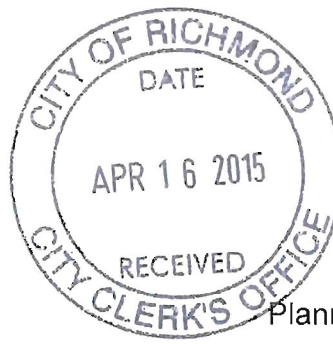


Schedule 8 to the Minutes of the Public Hearing meeting of Richmond City Council held on Monday, April 20, 2015.



**City of  
Richmond**



**TO: MAYOR & EACH  
COUNCILLOR  
FROM: CITY CLERK'S OFFICE**

## **Memorandum**

Planning and Development Division  
Building Approvals

**To:** Mayor and Councillors  
**From:** Gavin Woo, P. Eng.  
Senior Manager, Building Approvals Department  
Wayne Craig  
Director of Development  
**Date:** April 16, 2015  
**File:** 08-4430-01/2015-Vol 01  
**Re:** **Westwind Ratepayers Association for Positive Development "WRAPd" Comments on Height and Massing of Single-Family Homes**

The purpose of this memorandum is to provide Mayor and Councillors with information in response to the recent submission from the Westwind Ratepayers Association for Positive Development "WRAPd" regarding building height and massing in residential areas (Attachment 1). The submission outlines concerns with recent house construction in areas regulated by Land Use Contracts and Richmond Zoning Bylaw No. 8500.

### Land Use Contract Areas

A Land Use Contract (LUC) is a legally binding contract between the land owner and the City. The development regulations are unique to each LUC and any reference in a LUC to the City Zoning Bylaw, is specific to the Zoning Bylaw in place at the date the contract was entered into, unless the contract specifically indicates otherwise.

As economic conditions presently favour redevelopment of a number of existing homes, we are seeing new construction maximizing the potential of the lot, resulting in homes which are typically larger and taller than the original homes constructed under the LUC regulations.

While the land owner is legally entitled to achieve the full development potential permitted by a LUC, Building Approvals staff has developed a process where the proposed design is discussed with the property owner, in an effort to address some of the massing, privacy and urban design issues prior to issuance of a building permit. Staff has experienced varying levels of success in these discussions, and the land owner cannot be compelled to make any changes, outside of meeting all requirements of the LUC and the BC Building Code.

A staff report outlining an implementation plan for the early discharge of LUCs is anticipated to be brought forward to the April 21 Planning Committee meeting.

**PHOTOCOPIED**

APR 16 2015

### Building Size and Ceiling Height in Single-Family Zones (Zoning Bylaw No. 8500)

On lots regulated by the Richmond Zoning Bylaw No. 8500, the maximum size of a home is limited by the maximum permitted Floor Area Ratio (FAR) in each zone. FAR is effectively the maximum ratio of building area to lot area.

Recent trends in single-family house construction are showing a strong preference for high ceiling spaces over portions of the home, typically the entry, stairs to the 2<sup>nd</sup> floor, and often a 'great room' area. While Zoning Bylaw does not specifically impose a maximum height of a storey (measured from floor to underside of ceiling), the Bylaw does stipulate a maximum ceiling height of 5 m (16.4 ft) before that area is considered to be comprised of two floors for the purposes of determining the maximum FAR. The maximum 5 m (16.4 ft) interior ceiling height is commonly met through construction of permanent, drop ceilings below the level of the roof structure. However, these ceilings are typically stout and elaborate in nature and Building Approvals staff have seen almost no incidences in the last 20 years of conversion of high spaces into additional second floor area.

The Zoning Bylaw amendments to building height and half storey building regulations on the April 20 Public Hearing Agenda did not contemplate amendments to the 5m (16.4 ft) interior ceiling height regulations. Since the 5m (16.4 ft) regulations relate to the permitted density on a property, Council is unable to make amendments to this regulation at the Public Hearing. Given the increasing utilization of higher volume interior spaces in new single family construction staff believe Council may want to review the interior ceiling height regulations in consideration of the concerns being raised. Upon direction from Council, staff will prepare a separate Zoning Bylaw amendment report on this issue for Council consideration.

### Building Height in Single-Family Zones

The City's Zoning Bylaw limits the maximum building height through a number of related regulations. The maximum building height for most single-family zoning districts is typically limited to a maximum height of 9 m (29 ft).

