

## **Intro**

My name is Lynda ter Borg.

I live at 5860 Sandpiper Court.

I have been a resident of Richmond since 1973.

And I started my career in real estate in 1988. Over the last 27 years I have viewed thousands of homes in this City and in neighbouring municipalities. I live in Westwind, which is a neighbourhood composed of both Zoning and Land Use Contract (LUC) properties.

I am speaking in response to this proposed amendment only as it relates to properties under Zoning and not LUC.

## **Statement**

We have a problem.

Citizens are concerned about the building heights and massing of new houses in residential neighbourhoods.

Through my work I have seen a lot of the newly constructed product on the market.

And what we are seeing is a pattern. A pattern of excessive massing on the upper floors of houses that is driving rooflines higher. We are seeing the massing escalating to the back and sides of houses. With few back lanes and some lots only 100 feet deep or less, the impacts are huge on adjoining properties.

## **The Amendment**

What we have been presented with today is an amendment that staff has recommended.

That recommendation does not go far enough to “address concerns raised by the public regarding building massing in recently constructed homes.”

Staff’s recommendation does not address 90% of the problems with the new product we are seeing on the market today. Less than 10% of new homes listed or sold are in the category of a true flat roof.

To give you an idea of numbers of demolitions: we had 302 in 2013, 464 in 2014 and 148 year to date. This projects more than 500 demolitions this year.

And families are directly affected.

Excessive massing by new houses is intruding on their neighbour’s privacy, their access to sunlight, and their enjoyment of their own backyards. Anxiety levels are rising.

Long-time homeowners are feeling helpless. They question the sizes being built and are told everything conforms. But the vast majority of new houses being built today are breaching the size Bylaw. How can this be?

## **The Problem**

The problem is Richmond’s overly generous double height allowance, and based on my experience, knowledge and understanding of the Zoning Bylaw... the City’s inability to rigorously enforce its own double height double count Bylaw. The vast majority of homes built today are abusing this standard. The 16 foot maximum ceiling height must be reduced to be in line with our neighbouring municipalities who have all come to the same hard earned conclusion about what is needed to best protect the character of single family neighborhoods. Vancouver, Burnaby and Surrey all use 12’1” feet as their standard for double height, double count.

The Zoning bylaw directly addressing MASSING is being ignored and not consistently applied and enforced in the calculations for allowable floor area. These houses being built are in breach of the Zoning Bylaw.

Simply put, if it is a true 16'4" ceiling, the exterior roof line must dip to meet 16.4 feet. NO dip, no meet at 16'4", then the house is built too big for the lot.

### **PICTURES TRUMPETER corner, and GABRIOLA**

There will be no change if this amendment is passed. We will still see the same pattern of excessive massing on the upper storeys of houses.

Passing this amendment is **“more of the same or business as usual”** and that is not good enough.

**“Business as usual”** describes what happened in 2008 when citizens raised these exact same concerns about building height and massing in residential neighbourhoods.

Staff's response was a similar recommendation that fine-tuned the definition of 2<sup>1/2</sup> storey houses and a new method and definition for calculating building height that actually added 5 extra feet to single family dwellings!!

The exact opposite of what was needed and asked for!

Where is the promised review of the consequences of this action?

**This “Business as usual”** approach has unravelled the work done by previous councils and concerned citizens who in the early 1990's insisted on changes that would regulate the MEGA houses that were being built in Richmond at that time.

Between 1992 and 1994, eight separate Amendment Bylaws were passed by council with input from a citizen's task force. This effectively reduced the bulk and height of large-boxy two storey houses.

**“Business as usual”** means we are seeing houses built today that are overshadowing those MEGA houses.

### **LAPWING picture**

**“Business as usual”** does not respect the City of Richmond’s own Official Community Plan that promises to “protect the character of Single Family Neighbourhoods”.

### **Summary**

We need a change because **“business as usual”** is not good enough this time. The **escalation** of MASSING to the front, to side, and now to the backs of homes, is what we can no longer look away from.

### **TRUMPETER BACK picture**

Double check what is being proposed, beef up your documentation requirements, double check what is being built, and triple check the enforcement of our Bylaws. Rules are meant to be fair to all. This is the decisive moment and we need our politicians to step up. There is support for you making the hard choices, to investigate the reason why we are here today with houses larger than they are legally supposed to be. We are at a tipping point moment and the citizens need to be engaged in the solutions.

### **PICTURE TWO STOREY SHED ... ATTACHED GARAGE**

I will reserve my right for a 3 minute rebuttal after all speakers have spoken .



