



The University of British Columbia
Board of Governors

Policy No.:

92

Approval Date:

October 2009

Responsible Executive:

Vice-President, Communications
and Community Partnership

Title:

Land Use and Permitting

Background & Purposes:

Under the *University Act*, the Board of Governors is vested with the power to: (a) manage, administer and control the property, revenue, business and affairs of the University, (b) make rules respecting the management, government and control of the University's real property, buildings and structures, (c) regulate, prohibit and impose requirements in relation to the use of real property, buildings, structures, and (d) generally make rules consistent with the powers conferred on the Board of Governors by the *University Act*.

With respect to the UBC Vancouver campus, the Minister has adopted a land use plan (the "**Land Use Plan**") pursuant to Part 10 of the Municipalities Enabling and Validating Act (No. 3) [SBC 2001] Ch. 44 ("**MEVA**"). For so long as the Land Use Plan is in effect, the Board of Governors must ensure that all:

- (a) agreements entered into by the University,
- (b) rules, resolutions or similar authorities issued or adopted by the Board of Governors,
- (c) permits, licences or similar authorities issued or adopted by the University under an authority referred to in paragraph (b), and
- (d) land development undertaken or authorized by the Board of Governors,

are not inconsistent with the Land Use Plan.

With respect to the UBC Okanagan campus, the University entered into a Memorandum of Understanding with the City of Kelowna, dated October 2004 (the "**UBC/Kelowna MOU**"), under the authority granted by the *University Act*. The UBC/Kelowna MOU provides:

"The City acknowledges UBC's mission, as articulated in its strategic plan entitled "Trek 2000"*, to be an outstanding Canadian University and to create a University community that supports students, faculty, staff and alumni in achieving its mission. The City further acknowledges that, in order to fulfill this mission, UBC will be required from time to time to develop the Campus."

(*Trek 2000 has since been superceded by Place and Promise: The UBC Plan.)

In accordance with MEVA and consistent with the UBC/Kelowna MOU, the University has developed and consistently improved its systems for land use regulation. For the UBC Vancouver campus, the Land Use Plan applies and seven Neighbourhood Plans have been developed. At UBC Okanagan, the University and the City of Kelowna have leveraged their respective experiences and expertise to develop an excellent collaborative working relationship on land use and planning issues.

Through its work on these plans and other initiatives, the University has come to be recognized as a leader in sustainability and both the City of Vancouver and the Province of British Columbia have independently proposed that the University's campuses function as a living laboratory for sustainability initiatives.

Building on these successes and consistent with the University's desire to continually improve transparency and accountability, the following Policy confirms: (a) the University's existing systems for land use regulation, (b) how the Board of Governors manages, administers and controls the University's property and makes rules respecting the management, government and control of the University's real property, buildings and structures, and (c) how the University will continue to work with local governments on land use and planning issues.

1. Authority to Establish Land Use Rules

- 1.1. A committee with the following membership (the "**Land Use Committee**") is hereby constituted pursuant to section 27(2)(c) of the University Act:
 - 1.1.1. two members of the Board of Governors selected by the Chair of the Board of Governors;
 - 1.1.2. the Associate Vice-President, Campus and Community Planning ("**CCP**");
 - 1.1.3. the Responsible Executive; and
 - 1.1.4. two external members (as may be more particularly described in the Procedures to this Policy).
- 1.2. The Land Use Committee is authorized, pursuant to Section 27(2)(c) of the *University Act*, to recommend to the Board of Governors the adoption, amendment or repeal of rules ("**Land Use Rules**") respecting the management, government and control of real property, buildings and structures owned, leased or otherwise held by the University ("**University Lands**") in accordance with this Policy. For greater certainty, Land Use Rules may include rules respecting development, construction, security, use, occupancy, density, landscaping, noise, nuisance, business control, signage, way-finding, road function and standards, fees, charges, and other matters. Recommendations made by the Land Use Committee to the Board of Governors will normally be made through the standard approval process of the Board of Governors, which would include presentation to the Property and Planning Committee of the Board of Governors.
- 1.3. Prior to recommending the making, amending or repeal of a Land Use Rule that is intended to affect University Lands as may be designated in the Procedures from time to time for non-institutional use, the Land Use Committee shall, in accordance with the Procedures, ensure that there has been an appropriate consultation process, which may include a public hearing, to allow persons who believe their interest in property is affected a reasonable opportunity to make submissions respecting matters arising from the proposed rule, amendment or repeal, as the case may be.
- 1.4. The Land Use Committee may recommend the adoption, amendment or repeal of Land Use Rules that require the payment of fees. The fees must be benchmarked to comparable fees in neighbouring jurisdictions.
- 1.5. Land Use Rules may set out specific compliance measures.

