



Development Image is a 3D SketchUp Model of the Señákw Development using dimensions from <https://senakw.com/design> imported into Google Earth Pro / Image © 2022 Maxar Technologies.

LEGAL FUND CAMPAIGN FOR KPRA COURT PETITION Re SEÑÁKW SERVICES AGREEMENT

Kits Point Residents Association (KPRA) is fighting for accountable and transparent government at Vancouver City Hall -- issues that affect all residents of Vancouver. You can help win this legal challenge by making a donation toward the significant costs associated with litigation.

The KPRA legal challenge is to the Vancouver City Council approval of the Señákw Services Agreement. Señákw is a massive commercial real estate tower development project located on reserve lands at the south end of the Burrard Street Bridge, being developed by limited partnerships controlled by the Squamish Nation and an affiliate of Westbank Projects Corp.

KPRA has filed a Petition in the BC Supreme Court seeking judicial review of the in camera (secret) decision of the Vancouver Mayor and Council approving the Señákw Services Agreement which supports this development with the provision of municipal services and enables it to proceed.

KPRA asks for your support in our stand against:

- the total failure of transparency and accountability by the City of Vancouver (“COV”) in negotiating and approving the Señákw Services Agreement in **secret proceedings, without any consultation process or providing citizens the opportunity to be heard,**
- **the immense over densification** which will result from the Señákw tower development, and the failure of COV to address this issue and protect the livability of the City of Vancouver as a condition of providing its services and resources in support of the development,
- the **failure of COV to conduct adequate study and planning** of basic civic requirements arising from the Señákw development, such as road access, traffic and parking, to ensure the development is a positive one for the City of Vancouver.

If we are successful in our Petition for judicial review of the COV Council decision, the decision and the agreement will be set aside giving our new Mayor and Council the opportunity to follow a proper and democratic process.

They will then have the opportunity to negotiate a municipal services agreement for development on the Señákw lands in the interests of the citizens of Vancouver, rather than being required to adhere to the approach of our previous Mayor and Council, which abdicated COV responsibility on the basis that they had “no jurisdiction”.

We say the COV Council has the right and duty to protect the liveability of the City of Vancouver by negotiating terms for and limitations on the nature of the Señákw development in exchange for the provision of COV resources and services. They failed to do so.

Please donate to KPRA to help us cover the costs of our legal action.

You may donate by:

- cheque payable to Kits Point Residents Association, delivered to any member of the KPRA executive or mailed to KPRA at 1384 Maple Street, Vancouver, B.C. V6J 3R9;
- e-transfer to finance@kpra.ca;
- or by using your credit cards through PayPal on our website: [Donate \(kpra.ca\)](http://kpra.ca/Donate)

Please read on if you wish to know more.

The Señákw Development in Brief

This tower development will be many times higher in density than any urban centre in Canada and *any* census designated place or city in the United States. As currently planned, there will be more than 6000 mostly market priced residential units, plus commercial space, in 11 towers up to 58 stories on a narrow Y-shaped 10.5 acre parcel which is divided and partially covered by the Burrard Street Bridge. Park land in Vanier Park is being used to build an access road for the development - a road that should have been on the developer's own land.

The Señákw development has been acknowledged by COV senior management to be **unprecedented in scope and scale** and is completely out of step with existing Vancouver planning and surrounding neighbourhoods.

Based on 10,500 residents in the 6000 units the development is:

- more than 13 times as dense as downtown Vancouver, the most dense urban centre in Canada
- more than 10 times as dense as the West End.

Images of area before and after proposed development:



All development Images are 3D SketchUp Models of the Señákw Development using dimensions from <https://senakw.com/design> imported into Google Earth Pro / Image © 2022 Maxar Technologies.

Concerns about the proposed development include:

- the **immense density** and its impacts on surrounding neighbourhoods and the livability of the City of Vancouver as a whole,
- the precedent that this density creates for future COV planning,
- the **use of lands in Vanier Park** for this commercial development,
- the impact on COV **transportation infrastructure** which is not prepared for the proposed influx of residents,

- the impact of the development, which has no arterial road access, on traffic and parking in the surrounding areas, and the **failure of COV to conduct a traffic assessment** before entering into the services agreement,
- although any traffic assessment for a development of this size would be impacted by the number of **parking spaces**, COV has not placed any restriction or control on the number of parking spaces in the Services Agreement,
- the nature of the development remains unknown because, under the Señákw Services Agreement, COV has agreed to provide services to support the reserve development, allowing the development to proceed, but **has not restricted what may be built** – the buildings could be higher, there could be more or less parking, and the number of units could be higher than currently advertised; COV Council failed to negotiate limitations on the development notwithstanding the impacts on livability for the citizens they were elected to represent,
- the **lack of** provision by the developers of **community amenities** such as park space and community centres to meet the needs of the new residents – in view of the unprecedented scale and density of the proposed development, provision of these additional amenities should be part of the equation for COV support, as COV amenities will be used by the massive influx of Señákw residents and service levels for the City reduced,
- the lack of planning for **schools**,
- the **failure of our City Government** to govern in the interests of its citizens to address these issues.

Before COV entered into the Señákw Services Agreement binding COV to support the development of the Señákw lands with COV services and resources, citizens should have been consulted and had the right to be heard on these issues. Our elected government should have investigated and negotiated all material concerns in the best interests of the citizens of Vancouver who they represent, rather than abdicating responsibility on the basis that COV had “no jurisdiction”.

