

First Shaughnessy District Schedule

By-Law No. 5543

A By-law to Amend By-law No. 3575, being the Zoning and Development By-law.

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting assembled, enacts as follows:

1 Intent

The intent of this District Schedule is to protect the distinct estate character of First Shaughnessy by conserving protected heritage property and maintaining the single-family character of First Shaughnessy while allowing increased dwelling unit density with multiple conversion dwellings, infill buildings, coach houses and secondary suites. Renovations and additions should be compatible with, subordinate to, and distinguishable from existing buildings. 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.

Development in First Shaughnessy must also comply with the following related documents:

- (a) the First Shaughnessy Heritage Conservation Area Design Guidelines in the Heritage Conservation Area Official Development Plan (“First Shaughnessy Design Guidelines”);
- (b) the Heritage By-law; and
- (c) the Heritage Procedure By-law.

2 Definitions

In this District Schedule:

“Coach House” means an ancillary dwelling unit that is located:

- (a) in an accessory building that complies with section 3.2.A; and
- (b) on a site with a one family dwelling, one family dwelling with secondary suite or multiple conversion dwelling; and

“conserved” and “conserving” means protecting, preserving, or enhancing the heritage character or heritage value of heritage property or a heritage conservation area, retaining the heritage character or heritage value of heritage property or a heritage conservation area and extending the physical life of protected heritage property by preservation, rehabilitation or restoration in accordance with the First Shaughnessy Design Guidelines.

3 Conditional Approval Uses

3.1 The Director of Planning may approve any of the uses listed in Section 3.2 of this Section and may impose conditions of approval if the Director of Planning first considers:

- (a) the First Shaughnessy Design Guidelines in the Heritage Conservation Area Official Development Plan;
- (b) the intent of this Schedule;
- (c) all applicable policies and guidelines adopted by Council; and
- (d) the submission of any advisory group, property owner or tenant.

3.2 Uses

- 3.2.A
- Accessory Building customarily ancillary to any of the uses listed in this District Schedule, if:
 - (a) the accessory building does not exceed 4.5 m in height measured to the highest point of the roof, if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, and no portion of the accessory building exceeds 6.1 m in height;
 - (b) the accessory building is located no less than 3 m from a flanking street and 1.5 m from an interior property line;
 - (c) the floor area of all accessory buildings for off-street parking on the site does not exceed 80.77 m²; and
 - (d) an accessory building on a corner site which has located at its rear, a site which fronts the street flanking the corner site, has a setback of at least 7.3 m from the flanking street.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, except that vehicle parking is not permitted in a principal building, unless:
 - (a) the parking was in existence on September 29, 2015; or
 - (b) in the case of a principal building that is protected heritage property:
 - (i) there is unnecessary hardship due to the slope or configuration of the site, or it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building, and
 - (ii) the parking is below finished grade; or
 - (c) in the case of a principal building that is not protected heritage property:
 - (i) there is unnecessary hardship due to the slope or configuration of the site, or it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building,
 - (ii) the site does not have lane access, and
 - (iii) the parking is below finished grade.
- 3.2.D
- Deposition or extraction of material so as to alter the configuration of the land.
- 3.2.DW [Dwelling]
- Coach House, if:
 - (a) the site area is less than 1 672 m²;
 - (b) the site contains a principal building that is protected heritage property that is conserved;
 - (c) the floor area, including stairs, is no less than 37 m² and no more than 63.7 m², and computation of floor area may exclude:
 - (i) floor area with a ceiling height of less than 1.2 m, and
 - (ii) entries, porches and verandahs that conform with section 4.7.4(f);
 - (d) the dwelling unit is located in the partial storey of an accessory building, except that up to 5.5 m² of floor area may be located on the main floor inside the accessory building for a vestibule, stair and storage;
 - (e) there is no more than one bathroom;
 - (f) the bathroom is located on the partial storey of the accessory building; and
 - (g) the principal roof has a minimum slope of 12:12.

