

Community Association of New Yaletown Legal Petition Backgrounder

Vancouver, BC – May 6, 2014

The following facts are set out in the Petition filed on May 6, 2014, by Nathalie Baker, of the law firm Baker & Baker, on behalf of the Community Association of New Yaletown (CANY):

- In 2011 the developer proposed a land swap with the City. The developer proposed to build a new social housing building at 1099 Richards to replace the Jubilee House and, in exchange, the City would give the developer its property at 508 Helmcken and rezone it to permit a 36-storey mixed-use residential building.
- Although the rezoning of 508 Helmcken was inextricably linked and dependent upon the redevelopment of 1099 Richards, the public was given very little information about the proposed social housing development at the July 16, 2013 Public Hearing or the details about a contract entered into between the developer and the City in early 2013.
- On July 23, 2013 the City rezoned, in principle, 508 Helckmen. A condition of the rezoning bylaw was that the developer first complete the construction of the social housing building at 1099 Richards.
- Following Council's decision, a development permit application for 1099 Richards was reviewed by the Development Permit Board (DPB). The developer was asking for an increase in density for "social housing". The DPB powers, however, were limited. It could approve the increase in density only if City Council had given prior approval *and* if the development included "low cost housing".
- At the DPB hearing, City Staff advised the advisory panel and the Development Permit Board that Council had approved the proposed increased density at 1099 Richards as part of the rezoning of 508 Helmcken. Although this was not true, the board unconditionally approved the Development Permit at a density of 7.04, exceeding the maximum density of 3.0 set by the Downtown Official Development Plan (DODP)
- Following the hearing, city staff admitted that council had never approved the increased density as part of the rezoning.
- To cover up its errors, in early 2014 the City slipped proposed amendments

relating to 508 Helmcken into a set of DODP bylaw changes relating to the West End Community Plan—an entirely different neighbourhood. The hidden amendments to Section 3.13 of the DODP struck the two requirements limiting the DPB's prior decision to approve the density of 508 Helmcken: that the DPB gain *prior* approval by Council, and that it could approve density increases only for "low cost housing".

- This amendment, which affected the development of 508 Helmcken, was not mentioned in the City's recommendations to Council for the West End Community Plan or its staff Report but was instead tucked into an Exhibit that formed part of the almost 90 page Report. The relevance of these amendments to the New Yaletown neighbourhood or to 508 Helmcken was never mentioned as part of the proceedings approving the changes to the DODP bylaws.
- Two weeks later, on February 19, 2014, Council considered a motion to "endorse" what the staff report called the DPB's "conditional approval" of increased density for 508 Helmcken. This motion carried. A separate motion to refer the matter to the next standing Committee on April 2, 2014 to "allow time to review video of the Public Hearing on July 16, 2014 for 508 Helmcken", to determine whether in fact Council had given prior approval for the density, as had been falsely claimed, was defeated.
- Even after the above secret changes to the DODP bylaws, the rezoning of 508 Helmcken still remained conditional on the completion of the building at 1099 Richards. However, on March 11, 2014 Council voted to approve the rezoning of 508 Helmcken, even though the developer has not started construction at 1099 Richards. CANY learned of the rezoning on May 1, 2014.
- The City has yet to provide any documents in response to CANY's various FOI Requests. After the City missed its own 30-day deadlines twice, CANY filed an appeal with the BC Office of Information and Privacy.

BACKGROUND

The **Community Association of New Yaletown** is a non-profit, community-based organization that represents the interests of residents, businesses, and property owners in the downtown Vancouver neighbourhood of New Yaletown. Our aim is to enhance the quality of life, the character and the livability of our neighbourhood, and to build connections within our community. We accomplish this through community engagement and by working to ensure that changes to our neighbourhood are aligned with our community's interests.

CONTACTS

Jon Green (Primary contact)
President of Community Association of New Yaletown
jonfgreen@gmail.com

Nathalie Baker, Baker & Baker (Legal contact)
nbaker@bakerbaker.ca
604-891-0208

Alan Albert (Secondary contact)
Vice President of Community Association of New Yaletown
aa@albertworks.com

Peter Ostafichuk (Technical Contact re zoning, setbacks, privacy, view cones, etc.)
ostafich@mail.ubc.ca
Director of Community Association of New Yaletown

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