

Yaletown development will likely get new public hearings after court ruling

Judge said city did not provide enough information to affected residents

BY KELLY SINOSKI, VANCOUVER SUN JANUARY 30, 2015



An artist's rendering of the proposed new building at 508 Helmcken. Handout photo.

The City of Vancouver is expected to hold more “robust” public hearings on rezoning applications in the West End and the Downtown Eastside after being lambasted in the courts this week for “unduly restricting” the flow of information on major projects in Yaletown.

A city staff report, set to go to council next week, calls for new public hearings on the New Yaletown development, which involved a controversial land swap with Brenhill Developments and a 36-storey tower, as well as proposed rezoning amendments in the West End and DTES around bonus density for social housing. The amendments are part of the city's Downtown Official Development Plan, which encompasses the downtown commercial district.

“We want to make sure this time that the public consultation is as robust as possible,” said Brian Jackson, Vancouver's general manager of planning and development. “We did do legal notifications but people may have been under the impression that the changes only affected the West End or the Downtown Eastside.”

The staff report follows a ruling by B.C. Supreme Court Justice Mark McEwan earlier this week that found the city did not provide enough information to all residents affected, such as those in Yaletown. He also found the city did not extend the public hearing process wide enough.

Residents took the city to court asking for a judicial review of a 2013 public hearing on the land swap and development, arguing the public hearing notification process was not sufficient.

Brenhill offered to trade the city its site at 1099 Richards St. in return for the social housing property the city owns across the street at 508 Helmcken. That building, called Jubilee House, contains 87 units inhabited by people on welfare, disability or veteran's pensions. It also backs on to Emery Barnes Park.

Residents argued the city had already negotiated the land swap with Brenhill before the public hearing, and had failed to disclose important documents at the hearing.

McEwan ruled a public hearing is "not just an occasion for the public to blow off steam: it is a chance for perspectives to be heard" and said the city did not provide enough information for the public to evaluate the pros and cons of the proposed development.

"Residents of the city have a right to a voice in integrated projects of this kind, and a right to a fair opportunity to express themselves relative to the over-all advantages and disadvantages of the proposal," McEwan ruled. "They have a right to make submissions on whether, at the end of the day, the city simply gets what it has and Brenhill gets a tower, to the overall detriment of the neighbourhood, or whether, in fact, the arrangement is a good deal, enhancing the City's social housing and low cost housing goals at minimal cost to those nearby."

McEwan said much of the information provided by the city was complex, highly technical and "organized in such a way that a large volume of information that is, at best, peripheral, interlaced with material that is vital to the issues."

"There is nothing that addresses the public in simple, direct terms," he ruled. "Rather, the material has the general effect of allowing the public to eavesdrop on correspondence between technical staff and city council. Jackson noted many bylaw amendments in large cities are often technical and hard to understand, but noted the city plans to address the issues raised by McEwan's ruling. He noted that while the Downtown Eastside amendments were not included in the lawsuit by New Yaletown residents, the city will voluntarily repeal the proposed bylaws to ensure all residents have their say."

"We thought we had carefully followed the current policies and procedures with council," he said.

Acting Mayor Raymond Louie and Deputy Mayor Andrea Reimer declined to comment on the report Friday, saying they hadn't had a chance to read it.

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