

Meeting: No. 465
Date: Monday, June 28, 1999
Time: 3.00 p.m.
Place: No. 1 Committee Room, City Hall
and
Time: 7.00 p.m.
Place: Council Chamber, City Hall

PRESENT:**Board**

F.A. Scobie	Director of Development Services (Chair)
L.B. Beasley	Co-Director of Planning
B. MacGregor	Deputy City Manager
T. Timm	Deputy City Engineer

Advisory Panel

J. Hruda	Representative of the Design Professions (Urban Design Panel)
J. Hancock	Representative of the Design Professions
A. Gjernes	Representative of Development Industry
D. Chung	Representative of General Public
R. Mingay	Representative of General Public
B. Parton	Representative of General Public
R. Roodenburg	Representative of General Public

Absent

P. Kavanagh	Representative of Development Industry
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ALSO PRESENT:

M. Kemble	Development Planner (Item 3)
B. Adair	Development Planner (Item 4)
R. Segal	Development Planner (Item 5)
A. Molaro	Development Planner (Item 5)
G. McGeough	Heritage Planner (Item 3)
N. Peters	City Surveyor (Item 3 and 4)
M. Thomson	Assistant City Surveyor (Item 5)
N. Losito	Vancouver/Richmond Health Board (Item 5)

Item 3 - 677 Davie Street - DE404010

A. Erickson	Arthur Erickson Architect
N. Best	Architectura
P. McCulloch	Dance Foundation

Item 4 - 377 Powell Street - DE404082

D. Jansen	Davidson Yuen Simpson
R. O'Dea	Terra Housing

Item 5 - 2995 Wall Street - DE404056

R. Olafson	Applicant
D. Gurney	Architect
J. Cawker	Project Engineer
P. Hemsley	Environmental Consultant
I. Scott	General Manager Western Region, Readymix Operations
B. Vickery	Director of Technical Services, Lafarge

CLERK TO THE BOARD:

Carol Hubbard

1. MINUTES

It was moved by Mr. Beasley, seconded by Mr. Timm, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of June 14, 1999 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 677 DAVIE STREET - DE404010 - ZONE DD
(COMPLETE APPLICATION)**

Applicant: Architectura

Request: To construct a 7-storey commercial building for use as a dance centre, with production studio, rehearsal studios, administrative offices and ancillary uses, with a total FSR of 5.5.

To relax the parking requirement to nil for the non-profit cultural use on the site..

To receive a heritage density bonus amounting to approximately 12,000 sq.ft. (2.00 FSR) as permitted under Section 3.8 of the DODP.

Development Planner's Opening Comments

The Development Planner, Mike Kemble, presented this application, referring to a model and posted drawings. He noted the proposed facility was identified as a City cultural priority in 1993. In 1996, a proposal for a site at Granville/Pacific was approved but did not proceed. The subject proposal is for the 50 ft. x 120 ft. site at the corner of Davie and Granville Streets, currently occupied by a Bank of Nova Scotia Branch, a "B" listed building in the Vancouver Heritage Inventory. Immediately to the north is a 25 ft. vacant lot which the applicant attempted to incorporate into this scheme but was unsuccessful. There is an existing policy to encourage continuous retail along the Granville and Davie Street frontages, for which this application seeks a relaxation. The application also seeks a relaxation of setback requirements. The Downtown ODP permits a maximum density of 3.5 FSR and the application is seeking an additional 2.0 FSR by way of a heritage retention option, for a total density of 5.5 FSR.

On March 30, 1999, Council's direction was sought with respect to the heritage issues. Of the three options before it, Council supported the retention and designation of the Granville Street façade only, as a trade-off between cultural and heritage objectives. Council endorsed this option as being sufficient to support a heritage density bonus to meet the project's floor space needs. Council also supported a full relaxation of the parking requirements. The Parking By-law permits a relaxation for "hardship" reasons, and staff recommend tying this relaxation to the non-profit cultural use, so that if the use is changed in the future, "pay in lieu" for the parking spaces will be required. There is also a requirement for Development Cost Levy. While this issue is currently under review by Council, it is unlikely that any policy change would occur before next year.

The concerns identified by staff relate to the street level interface and pedestrian interest provided by the project, treatment of the side wall and the lane edge treatment. Staff consider the proposed use and built form to be very appropriate for this site. It is in a highly accessible and entertainment-focused part of the downtown and will help to anchor this end of Granville Street. It is a very high quality architectural proposal with a limited heritage retention component. Staff recommend approval, subject to the conditions outlined in the Staff Committee Report dated June 2, 1999. Mr. Kemble tabled a further condition recommended by the Heritage Foundation, dealing with the interior heritage features.

