



**University Endowment Lands  
ADVISORY DESIGN PANEL MEETING  
Tuesday, October 15, 2013**

A Meeting of the University Endowment Lands (UEL) Advisory Design Panel (ADP) was held on Tuesday, October 15, 2013, at 4:00 pm in the Public Works Lunchroom, located at 5495 Chancellor Boulevard, Vancouver, BC.

**Professional Members Present:**

Allan Diamond, Architect  
John Keen, Architect  
Damon Oriente, Landscape Architect, Chair  
Roberto Pacheco, Architect

**Area Neighbourhood Panellists Present:**

Dave Forsyth, Area A  
Jaymie Ho, Area B  
Michael Karton, Area B  
Maciek Kon, Area C  
Jagdish Naraina, Area D  
Stuart Smith, Area D

**UEL Staff Present:**

Marie Engelbert, Manager  
Trisha Kaplan, Planning Consultant  
Pat Kereiff, Office Administrator

**Also Present:**

Brad McTavish, Grout McTavish Architects  
Kevin Unger, Vice President, Finance & Administration, Regent College

**1.0 Call to Order**

Damon Oriente, Chair, called the meeting to order at 4:05 pm.

**2.0 Introduction of ADP Members and UEL Staff**

ADP panel members and UEL staff were introduced.

**3.0 Adoption of the Agenda**

Moved, Seconded and Carried

That the agenda for the Advisory Design Panel meeting of October 15, 2013 be adopted as presented.

**4.0 Adoption of the Minutes**

Moved, Seconded and Carried

That minutes of the Advisory Design Panel meeting held June 11, 2013 be approved as presented.

**5.0 Regent College Rezoning Application (Area D) – Referral for ADP Comment**

**5.1 Overview by UEL Administration**

Grout McTavish Architects has applied to the UEL on behalf of Regent College, for an amendment to the *Land Use, Building and Community Administration Bylaw* to rezone from Institutional and Public Use District to a newly created Institutional and Public Use District (I-A). The application would also

require an amendment to the *Official Community Plan (OCP)* in order to extend the existing designated commercial area at the UEL Village to include Regent College.

The application proposes a change in zoning to increase the allowable height from four storeys to six storeys, and to include non-market residential housing for students and faculty as an allowable use. If successful in the rezoning application, the detail of the proposals would be established through a future development permit application process. The existing building would remain and the new development would be built on the existing parking lot. Parking would be located underground. The applicant has not requested additional density and the allowable floor space would remain unchanged. Site access is proposed to be from Western Parkway.

The Zoning Amendment Submission provided by the applicant is available for review. The application has been reviewed by the UEL Administration with technical planning, civil engineering and traffic review undertaken through the UEL's retained consultants. The technical review memorandum, which includes draft proposed zoning for the site is also available for review. Schedule 11, Application Procedures, of the UEL Land Use, Zoning and Community Administration bylaw states that, "Before deciding to approve or reject the application, the Minister will refer the application to the Advisory Design Panel and the Community Advisory Council for comments.

Marie Engelbert explained that this application is now before the ADP for the second time and, at this point in the process, formal comment in the form of a resolution regarding the rezoning application is required from the ADP. (The initial informal discussion was held on May 21, 2013.) This resolution will be directed to the Minister of Community, Sport and Cultural Development (the Minister) as she considers the application. Panel members wishing to state specific comments should provide such in writing by email.

The rezoning process will require creation of a new zone in the Land Use, Building and Community Administration Bylaw. Marie reviewed the proposed wording with members of the ADP including: outright approval uses; conditional uses; site area; building height; front, side and rear setbacks and setback exceptions; accessory buildings; floor space ratio, noting that there is no change to allowable density; street parking and loading spaces; garbage and recycling; signage; stormwater requirements; and, open space requirements.

Marie advised that the Bylaw wording has been drafted to be site specific. All other Institutional zoning will remain as is. If another applicant wishes a change of zoning, they would have to go through the same rezoning process as Regent College has.

An amendment to the OCP would accompany the Bylaw amendment to introduce the new zone. The amendment to the OCP would align the new zone with the OCP, specifically by including the site in the Village area, where commercial development is permitted.

Marie noted that a development permit application is required for conditional use for retail and the application must be referred to the ADP for comment prior to approval. Issuance of a building permit would follow the development permit process. This process must be undertaken by each new owner/occupant of the property.

Al Diamond left the meeting at 4:27 pm and returned at 4:39 pm.

