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Subject: ODP amendments - referral reports

Good afternoon Mayor and Council,

At our briefing this past Monday (Feb 1), a question was raised regarding the appropriate scope of questions and debate for Council to have at the Referral of an ODP Amendment to public hearing. Please see the following advice from Law on this issue.

Based upon the provisions of sections 562(1) and (4) and 566 of the Vancouver Charter ("VC"), an amendment to an ODP requires a public hearing and should be treated in the same manner as a rezoning application, such as a CD-1 rezoning. Since the rules governing public hearings apply to an amendment to an ODP, it is Legal Services' view that the rules in the Procedure By-law concerning a referral report apply to a referral report regarding an ODP amendment in the same manner as a rezoning report.

Accordingly, when Council is considering whether to refer an ODP amendment to public hearing, Council should comply with section 13.2 of the Procedure By-law and at Referral " may ask questions of Staff related to the decision to refer the proposed by-law to public hearing or the process leading to the recommendation for referral, except that all other issues regarding the proposed by-law must be addressed at the public hearing".

Council should avoid questions and debate about the merits of the proposed ODP amendment or the merits or substance of the policies related to or impacted by the proposed amendment. Questions and debate about such issues should be reserved for the Public Hearing following hearing from speakers and receiving public input and when the public who deem themselves affected by the proposed changes are present to hear Council's questions and debate.

Staff will be available at the referral to assist and answer any questions about the Referral, and the appropriate scope of Council's questions and debate in their consideration of whether to refer the proposed ODP Amendment to Public hearing.

I hope the above information is helpful. If you have any further questions, please let me or Jeff Greenberg know.

Best,
Paul

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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməŋəm (Musqueam), lóóvú 7mesh (Squamish), and səliwətaʔ (Tsleil-Waututh) Nations.