



City of Richmond

Report to Committee

To: Planning Committee **Date:** April 2, 2019
From: David Weber **File:** 01-0105-06-01/2018
 Director, City Clerk's Office
Re: **Development Notification Requirements and Service Levels**

Staff Recommendation

1. That the proposed updates to the format of the Public Hearing, Development Permit Panel and Board of Variance meeting notices and mailed notices, as outlined in the staff report dated April 2, 2019 from the Director, City Clerk's Office, be endorsed;
2. That the opportunity to subscribe to email notifications for development notices be provided to members of the public as an enhanced level of service;
3. That staff bring forward the appropriate bylaw amendments and/or Council policies to implement and to recover costs for an expanded level of service in relation to development notices in accordance with Option 3, as outlined in the staff report dated April 2, 2019; and
4. That Richmond Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure Bylaw No. 7273, Amendment Bylaw No. 10031, to make various housekeeping amendments, be introduced and given first, second and third reading.

David Weber
 Director, City Clerk's Office
 (604-276-4098)

Att.: 2

REPORT CONCURRENCE		
ROUTED TO: Development Applications Policy Planning Law	CONCURRENCE <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: CJ	APPROVED BY CAO

Staff Report

Origin

This report responds to a referral made at the March 17, 2015 Planning Committee meeting:

That staff examine the variety of notification requirements for City applications with the objective of developing consistent notification area requirements and report back.

And is presented in conjunction with a report in response to the April 17, 2018 Planning Committee referral:

That staff look at improving signs for rezoning and development projects that will communicate the projects better, hopefully increase neighbourhood engagement and enhance upon the ways the City connects with citizens.

This report provides a summary of key findings from a review of Richmond's current development notification requirements and procedures.

Background

Current Notification Requirements

Municipalities in BC have a statutory obligation under the *Local Government Act* to notify property owners and area residents regarding land use applications that are to be considered at a Public Hearing and regarding Development Permits that are to be considered for approval. Forms of notification, including newspaper advertisements and mailed, are regulated by the *Local Government Act* in conjunction with City bylaws. While on-site signage is another important form of regulated public notification, the topic of development notification signage will be discussed in a separate report to Council.

Specifically, notification requirements are found in:

- *The Local Government Act;*
- *The Richmond Zoning Bylaw No. 8500;*
- *The Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure Bylaw No. 7273; and*
- *The Board of Variance Bylaw No. 9259.*

Together, these provide the framework for the bulk of the statutorily-required notifications that are routinely provided for Public Hearings and meetings of the Development Permit Panel. In terms of the scope of this required notification, approximately 44 newspaper advertisements are published in a given year for Public Hearings and DPP meetings and approximately 35,000 individual notices were mailed in 2018 to property owners and area residents living near proposed developments, which is typical in terms of numbers of notices annually.

The general notification requirements provided by statute and in City bylaws are outlined below.

For newspaper ads, the content of the advertisement must include:

- the date, time and place of the meeting,
- in general terms, the purpose of the bylaw or permit application,
- the lands that are the subject of the application, and
- the place where and the times and dates when copies of the proposed bylaw, permit, and related materials may be inspected.

In terms of publication, Public Hearing ads must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the date of the meeting. Ads for meetings of the Development Permit Panel appear once in the newspaper during the week prior to the date of the meeting.

For mailed notices, the content of the notices must include:

- the date, time and place of the meeting,
- in general terms, the purpose of the bylaw or permit application,
- the lands that are the subject of the application, including a sketch that shows the subject area and shows the names of adjoining roads, and
- the place where and the times and dates when copies of the proposed bylaw, permit, and related materials may be inspected.

Mailed notices for Public Hearings and meetings of the Development Permit Panel must be mailed or otherwise delivered at least 10 days prior to the meeting to owners and occupiers of property located 50 metres from the subject property. For clarity, if any portion of a property, no matter how small, falls within the 50 metre radius, notices will be sent to the owners and occupiers of that property, including individual owners within strata properties.

The above requirements apply to the vast majority of statutory notices and advertisements, although a few exceptions occasionally apply. For example, mailed notices are not required for zoning text amendments if they do not relate to a specific subject property; Single Family “702” Lot Size Policies have slightly different requirements if they are to be amended at a Public Hearing; and bylaws that apply to more than 10 properties owned by more than 10 owners do not require mailed notices (although all are required to be included in the newspaper advertisements). In addition, the 50 metre mail out radius can be expanded on a discretionary basis as directed by City Council for any given application.