For a house design which features a pitched roof, with a roof slope between 4:12 and 12:12, the maximum height may be measured to the mid-point of the roof provided that the peak of the roof does not exceed 10.5 m (34 ft). The provision to allow mid-roof measurement of single-family dwelling height is a common feature of single-family zones across the region and ensures that any portion of the roof structure above 9m (29 ft) in height is centralized on the building.

Maximum building heights are further regulated by the residential vertical envelope regulations that further define the building envelope in relation to the lot width and depth. These restrict the vertical building profile from the side and front property lines.

Please note that the proposed Zoning Bylaw amendments being considered at the April 20 Public Hearing include reducing the maximum height of flat roof homes from a maximum of 9 m (29 ft) to 7.5 m (25 ft).

April 16, 2015

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Possible City Action

To better control issues related to overall building massing and construction of high interior volume spaces, staff be directed to investigate potential options to address these concerns. Potential options include but may not be limited to:

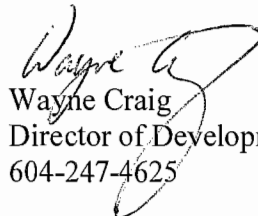
- Reducing the maximum interior ceiling height defining a single-storey from 5 m to 3.7 m before the space is considered to be comprised of two floors for the purpose of calculating the maximum Floor Area Ratio.
- Maintaining the maximum interior height of 5 m, but define a maximum floor area for that space before the space is counted twice.
- Redefining the maximum interior ceiling height regulation to require that the 5 m height be determined from structure elements of the building rather than to a dropped ceiling.
- Defining the maximum area of the second floors as a percentage of the first floor.
- Redefining and controlling strictly, the building envelope maximum volume. By example, the City of North Vancouver limits massing from the street with maximum volume defined by a sloping plane at 45° starting at 15' from the ground at the front yard setback.
- Setting the maximum cap on the size of homes (inhabited area) irrespective of the lot size.

Should Council wish to have staff review and further refine the existing regulations on building massing and interior ceiling heights, a staff report including further Zoning Bylaw amendments will be brought forward to Council for consideration.

Should you have any questions regarding this information please do not hesitate to contact the undersigned directly.



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**www.WRAPd.org**

(Westwind Ratepayer Association for Positive development)  
Sends **IMPORTANT UPDATES** prior to Public Hearing - April 20th

## "Stop the Monster Madness"

go to [www.WRAPd.org](http://www.WRAPd.org) to become informed of changes happening in our neighbourhood.

To quote Frank Lloyd Wright ...

"I'd like to have Architecture that belonged where you see it standing and with a grace to the landscape instead of a disgrace. Where everybody would have room, peace, comfort and every establishment would be appropriate ... to every man."

**JUST SOLD**



Somerset Mews - Elegance & Grace

#65 - 11771 Kingfisher Dr

ROBERT LEDINGHAM designed upgrades. Listed \$569,000

**NOW SOLD**

**JUST LISTED**



**WESTWIND CUSTOM DESIGNED EXECUTIVE**

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Bring your dreams, fill this home and it will sing for you.

Wonderful 5 bedroom + Games, 4 FULL baths in quiet cul-de-sac.

NEW roof & gutters. Excellent floor plan includes a bedroom with adjoining shower/bath on main floor. Newly Listed \$1,338,000



Each office independently owned and operated. This communication is not intended to cause or induce breach of an existing agency agreement.

## Door Still Open for Three-Storey Houses!

**WRAPd** (Westwind Ratepayers Association for Positive development) has comment:

A new Zoning By-law amendment has passed first reading and will be going to Public Hearing April 20<sup>th</sup> to drop the height of flat roof houses and to eliminate balconies on third-storey "Zoning" governed properties. If you read the local newspapers you might be lulled into believing that Richmond Council has finally come to their senses and are limiting the size of monster houses on steroids. This "zoning" By-law change will do **NOTHING** to stop the gargantuan 3 storey homes being built on any of the roughly 4,000 Richmond "LUC" (Land Use Contract) governed properties (Westwind properties are over half LUC and the rest governed by Zoning). The By-law will also do **NOTHING** to stop unnecessary vertical MASSING (on fronts, backs and sides) of houses that we are seeing built on "zoning" lots.

**Share the conversation - View the pictures - [www.WRAPd.org](http://www.WRAPd.org)**

This MASSING of house sizes to aggrandize frontage and puff up cubic volume is stretching the limit. Many of the new homes being built are bending the rules on double counting the double ceiling heights. Often rooms are built with greater than the allowable 16.4 foot ceilings but without deducting the additional square footage against the allowed total square footage of the house. Our neighbouring municipalities (Vancouver, Burnaby and Surrey) all use 12.1 ft as their double height, double counted standard (Table 1).

