

CM= City Manager DD- Deputy Director, Theresa O'Donnell M= Mayor

DG- De Genova

Mayor calls on Hardwick

Hardwick- Thank you. I'd also like to talk about process and I'd like to have a conversation and ask questions directly of the Director of Planning Gil Kelly please.

M- so point of information through the City Manager it's really if the Director of Planning is available but if not you can direct your question to

Hardwick- well I just want to confirm because the direct communication has been between me and the Director of Planning and it is as follows that in July 2019 I had an email exchange about this application and was advised at the time that it was permitted to proceed under the Broadway Plan under the Interim Rezoning Policy #1. And further to our discussion and confirmed to me by the City Solicitor on Sept 20, 2019 in order for an application to proceed under Policy #1 the following must have been received before the Broadway Plan and Interim Rezoning Policy were approved on June 20, 2018. So that is that there must be an active rezoning application at that time or a recent application for rezoning advice also known as a rezoning enquiry and the applicant has received a written response stating that a rezoning application would be considered, and ...

M- there's a lot of preamble here do you have a question?

Hardwick- ..yes because if I were talking to the DP it would be a direct ... the preamble wouldn't be necessary.

M ... he's not here

Hardwick- he was on the line earlier ...(can't hear) available

M- he's not on the call so you'll have to address it to the City Manager

Hardwick- well staff are not going to be able to answer this with the voracity of having been party to those, um, correspondence. So my interpretation is that this application has not met either condition of Policy #1. And why is this rezoning application being considered before

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Council has approved the Broadway Plan and rescinded the Interim Rezoning Policy? So we have neither approved the Broadway Plan nor rescinded the Interim Rezoning Policy which would have had to occur for the condition of Policy #1 for this to proceed. So these are technical questions and as I say these are a question of process and procedure which this Council says that they are very concerned about. To me, if I was having this direct counterpoint conversation it would clearly reveal a flawed process.

CM- would you like us to answer?

Hardwick- sure.

CM- ok great. I wasn't sure if there was a conclusion that we can break in....

Hardwick- well I was ...oh right- I was told that...sorry...everyone heard the Mayor

CM- (hard to hear- think he is saying ...)Theresa is here but Mr Kelley is not but Theresa is so I'm happy to have Theresa O'Donnell answer the points you are making. Theresa?

DD- ... Thank you City Manager, this is Theresa O'Donnell, Deputy Director. Councillor Hardwick, to your question this was an active zoning enquiry prior to the date so it does meet that test and it is... the application is in order and it is appropriate for it to come forward.

Hardwick- but getting into the fine tuning of this, if you're saying that the response is that there was a MIRHPP free enquiry application? Is that what you're saying? Are you saying because the City sent the applicant a response on June 12 before the approval- is that what you're saying?

DD- The application was in at that time ma'am.

Hardwick- well listen there's been so...this is one of the important things that this Council understands is that this has been a process. There was a prior rezoning that was already approved on this property by the prior Council for sixteen stories and there is you know a whole process that has gone step upon step and the City staff understanding did reach out to the applicant and invite them to submit to the MIRHPP- is that correct?

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DD- ma'am the City Council did approve a rezoning on January 16, 2018 for 16 storey project under the Rental 100 Program and subsequent to that the applicant did come in and ask to be considered under the MIRHPP program.

Mayor- we're just at the end of the time here so...

Hardwick- I've sent in.. well it'll have to happen in time but I have sent in an amendment

M- sorry you're over time now... moving on to Councillor Swanson

Hardwick- are you serious?

M- thank you- Councillor De Genova

DG- thanks Mr. Mayor, I'd like to move a motion.. but ah- yah I'll move the motion and I'll also ask for points of information. The question to staff – it's my understanding that this is a little bit unique because what had happened was there are two applications. The reason I know this is because I was approached by a group that wanted to come and speak to me on this application and as I always do to make sure things are transparent, I had invited staff to the meeting with me – if this is the location that I'm thinking it is- and I believe it is - and hoping through you Mr. Mayor that staff could maybe answer this question. I understand there was an application in where the applicant got their DP- (? Not clear) for that and they were just weeks outside of the Interim Rezoning. Is that correct- like they were able to apply for this because they had done so just before the Interim rezoning was approved or they were exempt in some way from that- is that correct?

M- over to City Manager

CM- I'll ask Theresa O'Donnell to answer that

DD- You are correct ma'am. The application wasn't in but the enquiry was in at that time.