



The University of British Columbia
Board of Governors

Policy No.:

92

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October 2009

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[x]

Responsible Executive:

Vice-President, External Relations

Title:

Land Use, Permitting and Sustainability

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 UBC; (b) make rules respecting the management, government and control of UBC’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 applicable 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 UBC,
- (b) rules, resolutions or similar authorities issued or adopted by the Board of Governors,
- (c) permits, licences or similar authorities issued or adopted by UBC 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.

UBC has well-developed systems for land use regulation. In accordance with MEVA, the Land Use Plan applies to the UBC Vancouver campus. At the UBC Okanagan campus, the City of Kelowna has jurisdiction over land use governance and UBC and the City have developed a collaborative working relationship on land use and planning issues.

UBC has also entered into various Memoranda of Understanding (“**MOUs**”) with the City of Vancouver, the City of Kelowna, and other parties that set out various principles and expectations regarding the steps to be pursued by the parties to reach the common goals of sustainability, energy conservation, and efficient infrastructure development in order to create and maintain a livable, prosperous and sustainable community.

As a result of UBC’s campus development initiatives, UBC has come to be recognized as a leader in sustainability and both of its campuses are recognized as living laboratories for sustainability initiatives.

Further, as part of UBC's strategic plan, *Shaping UBC's Next Century*, its responsibility as an educational and research institution, and as a signatory to the Halifax Declaration and the Talloires Declaration by the University Presidents for a Sustainable Future, UBC desires, within applicable means, to (i) invest in and develop environmentally and socially responsible campus communities that are economically viable and reflect the value of the members of such communities; (ii) ensure integration of ecological, economic and social considerations at all levels of strategic planning and operations within UBC; and (iii) work toward a sustainable future in cooperation with bodies such as Metro Vancouver and the City of Vancouver.

UBC is committed to the integration of its operational and academic efforts in sustainability. UBC's Sustainability Initiative ("USI"), which was established in 2010, will continue to work across the academy and operations to support this integration and UBC's sustainability efforts. USI works with CCP to foster partnerships and collaborations that extend beyond traditional boundaries of disciplines, sectors and geographies to address the critical issues of our time. This Policy confirms: (a) UBC's existing systems for land use regulation; (b) how the Board of Governors manages, administers and controls UBC's property and makes rules respecting the management, government and control of the UBC's real property, buildings and structures; and (c) how UBC works with local governments on land use and planning issues.

1. External Governance Requirements

1.1. For the purposes of this Policy and the Procedures to this Policy (the "**Procedures**"), "**External Governance Requirements**" means any legally enforceable requirement established by federal, provincial, or local government relating to UBC real property, buildings, or structures, including with respect to the development, use, or occupation by UBC or other persons of such UBC real property, buildings or structures. For greater certainty, External Governance Requirements include, but are not limited to:

1.1.1. the Land Use Plan;

1.1.2. requirements established by the *British Columbia Building Code*;

1.1.3. requirements established by the *British Columbia Fire Code*;

1.1.4. in respect of the UBC Vancouver campus, requirements established by MEVA; and

1.1.5. in respect of the UBC Okanagan campus, requirements related to land and building use and development which are established by municipal legislation.

2. Land Use Rules

2.1. For the purposes of this Policy and the Procedures, "**Land Use Rules**" are mandatory requirements respecting the management, governing and control of real property, buildings and structures owned, leased or otherwise held by UBC (collectively, the "**UBC Lands**"). Without limiting the generality of the foregoing, Land Use Rules may establish mandatory requirements respecting development, sustainability, construction, lease agreements, security, use, occupancy, density, landscaping, noise, nuisance, signage, way-finding, road function and standards, fees, charges, permits, and licenses, including business licenses.

2.2. Land Use Rules may require the payment of fees provided that such fees have been benchmarked to comparable fees in neighbouring jurisdictions.

