



**University Endowment Lands  
AGENDA for the  
ADVISORY DESIGN PANEL MEETING  
Tuesday, May 9, 2023**

***(NOTE: This meeting will begin at 4:00 pm.)***

A Microsoft Teams virtual meeting of the UEL Advisory Design Panel will be held on **Tuesday, May 9, 2023** at **4:00 p.m.**

**A G E N D A**

**1.0 Call to Order**

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

**3.0 Adoption of the Agenda**

**4.0 Adoption of the Minutes**

of the Advisory Design Panel Meeting of March 14, 2023.

**5.0 Development Permit Application #6/21  
5988 Newton Wynd – Area B**

Neighbourhood Panellists for **Area B** are requested to attend the meeting for this item.

A memorandum dated April 4, 2023 from Erik Ursel, Planning Technician is attached to this Agenda.

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

**5.2 Presentation by Applicant (10 minutes)**

**5.3 Questions from Panel to Applicant (10 minutes)**

**6.0 Meeting Closed to the Public (\*)**

***(Except for Applicant and/or Applicant's Representatives)***

**7.0 Panel Deliberations and Resolution  
Development Permit Application #6/21  
5988 Newton Wynd – Area B**

**8.0 Introduction of Draft Revised ADP Terms of Reference**

**9.0 Meeting Adjournment**

**\* Note:**

Meeting Closed to the Public *(Except for Applicant and/or Applicant's Representatives)*

At this point the ADP meeting is closed to the public, with the exception of the Applicant and/or the Applicant's Representatives. ADP neighbourhood panellists who are attending the meeting as observers are welcome to stay; however, are reminded that in accordance with Section 4.1(b) of the UEL Official

Community Plan they are not permitted to participate in the deliberations pertaining to matters under review today.



**University Endowment Lands  
MINUTES OF THE  
ADVISORY DESIGN PANEL MEETING  
Tuesday, March 14, 2023**

A meeting of the UEL Advisory Design Panel was held on **Tuesday, March 14, 2023, at 4:00 p.m.** and was hosted virtually via Microsoft Teams from the UEL Administration Office at 5495 Chancellor Boulevard, Vancouver, BC.

**Professional Members Present:**

Marc Winer, Engineer – Chair  
Pera Hardy, Architect – Vice-Chair  
Shora Parvaresh, Architect – Secretary  
Keith Ross, Landscape Architect

**Area Neighbourhood Panelists Present:**

Katerina Wong, Area A  
Vanessa Young, Area A  
Claire Huxtable, Area D

**Staff Present:**

William Emo, UEL Manager  
Kamelli Mark, Deputy Manager Development Services  
Erik Ursel, Planning Technician  
Lane Cowling, Municipal Clerk

**1.0 Call to Order**

The meeting was called to order at 4:04 pm by Marc Winer.

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

**3.0 Adoption of the Agenda**

It was Moved by Marc Winer, and Seconded by Shora Parvaresh:  
That the Agenda, as presented, be adopted.

**CARRIED**

**4.0 Adoption of the Minutes**

It was Moved and Seconded, by Pera Hardy and Shora Parvaresh:  
That the Advisory Design Panel meeting minutes of the Advisory Design Panel Meeting of January 10, 2023, and Feb 14, 2023 as presented, be adopted.

**CARRIED**

**5.0 Proposed Updates to ADP Terms of Reference**

4:07 pm

The current ADP Terms of Reference were provided to the Panel by the Chair in advance of the meeting and are attached as Appendix 1. Staff sought the Panel's level of interest in potential housekeeping updates to the ADP Terms of Reference ('TOR') including:

- Alignment of the TOR with recent updates to Section 4.1(b) of the *Official Community Plan*
- Consideration of adding a provision to allow for adoption of meeting minutes electronically (e.g., via email) in certain circumstances (e.g., no other agenda items for consideration)

- Updated references to the current CAC Bylaw

It was Moved and Seconded, by Marc Winer and Keith Ross:

That Staff develop a proposal to undertake housekeeping updates for the ADP Terms of Reference to be presented to the Panel for consideration.

**CARRIED**

**6.0 Discussion Item Raised by Area D Neighbourhood Panelist: Operational Carbon Standards**

4:14 pm

In summary, the panel discussed:

- Upcoming changes to the BC Building Code regarding operational carbon pollution standards and potential for early adoption as done in the past in the UEL with the BC Energy Step Code
- Current related in-house research by UEL staff
- Consideration of opportunities and challenges in pursuing early adoption of operational carbon pollution standards with a focus on housing affordability
- Clarification regarding the distinct roles of the ADP and CAC as separate groups

**RECOMMENDATION**

5:02 pm

It was Moved by Marc Winer, and Seconded by Vanessa Young:

That the panel supports that staff look at best practices and considerations at what others are doing in the industry regarding the carbon pollution standard, and to present that information to the panel for consideration and discussion with a lens on housing affordability, GHG reduction and energy performance.

**All in favour**

**CARRIED**

**12. Meeting Adjournment**

It was Moved by Marc Winer, and Seconded by Claire Huxtable:

That the meeting was adjourned, and panelists left the meeting at 5:03 p.m.

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**Marc Winer, Chair**  
**Advisory Design Panel**

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**Shora Parvaresh, Secretary**  
**Advisory Design Panel**



**TO:** Advisory Design Panel

**FROM:** Erik Ursel, Planning Technician

**DATE:** April 4, 2023      **MEETING DATE:** April 11, 2023

**SUBJECT:** **Development Permit Application #6/21**  
**5988 Newton Wynd, Vancouver BC V6L 1B1 – Area B**  
**Lot 12, Block 86, DL 140, Plan 6034**

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A Development Permit (DP) application was received on July 27, 2021, from Jiang Zhu on behalf of owner Meng Zhao to build a new two-storey single family dwelling and two (2) detached garages at 5988 Newton Wynd. See Attachment A for maps.

The property is located in Area B and the building will have a total above grade floor area of 4,629.30 sq ft. The proposed development underwent a technical review and is in compliance with the SF-2 district requirements of the *Land Use, Building and Community Administration Bylaw* (the "Bylaw"). A Notice of Acceptance was presented to the applicant on October 25, 2022, before going through a Neighbourhood Notification period, which concluded on December 23, 2022. The applicant was advised that two (2) letters of objection were received, and copies of the letters were presented to the applicant along with options for the next step in the process.

