

Date: Monday, March 4, 2002
Time: 3.00 p.m.
Place: Council Chamber, City Hall

PRESENT:**Board**

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

Advisory Panel

W. Francl Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions
D. Chung Representative of General Public
J. Leduc Representative of General Public
M. Mortensen Representative of General Public
R. Bruce Scott Representative of General Public

Regrets

P. Kavanagh Representative of Development Industry
J. Ross Representative of Development Industry

ALSO PRESENT:

A. Molaro Development Planner
A. Higginson Project Facilitator
M. Thomson City Surveyor
P. Pinsker Parking & Development Engineer
N. Losito Regional Director, Health Protection, Vancouver Coastal Health Authority

2095 Commissioner Street

J. Crandles Vancouver Port Authority
B. Wilmer Lafarge Canada Inc.

Clerk to the Board: C. Hubbard

1. 2095 COMMISSIONER STREET

Applicant: The Vancouver Port Authority

Request: The Vancouver Port Authority seeks the advice of the Development Permit Board on a proposal by Lafarge Canada Inc. to construct a concrete batch plant, with ancillary office, barge and storage facilities.

The Chair explained the proposal is before the Board for advice. The applicant is the Vancouver Port Authority (VPA) and the owner of the development is Lafarge Canada Inc. While the site is zoned CD-1, that zoning is not operative because the land is within the jurisdiction of the VPA. The advice of the Development Permit Board will form part of the Port's deliberations when it makes a decision on the application.

Development Planner's Opening Comments

The Development Planner, Anita Molaro, described the site and its immediate context, referring to a scale model. The site, formerly the Sterling Shipyard, is part of a larger CD-1 zone along the Burrard Waterfront that was rezoned in 1990. Staff have assessed the proposal against the CD-1 by-law which permits manufacturing use and allows for the manufacture of concrete. The proposal is well below the maximum permitted density of 2.0 FSR. The CD-1 by-law permits an increase in height to a maximum of 100 ft. provided consideration is given to the potential impacts on the adjacent residential district. The proposal contains several elements that are over the outright permissible height of 30 ft. These include the storage bins and conveyors at 54 ft. and the aggregate batch tower at approximately 87 ft. The proposed administration building is within the outright height of 30 ft. Ms. Molaro made reference to the applicant's view studies which confirm that the proposed overheight elements will not obstruct significant portions of the northerly water and mountain views. Nearby residents currently enjoy some views across the site, screened by existing deciduous trees. The proposal itself does not result in any substantial view impacts. In its report dated December 12, 2001 and February 6, 2002, the Development Permit Staff Committee recommends modification to the colours, lighting and signage to minimize any further distraction to the existing views. Some proposed changes to the landscaping by the applicant are to remove the numerous deciduous trees along the southerly perimeter of the site. Staff recommend either retention of these trees or provision of additional evergreen species.

Of greatest concern to the local residents are the impacts related to acoustics, air quality and traffic. Lafarge has prepared its own analyses of these impacts which were assessed by independent consultants and these studies have been reviewed by City staff. Staff and the Vancouver Coastal Health Authority have made recommendations to address and monitor the acoustic and air quality impacts of the proposal. With respect to traffic, Engineering Services has identified and made several recommendations to address pedestrian and vehicular safety.

Throughout the City's notification process, 155 letters of opposition were received and one in favour. The VPA also hosted meetings to hear from the public about this proposal and approximately 400 people attended both meetings. Comments in response to the City's notification and expressed at the meetings, included concerns about the use and proximity to a residential area, air quality impacts, noise impacts, increase in truck traffic, loss of existing vegetation, and general concerns about Lafarge living up to its environmental commitments. Staff note that the site is located on a working harbour, concrete batch plant use is permitted under the zoning and the location of this facility is consistent with the City's industrial lands policy.