Analysis

Staff conducted a review of the City’s current notification requirements for development applications which also included a scan of notification practices for selected comparator municipalities in Metro Vancouver, namely Vancouver, Delta, New Westminster, Burnaby, Surrey and Coquitlam.

While the review revealed a great deal of consistency among local municipalities with respect to notification requirements, certain practices stood out and were further explored as to their potential application in Richmond. These include:

- Updated format for newspaper advertisement meeting notifications;
- Use of a “post card” format for mailed notifications;
- Better use of the City website to provide public access to development-related notices;

- Larger radius for mailed meeting notifications to area property owners and residents; and
- Early notification of development applications to area property owners and residents.

Updated Format for Newspaper Advertisement Meeting Notifications

While the municipal scan revealed general consistency of content across the municipalities that were surveyed (largely reflecting statutory requirements), the advertisements that stood out as particularly effective tended to make use of clearly legible location maps, easily identified addresses of subject properties, use of clear language to describe proposed bylaws and common graphic icons directing people where to find additional information.

The review has provided an opportunity to consider changes to the overall graphic format of the City's advertisements while at the same time ensuring full compliance with statutory requirements. While the current advertisement format has been in use for many years, staff acknowledge that the language used may not be as user-friendly in terms of communicating in an everyday manner. A new newspaper template is recommended that uses simplified language and provides more accessible and understandable content. City contact information and how to participate in the hearing can also be more succinctly and clearly presented. Staff estimates that there would be no additional cost in implementing a new advertisement template which is included as Attachment 1.

Updated Format for Mail Notifications to Area Property Owners and Residents

The review identified a general trend toward more user-friendly formats for mailed notifications such as larger sized (8.5" x 5.5') post card style notices. Staff in the comparator municipalities that use the post card format commented that this approach has been generally well received by the public, reduces paper usage and results in less return mail compared to the use of more formal form letters in sealed envelopes. Richmond's current format, a form letter in an addressed brown envelope, has been in use for many years and continues to be a more labour intensive process whereas the post card format has been generally more labour efficient in terms of production and mailing.

In terms of content, while this is largely dictated by statutory requirements, simplified language and a clearer presentation style would also be employed on the mailed notifications. Recognizing the increasing diversity of languages spoken by local residents, the inclusion of a standard additional statement in multiple languages which simply highlights the importance of the notice and suggests that the recipient have the notice translated is recommended. Such statements have been used extensively on election notices and election advertising for many years in the interests of benefiting Richmond residents whose first language may not be English. Staff recommend that such statements in other languages be included in future on mailed development notifications. The proposed notification card is included as Attachment 2.

Using the City Website and the Email Notification Tool to Provide Access to Development Notices

The review identified a varied approach to using City websites to provide a means to publish and make notices available to the public. While website publication would not be a legally recognized substitute for the statutorily-required newspaper advertising or the mailed notices that

are required under the *Local Government Act*, it is possible and feasible to offer email notifications or subscriptions as an additional option to members of the public to be alerted to development applications in the City or in their neighbourhood.

The email notifications tool is already available on the City website. This feature allows members of the public to voluntarily subscribe to receive an email to alert them when new information is posted on a specific page on the website. Staff propose to establish separate subscriptions based on the 12 official Planning Areas (for example, Steveston, Seafair, City Centre, Sea Island, etc.) which would allow individuals to subscribe to the notices page for one or more, or even all, Planning Areas. Once alerted by receiving the email, subscribers can follow the links to the relevant webpage where the individual notices can be found. Subscriptions are presently offered on a wide variety of website pages relating to topics such as recreation opportunities, news releases, tax notices, and career opportunities. Members of the public can subscribe or unsubscribe at any time. The option to subscribe to development-related email notifications will be publicized and promoted through the usual channels.

Meeting Notification Radius

The *Local Government Act* does not specify a radius for public hearing or development permit panel meeting mailed notices but leaves it to each municipality to establish a notification area by bylaw. Richmond and Burnaby use 50 metres and 30 meters respectively while Delta, Coquitlam, New Westminster and Surrey each use 100 meters from the subject property. Vancouver uses a two block radius from the subject property.

