



To: General Purposes Committee

Date: October 4, 2013

From: David Weber  
Director, City Clerk's Office

File: 12-8000-20-008

Re: **Alternative Approval Process and Notification Options for Cambie Field - Sale of Park Bylaw 8927 (3651 Sexsmith Road)**

**Staff Recommendation**

- (1) That, only following third reading of Cambie Field – Sale of Park Bylaw 8927, an Alternative Approval Process be conducted under the following parameters:
  - (a) The deadline for receiving completed elector response forms is 5:00 pm (PST) on Friday, January 17, 2014;
  - (b) The elector response form is substantially in the form as found in Attachment 1 to the staff report dated October 4, 2013 from the Director, City Clerk's Office; and
  - (c) the number of eligible electors is determined to be 131,082 and the ten percent threshold for the AAP is determined to be 13,108; and
- (2) That an enhanced public notification process be undertaken for the Cambie Field – Sale of Park Bylaw 8927 Alternative Approval Process which includes additional print and on-line advertising, and a mailed notice in addition to the prescribed statutory notification requirements.

David Weber  
Director, City Clerk's Office  
(4098)

REPORT CONCURRENCE			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Real Estate Services	<input checked="" type="checkbox"/>		
Development Applications	<input checked="" type="checkbox"/>		
<b>REVIEWED BY DIRECTORS</b>	<b>INITIALS:</b>	<b>REVIEWED BY CAO</b>	<b>INITIALS:</b>
	DW		GD

## Staff Report

### Origin

On December 18, 2012, at a Special Council Meeting, Council gave first reading to Cambie Field – Sale of Park Bylaw 8927 authorizing the sale of 3651 Sexsmith Road to Polygon Development 192 Ltd. and directed staff to proceed with an Alternative Approval Process to obtain approval of the electors for the land sale. A corresponding land purchase for park land was also authorized in conjunction with the land use application for the subject site.

At the same meeting, following a discussion relating to the notification requirements for alternative approval processes, Council made the following staff referral:

*That staff report back on advertising and notification options for the Alternative Approval Process.*

This report responds to the Council referral and presents the parameters for the Cambie Field Alternative Approval Process for Council approval as required under the *Community Charter*.

### Analysis

Under the requirements of the *Community Charter* (section 27), the City may sell park land with the passage of a bylaw that is subject to elector assent. The City must seek the approval of the electors through a voting opportunity (referendum) or by alternative approval process. A voting opportunity is self-explanatory and follows the election processes described in Part 4 of the *Local Government Act*.

An Alternative Approval Process (AAP) allows a Council to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period. If more than 10% of the electors state their opposition to the proposed action, the Council may not proceed with the action unless the matter is made subject to and successfully passes a full referendum.

#### **Alternative Approval Process Parameters**

Before an AAP is conducted, Council must establish through resolution, several key parameters for the process.

The first parameter that must be set by Council is the deadline for receiving elector responses. The date and deadline that would meet the 30-day notice period following publication of the second notice (allowing additional time for holiday business closures) is 5:00 pm (PST) on Friday, January 17, 2014

The second parameter that Council must establish is the form to be used for elector responses. Attached to this report (**Attachment 1**) is an Elector Response Form which would meet all the statutory requirements. A valid elector response form must be originally signed by the elector (photocopies or faxed forms with signatures cannot be accepted), and the form must have the

person's full name and residential address and be submitted to the Corporate Officer before the deadline. Non-resident property electors are also eligible. The eligibility requirements are the same as those for voting in a local government election.

The third parameter that must be set by Council is the total number of electors to which the Relocation of Cambie Field (3651 Sexsmith Road) – Land Exchange Bylaw AAP applies. Using the total number of electors registered and new registrations for the 2011 General Local and School Election, this number is 131,082. The 10% threshold for the AAP is therefore 13,108 valid response forms received in opposition.

#### **Notice Requirements:**

At a minimum, the *Community Charter* requires that a notice for an AAP must:

- be published in two consecutive editions of a local newspaper and posted at the City Hall public notice posting place;
- include a general description of the matter and the area to which the AAP relates;
- indicate the deadline for elector responses;
- include a statement that the Council may proceed with the matter unless at least 10% of the electors of the Richmond area indicate by the deadline they are opposed to the bylaw, therefore Council must proceed with a referendum (voting opportunity); and
- include a statement that elector responses must be in the form established by the Council, that these forms are available at the City Hall, and that only qualified Richmond electors are entitled to sign the form.

A Council is free to provide any form of additional notification, at its discretion, provided that the minimum statutory requirements are met. Below are several notice options for the AAP on the proposed relocation of Cambie Field – Sale of Park Bylaw 8927.

