

**Mayor and Councillors**

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**From:** Out West <jtrichmond@telus.net>  
**Sent:** Friday, 20 November 2015 15:31  
**To:** LUC (Land Use Contract); outwest; Graeme Wood; editor@richmond-news.com;  
Mayor and Councillors  
**Subject:** LUC submission to Council  
**Attachments:** LUC submission-Council 8251 Coldfall Court.docx  
**Categories:** 12-8060-20-009300-009485

To the city of Richmond zoning department, planning department, city councillors, mayor, and to all concerned parties:

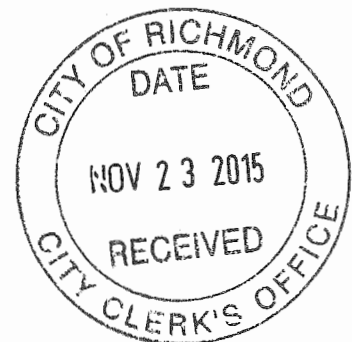
RE: 8251 Coldfall Court, Richmond, BC  
RE: LUC 102

Enclosed is our submission to Council and all pertinent parties in regards to the premature termination of LUC contracts. Please distribute our submission to all involved parties, including city departments, mayor, and councillors etc.

We look forward to our opportunity to talk with you at the Public Hearing on November 24, 2015.

Sincerely,

Jim and Teri Barkwell  
604-275-4810



City Clerk's Office

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LUC Correspondence

20 November 2015

Dear Mayor and Council,

This letter is to register our serious dissatisfaction with the proposed approach to prematurely ending our authorized residential zoning in Richmond via our Land Use Contract (LUC). We also wish to note our disappointment with you, our elected representatives, in this failure to protect our rights and interests as land owners in Richmond.

Our residence is located in LUC 102. We purchased our home in 2000, upgraded it at significant expense and have raised our children there. We have been Richmond residents since 1988. Mayor and council have chosen to seek to end the zoning which applies to our home, and thousands of others in Richmond, well in advance of the 2024 date established by provincial legislation. It is my understanding that Richmond is either the only municipality, or one of the few, choosing this arbitrary approach, despite the more defensible approach, established in the legislation, of providing a reasonable transition period for impacted land owners.

This will summarize the rationale for our objection to the proposed action as it impacts our long term residence:

1. We have made significant financial decisions based on misinformation consistently provided to us by Richmond city staff. When considering home upgrades we enquired about zoning rules and were incorrectly advised that R1-type requirements applied to our home. Staff did not correctly identify LUC rules at that time, or on numerous subsequent enquiries, and we were therefore not made aware of the correct zoning rules for our home until very recently. Consequently, during the vast majority of our home ownership, we were not properly advised of the options we had of rebuilding, selling or upgrading our home. To now prematurely end those zoning options is grossly unfair and would create a significant financial disadvantage.
2. We are situated in the middle of LUC 102. Every neighbor in our cul-de-sac is in the same LUC and behind us is a recently rezoned 28 unit town house project, approved by Mayor and Council. Therefore all our neighbours have the same zoning options and wouldn't be negatively impacted by the continuation of the authorized zoning. Moreover, because of the disruption caused by the townhouse construction just beginning behind our home, our ability to sell the home, if we so chose, or to build under LUC 102 in a one year transition period, is drastically impaired. The townhouse project is likely to take 18 months or more. It would therefore be very unfair to force us to choose our course of action when we are put between the proverbial 'rock and a hard place' - disrupted by the construction on the one hand, and limited by a short transition period on the other hand.
3. Arguments put forth by the city that uniform zoning is an objective are clearly not relevant, when entire neighbourhoods are currently zoned as LUCs. If Mayor and Council wish to address irregular architectural standards in Richmond, then do so. There are unattractive one and two story homes, and we have seen many examples throughout Richmond of well-designed three story homes (under LUCs). A few examples of poor design should be addressed in other

responsible ways, such as through architectural controls, rather than by irresponsibly imposing unilateral zoning changes that create hardship and financial loss to existing home owners.