The applicant has opted to refer the application to the Advisory Design Panel (ADP) for recommendations, and both letters of objection remain outstanding. The letters of objection are from upslope neighbouring properties: one (1) immediately south and one (1) immediately west of 5988 Newton Wynd. Both objections are related to the blocking of views to the north and can be found in Attachment B and Attachment C. The applicant submitted a letter to the UEL on March 3, 2023, in response to the letters of objection, which can be found in Attachment D.

Appendix 2 of the Bylaw, "Design Guidelines for University Hill Single Detached Dwellings" includes guidance around the consideration of views related to buildings, structures, and landscaping.



# MEMORANDUM

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This application is being referred to the ADP for a recommendation in accordance with Sections 7.12 (b) and 27.6 (6) of the Bylaw.

Thank you,

A handwritten signature in black ink, appearing to read "Erik Ursel".

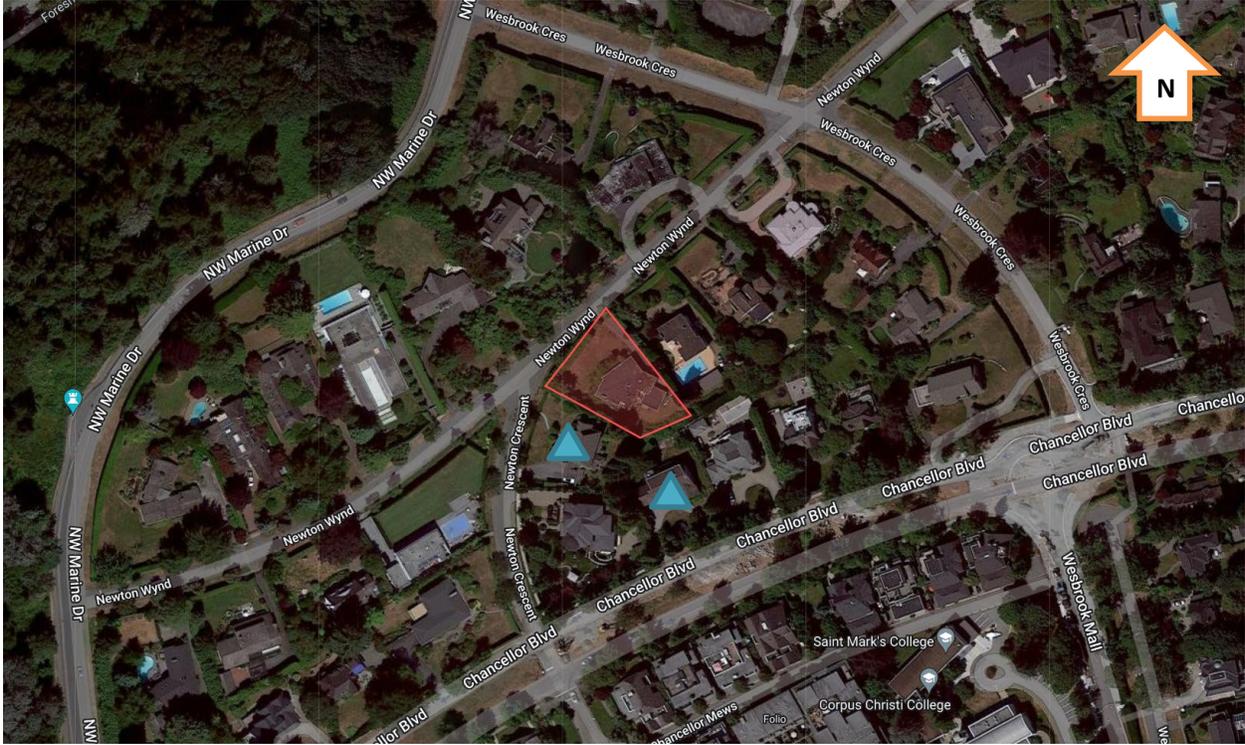
Erik Ursel

Attachments:

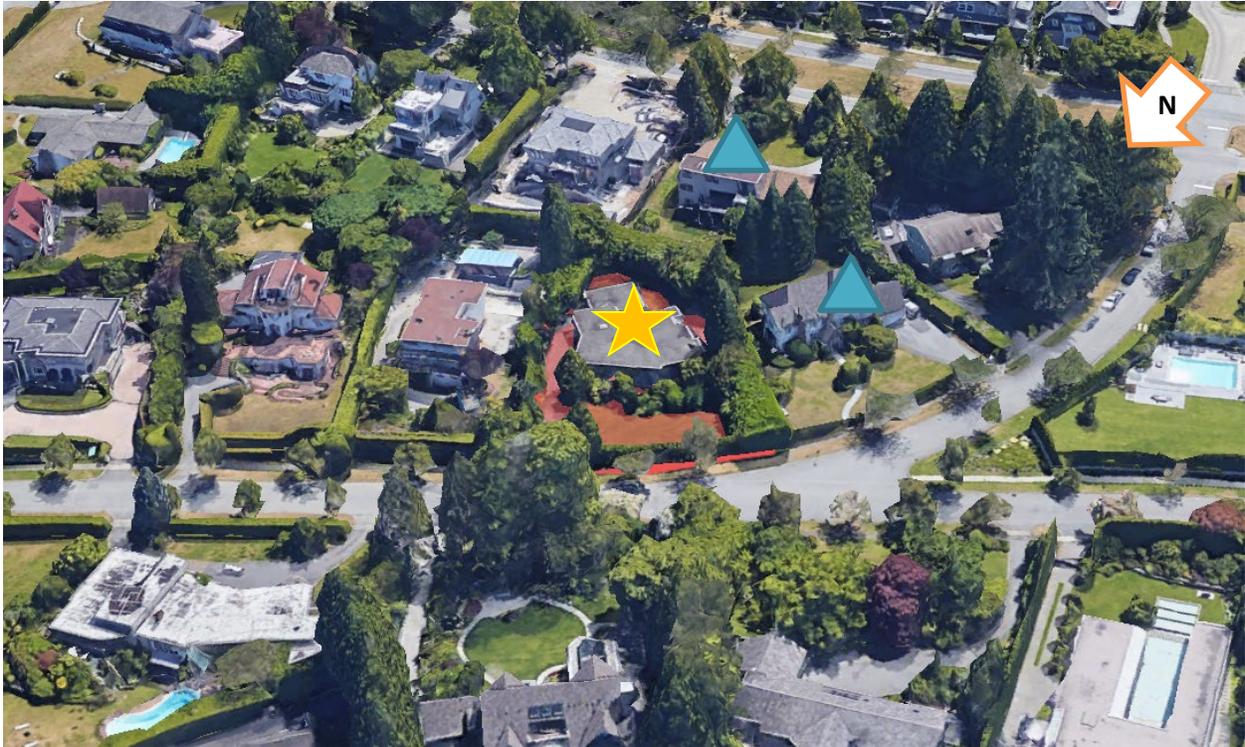
- A: Context Maps
- B: Letter of Objection (5495 Chancellor Blvd.)
- C: Letter of Objection (1530 Newton Wynd)
- D: Applicant response letter to objections