A change to the notification radius for development applications would require amendments to the following bylaws:

- Zoning Bylaw No. 8500,
- Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedures Bylaw No. 7273, and
- Board of Variance Bylaw No. 9259

Early Notification of Development Applications to Area Property Owners and Residents

While there are no statutory requirements for municipalities in BC to provide early notification of applications to area residents and property owners, the Cities of Delta, New Westminster, Surrey and Vancouver have adopted procedures for early notification by mail of applications at the start of the approvals process, well in advance of a Public Hearing or Development Permit Panel meeting. Of the cities surveyed, Richmond, Burnaby and Coquitlam have not adopted similar procedures.

The format of early notification varies but typically includes mailed correspondence or a notice that describes the proposal in general terms and includes City contact information. Staff propose that a post-card style format be used if the early notice is endorsed by Council. Early notification to area residents was generally seen as positive by staff in the cities that have adopted such procedures, providing residents and property owners with an early opportunity to become aware of a proposed development or land use change, to get information, and to provide early input before the application advances into the final stages.

The introduction of an early notification procedure for development applications could be implemented by way of a new Council policy.

Table 1: Comparison - Early Notification for Applications and Public Hearing / DPP Meeting Notification Radius

City	Early Notification	Notification Radius
Burnaby	No	30 meters
Coquitlam	No	100 meters
Delta	Yes	100 meters
New Westminster	Yes	100 meters
Richmond	No	50 meters
Surrey	Yes	100 meters
Vancouver	Yes	2 block radius

Staff are generally supportive of both an increased notification radius and early notifications as both would result in increased numbers of area residents being directly notified of development applications in the neighbourhood and increased opportunities for public input throughout the process. Since an expansion of the meeting notification radius and the implementation of an early notification procedure both involve ongoing operational budget impacts, options for implementation and financial information are provided below.

Option 1 – Expand the meeting notification radius from 50 metres to 100 metres

This option would see approximately double the number of meeting notices mailed out to area property owners and residents advising of upcoming public hearing, development permit panel meetings and meetings of the Board of Variance within 100 metres of subject properties. This option does not include an additional early notice. Bylaw amendments would be required. Increased annual costs for postage and supplies, based on past statistics and figures, would be approximately \$40,000, although exact costs will depend on development activity.

Option 2 – Add an additional early notice for development applications within a 50 metre radius from the subject property (and meeting notification radius remains at 50 metres)

This option would see early notices mailed to area property owners and residents within 50 metres of a subject property. Meeting notices would remain at 50 metres, but overall, twice as many notices would be issued. Bylaw amendments would not be required, however, a new Council policy is recommended to authorize the early notice process. Increased annual costs for postage and supplies, based on past statistics and figures, would be approximately \$40,000, although exact costs will depend on development activity.

Option 3 – Expand the meeting notification radius from 50 metres to 100 metres AND add an additional early notice for development applications within a 100 metre radius from the subject property (Recommended)

This option would see the meeting notification radius expanded to 100 metres and would add additional early notices mailed within the same 100 metre notification area. This option would effectively quadruple the number of notices that are currently mailed since the number of recipients is approximately doubled and each recipient would receive an early notice and a later meeting notice. Bylaw amendments and a new Council policy would be required to authorize the new process. Increased annual costs for postage and supplies, based on past statistics and figures, would be approximately \$120,000, although exact costs will depend on development activity.

Housekeeping Changes to the Development Permit Procedure Bylaw

During the review of the various notification requirements, a number of outdated sections were identified in the *Development Permit Procedure Bylaw*. A house-keeping amendment is recommended to update position titles and department names, to correct legislative references, to align the description of the composition of the Development Permit Panel with current corporate norms in the Development Permit Procedure Bylaw (Attachment 3).

Next Steps

If Council endorses the email notification process and the formatting updates to the advertisements and mailed notices, these could be implemented within approximately 2 months.

The housekeeping change to the Development Permit Procedure Bylaw could proceed forthwith and an appropriate amending bylaw accompanies this report.

If Council chooses to proceed with one of the options for an expanded notification area and/or an early notification process, staff will bring forward the appropriate amending bylaws for Council consideration within approximately 2 months.