- One Family Dwelling.
 - One Family Dwelling with Secondary Suite.
 - Infill one-family and infill two-family dwelling if the site:
 - (a) is a parcel that existed on September 29, 2015; and
 - (b) contains a principal building that is protected heritage property that is conserved.
 - Multiple Conversion Dwelling:
 - (a) if the conversion is of a principal building that is protected heritage property that is conserved;
 - (b) if the minimum site area is 1 394 m², except that the site area may be less than 1 394 m² if the floor area of the principal building, including the basement, is no less than 465 m² on September 29, 2015 and there are no more than two dwelling units created in the principal building; and
 - (c) the average floor area for the dwelling units is no less than 167 m² and the floor area of each dwelling unit is no less than 93 m².
 - Seniors Supportive or Assisted Housing.
- 3.2.I
- Child Day Care Facility.
 - Church existing as of March 8, 2016.
 - Community Care Facility.
 - Group Residence.
- 3.2.O
- Office for a consulate, on a site that abuts West 16th Avenue, King Edward Avenue, or Granville Street.
- 3.2.P
- Public Authority Use.
 - Public Utility.
- 3.2.R
- Farmers’ Market.
- 3.2.S
- Bed and Breakfast Accommodation.
 - Short Term Rental Accommodation.

4 Regulations

4.1 All uses approved under this District Schedule are subject to the regulations in this District Schedule.

4.2 Site Coverage and Building Footprint

4.2.1 Unless otherwise provided in this District Schedule, the maximum permitted site coverage is 35% of the site area.

4.2.2 Despite the provisions of section 4.2.1, the maximum permitted site coverage for a site with an infill building or buildings must be calculated in accordance with the following table:

Number of Infill Buildings	Maximum Site Coverage
1	30%
2 or more	25%

- 4.2.3 In this District Schedule, “footprint” means the projected area of the extreme outer limits of the principal building measured at the basement level, excluding:
- (a) entries, porches and verandahs and
 - (b) a portion of the building located at the first storey that has:
 - (i) a total area not exceeding 37 m²,
 - (ii) a height no greater than 1 storey, and
 - (iii) a depth that is the lesser of 6.0 m and 35% of the building depth.

- 4.2.4 The maximum building footprint must be calculated in accordance with the following formula:

$$\text{Maximum Building Footprint} = \frac{\text{Permitted Floor Area}}{2.5}$$

- 4.2.5 The permitted floor area of each storey must not exceed the footprint calculated in accordance with section 4.2.4, except that the building footprint must not exceed 557 m².
- 4.2.6 The Director of Planning may permit an increase in the maximum permitted building footprint in section 4.2.4 if the Director of Planning first considers:
- (a) all applicable policies and guidelines adopted by Council;
 - (b) the submissions of any advisory group, property owner or tenant;
 - (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
 - (d) the amount of open space; and
 - (e) the preservation of the heritage character and heritage value of the area; and

the increase does not exceed 20% of the maximum building footprint in this Schedule.

4.3 Height

- 4.3.1 Height must be measured from a hypothetical surface determined by joining the existing grades at the intersections of the hypothetical lines defining the front and rear yards and the side property lines, except that if, in the opinion of the Director of Planning, the resulting hypothetical surface is not compatible with the existing grades of adjoining sites or with the general topography of the area, the Director of Planning may require that height be measured from base surface.
- 4.3.2 A principal building must have no less than 2 storeys and no more than 2 1/2 storeys.
- 4.3.3 The floor elevation of the first storey of a principal building must be at least 1.4 m above finished grade, except that the Director of Planning may permit a floor elevation less than 1.4, if:
- (a) the Director of Planning first considers all applicable policies and guidelines and the site context; and
 - (b) the proposed design of the principal building meets the First Shaughnessy Design Guidelines.
- 4.3.4 A principal building must be no more than 10.7 m in height.
- 4.3.5 Despite section 4.3.4, the Director of Planning may permit an increase in the height of a principal building to a maximum of 13.7 m, if the Director of Planning considers the effect of the additional height on neighbouring sites with respect to massing, shadowing and overlook, and all applicable Council policies and guidelines, and:

- (a) the roof has no flat portions;
- (b) the roof has a minimum slope of 8:12;
- (c) the roof is a gable or hip roof; and
- (d) the proposed design of the principal building meets the First Shaughnessy Design Guidelines.