# ATTACHMENT A

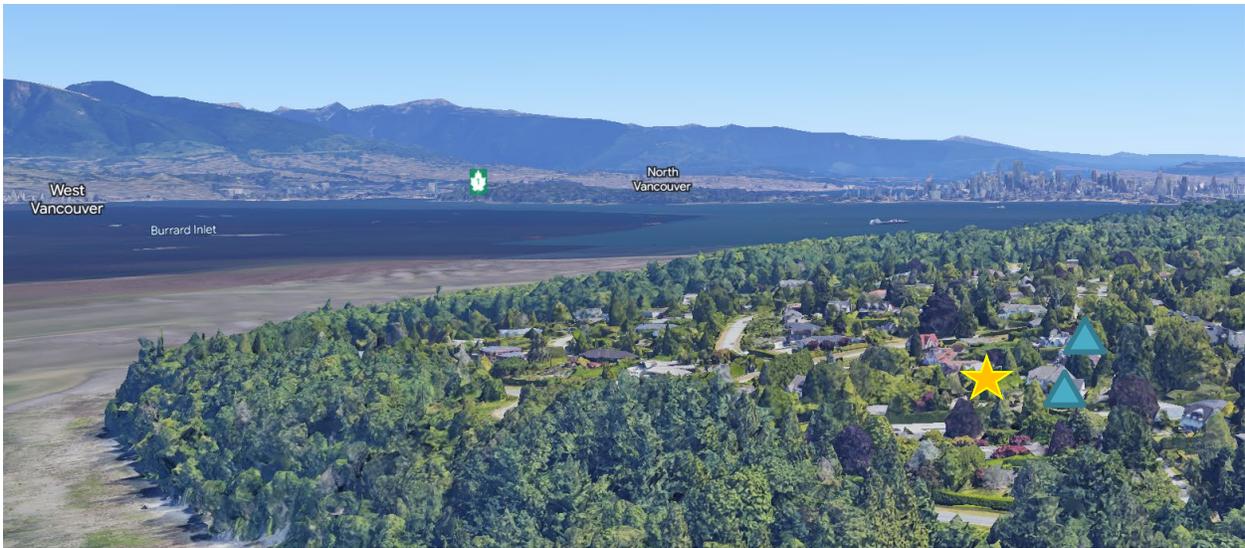
## Context Maps



**Figure 1:** 5988 Newton Wynd (red highlight) & properties upslope from proposed development who submitted a letter of objection (blue triangle)



**Figure 2:** 5988 Newton Wynd (red highlight & yellow starred) and properties upslope from proposed site who submitted a letter of objection (blue triangle).



**Figure 3:** Area B in UEL, sloping down to the north. 5988 Newton Wynd (starred) and properties upslope from proposed site who submitted a letter of objection (blue triangle).

**ATTACHMENT B**

November 24, 2022

Lin Chen  
5975 Chancellor Boulevard,  
Vancouver, BC V6T 1E6  
[chenlin978@yeah.net](mailto:chenlin978@yeah.net)  
(778) 858-0326

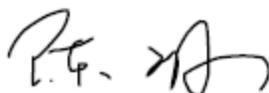
Manager  
University Endowment Lands  
5495 Chancellor Boulevard,  
Vancouver, BC V6T QE2

Dear Manager of UEL:

This is the owner of **5975 Chancellor Boulevard**. I have just received a notice from UEL collecting neighbour's comments on **Development Permit Application #2/21 (5988 Newton Wynd)**. And I proposed to raise an objection to the application for the following reasons: The building simulation set up by owner of 5988 has showed the new house's shape. If they expand their house in the way of what they are currently set up, our privilege of sea-view would be deprived. As shown in the photographs, the installation settled by our neighbor evidently overshadows the seascape. The sea view is our treasury; it brings us pleasure, and accompanied with our family time. One of the most significant reason that our family chose this house was that we were truly attracted by this nice view. Overall, with our greatest sincere, we hope that our neighbour could understand us and make a revision on their design.

Best Regards,

Lin Chen



## ATTACHEMENT C



(Ted) C.T. Yong  
1530 Newton Crescent  
Vancouver, B.C. V6T 1W7  
(604) 228-1661  
[ctyong1530@gmail.com](mailto:ctyong1530@gmail.com)  
December 7, 2022

Ms. Kamilli Mark  
Acting UEL Manager  
5495 Chancellor Boulevard  
Vancouver, B.C. V6T 1S2

Dear Ms. Mark:

Re: Development Permit Application #6/21  
5988 Newton Wynd, Vancouver, B.C. V6T 1H8  
Lot 12, Block 86, DL 140, Plan 6034

In response to your Planning Technician, Erik Ursel's letter of November 24, 2022 ( Ref 11/79 ) regarding the above subject and the attached UEL Policy document, we are compelled to express our deep concern and vehement objection to the said application.

We are the immediate neighbour south of the applicant's property. The mock-up erected shows that the proposed tall building as designed would obliterate our existing north and north east views of the water and mountains of the beautiful North Shore! Enclosed are two photos showing the obstruction of our views by the proposed building. The blockage of our views is definitely unacceptable in accordance with the UEL Design guidelines appended to the Bylaw.

The other consequential concern is the inevitable loss of privacy due to the proposed building. Our privacy would certainly be unduly compromised on all levels and our yards, due to the design and height of the proposed building.

Please consider the resulting detrimental, negative impact on the value of our property due to the loss of our views and privacy. Thank you very much for your consideration.

Yours sincerely,

(Ted) C.T. Yong



(Photo attached with letter of objection from 1530 Newton Wynd)



(Photo attached with letter of objection from 1530 Newton Wynd)

**ATTACHEMENT D**  
*(see next page)*

University Endowment Lands  
Administrative Office  
5495 Chancellor Blvd,  
Vancouver, BC V6T 1E2

March 3, 2023

Dear Sir/ Madam,

**Re: Development Permit Application #6/21, 5988 Newton Wynd, Vancouver, BC, V6T 1H7**

We received the notification from UEL on January 3, 2023, with two objection letters to the proposed sign family development at 5988 Newton Wynd. With all 3 provided options from UEL, the owner elected to take the option 2 to refer the application to Advisory Design Panel for recommendations.