3. Plans and Guidelines

- 3.1. For the purposes of this Policy and the Procedures, “**Plans**” and “**Guidelines**” are recommended practices or criteria that will guide: (1) the implementation of External Governance Requirements and Land Use Rules, and (2) the exercise of decision-making authority by the LUSC (as defined in Section 5.1 of this Policy) and Campus & Community Planning (“**CCP**”). Plans are documents that have broad application to the UBC Lands or a portion thereof, are designed to help the UBC community understand UBC’s long-term objectives and goals, and may be aspirational in nature. By way of example, Plans may include documents such as neighbourhood plans or the “UBC Green Building Action Plan”. Guidelines are documents that provide information to the UBC community about the manner in which CCP makes decisions related to the UBC Lands and may be administrative and technical in nature. By way of example, Guidelines may include documents such as the “C+CP Engagement Principles”, the “UBC Technical Guidelines” and the “Traffic Management Guidelines for UBC.
- 3.2. Plans and Guidelines must not be inconsistent with External Governance Requirements and where any inconsistency does arise, the External Governance Requirements will prevail.
- 3.3. The LUSC and CCP shall have discretion in determining the extent to which the Plans and Guidelines shall inform decision-making within their respective jurisdictions.

4. General

- 4.1. Land Use Rules, Plans and Guidelines may be created to apply to all of the UBC Lands, to the UBC Vancouver campus only, to the UBC Okanagan campus only, or to any portion of the UBC Lands. Without limiting the generality of the foregoing, Land Use Rules, Plans and Guidelines may have application only to certain areas, certain buildings, certain portions of buildings or to certain types of buildings within the UBC Lands.
- 4.2. The Neighbours Agreement 2015 (the “**Neighbours’ Agreement 2015**”) between UBC and the University Neighbourhoods Association (“**UNA**”) contemplates that the Board of Directors of UNA may recommend rules to the Board of Governors relating to noise, nuisance, parking, traffic and regulatory matters within the residential neighbourhoods of the Point Grey portion of the UBC Vancouver campus for which UNA has assumed responsibility for Municipal-like Services (as defined in the Neighbours’ Agreement 2015) and that the Board of Governors may approve such rules as recommended. The implementation and enforcement of such rules shall be managed by UNA as set out in the Neighbours’ Agreement 2015, as may be amended from time to time, and, despite anything else in this Policy and the Procedures, such rules shall not be included within the definition of External Governance Requirements or Land Use Rules for the purposes of this Policy and the Procedures.
- 4.3. Notwithstanding anything in this Policy, if any aspect of a Plan falls within the jurisdiction of the Vancouver Senate, the Okanagan Senate or the Council of Senates, then the Plan must be approved by the Senate or Council of Senates, as the case may be, prior to coming into effect.
- 4.4. UBC is committed to improving performance in sustainability in all areas of operations as part of working toward accomplishing its goal of making improvements in environmental and human well-being. UBC engages with UBC community members to increase capacity and awareness through behavioural change initiatives and provides support and resources to the UBC community to ensure these goals are achieved. CCP and other operational units across UBC are committed to inculcating sustainability into decision-making affecting the UBC Lands, and CCP will incorporate this commitment in implementing the Plans and Guidelines.

5. **Authority to Establish Land Use Rules, Plans and Guidelines**

- 5.1. The Board of Governors established a Land Use Committee in October 2009 pursuant to section 27(2)(c) of the *University Act*. This Land Use Committee continues in full force and effect, but, effective April 18, 2019, its name shall be changed to the “Land Use and Operational Sustainability Committee” (herein referred to as the “**LUSC**”) and its membership shall be changed to the following:
 - 5.1.1. two members of the Board of Governors, as more particularly described in the Procedures;
 - 5.1.2. the Associate Vice-President, CCP;
 - 5.1.3. the Associate Vice-President, Facilities;
 - 5.1.4. the Responsible Executive; and
 - 5.1.5. at least two but not more than four external members, as more particularly described in the Procedures.
- 5.2. The LUSC 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 Land Use Rules. Recommendations made by the LUSC to the Board of Governors will normally be made through the standard approval process of the Board of Governors, which includes presentation to the Property Committee of the Board of Governors (the “**Property Committee**”).
- 5.3. Prior to recommending to the Board of Governors the making, amending or repeal of a Land Use Rule that is intended to affect UBC Lands that are designated for non-institutional use in accordance with the Procedures, the LUSC shall ensure that there has been an appropriate consultation process consistent with the Procedures 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.
- 5.4. The Associate Vice-President, CCP and the Associate Vice-President, Facilities are authorized to develop and create recommendations for Plans in consultation with the LUSC where appropriate, and to recommend to the Property Committee the adoption, amendment or repeal of Plans. The Property Committee will determine whether to grant approval to the adoption, amendment or repeal of a Plan.
- 5.5. The Associate Vice-President, CCP and the Associate Vice-President, Facilities are authorized to develop and create Guidelines and to adopt, amend or repeal Guidelines. The Associate Vice-President, CCP and the Associate Vice-President, Facilities shall provide an annual report to the Property Committee setting out details regarding any Guidelines that were adopted, amended or repealed in the immediately preceding year.
- 5.6. CCP will post all Plans and Guidelines that are in effect on the CCP Website (as defined in the Procedures).