#### **NOTICE OPTIONS:**

##### **Option 1 (Meets the statutory requirements using a graphically improved notice)**

- The public notice meets all statutory requirements in terms of content, appears in two (2) consecutive newspapers, is posted on the City Hall public notice board and on the City website;
- The notice is redesigned with new graphics and colors to better grab the attention of the public, utilizing plain language to better explain the process in a more generally accessible manner (See **Attachment 2** for a sample of a proposed re-designed statutory notice).

This option fully notifies the public of the Alternative Approval Process as anticipated in the legislation and in a manner that is consistent with previously conducted AAPs. The two full-page graphically-improved notices reach all areas of Richmond in a newspaper with a circulation of 47,500 households. The total cost for the statutory ads is \$900 (funding available within existing statutory advertising budget).

**Option 2 (Enhanced and Expanded Notice) (Recommended)**

Everything listed in Option 1 plus:

- Two (2) additional full-page advertisements placed in the other local newspaper;
- Also includes placement of the advertisement and AAP Form on the City of Richmond website;
- Online advertising placed with one of the local newspaper's website; and
- Notices and Elector Response Forms are mailed to adjacent properties within 50 meters of the subject site (approximately 330 properties).

This option also fully notifies the public of the AAP, but ensures even greater coverage by advertising in both local newspapers and in the online version of one of the newspapers. In addition, those people most directly affected in the immediate area would receive mailed notices and elector response forms through Canada Post. This enhanced level of notification is similar to the approach taken with public hearing notification and exceeds the minimum requirements for an AAP. The cost for this option would be approximately \$1,500 (funds available within existing statutory advertising budget) and would cover additional advertisements, and direct mailing costs.

**Option 3 (Enhanced and Expanded notice process plus insert in other City mailings) (Not Recommended)**

Everything listed in Options 1 & 2, plus:

- Include an additional notice by way of an insert with the property tax notices or utility billings.

In establishing a new approach to notification for AAPs, it is important to give consideration to whether the process can be consistently and routinely applied in the future. Staff is not recommending the inclusion of AAP information with property tax notices or utility billings because the segment of the public that is reached through these mailings, while broad, is not comprehensive and there are infrequent opportunities for notification. For example:

- The flat rate utility billings, which are mailed only once per year, would reach the approximate 46,980 properties on the flat rate, but not the 23,600 properties on meters;
- The metered utility billings, which are mailed 4 times per year, only reach 23,600 of Richmond property owners that are on meters, but not the 46,980 properties on the flat rate;
- The property tax notices reach the broadest number of Richmond properties, however, the notices do not reach renters and it is also only mailed at one fixed time per year, thus placing a severe restriction on the timing of AAPs.
- This option would cost approximately \$2,000 (funds available within existing budget) provided that any additional insert added to the mailing was kept to a maximum of one sheet.

**Financial Impact**

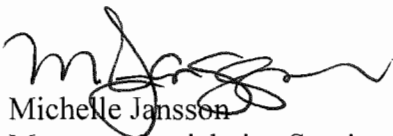
No additional financial impact. Funding is available within existing budgets for all options presented.

## **Conclusion**

As outlined above, Council must establish several key parameters for the Relocation of Cambie Field (3651 Sexsmith Road) – Land Exchange Bylaw Alternative Approval Process.

Additionally, Council may direct staff to conduct an enhanced notification above the statutory notice requirements in order to improve public awareness and encourage greater participation in the alternative approval process. If approval of the electors is obtained through the AAP, adoption of bylaw may proceed. The status quo / usual approach is reflected in Option 1.

Staff is recommending Option 2 as it provides an enhanced and cost-effective approach to notification for AAPs over and above minimum requirements and can be consistently applied for future AAP processes.



Michelle Jansson  
Manager, Legislative Services

MJ  
Att. 2



**I am OPPOSED to the City of Richmond proceeding with the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road),**

and I, the undersigned, hereby declare that:

- ✓ I am eighteen years of age or older; and
- ✓ I am a Canadian Citizen; and
- ✓ I have resided in British Columbia for at least six months; and
- ✓ I have resided in, OR have been a registered owner of property in the City of Richmond for at least 30 days; and
- ✓ I am not disqualified by law from voting in local elections; and
- ✓ I am entitled to sign this elector response form, and have not previously signed an elector response form related to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road).

Elector's Full Name (print)	
Residential Address <sup>1</sup>	
AND mailing address if different from residential address	
Signature of Elector	

**See the reverse side of this form for further information regarding the Alternative Approval Process.**

Personal Information provided on this form is collected in compliance with the *Freedom of Information and Protection of Privacy Act* (FOIPOP) and will be used only for the purposes of the City of Richmond Alternate Approval Process. If you require further information regarding the FOIPOP, please contact the FOI Coordinator at 604.276.4165.

<sup>1</sup> Non-resident Property Electors must include the address of their property in Richmond in order to establish their entitlement to sign the elector response form.



