

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
PUBLIC HEARING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
MONDAY, JUNE 15, 2009**

COUNCIL:

Mayor P. Goldsmith-Jones; Councillors M. Evison, M. Lewis, T. Panz, W.S. Soprovich, and S. Walker. Absent: Councillor M. Smith

STAFF:

G. McRadu, Chief Administrative Officer; B. Leigh, Deputy Chief Administrative Officer; S. Scholes, Municipal Clerk; R. Fung, Director of Engineering and Transportation; R. Laing, Director of Finance; B. Sokol, Director of Planning, Lands and Permits; A. Mooi, Director of Parks and Community Services; and S. Lam, Recording Clerk.

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

Councillor Evison declared that a family member owned property within the notification area but felt that there was no pecuniary benefit that would result from Council's vote either for or against the rezoning.

2. PUBLIC HEARING

**Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4602, 2009
(5775 Marine Drive, Takumi Japanese Restaurant)
(File: 1010-20-06-007)**

Applicant: Takumi Japanese Restaurant.

Affected Lands: 5775 Marine Drive (Lot 1, Block 15, District Lot 772, Plan 12573)

Purpose: To amend the MU5 Zone for the property to:

- Allow restaurants as a permitted use and;
- To increase the seating and patron capacity permitted for any combination of bakeshops, confectionaries and/or restaurants under the current zoning from 40 to 60.

Proposed Zoning Bylaw Amendment: To amend the existing zoning of MU5 in the manner described above.

R. Sokol (Director of Planning, Lands and Permits) displayed a context map of the subject site and described the application.

3. PUBLIC HEARING PROCEDURE

Mayor Goldsmith-Jones described the procedure for the Public Hearing.

We are convening this Public Hearing in order to consider and receive submissions regarding Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4602, 2009 (5775 Marine Drive).

Anyone who believes their interest in property is affected by the proposed bylaw will be heard, or may make a written submission respecting the matters contained in this bylaw. No one will be discouraged or prevented from making his or her views heard. Members of Council may, if they wish, ask questions of you following your presentation but our function tonight is to listen to the views of the public. It is not the function of Council at this time to debate the merits of the proposed bylaw. After the Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations.

Your only opportunity to comment on the Zoning Amendment Bylaw is during the Public Hearing. Members of Council are not permitted to receive further submissions regarding the Zoning Amendment Bylaw once we have closed the Public Hearing.

We have received documents which may be considered by Council and they are available for your review and discussion. A list of documents, and copies of these may be obtained from the Clerk during the Public Hearing. Written submissions received during the course of these proceedings will be added to these documents so that everyone may examine them.

To maintain order during the Public Hearing and to ensure everyone has an opportunity to be heard, the following rules of procedure have been established:

1. A Speakers' List has been established. Please ensure that you place your name on the list at any time throughout the Public Hearing. If you are speaking from prepared remarks, we would appreciate a copy.
2. Please commence your remarks by stating your name and address. If you are speaking on behalf of some other person or organization, please identify the name of that person or organization.
3. Each speaker is requested to limit their remarks to 5 minutes and a bell will sound with 15 seconds to go.

4. Please limit your comments to the subject of the proposed bylaws and policy. Please do not obstruct the Public Hearing, and be respectful to others. Please ensure that your comments address the specific issue being considered.
5. After everyone has spoken once, you will have an opportunity to speak again if you wish.

Please observe the rules and if you have any concerns about them, address your comments to the Mayor, as the Chair.

4. REPORTS/CORRESPONDENCE

- (1) Reports received up to June 15, 2009:

TITLE	DATE	DATE RECEIVED	NO.
Rezoning Application No. REZ06-007 (5775 Marine Drive – Takumi Japanese Restaurant)	May 15, 2009	May 25, 2009	R-1

- (2) Correspondence received up to June 15, 2009:

NAME	DATE	DATE RECEIVED	NO.
J. Chalmers	June 4, 2009	June 4, 2009	C-1
D. & L. Arnold	June 12, 2009	June 12, 2009	C-2
D. & J. Lane	June 15, 2009	June 15, 2009	C-3
J. Thornley	undated	June 15, 2009	C-4
M. Sager for Takumi Japanese Restaurant – 300 signature petition	February 26, 2008	June 15, 2009	C-5

The Municipal Clerk informed that on May 25, 2009 Council set the date for the Public Hearing; on May 29, 2009 ninety-one Notices were mailed to owners/occupiers within the notification area; the statutory notice of Public Hearing was published in the North Shore News on June 7 and June 10, 2009; and noted written submission received.

APPLICANT'S PRESENTATION

M. Sager (5751 Seaview Place) representing S. Hynes, owner of the subject property, referred to the previous rezoning application for the bakery/café on the site, and noted that it was subsequently a French restaurant. Mr. Sager spoke relative to Takumi Restaurant taking over the site, described the purpose of the rezoning application, referred to available parking in the area, and submitted a 300 signature petition in support of the application.

5. PUBLIC INPUT

C. Akaike (5775 Marine Drive, Takumi Japanese Restaurant owner) spoke relative to the proposed rezoning, customer support for the application, and responded to queries of Council regarding clarification of the business and proposed seating increase.

D. Lane (5709 Bluebell Drive) informed he was speaking on behalf of himself and his wife and conveyed concerns regarding the proposed seating increase and issues with previous businesses on the site, and requested that Council reject the rezoning application. Mr. Lane provided a written submission.

Mayor Goldsmith-Jones then asked three times if there was anyone else wishing to speak, and there was no response.

6. CLOSURE OR ADJOURNMENT OF PUBLIC HEARING

MOVED by Walker, seconded by Evison:

THAT all written and verbal submissions regarding Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4602, 2009 (5775 Marine Drive) up to and including June 15, 2009 be received and that the Public Hearing regarding Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4602, 2009 be closed.

Discussion ensued relative to the potential noise and parking issues, seating on the patio and proposed glass partition and whether the Public Hearing should close or be adjourned. B. Sokol (Director of Planning, Lands, and Permits) and G. McRadu (Chief Administrative Officer) responded to queries of Council.

M. Sager referred to a public information meeting previously held, noted that a commitment was made that a glass partition would be installed to block noise, and provided information regarding patio seating and patron capacity of the restaurant.

The question was called on the motion.

CARRIED
Councillor Soprovich voted in the negative

The Hearing closed at 7:32 pm.

Certified Correct:

MAYOR

MUNICIPAL CLERK

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