

Approvals: Dir: _____ ED: _____ ADM: _____ DM: _____

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #: 159034

FOR DECISION

Date: October 13, 2015

Title: *University Endowment Lands (UEL) –
Council*

s.12,s.16,s.17

Background

s.12,s.13,s.16

s.12,s.16

s.12,s.16,s.17

s.12,s.16,s.17

Mandate Considerations: N/A
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: s.12,s.13,s.16,s.17
First Nations Considerations: s.12,s.16
Communications: s.12,s.13,s.17

Discussion:
s.12,s.16,s.17

s.12,s.13,s.16,s.17

s.12,s.13

Options

Option 1 (*Recommended*) –

s.12,s.13,s.16

Pros:

- s.12,s.13

-

-

-

Cons:

- s.12,s.13,s.16

-

-

s.12,s.13,s.16,s.17

|

Option 2 –

s.12,s.13

|

| **Recommendation: Option 1**

s.12,s.13,s.17

Peter Fassbender, Minister

Date:

Approved / Not Approved

Contact:
Telephone:

s.12,s.13

s.12,s.13,s.16,s.17

s.13,s.16,s.17

s.13,s.16,s.17

Appendix 3 – Further Context: University Endowment Lands

University Endowment Lands- History/ Context

- The Point Grey peninsula comprises the University Endowment Lands and the University of B.C. (UBC), within Electoral Area (EA) A of the Greater Vancouver Regional District (known as Metro Vancouver). The UEL population is approx. 4,100; the UBC residential neighbourhoods (UNA) population is approx. 9,300.
 - As the UEL predates regional governments in B.C., the conventional local governance and servicing roles of the regional district in the unincorporated areas are fulfilled by others. For example:
 - the Minister in the UEL exercises law-making powers (e.g. bylaw amendments) and provides the majority of direct services through the delegated UEL Administration (under the *University Endowment Land Act*); and,
 - UBC, in the case of its campus lands, provides the majority of direct services and local community planning.
 - Previous Governance Attempts - Two previous restructure studies (1990 and 1995) considered UEL and UBC campus neighbourhoods together, and included options to join Vancouver. The incorporation vote in 1995 was defeated; however the demographics and makeup of the population in the UEL have changed dramatically since the last study.
 - Service Delivery - As with adjacent communities, Metro Vancouver and its greater boards provide regional services: water supply, wastewater treatment, regional parks (including the large Pacific Spirit Park in the UEL) and regional growth strategies. Provincial services are provided to UEL and UBC either directly (e.g. major roads) or through contracts – e.g. policing (through RCMP); fire protection (through City of Vancouver).
 - UEL Administration - The Minister is the ultimate lawmaker in the UEL, however day-to-day service delivery and administration of the area is delegated to the UEL Manager and a small team of public servants and contracted support. In addition to that general delegation of authority, other matters are typically also delegated to the Manager on a one-off basis (e.g. holding public meetings on rezoning applications). Development permit decisions by the UEL Manager may be appealed to the Minister; holding of such appeals are typically delegated to the Deputy Minister.
 - The Community Advisory Council (CAC) - is a 7-member elected advisory body (a registered society) that provides comment/recommendations primarily to the UEL Manager, as set out in the UEL's Official Community Plan (OCP) and the CAC's Constitution/bylaws (e.g. UEL bylaw amendments; annual budget/property tax requisition; rezoning applications). The CAC is not recognized in the UEL's legislation.
 - Established in 2005 during OCP renewal to ensure that the UEL Manager hears from all sectors of the community, the CAC is elected to represent 4 UEL Areas, based on population estimates. Area A has 2 representatives with Areas B and C having 1 each (totalling 4 representatives for the single-family areas). Area D (multi-family) has 3 representatives. The most active representatives (including Chair) are from single-family areas (even though multi-family areas are the growth areas).
 - s.13,s.16,s.17
-
- In November 2013, the CAC chair (and the Electoral Area Director) requested that the Minister fund an incorporation study to create a UEL-only municipality. Interim responses focused on the need for “*the Ministry to first get a clearer picture of the current ‘state of the UEL’*” (Summer 2014), and on

communicating that “*work around governance continues to be underway*” (April 2015). In May 2015, the CAC sent a follow-up letter requesting a Minister’s meeting to further discuss their “UEL-only” request.

