

University Endowment Lands  
Minutes from the  
**ADVISORY DESIGN PANEL MEETING**  
Tuesday, March 1, 2011

Minutes from the University Endowment Lands (UEL) Advisory Design Panel meeting held Tuesday, March 1, 2011 at 4:00 p.m. in the UEL Public Works meeting room, located in the UEL Public Works Yard at 5495 Chancellor Boulevard, Vancouver, BC.

**Professional Members Present:**

Randall Kovacs, Engineer, *Chair*  
Bruce Carscadden, Architect  
David Grigg, Engineer  
Jonathan Losee, Landscape Architect  
Damon Oriente, Landscape Architect  
Nancy Stern, Architect

**Neighbourhood Panellists Present:**

Dave Forsyth, Area A (*As an Observer*)  
Pauline Nocente, Area B (*4:25 pm*)  
Margaret Stuart, Area B  
Ben Seghers, Area D (*As an Observer*)

**ADP Panellists Absent:**

Doug Carnahan, Area C  
Shelley Craig, Architect  
Luca Filipozzi, Area D  
Stuart Smith, Area A  
Rhodri Windsor-Liscombe, F.S.A; B.A. Hons, PhD., Area C

**UEL Staff Present:**

Steve Butt, Deputy Manager  
Dallas Arcangel, Planning Technician  
Pat Kereiff, Office Administrator

**1.0 Call to Order**

Randall Kovacs, Chair, called the meeting to order at 4:04 pm.

**2.0 Introduction**

ADP panel members and UEL staff were introduced.

**2.0 Development Permit Application # 15/10**

5850 Kingston Road, Vancouver, BC

**2.1 Overview by Planning Technician (5 minutes)**

Dallas Arcangel, Planning Technician, briefly reviewed the application stating that the application was for construction of a two storey single family dwelling and attached 3-car garage. No variances have been requested.

Dallas explained that this application is for 5,599 sq ft above grade floor space which is less than the 5,609 sq ft allowed. All required setbacks are met and the proposed house is under the allowable building height. Some of the existing accessory buildings will be removed and the pool will be filled in for a patio. The proposed main floor elevation is exactly the same as existing house and grading is primarily the same. Only the orientation of the house has changed. Some of the landscaping features / materials will be changed; however, the new landscaping will be similar to the existing landscaping.

## **2.2 Presentation by Applicant (10 minutes)**

Loy Leland, of Loy Leland Architect Inc., and Samuel Toa, owner's representative and realtor, were in attendance.

Loy explained that the proposal was for a new house which does not differ substantially from the existing one. No variances are required as the proposed development complies with all technical regulations and guidelines of the UEL Land Use, Community Administration and Building bylaw.

Loy stated that two of the letters of objection received pertain to landscaping. The landscape plan is very similar to the existing landscaping and the owner is amenable to keeping hedges at a reasonable height. The third letter of objection states issues regarding a loss of view. Loy stated that the massing and shape of the proposed house are not unreasonable and the proposed house is similar to the existing one and the height of the building is lower than the existing.

## **2.3 Questions from Panel to Applicant (10 minutes)**

Q. Will the swimming pool be filled in and accessory buildings removed? Will a new landscape plan be submitted?

A. The pool will be filled in and a patio will be built over the existing pool site. Accessory buildings will be removed. A new landscape plan, in addition to that in the plan set, will not be submitted.

Q. Where is the chimney stack, as referenced in one of the letters of objection, located?

A. The model was used to show the location of the existing and proposed chimney. Due to orientation, the proposed house has been shifted slightly and the new chimney is slightly higher than the existing one.

Q. A review of the height specifications and building envelope, as stated in the UEL Land Use, Community Administration and Building bylaw (the bylaw) was requested.

A. Section 51(1) of the bylaw states that an allowable building envelope is:

“the three dimensional surface formed by the exact shape, location and elevation of the dwelling unit and accessory buildings that existed on the site as of the date this bylaw is enacted plus an additional 3 feet measured horizontally from each applicable point on the exterior walls, porches, sundecks, and stairways of the dwelling unit and accessory buildings, and an additional 1 foot measured vertically from each applicable point on the roof, porch, sundeck and stairway. The measurements shall be the perpendicular distance from the applicable surface.”

If a proposed building moves outside the building envelope, an application for a development permit must be submitted. Typically, chimneys are excluded from the building height.

- Q. What are the rules on how to site a house in relation to neighbouring properties?
- A. The bylaw is silent regarding how a house is sited with the neighbouring houses in relation to elevations.
- Q. Could the stack of the proposed chimney be less obtrusive? Reducing the impact on the neighbours?
- A. The view blockage is minimal and it's totally acceptable to have a chimney of this size. The intent is that the height of the chimney not exceed the minimum height required by the building code.
- Q. The view from windows of the Tuyp family home is impacted. Mr. Tuyp would be amenable to having Mr. Leland visit his home to see the effect of the proposed chimney on his view. When asked for clarification, the objector explained where photos submitted were taken from.
- Q. Is the proposed roof ridgeline as indicated in the photo by the line with pink flags?
- A. Correct. The flags show just the ridge and the rest of the string was to connect it to the support stakes.