Heritage Planner's Comments

Gerry McGeough, Heritage Planner, distributed an extract from the minutes of the Vancouver Heritage Commission meeting of March 29, 1999, which records the Commission's support for retaining the Granville Street façade and the full Davie Street façade. The Commission's resolution was forwarded to Council before it made its decision on March 30, 1999.

Applicant's Comments

Arthur Erickson, Architect, acknowledged they would not have chosen this site for the new dance centre because of the heritage issues, noting as well that it has necessitated a reduction in square footage. He stressed the dance centre will be an important cultural institution for Vancouver. With respect to the three retention options that were considered, the two options that included either part or all the Davie Street façade created impossible limitations on the function of the centre and had to be rejected. Mr. Erickson briefly reviewed the design rationale for the proposed scheme involving the retention of the Granville Street façade only. Noel Best, Architect, advised they are in agreement with the recommended prior-to conditions, with the exception of 1.1 and A.1.4. They question staff's direction to provide a glass canopy over the doorway on Granville Street because this will only serve people using the ATM, and there is already a 6 ft.-deep recess at the entry which provides protection for bank customers. Further, they consider that putting a canopy, albeit transparent, in front of the heritage façade will be counterproductive to heritage preservation. He described their proposal for the Davie Street entry. Mr. Best said they are also concerned about the requirement for DCLs, which Mr. Scobie explained is outside the jurisdiction of the Board.

Comments from Other Speakers

Mr. Hal Kalman, Chair, Vancouver Heritage Commission, advised the Commission is supportive of the institutional nature of the application and of the dance centre in this location. However, the Commission feels the amount of heritage conservation proposed in this application is not sufficient to merit a 2.0 FSR density bonus. As well, the Commission requests to go on record that its own recommendation to Council in this respect was not heeded. The Commission is not, in general, in favour of "façadism" which is what it considers this proposal to be.

The Commission's position is that it would support the heritage bonus provided the two street façades were preserved and the inside spaces were fully in line with existing window openings. The Commission does not believe the City's criteria for earning the heritage density bonus have not been met and is not comfortable with the trade-off proposed in this application. It devalues the heritage bonus and the heritage program, and sets a very poor precedent for other developments in the city. Mr. Kalman suggested some alternative solutions: to acquire the lot to the north; apply for rezoning; or incorporate meaningful heritage conservation into the program and earn the heritage bonus. In response to a question from Mr. Beasley, Mr. Kalman confirmed the Commission's advice was provided to Council before it made its decision on the matter.

Mr. Don Luxton, Canadian Art Deco Society, advised the Society is very strongly against this proposal. Dance may be a vital cultural activity but heritage buildings are also part of our culture, and this project sets a new low point for heritage conservation in Vancouver. An alternative location should be found that will not involve the destruction of this valuable heritage building. Mr. Luxton added, the Society is not against the dance centre but think this is a very bad way to achieve it. In response to a question from Mr. Beasley, Mr. Luxton advised that Council was informed of the Society's position on this matter.

Mr. Stephane Hoffman, Heritage Vancouver, said they informed Council of their support for the Heritage Commission's preference (option 3). They also expressed concern about the use of the heritage density bonus for this proposal, which they believe must be based on the value of the heritage conservation. While there are many worthy causes for increased density, they do not believe they should compete with heritage conservation. The Dance Centre is being squeezed into a site that cannot accommodate its program, at the cost of a significant heritage building. Mr. Hoffman confirmed that Heritage Vancouver's views were made known to Council when it was considering the conservation options.

Board and Panel members then took a few minutes to review the model and posted material.

Concluding Comments from Staff

With respect to the Granville Street canopy treatment, Mr. Kemble advised that while staff noted the guidelines call for continuous canopies along Granville Street, there was some question about how it would affect the integrity of the heritage façade. Staff concluded that a canopy over the entry would be sufficient.

Panel Opinion

Mr. Hruda advised the Urban Design Panel discussed the various options and concluded that this use in this location would make such a positive contribution to this part of Granville Street that it was an acceptable compromise from an urban design point of view. The Panel thought the elegant and theatrical approach was an excellent solution. While the serious heritage compromise and the functional inadequacy of the building indicate that this is not the right site for this function, in the context of Council's support for this basic approach the proposed solution is correct and should be supported. The Panel was ambivalent with respect to the provision of weather protection on Granville Street, but Mr. Hruda said he felt it could probably be handled successfully on the heritage façade.

Mr. Hancock acknowledged the policy dilemma and conflicting public objectives in this proposal. The use and location are excellent and the proposal promises to be a strong, well executed building. The 2.0 FSR heritage density bonus is problematic, however, because the building is not being retained and the retention of one façade is not very convincing as a heritage restoration piece. While not in favour of the method of giving the density bonus, Mr. Hancock said the use is worthy and supportable. He said he believed weather protection could be handled as suggested by Mr. Kemble, with a glass canopy over the entrance.