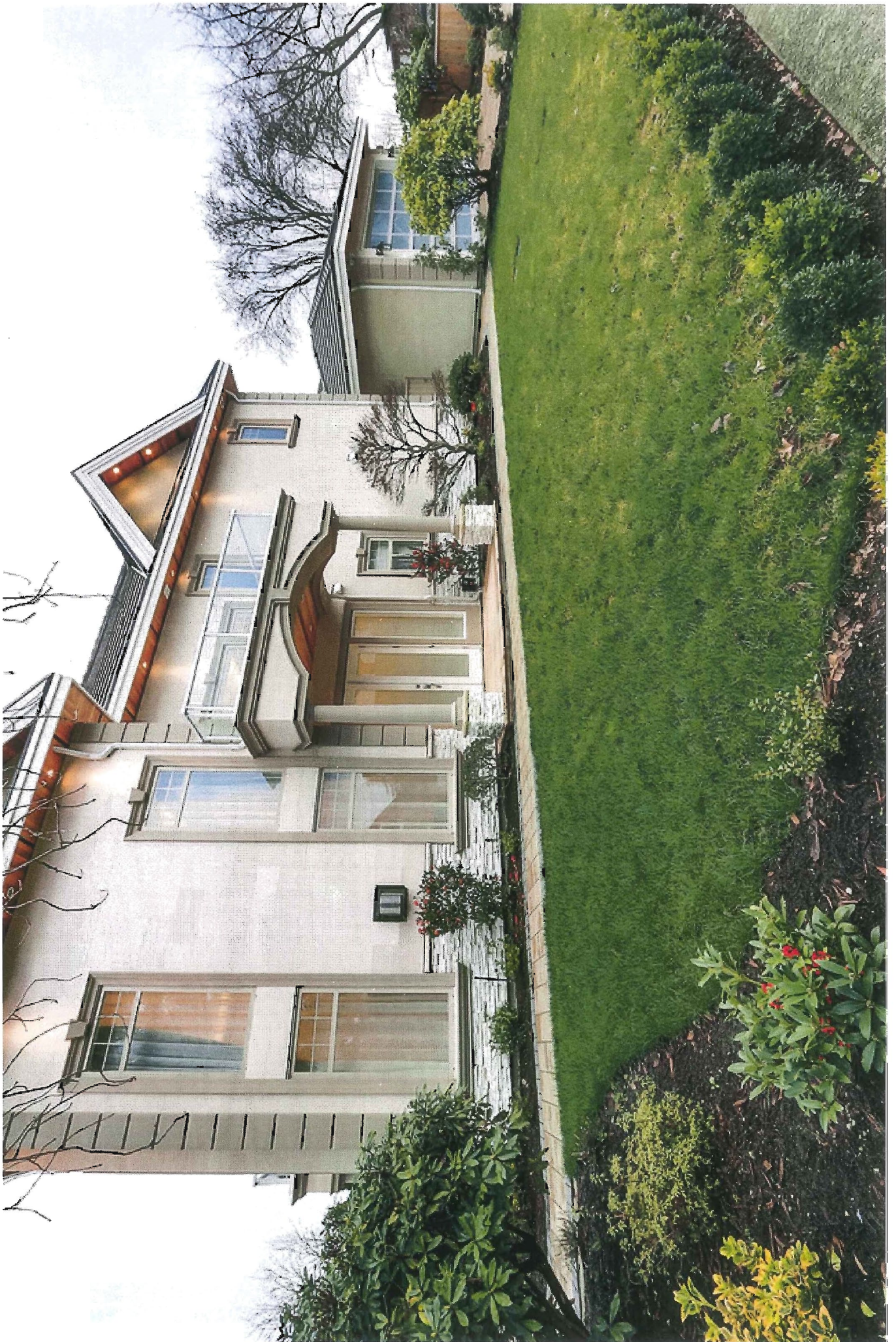
## **Appendix: Chronological Order**

- 1. December 1992, Bylaw Amendment 8319. First watershed response to MEGA houses. Reduced FSR.**
- 2. March, 1994 Bylaw Amendment 8319. “double height double count” to reduce bulky boxy houses**
- 3. June 30, 2008, Building Height and Half-Storey Building Area Staff Recommendations to Zoning Amendment Bylaw No. 8319**
- 4. September 2008, Bylaw Amendment 8319. In direct response to citizen’s concerns regarding “over height”. In direct opposite direction, City RAISED maximum “to the top of peak” HEIGHT by 1.5 meters to now be 10.5 (34.4 feet).... Staff still to this day, tells the public that the maximum height of a house is 29.5 feet and forgets to mention it is today measured to the mid rise of peak!**
- 5. 2012, City of Richmond By-Law 8500, 2041 OCP – Section 3.2 Neighbourhood Character and Sense of Place**
- 6. Nov 16, 2009, Zoning Bylaw 8500 - General Regulations Section 4.3.1 c) “double height , double count” regulation for ALL zones.**
- 7. The Advocate Vol 73 Part 2 March 2015: Remarks on the Naming of Peter A. Allard School of Law**





















**Zoning Bylaw 8500—Amendments to  
½ Storey Definition and 2 Storey  
Building Height in Single Family and  
Two Unit Dwelling Zones**

**No.: ZONING-08  
Date: 2015-03-25**

On Monday, March 23, 2015, Richmond City Council passed the following resolutions:

1. That Richmond Zoning Bylaw 8500, Amendment Bylaw No. 9223 amend the regulations for "Storey, half (½)" and Building Height within single family, coach house and two unit dwelling zones be introduced and given first reading; and
2. That staff refer the proposed amendments to the Greater Vancouver Home Builders Association, the Urban Development Institute and the Richmond Small Builders Group;

for comment prior to the Public Hearing on April 20, 2015.

The purpose of the proposed amendments is to revise the definition of a half-storey in single family and two unit dwelling zones, to address recent concerns raised by the public regarding building massing in recently constructed homes. Other amendments include a prohibition of decks and patios on any half-storey area and a maximum height limit for a two storey home with a flat roof of 7.5 m (25 ft.).

The Council approved report can be found at:  
[www.richmond.ca/agendafiles/Open\\_Planning\\_3-17-2015.pdf](http://www.richmond.ca/agendafiles/Open_Planning_3-17-2015.pdf)

**Proposed Revised Half-Storey Definition:**

Details on the proposed bylaw amendments are:

"Storey, half (½) means the uppermost storey of a building meeting the following criteria:

For a single detached housing dwelling unit, or a two-unit housing dwelling:

- a) the habitable space is situated wholly under the framing of the roof;
- b) the habitable space does not exceed 50% of the storey situated immediately below;
- c) the top of the exterior wall plates is not greater than 0.6 m above the floor of such storey on any two (2) adjacent exterior walls;
- d) a maximum of two (2) opposite exterior walls may have a dimension greater than 0.6 m between the top of the exterior wall plate and the floor of such storey;
- e) roof framing proposed to contain a Storey, half (½) must be a minimum of 5:12 pitch and a maximum pitch of 12:12 (i.e. no habitable space is permitted under the roof framing for a flat roof, a gambrel roof, or a mansard roof);
- f) the exterior wall plate of a Storey, half (½) shall be set back a minimum of 1.2 m from an exterior side yard or interior side yard exterior wall plate of the storey below and a minimum of 1.5 m from a front yard or rear yard exterior wall plate of the storey below;
- g) the roof ridge of a gable end dormer or a shed dormer be no higher than 0.5 m below the roof ridge of the main roof;
- h) the slope of a shed dormer roof must be a minimum of 2.5:12; and
- i) no balcony or deck is permitted on a Storey, half (½)."

For further information, please contact Barry Konkin, Program Coordinator, Development at 604-276-4138.