Pauline Nocente arrived at 4:25 pm.

- Q. Is the roof at the flattest height possible?
- A. Yes, for a duroid roof. The house does not have gable ends.
- Q. What is floor to floor height in the house?
- A. 12' on the lower floor and 10' on the second floor, but this includes the floors.
- Q. Why are the applicants opting to tear down the existing house?
- A. Existing house is 26 years old. The owners prefer a newer home. The existing house has been renovated and inside spaces are a bit odd.

The Chair noted that the issue before the panel was the development permit. The reason the development permit was under review was due to the objections and the panel has an obligation to provide a recommendation to the UEL Manager.

**2.4 The meeting was closed to the Public, with the exception of the applicant's representatives, at 4:33 pm.**

## **2.5 Panel Deliberations and Resolution**

Development Permit Application # 15/10  
5850 Kingston Road, Vancouver, BC

The Panel reviewed and discussed information provided by the applicant and UEL staff. Discussion included: height of the proposed home; the size of the garage door; objection submitted regarding loss of view; extent of the loss of view; possible options to lessen massing of the proposed house and that these options may compromise the functionality of the building; use of ground floor level of existing house; clean-up and reactivation of existing gardens; and, lack of prescriptive requirements pertaining to view preservation (Bylaw contains design guidelines to encourage view retention).

**Recommendation:**

Moved, seconded and Carried.  
Opposed – Margaret Stuart

*The Advisory Design Panel recommends that the Manager of the University Endowment Lands approve development permit application #15/10 as proposed, to construct a two storey single family dwelling and attached 3-car garage at 5850 Kingston Road, Vancouver, BC.*

**3.0 Elections of Advisory Design Panel Chair, Vice-Chair and Recording Secretary for the term of March 1, 2011 to February 28, 2012**

Pursuant to Section 4.1(b) of the UEL Official Community Plan, and Section 62 of the UEL Community Advisory Council Bylaw, the Advisory Design Panel Chair, Vice-Chair and Recording Secretary shall be elected annually from among the Professional ADP Panellists.

Bruce Carscadden was nominated as Chair, Damon Oriente was nominated as Vice-Chair; and, Nancy Stern was nominated as Recording Secretary for the term of March 1, 2011 to February 28, 2012. All nominations were accepted by the nominees.

Moved, seconded and Carried.

That Bruce Carscadden be appointed to the office of Chair; Damon Oriente be appointed to the office of Vice-Chair; and Nancy Stern be appointed to the office of Recording Secretary of the University Endowment Lands Advisory Design Panel for the term of March 1, 2011 to February 28, 2012.

**4.0 Adoption of the Minutes of the Advisory Design Panel Meeting of**

Moved, seconded and Carried.

That the minutes of the Advisory Design Panel meeting held October 5, 2010 be approved as presented.

**5.0 Bylaw Compliance**

Randall Kovacs stated that it was not within the mandate of the ADP to tell the University Endowment Lands whether or not they are enforcing their bylaws.

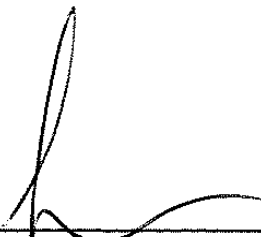
Steve Butt provided some background information regarding bylaw enforcement in the UEL. One example was extensive documentation from a bylaw enforcement issue which ran from October 2001 to May 2010. Another example was a bylaw enforcement issue now involving three legal counsels from the office of the Attorney General.

Dave Forsyth expressed concern that the ADP deliberated at length regarding the gate at 1295 Acadia Road and recommended that the gate should stand at four feet. This was passed along to the applicant and the applicant did not adhere to the direction. Dave questioned that, if an applicant could disregard the ADP's recommendation and direction from the Manager, is the mandate of the ADP valid? Dave also believes that a letter should have been sent to the applicant as soon as this non-compliance was evident. There was no attempt on the part of UEL Manager to attempt to correct the issue. The UEL bylaw should not be looked upon as guidelines.

Steve Butt responded that, on any given day there are contraventions of the UEL bylaws. It would be impractical and onerous to enforce every transgression of the regulations. The UEL must thoroughly consider all aspects of enforcing the bylaw, prior to forging ahead.

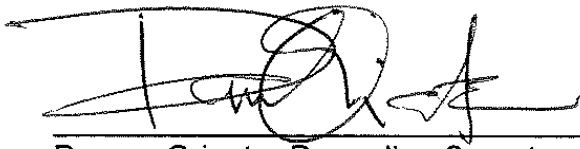
Steve noted that, in some instances, the UEL is similar to a municipality (e.g. putting a notice on title for safety issues). The University Endowment Lands Act periodically refers to the Local Government Act for regulation. Other municipalities can adopt a municipal ticketing bylaw to regulate payment of fines, while the UEL must proceed through the office of the Attorney General to have a fine paid.

**6.0 The meeting adjournment 5:30 pm.**



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Randall Kovacs, Chair  
Advisory Design Panel



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Damon Oriente, Recording Secretary  
Advisory Design Panel