Issues/Development Pressures - s.13,s.16,s.17

- s.13,s.16,s.17

-
-
-
-
-
-
-
-

Block F Rezoning Proposal

- The 2008 Reconciliation Agreement between the provincial government and the MFN transferred three parcels of land in fee simple to MFN for their economic benefit. Included was the 8.5 hectare forested Block F which is within the UEL, formerly part of Pacific Spirit Regional Park and located on University Boulevard (the gateway to UBC).
- The Reconciliation Agreement provides for multi-family residential zoning for Block F, plus the ability to apply for rezoning like any other landowner.
- s.13,s.16,s.17

Page 11 to/à Page 22

Withheld pursuant to/removed as

s.16;s.13;s.17

University Endowment Lands (Governance)

Key Messages for Minister's Meeting

[Participants: Minister Fassbender, Riley Whitelock, Maria Harris, Dave Forsyth, Ron Pears, Bill Holmes]

SPEAKING POINTS [UEL GOVERNANCE]

- UEL governance remains an important issue, and I am aware and understand that there are many pressures facing the community.
- Governance is complicated because the UEL has such a unique governance arrangement and because it operates in a complex environment involving many interested parties, locally and provincially. Because of this uniqueness, the process for examining governance may look different than it does in other communities.
- I first need an opportunity to get a picture of the issues and varied interests involved, including those with direct and indirect interests in governance and services in the area, as well as internal work done to date. After that, I will be in a better position to determine what next steps might reasonably be taken.
- While work continues to develop a plan on how best to proceed, I want to assure you that getting a picture of how residents view their needs – for example, for services -- and how they perceive their community is important to any work on governance. It is also important for me to understand the views of others with interests in the area, including service providers such as Metro Vancouver and neighbours such as Vancouver.
- I appreciate your patience as I develop a plan to proceed. In the meantime, I can assure you that the UEL Administration will continue to respond to the day-to-day needs of UEL residents, meet with the CAC regularly, and keep me informed of any issues that arise.

[if pressed about next steps on governance]

- My focus right now is on developing a plan to move forward – a plan that recognizes the diversity of interests in relation to the UEL. Communication will be an important part of whatever that plan might look like – for example, finding ways for all members of the community to have a shared basis for understanding the UEL as it is today (its history, service arrangements and neighbour relationships).

[if asked about Block F]

- With respect to the Block F rezoning application, the Minister's role is that of statutory decision maker.
- It is important that all participants see the required process (that is currently underway) as proceeding in a fair and balanced manner. I appreciate that you have provided input to the process to date, and I encourage you to continue to share your views with the UEL Manager and his team.
- It would not be appropriate for me to have any detailed discussion about the application at this stage with the CAC/elected representatives; communication about Block F should continue to be with the UEL Manager and his team, as administrators of the process.

[if asked about any other UEL services/matters including noise, bylaw enforcement, OCP review, single family redevelopments...]

- I can appreciate that there can be challenges that arise in and around a community, and that there may not always be agreement on where limited resources can or should be focused.
- I am confident in the professionalism and dedication of the UEL Manager and his staff in providing services and managing issues in the UEL to the very best of their abilities within the provincial government framework.
- The UEL Manager continues to be your point of contact for such issues.

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR DEPUTY MINISTER AND MINISTER

Ref #: 164712

FOR INFORMATION

Date: October 26, 2015

Title: Block F – Current Status

Issue: The University Endowment Lands (UEL) review of the Block F rezoning application by Musqueam Capital Corporation, owned by the Musqueam First Nations (MFN), is nearing completion. There remain a few significant issues for the applicant to resolve to enable completion of the draft legal documents needed to conclude the public consultation for this change in land use designation. This note outlines these issues in detail for information, along with key considerations in the Block F process.

