



**University Endowment Lands
Minutes from the
ADVISORY DESIGN PANEL MEETING
Tuesday, October 6, 2009**

Minutes from the Regular Meeting of the UEL Advisory Design Panel (ADP) held at **4:00 pm, Tuesday, October 6, 2009** in the UEL meeting room, located in the UEL Works Yard at 5495 Chancellor Boulevard, Vancouver, BC.

Professional Members Present:

Nancy Stern, Architect, (*Chair*)
Bruce Carscadden, Architect
Randall Kovacs, Engineer
Jonathan Losee, Landscape Architect
Ronald Myers, Landscape Architect

Neighbourhood Panellists Present:

Doug Carnahan, Engineer, Area C
Dave Forsyth, Area A
Benoni Seghers, Area D
Stuart Smith, Area A
Margaret Stuart, Area B
Rhodri Windsor-Liscombe, Area C

ADP Panellists Absent:

Shelley Craig, Architect
Luca Filipozzi, Area D
David Grigg, Engineer
Pauline Nocente, Area B

Guests:

John O'Donnell, Chair, Community Advisory Council
Sailen Black, Architectural Institute of BC, ADP Committee
Al Tanzer, Chair, BC Society of Landscape Architects, ADP Subcommittee

UEL Staff Present:

Margaret Eckenfelder, Manager
Steve Butt, Superintendent of Public Works
Dallas Arcangel, Planning Technician
Pat Kereiff, Office Administrator

1.0 Call to Order

Nancy Stern, Chair, called the meeting to order at 4:05 p.m.

2.0 Introduction

Nancy Stern, Chair, welcomed those present to the meeting. Introductions of ADP panellists, UEL staff and guests were made.

3.0 Adoption of the Agenda

There was discussion regarding election of the ADP Chair. Section 62 of the University Endowment Lands, Community Advisory Council Bylaw states that "The ADP Panelists shall elect annually from among the Professional ADP Panelists a chair, vice-chair and secretary."

Rhodri Windsor-Liscombe objected to the requirement that the chair, vice-chair and secretary be professional panellists, stating that the nature of the chair should be considered, that there are serious problems with the process and that a root and branch discussion should be held.

Rhodri also requested that the Manager's comment that the professional members are a source of objective professional advice to the Manager be recorded in the minutes.

Nancy Stern responded that the UEL Land Use, Building and Community Administration bylaw, the OCP and the Community Advisory Council Bylaw have provided a process for the ADP and the ADP is not in a position to make changes to these bylaws.

Margaret Eckenfelder stated that the purpose of the ADP meeting today was to review what ADP is; how the ADP was established; quorum at ADP meetings; voting patterns, draft Terms of Reference; and, to clarify conduct of ADP meetings. Other aspects can be considered during the (Land Use, Building and Community Administration) bylaw review process.

John O'Donnell suggested that ADP panellists may wish to formulate some motions for consideration during the bylaw review process.

Moved by Randall Kovacs, seconded by Stuart Smith and Carried that the agenda be adopted as presented and that election of the Chair will occur at the end of the meeting.

4.0 Adoption of the Minutes of the Advisory Design Panel Meeting of July 7, 2009

Moved by Doug Carnahan, Seconded by David Forsyth and Carried that Doug Carnahan submit suggested amendments to expand upon comments noted in the minutes of the of July 7, 2009. These comments will then be presented at the next meeting of the Advisory Design Panel for review and consideration as amendments to the minutes as presented on October 6, 2009.

5.0 Review of ADP Constitution, Roles and Responsibilities and Draft Terms of Reference

5.1 Presentation of ADP Constitution

Margaret Eckenfelder reviewed the background and regulations pertaining to the UEL Advisory Design Panel. This included the APC, the OCP, the role of the ADP, guidelines for professional panellists, expectations of neighbourhood panellists and association advice regarding conduct of ADP's.

Margaret Stuart asked why there were 7 professional members on the ADP and why this included landscape architects representing the same number of votes as resident panellists

(two) on every application this year. In the June 2, 2009 ADP meeting minutes, Steve Butt stated that “there is no requirement for a permit for landscaping”.

Margaret Eckenfelder responded that the composition of the ADP is as detailed in the OCP.

John O'Donnell spoke of the move from the APC to the ADP and his background serving on other ADP panels. Panels traditionally are professionals. The CAC adopted the current constitution, which can be amended. Composition of the UEL ADP is also as outlined in the UEL OCP and it may be time for a revision to the OCP.

Sailen Black, Architectural Institute of BC, ADP Committee, provided examples of the composition of other ADP's. Some are comprised of entirely professional members while another has a majority of resident members with a component of professional members. The intent is to strike a balance between community and professional representation. Sailen stated that, in all cases, these ADP members are appointed by City Council.