- 1.6. Land Use Rules may apply to the University Lands generally or to specific portions of the University Lands. Without limiting the generality of the foregoing, Land Use Rules may have application only to certain areas or to certain types of buildings within the University Lands.

2. Managing Compliance with Land Use Rules and Governance Requirements

- 2.1. The Land Use Committee is authorized, pursuant to Section 27(2)(c) of the *University Act*, to implement and enforce compliance with Land Use Rules and enforce compliance with Governance Requirements (as defined in the Procedures to this Policy). The Land Use Committee may designate CCP to manage the implementation, enforcement and administration of the Land Use Rules and Governance Requirements.

- 2.2. In relation to the University Lands:

- 2.2.1. the University's academic and administrative units; and

- 2.2.2. a person who has entered into a lease, license, or other property agreement with the University,

must comply with the Land Use Rules and Governance Requirements. For greater certainty, matters that are regulated by Land Use Rules may also be regulated by other requirements, including but not limited to Governance Requirements. Land Use Rules are in addition to and supplement any other lawful requirements that may be applicable. The existence of a Land Use Rule does not replace or excuse compliance with any other such requirements.

- 2.3. The Board of Governors has adopted the *British Columbia Building Code* for use on the Point Grey portion of the UBC Vancouver campus and the Land Use Committee may create a process for the:

- 2.3.1. issuance of development permits, demolition permits, excavation and backfill permits, landscape permits and infrastructure permits; and

- 2.3.2. discharge of the role of the authority having jurisdiction under the *British Columbia Building Code* for issuing permits, including without limitation building and occupancy permits.

The Land Use Committee may delegate to CCP the administration and decision making authority necessary to fulfill the functions described in this Section 2.3.

3. Variance

- 3.1. A person who wishes to obtain a variance from the Land Use Rules (the “**Applicant**”) must make their variance request in writing to the Director of CCP. Other than with respect to an authorization for alternative solutions, as described in the Procedures, if the Applicant is not satisfied with the response of the Director of CCP, the Applicant may appeal his or her decision to the Associate Vice President, CCP, who will issue a final decision on the matter.

- 3.2. The Board of Governors authorizes, pursuant to Section 27(2)(c) of the *University Act*, the Director of CCP to create a process to consider applications for variances from the Land Use Rules, including determining the form, the manner and the timeframes of such applications, and to issue decisions regarding all such applications. The Director of CCP, in his or her sole discretion, may consult other University bodies (for example Land Use Committee or the UBC Vancouver Development Permit Board) regarding an application for a variance, but is not bound to follow such recommendations.
- 3.3. The Board of Governors authorizes, pursuant to Section 27(2)(c) of the *University Act*, the Associate Vice President, CCP, to create a process to consider appeals from the variance decisions issued by the Director of CCP, including determining the form, the manner and the timeframes of such applications; and to issue decisions regarding all such applications.

4. Transition

- 4.1. Despite any other rule or policy of the Board, including this Policy or the Procedures that are attached to and form part of this Policy, every rule of the Board of Governors and CCP, including every policy, bylaw, procedure, plan, guideline or mechanism, relating to management, government and control of the University's real property, buildings and structures, that has been:

- 4.1.1. made by the Board of Governors or CCP on or before October 15, 2009; and

- 4.1.2. published on the CCP's Main Website by October 15, 2009,

is continued, and the set of such rules shall constitute the Land Use Rules as of October 15, 2009.

PROCEDURES

Approved: October 2009

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. Land Use Committee

- 1.1. The external members of the Land Use Committee shall be appointed by the Board of Governors and shall serve at the pleasure of the Board of Governors.
- 1.2. Any person who is a student of the University, an employee of the University, or a member of the Board of Governors, the Council of Senates, the UBC Okanagan Senate, or the UBC Vancouver Senate is disqualified from serving as an external member of the Land Use Committee so long as that person has such status.