Financial Impact

Costs associated with an expanded notification process would be covered through development as a direct charge to the developer. Because there can be a significant difference between the number of notices issued for one development application as compared to another application, due to the location and the size of the subject property, the most equitable approach would be to determine and charge back as a billable charge to the applicant the actual notification costs on an individual, per application basis. This approach would ensure that applicants are treated fairly by only covering costs associated to their own applications and would also ensure that any increased ongoing costs would not be added to property taxes.

Conclusion

A best practices review of the City's development notification process has highlighted areas for improvement. In addition to refreshing the format and language of notices for clarity and user-friendliness, staff are also proposing the implementation of an email notification option which would provide individuals with the ability to receive development notice information electronically.

April 2, 2019

- 8 -

The review also revealed that municipalities in the comparator group are not only generally using a larger notification area for development notices, but some are also providing additional early notices which are helpful in terms of engaging neighbourhoods and identifying issues earlier in the process. Several options are outlined that would align Richmond's practice with those in neighbouring municipalities.

At Council's direction, staff would bring forward the appropriate bylaws and policies to implement changes to the notification process and would, over the next two months, implement the various administrative changes described herein.

A handwritten signature in black ink that reads "David Weber". The signature is written in a cursive, flowing style.

David Weber
Director, City Clerk's Office
(604-276-4098)

Att. 1: Proposed Development Notification Newspaper Advertisement
Att. 2: Proposed Mailed Development Notices (Post-Card Style)



City of
Richmond

Notice of Public Hearing

Monday, October 16, 20XX—7:00 pm

Council Chambers, 1st Floor, Richmond City Hall

Council of the City of Richmond will hold a Public Hearing on the following items:

1. 1234 Ash Street

Zoning Bylaw 8500, Amendment Bylaw 9702
(Application RZ 16-732500)

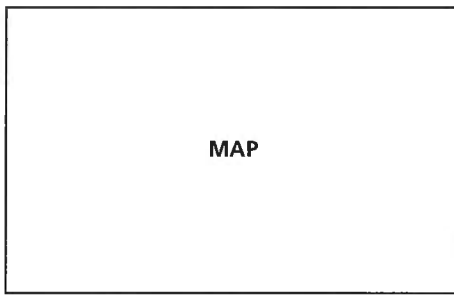
Applicant: Joe Public Development

Purpose: To permit subdivision into two (2) single family lots, with vehicle access to the western lot from Ash Street and to the eastern lot from an extension of Armstrong Street; and

To rezone the subject property from "Single Detached (RS1/F)" to "Single Detached (RS2/E)" (western portion) and "Single Detached (ZS14) – South McLennan (City Centre)" (eastern portion).

City Contact: Steven De Sousa 604-204-8529

Bylaw 9702



MAP

2. 7890 Shuswap Avenue

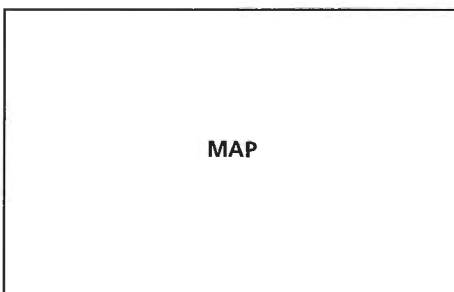
Zoning Bylaw 8500, Amendment Bylaw 9727
(Application RZ 16-738465)

Applicant: Joe Public Development

Purpose: To permit subdivision to create two (2) single family lots, each with a principal dwelling and accessory coach house above a detached garage, with vehicle access from the rear lane To rezone the subject property from "Single Detached (RS1/E)" to "Coach House (RCH1)".

City Contact: Jordan Rockerbie 604-276-4902

Bylaw 9727



MAP

3. 4567/4568 Williams Road

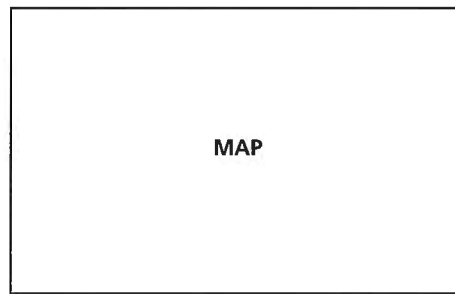
Zoning Bylaw 8500, Amendment Bylaw 9740
(Application RZ 16-703334)

Applicant: Joe Public Development

Purpose: To permit development of seven (7) townhouses with driveway access from the adjacent property at 9451 Williams Road; and To rezone the subject properties from "Single Detached (RS1/E)" to "Medium Density Townhouse (RTM2)".