Background:

The UEL provides municipal-like services to the lands between the City of Vancouver and the University of British Columbia under the *University Endowment Lands Act*. For land use, this includes administering zoning approval, development permits and building permits. Zoning decisions and bylaw amendments are made by the Minister; other authorizations have been delegated to the UEL Manager.

In 2008, the Province reached (and implemented by legislation) a Reconciliation Agreement (the Agreement) to transfer Block F, Block K and the University Golf Course, within the UEL, as fee simple lands, along with \$21 million and other considerations, to the MFN. As part of the Agreement, the Block F lands (currently forested and part of Pacific Spirit Park) were deemed to be zoned MF-1, enabling potential development of up to 1,027,934 square feet of four storey apartments on the 22 acre site (the same zoning as adjacent lands). The Agreement allows the property owner to develop as currently zoned or to apply for rezoning subject to the same policies and processes that would apply to any other land owner including those in the UEL Official Community Plan (OCP) and the UEL Bylaw.

Proposal: MFN have applied for a rezoning/OCP amendment for a more comprehensive development, including a density increase of approximately 20%. The increase in density and change in types of building is considered a “lift” in municipal planning terms. Such lifts create additional impact to the community (more people = more demand on water, sewer, roads, fire, policing, library and other services) and are usually offset by mitigation measures. Rezoning will significantly increase the value of the property for the MFN (the Applicant).

The rezoning proposal currently includes:

- Addition of retail commercial area, with housing above (four to six storeys).
- Introduction of towers: 4 towers at 18 storeys and 1 tower at 12 storeys.
- More diverse housing tenure: towers, townhouses, and apartments, both rental and purchased.
- A 3-acre park (required by the Agreement) of mixed usable park space and forested area.
- Provision of 43,750 sq.ft. of below-market housing.
- A 15,000 sq.ft. community center as an amenity.
- A privately owned and operated daycare facility.

Process: The process followed to date is illustrated in the Process Flow Diagram (July 23, 2013) attached as **Appendix 1**. The UEL Administration (through the UEL Manager) administers this process exercising delegated authority of the Minister.

Timeline: The rezoning has a long timeline and the MFN are anxious to have it completed.

- The reconciliation agreement and land transfer was completed in 2008.
- The MFN made inquiries about the rezoning process in 2011.
- A draft application was presented to the UEL September 2013.
- The initial application was accepted December 2013.
- A request for additional technical information was sent to the Applicant in February 2014.
- Following consultation with key stakeholders and the community, the UEL responded to the applicant with significant comments June 2014.
- Over twenty meetings were held with the Applicant through the balance of 2014 and into 2015.
- The Applicant submitted a revised application May 2015.
- The UEL referred the revised application to key agencies and hosted an Open House to provide the community an early opportunity to view the revised proposal in June 2015.
- The UEL provided the Applicant with comments received from the community (through the Open House and elected CAC) and referral agencies July 2015.

While the UEL is waiting for the Applicant to provide a number of technical documents and a response to address concerns raised by the stakeholders, work is underway to create drafts of the various legal agreements and bylaw amendments needed ahead of the formal public meeting. The legal framework for those (i.e. which legal instruments are required to implement rezoning) is attached as **Appendix 2**.

Depending on further adjustments to the application and progress on hammering out these many legal agreements, the required public meeting could be held late this Fall. Thereafter, a package of proposed bylaw amendments may be presented for Minister's decision in the first quarter of 2016.

