Panel discussion with Dunbar Residents' Association 19 November 2012

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I am here tonight not to directly answer the questions you have put before the panel, but to help mold the questions that the community might ask of Council. I hope a few questions get answered that way. My history is that I believe in social housing and in fact left my political party in 1976 because the council I worked with voted against a cooperative housing project that would have been built on the Camosun Bog. Dunbar was not my friend that evening.

You might wonder why I am here. The reason is I also believe in democratic neighbourhood planning processes. I was asked here because I have serious reservations about our Council expressing its predilection for supporting higher densities. It is being called an "interim zoning" which at best is laughable and at worst legally ambiguous. It is being done in a broad-brush one - size-fits- all manner across the whole city without a vestige of neighbourhood consultation. It cloaks itself in the language of housing affordability but shows no clear idea of how to actually create and enforce private contracts with developers about tenancies and "affordabilities".

First, I want to draw a picture of the differences between the traditional ways of civic governance and what is happening now. "Vancouverism" is the term coined to talk about a system of land use planning that Vancouver has become famous for… Spaxman and Beasely and MacAfee are the names associated with it. The system was built around a long-term plan with public input at every stage. On the ground, planners were given latitude or discretion (this is where Jonathan and I might disagree) on applications to meet benchmarks set by communities and Council. View corridors, green space and urban design were built in as strong values with tools like density bonusing for social or cultural amenity.

The process of deciding land use was as important as the content. Democracy was a principle exemplified in the local area planning approach... witness the effort that Dunbar pulled together in the mid nineties. It was about that same time that developers were asked to hold public meetings to inform the public about their projects. Although this was on a voluntary compliance basis, and although not a true consultation, the city did take notes on citizen concerns and still does so. Insofar as it was possible, under the local area planning approach, communities did have a chance to formulate their land use and transportation requirements, even discuss housing needs - witness Strathcona which established its own Building Society and built a few hundred units of coop housing in the 70's. Processes for building social housing were clear and funders were publicly accountable, largely because they were government or government funded.

Of course, the 60s and 70s were very different from what we have today and I should not glamorize them or pretend they can be relived. My political views are a product of that age, when the federal government made money available for social housing, when public ownership and publicly accountable regulation determined who would reap the benefits, when it was easier to talk about accountability and democracy since there was government that believed in government. The reform movement called TEAM in Vancouver was a coalition of development interests, design professionals, university planning, engineering, social work and geography departments and neighbourhood activists. An intensely interested media and a federal department of Municipal affairs headed and deputied by westerners Ron Basford and Peter

Oberlander spurred them on. It was a brief halcyon brief period when Vancouverites could wake up in the morning knowing that they were being treated as well as Torontonians and Montrealers by the feds.

Along with democracy, two other principles worth talking about are transparency and accountability. Today, public private partnerships are in vogue for reasons that would require many meetings over many evenings with much wine. Where as a nation we worry about secret sovereignty- threatening trade agreements, we might similarly worry about affordable housing agreements with the development community that can't be properly regulated or enforced here in the City. We know that City Council cannot afford to build housing on its own and has limited support from the province and a federal government, which has dismantled its social housing legislation. So we have to go to the private sector to make our public deals. We have the Property Endowment Fund to use as collateral and incentive as well as funds from Development Cost Charges and Community Amenity Charges. So the City has leverage at any bargaining table. But we also know that a public private deal is often like a sausage - you know what it is, but you don't know what's inside. Most often the details of p.p. relationships aren't made public because it interferes with "competitive" market values. I don't know if this has been tested in any court.

Moreover, the tools for accountability are untested. I know that in Whistler, for example, covenants have been used to enforce tenancy or ownership for employee housing. But how that might work for a general class of "people who can't afford housing" calls for more sophisticated economic and regulatory analysis. When I see tools like "2cd mortgages" as a tool for enforcement put forward in the document produced by the affordable housing task force, I have to ask about foxes and henhouses. Similarly, when the 20% rule that insisted on 20% social housing in any major development which TEAM invented for False Creek, it did not mean 20% below market value. Somebody else do the math please but who wants to subsidize people who can afford a mortgage on $2.5million minus 20%, or pay a rent at $2500 minus 20%. We are not talking about the working poor here, and certainly not the vulnerable poor. Also we have the example of the Vancouver Land Corporation to look back on which used $50 million from the City's Property Endowment Fund to produce social housing but produced very little, if any, low cost housing. The Corporation is now called "Concert Developments".

