
TO: CITY MANAGER **DATE:** 2012 April 18

FROM: ACTING CITY CLERK

SUBJECT: NOTIFICATION FOR PUBLIC HEARINGS

PURPOSE: To propose a change to the content of the notification information provided by the City for Public Hearings

RECOMMENDATION:

1. **THAT** Council authorize a change to the format of the Public Hearing notification, as outlined in this report.

REPORT

1.0 INTRODUCTION

Staff have conducted a review of the City's current public hearing notification practice and the legislative requirements for the Public Hearing process as contained within the *Local Government Act*. As well, staff surveyed the practices of other municipalities within the Lower Mainland. As a result, a new format for information provided in the City's public notification mail-out for Public Hearings is being proposed for the consideration of Council.

2.0 BACKGROUND

Part 26: Division 4 – Public Hearing on Bylaws of the *Local Government Act* outlines that a Public Hearing must be held for the purpose of allowing the public to make representations to the local government respecting matters contained within a proposed bylaw. In order to advise the public about a Public Hearing and the bylaws which will be considered by Council, certain notification requirements must be met and as per Section 892 of the *Local Government Act* the notice must state the following:

- (a) The time and date of the hearing;
- (b) The place of the hearing;
- (c) In general terms, the purpose of the bylaw;
- (d) The land or lands that are the subject of the bylaw;
- (e) The place where and the times and dates when copies of the bylaw may be inspected.

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Notification must be published in at least 2 consecutive issues of a newspaper within a certain timeframe. The legislation also requires that if the bylaw alters the permitted use or density of any area, the notice must also include a sketch which shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and be mailed or otherwise delivered to the owners and/or tenants within a specific distance of the area. If the location of the subject site can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

3.0 PUBLIC HEARING MAIL-OUT PROCESS

As part of the public hearing notification process, the City's current practice is to mail-out an information package to the owners and occupiers of all properties within the 30m (98.4 ft.)¹ notification area which includes:

- the entire "Rezoning Report" or Committee Report in the case of Text Amendments to the City's Zoning Bylaw or for Heritage Designation Bylaws and Heritage Revitalization Agreements; and
- a cover letter which outlines the details on how to participate in the Hearing process.

In densely populated areas of the City, such as Metrotown and UniverCity, these notification requirements may result in more than 4,000 mailings for one Public Hearing. The reports, mostly "Rezoning Reports", are typically between 6 and 12 pages.

As an alternative to sending out the entire report, staff are recommending a summary sheet, similar to the example provided in **Appendix A** of this report, be mailed out instead. The summary sheet still contains the pertinent information about the rezoning, text amendment or heritage agreement and would direct citizens to where they may find more details i.e. the full report or how to request additional information. A copy of the bylaw would continue to be available for inspection in the Office of the City Clerk.

It is noted that a similar summary document was used by the City in 2009 when the Provincial Government announced its intention to build a prison near Willingdon Avenue and Canada Way. As a more extensive mail-out was conducted at that time a summary sheet was sent instead of the full 12 page staff report.

4.0 SUMMARY

This proposed change to the notification provided for Public Hearings would result in a significant reduction of paper usage, which is in keeping with the initiatives of the City's Green Team and the Sustainable Purchasing Guidelines adopted by Council at its open meeting of 2008 October 27. In the example provided above where there were 4,000 mail-outs for one Public Hearing, the reduction from six pages to one page would result in a savings of 20,000 pieces of

¹ The 30 meter notification requirement is contained within the Burnaby Zoning Bylaw, Section 7, 7.8 Bylaw Amendments (6)(b).

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paper. In addition to the paper savings, this would reduce the costs of printing and processing. The use of smaller envelopes and reduction in weight would also save on postage costs. For these reasons, staff believe this would be a much more sustainable and cost effective process.

Staff from the Clerk's Office have consulted with other municipalities in the Lower Mainland and of the nine contacted, the City of Burnaby is currently the only municipality which still mails out the full reports.

The Planning & Building Department are supportive of the proposed change.

5.0 CONCLUSION

It is recommended that Council approve the proposed changes to the notification provided for Public Hearings, which would replace full reports with a one page double sided summary for the mail-outs. This would continue to meet the notification requirements outlined in the *Local Government Act* and would also meet the City of Burnaby's sustainability initiatives, saving both financial and staff resources.

Anne Skipsey
ACTING CITY CLERK

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Attachments

Copied to: City Manager
Deputy City Manager (Turpin)
Director Planning & Building
City Solicitor
City Green Team (Chair)

NOTICE OF PUBLIC HEARING**Tuesday, 2012 February 21 at 7:00 p.m.**Council Chamber, Burnaby City Hall
4949 Canada Way, Burnaby, B.C., V5G 1M2**Proposed Establishment of Grocery Store within Existing Apartment Building (Rezoning Reference # 11-27)**

Purpose: To permit commercial use of the main floor of the existing apartment building on the subject site. Three existing apartment units within the building will remain. No new building construction is proposed.

Location: 4908 Hastings Street, Burnaby

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District, C1 Neighbourhood Commercial District and Apartment Study Area 'B' guidelines, and the development plan entitled "Mixed Use Building, 4908 Hastings Street, Burnaby, BC" prepared by Franco Tessari Architect).

Applicant: Angelina Cappellano, 3204 Rainbow Court, Burnaby, BC V5A 2S5

Public Participation: The Public Hearing is open to all members of the public. If you believe you are affected by the proposed bylaw you may present your comments:

- **In person** at the Public Hearing
- **In writing**, if you are unable to attend the Public Hearing, via:
 - **Email:** clerks@burnaby.ca
 - **Letter:** Office of the City Clerk, 4949 Canada Way, Burnaby, V5G 1M2
 - **Fax:** (604) 294-7537

Deadline for written submissions: 4:45 p.m., 2012 February 21

Please note: All verbal and written submissions will become part of the Public Hearing record and will be open to the public.

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

Further Information: Copies of the proposed bylaw may be inspected at the Office of the City Clerk. Copies of the report and related information may be obtained by visiting www.burnaby.ca/publichearings or contacting the Planning Department, at (604) 294-7400.

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Sketch #1

Anne Skipsey
Acting City Clerk