

Ned Jacobs,

October 31, 2010

Mayor Robertson and Councillors
City of Vancouver
453 West 12th Avenue,
Vancouver, B.C. V5Y 1V4

Regarding Implementation of Laneway Housing

Dear Mayor Robertson and Councillors,

As you know, the Neighbourhoods for a Sustainable Vancouver network of community groups have presented some recommendations to help put Vancouver's troubled experiment with Laneway Housing back on track. One reason this is necessary is that the public consultation that led to unsatisfactory implementation was "scoped", that is, more limited in scope and outreach than was advisable for a major change in land use that could potentially affect nearly 70,000 properties across the city.

Having read the staff report and listened to nearly all of the thoughtful and heartfelt comments for and against LWH (and some that were mixed), I am providing some further recommendations that are consistent with both the NSV and the Vancouver Heritage Commission (VHC) submissions (attached). As Council is planning to come to a decision on November 2, it has not been feasible to put these out to the NSV network for feedback and further input. I am, however, forwarding this letter to the NSV contact list for consideration and discussion.

My recommendations mainly address complaints concerning the most immediate and tangible negative impacts of LWH constructed under the policy approved in July 2009. They entail some further restrictions, but not ones that will make LWH unfeasible. In fact, they will encourage applications for the types of modest LWH that are closer to the "invisible density" that Vancouver residents were led to expect from this EcoDensity Initial Action than the larger, intrusive structures that have mostly been approved.

The most frequent objections to LWH concern the shadowing of back yards (which for many residents is more problematic than shading of front yards or even homes); erosion of the semi-privacy afforded by private yards; and obstruction of previously enjoyed views. Additional concerns, such as localized impacts from an increase in automobiles, fall primarily under the category of cumulative impacts, which require a different approach to control and mitigation than immediate impacts such as shadowing or loss of privacy and views.

The first necessary step to setting this experiment on a firm footing is a regulatory framework consistent with the reality that LWH—especially on lots less than 50' wide—is highly experimental. Toronto conducted experiments in LWH over a period of years but, after about 200 had been constructed, concluded that on balance the problems outweighed the benefits. Vancouver is not Toronto, but given the objections and concerns that have been raised in regard to many of the projects that have been approved and built thus far, it is clear, in hindsight, that the citywide "outright" use, approved for most "single-family" (RS) zones, is neither appropriate nor prudent.

Consequently, Council should redefine LWH as a citywide demonstration pilot program. No doubt the City's legal department can advise Council on necessary steps. Over the course of this experiment, discussion and consideration of zoning for LWH should be included in all applicable community planning programs.

Since the primary negative impacts are associated with the larger (i.e. two-level) houses, and there is not yet any clear evidence that minor modifications to height or massing will satisfactorily address these problems, processing of applications for LWH greater than one level should be conditional on the written consent of owners of directly affected properties. On a non-corner lot this would typically be defined as the two adjacent properties plus the property directly opposite (across the laneway). Written permission would specify the maximum height and footprint, which would also have to be within the Council-approved regulations. These measures will ensure that the concerns of the most-affected neighbours are satisfactorily addressed. Adding this condition will provide a truer test of community support for two-level LWH, and also the opportunity to draw comparisons between examples that were built without neighbours' consent. This, of course, will also ensure that the staff recommendation that applicants engage and consult their neighbours in regard to their LWH plans will be heeded.

LWH was touted—by our Director of Planning, among others—as “invisible density.” But to a homeowner trying to grow vegetables in the shade of a two-level building, they are anything but. Consequently, many residents were caught unawares of what was actually coming. Now, understandably, they feel they were misled. The “scoped” process contributed to this mismatch between perception and reality.

Although one-level LWH are not exactly “invisible,” shadowing and view impacts are minor—comparable to a large but allowable garage. For this reason it would be premature to attach a neighbour consent policy to one-level LWH, provided these conform to the conditions concerning privacy (e.g. placement of windows) that were approved by Council.

The fact that the “uptake” rate for one-level LWH has been slight under this program does not indicate lack of interest or demand. The existence of unauthorized one-level laneway houses that are tolerated by neighbours is compelling evidence for demand. Low uptake may indicate that under the current regulations the benefits for some owners cannot justify the costs. That, however, needs to be determined. Some prospective applicants for two-level LWH who cannot obtain their neighbours' consent may instead apply for one-level permits.

A one-level LWH, with living space nearly five times that of a standard SRO (plus use of a yard), can provide a lovely little home for an individual, or even a couple with a young child. A maximum height of about 12' can accommodate high ceilings with skylights and/or attic storage. In addition to kitchen and bath, a one-level LWH can accommodate a bedroom and additional space that can be fitted with a Murphy bed or a sleeping platform, with the area beneath used for sleeping, dining, home entertainment, book shelves or other purposes. These abodes are particularly suitable for extended members of the principal residence household. While fixed costs can in theory make one level more costly per square foot than two-levels, in practice this can usually be offset or reversed due to absence of a stair and other factors. Also, constructing or finishing a one-level LWH is a simpler and less challenging project for resident builders to undertake than a two-level design.

Having redefined the LWH program as a demonstration pilot, Council would be justified in removing the requirement for separated sewers for one-level LWH on grounds that the program is of limited duration, the uptake appears to be modest and the impacts on liquid waste management negligible. Minor relaxations, such as this, to encourage uptake of one-level LWH in the short term will enable assessment and comparison with the more numerous two-level types. These policies would also encourage architects and builders to apply their skills to making one-level LWH more functional, attractive and cost-effective. One-level LWH can be designed to facilitate the subsequent addition of a second level, should that option become available in the future (e.g. through neighbours' consent or local planning process).

As an alternative to requiring neighbour consent, Council could, for the purposes of this pilot, place a moratorium on further two-level LWH—while continuing to process applications for one-level houses—on grounds that we already have enough of the larger types (including a “cluster” on West 11th Avenue) to study how they function and are received by residents. As NSV has recommended, LWH should be considered as a type of “infill” along with other Community Vision-approved housing types in conjunction with community and neighbourhood centre planning.

Some have speculated that LWH will encourage “neighbourliness” and improve security by putting “eyes on the lanes.” While this may be true, it is also possible that these houses, and even their inhabitants, could be viewed by some criminals as easy targets. It will be many years, if ever, before meaningful data is available. As for “neighbourliness,” it is hard to imagine a more effective way to sour neighbourly relations than to permit construction of a two level (supposedly “invisible”) home that overshadows neighbours’ gardens, without even consulting them—let alone obtaining their consent.

Finally, I reiterate the concern that LWH will increasingly function as an incentive to demolish existing housing stock, wasting embodied energy and material, displacing secondary suite tenants and diminishing neighbourhood character—all of which Council intended to deter. The fact that more than 60% of the applications approved to date involve replacement of the existing house indicates that this problem needs to be addressed. The VHC report suggested several possible measures. It would probably also help to restrict LWH applications to property that is the principal residence of the applicant.

I urge Council to consider these prudent and practical measures. The longer implementation of LWH proceeds in an unsatisfactory manner the more difficult it will be to set right. Should you, or members of City staff, wish to contact me in regard to this important topic, please feel free to do so.

Sincerely,

Ned Jacobs