Michael Karton left the meeting at 4:46 pm and returned at 4:49 pm.

5.2 Opportunity for Applicant Comment

Marie advised that the applicant had provided a detailed presentation at the ADP meeting held May 21, 2013. If the ADP does not require such, the applicant will not make a full presentation again.

5.3 Questions from Panel

(Note: "Q" – Question by ADP Member, "A" – Answer, "C" – Comment by ADP Member)

Q. Has UBC expressed any concerns about this project?

A. The east/west connector was the main interest stated by UBC, as this is important for pedestrian flows in the area.

Q. With the proposed zoning, does the density prevent the applicant from further developing the front of the property?

A. Yes. Also a covenant protects the open accessible space in the front.

Michael Karton read aloud a document he had prepared regarding "Dissent re application of Regent College". This document is attached to these minutes as Appendix A.

Q. Please provide some perspective in terms of development permit processes and clarification of the role of the ADP in this application process?

A. Although, from a community perspective, it may seem that there is significant development in the UEL, we are seeing very little development, compared to the wider context. The OCP and Bylaw are living documents and it is legitimate for the CAC and ADP to provide comment on these proposed amendments. From an administrative perspective, this is a very site specific application.

Section 8 of the UEL Land Use, Building and Community Administration Bylaw states, "*Before adopting or amending a bylaw that pertains to any portion of University Hill, the Minister will refer the proposed bylaw or amendment to the Directors of the Community Advisory Council (Amended by MO 2008005, effective February 1, 2008) and to the Advisory Design Panel (Amended by MO 2008005, effective February 1, 2008).*"

This rezoning process does not require a public meeting; however, the Minister has elected to hold one. The rezoning process also includes feedback from the CAC and ADP.

A. Other than the change to the OCP made recently to include a development approval information area and the *Musqueam Reconciliation, Settlement and Benefits Agreement Implementation Act in 2008*, the OCP has not seen a policy change since adoption in 2005..

Q. What is the basis for the OCP change – community consultation is needed.

A. The community has been provided three public meeting opportunities at different stages in the process, and an opportunity to submit written comments.

Q. Does the application provide low cost housing?

A. The proposed housing is for families coming to the college who cannot find affordable housing in the area. Rental accommodations are for students only.

C. The UEL is a small municipality and cannot revisit their OCP every 4 to 5 years. You want to be making amendments as you carry forward then, in 10 years, try to amend OCP. To try to amend the OCP every 4 to 5 years will commit most of staff's available time to updating the OCP. The OCP is a document in flux. At a point in time, when there's been a lot of movement, the OCP will be opened up for a review.

A. On rezoning applications, the resolution from the ADP goes to the Minister for consideration in the decision-making process.

Q. Need to separate this project and make a decision from a contextual point of view and separate from the general OCP review. As a community, do we want to see changes in Area D?

- C. As an ADP neighbour panellist, I see this decision as part of my mandate. As I attended the public meeting, I feel I can make comment.
- A. As the applicant, I am feeling frustration. Three public meetings have been held and the majority of the comments/concerns have been; no fast food retailer, not permitting retailers to remain open until 2:00 am and location of the sidewalk. We are being bundled into a bigger battle. There is an existing OCP. OCPs are often revised. It would have been nice to have known these comments 1-1/2 years ago. To be penalized now is punitive.
- C. Acoustic separation will be ensured at the development permit process. The Fraternity no longer has objections.
- C. Main floor minimum height is 14'. The new zone might require a minimum height for ground floor commercial. Green areas of the proposal were pointed out to ADP panellists.
- Q. If access is moved to Western Parkway, a street light is needed at Western Parkway. We need a solution. A change in parking on Western Parkway, where it narrows, may also be needed.
- A. Due to existing safety concerns, access will move from Wesbrook Mall to Western Parkway. Traffic consultants were recommending that the UEL consider this change prior to the Regent College development. UEL administration is considering options to improve this intersection. Access from Regent is not a significant factor in this.

#### 5.4 Panel Deliberations and Resolution

As outlined in Section 5.3, ADP members reviewed information provided by the applicant, the applicant's representative and UEL staff.

ADP members discussed the option of two motions: one motion regarding the rezoning and bylaw amendments proposed for consideration by all panellists; and, a second motion recommending a study and revision of the UEL OCP for consideration by neighbourhood panellists only. Discussion on these motions ended prior to a full vote.