4.3.6 An infill building must have no more than 2 storeys.

4.3.7 An infill building must be no more than 7.6 m in height.

4.4 Front Yard

4.4.1 The minimum depth of the front yard is 25% of the depth of the site.

4.4.2 Despite the provisions of section 4.4.1 of this District Schedule and of section 10.32.1(b) of this by-law:

- (a) eaves, gutters, sills and chimneys and other projections that, in the opinion of the Director of Planning, are similar, may project into the minimum front yard to a maximum of 1.0 m measured horizontally;
- (b) entries, porches and verandahs that conform to section 4.7.4(f) of this District Schedule may project into the minimum front yard to a maximum of 1.8 m measured horizontally; and
- (c) basement floor area underneath entries, porches and verandahs may project into the minimum front yard to a maximum of 1.8 m measured horizontally.

4.5 Side Yard

4.5.1 The minimum width of each side yard is:

- (a) 20% of the site width on a site with a frontage of 22.86 m or more; and
- (b) 15% of the site width on a site with a frontage of less than 22.86 m.

4.5.2 Despite the provisions of section 10.32.1(b) of this by-law, eaves, sills and chimneys and other projections, that, in the opinion of the Director of Planning are similar, may project into the minimum side yard to a maximum of 1.0 m measured horizontally, except that there must be at least 0.7 m between the projection and the side property line.

4.5.3 An infill dwelling must be no less than 4.5 m from a side property line, except that:

- (a) the Director of Planning may permit a lesser setback for an existing accessory building that is converted to residential use; and
- (b) the Director of Planning may require a greater setback if, in the opinion of the Director of Planning, it is necessary to protect the privacy or liveability of a neighbouring site or building.

4.6 Rear Yard

4.6.1 A rear yard must have a minimum depth of 12.19 m, measured from the rear property line.

4.6.2 Despite the provisions of section 10.32.1(b) of this by-law, eaves, gutters, sills and chimneys and other projections that, in the opinion of the Director of Planning are similar, may project into the minimum rear yard to a maximum of 1.0 m measured horizontally.

4.6.3 An infill dwelling must be set back no less than 4.5 m from the rear property line, except that:

- (a) the Director of Planning may permit a lesser setback for an existing building that is converted to residential use; and
- (b) the Director of Planning may require a greater setback if, in the opinion of the Director of Planning, it is necessary to protect the privacy or liveability of a neighbouring site or building.

4.7 Floor Area and Density

4.7.1 Floor space ratio for protected heritage property must not exceed:

- (a) 0.45 for protected heritage property that is conserved; and
- (b) for infill buildings, a maximum of 0.30 of the infill site area as determined by the following calculation:
 - (i) where the gross floor area of the basement, first and second storey of the principal building is equal to or less than 543 m², the infill site area is the total site area minus 1 208 m², and
 - (ii) where the gross floor area of the basement, first and second storey of the principal building is more than 543 m², the infill site area is calculated in accordance with the following formula, where “x” equals the gross floor area of the basement, first and second storey of the principal building, measured in m²:

$$\text{site area for infill floor space ratio calculation} = \frac{\text{total site area} - x}{0.45},$$

except that:

- (iii) the maximum floor area for an infill building is the lesser of 279 m² and 50% of the gross floor area of the basement, first and second storey of the principal building.