4. The proposed rezoning options which are being used in an attempt to entice LUC property owners create no advantage for our situation. The re-zoning would limit our allowable square footage to approximately 2750 square feet, while adding the option of a rental suite. Our current zoning would allow us approximately 6300 square feet. The rental suite option is not feasible at the proposed allowable square footage, and therefore provides no benefit to us whatsoever. The financial disadvantage created by this change is significant, likely in the hundreds of thousands of dollars.
5. In relation to #4 above, our lot size was diminished, when created in the late 1970s, in order to create a larger lot for the original land owner, the Flemings, who were told that they would receive favourable zoning for redevelopment in the future with the larger lot size. In fact that land has now been used for the town house project behind our property. Consequently, the actions of the city at that time created circumstances for us presently which exacerbate the disadvantage of the proposed zoning change – a small lot, next to a known redevelopment site, which subsequently is proposed to have its zoning downgraded without sufficient transition time to make fair and appropriate decisions. A viewing of the site plan clearly shows how our lot (and our neighbor's to the north) was truncated in relation to the remainder of the adjacent lots.
6. By imposing an early termination of long-standing zoning rules Mayor and Council will also be interfering with normal market forces, also creating a disadvantage to current LUC owners. It may encourage a high number of property listings or building projects in the one year transition period. This would interfere with normal market forces, potentially lowering our property value quite significantly. In addition, for any who might wish to build during the limited opportunity, it would create the risk of design errors and higher building costs as pressure is applied to start and complete projects in the shortened transition period and builders and supplies are in shorter supply in relation to the demand. Again, this rushed approach disadvantages us, and other LUC holders, in a highly unfair and poorly thought out manner.

It is very clear that a one year transition period is not enough to address the issues noted above. The approach proposed by Mayor and Council would be unfair to us and many others, would distort the local economy and create a chaotic error-prone environment, would limit owner options and would create significant financial hardship for us by devaluing the single most important asset that we have – our home. It is our strongly held view that a minimum of five years is required to allow proper decisions to be made and for the transition to be applied equitably. That is certainly the case for our specific situation. Ideally, Mayor and Council would see the value of maintaining the provincially established transition period up to 2024, which is reasonable and appropriate, for all the reasons noted above.

We would also like to point out the unfortunate flaws in your established process. It is difficult not to believe that many of those flaws are intentional. The public hearing process has been rushed and there has not been any coherent rationale provided by Mayor and Council for seeking to shorten the provincially established transition period. Documentation provided is scant and some people, including

local residents we know, received the Notice document less than a week prior to the hearing. What is behind this rushed process?

In addition, at precisely the time when thousands of Richmond homeowners have had their home values potentially compromised by such an arbitrary action you have tripled the appeal costs to over \$600 per application. It is very difficult to believe that your process approach is intended to be neutral, balanced and fair. On the contrary it seems biased strongly in one direction, is arbitrary and is unfair. This does not meet the spirit of the clause in the provincial legislation, to say the least. When the provincial government established a fair and appropriate timeline, why is it that you have chosen to foist this poorly thought out and unfair process on Richmond homeowners. It is very difficult to feel well served by such an approach and I expect many other Richmond home owners feel just as strongly as we do.

We intend to make a submission at the public hearing, and also intend to ensure that the media is made well aware of the unfortunate process and direction currently proposed by Richmond Mayor and Council. It is particularly egregious in light of the consistent misinformation we have received since we became LUC land owners and the redevelopment now taking place virtually in our backyard. The current proposal is arbitrary, unfair and financially disadvantageous to us.

We urge you to do the right thing, which is to allow us a minimum five year transition period, so that we are not disadvantaged by a premature action and local market forces are not disrupted. It is also our view that there are strong public policy reasons for extending the transition period to all holders of LUCs. If the wrong decision is taken, this issue will not be forgotten and will significantly jaundice the perception many Richmond homeowners have of you as our elected representatives. We hope that you will take positive action to restore our faith in your ability to represent us and our city.

Yours truly,

Teri and Jim Barkwell  
8251 Coldfall Court  
Richmond, BC

Cc. John Hopkins, Richmond Planning Dept.