

Neighbourhoods for a Sustainable Vancouver

July 21, 2009

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

Dear Mayor Robertson and Councillors:

Re: Laneway Housing

The proposal that has been referred to public hearing still does not address the concerns we raised in our previous letters to Council, copy attached. In addition, substantial new aspects have been introduced that raise many new concerns that have not been subject to any public consultation.

The City is in the process of doing a BAIT AND SWITCH on Laneway Housing based on such a poor and misleading process that it may not even be legal. In the middle of the summer, staff and Councillors are introducing numerous changes to the city-wide laneway housing rezoning proposal. In addition to allowing significantly enlarged footprint with reduced permeability and green space, these changes would increase the building mass and shading of neighbouring properties beyond what was shown at the open houses. Some residents may like these changes, many may not—the point is that what Council will be considering on Tuesday is in many key respects not what citizens or Community Vision Committees were consulted about. It would be bad enough if these changes were slipped in at the behest of a few individual homeowners, but that is clearly not the case. This will affect 94% of the 70,000 RS zoned properties covering the majority of the city. The implications go far beyond laneway housing. The public is losing confidence that the City is acting in good faith in the interests of citizens.

The new staff memo dated July 9, 2009 “Changes to Posted By-law from Appendix A of the Policy Report” substantially increases the buildable footprint beyond what was presented in the report referred to public hearing and not reflected in the July 2009 open house display boards (copy attached).

Item 1 increases the building footprint to include the allowable floor area of an accessory building **AND** the allowable floor area of a Laneway House. **This could potentially more than double the building footprint which would reduce permeability and greatly accelerate the loss of mature trees.** It also is not restricted to longer lots. It could allow a full garage in addition to a Laneway House, which is completely contrary to the principles of a laneway house being restricted to the footprint of an allowed garage as previously presented to the public. Item 2 further increases the building footprint by requiring less distance from each side property line. Then item 3 increases the building envelope by excluding the area of the stairwell. All of this was **not** part of the report referred to public hearing, including the additional Council motion, or reflected in the public consultation.

Additional changes not included in public consultation:

In addition, many aspects of the proposal referred to public hearing are completely different from anything previously discussed as part of the public consultations, including the last open houses in July 2009 that did not have feedback forms. These changes significantly increase the size of a LWH and the impact on the adjacent lots with a resulting change to the economic assumptions for impacts on property values. Allowing these larger units with new house development will put even more demolition pressure on the older housing stock.

The following are a few examples:

1) Major exclusions from the calculation of floor space for a Laneway House increase the size which is contrary to the City's claim they would be small in scale.

- Excludes from floor space calculations enclosed parking within the LWH for up to 226 sq. ft. per stall on. These spaces will likely eventually become part of the living space.
- Excludes from floor space calculations for the upper storey of an over-height (up to 17.7 ft.) ceiling that spans to an open loft floor above. This can increase the building massing by up to 25% of the allowed floor area and could later be filled in as an upper floor area. This area would typically be counted under regular zoning bylaws.
- Excludes from floor space calculations floor areas under sloped roofs that are up to 7 ft. high. (Typically any area over 4 ft. high would be counted as floor area.)
- Excludes covered porches, open decks, etc. from floor space.

2) Allows the Director of Planning unlimited discretion to relax regulations of height, location on the lot, site coverage, floor area, and design guidelines without any requirement to notify or consult with neighbouring properties. This is in contrast to the City's claim that regulations would enable a streamlined approval process and provide certainty to homeowners and neighbours about measurable aspects such as size, height, and setbacks, including regulations for a variety of roof forms.

3) Allows a Laneway House in the front of the lot at the street in the Design Guidelines.

None of these proposals were included in the public consultation process or even in the final open house in July 2009.

Retention of Existing Houses vs. Demolition:

The open house display claimed that retention of existing housing is a key Council direction. But this direction has not been addressed in this proposal. In fact, this proposal increases the incentive to demolish the existing house and build a new development by allowing laneway housing with new development rather than requiring the retention of the existing house. The proposed laneway house unit size, massing and footprint are much larger than was originally presented. There are so many floor space exclusions and opportunities for relaxations that increase size, the original economic assumptions no longer apply and further tip the options in favour of demolition with impacts on land values and property taxes.

The proposal also throws up obstacles, such as separated sewers and code issues, which make it needlessly costly and disruptive to add a laneway house to an existing house and accelerate the demolition and replacement of our existing housing stock for the benefit of builders.

Non-Strata Provisions:

It is questionable if adequate legal safeguards are proposed to ensure that laneway housing cannot be stratified. Unlike secondary basement suites, laneway housing is fully self-contained, likely built to code, and therefore may be more vulnerable to stratification.

Implementation:

Rezoning and monitoring is not a pilot program. It is not even clear if, after the 100 projects (applications or finished projects?) or three years of monitoring, that the results of the monitoring will be brought back to Council. Laneway housing should not be rezoned through a rushed process based on misleading proposals when the public are away on summer holidays. Laneway housing should have much more neighbourhood-based involvement with a real pilot program before rezoning. We urge you to postpone this to the fall to establish a better process.

Regards,

Ned Jacobs
On behalf of the Steering Committee
Neighbourhoods for a Sustainable Vancouver

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