

Court rules West End tower project can proceed; opponents say they're weighing their options

A B.C. Supreme Court ruling that allows a long-planned West End residential tower with over 170 rental units to proceed will go a long way toward providing affordable housing in the neighbourhood, says Vancouver Mayor Gregor Robertson.

The decision by Judge Kenneth Affleck on Tuesday in support of council's efforts to rezone 1754-1772 Pendrell St. will allow for a 21-storey building containing 178 market rental units, 26 of which will be secured for 30 years with rents at 20 per cent below the area's market average.

"This is a very positive step for both the West End and affordable housing in Vancouver," said Robertson in a statement. "This new development provides 178 new rental homes, including 26 at below-market rents, in a neighbourhood with one of the lowest vacancy rates in the city."

The city said that the project — approved by council last September — would make a significant contribution toward Vancouver's overall affordable housing goals as identified in the Housing and Homelessness Strategy as well as key housing directions under the West End Community Plan.



Nathalie Baker, a lawyer for six petitioners fighting the plan, wouldn't comment on the court decision.

Petitioner Jane-Anne Manson said the group is considering its options, noting they are very disappointed with the decision.

"The court made it clear the West End Community Plan is not binding in any way," said Manson. "And yet the city relies on it to grant

itself enormous social licence to increase density into the stratosphere in the West End."

She said there are six towers planned in her area, which would mean "2,000 new residents with at least 1,000 cars within four blocks."

The petitioners, who live at 1725 Pendrell, had argued that the new zoning would authorize construction of a much larger building than permitted and "would result

in a massive increase in density for market housing in an area of the West End where city policy does not support increases in density for market housing."

They said that city council acted in a "quasi-judicial capacity" by moved forward using erroneous information from city staff.

Judge Affleck disagreed, and rejected complaints that there wasn't adequate warning of the rezoning application.

Council had approved developer Westbank's rezoning application for the tower, one of two proposed large tower developments that were grandfathered after the city adopted its new West End Community Plan in 2013.

In 2007, a previous owner proposed a 21-storey tower under the city's affordable housing policies, with plans for a mix of social housing and condominiums. That proposal generated a community backlash and in 2010 was rejected by the Urban Design Panel, citing, among other issues, the bulkiness of the building.

Westbank project manager Farouk Babul said Tuesday he supports the court decision.

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