

LUC (Land Use Contract)

From: Mark Ting <marktingphx@gmail.com>
Sent: Monday, 17 August 2015 10:52
To: LUC (Land Use Contract)
Subject: Re: Land Use Contract

Hi John,

Thank you for the information.

It is a tough situation as I chose my house specifically because of it was in an LUC neighbourhood and I didn't think it could be arbitrarily terminated. I also empathize with those who neighbours of developers abusing the LUC flexibility and over building on their lots. . .

I will e-mail the city clerk's office and ask about the Board of Variance office.

I do, however, have one simple question.

When I think of a "contract"-- i think of the definition " a written or spoken agreement, especially one concerning employment, sales, or tenancy, that is intended to be enforceable by law."

Is this not the case for the LUC? Since I bought a house on a LUC wouldn't I have to agree to have it terminated as I am affected?

I guess what I'm asking is "is the city of Richmond and/or the Province of BC legally allowed to terminate/modify the LUC?"-- in the business world this wouldn't be possible as it would likely result in a law suit-- happens all the time when someone breaks a contract-- (as it can be justifiably be argued that the termination could result in a drop of 100s of thousands in property value).

It just doesn't sit well with me-- that my land use can change just like that. I purposely chose a LUC for its flexibility and paid accordingly and now the flexibility that I paid for is being taken away-- doesn't seem right or legal. Imagine you bought a sub dividable lot which costs 100 off thousands more than a similar lot which is zoned for 1 home--- and than being told that your sub dividable lot is being re-classified as non-subdividable. You would be pretty angry and feel that you have been ripped off.

That's how I feel-- most people do not purchase a home thinking about what happens to it 20-30 years down the road so the LUC isn't a major concern for them however I did. I'm a long term planner by nature and this change is greatly affecting my plans.

Anyway-- if you can answer my question about the legality of the termination that would be greatly appreciated (and send me some links which discusses when and how a city can change/terminate a LUC).

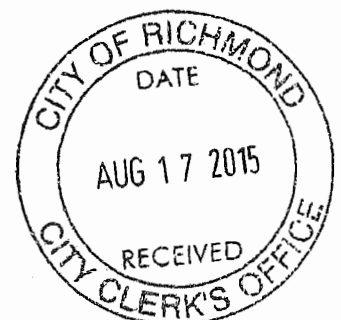
All the best,

Mark

City Clerk's Office

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LUC Correspondence



On Tue, Aug 11, 2015 at 9:59 AM, LUC (Land Use Contract) <LUC@richmond.ca> wrote:

Hi Mark,

To answer your questions:

- you would be able to apply to the Board of Variance following the adoption of the termination bylaws (you would have a 6-month window to make that application to the Board of Variance). Any detailed questions about the Board of Variance should be directed to the City's Clerk's office at [604-276-4007](tel:604-276-4007) or at cityclerk@richmond.ca;
- there is no standard definition of hardship that is used – you would have to convince the Board of Variance that there is a strong reason why you cannot build within the 1-year transition period (Council may also make the transition window longer when they adopt the termination bylaws).

With respect to floor area ratio calculations, the City's typical RS zone is calculated as 0.55 up to a maximum of 464.5m² (5,000 ft²) of lot area, together with 0.30 applied to the balance of the lot area in excess of 464.5m² (5,000 ft²). As you indicated, for a lot that is 4,000 ft² in area, the maximum floor area would equate to 2,200 ft² (0.55 x 4,000 ft² = 2,200 ft²).

With respect to the public hearing, we expect a large turnout and we also expect there will be many different opinions on this matter. Do not assume that this is all a done deal. The public hearing process is there for Council to listen and understand the potential impacts of adopting these bylaws.

John

From: Mark Ting [<mailto:marktingphx@gmail.com>]
Sent: Sunday, 2 August 2015 13:13
To: LUC (Land Use Contract)
Subject: Re: Land Use Contract

Hi John,

thank you for your feedback. I'm just going to assume that the bylaws are adapted by council by the end of 2015-- with that in mind at what point to apply for the Board of Variance for an extension? Also what is considered "hardship"-- it can be a broad definition.