4.7.2 Floor space ratio for all development other than protected heritage property must not exceed 0.25 plus 139 m², to a maximum permitted floor area of 910.44 m².

4.7.3 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts and other features that the Director of Planning considers similar, to be measured by their cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) where the distance from a floor to the floor above, or where there is no floor above, to the top of roof joists exceeds 3.7 m, an amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude an area designed with venting skylights, opening clerestory windows or other similar features if:
 - (i) in the opinion of the Director of Planning, the area is designed to reduce energy consumption or improve natural light and ventilation, and
 - (ii) the area does not exceed 1% of the permitted floor area.

4.7.4 Computation of floor area may exclude:

- (a) balconies, decks, and other appurtenances that in the opinion of the Director of Planning, are similar to the foregoing if the total area of these exclusions does not exceed 8% of the permitted floor area;
- (b) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;

- (c) where floors or portions of floors, not exceeding 7.3 m in length, are located in an accessory building or infill building, and are used for off street parking or loading;
- (d) basements in principal buildings where the floor elevation of the first storey is located at least 1.4 m above finished grade and the basement does not extend beyond the outermost walls of the first storey, including entries, porches and verandahs, except that this exclusion will only apply to that part of basements used for parking in principal buildings if:
 - (i) there is unnecessary hardship due to the slope or configuration of the site, or because it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building,
 - (ii) the site has no lane access, and
 - (iii) the exclusion does not exceed 80.77 m²;
- (e) basements or cellars in protected heritage property, except that this exclusion will only apply to that part of basements or cellars used for parking in protected heritage property if:
 - (i) there is unnecessary hardship due to the slope or configuration of the site, or because it would be necessary to alter or remove features that have heritage character or heritage value worthy of conservation, in order to accommodate parking in an accessory building, and
 - (ii) the exclusion does not exceed 80.77 m²;
- (f) entries, porches and verandahs, or covered porches above the first storey, provided that:
 - (i) the entry, porch or verandah is open or protected by guards that do not exceed the required minimum height, and
 - (ii) the total area being excluded does not exceed 20% of the floor area being provided;
- (g) unconditioned floor areas with a ceiling height or height to the underside of joists of less than 2.0 m, located below the floors of entries, porches and verandahs complying with subsection 4.7.4(f), to which there is no access from the interior of the building; and
- (h) for protected heritage property that is conserved, the floor area of a Coach House to a maximum of 63.7 m².

4.7.5 The Director of Planning may vary the requirements of section 4.7.3(c) if, in the opinion of the Director of Planning:

- (a) the resulting building massing does not overshadow or adversely affect the site or neighbouring sites;
- (b) the excluded floor area enhances the design, liveability, and architectural expression of the building; and
- (c) the excluded floor area enhances the heritage character and heritage value of the area; and the total excluded area does not exceed 37 m².

4.8 Storm Water Storage and Impermeability

4.8.1 This section applies to a permit for any development that:

- (a) increases the impermeable area of a site existing as of May 11, 1982, by more than 1% of the site area; or
- (b) creates a community care facility, group residence, multiple conversion dwelling, infill one family dwelling or infill two-family dwelling.

- 4.8.2 For the purposes of determining whether or not a development would increase the impermeable area of a site, the following definitions apply:
- (a) “impermeable area” means the projected area of the outside of the outermost walls of all buildings including carports, entries, porches and verandahs, asphalt, concrete, brick, stone, and wood; and
 - (b) “permeable area” means gravel, river rock less than 5 cm in size, wood chips, bark mulch, wood decking with spaced boards and other materials that, in the opinion of the Director of Planning, have fully permeable characteristics when placed or installed on grade with no associated layer of impermeable material, such as plastic sheeting, that would impede the movement of water directly to the soil below.