Pursuant to Section 86 of the *Community Charter*, the City of Richmond is proposing to seek elector approval by alternative approval process.

**The question before the electors is whether they are opposed to the City of Richmond proceeding with the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road).**

**INSTRUCTIONS**

1. If you are opposed to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), you can sign an elector response form **if you qualify as an elector in the City of Richmond.**
2. If you are NOT opposed to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), you do not need to do anything.
3. Forms are available at the City of Richmond, 6911 No. 3 Road, Richmond, BC, V6Y 2C1 between 8:15 am – 5:00 pm beginning November 20, 2013.
4. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the City of Richmond. If you are unsure if you qualify, please contact the City of Richmond at 604.276.4007.
5. A person who obtains an Elector Response Form may make accurate copies of the form.
6. One elector of the City of Richmond may sign each Elector Response Form.

**1.**

All Elector Response Forms must be received by the City of Richmond on or before **5:00 pm on January 17, 2014** to be considered.

No faxed or scanned Elector Response Forms will be accepted. In other words, originally signed forms must be submitted.

**2.**

The number of electors in the City of Richmond is estimated to be 131,082. If ten percent (10% or 13,108 electors) of the estimated number of electors in the City of Richmond sign an Elector Response Form in opposition to the proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), the City of Richmond cannot proceed without receiving the assent of the electors by referendum.

**3.**

For further information, contact:

David Weber  
City Clerk  
City of Richmond  
6911 No. 3 Road  
Richmond, BC V6Y 2C1  
604.276.4007



City of  
Richmond

# Notice of Alternative Approval Process

## Proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road)

6911 No. 3 Rd. Richmond BC V6Y 2C1 | Tel: 604-276-4000 Fax: 604-278-5139

### Alternative Approval for Cambie Field—Sale of Park Bylaw 8927

Council may proceed with the adoption of Bylaw 8927, the Cambie Field—Sale of Park Bylaw, unless at least 10% (13,108) of the eligible electors of the City of Richmond sign elector response forms indicating their opposition to the proposed land exchange.

The proposed bylaw and related records are available for public inspection at the City Clerk's Office, Richmond City Hall, 6911 No. 3 Road, Richmond, BC, 8:15 a.m. to 5:00 p.m., Monday through Friday, excluding statutory holidays, from Nov. 20, 2013–Jan. 17, 2014.



### If opposed, sign an AAP Form

Elector response forms must be in the form provided by the City and are available at the Information Counter on the first floor of City Hall, 6911 No. 3 Road, Richmond, BC., 8:15 a.m. to 5:00 p.m., from Nov. 20, 2013–Jan. 17, 2014. Elector response forms are also available on the City website at [www.richmond.ca](http://www.richmond.ca) or by calling the City Clerk's Office at 604-276-4007 during regular business hours.

Originally signed elector response forms must be received at City Hall by 5:00 p.m., Jan 17, 2014. Photocopies of signed forms can not be accepted.

### What is an Alternative Approval Process?

An Alternative Approval Process allows a council to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period.

### The Proposal

The proposed sale of park land (relocation of Cambie Field at 3651 Sexsmith Road), as shown on the attached diagram will benefit the City by the creation of a larger, better situated park in the immediate vicinity of the existing location. As

part of the rezoning conditions (RZ 11-591985) for the proposed development, Polygon would purchase 3651 Sexsmith Road whilst simultaneously selling to the City an equal area of land subdivided from 8331, 8351, and 8371 Cambie Road.

In addition to this proposed exchange of land, rezoning

conditions also require Polygon to transfer 8311 Cambie Road and other portions of 8331, 8351, and 8371 Cambie Road for consolidation with the new aforementioned park area. The net result will be a larger park (over 38% more area) with increased street frontage for access and parking.



### Who is eligible?

Only electors of the City of Richmond are eligible to sign an elector response form. Qualified electors are those persons meeting all of the following qualifications:

- is a Canadian citizen;
- an individual who is age 18 or older;
- has been a resident of British Columbia for at least six months;
- a Richmond resident or owner of property within Richmond for at least the last 30 days; and
- is not disqualified from voting by the Local Government Act or any other act.

A non-resident property elector who meets the following criteria is also an eligible elector:

- is not entitled to register as a

resident elector for the City of Richmond;

- an individual who is age 18 or older;
- is a Canadian citizen;
- has been a resident of British Columbia for at least six months;
- has been a registered owner of real property within the City of Richmond for at least thirty days; and,
- is not disqualified from voting by the Local Government Act or any other act.

**Note:** Corporations are not entitled to vote nor is land held in a corporate name eligible to vote. In the case of multiple owners of a parcel, only one person may vote as a non-resident property elector.

David Weber, *Corporate Officer,*  
City Clerk's Office