2. Development of Land Use Rules

- 2.1. For the purposes of this Policy and these Procedures, the CCP's Main Website is www.planning.ubc.ca.
- 2.2. CCP will have the primary responsibility, on behalf of the University, to liaise with local governments and other government authorities regarding issues relating to land use and planning.
- 2.3. Every person, including every member of the University community, or their representative body, who wishes to request the making, amendment or repeal of a Land Use Rule must address the request to the Land Use Committee by delivering a written application to CCP.
- 2.4. CCP on behalf of the Land Use Committee will consult with other units of the University, senior administrators, or the Board of Governors, as appropriate, if the Land Use Committee considers the implementation of the Land Use Rule would have a material impact on operations outside of CCP or would raise issues that are sensitive or of a precedent setting nature to the University.
- 2.5. For the purposes of Article 1.3 of the Policy, the following areas are designated for non-institutional use:
 - 2.5.1. the local neighbourhood known as Chancellor Place;
 - 2.5.2. the local neighbourhood known as Hawthorne Place;
 - 2.5.3. the local neighbourhood known as Hampton Place;
 - 2.5.4. the local neighbourhood known as Wesbrook Place;
 - 2.5.5. the local neighbourhood known as East Campus;

- 2.5.6. the local neighbourhood known as Gage South; and
 - 2.5.7. the local neighbourhood known as University Boulevard.
- 2.6. When the Land Use Committee undertakes consultation that is required by Article 1.3 of the Policy, the following process will apply:
- 2.6.1. CCP on behalf of the Land Use Committee will publish notice of the proposal to make, amend, or repeal the Land Use Rule (the “**Proposed Amendment**”) on the CCP’s Main Website, together with reasonable particulars and the place (either physical or on CCP’s Main Website) where, and the times and dates when, copies of the Proposed Amendment may be inspected;
 - 2.6.2. CCP on behalf of the Land Use Committee will provide the public with at least thirty days to submit written comments concerning the Proposed Amendment to the Land Use;
 - 2.6.3. CCP on behalf of the Land Use Committee will consult with the President’s Property and Planning Committee for UBC Vancouver, and the Deputy Vice Chancellor’s Executive Committee for UBC Okanagan when CCP considers the Proposed Amendment to be a material addition to or amendment or repeal of the Land Use Rules;
 - 2.6.4. CCP will report to the Land Use Committee, which will then make recommendations to the Board of Governors about the Proposed Amendment in writing and shall include a summary of any material feedback from the consultation that is carried out pursuant to Section 1.3 of the Policy and the rationale for the Proposed Amendment; and
 - 2.6.5. the Proposed Amendment will have force and effect on the date that the Proposed Amendment is approved by the Board of Governors or on such other date as the Board of Governors may specify.

3. Compliance Matters

- 3.1. Without limiting Section 1.5 of the Policy, Land Use Rules may set out specific compliance measures, including but not limited to:
 - 3.1.1. the requirement for a permit;
 - 3.1.2. the refusal or revocation of a permit;
 - 3.1.3. the issuance of a construction or demolition stop work order;
 - 3.1.4. the requirement to pay a fine, penalty, or damage deposit; and
 - 3.1.5. the requirement to deliver a letter of credit, performance bond or other form of security or assurance.
- 3.2. For the purposes of the Policy and these Procedures, “**Governance Requirements**” means any requirements established by the Board of Governors or federal, provincial, or local governments regarding the development, use or occupation of University real property, buildings or structures by the University or other persons, or otherwise relating to University real property, buildings or structures. For certainty, Governance Requirements include:

- 3.2.1. all land use plans approved or accepted by the Board of Governors including campus plans, neighbourhood plans, and official community plans;
 - 3.2.2. requirements established by the *British Columbia Building Code*; and
 - 3.2.3. requirements established by the *British Columbia Fire Code*.
- 3.3. The Neighbours' Agreement 2008 contemplates that the University Neighbourhoods Association Board of Directors may recommend rules to the Board of Governors governing noise, nuisance, traffic, and similar matters within the residential neighbourhoods of the Point Grey portion of the UBC Vancouver campus for which the University Neighbourhoods Association has assumed responsibility for Municipal-Like Services (as defined in the Neighbours' Agreement 2008) and that the Board of Governors may approve such rules as recommended. The implementation and enforcement of such rules shall be managed by the University Neighbourhoods Association as set out in the Neighbours' Agreement 2008 as amended and, despite anything else in the Policy and these Procedures, such rules shall not be included within the definition of Governance Requirements for the purposes of the Policy and these Procedures.

4. Reporting

- 4.1. The Land Use Committee will report to the Board of Governors at least annually on its activities under the Policy and these Procedures, including but not limited to activities related to:
 - 4.1.1. development of recommendations for the making, amendment or repeal of Land Use Rules;
 - 4.1.2. issuance of permits;
 - 4.1.3. implementation of compliance measures; and
 - 4.1.4. incidence of non-compliance with the Land Use Rules.