

FOR IMMEDIATE RELEASE

Community Association Files Legal Petition to Save Emery Barnes Park

Vancouver, BC – May 6, 2014

The Community Association of New Yaletown today filed a legal petition at BC Supreme Court to prevent the development, on the downtown city block containing Emery Barnes Park, of what could become the densest residential building in Vancouver.

The legal petition alleges that the City, in approving development of the 36-storey tower at 508 Helmcken St. and a related building across the street at 1099 Richards St.:

- **withheld information** from the public about the planned development, preventing informed community participation;
- **provided false and misleading information** to the Development Permit Board in order to gain approval for a development permit;
- **hid bylaw changes** concerning New Yaletown within amendments to the West End Community Plan—amendments for a completely different neighbourhood;
- **grossly violated the bylaws** of the Downtown Official Development Plan, which ensures residential livability by limiting building size and density.

“This case isn’t only about building size or a lack of transparency,” said Jon Green, President of the Community Association of New Yaletown (CANY). “It goes much further than that. This case is about the deliberate obfuscation of fundamental facts by those responsible for the process, a process which was designed to mislead in order to evade the requirements of the law.”

“Our goal is to save our Park,” continued Green. “This city-owned land had been planned and budgeted to become part of our park. Instead, the City chose to ignore overwhelming neighbourhood opposition and approve a developer’s proposal for a building denser than the *Shangri La*—the tallest building in the city.”

The public voiced opposition to the development throughout its approval process, with over 91% of neighbouring residents opposed. In considering the proposed development, even the Chair of the Urban Design Panel, Norm Shearing, described the enormous tower as “a building that is out of context” for the neighbourhood.

The development at 508 Helmcken violates the Downtown Official Development Plan (DODP) bylaws in numerous significant ways, including:

DODP Bylaw	Allowed	Approved	Magnitude of Violation
Building Height	70 Feet Maximum	320 Feet	4.5 Times Allowed Height
Building Density in Floor Space Ratio (FSR)	FSR 3.0 Maximum	FSR 17.19	5.5 Times Allowed Density
Setbacks from Sidewalk and Park	12 Feet Minimum	6 Feet (0 Feet in some places)	1/2 of Required Setback

“The City will likely claim that these bylaw violations are justified by the need for Social Housing,” said Alan Albert, Vice President of CANY. “This planned mega-tower contains no social housing. It’s a for-profit building at market rates.”

Continued Albert, “I support social housing. My family and I chose to live in a neighbourhood that has several social housing buildings, because they contribute to the diversity of our community.”

The land at 508 Helmcken had previously been planned to be added to the park as part of Phase III, with funds allocated in the Park Board budgets for 2011 and 2012. The expanded park was intended to help reduce the City’s significant shortfall in meeting its own greenspace targets in the area. The City did not even mention or discuss its prior park expansion plans as it discarded them in favour of the developer’s proposal.

The Community Association of New Yaletown is seeking judicial review and is actively seeking the public’s support in order to stop or scale back the approved mega-tower and to help enable Emery Barnes Park to expand to its originally planned size. The CANY website, at www.newyaletown.ca, provides more details about the development, the legal Petition, and the association.

The facts of the legal Petition prepared by Nathalie Baker of the law firm of Baker and Baker is contained in a separate Legal Petition Backgrounder. This Legal Petition Backgrounder, along with the Petition filed with the BC Supreme Court, is available on the newyaletown.ca website.

BACKGROUND

New Yaletown is a distinct neighbourhood of downtown Vancouver, separate from and

adjacent to the west of Yaletown. As defined by the City of Vancouver, New Yaletown is bounded north-south by Pacific Blvd. and Smithe St., and east-west by Hamilton St. and Seymour St. It is a mixed residential neighbourhood characterized by wide sidewalks with a double row of trees and a focus on livability.

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

###