4.8.3 The Director of Planning must not issue a permit referred to in section 4.8.1, unless the property owner has first entered into a storm water storage agreement, to the satisfaction of the Director of Legal Services and the City Engineer, to:

- (a) construct a storm water storage system on the site that is designed and certified by a professional engineer to meet the following criteria:
 - (i) a minimum storage capacity equal to the volume of water that would be present if water 15 mm deep covered the entire site, and
 - (ii) equipped with a device to restrict the maximum storm water flow from the site into the public sewer to 17.5 litres per second per hectare of site area;
- (b) maintain the storm water storage system at the expense of the owner;
- (c) grant a statutory right of way and equitable charge to the City; and
- (d) release and indemnify the City from all liability related to the storm water storage system.

4.9 Reserved

to
4.14

4.15 Dwelling Unit Density

4.15.1 The permitted number of dwelling units for multiple conversion dwellings is in accordance with the following table, except that a dwelling unit in a Coach House is excluded from the calculation of the permitted number of dwelling units:

Number of Dwelling Units	Minimum Site Area Required in sq. ft.	Minimum Site Area Required in m²
2	15 000	1 394
3	30 000	2 878
4	40 000	3 716
4	50 000	4 645

4.15.2 The permitted number of dwelling units for infill dwellings is in accordance with the following table:

Number of Dwelling Units	Minimum Site Area Required in sq. ft.	Minimum Site Area Required in m²
1	18 000	1 672
2	30 000	2 878
3	40 000	3 716
4	50 000	4 645

- 4.15.3 Despite sections 4.15.1 and 4.15.2, the Director of Planning may increase the permitted number of dwelling units by one additional dwelling unit, if the Director of Planning first considers:
- (a) all applicable policies and guidelines adopted by Council;
 - (b) the submissions of any advisory group, property owner or tenant;
 - (c) the effect of any additional on-site parking on mature trees, existing gardens and landscape design; and
 - (d) the effect of the additional unit on the protected heritage property.

4.16 Building Depth

- 4.16.1 The building depth must not exceed 40% of the depth of the site, measured in a straight line parallel to the side property line, from the required front yard to the required rear yard, except that where an existing building encroaches into the required front yard, the distance must be measured from the front exterior wall rather than the required front yard.
- 4.16.2 Projections into the front and rear yards that are permitted under Sections 4.4.2, 4.5.2, and 4.6.2 must not be included in the calculation of building depth.
- 4.16.3 The Director of Planning may permit an increase in the maximum permitted building depth requirements in section 4.16 if the Director of Planning first considers:
- (a) all applicable policies and guidelines adopted by Council;
 - (b) the submissions of any advisory group, property owner or tenant;
 - (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
 - (d) the amount of open space; and
 - (e) the preservation of the heritage character and heritage value of the area; and

the increase does not exceed 50% of the building depth requirements in this Schedule.

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the front, side, and rear yard requirements in sections 4.4, 4.5, and 4.6 if, in the opinion of the Director of Planning, there is unnecessary hardship due to the configuration of the site and the Director of Planning first considers:
- (a) all applicable policies and guidelines adopted by Council;
 - (b) the submissions of any advisory group, property owner or tenant;
 - (c) the height, bulk, location and overall design of the building or buildings and the effect on the site, surrounding buildings, neighbouring sites, streets and views;
 - (d) the amount of open space; and
 - (e) the preservation of the heritage character and heritage value of the area; and

the relaxation does not exceed 60% of the front, side, or rear yard requirements in this Schedule.

- 5.2 The Director of Planning may relax any regulation in this District Schedule, apart from those regulations regarding use or density, with respect to protected heritage property that is conserved, if, in the opinion of the Director of Planning, the protected heritage property is conserved and the proposed development will make a contribution to conserving heritage property, except that, before granting a relaxation under this section, the Director of Planning must consider:
- (a) the submissions of any advisory group, property owner or tenant; and
 - (b) the intent of this District Schedule and all applicable Council policies and guidelines.

See also Heritage Conservation Area Official Development Plan