**ISSUES**

Although the root reason for the objections is about views, the major concerns are as follows: highlighted comments:

1. The privilege of certain angles of the current views from neighboring properties was lost when the proposed development blocks certain angles of views from the neighboring sites.
2. The result of losing some of these views will create negative impacts to neighbors possibly mentally and financially.
3. The proposed design failed to meet the UEL Land Use bylaw requirements.
4. The privacy of the neighboring site was impacted by the proposed development

**DISCUSSIONS**

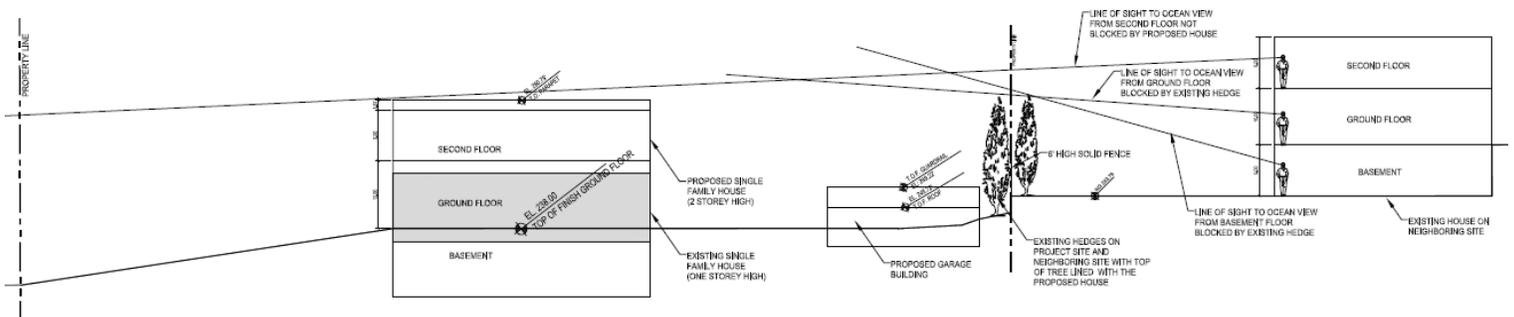
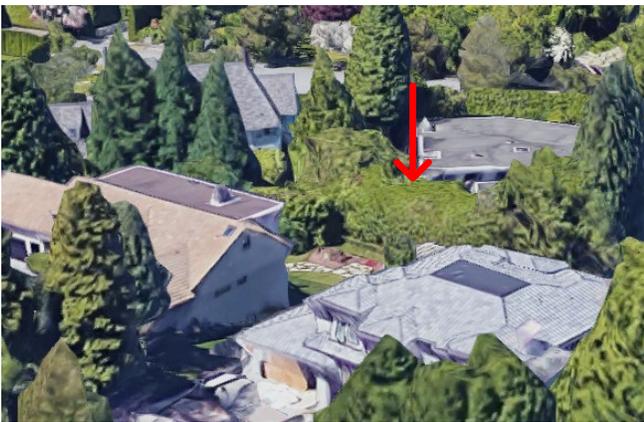
The owner and his consultant team analyzed these comments carefully and provided following responses to address these concerns:

1. *The privilege of certain angles of the current views from neighboring properties was lost when the proposed development blocks certain angles of views from the neighboring sites.*

**Response:** The owner's lawyer provided a legal opinion letter to clarify if a view from a neighboring site is a privilege and if it is a protected right by law. Please refer to the attached letter prepared by Remedios & Company Lawyers dated Feb 22, 2023 for more information. In the letter, the lawyer provided 6 sample cases in relative to disputes on views between developer and neighbors. All cases showed that the view is courtesy rather than a privilege protected by law. The protection of neighbor's current view should not be a reason for the owner to lose right of development on his property in compliance to the zoning bylaw regulations.

We also noticed that in order not to impact the neighbor's current view, the owner at project site would need to build a new construction with one storey height and same area as the existing old house. Any new development within the bylaw required setback, building footprint, floor area and building height would cause the neighbor losing certain views. Although the owner is willing to modify the design slightly to make the neighbor happy, the situation of having a one storey building with much small building footprint is not acceptable as deal breaker to the owner. Therefore, he wanted to present the design to the Advisory Design Panel seeking for advises.

Due to existing topographic condition, the concerning property on the south side of the project site is located on a plateau which is higher than the grading of the project site. There were heavy / high vegetation / hedges located along the rear property line. The existing site photos showed that clearly the heavy vegetation / tall hedges blocked views from the basement level and ground floor of the neighboring house on south side. (also see the line of sight analysis diagram for more information).



LINE OF SIGHT ANALYSIS DIAGRAM

Despite the concerns on trees and height if building on the project site, it was noted that multiple existing trees and houses on north side of the Newton Wynd are much taller and will likely block the ocean view from all storeys in the house on neighboring site on the south side anyway.



In conclusion, the proposed new development on the project site has minimum to none impact on existing house's view to the ocean to the north side.

- 2. The result of losing some of these views will create negative impacts to neighbors possibly mentally and financially.*

**Response:** As mentioned in the response to item 1, the view is a courtesy rather than a privilege or right protected by law. In contrast, every property owner has the right to develop his own property under the bylaw requirements. For historical reasons, the neighbors enjoyed certain views when the existing house on the project site is with one storey and small building footprint. That is the courtesy offered by the previous owner of the project site. However when the new owner spent big cost to purchase the property, his right of development under zoning bylaw should be protected. To be equal and fair, it is unreasonable to ask the project owner to suffer financial and mental lost to cancel the project or make it underutilized than what was allowed by the zoning bylaw.