Given that the zoning permits this use, staff may only advise the Development Permit Board on the impacts of components that would have required a height relaxation. Although staff appreciate the community's concerns regarding the facility, staff believe the relaxable height of almost 87 ft. is within the maximum permitted height of 100 ft. and related other overheight elements are reasonable. Given that the final approval for the batch plant falls under the jurisdiction of the VPA, staff recommend that the Development Permit Board indicate support, subject to confirmation that the measures identified to address the impacts and monitor them to the residential neighbourhood will be

implemented.

Questions

Ms. Molaro made the following points of clarification in response to questions:

- the I-2 zoned area to the south of this site is an industrial zone containing artist live/work use;
- the site is separated from the nearest residents by approximately 180 ft.

Comments from Vancouver Coastal Health Authority

Nick Losito, Regional Director, Health Protection, stated the Environmental Health Division has reviewed the reports provided by the applicant, including the independent consultants' reports and the applicant's response. Mr. Losito explained, the VCHA's role is to provide advice to the Port through the Development Permit Board on whether there are impacts beyond what would normally be expected on a site such as this in an industrial area, and, if there are, what can be done to further mitigate those impacts.

With respect to air quality, it is clear there will be some impacts from the addition of an industrial use such as this, including dust emissions and traffic. Mr. Losito said they have reviewed the design of the plant in terms of its incorporation of the best available control technology and adherence to GVRD best practices and permit requirements for emissions. They believe these will minimize the risk of off-site impacts. However, there is enough uncertainty in some of the modelling done by both the applicant's consultants and in the commentary from the independent consultants, that they recommend that the Port insist on at least a one year monitoring program for fine particulate with respect to emissions from this site, to allow for verification of the dust emissions and that the impacts are no worse than what they might be from another industrial use on the site. Mr. Losito added, the criterion they wish to be used is the new Canada-wide standard for PM2.5 (or fine particulate) of 30 micrograms per cubic metre. While this standard will not be fully effective in the GVRD until 2010 they believe it is appropriate for it to be used for this site from the outset, noting it has been accepted by Environment Canada and other authorities.

Mr. Losito acknowledged there will be some noise impacts given the types of activities that will take place on the site. Some of these impacts are well addressed by limitations on the hours of operation of certain activities, although some of these activities could go beyond those hours, such as the offloading of barges. There are also other noise sources that are not entirely addressed in the applicant's submission. The VCHA is therefore making further recommendations to the Port, in particular relating to the use of back-up beepers. Mr. Losito noted there has been a recent revision to Workers Compensation Board requirements for backing up vehicles without an unobstructed rear view. He added, there is an option for a non-acoustic way of addressing the issue. There are a number of ways to address the adverse impacts of noise on a community, including applying the Noise By-law, applying a test of no perceptible increase over current noise conditions, and applying a test of no noise impacts above what might be reasonably anticipated from another approvable industrial use. Mr. Losito noted they disagree with the applicant in the use of the Noise By-law as a land use planning tool, given the Noise By-law depends on land use planning to determine appropriate noise levels. Furthermore, it may not be applicable to VPA land. Applying a zero impact criterion is impractical because it would likely prohibit any kind of industrial use on the property. The VCHA believes that, without its recommended conditions, there would be some adverse impacts beyond what would normally be anticipated, both in terms of air quality and noise. However, if the Port applies the recommendations, VCHA believes these impacts can be minimized.

Questions

Mr. Losito responded to questions as follows:

- if monitoring reveals that the methods being used are not sufficiently effective to reduce the impacts, modifications and improvements should be made prior to the end of the one year monitoring program;
- it is recognized there are other sources of dust and emissions from the Port, e.g., the grain elevators;
- Lafarge is proposing the best available control technology;
- there is some question whether the City's Noise By-law would be operative on this site;
- the Noise By-law measures noise in two ways: continuous and non-continuous. Back-up beepers

- would be normally defined as non-continuous noise which has a much higher permitted noise level than continuous noise;
- the concrete batch plant on Granville Island has received very few complaints from nearby residents;
 - the intent is that cement will be handled in an enclosed way;
 - the VCHA's capacity is advisory and it could only take action if there was an obvious and imminent health hazard;
 - the VCHA likely does not have the power to enforce its recommendations;
 - the GVRD has jurisdiction over air quality, including issuance of permits and enforcement of regulations;
 - the purpose of the monitoring program relates to the areas in the reports that are based on modelling; it allows for corrective action to be taken based on the monitoring;
 - the VCHA recommends a baseline for particulate emissions on this site as part of the requirements of condition 1.5.