But here is what happened:

Mayor Stewart and Council approved and authorized a 120 year municipal services agreement with the Squamish Nation for the Señákw development in a secret vote (in camera proceeding) whereby it agreed to support the Señákw development with COV services and resources. It negotiated that agreement completely in secret, without any consultation with COV residents or providing any opportunity to residents to be heard.

Our COV government used in camera proceedings to keep the information away from citizens notwithstanding significant impacts for surrounding neighbourhoods and the City of Vancouver as a whole.

The Seḥákw Services Agreement was made public on July 29, 2022 as a fait a complis with no input from those who will be affected. It is currently available on the COV website.

Under the Seḥákw Services Agreement COV binds itself to support the development with substantial City resources although the usual standards of planning have not been met. Impacts of the development on the City, such as traffic impacts, were not fully studied before the agreement was entered into, as acknowledged in the Services Agreement itself. The size and nature of the development have not been restricted by the agreement although these will have significant impact for COV residents. The Seḥákw Services Agreement expressly permits the developer to build any kind of a development, including changes to things such as heights of buildings, density and number of parking spaces. Issues relating to transportation infrastructure to support the development remain unresolved. In doing so COV has in effect completely abdicated its responsibility to protect the interests of its own constituents.

KPRA Action:

Kits Point Residents Association has filed a Petition in the B.C. Supreme Court challenging the in camera (secret) decision of Mayor and Council approving the Seḥákw Services Agreement by way of judicial review. The Petition is [linked here](#) .

We say:

- COV breached its duty of fairness to us as citizens.
- Citizens should have been consulted about impacts on the City and its residents because COV resources are being used to support this reserve development.
- Citizens should have been given an opportunity to be heard about how the issues affect them.
- In camera proceedings were not authorized under the Vancouver Charter to the extent that they were used in this case. Secrecy stands in the way of accountability and good government, and should not be tolerated in a democratic society.
- Certain terms of the Seḥákw Services Agreement are unlawful because they exceed the power and authority of COV under the Vancouver Charter.

- Consultation and planning around transportation infrastructure, traffic and road access, parking, schools, community centres and park land are needed prior to completing negotiations in order to ensure that the Señákw development is a constructive and positive development for the City of Vancouver.
- The Services Agreement should not have been signed until this consultation and planning occurred.
- The development is on reserve, which means that the developers, the Squamish Nation and Westbank, did not need to consult with COV citizens, but we do not accept that this means COV has **NO SAY** over the nature and impacts of this commercial development when the developers require COV to support it in very substantial ways with **COV services and resources**, including COV park land for use of the development. We say the COV had a duty and responsibility to address all these issues and ensure that the development works for COV and its citizens before committing our resources in its support.
- According to the federal government **COV and Park Board actually requested** that a COV asset - **lands at Vanier Park - be given to the developer for use as a development access road** even though that road could and should have been on the developers' own lands. Why has COV not been forthright about their role in the use of park land for the access road? We say COV was wrong to offer our scarce parkland for use as a road in a commercial development.
- The development is simply too dense and too high – in general terms, and also specifically for its location without any arterial road access.
- The Señákw development should be consistent with existing COV planning if COV is to agree to support it with COV resources and services.
- The livability for which our city has become famous should be protected.

What are our goals in advancing this legal action?

Our Petition asks the court to set aside the COV decision to approve the Señákw Services Agreement. This will in effect void the agreement.

If we are successful this will provide our new Mayor and Council an opportunity to reconsider and consult with its citizens, and to renegotiate the Señákw Services Agreement for the benefit of the citizens that they represent – to ensure that this development works for the City of Vancouver as a whole, not just the developers. COV does have jurisdiction to determine what kind of development it will support with the significant resources that are being deployed by COV for this development.

We are asking for a right to be fully informed and consulted on all these issues. While we accept and welcome the development of the Seńákw lands by the Squamish Nation, we believe that COV has the right and responsibility to ensure that the development is a positive one for our city before agreeing to dedicate significant resources to support it. We are asking for a revised Services Agreement that reflects full study of the impacts of the development, that demonstrates how negative impacts will be mitigated, that is consistent with existing development requirements in the City of Vancouver, and that ultimately ensures the development will support livable communities for both Seńákw residents and the residents of Vancouver. It should not be a one-way street.

We Need Your Help!

The legal action has been funded to date by grass roots community donations. Legal action is expensive, which is why citizens are so infrequently able to stand up to government to assert their rights. **We are now asking for broader community support. We ask you to take a stand for the residents of Vancouver and assist us to move this action forward with a donation.**

All donations at any level will assist. Funds raised will be used to pay costs associated with the legal action.

You may donate by:

- cheque payable to Kits Point Residents Association, delivered to any member of the KPRA executive, or mailed to KPRA at 1384 Maple Street, Vancouver, B.C. V6J 3R9;
- e-transfer to finance@kpra.ca;
- or by using your credit cards through PayPal on our website: [Donate \(kpra.ca\)](https://www.kpra.ca/donate)

(*In the unlikely event of any excess following completion of legal process, funds will be used to advance these issues with the City of Vancouver and other levels of government, and for purposes consistent with the Constitution of Kits Point Residents Association.)