Table 1. Comparison of Double Height Allowances	
Municipality	Height
Richmond	16.4 feet (5.0 m)
Vancouver	12.1 feet (3.7 m)
Burnaby	12.1 feet (3.7 m)
Surrey	12.1 feet (3.7 m)

We are also seeing this MASSING in the back of new homes. All the careful town planning done to create our subdivisions is rapidly being dismantled by a wrecking ball approach to new building. **What is the new plan for how these neighbourhoods will look in 10 years?** New buildings are changing the character of single family neighbourhoods, overshadowing adjoining properties, blocking out access to the sun, and violating privacy with windows and balconies that overlook family backyards. This is not what we signed up for when we bought into a "planned" community. We didn't just purchase a home we purchased a neighbourhood and a lifestyle for our kids growing up. **Who is honouring the intent of the Land Use Contract for those who don't want to sell and redevelop?** The rights to quiet enjoyment are being usurped by a loophole. Many of the new houses we see built violate the City's Official Community Plan

put in place by a Council who ran on a promise to “*preserve the character of single family neighbourhoods*”. We are seeing homes being built that appear to be non-conforming to current bylaws. **Ask the City to strike a task force and hold an audit!**

#### **A 1990's Solution... But Not for Long**

In the late 1980's and early 90's Richmond residents were displeased with the size of the large monster homes being built and the Council of the day responded. The zoning bylaws were changed to reduce the maximum house size permitted to be built on zoning lots from 55% of the lot size... to a new fixed formula: 55% on the first 5,000 sq ft and 30% thereafter. However, now in 2015, the zoning houses being built today are much bigger in height and volume than those houses which were built in the 1990's **and yet these new houses also claim to be much smaller in square footage?** The new homes reportedly 20% smaller in square footage are now overshadowing the older 1990's monster homes and are MASSIVELY bigger! **How can that be?**

#### **Land Use Contracts - Bigger Problems on Smaller Lots**

Original LUC houses were built by contract in the 1970's and were linked to the current zoning bylaw of the time, Zoning Bylaw 1430. The LUC only described percentage-lot-coverage and setbacks required by the new subdivisions. All other building guidelines referenced Zoning Bylaw 1430 “*plus amendments thereto*”. Three key words were missing “*and successors thereto*”. The LUC was silent about continuing its linkage to subsequent adopted Bylaws if Bylaw 1430 was to be repealed. Bylaw 1430 after two decades of use and 1,000 amendments was repealed and replaced in 1989 by Bylaw 5300. From this point on, interestingly, LUC properties were redeveloped as if the same rules for all other Richmond properties applied and were interpreted as if they were linked to Zoning Bylaw 5300 for the building requirements.

Concerned citizens made the City aware at the time that Bylaw 5300 was being updated that there was a problem with LUC properties not being “legally” linked to Bylaw 5300 because the contracts did not include the words “*and successors thereto*”. Building permits were challenging the LUC interpretations. The City carried forward with a repeal of Bylaw 5300 anyway and in November 2009 adopted Zoning Bylaw 8400. We were told 5 ½ years ago the city would control building on LUC's “by persuasion” and they would appeal to the Province for help re-linking LUC to current City Zoning, that would eventually merge all single family residential properties into one active Zoning Bylaw with the same rules for all.

The Province passed that legislation in May 2014, the *Miscellaneous Statutes Amendment Act* (Bill 17, 2014) giving the City the green light and the legal right to initiate changes.

link: [http://www.cscd.gov.bc.ca/lgd/intergov\\_relations/planning\\_bulletins/bulletinBill17.htm](http://www.cscd.gov.bc.ca/lgd/intergov_relations/planning_bulletins/bulletinBill17.htm)

