

City of Richmond

PLANNING COMMITTEE MEETING SUBMISSION PACKAGE

May 20, 2015

Presented by
WRAPd

(Westwind Ratepayer Association for Positive development)

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To be clear we are talking about Zoning, not Land-Use Contracts.

We are talking about the process being undertaken to control massing and height of new houses. This is not an exercise to support increased massing but to control it and most definitely to reduce it.

Ten years ago citizens submitted petitions to complain about increasing mass and height of houses. Bill and Harold may remember 6140 Tranquille Place as they were on Council at that time. What did the citizens get, but a Bylaw change in 2008 that actually increased the overall height of houses by 5 feet. The exact opposite of what was needed and asked for. Giving a new overall building height of 34.5 feet.

Another seven years of concerns and complaints from 2008 continued with no substantive review of those changes to height calculations. The results are now houses that overshadow everything built before. The review is now past due to assess the impact of that building height change. It is time to return the heights back to where they were, the 29.5 foot standard measured to the peak of the roof, not the mid-point of the roof.

The Westwind Group's presentation at the public hearing was focused in large part on the lack of double counting floor space for excessively high rooms. But this is only a sample of the Bylaw breeches we see and hear about in Richmond. Infill of void spaces after occupancy is a temptation that should not exist.

Reduce the height as Delta has done in 2011, and tighten the Bylaws as Surrey has done. Rigorously enforce our Bylaws and stand behind the plan checkers and inspectors because it is obvious they cannot sustain the pressures being put on them to look the other way.

Double height is not about ceilings. That word ceiling does not appear in the Bylaw clauses or the definitions. Double counting is an architectural tool used to control building form, meaning massing. It is used effectively in Vancouver, Burnaby and Surrey and is 12.1 feet in those cities. Richmond allows a very generous 16.4 feet that is being abused to a full two story height of 20 and 22 feet.

It has now been 10 years and a 4th attempt to get massing under control. We cannot accept any more excuses about Bylaw intents that are misinterpreted.

We need to hire an experienced code consultant to review the wording of the Bylaws so there is no misinterpretation as to the intent. The double height standard was effectively applied for 10 years from 1994 to 2004. In the last 5 to 10 years we have seen an escalation in massing to the front, sides, and now the back of houses

The usual massing controls; overall building height, the double height standard, and the vertical envelopes all need a serious review combined with proper enforcement.

We appreciate that these matters have been referred back to staff, yet again, and that in due course we expect to see the opportunity for community engagement. We expect to see broader input from citizens, homeowners, architects, and building designers.

The process for tightening the controls on new house massing and height must be transparent, accountable, and public in its exposure. It is not a negotiation to ratify rules that have been broken.

James Cooper emailed me last night at 8:30pm, so I know he is working late on these problems. He is proposing a beta test for a small sample group next week, but when does the public get an opportunity to see and vet the proposed changes recommended by staff?

What is the plan for the public process?

What is the timeline for broader community interaction and education?

And what shall we tell our subscribers who are looking to be involved and informed?

A rushed solution could be worse than the original problem.

Richmond Citizens Massing & Height Concerns Staff & City Responses - History to Present