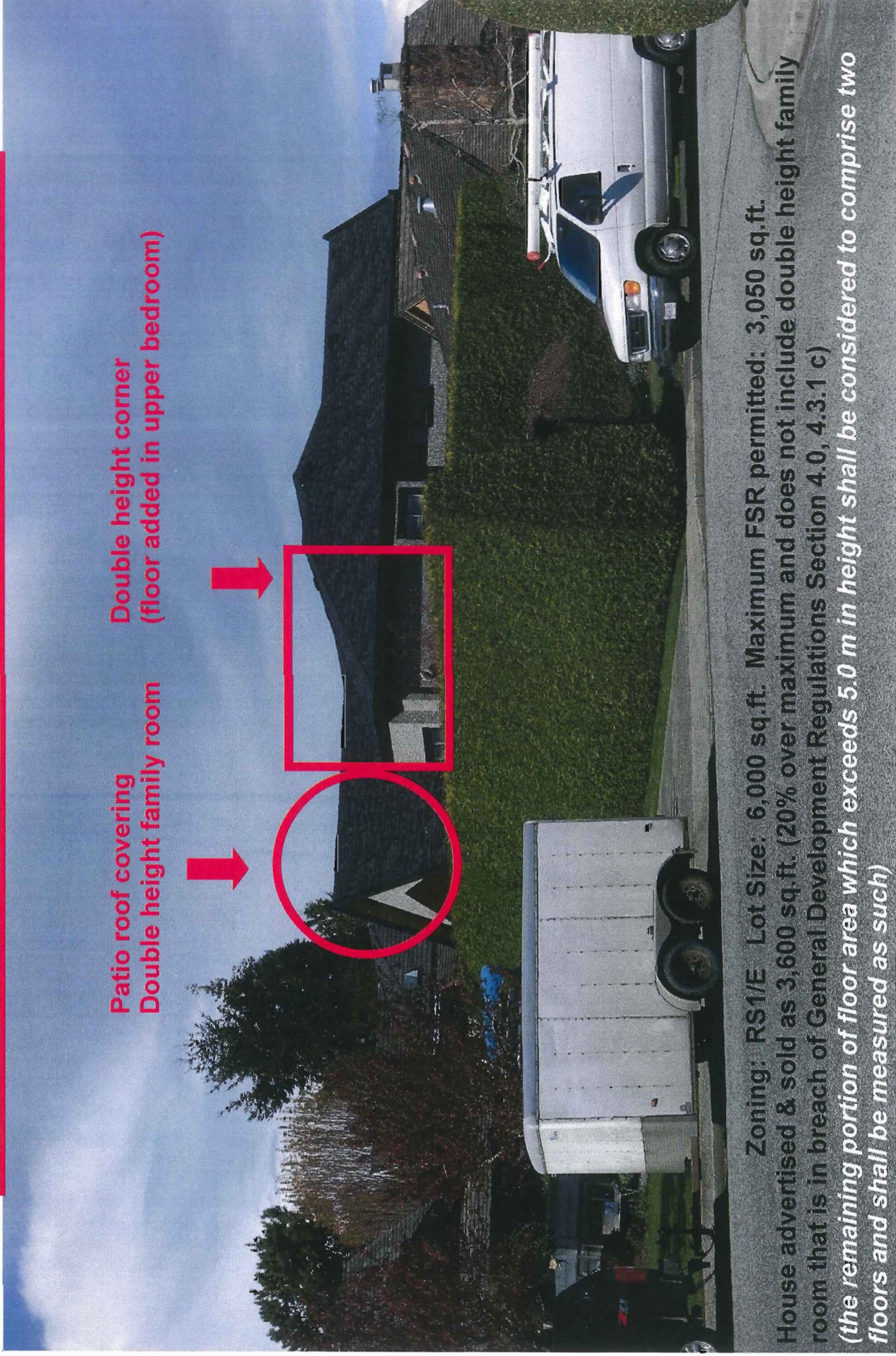






# BACK MASSING

## double height, double count not enforced



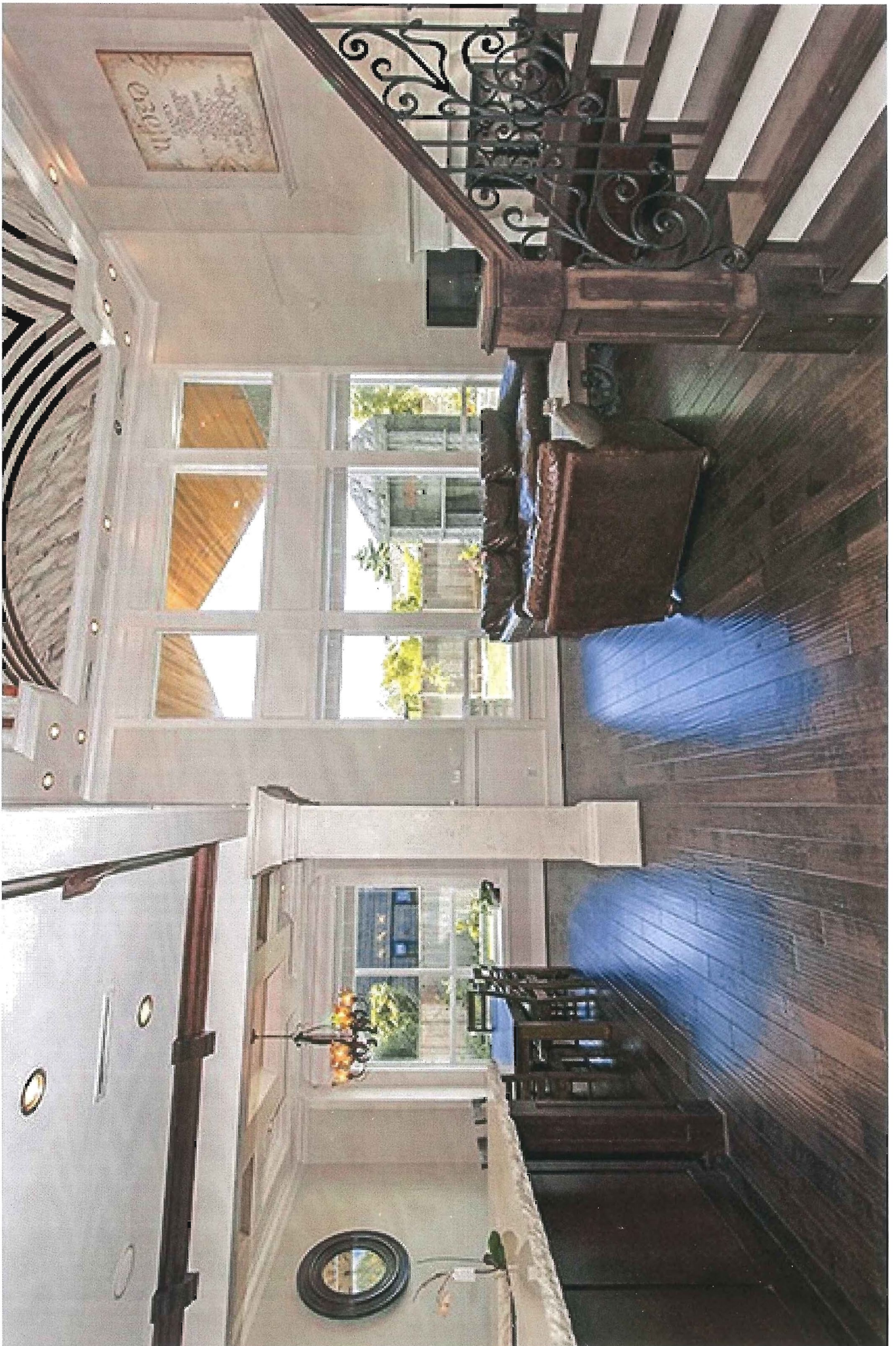


# BACK MASSING

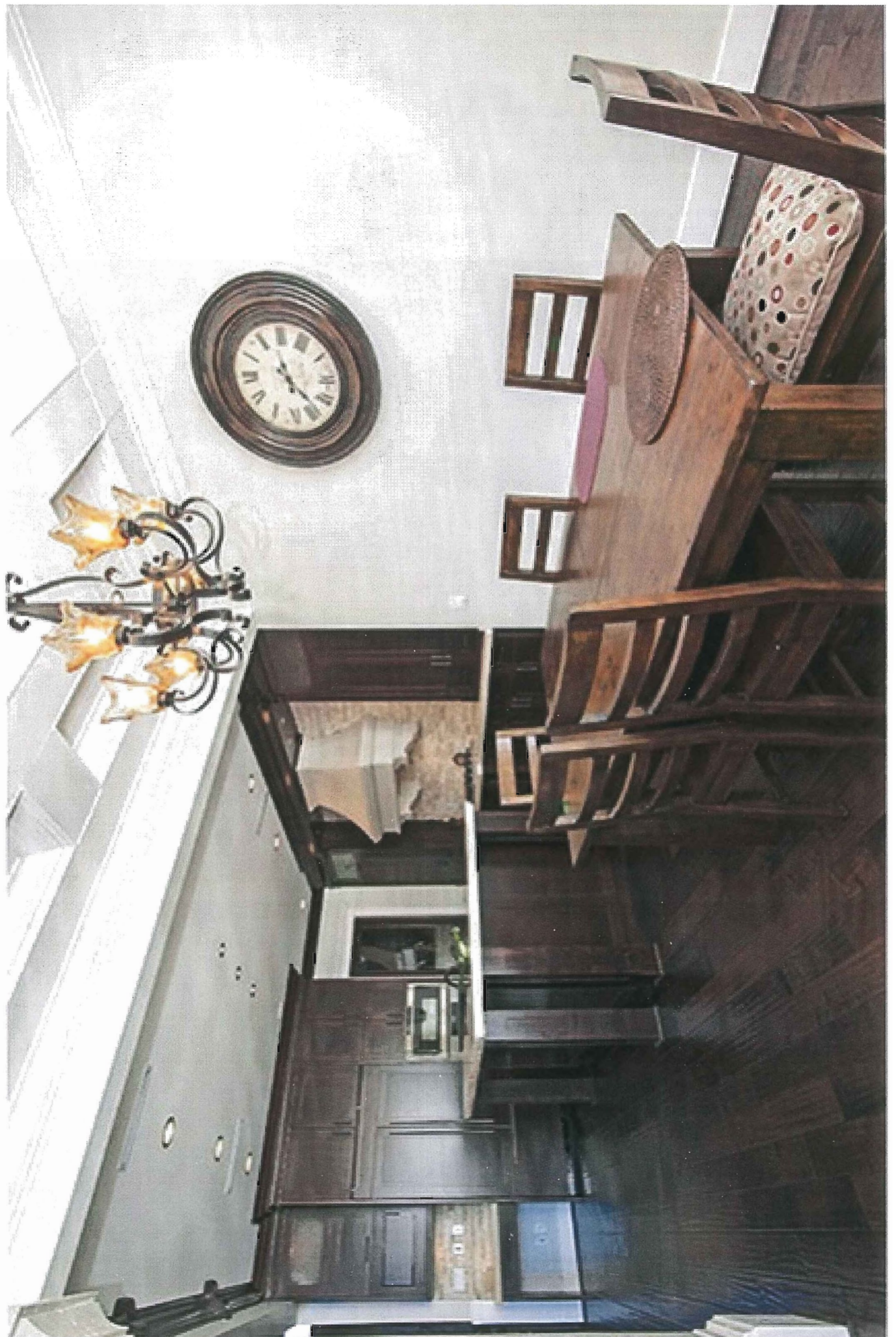
double height, double count not enforced