6. Compliance with External Governance Requirements and Land Use Rules

6.1. In relation to the UBC Lands:

6.1.1. UBC's academic and administrative units and all staff employed by UBC; and

6.1.2. any person who has entered into a lease, permit, license, including, but not limited to a business license, or other property agreement with UBC,

must comply with all External Governance Requirements and Land Use Rules. 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.

6.2. The LUSC is authorized to implement, administer, and enforce compliance with External Governance Requirements and Land Use Rules. The LUSC may delegate such authority to CCP. Without limiting the generality of the foregoing, the LUSC may delegate to CCP the authority to create compliance measures in connection with External Governance Requirements and Land Use Rules, including measures related to: (a) the requirement to pay a fine, penalty, or damage deposit; (b) the requirement to deliver a letter of credit, performance bond or other form of security or assurance; (c) monitoring of compliance with the External Governance Requirements and Land Use Rules; (d) continuous performance of the External Governance Requirements and Land Use Rules; and (e) enforcement of the External Governance Requirements and Land Use Rules.

6.3. The LUSC may create a process for the:

6.3.1. issuance of development permits, demolition permits, excavation and backfill permits, landscape permits, infrastructure permits and business licenses; and

6.3.2. 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 LUSC may delegate to CCP the administration and decision making authority necessary to fulfill the functions described in this Section 6.3.

7. Variance

7.1. A person who wishes to obtain a variance from the Land Use Rules (the "**Applicant**") must make the variance request in writing to the relevant Director within CCP (each, a "**Director**").

7.2. Each Director is authorized to establish the procedures to consider applications for variances from the Land Use Rules, including determining the form, the manner and the timelines of such applications, and to issue decisions regarding all such applications. The Director, in his or her sole discretion, may consult other UBC bodies (for example, the LUSC or the UBC Vancouver Development Permit Board) regarding an application for a variance, but is not bound to follow their advice.

8. Appeals

- 8.1. The Associate Vice-President, CCP is authorized to hear appeals of decisions made by a Director with respect to applications for permits, licenses, or variances. The decision of the Associate Vice-President, CCP shall be final.
- 8.2. The Associate Vice-President, CCP is authorized to establish the procedures for such appeals, including determining the form, manner, and timelines of such appeals.
- 8.3. A person who wishes to appeal any decision made by a Director may only do so in accordance with the procedures established by the Associate Vice-President, CCP.

9. Transition

- 9.1. Effective as of April 18, 2019, the designations listed below are approved by the Board of Governors and the documents listed below have the effect given to their respective designations in accordance with this Policy.

	DOCUMENT	DESIGNATION (LAND USE RULES, PLANS OR GUIDELINES)
1	UBC Development & Building Regulations	Land Use Rule
2	UBC Development Handbook	Land Use Rule
3	UBC Residential Environmental Assessment Program (REAP)	Land Use Rule
4	UBC Vancouver Business License Regulation for UBC Neighborhoods	Land Use Rule
5	Shaping UBC's Next Century	Plan
6	The UBC Vancouver Campus Plan	Plan
7	Okanagan Charter	Plan
8	Chancellor Place Neighbourhood Plan	Plan
9	East Campus Neighbourhood Plan	Plan
10	Mid Campus (Hawthorn Place) Neighbourhood Plan	Plan
11	Wesbrook Place Neighbourhood Plan	Plan
12	UBC Recreation and Athletics Facilities Strategy (Gameplan)	Plan
13	UBC Green Building Action Plan	Plan
14	A Sustainable Drainage Strategy for the South Campus Neighbourhood	Plan
15	Vancouver Campus Integrated Stormwater Management Plan	Plan
16	North Campus Neighbourhood Plan	Plan
17	The University Boulevard Neighbourhood Plan	Plan
18	UBC Child Care Expansion Plan (Point Grey Campus)	Plan
19	UBC Public Realm Plan for the Vancouver Campus	Plan
20	UBC Housing Action Plan	Plan
21	UBC Transportation Plan (Vancouver Campus)	Plan
22	Climate Action Plan	Plan
23	UBC Community Energy and Emissions Plan	Plan
24	Zero Waste Action Plan	Plan
25	UBC's Vancouver Campus Public Art Strategy	Plan
26	Wesbrook Place Neighbourhood Plan Design Vision Supplement	Guidelines