Stuart Smith stated that there should be a balance between community and professional panellists and asked if the Manager looked at the weight of either group? Is the Manager influenced by the balance of the vote?

Margaret Eckenfelder responded that she was not influenced by the balance of the vote. She is looking for technical advice and objective neighbourhood context. The ADP is not her only source of input as she also considers letters submitted from the neighbourhood. Generally, advice from the ADP is balanced and good.

Margaret Stuart asked if the Manager was confident that the professional panellists were aware of the various neighbourhoods. Do panellists ever live in the community?

Margaret Eckenfelder responded that the professional panellists are familiar with the pertinent bylaws and other information. Whether or not professional panellists live in the community depends on the panel bylaws.

Sailen Black explained that the Architectural Institute of BC submits nominees for consideration to the authority having jurisdiction. This authority then appoints the panellists. If architects are experiencing difficulties, they may discuss these difficulties with fellow panellists and/or the authority with jurisdiction to appoint the panel.

Nancy Stern confirmed that a professional architect panellist earns one learning credit for each hour of study/lecture/etc. but, this is one learning credit in total as a volunteer for the ADP.

Al Tanzer, Chair, BC Society of Landscape Architects, advised that there are ways of obtaining these credits, other than sitting as an ADP member. People do this because they wish to make a contribution.

Rhodri Windsor-Liscombe commented that, in his opinion, he didn't see evidence of the public declaration for revising the present bylaws and that residents want different kinds of context. Public consultation asked for a reduction in the size of houses.

Margaret Eckenfelder responded that neither the OCP nor the Land Use, Building and Community Administration bylaw address a reduction in the size of houses. These bylaws govern.

Nancy Stern stated that the discussion tonight was a review of the ADP process only.

John O'Donnell stated that the OCP consultation process has concluded and the UEL now has a completed document – the OCP. There is no more consultation. The OCP is the law. John requested that Rhodri provide a detailed report outlining omissions from the OCP following the consultation process.

Doug Carnahan asked if the CAC received resumes for the professional nominees to the ADP and, if so, would it be possible to view these resumes?

Al Tanzer, Chair, BC Society of Landscape Architects, advised that the *Freedom of Information and Protection of Privacy Act* prohibits distribution of information contained in the resumes. Resumes are provided only to those making appointments to the panel.

Margaret Eckenfelder commented that, in a municipal setting, resumes submitted for consideration of a senior position are reviewed by Council and the hiring committee but not distributed to others.

Randall Kovacs requested clarification of the objections and the nature of the objections being voiced. Professional panellists refer to the OCP during a deliberation process. UEL bylaws encourage growth and moving forward. The bylaws do not state that everything will remain unchanged.

Margaret Stuart stated that she would welcome the opportunity to speak to the CAC regarding the CAC bylaw structure as it relates to the imbalance of non-resident and resident ADP panellists and their relative voting influence, structure of quorum and non-resident's rights to executive positions. As it stands, applicants in recent meetings have unlimited time to speak. Objectors are very limited in time to speak. (Margaret referred to a letter from Mr. Bruce Stenning.)

John O'Donnell stated that the ADP is not the forum for all comments regarding the UEL.

Margaret Eckenfelder advised that other ADP's do not provide for members of the public to speak. An ADP meeting is focussed on the application and an ADP meeting is not meant to be like a public hearing.

Steve Butt stated that there is division over what some would like the process to be and what it actually is. The ADP is being looked upon as a way to hold a public hearing.

Randall Kovacs reminded those present that the professional panellists are fully aware of their goal which is to provide objective advice to the manager. This includes the OCP, the Land Use, Building and Community Administration bylaw and what the neighbours have to say.

Margaret Stuart objected to residents not being permitted to speak in regard to an amendment to a development permit at the June 2, 2009 ADP meeting. The example cited was in regard to a view obliterating (OCP), invasive bamboo hedge. In direct contravention of the ADP process, the Acting Chairperson of the ADP refused to hear the resident's objection.

The bamboo hedge was addressed in the applicant's letter choosing to have his representative appear before the ADP. The letter from the Neighbours (the Ho Yees) was received during the abbreviated appeal period as an objection and was circulated to all panellists. The objection was noted on the accepted agenda and neighbours were invited to attend the ADP meeting of June 2, 2009 to defend their property interests under the OCP rules.

Randall Kovacs advised that the objectors at the meeting in question were speaking about bamboo which did not pertain to the development permit amendment under review.

Margaret Stuart responded that she would like to see the bamboo issue resolved.

Steve Butt stated that in the case of an amendment to a development permit, objections must relate to the amendment. It cannot reopen all aspects of the original development permit. It would be disruptive to have people stating objections to other issues pertaining to the development.