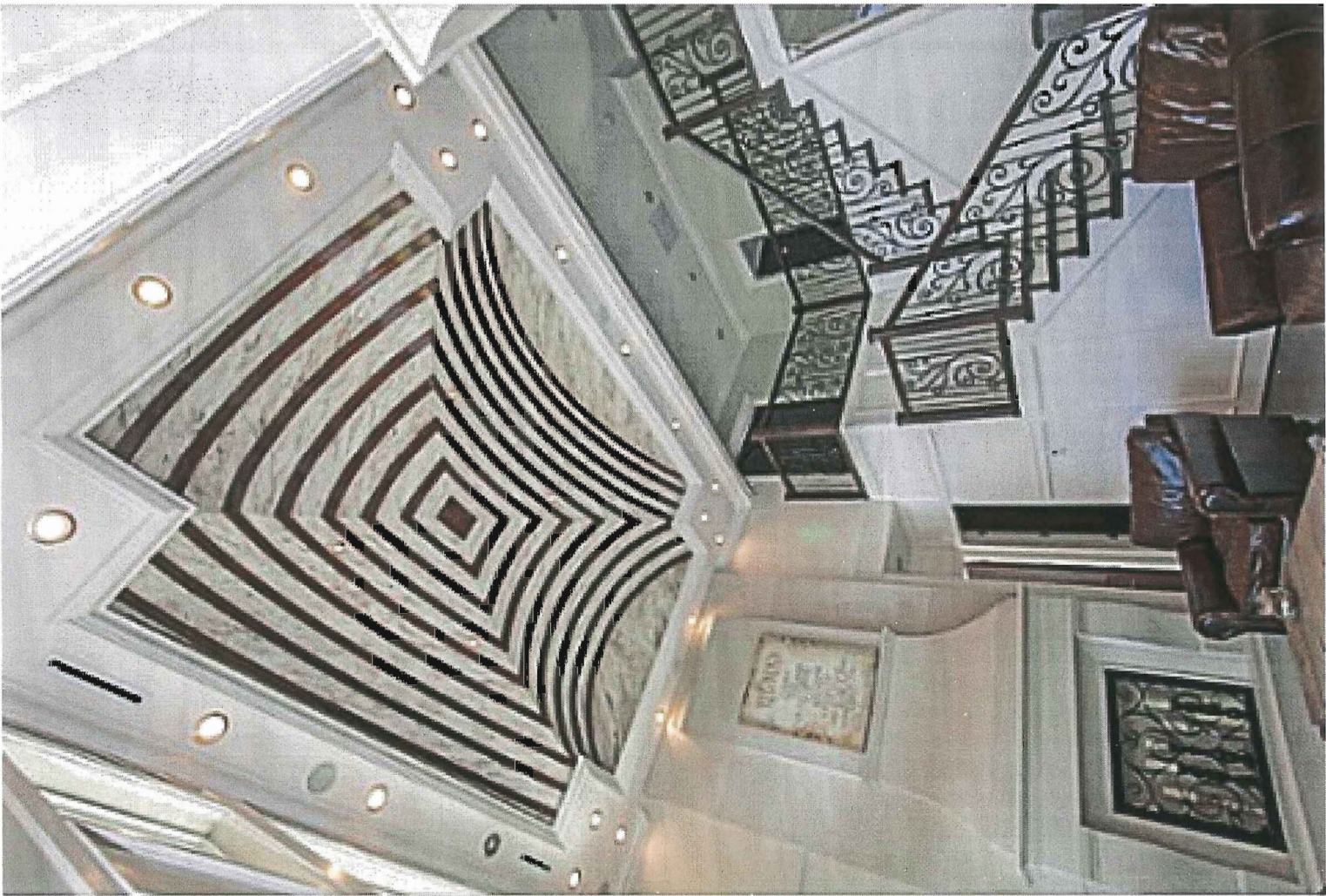








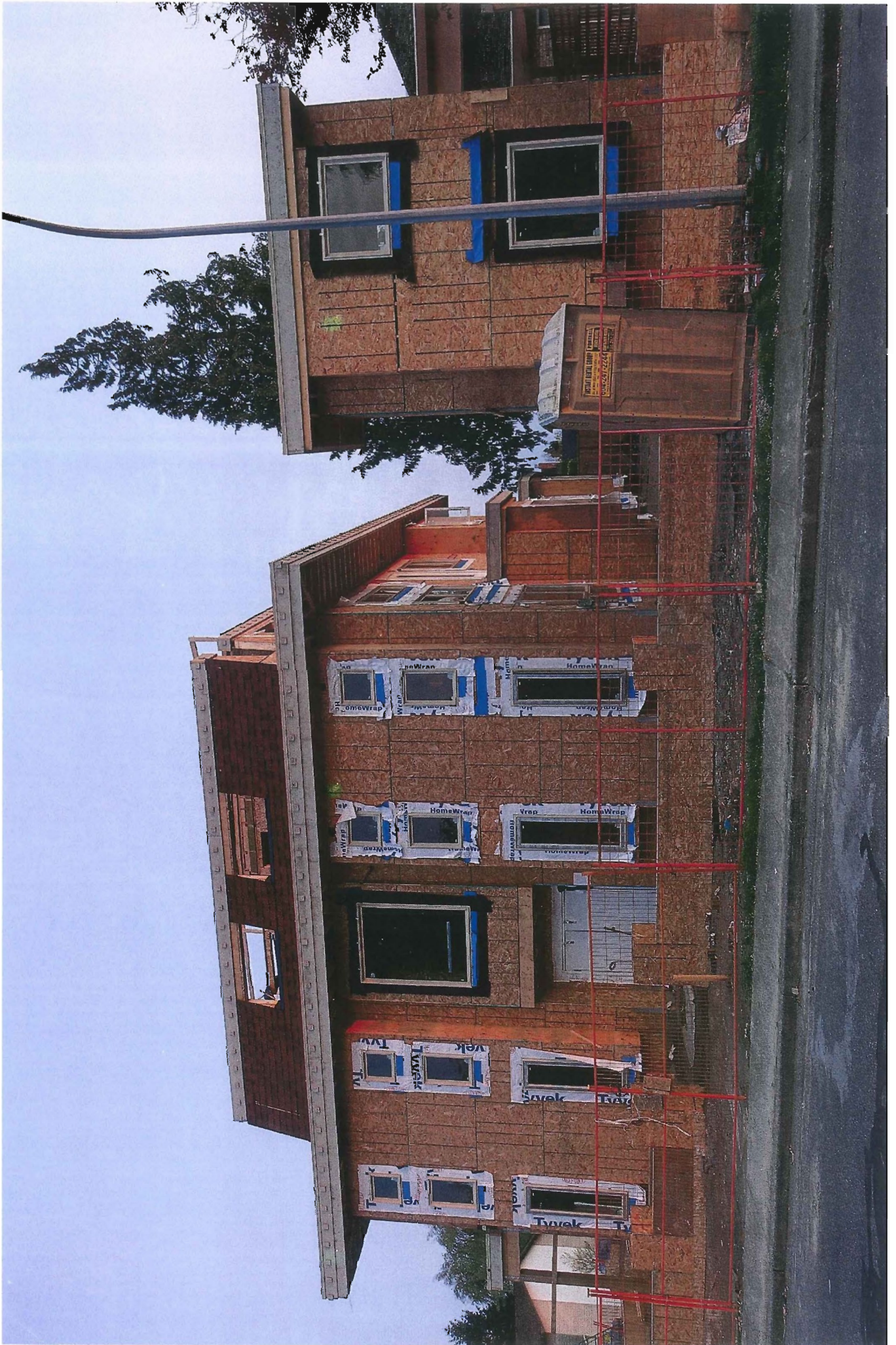








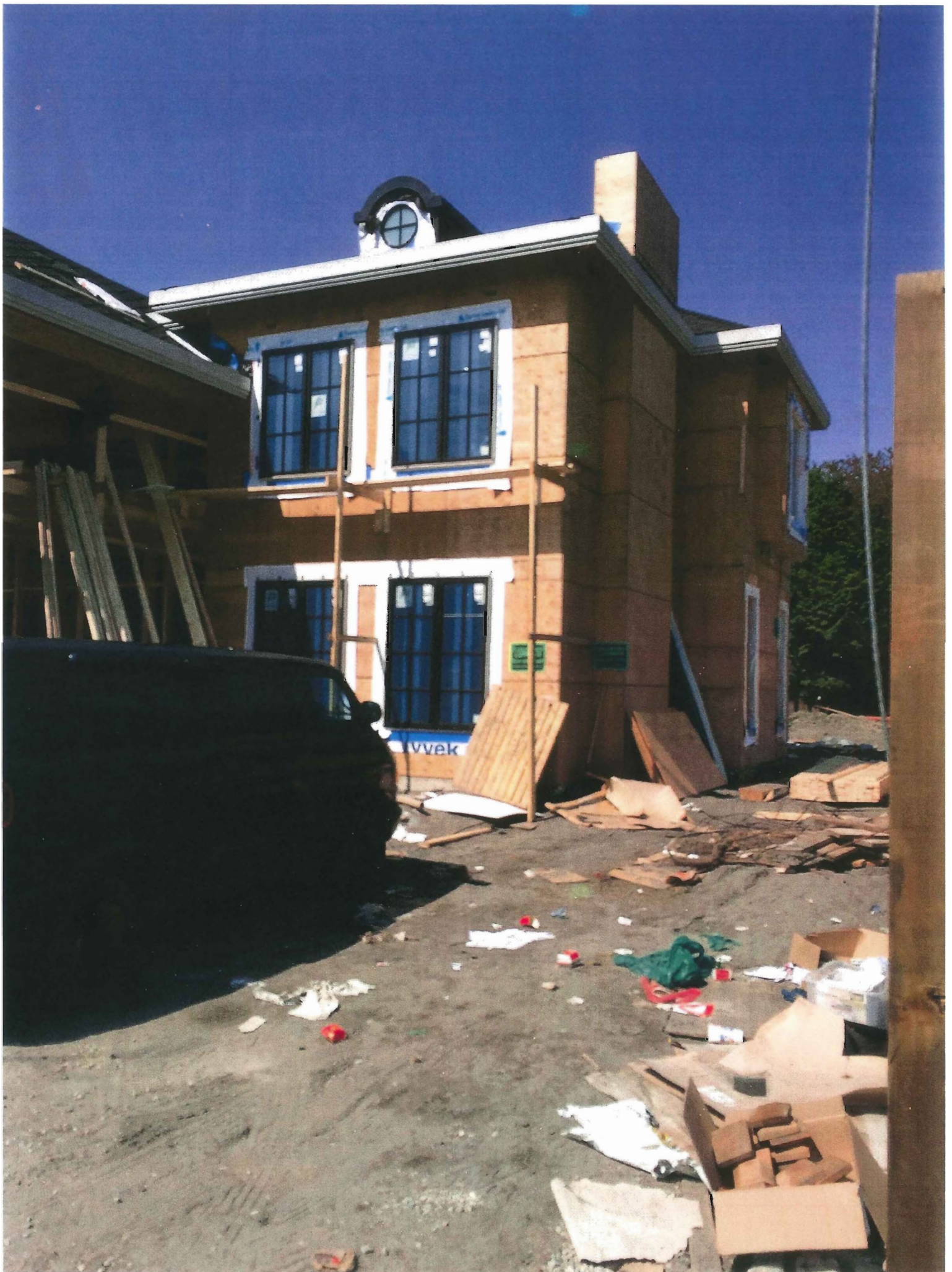
































## Zoning Bylaw 8500

No.: PERMITS-46

Date: 2010-09-14

### Purpose:

- To inform builders/owners and designers of the Zoning Bylaw 8500, that contains the following definitions.

### Background:

- Some previous definitions have left these terms open to various interpretations, resulting in building designs not anticipated, and in some instances greatly impacting adjacent properties.
- The bylaw includes some of the following:
  - "**Crawl Space**" means an interior **building** space at or below **finished site grade**, between the underside of the floor system next above and the top of the floor slab on the ground surface below, having a vertical clear height less than 1.2 m (4.0 ft.).
  - "**Flood Plain Construction Level**" means the minimum elevation level identified in *Flood Plain Designation and Protection Bylaw No 8204*, as amended.
  - "**Finished Site Grade**" means:
    - i) in Area 'A' indicated on Schedule 'A' to Division 100 attached to and forming part of this Bylaw the average ground elevation identified on a **lot** grading plan approved by the City. The average ground elevation must not exceed 0.6 m (2 ft.) above the highest elevation of the crown of any **public road** abutting the **lot**;
    - ii) in Area 'B' indicated on Schedule 'A' to Division 100 attached to and forming part of this Bylaw the average ground elevation identified on a **lot** grading plan approved by the City. The average ground elevation must not exceed:
      - a) 0.6 m (2 ft.) above the highest elevation of the crown of any **public road** abutting the **lot**; or
      - b) where the average ground elevation calculated pursuant to ii) a) above is more than 1.2 m (4 ft.) below the required **Flood Plain Construction Level** the average ground elevation may be increased to 1.2 m (4 ft.) below the required **Flood Plain Construction Level**.

