of Amendments to the Heritage Property Standards of Maintenance By-law* (See Appendix C to review the proposed amendments to the by-law in detail)

**Table 3 - Heritage Property Standards of Maintenance By-law**

Section	Change	Rationale
Various sections (i.e. preamble, 1.3, 2.1, 2.2, 2.3...)	<ul style="list-style-type: none"> <li>Replace references relating to "real property within an HCA" with "protected heritage property and property that is within an HCA"</li> </ul>	<ul style="list-style-type: none"> <li>Make consistent with the amendments to the HCA ODP and the definitions in the Heritage Procedures by-law, as described in Table 1.</li> <li><i>Note: this change necessitates related housekeeping amendments in other sections of the by-law not listed in this table. See Appendix C.</i></li> </ul>
Section	Change	Rationale
Various sections (i.e. preamble, 1.3, 2.1, 2.2, 2.3...)	<ul style="list-style-type: none"> <li>Replace "heritage conservation area property" with "protected heritage property or property within a heritage conservation area"</li> </ul>	<ul style="list-style-type: none"> <li>Clarify that the Heritage Property Standards of Maintenance By-law applies to both protected heritage property and other property within an HCA</li> </ul>
1.3	<ul style="list-style-type: none"> <li>Remove reference to Parks Canada "Standards and Guidelines for the Conservation of Historic Places in Canada"</li> </ul>	<ul style="list-style-type: none"> <li>Make consistent with the amendments to the HCA ODP described in Table 1</li> </ul>
	<ul style="list-style-type: none"> <li>Amend definition for "heritage conservation area property" and add a definition for "ODP"</li> </ul>	<ul style="list-style-type: none"> <li>Make consistent with the Heritage Procedure by-law</li> <li><i>Note: these changes necessitate related housekeeping amendments in other sections of the by-law not listed in this table. See Appendix C.</i></li> </ul>
1.3	<ul style="list-style-type: none"> <li>Insert definitions for "routine building maintenance" and "routine garden maintenance"</li> </ul>	<ul style="list-style-type: none"> <li>Make consistent with the HCA ODP and Heritage Procedure By-laws, where these definitions already exist</li> </ul>
2.4	<ul style="list-style-type: none"> <li>Insert provision on routine maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Clarify that heritage alteration permits will not be required for routine building or garden maintenance</li> </ul>

4. *Summary of Amendments to the First Shaughnessy District Schedule to the Zoning & Development By-law (See Appendix D to review the proposed amendments to the by-law in detail)*

**Table 4 - First Shaughnessy District Schedule to the Zoning & Development By-law**

Section	Change	Rationale
3.2.A and 4.7.4 (d) and (e)	<ul style="list-style-type: none"> <li>Amend Accessory Uses to allow parking below finished grade in a principal building in limited circumstances</li> </ul>	<ul style="list-style-type: none"> <li>Supports conservation of the estate-like character of First Shaughnessy by allowing parking below finished grade in principal buildings in limited circumstances where not doing so would result in hardship or loss of heritage features</li> </ul>
3.2.1	<ul style="list-style-type: none"> <li>Add “Church existing as of [insert date of enactment]” in alphabetical order.</li> </ul>	<ul style="list-style-type: none"> <li>Housekeeping amendment to add existing Church use, inadvertently omitted when schedule was drafted.</li> </ul>
Section	Change	Rationale
4.16.1	<ul style="list-style-type: none"> <li>Strike reference to “rearmost portion” in the regulation to measure building depth</li> </ul>	<ul style="list-style-type: none"> <li>Make consistent with building depth regulations in other district schedules</li> </ul>

5. *Summary of Amendments to the Zoning & Development Fee By-law (See Appendix E to review the proposed amendments to the by-law in detail)*

**Table 5 - Zoning & Development Fee By-law**

Section	Change	Rationale
<p>Schedule 1</p> <ul style="list-style-type: none"> <li>Section 17</li> </ul>	<ul style="list-style-type: none"> <li>Add reference to the maintenance or minor repair of a building, structure, use or site located within an HCA</li> </ul>	<ul style="list-style-type: none"> <li>Extends the existing provision for protected heritage buildings or buildings in a HA (heritage zoning district) elsewhere in the City to properties in the FSHCA, thereby providing reduced permit fees for maintenance or minor repair heritage alteration permits.</li> </ul>

**Notification**

Should Council refer the amending by-laws proposed in Recommendations A, B, C, D and E to public hearing, standard public notification of the hearing will take place including the mailing of post-card notices to affected property owners and the publishing of notices in local newspapers. In addition, notification of the public hearing to owners or occupiers will also be undertaken in accordance with section 599 of the Vancouver Charter which outlines special notice requirements with respect to heritage conservation.

## *CONCLUSION*

This report proposes a number of amendments to by-laws that govern the FSHCA. If approved, these by-law amendments will bring improved clarity around protected heritage property, requirements, and processing for property owners and the community. As was noted when the FSHCA was created, staff will continue to monitor the implementation of these new regulations and will report back should there be any further recommendations for improvement.

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