

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?