(see Diagram A)

  - "**Building Height**" means the vertical distance between **finished site grade** and:
    - i) the highest point of a **building** having a flat roof;
    - ii) the mid-point between the eaves line and ridge of a roof having a roof pitch greater than 4-to-12 and not exceeding a roof pitch of 12-to-12, provided that, the ridge of the roof is not more than 1.5 m (5 ft.) above the mid-point;

See over →

- iii) the highest point of a **building** having a roof pitch other than those identified in ii) above;
- iv) the greater of the measurements referred to in i), ii) and iii) above in the case of a **building** with more than one type of roof.

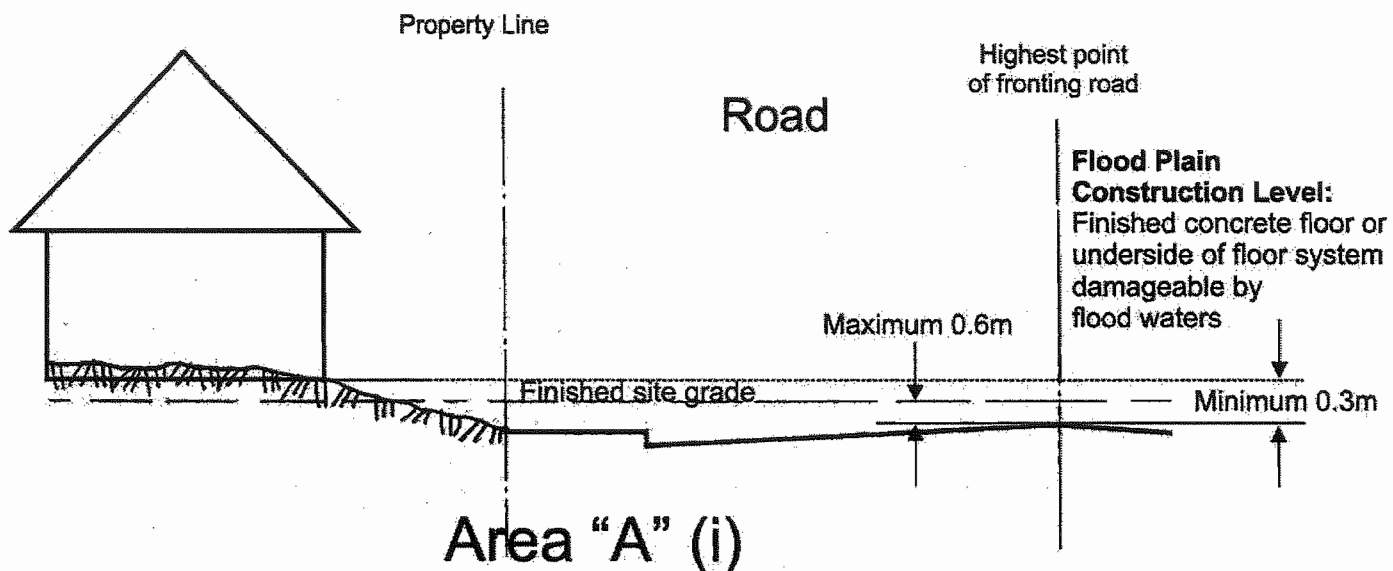
(see Diagram B)

- **"Half-Storey"** means the uppermost **storey** of a **building** meeting the following criteria:
  - i) the **habitable space** is situated wholly under the framing of the roof;
  - ii) the **habitable space** does not exceed 50% of the **storey** situated immediately below;
  - iii) the top of the exterior wall plates is not greater than 0.6 m (2 ft.) above the floor of such **storey** on any two adjacent exterior walls;
  - iv) a maximum of two opposite exterior walls may have a dimension greater than 0.6 m (2 ft.) between the top of the exterior wall plate and the floor of such **storey**.

### **Implementation:**

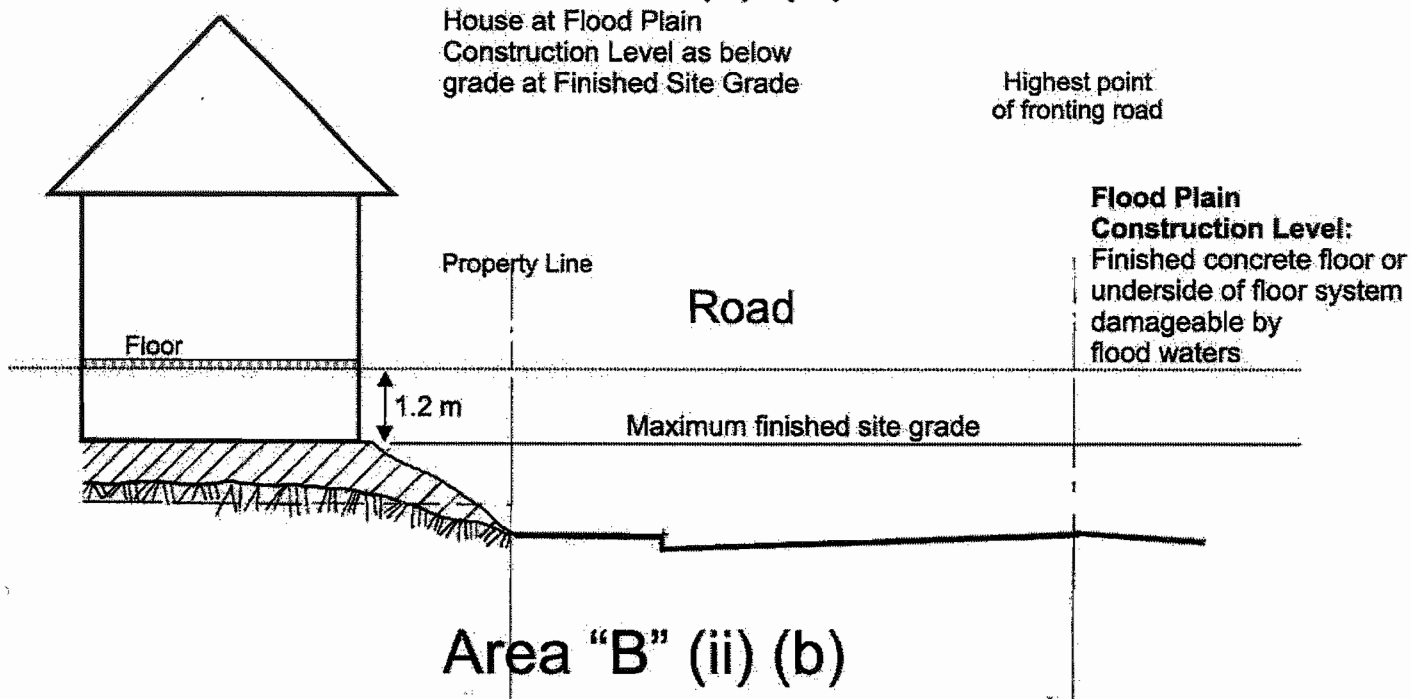
- Should you have any questions, comments or suggestions concerning this bulletin, please contact the Zoning Division at 604-276-4017 or Building Approvals Division at 604-276-4285.