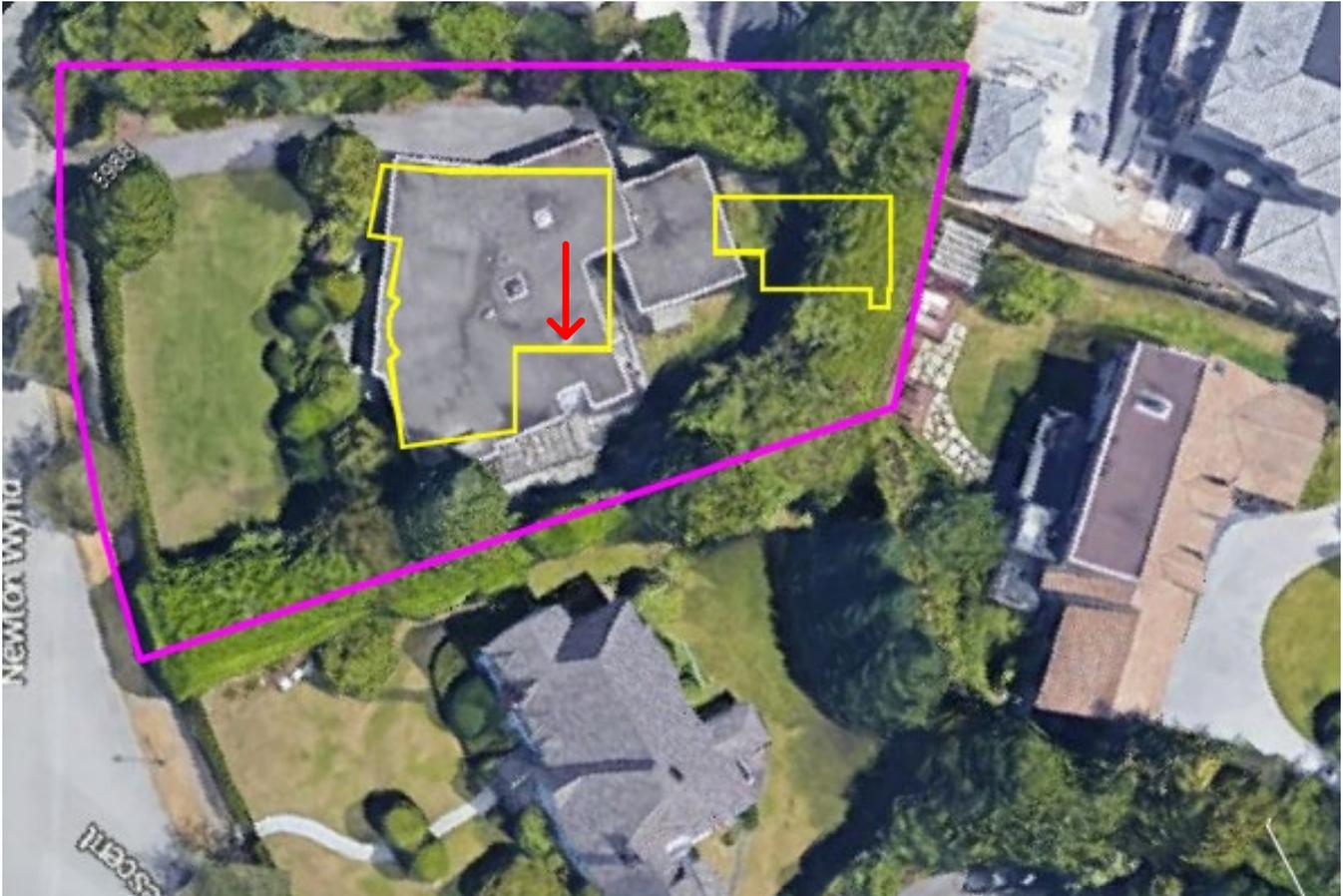
- 3. The proposed design failed to meet the UEL Land Use bylaw requirements.*

**Response:** The project team worked with ULE planning department extensively and closely to make the proposed design meet every single requirement in the ULE zoning bylaw. That includes the compliance with requirements on setback, building height, footprint, total floor area, projections etc. The owner received written confirmation from UEL previously indicating that the technical review of the design was completed successfully.

- 4. The privacy of the neighboring site was impacted by the proposed development*

**Response:** The building of the proposed design was located UEL defined development boundary in the rezoning bylaw with all setback requirements fully being met. The consultant has already put in efforts in the design process to eliminate overlooking and privacy concerns from the neighboring sites.

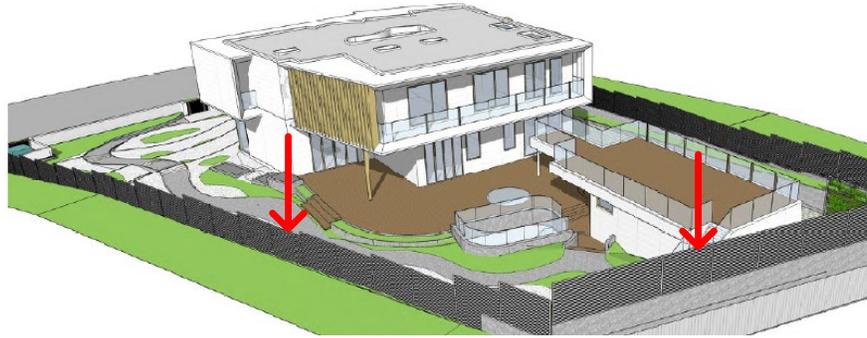
4.1 Pull the new building back from edge of existing building by providing bigger setbacks from neighboring sites.



4.2 Reducing amount and size of windows on side elevation of the second floor facing neighboring sites to eliminating concerns on overlooking. The owner is willing consider installation of frost films onto glazing of second floor windows facing the side yard to address concerns on overlooking.



4.3 Full height 6' high solid fences was proposed on side and rear property lines to block views from ground floor interior and enhance privacies.



4.4 As there were high hedges along the side (west) property line and rear (south) property line against two concerning properties, we propose to ask landscape architect to design and plant mature hedges to match the existing condition in response to neighbors' concerns on privacy.



## **CONCLUSION**

In conclusion, the owner and project team demonstrated careful considerations in the proposed design for adjacency issues in relationship to neighboring sites. We would like to present the proposed design to the ADP and seek for input and suggestions on how we can address the neighbors' concerns and move the project forward.

Regards,

**Owner**



**Meng Zhao**

5988 Newton Wynd

**Architect**



**Jiang Zhu**, Architect AIBC

Imperial Architecture Ltd.

Enclosed:

1. Letter from Remedios & Company Lawyers dated Feb 22, 2023
2. Letter from UEL dated Jan 3, 2023



**REMEDIOS & COMPANY**  
LAWYERS

1010 THE BURRARD BUILDING  
1030 WEST GEORGIA STREET  
VANCOUVER, BC  
CANADA V6E 2Y3

TEL: (604) 688-9337  
FAX: (604) 688-5590  
www.remediosandcompany.com

**Preliminary Opinion**

February 22, 2023

Advisory Design Panel

Dear Sirs/Mesdames:

**Re: Objections to the Residential Property Development Permit on the University Endowment Lands (“UEL”) with the civic address 5988 Newton Wynd, Vancouver, BC V6T 1H7 (the “Property”)**

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In support of the application to approve the development permit of the above Property, we will discuss the relevant law regarding an adjacent property owner’s right to a view or unobstructed view.

