



SUBJECT	REPEAL OF POLICY #5 (SUSTAINABLE DEVELOPMENT) AMENDMENT OF POLICY #92 (LAND USE AND PERMITTING)
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MEETING DATE	NOVEMBER 26, 2018
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Forwarded on the Recommendation of the President

**APPROVED FOR
SUBMISSION**

Santa J. Ono, President and Vice-Chancellor

FOR INFORMATION

Report Date	November 5, 2018
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Presented By Hubert Lai, Q.C., University Counsel
Philip Steenkamp, Vice-President External Relations

EXECUTIVE SUMMARY

A Policy Review Committee has been constituted to review Policy 5 (Sustainable Development) (“**Policy 5**”) and Policy #92 (Land Use and Permitting) (“**Policy 92**”). Policy 5 sets out the University’s commitment to improving its performance in sustainability in all areas of operations. The principles set out in Policy 5 are strongly connected to land use and planning and accordingly should be addressed in a single, holistic policy. Some of the information in Policy 5 is also out of date, and given that its objectives can be addressed in a single, cohesive policy, the Policy Review Committee recommends the consolidation of Policy 5 and Policy 92 by repealing Policy 5 and addressing the relevant sustainability principles in an amended version of Policy 92.

Policy 92 sets out a framework for creating and enforcing land use rules. With the benefit of 10 years of experience working with Policy 92 and the system of Land Use Rules established by this Policy, the Policy Review Committee recommends that the important role that Plans and Guidelines play in decision-making related to land use be explicitly recognized under Policy 92.

The purposes of the proposed amendments to Policy 92 are to: (1) ensure Policy 92 reflects best practices in respect of land use and planning; (2) expressly set out the University’s commitment to sustainable development and sustainable operations; and (3) ensure that Campus & Community Planning has the necessary flexibility to ensure that appropriate rules, plans and guidelines regarding land use are implemented in a timely manner, that the University community has sufficient guidance regarding land use on the University campuses, and that adequate mechanisms are in place to facilitate compliance by the University community with legal requirements as well as University requirements in connection with use of University lands and buildings.

Attachments

1. A blackline version comparing the amended Policy to the current version of Policy 92
2. A clean copy of amended Policy 92
3. Links to the current versions of Policy 5, Policy 92 and the Land Use Rules are available at:
 - [Policy #5 - Sustainable Development](#)
 - [Policy #92 - Land Use and Permitting](#)
 - [Land Use Rules \(updated 2009\)](#)

INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED

- Learning
 Research
 Innovation
 Engagement
 (Internal / External)
 International

or a **Operational**

DESCRIPTION & RATIONALE

The Board of Governors (the “**Board**”) approved Policy 5 in May of 1997 and this policy was last revised in June of 2005. The objectives of Policy 5 can be incorporated into Policy 92, thereby creating a single, cohesive policy and rendering Policy 5 unnecessary. Further, while the University continues to be a world leader in sustainability, certain information in Policy 5 has become substantially out of date because of changes in the field of sustainability as well as internal administrative changes. Accordingly, the Policy Review Committee recommends that principles of Policy 5 be consolidated into Policy 92 and that Policy 5 be repealed in conjunction with the amendments to Policy 92.

Policy 92 has proven to be an effective policy since its approval in October of 2009 and the University community has developed a high level of familiarity and comfort with this Policy. In addition to incorporating the University’s objectives and commitments regarding sustainability into Policy 92, the Policy Review Committee also recommends certain additional amendments to Policy 92 to further strengthen and build upon the foundation of this Policy.

Sustainability Matters

In conjunction with the repeal of Policy 5, it is recommended that Policy 92 be amended to include the University’s objectives and commitment in respect of sustainability and to explicitly contemplate the creation of Land Use Rules to address sustainable operations and development. While it is already possible to establish such Land Use Rules under Policy 92, the inclusion of explicit language will serve to underline the importance of sustainable operations and sustainable development as key elements in the University’s land use, planning and permitting regime.

As with all Land Use Rules under Policy 92, Campus & Community Planning will have primary responsibility for consulting about proposed Land Use Rules on behalf of the Land Use Committee. All Land Use Rules will continue to be subject to approval of the Board on the recommendation of the Land Use Committee.

Summary of Additional Proposed Amendments

General Amendments: As part of the amendments to Policy 92, the Policy Review Committee recommends a reorganization of the sections in the Policy for improved flow and readability. Further, the amended Policy 92 includes a broader title to ensure that the appropriate level of prominence is given to sustainability as a key consideration. The proposed title is “Land Use, Permitting and Sustainability”. For the same reason noted above, the name of the Land Use Committee is changed to the “Land Use and Operational Sustainability Committee” (hereinafter referred to as the “LUSC”).

Documents Governing Land Use: The amended Policy 92 sets out four categories of documents that govern land use at the University, as follows:

1. *External Governance Requirements*, which are legally enforceable requirements established by federal, provincial, or local government relating to University real property, buildings, or structures, including with respect to the development, use, or occupation by the University or other persons of such University real property, buildings, or structures;
2. *Land Use Rules*, which are mandatory requirements respecting the management, governing and control of real property, buildings and structures owned, leased or otherwise held by the University;
3. *Plans*, which are documents that have broad application to University lands, buildings and structures, that are designed to help the University community understand the University’s long-term objectives and goals, and that may be aspirational in nature; and
4. *Guidelines*, which are documents that provide information to the University community about the manner in which Campus & Community Planning makes decisions related to the University lands, buildings or structures, and that may be administrative and technical in nature.

External Governance Requirements and Land Use Rules are addressed in the current version of Policy 92 but Plans and Guidelines are new additions to the amended Policy 92. Plans and Guidelines are recommended practices and criteria that will guide the implementation of External Governance Requirements and Land Use Rules, and the exercise of decision-making authority by the LUSC and Campus & Community Planning. The amended Policy 92 also explicitly establishes the expectation that certain Land Use Rules, Plans and Guidelines will encompass sustainability considerations.

Development of Land Use Rules, Plans and Guidelines: The LUSC will continue to be responsible for recommending Land Use Rules to the Board, which includes presentation to the Board’s Property Committee (the “**Property Committee**”). The Associate Vice-President, Campus & Community Planning and the Associate Vice-President, Facilities will consult the LUSC as appropriate in respect of Plans and Guidelines.

The Property Committee will determine whether to approve the adoption, amendment or repeal of any Plans upon recommendation of such adoption, amendment or repeal by the Associate Vice-President, Campus & Community Planning and the Associate Vice-President, Facilities. The Associate Vice-President, Campus & Community Planning and the Associate Vice-President, Facilities are authorized to develop and create Guidelines and to adopt, amend or repeal Guidelines, and they will provide an annual report to the Property Committee setting out the details regarding any Guidelines that were adopted, amended or repealed in the immediately preceding year.

Variances and Appeals: In the current version of Policy 92, a decision made by a Director of Campus & Community Planning in respect of an application for a variance from the Land Use Rules can be appealed to the Associate Vice-President, Campus & Community Planning. The amended Policy 92 contains an expanded range of matters that can be appealed. Pursuant to the amended Policy 92, decisions made by a Director with respect to applications for permits, licenses or variances can be appealed. The decision of the Associate Vice-President, Campus & Community Planning in respect of any appeal will continue to be final.

Land Use and Sustainability Committee: The amended Policy 92 modifies the composition of the LUSC by adding the Associate Vice-President, Facilities as a member of this committee and by allowing up to four external members. The amended Policy 92 further provides that the two Board members that will serve on the LUSC will be the chair of the Property Committee (the “LUSC Chair”) and a member of the Board as selected by the LUSC Chair. The LUSC Chair will also select between two and four external members of the LUSC. In addition, the amended Policy 92 includes a new section providing that meetings of the LUSC will normally be conducted in open session unless the LUSC Chair designates that certain matters which are of a nature that requires they be handled with due and appropriate sensitivity, are to be dealt with in closed session.

Annual Reports to Board: The existing Policy 92 provides for annual reports to the Board regarding the activities of the LUSC. To make best use of the Board’s limited time, the Policy Review Committee recommends removing this requirement. The Board will receive information regarding every Land Use Rule and Plan through the Property Committee as well as annual reports regarding any new, amended or repealed Guidelines, which information will provide a high level of visibility of the activities carried out under Policy 92. Further, Campus & Community Planning has the option to bring additional information to the Board as determined to be desirable by Campus & Community Planning or as requested by the Board.

<p>BENEFITS</p> <p>Learning, Research, Financial, Sustainability & Reputational</p>	<p>The areas of land use and sustainability are strongly connected and the inclusion of sustainability considerations into Policy 92 further bolsters the University's commitment to sustainability while integrating land use and sustainable development and sustainable operations in a cohesive policy. Additionally, the repeal of Policy 5 supports the University's goal of streamlining the number of Board policies to improve the Board's ability to maintain the relevancy of Board policies and to facilitate compliance and consistency across University constituents.</p> <p>The additional proposed amendments to Policy 92 will further strengthen the systems for managing land use and other activities, including business licensing and sustainability initiatives, on the University's campuses.</p>
<p>RISKS</p> <p>Financial, Operational & Reputational</p>	<p>There are no associated risks with the proposed amendments to Policy 92 and the repeal of Policy 5.</p>
<p>SCHEDULE</p> <p>Implementation Timeline</p>	<p>Subject to any feedback from the Board, the proposed amended Policy 92 will be published with a call for comments from the beginning of January 2019 to the middle of February 2019. The Policy Review Committee will review all comments received through this community consultation process in February and March 2019 and will develop a final proposal that is expected to be recommended to the Board for approval at its meeting in April 2019.</p>
<p>CONSULTATION</p> <p>Relevant Units, Internal & External Constituencies</p>	<p>The Office of the University Counsel constituted a Policy Review Committee comprised of the following members, who have relevant knowledge and experience in the areas of land use, development and sustainable operations, to consider and advise on the review of Policy 92:</p> <ul style="list-style-type: none"> • Hubert Lai, Q.C., University Counsel (Chair) • Lorena Vlad, Legal Counsel (Secretary) • Michael White, Associate Vice-President, Campus & Community Planning • John Metras, Associate Vice-President, Facilities • John Madden, Director, Sustainability and Engineering, Campus & Community Planning • Grant Miller, Director of Planning: Development Services, Campus & Community Planning • Peter Smailes, Vice-President, Finance and Operations <p>The members of the Policy Review Committee unanimously recommend the proposed repeal of Policy 5 and the proposed amendments to Policy 92. Subject to feedback from the Board, community consultation will be undertaken in accordance with the timeline set out above under the "Schedule" section.</p>

 <p>The University of British Columbia Board of Governors</p>	<p>Policy No.: 92</p>	<p>Approval Date: October 2009</p> <p>Last Revised Date: [x]</p>
<p>Responsible Executive: Vice-President, Communications, External Relations —and Community Partnership—</p>		
<p>Title:</p> <p style="text-align: center;">Land Use and, Permitting and Sustainability</p>		
<p>Background & Purposes:</p> <p>Under the <i>University Act</i>, the Board of Governors is vested with the power to: (a) manage, administer and control the property, revenue, business and affairs of the University, UBC; (b) make rules respecting the management, government and control of the University 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 <i>University Act</i>.</p> <p>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 <i>Municipalities Enabling and Validating Act (No. 3)</i> [SBC 2001] Ch. 44 (“MEVA”). For so long as the Land Use Plan is in effect, the Board of Governors must ensure that all:</p> <ul style="list-style-type: none"> (a) agreements entered into by the University 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 the University UBC under an authority referred to in paragraph (b), and (d) land development undertaken or authorized by the Board of Governors, <p>are not inconsistent with the Land Use Plan.</p> <p>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 <i>University Act</i>. The UBC/Kelowna MOU provides:-</p> <p style="padding-left: 40px;">“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.”</p> <p>(*Trek 2000 has since been superseded by Place and Promise: The UBC Plan.)</p> <p>In accordance with MEVA and consistent with the UBC/Kelowna MOU, the University has developed and consistently improved its UBC has well-developed systems for land use regulation. For the UBC Vancouver campus In accordance with MEVA, the Land Use Plan applies and seven Neighbourhood Plans have been developed. At UBC Okanagan, the University to the UBC Vancouver campus. At the UBC Okanagan campus,</p>		

~~the City of Kelowna has jurisdiction over land use governance and UBC and the City of Kelowna have leveraged their respective experiences and expertise to develop an excellent~~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.

~~Through its work on these plans and other~~As a result of UBC’s campus development initiatives, ~~the University~~UBC 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~~of its campuses are recognized as living ~~laboratory~~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.

~~Building on these successes and consistent with the University’s desire to continually improve transparency and accountability, the following~~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) ~~the University~~UBC’s existing systems for land use regulation;

(b) how the Board of Governors manages, administers and controls ~~the University~~UBC’s property and makes rules respecting the management, government and control of the ~~University~~UBC’s real property, buildings and structures; and (c) how ~~the University will continue to work~~UBC works with local governments on land use and planning issues.

~~1. Authority to Establish Land Use Rules~~

1. External Governance Requirements

- 1.1. ~~A committee with the following membership (the “Land Use Committee”) is hereby constituted pursuant to section 27(2)(e) of the University Act.~~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. two members of the Board of Governors selected by the Chair of the Board of Governors;~~the Land Use Plan;

~~1.1.2. the Associate Vice President, Campus and Community Planning (“CCP”);~~requirements established by the *British Columbia Building Code*;

~~1.1.3. the Responsible Executive; and~~requirements established by the *British Columbia Fire Code*;

~~1.1.4. two external members (as may be more particularly described in the Procedures to this Policy);~~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

~~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.~~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”).

~~1.3-5.3.~~ Prior to recommending to the Board of Governors the making, amending or repeal of a Land Use Rule that is intended to affect University/UBC Lands as may be that are designated ~~in the Procedures from time to time~~ for non-institutional use, ~~the Land Use Committee shall,~~ in accordance with the Procedures, the LUSC shall ensure that there has been an appropriate consultation process, ~~which may include a public hearing, 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.

~~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~~

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.

~~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~~5.6. CCP will post all Plans and Guidelines that are in effect on the CCP Website (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~~.

6. Compliance with External Governance Requirements and Land Use Rules

~~2.2.6.1.~~ In relation to the ~~University~~ UBC Lands:

~~2.2.1. the University~~ 6.1.1. UBC's academic and administrative units and all staff employed by UBC; and

~~2.2.2.6.1.2.~~ any person who has entered into a lease, permit, license, including, but not limited to a business license, or other property agreement with ~~the University~~ UBC,

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~~ 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.

~~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:~~

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:

~~2.3.1.6.3.1.~~ 6.3.1. issuance of development permits, demolition permits, excavation and backfill permits, landscape permits ~~and~~, infrastructure permits and business licenses; and

~~2.3.2.6.3.2.~~ 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 ~~Land Use Committee~~ LUSC may delegate to CCP the administration and decision making authority necessary to fulfill the functions described in this Section ~~2.3.6.3.~~

3.7. Variance

~~3.1.7.1.~~ 3.1.7.1. A person who wishes to obtain a variance from the Land Use Rules (the “Applicant”) must make ~~their~~ the variance request in writing to the relevant 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 within CCP (each, a “Director”).~~

~~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~~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 ~~timeframes~~timelines 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~~UBC bodies (for example ~~Land Use Committee, the LUSC~~ or the UBC Vancouver Development Permit Board) regarding an application for a variance, but is not bound to follow ~~such recommendations~~their advice.

8. Appeals

~~3.3. The Board of Governors authorizes, pursuant to Section 27(2)(e) of the University Act, the~~8.1. The Associate Vice -President, CCP, to create a process to consider is authorized to hear appeals from the variance of decisions issued made by the Director of CCP 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, the manner, and the timeframes of such applications; and to issue decisions regarding all such applications 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.

~~4. Transition~~9. 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~~

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.

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

	<u>DOCUMENT</u>	<u>DESIGNATION (LAND USE RULES, PLANS OR GUIDELINES)</u>
<u>1</u>	<u>UBC Development & Building Regulations</u>	<u>Land Use Rule</u>
<u>2</u>	<u>UBC Development Handbook</u>	<u>Land Use Rule</u>
<u>3</u>	<u>UBC Residential Environmental Assessment Program (REAP)</u>	<u>Land Use Rule</u>
<u>4</u>	<u>UBC Vancouver Business License Regulation for UBC Neighborhoods</u>	<u>Land Use Rule</u>
<u>5</u>	<u>Shaping UBC's Next Century</u>	<u>Plan</u>
<u>6</u>	<u>The UBC Vancouver Campus Plan</u>	<u>Plan</u>
<u>7</u>	<u>Okanagan Charter</u>	<u>Plan</u>
<u>8</u>	<u>Chancellor Place Neighbourhood Plan</u>	<u>Plan</u>
<u>9</u>	<u>East Campus Neighbourhood Plan</u>	<u>Plan</u>
<u>10</u>	<u>Mid Campus (Hawthorn Place) Neighbourhood Plan</u>	<u>Plan</u>
<u>11</u>	<u>Wesbrook Place Neighbourhood Plan</u>	<u>Plan</u>
<u>12</u>	<u>UBC Recreation and Athletics Facilities Strategy (Gameplan)</u>	<u>Plan</u>
<u>13</u>	<u>UBC Green Building Action Plan</u>	<u>Plan</u>
<u>14</u>	<u>A Sustainable Drainage Strategy for the South Campus Neighbourhood</u>	<u>Plan</u>

	<u>DOCUMENT</u>	<u>DESIGNATION (LAND USE RULES, PLANS OR GUIDELINES)</u>
15	<u>Vancouver Campus Integrated Stormwater Management Plan</u>	<u>Plan</u>
16	<u>North Campus Neighbourhood Plan</u>	<u>Plan</u>
17	<u>The University Boulevard Neighbourhood Plan</u>	<u>Plan</u>
18	<u>UBC Child Care Expansion Plan (Point Grey Campus)</u>	<u>Plan</u>
19	<u>UBC Public Realm Plan for the Vancouver Campus</u>	<u>Plan</u>
20	<u>UBC Housing Action Plan</u>	<u>Plan</u>
21	<u>UBC Transportation Plan (Vancouver Campus)</u>	<u>Plan</u>
22	<u>Climate Action Plan</u>	<u>Plan</u>
23	<u>UBC Community Energy and Emissions Plan</u>	<u>Plan</u>
24	<u>Zero Waste Action Plan</u>	<u>Plan</u>
25	<u>UBC's Vancouver Campus Public Art Strategy</u>	<u>Plan</u>
26	<u>Wesbrook Place Neighbourhood Plan Design Vision Supplement</u>	<u>Guidelines</u>
27	<u>UBC District Energy Compatibility Guide</u>	<u>Guidelines</u>
28	<u>UBC Technical Guidelines</u>	<u>Guidelines</u>
29	<u>Engagement Principles and Guiding Practices</u>	<u>Guidelines</u>
30	<u>University Boulevard Design Guidelines</u>	<u>Guidelines</u>
31	<u>Bird Friendly Design Guidelines for Buildings</u>	<u>Guidelines</u>

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

PROCEDURES

~~Approved: October 2009~~

~~Last Revised Date: _____~~

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 of Governors and are incorporated in the next publication of the UBC Policy and Procedure Handbook."

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 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.~~ 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. ~~1.2.~~ Any person who is a student of the University UBC, an employee of the University 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 Land Use Committee 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 ~~this~~ the Policy and these Procedures, the CCP's ~~Main~~ main website is www.planning.ubc.ca (the "CCP Website is www.planning.ubc.ca").
- 2.2. CCP will have the primary responsibility, on behalf of the University UBC, to liaise with local governments and other government authorities and third parties regarding issues relating to land use ~~and~~ planning and sustainability.
- 2.3. Every person, including every member of the University UBC community, or ~~their~~ 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 ~~Land Use Committee~~ LUSC by delivering a written application to CCP.

- 2.4. CCP, on behalf of the ~~Land Use Committee~~LUSC, will consult with other units of ~~the University~~UBC, senior administrators, or the Board of Governors, as appropriate, if the ~~Land Use Committee~~LUSC considers ~~that~~ the implementation, ~~repeal or modification~~ of ~~the~~ 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 ~~the University~~UBC.
- 2.5. For the purposes of ~~Article 1.3~~Section 5.3 of the Policy, the following areas are designated for non-institutional use:
- ~~2.5.1.~~2.4.1. the local neighbourhood known as Chancellor Place;
 - ~~2.5.2.~~2.4.2. the local neighbourhood known as ~~Hawthorne~~Hawthorn Place/Mid Campus;
 - ~~2.5.3.~~2.4.3. the local neighbourhood known as Hampton Place;
 - ~~2.5.4.~~2.4.4. the local neighbourhood known as Wesbrook Place;
 - ~~2.5.5.~~2.4.5. the local neighbourhood known as East Campus;
 - ~~2.5.6.~~2.4.6. the local neighbourhood known as ~~Gage South~~North Campus; and
 - ~~2.5.7.~~2.4.7. the local neighbourhood known as University Boulevard.
- 2.6. When the ~~Land Use Committee~~LUSC undertakes ~~the~~ consultation that is required by ~~Article 1.3~~Section 5.3 of the Policy, the following process will apply:
- 2.6.1. CCP, on behalf of the ~~Land Use Committee~~LUSC, 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 ~~the 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~~LUSC, will provide the public with at least ~~thirty~~30 days to submit written comments concerning the Proposed Amendment ~~to the Land Use~~;
 - 2.6.3. CCP, on behalf of the ~~Land Use Committee~~LUSC, will consult with the President’s Property and Planning Advisory Committee for UBC Vancouver, and the Deputy Vice Chancellor’s ~~Executive Committee~~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 ~~Land Use Committee~~LUSC, which will then make recommendations ~~to the Board of Governors~~ 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 ~~1.35.3~~ 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.~~
~~2.6.6:~~

Document comparison by Workshare 9.5 on Friday, November 2, 2018 3:32:31 PM

Input:	
Document 1 ID	file://C:\Users\ylui\Desktop\Policy 092 - Current Version (September 2018).docx
Description	Policy 092 - Current Version (September 2018)
Document 2 ID	file://C:\Users\ylui\Desktop\Draft Revisions - Policy 92 (November 2018).docx
Description	Draft Revisions - Policy 92 (November 2018)
Rendering set	Standard

Legend:	
	<u>Insertion</u>
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Deletions	162
Moved from	24
Moved to	24
Style change	0
Format changed	0
Total changes	504



The University of British Columbia
Board of Governors

Policy No.:

92

Approval Date:

October 2009

Last Revised Date:

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

	DOCUMENT	DESIGNATION (LAND USE RULES, PLANS OR GUIDELINES)
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
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

Last Revised Date: _____

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 of Governors and are incorporated in the next publication of the UBC Policy and Procedure Handbook."

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.