Mr. Gjernes said he was troubled by the density bonusing based on heritage and would like to have seen another form of density bonusing. He acknowledged Council's direction in this regard but said he did not think it was appropriate. Nevertheless, the loss of the heritage "B" building is slightly outweighed by the positive aspects of achieving a new dance centre. This is an appropriate site for this use. It will fit in well and help to revitalize the area. Mr. Gjernes recommended approval of the application, lamenting the loss of the heritage building. He suggested deleting "continuous" from condition 1.1 dealing with weather protection, and suggested extending the deadline for complying with the conditions.

Mr. Roodenburg said he fully supported the application as designed. He did not support a canopy on Granville Street and agreed with the architect's rationale in this respect. He said the issues around the heritage density bonus are outweighed by the benefits of the function of the building and the application should be approved as submitted.

Mr. Chung said the location for this use is excellent. However, he could not support approval of the application because the loss of 95 percent of the building is not appropriate heritage conservation. He did not believe a canopy was necessary on the Granville Street façade. He urged the applicants to revise the application based on option 3, to retain both the Davie and Granville Street façades.

Ms. Mingay agreed it is unfortunate that the city is losing the heritage building but felt the dance centre use was very supportable. She also supported its modern design. She did not support having a canopy on the Granville Street façade because it further dilutes its heritage value.

Ms. Parton also lamented the loss of the heritage building but commended the architect on the beautiful design for the new building. Ms. Parton noted there is already a serious parking problem in the area, as outlined in a letter from a Davie Street resident (distributed earlier to Board and Panel members) and was very concerned about the

lack of parking provided in this application. She was concerned about the loss of the Davie Street façade, and urged the applicant to consider option 3. She did not support a canopy on Granville Street.

Board Discussion

Mr. Beasley noted that this proposal has been a challenge since its inception. At the time this proposal was discussed by Council a rezoning was not favoured because of the precedent it would set for other heritage buildings on Granville Street. As well, a bonus for a cultural amenity was not an option because an appropriate way could not be found to secure it. However, Council did come to a conclusion in the matter, and it was not considered to be a precedent. Rather, Council considered this to be a highly unusual circumstance involving a priority cultural amenity. Mr. Beasley stated he therefore feels obligated to abide by Council's conclusion, noting it was clear with respect to the amount of heritage saved, the amount of bonus to be given, and the relaxation of parking and setbacks. He therefore recommended approval of the application, with the conditions outlined in the Staff Committee Report, with a number of changes.

With respect to the canopy on Granville Street, Mr. Beasley said he agreed with the comment that it would further dilute the heritage value of this façade. Regarding B.2.2, requiring a condition of the permit to be that parking be provided in the event the building is no longer for non-profit cultural use, Mr. Beasley expressed concern that this may involve a financial commitment. He therefore recommended its deletion, but stressed it is the expectation of the Board that required parking be provided if the use changes and a new development application is made. Mr. Beasley supported retention of the heritage condition requiring the submission of documentation. He also commended the heritage organizations for continuing to make their concerns known. He suggested it might be appropriate to take another look at the guidelines used for judging the amount of heritage gained and lost and the amount of other public objectives that are satisfied, for Council to consider as a policy issue in the future.

In seconding Mr. Beasley's motion, Mr. MacGregor recommended amending the date for compliance with the conditions, noting the form of development is required to be approved by Council.

Motion

It was moved by Mr. Beasley and seconded by Mr. MacGregor, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 404010, in accordance with the Development Permit Staff Committee Report dated June 2, 1999, with the following amendments:

Amend 1.1:

design development to the grade level pedestrian weather protection along Davie Street ~~and Granville Streets~~, to provide more effective and continuous canopies, in response to the guidelines;

Note to Applicant: The height of the outer edge of the proposed glazed canopy along Davie Street should not exceed approximately 10 feet above the sidewalk level. ~~On the Granville frontage a glazed canopy should be provided over the entrance to the former bank building, with a minimum 8 ft. projection.~~

Add 1.7:

design development to preserve and incorporate the interior features of heritage value into the new Dance Centre facility and where it is determined that it is not feasible, arrangements shall be made to the satisfaction of the Director of Planning to donate such interior features to the Vancouver Heritage Foundation;

Amend B.1.2:

It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before ~~August 23~~, *October 31*, 1999, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.

Delete B.2.2.

**4. 377 POWELL STREET - DE404082 - ZONE DEOD
(COMPLETE APPLICATION)**

Applicant: Davidson Yuen Simpson Architects

Request: To construct a mixed use 4-storey building, having a Social Service Centre on the ground floor and three stories of non-market residential housing above, containing 31 dwelling units, with 5 on-site parking spaces at the rear having vehicular access from the lane.