**Opinion**

*Galloway v Coldstream (District) Approving Officer*

- a. In *Galloway v Coldstream (District) Approving Officer*, 2007 BCSC 33, the petitioner’s application for a five-lot subdivision was rejected by the approving officer. The neighbours opposed the development permit for many reasons including the obstruction of their views of the Kalamalka Lake.
- b. The British Columbia Supreme Court (“BCSC”) held that although the approving office is entitled to consider the views of adjacent property owners, the private interests or opinions of adjacent property owners are not synonymous with the public interest. Furthermore, the BCSC held that “at law a property owner does not have the right to a view, in the absence of a statute, bylaw or agreement” (para 64).
- c. The BCSC was satisfied that the rejection of the subdivision was made on a misleading or totally inadequate factual basis, thus allowing the appeal and allowing a of grant preliminary approval of the subdivision.
- d. This case indicates that only a legislation, bylaw, or legal agreement can create the right to a view. However, the *University Endowment Land Act* and *UEL Land Use, Building, and Community Administration Bylaw* do not provide such a right and neither are there any agreements that exist that provides as such.

### *Chan v Strata Plan VR-151*

- e. In *Chan v Strata Plan VR-151*, 2010 BCSC 1725, the BCSC held that “a property owner is not bound at common law to preserve a neighbour’s view” and referenced the case of *Honigman v Clements*, [1980] BCJ No 187 (BCSC). In the referenced case, the Court held that:
  - i. “In my opinion there is no easement for view recognizable at law and as of this stage of the development of the law of nuisance the Courts have not recognized any right of action based on interference with a view.”
- f. This case confirms that there is no common law right to a view nor can adjacent landowners claim nuisance for obstruction of a view.

### *Strachan v Sterling*

- a. In *Strachan v Sterling*, 2004 BCPC 203, the British Columbia Provincial Court held that “in Canada, the law seems settled that there is no action in nuisance for loss of view.” Furthermore, the Court referenced *St. Pierre v Ontario (Minister of Transportation & Communications)*, [1987] 1 SCR 906 (SCC), where the Supreme Court of Canada dismissed a nuisance claim for interference with the general enjoyment of the land and the loss of aesthetic view.
- b. This case confirms there is no legal claim for adjacent landowners to claim nuisance for obstruction of a view.

### *Olenczuk v Mooney*

- c. In *Olenczuk v Mooney*, 2014 BCSC 825, the BCSC dealt with a case involving an application to cancel a restrictive covenant which is meant to preserve and protect a property’s privacy and view. Since the purpose of the restrictive covenant was still valid, the BCSC dismissed the application.
- d. However, we have conducted a title search on the Property and noted that there are no restrictive covenants on the property that deal with privacy or view.

### *Cole v Paterson*

- e. In *Cole v Paterson*, 2019 BCSC 45, there is a restrictive covenant protecting a lot’s view and privacy. The owners of this property purchased this lot and not another lot because of the value of this restrictive covenant. The petitioner is applying under section 35(2) of the *Property Law Act*, RSBC 1996, c 377, for an order cancelling this restrictive covenant for ambiguity.
- f. The restrictive covenant included the following clause:
  - i. “That the Grantor shall not erect or construct any buildings or other structure nor allow the growth of any trees which would obstruct the view from Lot 6 on any part of the said Lot 5 other than the area outlined in heavy black ink on the attached plan.”

- g. The Court found the above clauses to be ambiguous and thus, unenforceable and cancelled the restrictive covenant. This case shows that even if there was a restrictive covenant on the adjacent owners properties, they can be held as unenforceable or cancelled for ambiguity.

*Hemani v British Pacific Properties Ltd.*

- h. In *Hemani v British Pacific Properties Ltd.*, 1992 CarswellBC 221, the plaintiff's view was obstructed when an adjacent land owner constructed a large dwelling house. There is a restrictive covenant on these properties where construction cannot begin unless and until their proposals, plans and specifications were submitted to British Pacific Properties Ltd. ("BPP") for approval.
- i. Despite receiving approval, the plaintiff is bringing an action against BPP for approving the construction. The BCSC held that the defendant cannot unreasonably approve nor unreasonably reject plans. The BPP must consider both the interest of the lot owner submitting the plan and lot owners affected by the construction.
- j. An approval officer's decision made in bad faith, with intention of discriminating, or on a misleading or totally inadequate factual basis would constitute excess or abuse of power and thus, warrant a decision being set aside.
- k. The BCSC found that the view of the plaintiff could only be preserved at the expense or to the disadvantage of the owner of the lot who may wish to build or extend a house. The BCSC held that the approving officer's decision was correct and dismissed the action.
- l. This case shows that the approving officer, or manager in our matter, must consider the rights of both the applicant of the developmental permit and adjacent landowners. However, this case also suggests that protection of a view may not be sufficient to prevent an application from constructing their building design.

**E. Conclusion**

Based on my review of the case law, it is unlikely courts will find that the neighbours have a legal right to a view in the UEL district B SF-1.

If you have any questions or concerns, please do not hesitate to contact us.

Yours truly,

**REMEDIOS & COMPANY**

Per: 

Tony Mo



Ref 12/86

January 3, 2023

Jiang Zhu  
7705 French Street,  
Vancouver, BC, V6P 4V5

**Re: Development Permit Application #6/21  
5988 Newton Wynd, Vancouver, BC, V6T 1H7  
Lot 12 Block 86 DL 140 Plan 6034**

In reference to the above application, the neighbourhood notification period closed on December 23, 2022. Please be advised that two (2) letters of objection were received and are attached for your reference.

According to the *Land Use, Building and Community Administration Bylaw ("the Bylaw")*, having received a letter of objection, the UEL Manager is unable to approve your application for a Development Permit at this time. The following options are available to you and your client:

1. Request that the Manager convene a meeting between yourself and the persons who have submitted the letters of objection in accordance with Section 27.6 (5) of the Bylaw. Please be advised that an amendment to the plans may subject the application to a second neighbourhood notification period and does not guarantee there will be no subsequent objections.
2. Refer your application and background material to the Advisory Design Panel in accordance with Section 27.6 (6) and (7) of the Bylaw. The Panel shall provide a recommendation to the Manager who will render a decision to approve or reject the application.
3. Withdraw your current Development Permit application, redesign the proposed structure and reapply for a new development permit.