	DOCUMENT	DESIGNATION (LAND USE RULES, PLANS OR GUIDELINES)
27	UBC District Energy Compatibility Guide	Guidelines
28	UBC Technical Guidelines	Guidelines
29	Engagement Principles and Guiding Practices	Guidelines
30	University Boulevard Design Guidelines	Guidelines
31	Bird Friendly Design Guidelines for Buildings	Guidelines

PROCEDURES

Approved: October 2009

Revised: [x]

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/>.

Capitalized terms used in these Procedures which are not otherwise defined herein shall have the meanings given to such terms in the accompanying Policy, being Policy #92 Land Use, Permitting and Sustainability (the "Policy").

1. Land Use and Operational Sustainability Committee

- 1.1. The two members of the Board of Governors who shall serve on the LUSC will be the following:
 - 1.1.1. the chair of the Property Committee (the "LUSC Chair"); and
 - 1.1.2. a member of the Board of Governors as selected by the LUSC Chair from time to time.
- 1.2. The LUSC Chair shall determine the number and, subject to Section 1.3 of these Procedures, the identity of the external members of the LUSC, provided that, at any given time, there must be at least two but not more than four external members.
- 1.3. Any person who is a student of UBC, an employee of UBC, 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 LUSC so long as that person has such status.
- 1.4. Meetings of the LUSC will normally be conducted in an open session (open to the public). However, certain matters are of a nature that requires they be handled with due and appropriate sensitivity and may need to be discussed in closed session (not open to the public). The LUSC Chair may, at the LUSC Chair's discretion, designate that certain matters be dealt with in closed session.

2. Development of Land Use Rules, Plans and Guidelines

- 2.1. For the purposes of the Policy and these Procedures, the CCP's main website is www.planning.ubc.ca (the "CCP Website").
- 2.2. CCP will have the primary responsibility, on behalf of UBC, to liaise with local governments and other government authorities and third parties regarding issues relating to land use, planning and sustainability.
- 2.3. Every person, including every member of the UBC community, or such person's representative body, who wishes to request the making, amendment or repeal of a Land Use Rule, Plan or Guideline must address the request to the LUSC by delivering a written application to CCP.
- 2.4. CCP, on behalf of the LUSC, will consult with other units of UBC, senior administrators, or the Board of Governors, as appropriate, if the LUSC considers that the implementation, repeal or modification of a Land Use Rule or Plan would have a material impact on operations outside of CCP or would raise issues that are sensitive or of a precedent-setting nature to UBC.

- 2.5. For the purposes of Section 5.3 of the Policy, the following areas are designated for non-institutional use:
 - 2.4.1. the local neighbourhood known as Chancellor Place;
 - 2.4.2. the local neighbourhood known as Hawthorn Place/Mid Campus;
 - 2.4.3. the local neighbourhood known as Hampton Place;
 - 2.4.4. the local neighbourhood known as Wesbrook Place;
 - 2.4.5. the local neighbourhood known as East Campus;
 - 2.4.6. the local neighbourhood known as North Campus; and
 - 2.4.7. the local neighbourhood known as University Boulevard.
- 2.6. When the LUSC undertakes the consultation that is required by Section 5.3 of the Policy, the following process will apply:
 - 2.6.1. CCP, on behalf of the LUSC, will publish notice of the proposal to make, amend, or repeal the Land Use Rule (the “**Proposed Amendment**”) on the CCP Website, together with reasonable particulars and the place (either physical or on the CCP Website) where, and the times and dates when, copies of the Proposed Amendment may be inspected;
 - 2.6.2. CCP, on behalf of the LUSC, will provide the public with at least 30 days to submit written comments concerning the Proposed Amendment;
 - 2.6.3. CCP, on behalf of the LUSC, will consult with the President’s Property and Planning Advisory Committee for UBC Vancouver, and the Deputy Vice Chancellor’s Committees 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 LUSC, which will then make recommendations about the Proposed Amendment in writing to the Board of Governors and shall include a summary of the rationale for the Proposed Amendment and any material feedback from the consultation that is carried out pursuant to Section 5.3 of the Policy; 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.