Development Planner's Opening Comments

The Development Planner, Bob Adair, presented this application for a 4-storey non-market, mixed use building containing a social service centre on the ground floor with residential use above. The 50 ft. x 122 ft. site is located on the north side of Powell Street, one block west of Oppenheimer Park. Following a brief description of the proposed development and the site context, Mr. Adair noted the main issues identified by staff relate to the relaxation of the minimum dwelling unit size and the increase in the maximum permitted floor space from 2.5 FSR to 2.89 FSR. With respect to the size of the units, Mr. Adair noted that minimum unit size has been relaxed previously by the Board, and staff recommend approval of the requested relaxation. Staff also recommend approval of additional floor space for the social service centre, proposed to provide outreach services to persons in the community with mental health problems. In addition, there is a requirement in the ODP for ground floor retail or similar uses in this sub-area. Staff believe the proposed social service centre use will contribute to pedestrian activity on the street and also recommend a relaxation in this respect.

Staff recommend approval of the application, subject to the conditions outlined in the Staff Committee Report dated June 2, 1999.

Housing Centre Comments

With respect to the unit sizes, John Jessup, Senior Housing Planner, explained the Housing Centre has in recent years been exploring with community groups and BC Housing what the optimum configuration might be for a low income single person's housing in the downtown area. The conclusion to date is that about 300 sq.ft. is reasonable, and a policy report on the issue may be issued by the end of this year.

Applicant's Comments

Dane Jansen, Architect, advised they are comfortable with the conditions recommended by the Staff Committee. With respect to condition 1.1, Mr. Jansen explained they proposed split face concrete block in order to relate to other buildings along Powell Street. However, they have no objection to changing it to brick as recommended.

They do have a concern with respect to condition A.2.2, which calls for a reduction in the amount of glass in unit 405E. Mr. Jansen explained that, because of the size of the units they would prefer this to be a consideration item.

Comments from Other Speakers

None.

Panel Opinion

Mr. Hruda advised the conditions relate directly to the Urban Design Panel's comments. He recommended approval of the application.

Mr. Hancock also recommended approval and said he thought the proposed unit size was workable. He also considered the grade level use to be a good alternative to retail in this instance. He supported the conditions, deleting A.2.2.

The other Advisory Panel members also supported the application. Ms. Mingay noted the landscaping will be very important in this project.

Board Discussion

Mr. Timm said he had some concern about the Board routinely approving less than minimum unit sizes based on the "hardship" clause, but was in favour of the application subject to the conditions in the Staff Committee Report, deleting A.2.2. In seconding Mr. Timm's motion of approval, Mr. Beasley complimented the applicant on a neighbourly building that fits well in the area. He also stressed that this building is a replacement of an existing facility - both the social service centre and the housing - and is very positive for the neighbourhood.

Motion

It was moved by Mr. Timm and seconded by Mr. Beasley, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 404082, in accordance with the Development Permit Staff Committee Report dated June 2, 1999, with the following amendment:

Delete A.2.2.

The meeting adjourned at 5.25 pm and reconvened at 7.00 pm in the Council Chamber

5. **2995 WALL STREET - DE404056 - ZONE CD-1**
(COMPLETE APPLICATION)

Applicant: Randy Olafson c/o Hemmera Resource Consultants

Request: To construct a new concrete batch plant on this vacant site, including a two storey ancillary office/maintenance building, batch plant tower, storage bins, transfer towers and conveyors in conjunction with a barge unloading facility.

Introductory Comments

Rick Scobie, Chair of the Development Permit Board, introduced the Board and Panel members and briefly outlined the Board's procedures. He stressed that the Board's jurisdiction with respect to this application is confined to the height increase being requested, since everything else complies with the zoning for the site. City Council will ultimately address the issue of the form of development.

Development Planner's Opening Comments

The Development Planner, Ralph Segal, presented the application, referring to a model, posted drawings and an illustration of view analysis. Following a brief description of the site context, Mr. Segal reviewed the jurisdictional aspects of the proposal. About one third of the site, the Lafarge owned portion, is under the City's jurisdiction. The remainder of the site is leased from the Vancouver Port Authority (VPA), which is not subject to the City's jurisdiction. However, the highest elements of the proposal are on City-zoned land, the tower batch plant at 102.6 ft. and the conveyor elements at about 80 ft. The zoning permits an outright height of 30 ft. The proposal also includes an office/maintenance building at a height of 35 ft., for which staff are recommending a height relaxation. The remainder of the batch plant is on VPA land.