Please notify the UEL Manager in writing as to how you would like to proceed with your application.

Should you have any questions regarding the above please contact me.



Erik Ursel  
Planning Technician  
[erik.ursel@gov.bc.ca](mailto:erik.ursel@gov.bc.ca)  
P: 778.572.4901

Attachments:

- A: Letter of Objection from 5975 Chancellor Boulevard
- B: Letter of Objection from 1530 Newton Crescent

November 24, 2022

Lin Chen  
5975 Chancellor Boulevard,  
Vancouver, BC V6T 1E6  
[chenlin978@yeah.net](mailto:chenlin978@yeah.net)  
(778) 858-0326

Manager  
University Endowment Lands  
5495 Chancellor Boulevard,  
Vancouver, BC V6T QE2

Dear Manager of UEL:

This is the owner of **5975 Chancellor Boulevard**. I have just received a notice from UEL collecting neighbour's comments on **Development Permit Application #2/21 (5988 Newton Wynd)**. And I proposed to raise an objection to the application for the following reasons: The building simulation set up by owner of 5988 has showed the new house's shape. If they expand their house in the way of what they are currently set up, our privilege of sea-view would be deprived. As shown in the photographs, the installation settled by our neighbor evidently overshadows the seascape. The sea view is our treasury; it brings us pleasure, and accompanied with our family time. One of the most significant reason that our family chose this house was that we were truly attracted by this nice view. Overall, with our greatest sincere, we hope that our neighbour could understand us and make a revision on their design.

Best Regards,

Lin Chen





(Ted) C.T. Yong  
1530 Newton Crescent  
Vancouver, B.C. V6T 1W7  
(604) 228-1661  
[ctyong1530@gmail.com](mailto:ctyong1530@gmail.com)  
December 7, 2022

Ms. Kamilli Mark  
Acting UEL Manager  
5495 Chancellor Boulevard  
Vancouver, B.C. V6T 1S2

Dear Ms. Mark:

Re: Development Permit Application #6/21  
5988 Newton Wynd, Vancouver, B.C. V6T 1H8  
Lot 12, Block 86, DL 140, Plan 6034

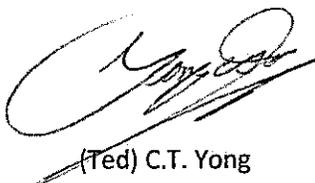
In response to your Planning Technician, Erik Ursel's letter of November 24, 2022 ( Ref 11/79 ) regarding the above subject and the attached UEL Policy document, we are compelled to express our deep concern and vehement objection to the said application.

We are the immediate neighbour south of the applicant's property. The mock-up erected shows that the proposed tall building as designed would obliterate our existing north and north east views of the water and mountains of the beautiful North Shore! Enclosed are two photos showing the obstruction of our views by the proposed building. The blockage of our views is definitely unacceptable in accordance with the UEL Design guidelines appended to the Bylaw.

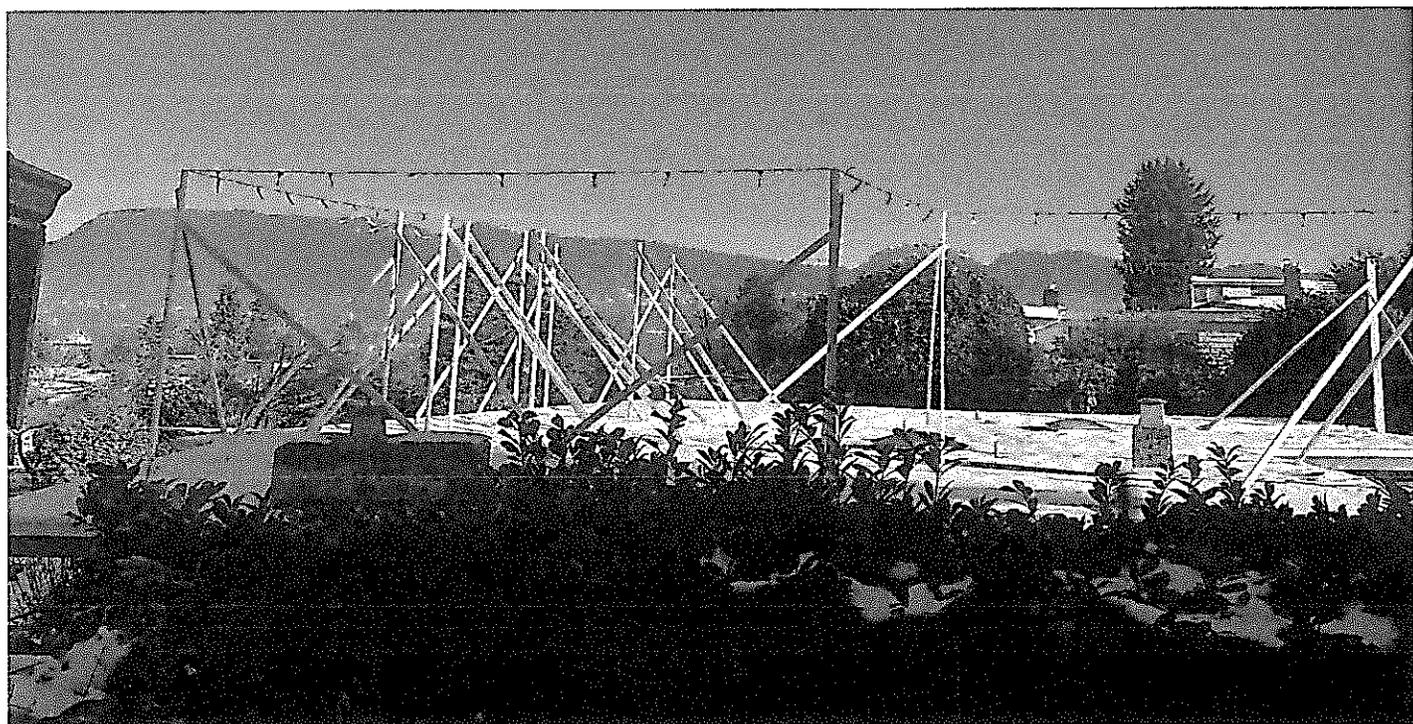
The other consequential concern is the inevitable loss of privacy due to the proposed building. Our privacy would certainly be unduly compromised on all levels and our yards, due to the design and height of the proposed building.