If the City were to do nothing the LUC would expire in ten years automatically in 2024. Nearly one year has passed and the City has still not affected any changes to mitigate the redevelopment of LUC properties and the houses being built are getting more and more audacious. **We have to do something to stop the madness!** LUC properties for the most part initiated the change in Richmond from larger 66 x 120 ft lots to smaller sized properties. Most LUC properties are 100 feet deep or less. Without back lanes to separate homes for more privacy, backyards are effectively 40 feet closer between LUC homes. Old Zoning Bylaw 1430 is “dead”, repealed in 1989, yet is the only guideline for building on LUC properties and that bylaw permitted three-storey homes. Extreme overbuilding (example...three levels of 6,200 sq. ft. on a 5,300 foot LUC lot) is massively invasive for privacy and shadowing. On a “zoning” property of 5,300 sq. ft. the maximum house that can be built is 2,840 sq. ft. The LUC house can be more than twice as big as what is permitted on a zoning lot! Building this home on three stories and adding third floor viewing decks is a further insult and a travesty. The attached pictures are bad enough but imagine rows of these houses and still much bigger houses backing onto each other. These new houses built on LUC are more imposing than most of our townhomes and yet they claim to be single family detached residences. We won’t need an Official Community Plan to preserve the character of single family neighbourhoods in 2041 because there will be nothing left to preserve but these apartment houses where you rent a room with an ensuite. Sounds like the old rooming houses of the dirty 30’s.

### **Potential Solutions for Today?**

Two urgent solutions are required. One for zoning properties and one for LUC properties. There are approximately 4,000 LUC properties in Richmond. In our Westwind neighbourhood more than half of our lots are under LUC and the rest are under zoning jurisdiction. We need relief on both LUC and Zoning properties from MASSING of new homes.

### **Zoning Change Proposals**

Surrey responded to public pressure and has tightened their building bylaws as of last July, 2014. We seem to not have learned from their lessons learned and are instead permitting these MASSING building practices to proliferate in our City. We need to look to other municipalities to see how they are moderating these monster homes. Vancouver, Burnaby, and Surrey all double count ceiling height starting at 12.1 ft. Richmond alone allows 16.4 feet. The single most effective action Richmond can take to reduce the MASSING of homes is to reduce the double height provision in By-law 4.2 from 16.4 ft (5.0 m) to 12.1 ft (3.7 m) to bring us in line with our neighbouring municipalities. This can be a simple fix with a revision to the general section of By-law 4.2 which will automatically cover all building zones.

The second most effective measure to rightsize the new homes being built is to re-establish the measurement criteria pre 2008 to determine the maximum height of a house being built. Prior to 2008 the maximum height for a house was 29.5 ft and still is. The 2008 amendment changed the building height measure from the top of the roof peak to now be a measurement to the mid-point of the roof. Roof pitches are getting higher and sharper; the overall heights are rising purposely just to create a “big” presence. The overall true height to the top of the peak now exceeds 29.5 feet and is often upwards of 34 feet. This proposal was instigated after discussions with whom the City of Richmond calls their stakeholders: Greater Vancouver Builders Association (GVBA), the developers and architects at the Urban Design Institute (UDI) and Richmond Small Builder’s Group (RSBG). Richmond citizens have no comment until the “uncontested” first reading... well after policy development... and then to Public Hearing. This methodology is well orchestrated to control and manipulate public input. Delegations are limited to 5 minutes and have no opportunity to rebut staff input. The policy review that was promised in 2008 to assess the impact of these changes to roof height measurement has never happened. The complaints from the ratepayer “stakeholders” continue, but no changes are made. The current Public Hearing for amendment of three story heights scheduled for April 20<sup>th</sup> **DOES NOT change** the maximum height measurement for houses with peaked roofs.

#### **Land Use Contract Change Proposals**

LUC properties need a moratorium before any more building permits are granted. Redevelopment could continue under Zoning Bylaw 8500 rules or by replacement of the same square foot livable area currently on the lot, whichever is larger. No more three story building permits should be granted until the problems with LUC are resolved. A special “Z” zoning as used in Terra Nova could be a potential solution. Most importantly, double height provisions need to be ‘**REDUCED TO 12 FEET**’ and stringently enforced.

#### **What Can You Do?**

1. To show MASSING from your backyards, take pictures and send to WRAPD, of:
  - Double height ceiling rooms overlooking and shadowing your backyard
  - Large upper story balconies with big full roof extensions
  - Large ground floor patios with full living space above
  - Your side yards overshadowed by neighbouring houses
2. Talk to friends in other neighbourhoods (LUC or Zoning) about having their voices heard.
3. Write to City Council and send a copy to WRAPd to double record your opinions.

Mayor and Councillors Office	Email: <a href="mailto:mayorandcouncillors@richmond.ca">mayorandcouncillors@richmond.ca</a>
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4. **Attend the Public Hearing at 7pm Monday, April 20<sup>th</sup>.**

WRAPd.org Steering Committee: [www.WRAPd.org](http://www.WRAPd.org)

*Committed to positive development by the rules, not the loopholes*

Lee Bennett      Joel Berman      Neil Cumming  
Graham Johnsen      Lynda ter Borg      Martin Woolford  
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