In 1990 the site was zoned CD-1. The proposed use is permitted under the zoning. The main issue relates to height and the impact on views. As well, there are concerns about noise and air pollution as a result of the height, i.e., the generation of dust and noise may be exacerbated by the height of the tower. With respect to view impact, staff believe the mass of the tower, being relatively slim at 36 - 37 ft. wide east-west and 32 ft. wide north-south, constitutes a relatively minor view intrusion in terms of the overall views available. The view obstruction equates to about 2.5 percent for many houses in the main body of the residential neighbourhood, while to the east of Renfrew Street there are a number of houses that will suffer somewhat greater view obstruction of about 4.5 percent. Qualitatively, staff agree that the obstruction into the panoramic views currently enjoyed will be an irritating intrusion. However, staff note that the CD-1 zoning allows for height increases beyond the 30 ft. outright (up to 100 ft.), which staff have interpreted to mean that relatively minor view intrusions could be allowed. With respect to New Brighton Park, it is in an industrial setting where industry can be expected to occur on either side. Therefore, in terms of view impact on the park, staff consider the addition of the subject development to the west of the park is not unacceptable. With respect to pollution, the Vancouver/Richmond Health Board has concluded there are some impacts that must be addressed, for which a number of mitigation measures have been recommended.

Mr. Segal tabled a correction to Appendix B of the Staff Committee Report, to delete B.1.1 and B.1.2 dealing with truck operations, noting this is more properly covered under B.1.4 which encompasses all the recommendations of the Health Board.

Mr. Segal explained that if the Board approves the height increase it will be reported to Council in the form of development report. Staff have made a number of recommendations to Council, under paragraph 2.0 in the Staff

Committee Report, dealing with issues such as improvement of pedestrian access to the park, landscaping and lighting. The report also contains recommendations to VPA, under paragraph 3.0, and includes a recommendation to lower the height of the storage bins to a maximum of 30 ft. and up to 40 ft. for the east-west conveyor system.

The Staff Committee recommendation to the Board is to approve the application, subject to the conditions outlined in the report dated June 2 and 16, 1999.

Comments from Vancouver/Richmond Health Board

Nick Losito, Director, Environmental Health, said the Health Board believes there are noise control technologies that can be incorporated into the design to reduce the noise levels so that there is no impact on the community. He said his department will have to work with the applicant to ensure such technology is employed and kept up to date. It will also require ongoing monitoring. Based on experience elsewhere and on their analysis of the acoustical consultant's report, Mr. Losito said they believe the applicant can keep the noise level down. With respect to air pollution, the applicant will have to comply with the GVRD regulations and employ the best available technology for dust control.

Discussion

In response to a question from Mr. Beasley as to whether alternative technologies, without a tower, are available to achieve the same capacity as this proposed plant, Mr. Segal advised that manufacturers were surveyed and while it was found that some batch plant configurations with the same capacity were somewhat lower (about 70 ft.), they were much wider. Staff concluded that the proposal is probably a reasonable method of delivering the amount of concrete intended.

The Chair noted a number of inaccuracies in the Staff Committee Report: p.6, the reference to Provincial Health Board should be Vancouver/Richmond Health Board; p.11, final paragraph, "Lafarge (Westroc) site", should read "VPA lands"; and p.13, Conclusion, "on lands within City limits" should read "on lands within the City's jurisdiction".

Responding to a question from the Chair regarding the Elders grain facility which precipitated the CD-1 zoning for this site, Mr. Segal said it is believed to be about 89 ft. high, with an east-west dimension of 39 ft. and north-south dimension of 54 ft.

Referring to the Staff Committee Report, Mr. Scobie said he believed the Board should focus only on the conditions under paragraph 1.0 which pertain specifically to the height of the proposal. Mr. MacGregor concurred, noting that Council has indicated it will have a public meeting when it considers the form of development, at which time there will be a staff report into which the deliberations of this Development Permit Board meeting will be incorporated. The VPA will also have its own public process. Mr. Beasley and Mr. Timm agreed.

Applicant's Comments

Mr Randy Olafson briefly reviewed the history of this proposal and how the public has been kept informed, and noting that a number of changes have been made to the scheme as a result of consultation with City staff. He explained the plant is totally enclosed and the noise and dust is contained within it. Mr. Tom Gurney, Architect, gave a video presentation to illustrate the impact of the proposed plant on the neighbourhood.

Referring to an earlier question from Mr. Beasley concerning alternative plant configurations, Mr. Gurney explained the design of this plant was based on research that considered other plant designs that were lower in height. It was concluded that the proposed design would be the most appropriate because of its proven reliability. It also minimizes dust and noise emissions. As well, the tower requires a significantly smaller site area. The current design incorporates the latest technology and best plant production. It also allows a smaller footprint than plants that are lower in height. A lower plant profile would still require a 76 - 78 ft. height, with approximately double the footprint. A larger footprint would also limit truck manoeuvrability. Mr. Gurney noted a similar design of cement plant was successfully operated for the construction of the Confederation Bridge in PEI where it was adjacent to an environmentally sensitive bird sanctuary.