See attached



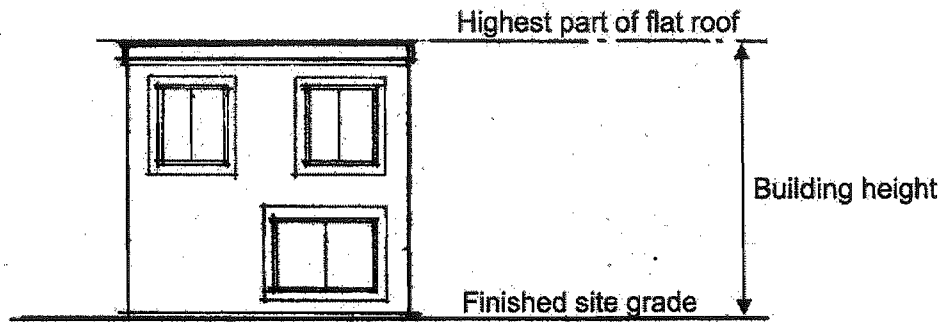
## Area "B" (ii) (a)

House at Flood Plain  
Construction Level as below  
grade at Finished Site Grade

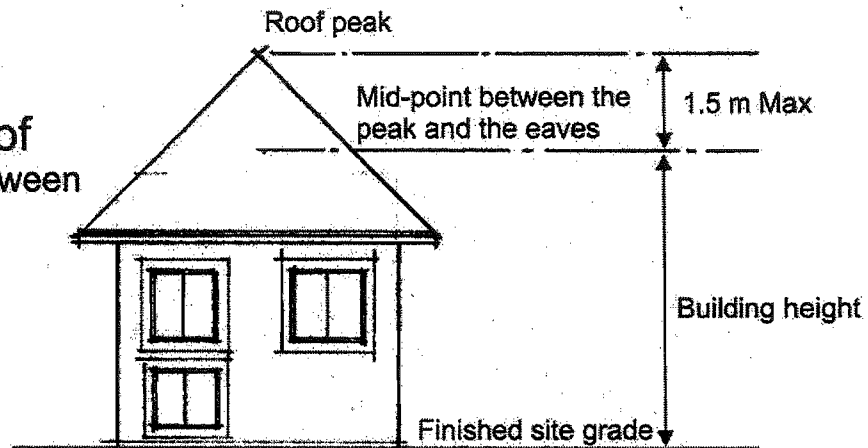


## Diagram A Finished Site Grade

### Flat Roof



### Sloped Roof with slope between 4/12 - 12/12



### Combination Roof Form

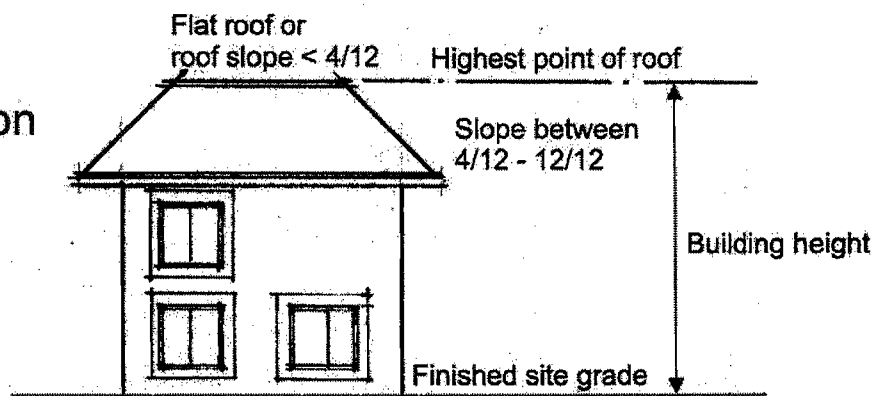
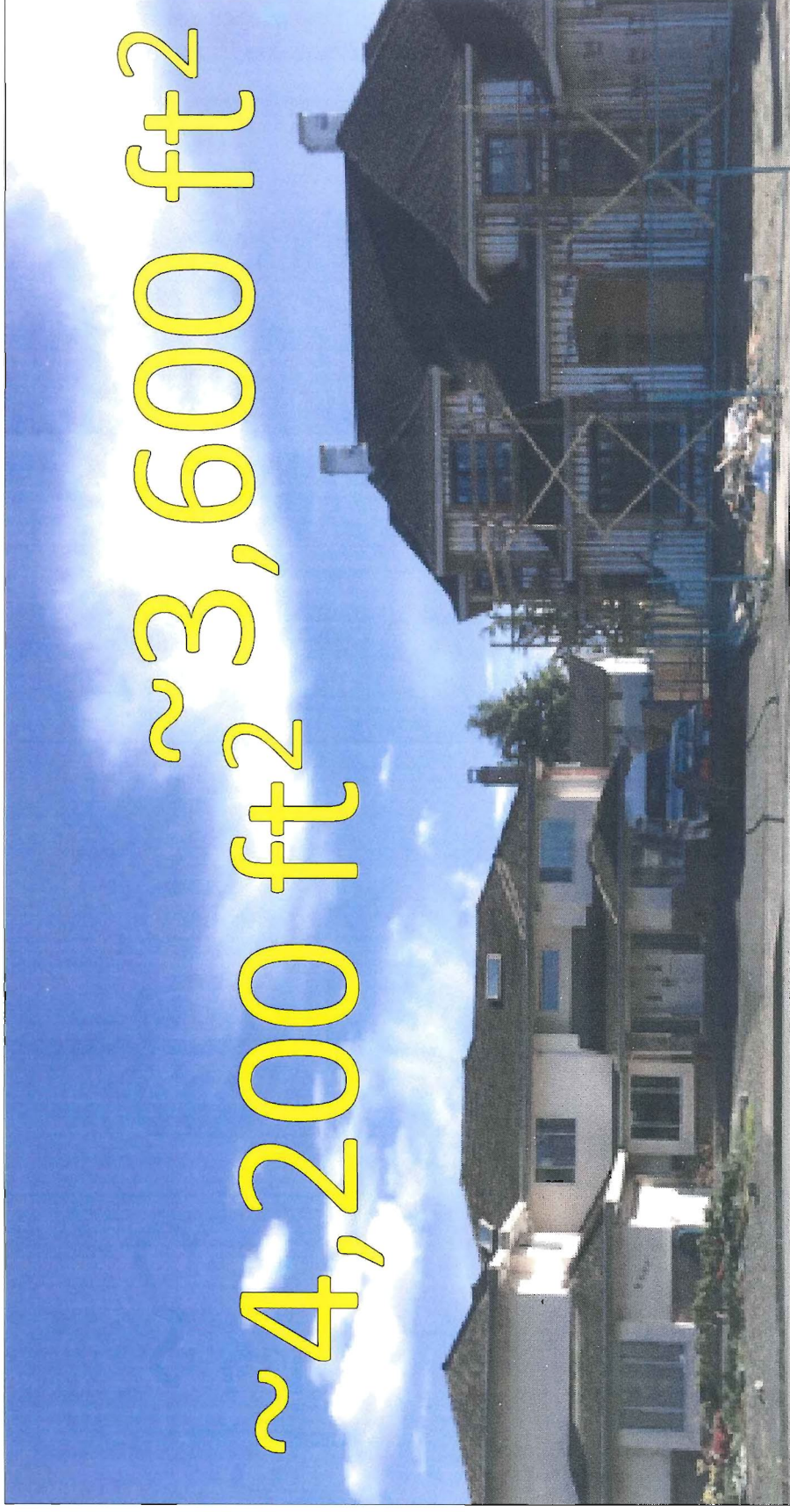


Diagram B  
Building Height



**Figure 2. Massification of houses in Richmond**



5300 Lapwing Crescent  
1994 Construction

5260 Lapwing Crescent  
2015 Construction

## REMARKS ON THE NAMING OF PETER A. ALLARD SCHOOL OF LAW

By Peter A. Allard, Q.C.