DATE	CITIZENS CONCERNS	ACTION	RESULTS
1992 to 1995	<ul style="list-style-type: none"> Bulk & height of large boxy 2 storey houses Over 500 people attended special council meeting at Gateway Theater 	<ul style="list-style-type: none"> 8 separate Amendment Bylaws to address massing & height concerns * With input from 11 member citizen task force 	<ul style="list-style-type: none"> FAR reduced (55% on 1st 5,000 ft² + 30% over) Height set at 29.5 ft. (9 m) to top of roof pitch 'double height' double count standard set at 16.4 ft (5 m) **
1995 to 2002		Bylaws enforced	Reduced massing & height concerns
2004 to 2006	Massing & size creeping up again		
2006 to 2008	<p>CITIZENS PETITION</p> <ul style="list-style-type: none"> To reduce: <p>BUILDING HEIGHT & MASSING</p> <ul style="list-style-type: none"> Of 2^{1/2} storey houses 3rd storey balconies (6140 Tranquille Place) 	<p>Refer to staff</p> <ul style="list-style-type: none"> Fine tune 2^{1/2} storey definition Change definition of building height Staff to monitor proposed changes to see if further action required * 	<p>INCREASE OVERALL BUILDING HEIGHT</p> <ul style="list-style-type: none"> to 34.5 ft (10.5 m) from 29.5 ft (9 m) Measurement now from midpoint of roof (eaves + roof ridge) + additional 5 ft (1.5 m) to roof peak NO action on massing NO restrictions to 3rd storey balconies NO staff review done to assess impact of building height change NO report back to council with recommendations
2010	<p>CONTINUING COMPLAINTS</p> <ul style="list-style-type: none"> "buildings greatly impacting adjacent properties" 	<p>Refer to staff</p> <ul style="list-style-type: none"> Information Bulletin issued: 2010-09-14 NO changes recommended * 	<ul style="list-style-type: none"> Only quoted standard definitions NO mention of 'double height' controls for massing NO changes made to building height
2015 February	<p>BUILDING HEIGHT & MASSING</p> <ul style="list-style-type: none"> Of new 2 and 2^{1/2} storey houses 3rd storey balconies IDENTICAL to 2006 concerns Plus houses are more massive 	<p>Refer to staff</p> <ul style="list-style-type: none"> April 20, 2015 public hearing * Passed Bylaw Amendment 	<ul style="list-style-type: none"> Only addresses 10% of problems (flat roof design, 3rd floor balconies) NO relief for 90% of problems (massing & height of 2 storey peaked roof houses)
2015 April	<ul style="list-style-type: none"> In April 20, 2015 public hearing, citizens produced report, City's 'double height' standard is NOT consistently applied Majority of new houses being built in Richmond today breach Zoning Bylaw section 4.3.1 (c) (front, side & back of houses) Massing & height excesses creating huge concerns 	Refer to staff again	

* Refer to Addendum for source documentation.

** Vancouver, Burnaby, and Surrey have set their 'double height' double count standard at 12.1 ft (3.7 m).

Addendum

DATE	Document	
1992 to 1995		
	Zoning Bylaw 5300	
1.	Amendment Bylaw 5728	1) Residential vertical envelope, 2) 2 ^{1/2} storey definition, 3) Maximum Floor Area Ratio (FAR), 4) Maximum lot coverage (December 14, 1992)
2.	Amendment Bylaw 6095	Set Minimum and Maximum setbacks (February 14, 1994)
3.	Amendment Bylaw 6112	'Double height' double count standard (November 8, 1993)
4.	Amendment Bylaw 6113	Increase live landscaping requirement (November 8, 1993)
5.	Amendment Bylaw 6115	Set graduated side yard setbacks (November 8, 1993)
6.	Amendment Bylaw 6116	Redefined residential vertical envelope (November 8, 1993)
7.	Amendment Bylaw 6229	Exempted entrance foyers from 'double height' standard (March 14, 1994)
8.	Amendment Bylaw 6447	Exempted one accessory building from FAR (June 13, 1995)
2006 to 2008		
19 pgs	Report to Planning Committee, Re: Building Height and Half-Storey Building Area (June 30, 2008)	
Link:	http://www.richmond.ca/shared/assets/Bylaw_8319_PH_09030821057.pdf	
2010		
4 pgs	Bulletin - Permits Section, Re: Zoning Bylaw 8500 Definitions (September 14, 2010)	
Link:	http://www.richmond.ca/shared/assets/permits_4629416.pdf	
2015, February		
23 pgs	Report to Planning Committee, Re: Proposed Revision to Single-Family and Two-Unit Dwellings Building Height and Half-Storey Building Area Regulations (March 5, 2015)	
Link:	http://www.richmond.ca/shared/assets/6_Application_Revisions_BuildingHeight_Area_Planning_03171540947.pdf	

References:

Local Municipal Bylaw – 'Double Height' Double Count Sections

Richmond, 16.4 feet

4. General Development Regulations

4.3.1 (c) Calculation of Density in Single Detached Housing and Two-Unit Housing Zones

<http://www.richmond.ca/shared/assets/DevRegs24223.pdf>

Vancouver, 12.1 feet

RS-1 District Schedule

4.7.2 Floor Space Ratio

<http://former.vancouver.ca/commsvcs/BYLAWS/zoning/RS-1.PDF>

Burnaby, 12.1 feet

SECTION 6 SUPPLEMENTARY REGULATIONS

6.20 (4) Computation of Gross Floor Area and Floor Area Ratio

<https://burnaby.civicweb.net/Documents/DocumentList.aspx?Id=9769&Search=1&Result=1>

Surrey, 12.1 feet

Surrey Zoning By-law 12000

Part 15A - D. Density, 4(b), ii, d.