Referring to the conditions under 1.0 in the Staff Committee Report, Mr. Gurney confirmed the height of the batch plant tower will be kept to the 100 ft. level, as required by condition 1.1. He noted, however, that their height measurements have been taken from elevation 4.8 m, which is the lowest contour line of 4.0 m, plus a 0.8 m "marker fill" layer required by the Ministry of Environment. Regarding condition 1.2, it is the intention of the applicant to provide an attractive neutral colour for the plant. With respect to 1.3, the applicant intends to provide a misting system on all conveyors and a partial cover on certain conveyor components.

Responding to a question from an Advisory Panel member about the necessity for this plant to be on the waterfront, Mr. Joel Cawker, Project Engineer, said it is to take advantage of marine delivery of the aggregate.

Questioned by Mr. Beasley as to whether the applicant would be prepared to voluntarily offer that there would be no signage or lighting on the tower if it was permitted at over 30 ft., Mr. Olafson said he could not respond without prior consultation with his client. Mr. Beasley also questioned why the proposed technology and associated tall element is essential. Mr. Olafson explained the taller plant incorporates a gravity fed, wet system which generates less dust than a lower and broader plant. Lower batch plants with smaller outputs are easily attained on smaller sites on a temporary basis; however, a lower batch plant to produce the intended capacity would involve unproven technology. They have concluded that the proposed design is the most reliable technology available and will have the smallest impact on the neighbourhood.

Mr. Beasley questioned the applicant as to the impact on the operation of the facility if the operating hours for the tower were limited to 7 a.m. to 10 p.m. Mr. Olafson noted the port is a 24-hour facility and it would be very difficult for Lafarge to cease its operations while the rest of the port continues to operate. Major construction projects require concrete on demand so there will occasionally be a demand that would exceed the normal operating hours of 6 a.m. to 10 p.m. Questioned by Mr. Beasley regarding noise and air pollution, Mr. Olafson said he agreed with the comments of the Health Board and confirmed the by-law would be adhered to.

Comments from Other Speakers

The following speakers addressed the Board:

Shane Simpson, 2600 block Trinity Street, Burrardview Neighbourhood Association

Steve Richards, 2878 Wall Street

Libby Davies, Member of Parliament for Vancouver East

Marion Olivieri, Hastings Community Centre Association

Peter Dimitrov, 2400 block Wall Street

Jim Campbell, 2843 Wall Street

Shirley Wong, Wall Street resident

Frances Moorcroft, 2800 block Trinity Street

Ian Marcuse, 1100 block Salsbury Drive, representing the Grandview Woodlands Area Council

Barbara Fousek, 2400 block Wall Street
Hugh McLean, 2700 Pandora Street
Simon Bancroft, 433 West 17th Avenue
Steve Popil, 2881 Wall Street
Teresa Marshall, 2875 Wall Street
Rob Danielson, 2546 Trinity Street
David Black, 2525 Cambridge Street
Ed Shaw, 2100 Yale Street
Dominik Madunic, 2700 block Wall Street
Paolo Amenta, 220 North Slocan Street
Tom Tompkins
Mack Bryson, 2827 Wall Street
Dan Barbour, 2800 block Trinity Street (copies of Mr. Barbour's written response on behalf of the Burrardview Neighbourhood Association were distributed to Board and Panel members)
George Rammell, 2724 Yale Street

Libby Davies, M.P., was also representing the area's MLA, Joy McPhail, and read a statement from Ms. McPhail indicating her opposition to the application. Ms. Davies noted that both she and Ms. McPhail have been involved with the community on this proposal. She stated that the technical issue of height is very much related to Council's intent in 1990. As a member of Council at that time, Ms. Davies said it was because of the Elders grain terminal development that Council approved the interim CD-1 zoning. The emphasis of the by-law was to control building height for the protection of residential views until a proper planning process could be put in place. Therefore, the real issue is to ensure that this application is rejected until that process has taken place. Ms. Davies urged the Board and Advisory Panel members to consider Council's intent, which was to protect the community. She asked that the Board reject the application and recommend to Council that the process committed to in 1990 take place soon. She also recommended that a constructive dialogue begin with the Port and the community to look for alternative, more appropriate sites for this proposal.

Simon Bancroft (speaker number 12) said it is essential for the region and the city that the concrete plant be on the waterfront and located as close as possible to the centres of growth. He suggested that trees could be planted that will eventually mitigate the impact of the proposed plant.