#### RECOMMENDATION:

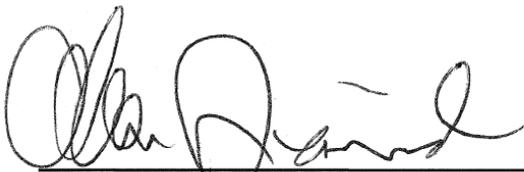
Moved, Seconded and Carried.

The Advisory Design Panel supports the proposed rezoning for the Regent College building, and the bylaw amendments, as presented.

Opposed: Michael Karton  
Maciek Kon

ADP panellists wishing to individually submit comments to the Minister may do so by forwarding an email outlining their comments to the UEL Manager.

#### 6.0 The meeting adjourned at 4:55 pm.



Damon Oriente, Chair,  
Advisory Design Panel

*Damon Oriente*



Roberto Pacheco, Secretary, Vice chair,  
Advisory Design Panel

*Roberto Pacheco*

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October, 2013

Michael Karton, member of the CAC and ADP, area B

Dissent re application of Regent College

With respect, I must dissent from the conclusion of the ADP. Because of the importance of this application, I have concluded that I must record in writing my reasons for dissenting.

The UEL is in a critical period of its development. Its population has doubled in recent years and is set to double again. Some years ago, the Provincial government passed an Official Community Plan (OCP), which is supposed to guide our development. Its most important aspect is zoning, and its most important function is to describe and to circumscribe the density and permitted uses of our lands, and thus the character of our little community.

The applicant, Regent College, seeks to develop an already developed lot on which the school sits. It seeks three variances from the current zoning: to build a six story building on a lot currently zoned for four stories, to construct 50-odd student dormitories with shared kitchens on a lot that does not permit such uses, and to construct retail space on a lot that does not permit any retail space.

For some time, the CAC and ADP have been effectively amending the OCP, application by application, one development at a time. I do not believe that we have the right or the power to do that, regardless of our personal views of the merits of any application. I agree that the proposed development is tasteful, functional, and of benefit to Regent College. That, however, does not entitle me, or the CAC, to disregard the OCP. Such power as we may have to recommend variances is limited to cases where the current zoning does not fulfil the spirit of the OCP, or where some exigent circumstance leads us to conclude that a proposed development will benefit our community in a way not considered by the OCP.

What are the grounds upon which Regent College seeks three variances? It seeks to build retail space in order to make the other variances—a taller building, dormitories,—financially viable. It seeks to build 50 dormitories for its (1,200 plus) students, and it seeks a taller building to house the students, teachers, and businesses. In other words, each of the variances it seeks is necessary to accommodate the other variances it seeks. These, to me, are not sufficient reasons to grant variances.

I am particularly concerned about three aspects of this application. First, Regent College submits that neighbouring buildings are already six stories high, and that is true. But how did the other six story buildings come to exist? They were granted variances or are part of UBC, which is not subject to UEL zoning. So we are now faced with an applicant that, with some justification, submits that since we have already granted variances to neighbouring lots, there is no good reason to deny it similar variances. I believe this is our last chance to escape a trap of our own making.

If this application were unique, I would not be so concerned. However, we currently have two applicants that will also be seeking variances: Block F, and the Lutheran church across the street from Regent College. If we grant Regent's application, how shall we deal with

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those applications? If we deny their applications, it will not be sufficient merely to say that we consider each application separately and do not set precedents in our decisions. It would be even more egregious for us to say that we granted Regent College variances because we approved of its design or the proposed uses for the building. And how do we deal with applications for variances by other neighbouring lots? And how do we reply to an accusation that we are acting capriciously, or worse? Such accusations have legal repercussions.

Second, the building is located at the corner of University Boulevard and Westbrook, a very heavily trafficked corner across the street from UBC. This is not an appropriate corner for a dormitory or stores intended for the patronage of UBC students and staff. As we have learned from the adjacent shopping area, even if zoning excludes fast food outlets, we cannot prevent such uses. J-walking/running cannot be stopped, and we will be enabling inevitable injuries to people "dashing" out for a bite. The same objection applies to such businesses as copy centres and grocery stores. I also do not believe that this intersection is suitable for gatherings of students after hours, and dormitories here will only encourage evening pedestrian traffic crossing the streets.

Third, thus far, the UEL has remained separate from UBC. Almost all the fraternities that lined the east side of Westbrook are gone. New dormitories outside UBC proper will reverse that trend. As I have just learned from the recent report, we already have "a significant student population within the UEL". We are inching towards becoming a college town.

Such significant issues must be considered in the context of revising the OCP, not in the context of a development permit.