http://www.surrey.ca/bylawsandcouncillibrary/BYL_Zoning_12000.pdf

Town Hall Presentation (April 29th, 2015) "10 Years of Deflected Concerns"

<http://wrapd.org/PDF/townhallmeetinglynpresentationcomplete.pdf>

6140 Tranquille Place





Schedule 1 to the minutes of the
Planning Committee Meeting held on
Tuesday, January 17th, 2006

January 11, 2006

To: Planning Committee Members:
Richmond City Council
Via email: mayorandcouncillors@richmond.ca

Distribute to Councilors:

Mr. Harold Steves
Mr. Bill McNulty
Ms. Linda Barnes
Mr. Rob Howard
Ms. Sue Halsey-Brandt

RE: R1 Zoning Loophole pertaining to 6140 Tranquille Place, Richmond, BC

We, the signatories, are neighbours of the aforementioned property. As the councilors charged with steering our planning rules and processes we draw your attention to a situation which will have a direct and negative consequence on our living standards and will set a troubling precedent for all Richmond neighbourhoods. We have pursued all available avenues within the city bureaucracy, but there is little willingness to stand-up to inappropriate development once a permit has been issued.

We appeal to you for assistance in rectifying a development situation that will have regrettable consequences for all R1/E zoning. In our view, when developers build only to the letter of the law rather than the spirit or intent, it is of equal violation.

Below is a summary of the situation complete with photos of the building. Upon review, we are anxious to hear from one of you with a plan of action to stop this misguided development from becoming a regrettable precedent for all R1 zoning.

Background:

- Neighbourhood in question is Brighthouse Estates/Brighthouse Gardens – bordered by #2 Road, Westminster Hwy, Granville Avenue and Gilbert Road.
- Neighbourhood is approximately 40 years old and is under-going some re-development.
- There is not a neighbourhood plan developed for this area.
- Zoned for R1 development.
- In the News – current hot topic for the neighbourhood is the new ownership of the Richmond Gardens apartments and the termination of rental agreements in order to renovate and charge higher rental rates.

Issue: Ocean View home in the middle of Richmond!

- Building currently under construction has 3 living storeys – R1 zoning stipulates 2-1/2 storeys.
- Height of the 3rd storey is well-above roofline of existing neighbourhood.
- 3rd Storey overlooks the backyards of many homes (including homes with hedges) thereby infringing upon the privacy of the neighbourhood.
- This home is being built to the letter of the zoning but not the spirit; zoning stipulates 2-1/2 storeys to prevent 3rd floor living space yet, this is being built with a false wall to meet 'code' but with the full intent on having a liveable 3rd floor.
- The building is designed by an ex-Planner at the City of Richmond who
 - a) knows the weakness of the code and is exploiting it, and
 - b) likely has appealed to past relationships to garner approval of this obtrusive design while avoiding the public-input aspect of the variance process.
- 3rd Floor deck space is not covered by the existing R1 bylaw. In addition to the visual privacy violation it adds the likelihood of noise violation that will undoubtedly occur when some uses a deck that is well above the rest of the neighbourhood.

While homes of a similar design have been built in Richmond, either on main arteries or on dyke-facing properties, it is not an appropriate design within the confines of an existing neighbourhood. It is frustrating that our city has not adopted a bi-law similar to the City of Vancouver which respects and protects the look of a neighbourhood by ensuring designs are appropriate.

City of Richmond – Division 100 Scope and Definitions

• **STOREY, HALF**

"Half-Storey" means a habitable space situated wholly under a roof the wall plates of which on at least two opposite exterior walls are not more than 0.6 m (1.968 ft.) above the floor of such storey, and which does not have a floor area which exceeds 50% of the floor area of the storey situated immediately below it.

After numerous discussions with members of the planning and permits departments, the following information was gleaned:

Due Process? Re-do Process!

- According to one of the city's 'Plan Checkers', this application is in fact a variance from the R1 zoning bylaws.
- According to the Planning Department, variances are to be posted and notice provided to neighbours impacted by the proposed variance.
- A variance was sought by the developer and approved without soliciting public input.
- None of the signators listed below were notified of the proposed variance; the City sought no input.