Discussion:

Key Considerations: Block F application/process raises a number of key considerations:

- *Significance for community* – Block F development will add approximately 2,250 people to a community of just over 4,000. Block F decisions will have far reaching implications for the existing/future community. As a smaller community and provincial entity, it is not essential that the UEL have the same development policies as adjacent UBC or City of Vancouver, but it is important to understand that UEL residents expect that it will follow those examples. The UEL Administration must, as a matter of procedural fairness, consider the interests of the community to which it provides services.
- *Significance for province* – As the UEL population increases, so too do service demands from residents. If there is significant deviation from adjacent municipal zoning policies and processes, financial impact that is not absorbed by the developer will be borne by the Province. In terms of process, the UEL Administration is responsible, first and foremost, for protecting provincial interests within the scope of the program.
- *Significance for applicant* – S.13
 S.13 With respect to this project, as with any development, the UEL Administration's role includes assisting the Applicant avoid pitfalls with its application that could undermine timelines

– both at this rezoning stage and subsequent stages (e.g. development and building permit stages), particularly where those could result in additional cost or conflict with the community. The UEL Administration must also ensure procedural fairness for the applicant.

- *Precedent* – Decisions reached on Block F issues will not only have significance for the development permit stage of the Block F project, but also for future rezoning in the UEL, particularly in the nearby commercial/multi-family neighbourhood. Block F will also trigger further rezoning applications (have already been a number of queries over the past year).

The UEL must administer the process fairly for the Applicant and the community, or risk legal challenge to the final decision on the application. The UEL must also consider specific and overall provincial interests and take into account the current and future needs of the UEL area. Achieving this balance is a challenge with a complex project in the unique legislative environment of the UEL.

To meet this challenge, the UEL Administration has applied the terms of the Agreement in administering the rezoning process. While the UEL is a provincial program (not a municipality), this means following essentially the same process any municipality in the region would apply to a fee simple land developer.
s.13,s.16,s.17

s.13,s.16,s.17

s.13,s.16,s.17

s.13,s.16,s.17

Next Steps:

The concurrent next steps include:

- Consistent with the UEL Administration's approach to date, s.12,s.13 s.12,s.13
-
-

Assuming timely resolution, it may be possible to conclude the drafting and proceed with a public meeting in very late Fall. Following that meeting, a package will be forwarded to the Minister requesting a statutory decision on the change in land use designation (rezoning), likely in early 2016 (1st quarter).

Contact: Jonn Braman, Manager, UEL Administration
Telephone: 604-660-1810 ex 28

UEL BLOCK F LEGAL FRAMEWORK

AMENDMENT TO UEL OFFICIAL COMMUNITY PLAN TO REDESIGNATE BLOCK F

PURPOSE:

- To redesignate Block F from MF-1 to Block F CD-2
- To designate Block F as a Development Permit Area
- To accommodate consequential amendments

TOOL:

- OCP amending bylaw
- Amendments to figures/schedules (i.e. land use Plan, etc.)

AMENDMENT TO UEL ZONING BYLAW TO REZONE BLOCK F FROM MF-1 TO BLOCK F CD-2

PURPOSE:

- To secure form of development by block using drawings from rezoning materials
- To regulate Uses, Density, Height, Siting, Coverage, Parking, Landscaping, Riparian Setbacks, etc., as per the rezoning package
- To regulate area, shape, dimensions and number of lots to be created by subdivision, as set out in the rezoning package
- To outline specific conditions related to use, siting, massing, phasing, etc.
- To accommodate consequential amendments (i.e. to definitions, general regulations, etc.)

TOOL:

- CD Bylaw (CD#2)
- Master Development Permit sequence and timing conditions (i.e. provision of agreed-to amenities, additional studies/designs, etc.) with designated limits/freezes on development, as per the agreed-to phasing sequence
- Block specific development permit guidelines that direct form and character (multi-residential and commercial), protection of the environment, eco-systems and bio-diversity, energy conservation, reduction of greenhouse gas emissions, water conservation, etc.

LEGAL COVENANTS

PURPOSE:

- To include the DP sequence and timing conditions including timing associated with the limits/freezes on development

TOOL:

- Section 219 Covenant
- May include other agreed-to agreements

AMENDMENT TO UEL WORKS AND SERVICES BYLAW TO INCLUDE BLOCK F

PURPOSE:

- To include the standards to which the site will be subdivided and serviced

TOOL:

- Works and Services amending bylaw
- Amendment to figures/schedules

Page 31 to/à Page 32

Withheld pursuant to/removed as

s.16;s.13;s.17

GENERAL PROCESS