City Contact: Steven De Sousa 604-204-8529

Bylaw 9740



MAP

4. 9876/9875 Williams Road

Zoning Bylaw 8500, Amendment Bylaw 9749
(Application RZ 15-716773)

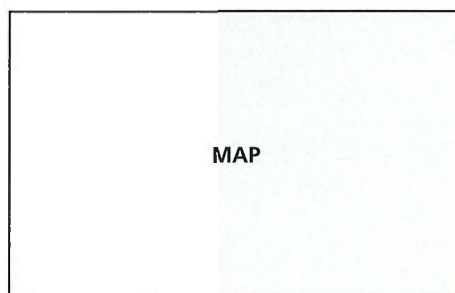
Applicant: Joe Public Development

Purpose: To permit development of twelve (12) townhouses with vehicle access from 9211 No. 2 Road; and

To rezone the subject property from "Single Detached (RS1/E)" and "Two Unit Dwellings (RD1)" to "Low Density Townhouses (RTL4)".

City Contact: Edwin Lee 604-276-4121

Bylaw 9749



MAP

Public Input Opportunity

The Public Hearing is open to the public.

If you believe that you are affected by a proposed bylaw, you may make a presentation or submit written comments at the Public Hearing. If you are unable to attend, you may also send written comments to the City Clerk's Office by 4:00 pm on the date of the Public Hearing in one of the following ways:

✉ **Email:** using the online form at www.richmond.ca/cityhall/council/hearings/about.htm

✉ **Standard Mail or In Person:** 6911 No. 3 Road, Richmond, BC V6Y 2C1

✉ **Fax:** 604-278-5139

All submissions will become part of the public record for this Public Hearing.

Once the Public Hearing has concluded, no further information or submissions can be considered by Council.

How can you get more information?

☎ **By Phone:** Please call the City Contact for each item.

🌐 **Online:** Public Hearing agenda, including staff reports and proposed bylaws, are available at www.richmond.ca/cityhall/council/aagendas/hearings/20XX.htm

📍 **At City Hall:** Copies of bylaws, supporting staff reports and material may be inspected between October 6, 20XX and October 16, 20XX between 8:15 and 5:00 pm, Monday through Friday, except statutory holidays.

SAMPLE

Notice of Public Hearing



City of Richmond

SAMPLE - Front of Post Card

12345/12346 No. 1 Road

Richmond City Council will hold a Public Hearing on:
 Monday, November 20, 20XX at 7:00pm
 Richmond City Hall, 6911 No. 3 Road
 Council Chambers, First Floor

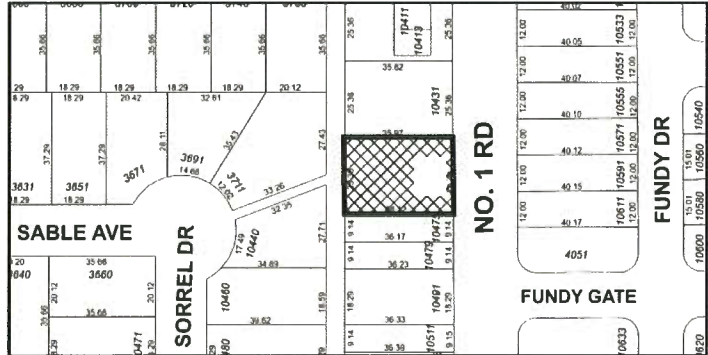
Richmond Zoning Bylaw 8500, Amendment Bylaw 9753
 (RZ 18-123456)

Purpose: To permit the property to be subdivided into two single family residences, each with a coach house, with vehicle access from the rear lane; and

To rezone the subject property from "Single Detached (RS1/E)" to "Coach Houses (RCH1)",

Applicant: Joe Public Development

City Contact: Steven De Sousa 604-204-8529



www.richmond.ca



SAMPLE - Back of Post Card

Notice of Public Hearing

For More Information...