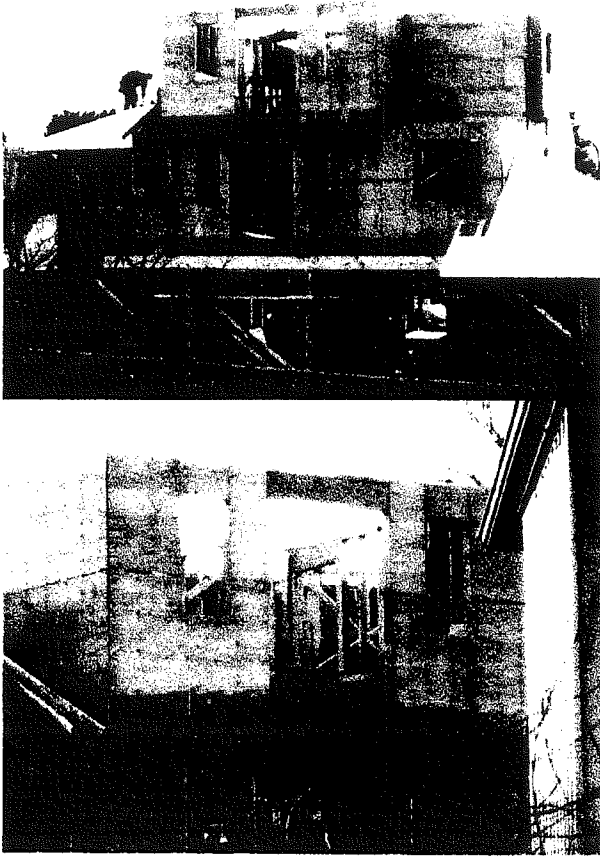
We appreciate that the city is legally exposed once an approval is given to a developer and that it is difficult to "un-approve" a house that is already framed. We do however respectfully request that you, members of the Planning Committee, seek an immediate cease-work order until such time that the correct process can be employed so that reasoned and considered thought can be given to rectifying this inappropriate design and the precedent it will set.

We look forward to hearing from you, soon.

Respectfully,

The affected neighbours of 6140 Tranquille Place

Contact: Vaughan (604.219.7400) or Wong (604.277.6718)



The 3rd floor is being built complete with windows and a deck.

Note 2nd floor and 3rd floor have the same size windows and size door openings.

R1 stipulates "2-1/2" storeys – doesn't that appear to be a complete living space on the 3rd level?



City of Richmond
Urban Development Division

Memorandum

To: Mayor & Councillors **Date:** January 17, 2006
From: John Irving, P.Eng. **File:**
Manager, Building Approvals
Re: **6140 Tranquille Place – Single Family Building Height**

A building permit has been issued for a single family dwelling at the above address and construction is currently under way. The dwelling has a half storey above the second storey that complies with the letter of the zoning bylaw. The application and interpretation of the zoning bylaw in this case is consistent with the City's past practice.

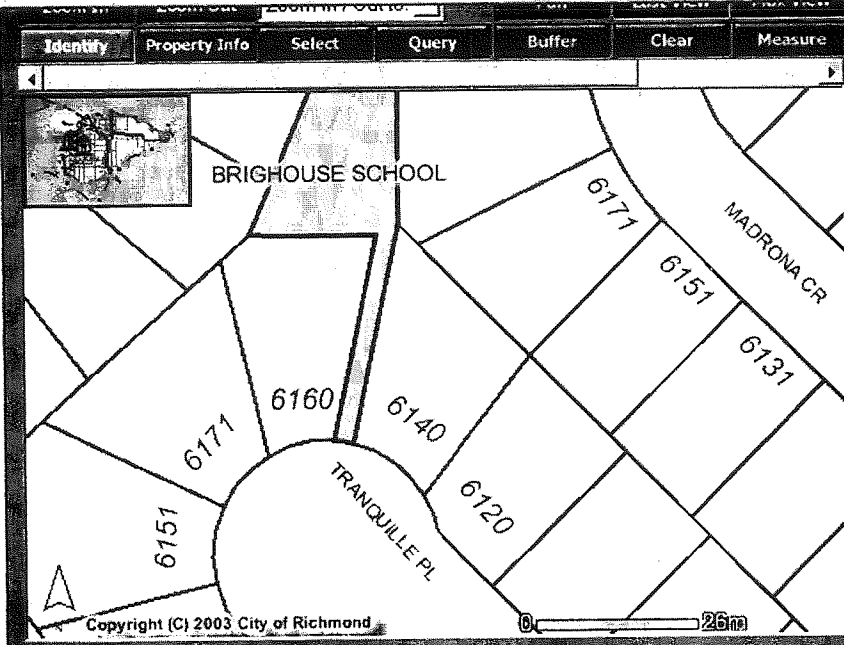
If a building form is desired that differs from that which is typified in this case, it is recommended that the zoning bylaw be changed to reflect the desired form.