All other speakers were strongly opposed to the application. Following are some of the points that were made:

- Lafarge's approach to this project has not been very responsible;
- Lafarge has a poor environmental record;
- the Health Board has provided no evidence to support its position on noise and air pollution;
- the land swap was done to get the overpass to Commissioner Street and the additional park space was achieved incidentally;
- the 1990 CD-1 zoning was adopted to protect the community and the compatibility of the community with the industrial uses. While the CD-1 zoning does allow broadly under manufacturing the production of concrete, under the previous M-2 zoning it would have been a conditional use;

- the Board is being asked to make a significant decision under CD-1 zoning that was put in place as an interim measure until the community had an opportunity to determine an appropriate way in which industry and residential areas can interface;
- the community is very concerned that the Development Permit Board process is not independent;
- the question of height does not only relate to the tower: every structure on the site exceeds 30 ft.;
- the Board's mandate is to deal with height, not the efficiencies of Lafarge, and Lafarge has not proven a 100 ft. tower is required to make cement. The community believes there is no requirement for additional height in order to produce concrete;
- the 1986 Hastings Community Plan states, under 4.8, that views of mountains, waterfront, the downtown and the working port should be preserved or opened up by the designation and development of attractive viewing areas in selected locations; and under 7.2, that industrial development on the waterfront and in the Bridgeway area should be sensitive to the quality of the adjacent residential environment along the escarpment by controlling building height and environmentally incompatible uses;
- for the CityPlan process to have any legitimacy the City should demonstrate respect for an existing community plan;
- this project breaches the Noise By-law which limits noise to 70 decibels daytime and 65 decibels evening in active areas. This project will produce in excess of 80 decibels. The noise tests were not conducted on weekends when most people are at home;
- staff are recommending that the Board ignore Council policies (i.e., the Hastings Plan and the Noise By-law);
- hundreds of homes will be impacted by this project, and about 25 to 30 homes, worth a total of about \$15 to 20 million, will be devalued by up to \$150,000 each as a result of this project;
- the issue of contamination has not been addressed with Lafarge's corporate neighbours;
- this application is not consistent with the spirit of the by-law;
- the project will have a major impact on the city's only waterfront park east of Main Street;
- if the project proceeds it will negate everything that has been done to protect New Brighton Park;
- question the Board's narrow scope of review in this instance;
- the soils on this site are heavily contaminated with soluble arsenic and will be disturbed by the construction of the plant and potentially migrate into surrounding areas;
- the movement of 300 cement trucks per day will be a serious hazard for children using the park.

In response to a request for clarification from Mr. Beasley, Mr. Losito explained that measurement of noise for by-law purposes is at point of reception. He reiterated that the Health Board believes the by-law limits for day and night time will be met, and that the added measures being requested will reduce the noise levels even further. Questioned about the generation of dust, Mr. Losito said the transfer of the cement is internalized which minimizes

potential impact. Based on their review of the process, the Health Board does not believe there will be a health impact on the community because of dust.

Panel Opinion

Mr. Hruda said it is evident that the proposed structure will be visible throughout this community, with varying degrees of impact. It will be a new landmark that has no meaning to the community. From an urban design point of view it is not a positive addition and the residents have indicated strongly that it will not be a good neighbour. Mr. Hruda said he did not believe the conditions recommended by staff would make the plant compatible. The impact of the structure goes beyond its height. There needs to be a lot more innovation to find a better solution. From an urban design perspective, Mr. Hruda said he could not recommend that the Board approve the application.

Mr. Hancock noted the height being requested represents a large increase above the outright 30 ft. Conditional increases of this magnitude are usually weighed against community benefit and it is clear that such a height must be earned. Mr. Hancock said he was not convinced there is any benefit to this community which would warrant such a relaxation. He said he could not recommend approval.

Mr. Gjernes said he did not believe the Development Permit Board was the right process for this application but that it should be dealt with by Council. He said he would prefer not to make a recommendation to Council given there is no policy plan in place. However, if the application does go forward to Council with the staff recommendation, Mr. Gjernes suggested the conditions be expanded to ensure that noise and dust management programs are firmly in place. He also recommended that the Board require Lafarge to provide more technical information, noting that Lafarge's technical representatives were not available at this meeting.

Ms. Mingay said it is a terrible project for the area and she was surprised the application has progressed this far.

Mr. Chung said while this site may be a convenient location for the proposed facility it is not the right project for the area. However, if the Board must approve the application the height must be minimized because it is too intrusive on the community and the park. Mr. Chung added he is not convinced that the dust can be adequately controlled, and did not believe the applicant had provided a convincing argument for the tower to be 100 ft. high.

Ms. Parton noted the applicant is meeting the requirements but she sympathized with the neighbourhood and thought the matter should be dealt with by Council. She could not support approval of the application.

Mr. Roodenburg said he did not believe a 100 ft. tower was the intent of the zoning and he would prefer to see it reduced to 30 ft. Even though the zoning allows for the operation of a manufacturing plant, it should be designed to fit properly. The dimensions of the property restrict the physical size of the plant horizontally and the height as stipulated in the zoning by-law is a vertical restriction. Therefore, if an operation of the size proposed cannot function with structures at or below 30 ft., it is clear the proposed plant does not fit the site. View restrictions are usually looked at very seriously before recommending approval in other parts of the city, and this proposal does not show evidence that this important issue has been addressed properly.

