

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **DVP #22-04 - 355 WILLINGDON AVE N**
PURPOSE: To seek Council approval for Development Variance Permit (DVP) #22-04.

REFERENCES

Address: 355 Willingdon Ave N
Legal: PID: 017-397-910
Parcel One District Lot 187 and 188 Group 1 New Westminster
District Explanatory Plan LMP562
Applicant: Parkland Refining (B.C.) Ltd.
1000-2025 Willingdon Ave, Burnaby, BC V5C 0J3
Current Zoning: M5

RECOMMENDATION

THAT the issuance of Development Variance Permit #22-04 (see **Attachment 2**) to the report titled “DVP #22-04 - 355 Willingdon Ave N” dated March 11, 2024 be approved; and,

THAT the City Solicitor be directed to register notice of Development Variance Permit #22-04 with the Land Title Office.

1.0 POLICY SECTION

The subject development variance permit (DVP) application aligns with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998).

2.0 BACKGROUND

2.1 The subject site, located at 355 Willingdon Ave N, is one of two main properties, owned by Parkland Refining (BC) Ltd. (formerly Chevron Canada Limited). The subject site (Area 1) and the second site at 5201 Penzance Drive (Area 2) are zoned for industrial uses predominantly under the M3 Heavy Industrial District with small areas zoned for industrial uses under the M1 Manufacturing District and the M5 Light Industrial District (Area 1) and the Comprehensive

Development (CD) based on the P2 Administration and Assembly District to accommodate a free standing antenna development (Area 2).

- 2.2 The subject site is located in the Chevron Buffer Zone north of the Burnaby Heights neighbourhood, which is a designated buffer area to limit and regulate development in order to provide a landscaped park and trail area separating the Heights residential neighbourhood from the Parkland (former Chevron) Refinery. The Chevron Buffer Zone plan was originally created in 1975 and a revised plan was adopted by Council in 1999. The lot is bordered by a CP Rail right-of-way to the north, Confederation Park to the east, Eton Street to the far south and Gilmore Avenue to the far west. Immediately around the subject site to the south and west are City-owned lots designated for park and public use under the Chevron Buffer Zone community plan in Burnaby's Official Community Plan. Further away are lots zoned for residential uses predominantly under the R5 Residential District.
- 2.3 Area 1 serves primarily as a refinery fuel tank storage area with the refining operations occurring mainly at Area 2 located further east of Confederation Park. Area 1 was originally developed in 1935 and further improved over the years with a number of additions and upgrades. Currently, there is an upgrade proposed under Preliminary Plan Approval application PPA #22-169 to the fuel tank storage area at the eastern portion of Area 1 which is the subject location of the proposed development variance permit (see **Attachment 1**).

3.0 GENERAL INFORMATION

- 3.1 The applicant is pursuing the construction of two low carbon fuel tanks and an associated catchment area, which will replace an existing catchment area with six smaller fuel tanks. The tank catchment area is proposed to be enclosed partly with cast-in-place concrete retaining walls and partly with precast block concrete fences. In order to facilitate the construction of the retaining walls and fencing, the applicant is seeking to vary Section 6.14.1(1) of the Zoning Bylaw to increase the maximum permitted height for retaining walls from 1.2 m (3.94 ft.) to 7.3 m (23.95 ft.), and Section 6.14.2(1)(c) of the Zoning Bylaw to increase the maximum permitted height for fences located to the rear of a required front yard from 2.4 m (7.87 ft.) to 6.1 m (20.01 48 ft.).
- 3.2 The intent of the height restrictions is to mitigate the massing impacts of retaining walls and fences on neighbouring properties and the public realm. In this case, the location of the catchment area with the subject retaining walls and fences is approximately 147.37 m (483.50 ft) from the nearest residential street (Eton Street).
- 3.3 In general, the subject lot observes a severe downward slope to the north towards the CP Rail line and Burrard Inlet. This existing topography in combination with the existing refinery infrastructure constrains options for the placement of new equipment. The proposed location of the new tanks and the

associated tank catchment area is essentially within the already existing tank area.

- 3.4 The associated tank catchment facility is a safety feature to capture rainwater or any other liquid in the event of a spill. The size and design of this area is based on BC Fire Code, Section 4.3 Tank Storage, where the minimum capacity of the containment is specified.
- 3.5 The tank catchment facility is proposed to be almost entirely recessed to the existing hillside. This results in a need for perimeter retaining walls along the hill edges and perimeter fences at the north-west corner where natural grades are lower. The retaining walls will vary in height with the maximum height determined by the highest hill grades along the recessed area. The maximum fence height is established by the minimum elevation needed to achieve the required volume of the containment.
- 3.6 In summary, the subject retaining walls and fences will be well distanced from the residential neighbourhoods to the south, and at much lower level as compared to Eton Street to the south or Confederation Park to the east. As such, both requested variances will have minimal visual impact on adjacent properties, uses or the public realm. There will be no impacts on green spaces within the Chevron Buffer Zone outside of the subject property and the existing green spaces within the eastern portion of the subject property adjacent to Confederation Park.
- 3.7 For the reasons outlined above, staff support the variance requests to increase the heights of retaining walls and fencing to facilitate the construction of the tank catchment area. A copy of Development Variance Permit #22-04 is included (see **Attachment 2**) in this report. If Council approves the issuance of Development Variance Permit #22-04, then staff also request that Council direct the City Solicitor to register notice of the permit in the Land Title Office.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

As per the requirements set out in the *Local Government Act* and the *Burnaby Development Procedures Bylaw*, public notice of the subject DVP application was delivered to adjacent property owners and occupants (within 50 m of the subject property) at least ten (10) days before Council considers the application for approval. In accordance with the Burnaby Development Procedures Bylaw, signs were also posted along the subject site's frontages at the Eton Street and Willingdon Avenue North intersection and at the McGill Street and Madison Avenue North intersection.

City staff received and responded to ten inquiries for more information on this application, mainly requesting a clarification with regards to the location and purpose of the subject retaining walls and fences. Inquiries raised concerns about the perceived expansion of Area 1 into green space at the eastern portion of the lot and asked that the neighborhood be fully informed about any future plans.

Parkland Refining (BC) Ltd. advised that information about the refinery in general and plans for the Area 1 tanks project, is available at www.burnabyrefinery.ca. The recent

minutes from the Community Advisory Panel (CAP) meeting on November 15, 2023 are online at: <https://www.burnabyrefinery.ca/community/community-advisory-panel/>. The plans to build new tanks on the subject site have been discussed with the CAP for the past two years. In addition, in October 2023 a Notice of Work was circulated with a mail out postcard to 22,000+ households within a 5 km radius of the refinery, alerting the neighborhood that construction activities will be on-going at both Area 1 and Area 2 for the period November 2023 through December 2024.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – DVP #22-04 Sketches #1 and #2

Attachment 2 – DVP #22-04

REPORT CONTRIBUTORS

This report was prepared by Margaret Malysz, Development Plan Approvals Supervisor, and reviewed by Jesse Dill, Director Development.