John Irving, P.Eng.
Manager, Building Approvals

:ji

Zoning		
Rec	ZONING	DATE_STAMP
1	R1/E	Tue, 14 Dec 2004 00:00:00

PROPERTY



Active Layer: PROPERTY

Services Layers Legend

Search by:

Identify

Click [HERE](#) to get more information

Use the Identify tool to get details on an object's attributes. Click any point on the Main Map to get details on **all visible** layers at that point. Details will display in the Query/Selection Results window, but the objects will not be highlighted on the Main Map.

Tip: If you have difficulty retrieving details on specific item using **Identify**, try adjusting the map scale. Alternatively,

REFRESH MAP

4) Zoning Bylaw Massing Controls: Modifications required for single family houses

- a) Reduce overall building height.
 - b) Modify "double height" clause 4.3.1(c) to 12.1 feet. In-line with our neighbouring municipalities.
 - c) Introduce residential vertical envelope (lot width). % of lot width in combination with nominal values.
 - d) Introduce deeper rear yard set-back requirements. % of lot depth in combination with nominal values.
 - e) Introduce maximum "building depth" measure. Currently missing from Richmond's Bylaw and would help control building depth of new houses.
- These changes will not impact the livable floor area of the house.
 - These changes will provide relief to neighbouring properties, and respect the character of existing neighbourhoods.

5) Strengthen Permit Drawing requirements

- a) Require all the cross-section drawings necessary to enforce the By-Laws on site.
 - b) Provide sufficient details at all profile, plane, and elevation sections.
 - c) Ensure staff performing onsite inspections are enforcing the By-Law in the same way as planning staff are expecting
- Printing additional drawings is simple. Only a matter of a single key-stroke for today's computer-aided building design specialists.
 - Building permit checklist (Vancouver example)
 - Burnaby example

6) Utilize Certified Professional representatives on the Advisory Design Panel

- a) An independent body regulated by professional practice, competence, and conduct standards in the public interest.
- b) Provides impartial, professional advice directly on any proposal or policy affecting the community's physical environment.
- c) Ensure Zoning By-laws are in compliance with Richmond's 2041 OCP vision for protecting single family neighbourhoods.
- d) AIBC Bulletin 65: Advisory Design Panels – Standards for Procedures and Conduct provides examples of design criteria for review:
 - Neighbourhood Context
 - Effect on adjacent buildings and streets
 - Effect on quality of life issues such as privacy and safety
 - Building Design:
 - Building mass
 - Roof forms

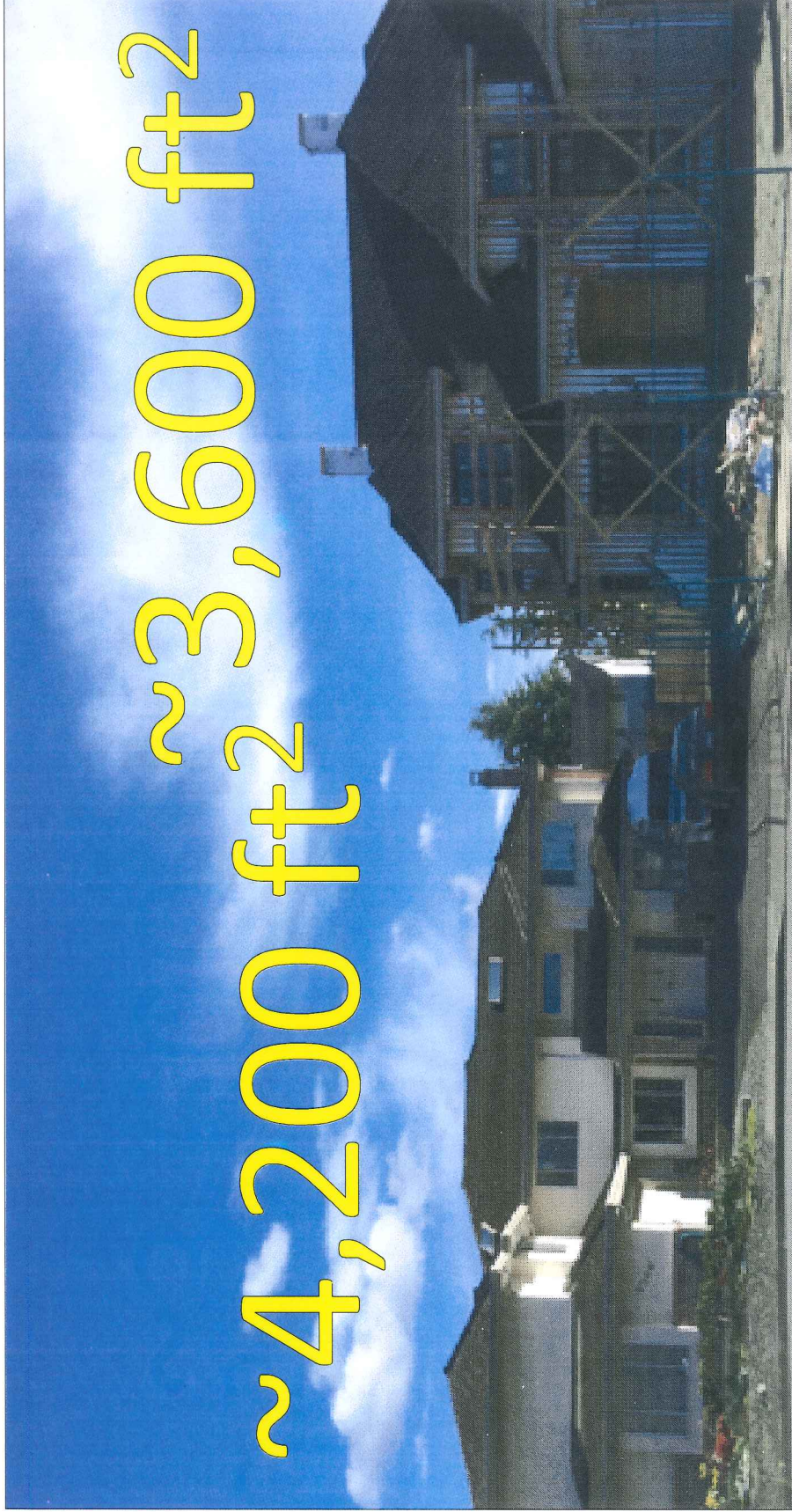
BUILDING HEIGHTS IN METRO VANCOUVER

Municipality	Max Overall Height to Roof Peak		Massing Control - Notes
	Metre	Feet	
1 Coquitlam	11.0	36.1	Steep slope sites require averaging of four corners of foundation to determine overall heights.
2 New Westminster	10.7	35.0	
3 Richmond	10.5	34.5	
4 Surrey			Definition of building height is to the midpoint of the roof at 9 m (29.5 ft).
5 Port Coquitlam			Definition of building height is to the mean elevation of the lowest part of the uppermost eave and the ridge at 9 m (29.5 ft)
6 Vancouver	9.5	31.2	Primary envelope formed by planes vertically extended 4.9 m in height which increase inward at an angle of 30 degrees to the horizontal.
7 Delta	9.5	31.2	
8 North Vancouver	9.1	30.0	Shall not exceed a height envelope of 4.57m (15 ft) which increases inward at an angle of 45 degrees to the horizontal.
9 Langley	9.0	29.5	
10 Burnaby	9.0	29.5	
11 White Rock	7.7	25.3	Shall not exceed a height envelope of 6m (19.69 ft) which increase inward at an angle of 45 degrees to the horizontal.
12 West Vancouver			

BUILDING HEIGHTS IN METRO VANCOUVER

Municipality	Reference Bylaw
1 Coquitlam	Bylaw 1001 – RS-1 One-Family Residential
2 New Westminster	Bylaw 310 – RS-1 Single Detached Dwelling Districts
3 Richmond	Bylaw 8500 – Section 8 Residential Zones
4 Surrey	Bylaw 1200 – Single Family Residential Zone
5 Port Coquitlam	Bylaw 3630 - Residential Regulations
6 Vancouver	Bylaw 3575 – RS-1 District Schedule
7 Delta	Bylaw 6980 – RS1 Zone: Single Family Residential
8 North Vancouver	Bylaw 1995 – Residential Zone Regulations
9 Langley	Bylaw 2500 – Section 400 Residential Zones
10 Burnaby	Zoning bylaw – 101.6 RI District
11 White Rock	Bylaw 2000 – 6.1 RS-1 One Unit Residential Zone
12 West Vancouver	Bylaw 4662 – Section 200 Single Family Dwelling Zones

Massing of houses in Richmond



5300 Lapwing Crescent 1990 Construction

5260 Lapwing Crescent 2015 Construction