Board Discussion

Mr. Timm said while it is clear there is opposition to the batch plant as a use on this site, the Board's jurisdiction is restricted to determining whether or not a height of 100 ft. should be permitted. It is a permissible height, subject to review and consideration of the impact of the height (not the use) on the residential neighbourhood. Mr. Timm said his concern is that many of the residents have indicated opposition to any development over 30 ft., yet the zoning in place allows development to exceed 30 ft. It seems likely that Council must have had some form of

development in mind that would be acceptable to them at a height in excess of 30 ft., and it may be appropriate for the Board to seek Council's advice in this respect.

Mr. Scobie reiterated that the decision before the Board is whether to allow an increase in height beyond 30 ft., up to a maximum of 100 ft. He noted the zoning was intended to be interim, to be followed by a joint planning initiative with the City, the Port and the community, and noting the zoning extends some distance as far as Victoria Drive to the west and Boundary Road to the east, which covers sites in a diversity of contexts. However, there are no Council guidelines to provide any direction.

Noting the Board is limited to dealing only with the issue of height, Mr. Beasley said that, before the Board can make a clear decision the applicant must first demonstrate that this is the only way to build this plant and that there are dramatic disbenefits to doing it any other way. The Board also must be able to conclude that the impact of the height on the community is resolvable. Mr. Beasley said he did not believe the applicant had clearly demonstrated the necessity for the plant as designed, nor did he have confidence in the remedial measures proposed by City and Vancouver/Richmond Health Board staff to address environmental concerns. Nevertheless, he felt part of the issue could be resolved with some conditions requiring an independent environmental assessment of the noise and dust pollution. The matter of signage and lighting is also a concern. As well, hours of operation are clearly an issue for the residents and this is an area in which the applicant might be expected to offer greater consideration and cooperation given the additional height being requested. The architectural implications of the form have also not been satisfactorily resolved and there may be solutions that are lower and wider. Mr. Beasley said he agreed with Mr. Timm that the Board should seek Council's complete evaluation of all the measures to determine whether Council is comfortable with some additional height. Council should be advised that the Board is not comfortable with taking a decision, and staff should ensure that any conditions of approval that are brought back to the Board meaningfully address the issues of the neighbourhood. In balance, Mr. Beasley said he felt the Board would be best serving the community and the applicant to let Council deal with the overall issues of the form of development before the Board makes a decision.

Mr. MacGregor stated this is an extremely difficult application. He acknowledged the community's frustration, noting the application also requires a process that includes review by the Port Authority as well as a public meeting with Council at the form of development stage. Mr. MacGregor said he was not satisfied that the issues around the dust and noise generated from the extra height of the tower have been satisfactorily addressed, and these questions are more appropriately dealt with by Council in the broader context. However, the Board should give Council some guidance with respect to the issue of the additional height, noting Council has given the Board the latitude to approve up to 100 ft. Since it is a technicality that the Board is required to approve the height, he would be prepared to approve the height subject to Council being satisfied with all aspects of the form of development.

Mr. Beasley said he felt there are too many unanswered questions, both judgmental and technical, for him to support the height, noting also the unanimous advice of the Advisory Panel on this question. A full analysis needs to be undertaken which involves other aspects of the form of development that go beyond the Board's jurisdiction. He emphasized that, whether or not this application comes back to the Board, it is essential for an independent environmental assessment to be made, and a guarantee that the Noise By-law standards will be met.

In discussion, Mr. Beasley's noted that Council will be informed of the Board's deliberations at the time staff advise Council on the overall form of development, and this should probably not occur until the VPA has completed its review. This is consistent with the Board's mandate, which is not to make policy but to implement policy. In closing, he said he appreciated the helpful input from the delegations.

Motion

It was moved by Mr. Beasley, seconded by Mr. Timm and was the decision of the Board:

THAT this matter be referred to Council for advice on the parameters for exercise of the Board's discretion on height over 30 ft. in the context of Council's consideration of the overall form of development;

FURTHER THAT, if Council's decision on the form of development leads to the Board's further consideration of the height, that staff bring back, in consultation with the developer and the community, further clarification and solutions to the following, as related to buildings over 30 ft. in height:

- environmental and noise assessment;
 - signage and lighting assessment;
 - timing for the operation of the facility in the tower; and
 - design development to minimize the visual impact of the tower;
- together with the conditions itemized in Item 1 recommended in the Staff Committee Report dated June 2 & 16, 1999.

6. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 12.45 a.m.

Carol Hubbard
Clerk to the Board

F.A. Scobie
Chair

/ch