The proposed bylaw, supporting staff reports and material may be inspected commencing November 10, 20XX and ending November 20, 20XX between 8:15 a.m. and 5:00 p.m., Monday through Friday, except statutory holidays; on line at www.richmond.ca/Cityhall/council/agendas/hearings/2017.htm or by phoning the City contact.

Public Input Opportunity

Any person who believes that they are affected by the proposed bylaw may make a presentation at the Public Hearing and/or by written submission to the **City Clerk's Office** by 4:00 p.m. on the date of the Public Hearing via: **Email:** Using the online form at www.richmond.ca/cityhall/council/hearings/about.htm; **Regular Mail or In Person:** 6911 No. 3 Road, Richmond, BC V6Y 2C1; or **Fax:** 604-278-5139, Attention: City Clerk.

All submissions will become part of the public record for this Public Hearing. Once the Public Hearing has concluded, no further information or submissions can be considered by Council.

Important Information – Please have this translated.
 Information Importante: Traduisez s'il vous plait.

這是重要的通告，希請人譯讀。

ਦੇ ਸਾਰੇ ਮਹੱਤਵਪੂਰਨ ਖ਼ਬਰਾਂ ਲਈ ਸਿਰਫ਼ ਇਹੋ ਠਿਕਾਣਾ ਵਰਤੋਂ।

CNCL - 506

RICHMOND Lulu
 RICHMOND Lulu
 1234 Ash Street
 Richmond, BC V7A 4W5



Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure Bylaw No. 7273, Amendment Bylaw No. 10031

The Council of the City of Richmond enacts as follows:

1. Development Permit, Development Variance Permit And Temporary Commercial And Industrial Use Permit Procedure Bylaw No. 7273, as amended, is further amended at section 12.1 by deleting the definitions of “**City Clerk**”, “**Development Permit**”, “**Development Variance Permit**”, “**General Manager, Urban Development**”, “**Manager of Development Applications**”, “**Standing Committee**”, and “**Temporary Use Permit**”, and inserting the following in alphabetical order:

Chief Administrative Officer means the person appointed by **Council** to the position of Chief Administrative Officer and who has been assigned the duties of the position specified by bylaw and in accordance with section 147 of the **Community Charter**.

City Clerk means the Corporate Officer assigned responsibility under section 148 of the *Community Charter*.

Development Permit means a development permit authorized under section 490 of the *Local Government Act*.

Development Variance Permit means a development permit authorized under section 498 of the *Local Government Act*.

Director, Development means the Director, Development in the Planning and Development Department of the **City**, or an alternate.

General Manager, Planning and Development means the General Manager, Planning and Development, of the **City** and his or her respective designates and authorized agents.

Standing Committee means the standing committee of **Council** appointed by the Mayor in accordance with section 141 of the *Community Charter* whose mandate includes community planning and development matters and the consideration of **temporary use permits**.

Temporary Use Permit means a temporary use permit authorized under section 493 of the *Local Government Act*.

- 2. Development Permit, Development Variance Permit And Temporary Commercial And Industrial Use Permit Procedure Bylaw No. 7273, as amended, is further amended by deleting the term "**Manager of Development Applications**" and replacing it with "**Director, Development**" wherever the term appears in the Bylaw.
- 3. Development Permit, Development Variance Permit And Temporary Commercial And Industrial Use Permit Procedure Bylaw No. 7273, as amended, is further amended by deleting the term "**General Manager, Urban Development**" and replacing it with "**General Manager, Planning and Development**" wherever the term appears in the Bylaw.
- 4. Development Permit, Development Variance Permit And Temporary Commercial And Industrial Use Permit Procedure Bylaw No. 7273, as amended, is further amended by deleting section 4.2 and replacing it with the following:

4.2 Quorum and Membership and Chair

4.2.1 The Development Permit Panel:

- (a) comprises any three of the **Chief Administrative Officer** and **General Managers** or their alternates;
 - (b) has a quorum of three; and
 - (c) must, if such member is present, be chaired by the **Chief Administrative Officer**, or be chaired by the member so designated by the **Chief Administrative Officer**.
5. This Bylaw is cited as "**Development Permit, Development Variance Permit And Temporary Commercial And Industrial Use Permit Procedure Bylaw No. 7273, Amendment Bylaw No. 10031**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER