

**SUBMISSION**

**OF THE**

**PACIFIC SPIRIT PARK SOCIETY**

**TO THE**

**GVRD/UBC JOINT COMMITTEE**

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## INTRODUCTION

I appear on behalf of the Pacific Spirit Park Society (PSPS), whose membership has worked cooperatively with the Greater Vancouver Regional District (GVRD) and its Parks Department since the creation of the GVRD Pacific Spirit Park in 1989.

My clients, professionals and park users, are committed through the Park Society to promoting the preservation and protection of the natural resources of the Pacific Spirit Regional Park, and the world renowned Wreck Beach.

Members of the Joint Committee, the Park Society is very concerned that the proposed and ongoing construction of four twenty-storey towers on Marine Drive, is poised to destroy a portion of the GVRD's only world renowned park, including Wreck Beach. These proposed towers, some of the highest buildings on campus, and built directly above Wreck Beach, will inevitably destroy this precious wilderness park and its clothing optional beach.

Recently at the October 29 GVPD Board meeting I distributed a document quoting most of the world's famous guide books referencing Vancouver's unique Wreck Beach. We studied 17 guide books on Vancouver; all but one referenced the Beach, and all positively. The Lonely Planet: "...this famous stretch of sand..."; Best Places: "...Wreck was named one of the world's great beaches..."; Rough Guide: "...the famous clothing optional Wreck Beach..." "...it is a very beautiful and broad strand..."; Thomas Cook: "...this beach has unrivaled natural beauty..." And on and on.

I have a special interest with this beach. In my early days of law practice, in the early 70s, I represented fourteen sunbathers charged with indecent exposure at Wreck Beach. On appeal, the B.C. Supreme Court found the individuals not guilty. Since then no similar charges have ever been laid.

Today, my clients, the Park Society, are most concerned about this project. And don't be misled by Mr. Pavlich's suggestion in his November 5 report that only Towers 5 and 6 are in issue. All the towers including the tower currently under construction are of concern. And as I dip my toes into this controversy, many troubling issues arise in terms of the University's approach. Allow me to reduce UBC's positions to their basics:

(1) UBC says that the towers will not negatively impact on the park and beach. This is an absurd position to take.

A report by a GVRD Planner indicates that UBC's geotechnical study doesn't even address the effect of the towers complex on cliff erosion, only the stability of the towers themselves. This is just one example of UBC's habit of putting its own interests ahead of the public interest.

The Wreck Beach Preservation Society (WBPS) went to great expense to perform a visual impact analysis of the towers, and has produced pictures showing how the buildings will tower over the beach. These pictures were circulated to the GVRD Board and clearly caused the Board concern. But wait a minute. UBC answers by saying that the towers will not be visible from the high water mark.

Only a fool would define the beach as being limited to the narrow stretch of sand that remains at high water, an area completely enveloped in a canopy of shrubbery. Common sense tells us that the beach is the tidal zone, extending to the low water mark, and indeed includes the water within the vicinity of the beach where people swim. I dare say that the narrow strip of sand above high water mark is but a fraction of the beach and its amenities. To suggest otherwise is, I suggest, to intentionally mislead.

(2) UBC appears to take the position that the towers are exempt from the provisions in the Official Community Plan (OCP) that safeguard the Park. This position is arrogant and downright reckless. And it clearly comes as a surprise to the GVRD.

When my clients and the Wreck Beach Preservation Society cite the obligation imposed on UBC by the OCP that developments "adjacent to the Park can only be done in a manner that protects Park values" (contained in the Pacific Spirit Park Management Plan), UBC advances the argument that "...the site is not adjacent" to the Park because it is separated from the Park by Marine Drive. The University should be embarrassed to advance such a specious argument. Everyone knows without going to a dictionary that "adjacent" means lying near or close or neighbouring an another property. This project is adjacent to the Park, and the OCP requirements apply, pure and simple.

UBC administration also distinguishes between "institutional" and "non-institutional" development. They take the position that the "institutional" development is exempt from the requirement for a full public review of how the development may impact on the Park. We ask: "What specific provisions in the OCP or the MOU exempt "institutional development" from the provisions that safeguard the Park? We have looked and we can't find them. The fact is that all development at UBC is governed by the OCP and the Park Plan (Pacific Spirit Park Management Plan).

The only basis upon which the administration can argue that no public review is required is in Chart 2 of Schedule 3 to the MOU. Forgive me, but Schedule 3 clearly states that this Chart concerns only the "typical" or "general" process that might be followed -- not the special and particular processes required by the OCP and the *Park Plan* whenever development threatens the Park's integrity.

(3) The university claims to have carried out public consultation. UBC points to a so-called "public meeting" held January 8, 2004. We have found that notice of that meeting was only published in the Ubysey newspaper and the Courier on one occasion, just a few days before the January 8 meeting. The notice says nothing about the size and scope of the project, and the location of the project is unclear. Only three members of the public showed up for the meeting. The other nineteen participants were staff or consultants. My clients weren't even informed of the meeting. Clearly the public are greatly concerned about this project when you see the presentation of a petition signed by 21,000 people. You be the judge whether there has been a full and appropriate consultation with the public about such a controversial project when the public meeting is held without proper notice, and without notice to the public interest groups, and only three people show up.

(4) UBC attempts to defend itself by advancing the argument that the Towers fulfill an OCP requirement for student housing. The OCP clearly refers to student housing levels as an objective, not a requirement. Further, just as for "institutional development", no where, repeat, no where, in the OCP is there even the slightest suggestion that student housing can be built at the expense of the provisions in the OCP protecting this precious park.

Members of the Joint Committee: UBC is not only on a collision course with my clients, the Preservation Society, and the public, but probably most significantly, with the GVRD. We appeared before the Board of the GVRD on October 29, 2004. Arising from that representation the GVRD passed motions expressing opposition to any development that compromises the historical viewscape and the privacy of Wreck Beach from all areas of exposed beach at low tide, asking for production to the public of UBC's reports, and lastly requiring UBC to conduct a full public hearing. The Board's attitude mirrors concern expressed in a report by a GVRD Park Planner, and by the GVRD's Park Committee.

The UBC administration has attempted to shield the towers development from scrutiny and it has adopted positions that do not stand up to examination. The University administration is apparently prepared to blindly carry on with the planned towers, founded upon specious and to put it charitably, ridiculous arguments. Is the University prepared to carry on with its towers in the face of GVRD opposition? Is the University prepared to blindly carry on with its own self-interest when the public interest is so clearly being prejudiced? We ask this Committee to require the UBC administration to go back to the drawing boards to revisit this project and to come up with a proposal that protects the public interest.

We urge the GVRD members of this Committee to do your duty and stand behind the October 29 GVRD Board resolution.

We urge UBC and UBC's Board of Governors to ensure that Phase 1 of the development is arrested and Phase 2 does not proceed without full public review and input, as required by the OCP and Park Plan.

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 For more information, please contact:

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References:

1. The *Official Community Plan for Part of Electoral Area 'A'* (OCP)

By Bylaw 840-1996, the Greater Vancouver Regional District (GVRD) adopted on July 25, 1997, the OCP to apply to part of Electoral Area 'A', including The University of British Columbia (UBC) Campus and part of Pacific Spirit Regional Park. The OCP is available on the Internet at:

<http://www.ocp.ubc.ca/ocp/>  
[http://www.ocp.ubc.ca/ocp/pdf/OCP\\_UBC\\_Jan03.pdf](http://www.ocp.ubc.ca/ocp/pdf/OCP_UBC_Jan03.pdf)

2. The *Pacific Spirit Regional Park Management Plan* (PSRPMP)

The two foreshore lots in the OCP area, to the west of Marine Drive within Pacific Spirit Regional Park, are designated for protection for recreation and conservation in the PSRPMP adopted by the GVRD Board in October, 1991. Copies of the PSRPMP are available from the GVRD Parks West Area Office, 4915 West 16th Avenue, Vancouver, BC, phone 604-224-5739.

3. The *Memorandum of Understanding* (MOU) dated December 18, 2000

This MOU, between the GVRD and UBC, concerns planning, development, and governance of the UBC Campus. The MOU is available on the Internet at:

[http://www.planning.ubc.ca/pdfs/New\\_Final\\_MOU.pdf](http://www.planning.ubc.ca/pdfs/New_Final_MOU.pdf)