*[Editor's note: This article is based on remarks delivered at the January 22, 2015, ceremony announcing that UBC's law school was being renamed the Peter A. Allard School of Law, in recognition of Mr. Allard's remarkable \$30 million donation to the law school. The background is described further in the "Peter A. Allard School of Law Faculty News," starting on page 239 of this issue. In his speech, Mr. Allard addresses the students of the law school.]*

s mortals, our time on this earth is short.

The most basic and precious asset we have is our time, to treasure and respect.

As a consequence, our youth are a very valuable and powerful, though sometimes overlooked, group. It is you who must carry the torch of life, freedom, fairness and stability of our legal system and economy, for those who follow. Contained within each of us is the power and spirit to do great good for our fellow human beings or to do great harm. And it is incumbent upon us to equip you with the values, tools and motivations to do great good.

Through deleveraging and decreasing revenues over the past decade, governments are unable to fund all the demands that are made on them on a constant basis. It is a great privilege for me to be in a position to help this law school, with the creation of three significant permanent endowments—for student support, faculty recruitment and retention, and student programming—together with further funding for the faculty's Allard Prize for International Integrity.

My gifts are meant to support the long-term success of the law school, enable it to establish and maintain "pillars of excellence" in human rights and international integrity and ethics, and take a leadership role in supporting the values associated with the six criteria of the Allard Prize: courage, leadership, transparency, accountability, rule of law and anti-corruption.

These monies were created over three generations by my family, business associates and scores of advisers and professionals. My hope is that my gifts, with judicious and prudent long-term management, will grow over time to help make the law school one of the best-known and -respected law schools in the world, in terms of scholarship and leadership, and to infuse the concept of integrity and ethics to strengthen the rule of law in a more powerful and definable way, in Canada and worldwide.

The legal profession has more impact on our society than any other, and my gifts are intended to support the education of, and help inspire, students and others whose responsibility it will be to ensure that the lifeblood of ethics and justice for all are carried forward. You must recognize your human potential to support long-term stability and sustainability, and collaborate and co-operate locally, provincially, federally and internationally in all that you do to make a better world for all.



The challenges that are facing the world today are monumental, but not more so than those of the past. We live in a time of:

- constant communication;
- numerous lobbyists at the doors of every politician;
- self-interest and self-preservation;
- too big to fail, too big to jail, too big to prosecute;
- get-out-of-jail-free cards through issuances of immunity and pardons;
- a willful blindness to recognize obvious facts, and a willful determination to distort them;
- failure to balance our institutions of enforcement with appropriate rules and regulations;
- failure by self-governing bodies to discipline appropriately;
- failure to recuse for obvious conflicts of interest;
- power over principle;
- power of monopolies;
- failure to account and be transparent at every level, no matter the business, government body or bureaucracy;
- concentration of our media damaging our freedom of speech;
- gaming of the legal system with constant delays and legal strategies at the expense, both financially and emotionally, of the little guy who cannot possibly afford access;

- prepared scripts of, and other controls on, elected parliamentarians;
- failure of corporate bodies to penalize corporate incompetence and mistakes;
- failure of investment and pension fund organizations to hold their people accountable;
- failure to place management reward on the same level as the shareholder; and
- failure of government regulatory bodies to enforce rules and give access to a level playing field.

As someone who loves and is fascinated by history, I urge you to read David McCullough's books on two U.S. presidents, John Adams and Harry Truman. The political behaviours we are witnessing today in terms of power over substance, blind ambition, personality conflicts, self-interest for the short term, creation of uneconomic and unproductive jobs for votes, back-stabbing, reckless adventures for war and so on have existed for centuries and occur everywhere in the world. What amazed me in the reading of these two books was the strength of these two leaders, their character, their honesty, their dignity, their independence and their respect for public monies. These two presidents served out of a sense of obligation to a higher calling. The problems they faced were astounding, but that did not deter them—and they made a difference.

I also urge you to look to the inspiring stories of the first honourees of the Allard Prize in 2013:

- the recipient of the prize, Anna Hazare, an Indian social activist who has led hugely popular and effective grassroots movements to increase government transparency and investigate and punish public corruption; and

the other honourees:

- Sima Samar, an Afghani women's and human rights advocate and activist who is currently chair of the Afghanistan Independent Human Rights Commission and who, at great daily personal risk, has established and maintains schools for girls; and
- Global Witness, an international NGO that works to address natural resource exploitation and corruption, and the resulting poverty and human rights abuses, worldwide.

These individuals and organizations are making a profound, selfless difference in our world.

In order to restore the checks and balances lost over the past two or three decades, a period preceded by 50 years of relative financial stability, each and every one of you needs to honestly and actively believe that, by coming together and exercising your collective and collaborative efforts, using your imaginations and power of youth and vitality, you can effect necessary changes in laws and regulations, and ensure solid enforcement, here and around the world.

I am concerned about the feeling of powerlessness on the part of some youth that can be seen in the fact that fewer and fewer of you are voting, in the belief that the system is rigged and controlled by money, power and party politics which are not directed long-term to sensible and equitable policy decisions, and in the belief that you cannot influence the system. Within us all is the power to effect change, and to help move and direct our colleagues and fellow citizens in the right direction. We must all take action to effect positive change, in ways small and large, each and every day.

Throughout the last four thousand years, all major civilizations, religions and philosophies of the world—including ancient Egypt and the Greek and Roman empires, Christianity, Islam, Hinduism, Buddhism, Confucianism and all the other “isms”—have embraced a simple concept called the Golden Rule: “Do unto others as you would have them do unto you.” This is what I believe is the moral and spiritual ethic that rests within each and every one of us, to see that our neighbours and citizens around the world are treated with humanity and dignity, and that basic human rights are entrenched, maintained and increased as time evolves, with all our collective efforts ensuring that our legal systems represent all persons.

Dean Mary Anne Bobinski and Assistant Dean, External Relations Kari Streelasky have been relentless in developing relationships with law faculties and other relevant organizations in Canada and internationally, and maintaining relationships with alumni wherever they might be. They have wholeheartedly dedicated their belief and energies in the vision, and are indefatigable in their promotion, of the six criteria of the Allard Prize. To a great extent, my donation and this naming is a testament to the persistence of the dean and assistant dean, of my lawyer Geoff Lyster and of my nephew Rob King.

Universities are filled with the usual politics of any organization, but I can say without hesitation that this dean and assistant dean, the faculty members and the rest of the faculty team with whom I have had contact represent everything I can think of in terms of courage, leadership, transparency and accountability for the benefit and improvement of the rule of law.

And so it is here, at UBC Law, that I see the possibility of inspirational leadership and a catalyst for profound positive change on a global scale for generations to come. May you all have the strength and courage to use your collective intellects and common sense, with humour and kindness, to improve, extend and rebalance the rule of law, and thereby provide fundamental rights, equality, justice, order and security for all, now and for the future.



**Figure 2. Massification of houses in Richmond**

**~4,200 ft<sup>2</sup>      ~3,600 ft<sup>2</sup>**



5300 Lapwing Crescent  
1994 Construction

5260 Lapwing Crescent  
2015 Construction



**2 1/2 storey single family  
or 3 storey townhouse??**

