

Schedule 100 to the Minutes of the Special Public Hearing meeting of Richmond City Council held on Tuesday, November 24, 2015.

From: Liz Hardacre <littlelily@telus.net>
Sent: Monday, 23 November 2015 23:51
To: Day,Carol; Au,Chak; McPhail,Linda; Dang,Derek; Steves,Harold; Brodie,Malcolm; Johnston,Ken; Loo,Alexa; McNulty,Bill
Cc: LUC (Land Use Contract); CityClerk
Subject: Land Use Contract 157 Public Hearing Submission
Attachments: Land Use Contract Public Hearing Submission.doc

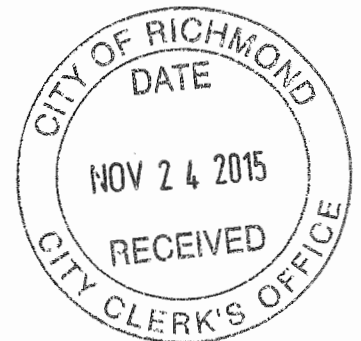
Please review my submission to the Land Use Contract Public Hearing, November 24, 2015.
Thank you.

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City Clerk's Office

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LUC Correspondence



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November 23, 2015

City of Richmond
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RE: Land Use Contracts Public Hearing November 24, 2015 - Submission

Dear Mayor and Councillors:

My home is in Land Use Contract 157 which has unique circumstances and poses particular challenges in the process to eliminate Land Use Contracts.

I support the City's decision to proactively extinguish Land Use Contracts in Richmond as soon as possible. I believe the process is just, in that it allows a reasonable implementation period of one year; an appeal process for those who choose to avail themselves of it; and will expand Richmond's lawful Zoning Bylaw 8500 universally throughout the City. The plan to eliminate LUCs has been far too long in coming, but now that it is here I welcome it.

However, I don't think it is well understood by many people that the action the City is proposing is actually a two-phase process. The second phase is the elimination of LUCs, which will move thousands of houses into compliance with Zoning Bylaw 8500. I believe this will check the rampant redevelopment of properties that has scarred some neighbourhoods at the expense of neighbourhood livability.

But the first phase of this proposed legislation is also a very necessary one, and this is the part of the process that is problematic. I am speaking of the rezoning phase: the legislation that assigns a zoning classification to all former LUC properties in line with comparable properties elsewhere in Richmond. Some homeowners in my neighbourhood, including myself, have recently learned that their houses which were legally built under the LUC rules for our neighbourhood in the past, will no longer be considered in compliance under the new zoning, and will become "non-conforming." What this means for us is that the proposed new zoning classification will not allow our homes to be rebuilt according to the same area and dimensions that we have now. This may become a significant issue if our house burns to the ground and we attempt to replace it.

For example, under the new zoning assigned to our home, a dwelling that is two storeys high and less than 3000 square feet, my husband and I would not be permitted to rebuild to the existing state in the event of a catastrophic fire. Is it not reasonable that this modest house, that is in keeping with the rest of the neighbourhood, was legally built and conforms to all required setbacks, be reconstructed to its existing floor plan and dimensions? If the next owner of my house decides to demolish it and re-build, is it not reasonable that the original house should be

the template? There needs to be a grandfathering provision in the zoning to circumvent this kind of anomaly.

There are many non-conforming property owners who object to the "down-zoning" of their properties and perceive that their property values will suffer. This should not be confused with the idea that former LUC properties will be less desirable than they have been of late because the Zoning Bylaw is more restrictive than LUC rules. I am talking about a different problem that will emerge because of mass rezoning. In LUC 157, properties may be devalued because the new zoning ascribed to them has reduced the allowable area calculated for their actual house or its replacement.

Land Use Contract 157 has a significant number of "down-zoned" properties. City staff has estimated the number of homes that will be deemed non-conforming to be about 30%. Using data provided by the BC Assessment Authority, independent researchers have estimated that closer to 43% of homes in LUC 157 will become non-conforming. Regardless of the figure you accept, it is clear that the uniformity that exists in many neighbourhoods throughout Richmond that allows zoning assignment to be reasonably and consistently applied, simply does not exist in LUC 157.

Here is the reason: LUC 157 was built in three distinct phases and comprises a variety of home sizes, styles and price ranges. Frontages, lot widths and lot areas are significantly varied, even on the same street. The original developer planned a heterogeneous community, and was encouraged and applauded by the City for doing so. These are features that Richmond should be striving to emulate in other neighbourhoods to create housing stock diversity.

The City is proposing a number of different sub-zones, A, B, C and D in existing LUC districts based on the average lot and house size for each one. This has been done throughout the City, and for the most part it works because the properties in the majority of other LUC districts have much more uniformity. But it will not work in LUC 157 because there are too many outliers. There is just too much variation, even between neighbouring homes. Those who closely match the average Richmond lot in zone subcategory 'D' are ok. Those who do not, and they are a significant number, will be penalized. This is patently unfair.

Here is what I would like to see: Instead of assigning the sub-zone 'D' to LUC 157 and forcing our properties, whether big or small, to fit the zoning, flip the process around and apply zoning that fits our houses. There is precedent for this in the process. Parts of Terra Nova and now Yoshida Court are classified as ZS, which allows these pockets to be addressed separately in recognition of their unique features. The unique aspect of LUC 157 is the considerable variation in its existing house sizes and lot sizes. The underlying zoning must be accurate. Zoning that is appropriate for other 'D' neighbourhoods could have unwitting and perhaps detrimental implications for ours. We need to have zoning that recognizes unique attributes and potential problems, and implements grandfather clauses and other strategies to preserve the singular aspects of our neighbourhood.

This is an easy fix and it will not hold up the LUC termination process for the vast majority of neighbourhoods that have been correctly zoned. It will enable the City to address the concerns of

homeowners in LUC 157 and work with them to preserve their ownership rights, their investment and the character of this diverse and appealing neighbourhood.

I am not asking that the termination process be delayed. It would appear the majority of Land Use Contracts do not have significant non-conformance issues. Nor am I suggesting that my neighbourhood be given some form of relief from the Zoning Bylaw. The message I want to convey to Council is to get the underlying zoning right at the start. If 30 to 43% of existing houses in my neighbourhood become non-conforming overnight, then the zoning has not been applied correctly.

This evening, please amend Amendment Bylaw No. 9474 as it relates to Land Use Contract 157 and replace the proposed underlying zoning to a ZS zone for this area. If that is not possible immediately, please remove LUC 157 from tonight's deliberation in order to allow the appropriate changes to create underlying ZS zoning and bring these changes back at the next Public Hearing opportunity.

Yours truly,

Elizabeth Hardacre

cc.

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Mayor Malcolm Brodie

Councillor Derek Dang

Councillor Linda McPhail

Councillor Bill McNulty

Councillor Harold Steves

Councillor Ken Johnston

Councillor Carol Day

Councillor Chak Au

Councillor Alexa Loo