Please consider the resulting detrimental, negative impact on the value of our property due to the loss of our views and privacy. Thank you very much for your consideration.

Yours sincerely,



(Ted) C.T. Yong





## University Endowment Lands ADVISORY DESIGN PANEL

### TERMS OF REFERENCE

The following are the Terms of Reference for the University Endowment Lands (“UEL”) Advisory Design Panel, herein referred to as the “Panel”.

#### 1.0 Function of the Panel

To provide design and technical advice on matters referred by the UEL Manager in accordance with Section 4.1(b) of the UEL Official Community Plan (“OCP”) with community members focused especially on the best interests of the neighbourhood and wider community, while architects, landscape architects and engineers serving on the Panel bring forward their professional expertise.

#### 2.0 Meetings

Shall be in accordance with Section 4.1(b) of the OCP and shall be conducted in accordance with the rules of procedure and conduct of meetings outlined in sections 10.0 and 11.0, below.

#### 3.0 Quorum

Shall be in accordance with Section 4.1(b) of the OCP.

#### 4.0 Composition of the Panel

Shall be in accordance with Section 4.1(b) of the OCP.

#### 5.0 Chair, Vice-Chair and Secretary

Shall be in accordance with Section 4.1(b) of the OCP.

#### 6.0 Remuneration

Service on the Panel is voluntary and shall be without compensation. Professional Panel members will be reimbursed for disbursements necessary for the business of the Panel that have been approved in advance by the UEL Manager in accordance with Section 4.1(b) of the OCP.

#### 7.0 Qualifications for Appointment

Shall be in accordance with Section 4.1(b) of the OCP.

#### 8.0 Ceasing to be a Panelist

Shall be in accordance with Section 4.1(b) of the OCP.

#### 9.0 Expulsion of Panelists

Shall be in accordance with Section 4.1(b) of the OCP.

#### 10.0 Rules of Procedure

##### 10.1 Regular Meetings

Shall be in accordance with Section 4.1(b) of the OCP. The Panel shall meet monthly, as required, on the second Tuesday of each month. Meetings shall be held either in the UEL Public Works meeting room, located at 5495 Chancellor Boulevard, or by

videoconference or teleconference (including over the Internet) so long as all persons participating can hear each other at the same time.

#### 10.2 Special Meetings

The Panel shall meet for a special meeting at the request of the UEL Manager within 10 business days of receiving notice from the UEL Manager of the request for such meeting.

#### 10.3 Notice to Members

Notice of a meeting, together with the Agenda and available staff reports for the meeting, shall be delivered to each member 5 to 10 calendar days prior to the meeting. Notices may be delivered by mail, courier, or electronically.

#### 10.4 Notice to Applicants

An applicant for an application that has been referred to the Panel shall be notified in writing of the date, time and location of the Panel meeting 5 to 8 days prior to the meeting at which the matter will be considered by the Panel. Notices may be delivered by mail, courier or electronically.

#### 10.5 Notice to the Public

- (a) The meeting agenda shall be delivered to those who have submitted written comments during the public review period specified for the application to be considered by the Panel at the meeting. This notice will be delivered by mail, courier, or electronically by the Wednesday prior to the meeting at which the matter will be considered by the Panel.
- (b) Best efforts will be made to post meeting agendas to the UEL website by the Friday prior to the meeting.

### 11.0 Conduct of Meeting

11.1 All participants involved in this panel are expected to adhere to a high standard of professional conduct throughout its duration, demonstrating ethical behavior, respect, and accountability towards one another and any interested parties involved.

11.2 The order of business shall be as set out in the Agenda generally as follows:

- (a) Call to Order
- (b) Confirm Quorum - Community members shall be counted in quorum only for proposals within their respective neighbourhood.
- (c) Introductions
- (d) Adoption of the Agenda
- (e) Adoption of the Minutes of the Previous Advisory Design Panel Meeting
- (f) Application Review
  - i. UEL staff introduce the application
  - ii. Applicant and/or applicant's representative(s) briefly presents the design concept and rationale
  - iii. The Panel and UEL staff may ask clarification questions
  - iv. Meeting closed to all persons other than the applicant and/or applicant's representative(s), Panel, and UEL staff
  - v. The Panel discusses and deliberates on the application
  - vi. The Panel prepares and votes on its recommendations to the UEL Manager
  - vii. Meeting opened up to all persons
- (g) Meeting Adjournment

Order of business can be changed by resolution of Panel members present.

- 11.3 Community members attending meetings for proposals not within their neighbourhood are welcome to observe but are not permitted to participate in the Application Review as outlined in Section 11.2(f), above.
- 11.4 All decisions of the Panel shall be made by resolution and by a majority vote of all members present. In the case of a tie vote, the resolution will be deemed to have been defeated. Dissenting views of any member will be formally recorded at the request of that member.
- 11.5 The members shall make known any involvement they may have in an application being reviewed by the Panel, or any other close relationship that might be deemed or appear to constitute a conflict of interest. The member shall withdraw from the meeting for that matter before the Panel.
- 11.6 Professional members of the Panel will be guided by their respective professional codes of conduct.
- 11.7 Any members of the Panel contacted by an applicant will refer the applicant to the UEL Administration.
- 11.8 For the whole time that the Panel is considering an application, the applicant for that application is entitled to attend and to be heard.
- (a) No persons other than the applicant and/or applicant's representative(s), or UEL staff, shall be given permission to make a presentation at the meeting, except under special circumstances agreed to by the applicant and the UEL Manager.
- (b) No persons other than the applicant and/or applicant's representative(s), Panel, or UEL staff, shall be present for the closed meeting deliberations.
- 11.9 Minutes shall be taken of all meetings of the Panel.

Minutes shall:

- (a) record those present
- (b) record a synopsis of:
- presentation(s) made by applicant(s)
  - questions by panelists
  - UEL staff comments
  - comments by panelists about the application
  - key points considered
  - Panel recommendations (by resolution), and comments to the UEL Manager
  - any dissenting views, per 11.4, above.
- (c) be reviewed and signed by the Chair and the Recording Secretary.
- (d) be distributed to members of the Panel prior to the next meeting of the Panel.
- (e) be subject to correction and proposed for adoption at the next meeting of the Panel or, at the discretion of the Chair, may be adopted via electronic transmission (e.g., email).
- (f) be distributed in the form of the relevant excerpt to each applicant.
- (g) be posted onto the UEL website following adoption.

12.0 Revisions to the Terms of Reference

Shall be in accordance with Section 4.1(b) of the OCP.