Doug Carnahan expressed displeasure that Margaret Stuart (ADP Area B Rep) was not permitted to sit on the panel for review and discussion of a development permit in Area B. Doug stated that Margaret (Stuart) represents the taxpayers and the Manager needs to give more flexibility to elected members of the ADP.

Dave Forsyth stated that the neighbourhood panellists are fairly dissatisfied with the process. We represent tax payers. It does not say one person one vote. There must be consensus around the table. The CAC was formed to get taxpayer representation and the ADP takes away from taxpayer representation. The system is broken and we are not resolving anything around the table. We feel we are losing neighbourhood and taxpayer input.

Al Tanzer talked about the history of ADPs. In the past, applications would go to city hall and be processed by one person. It was decided the process should be more objective and open, and so ADPs were created. In most cities, the architectural and landscape architectural disciplines provide critical contributions. The applicant receives a critique.

Nancy Stern reminded those present that applications must be reviewed against the existing bylaws. Over the last few years, the ADP has tried to balance this while respecting the neighbours' wishes as well as considering the bylaws and technical controls in place. It is hoped that the bylaw review will resolve the issues raised today.

5.2 Terms of Reference

Presentation of the draft UEL ADP Terms of Reference was postponed to a later meeting.

6.0 Wrap Up

The Chair requested comments from guests.

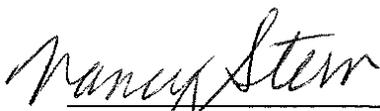
Sailen Black, Architectural Institute of BC, ADP Committee, advised that he was here as an observer. Generally, the AIBC nominates architects so they may offer advice on the design proposed in relation to the relevant bylaws, etc. Normally, there is no role for community input at ADP meetings and the UEL is unique in this manner. The role of ADP's across British Columbia is to consider the existing rules, quality of design and whether the development meets the intended purpose.

In other jurisdictions, the ADP does not field neighbourhood concerns expressed and technical questions of interpretation very rarely come up. Community concerns would be addressed by the manager or by council. AIBC views that the role of the ADP is only to review the design on the site while considering existing rules, quality of design and whether the development meets the intended purpose. The AIBC also suggests that no one, aside from the applicant, the architect, the applicant's consultant or municipal staff be given permission to make a presentation except under special circumstances agreed to by the applicant and municipal staff. There has been a very conscious intent to parcel off community comment.

On behalf of the Community Advisory Council, **John O'Donnell** thanked all Advisory Design Panel members for their service.

Margaret Eckenfelder stated that, despite the uniqueness of the UEL ADP and the occasional heated debate, our ADP has generally worked. Overall, advice to the Manager has been good and balanced.

7.0 The meeting adjourned at 5:40 pm.



Nancy Stern, Chair
Advisory Design Panel

**Email from Margaret Stuart
(as Referenced in Section 8.3 of the Minutes of February 2, 2010)**

Mon, Dec 7, 2009 8:49 PM

Subject: Draft minutes
Date: Monday, December 7, 2009 8:43 PM
From: Channelcorp <channel@intergate.bc.ca>

Conversation: Draft minutes

Nancy

Regarding the published draft of ADP minutes of 6 October 2009 I respectfully request three corrections.

top of page three

Marg Stuart asked why there were 7 professional members on the ADP and why this included landscape architects representing the same number of votes as resident panelists(2) on every application this year. In the 2 June 2009 ADP meeting minutes Steve Butt stated that "there is no requirement for a permit for landscaping".

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Marg Stuart said that she would welcome the opportunity to speak to the CAC regarding the CAC bylaw structure as it relates to the imbalance of non-resident and resident ADP panelists and their relative voting influence, structure of quorum, and non-resident's rights to executive positions. As it stands applicants in recent meetings have unlimited time to speak. Objectors are very limited in time and concerns regarding a specific permit development project. (see attached Stenning letter-UEL letter.jpg)

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Second note from top, right after Randall Kovacs "what the neighbors have to say".

Marg Stuart objected to residents not being permitted to speak in regard to an amendment to a development permit at a 2 June 2009 ADP meeting. The example cited was in regard to a view obliterating (OCP),invasive bamboo hedge. In direct contravention of the ADP process the acting chairperson of the ADP refused to hear the resident's objection.

The bamboo hedge was addressed in the applicant's letter choosing to have his representative appear before the ADP. The letter from the Neighbors (the Ho Yees) was received during the abbreviated appeal period as an objection and was circulated to all panelists. The objection was noted on the accepted agenda and neighbors were invited to attend the ADP 2 June 2009 meeting to defend their property interests under the OCP rules.(Area B- view preservation)

In the interest of accuracy I request that you make the changes outlined in this memo prior to the adoption of the October 6 minutes.