In social housing someone has to pay. There is a subsidy. I maintain that it is better that the subsidy be declared and paid by the public sector in an open audited manner rather than by a private developer who might not be required to disclose her profits or losses or by a community which pays dearly through its good will and livability - values which don't have dollar figures attached but which are valuable and real nonetheless. A community may be interested in serving vulnerable populations, or its own aged or youth, or families starting up. It may be interested in developing density for better transit service. It may want to control its rate of growth. These values should be quantifiable in some way before getting translated into zoning bylaws.

So the first questions that the community needs to ask have to do with the tenets of democracy, transparency and accountability. This is difficult to do with a council that has moulded its behaviour on a provincial or federal model of doing things. By this I mean that generally speaking, the strategy of a parliamentary party is to drive wedges and create a "we - they" conflict framework rather than a consensus building model that the City has built in the past four decades. Martyn Brown just wrote a book about the futility of the "someone has to win, someone has to

lose" approach - stealing my whole rant about "how good decisions get made in spite of government" in the process. I won't belabour the point.

With this frame of mind, however, Council too easily labels Dunbar a NIMBY neighbourhood that resists all change. This is not so in my opinion. Dunbar does have its 15 year old mid nineties plan to look back on which was actually taken to a neighbourhood vote…. Dunbar voted 87 % in favour of 4 stories along the commercial corridor. Which I might add has not been filled in to any great extent. And judging from what I have heard, you have an active, if unfunded, planning process which speaks to the possibility and community desire for rezonings along the arterial corridor. I believe that there is still an historical "good will" to build on here, if the council has not committed itself with its blanket "interim zoning" statement.

To be specific, the community has, under the present protocols, every right to comment on the multiple density being asked for in the RS1 parcel and to comment on the "amenity" being requested on the C2 proposal. The first is a case of a clear up zoning. The developer will be getting a huge "lift" - assembling residential land is far less expensive than assembling commercial land. The community should be able to drive a very hard bargain in terms of amenity. The second is an up zoning on a piece of the C2 parcel, which is presently zoned at RS1. There is still a lot of room to ask for amenity or ask to have it turned down.

Once again, this is difficult to do when a council has already expressed a bias towards upzoning within 100 metres of any arterial for the purposes of developing affordable housing. And Jonathan might well argue it is an illegal bias. But the two proposals before the City have to go through the public hearing process using the existing by laws, not a policy statement which calls itself "an interim rezoning". What is that animal? Heaven help the Council that makes legal land use promises previous to a public hearing! Now I know there is some confusion about what "tabula rasa" means when a counsellor walks into a public hearing, and courts have not been too clear on the issue, but common sense should dictate that counsellors, as individuals or as a whole council, should not predispose themselves to individual applications or to city wide "interim zonings". What nonsense and what a mockery it makes of the whole zoning bylaw that governs the City. Who can trust anything if 80% of city land and its value is so up in the air?

More questions might be… Why should rental housing be given the only priority requested by the city when a developer asks for an upzoning? What about local amenity, which is what the Community Amenity Charges were about? Where are they being spent now? What are the legal agreements in place to guarantee affordable housing will be maintained over the long term? Are they public and are they enforceable by the city? Where is the possibility for funding for an update of the Dunbar community plan, which is now 15 years old? Can we look forward to a housing plan for the city outside of the broad-brush 100 meter policy, which doesn't respect historical local planning efforts? These are questions that developers might be asking as well, since they benefit from a level playing field as well as the communities affected.

In sum, it looks like Dunbar is going to be a legal test case of some kind where there might have been ample room for good planning and good will. I would like to wish you good luck, since you are, whether you like it or not, something of a test case for the whole of the City. I hope that all of Vancouver might benefit from the actions you take here in Dunbar for dealing with the Council through these rezoning applications. Thank you.