If I understand the information correctly I would only be able to build a 2200sq foot house on a lot that is approx 40X100. That's quite a bit smaller than the existing houses on similar lots (24-2500 sq feet). Bottom line-- that size of house does not make sense if one is looking to accommodate aging parents which means it does not work for me.

I would like to apply for an extension for the full time of 2024 (which I think is an ideal time as my current house will be nearing the end of its life and my parents will likely be living with me around that time).

Can you please point me in the direction how best to contact the board of Variance so that I can start my exemption application.

Regarding the public hearings, although I understand the reasoning behind them, they are filled with a very vocal group with similar interests so getting a word in is problematic. I'm assuming they will get their way since the "squeaky wheel gets the grease."

thank you in advance for your help in this matter.

Mark

On Tue, Jul 14, 2015 at 2:17 PM, LUC (Land Use Contract) <LUC@richmond.ca> wrote:

Hi Mark,

Thank you for your feedback on the proposed early termination of land use contracts (LUCs).

In response to your questions, there will be a transition period of at least 1 year if Council adopts bylaws that would terminate LUCs earlier than the sunset date of 2024. If the LUC termination bylaws are adopted at the end of 2015, then the LUC would still be valid for a minimum of one year before the LUC is terminated (Council could consider allowing a longer transition period up to 2024). If a property owner believes that the 1 year time period poses a hardship and additional time is required, they may apply to the Board of Variance for an extension to a later date up to June 30, 2024. If granted, the extension would only apply to the particular property owner and would end if the property ownership changes.

With respect to your question on applying for a building permit prior to the termination of the LUC, we would typically require construction to begin within 6 months of permit issuance.

Once again, we appreciate your comments and they will be forwarded to Council in the fall when the bylaws are brought forward. There will also be a Public Hearing which will provide property owners and residents to voice their opinion on the early termination of LUCs.

John

From: Mark Ting [mailto:marktingphx@gmail.com]
Sent: Monday, 13 July 2015 21:25
To: LUC (Land Use Contract)
Subject: Land Use Contract

Hi,

I am a resident that lives in Tiffany Estates which will be affected by the change in law surround the land use contract. I'm in favour of leaving the LUC as is for the following reasons:

- I think 2024 is a reasonable year. By that time, most of the homes in my neighbourhood would be over 40 years old and nearing the end of their "housing" life. It will be a good time for the neighbourhood to transition into the next incarnation.
- I bought the house knowing that if I chose to -- I could re-build and allow for my parents to move in thus saving on elder care. My house is 2000 square feet and not ideal for a senior with mobility issues. Under the new rules I would have less flexibility.
- this proposed change will affect the value of my home. It is pretty evident that subdividable lots are worth more than non-subdividable lots. Having more choices/flexibility results in a premium.

I attended the council meeting last week but did not find it too useful. It was dominated by a single special interest group seemed to be bullying through their agenda. They acted like they spoke for all of Richmond but I'm guessing they are actually only the vocal minority.

I can appreciate their point of view and understand that they are resistant to change but all the lower mainland community are in flux-- that is a fact of life. They were of the opinion that most citizens of Richmond preferred large plots of land with small houses. If that were true developers would meet that need but it simply isn't true. Very few people would be willing to buy a plot of land and build a bungalow. It doesn't make sense.

My questions are:

- how can get an exception to the termination of the LUC rules?

- according to the FAQ-- there will be a transition period which is expected to end by the end of 2016. If I chose to re-build do I just have to have my permits in place by 2016 or does the new property have to be built? I.e. can I have my permit accepted and build at a later date (say 2022)?

I like my house the way it is-- I like my neighbourhood but I also know that I will need to take care of my parents and will have to move at some point. I rather not have to move-- I rather re-build on my current plot but I would like the current flexibility afforded by my LUC. I would build to suit the neighbourhood.

I don't want to build anytime soon-- rather not do it until the need arises. So I would like to know if I how to get an exception so that I can go through with my plans later rather than having my hand forced and starting the process in 2016.

thank you very much and I look forward to your reply,

Mark Ting