Applicant's Comments

Jim Crandles, Director of Port Development, Vancouver Port Authority, briefly described the VPA's project review process, the City's role in the process and the steps the Port has taken to review the Lafarge proposal. As a federal entity, the Vancouver Port Authority has land use authority and jurisdiction over the Port of Vancouver. As such, municipal land use controls do not apply to Port land.

However, a process has been set up to obtain the City's comments. This process was established in 1992 and has been used on many occasions, dealing with both large and small projects, and the City's advice is taken very seriously by the VPA in its decision making. Mr. Crandles briefly described the review process that has been undertaken since Lafarge submitted its proposal in August 2001, noting that independent technical advisors were retained to report on issues of air quality, noise and traffic. As a result of some questions that arose from these reports, Lafarge submitted an addendum to its original submission, in February 2002. Mr. Crandles said they hope to be in a position to make a decision on the proposal in April 2002.

Mr. Crandles noted that in recent weeks the VPA's jurisdiction on this property has been questioned. He stressed it is their view that their land use planning and regulatory controls do apply to this property. The Port holds two types of property: "federal real property" and "real property other than federal real property." Notwithstanding this site's designation in the latter category, Mr. Crandles said they believe their land use planning and regulatory controls do apply. As well, the use of the land as a marine bulk loading facility and integrated concrete batch plant clearly falls within the purview of port activities permitted by the Canada Marine Act and the Port's Letters Patent.

Mr. Crandles said they look forward to completing the review process and receiving the comments and advice of the City of Vancouver. He noted that some of the conditions in the Staff Committee Report are consistent with the recommendations of the independent review consultants. The conditions will be reviewed very seriously in coming to a decision on the proposal.

Bruce Wilmer, Lafarge Canada Inc., said they are generally pleased with the Staff Committee Report. The constructive nature of the recommendations reflects a thorough review. He noted their public consultative efforts have been very extensive. In general, most of the recommendations in the report are reasonable and they believe they can embrace the intent of most of them as they work with the Port to finalize the design, if the Port approves their application. With regard to the colour of the batch plant, their plan is to use a neutral colour, likely white or grey. Their lighting plan contemplates low level lighting and any fixed or mounted lighting above 3.6 m will be shielded. Signage will be minimal and in keeping with the City's regulations and, if required by the Port, they will comply with the Sign By-law. The trees along the southern property boundaries conflict with the siting of the new facility and its operations. Mr. Wilmer noted that in the concrete batching process it is necessary to ensure that foreign organic matter does not contaminate stockpiles so falling leaves from the deciduous trees was a concern. They plan to replace these trees with a number of coniferous trees and their landscape architect will be instructed to seriously consider increasing the number of trees already planned for this area. They believe particulate emissions from the plant will be negligible. However, they will be discussing with the Port Authority the possibility of a monitoring program to quantify any impact on air

quality by their operations, so as to reassure everyone they are well within their commitment to cause only negligible impact.

Dr. Steven Ramsey, consultant to Lafarge, addressed the particulate impacts of the plant. The aim in assessing a project such as this is to make sure the impact will be acceptable in terms of human health, noting that fine particles can find their way deep into the lungs. Dr. Ramsey noted the understanding of these impacts has changed considerably over the years, as has the ability to measure them. The PM10 measurement means all particles smaller than 10 microns in diameter and PM2.5 is smaller than 2.5 microns. The PM10 particles therefore contain within them PM2.5 particles. Particles that are less than 2.5 microns in diameter are overwhelmingly the result of combustion processes. In the Lower Mainland, the annual average concentration of PM10 particles is about 14 micrograms per cubic metre, approximately 9 micrograms of which would be PM2.5. Dr. Ramsey said it is also important to consider other potential sources of these types of particulate, noting this is an industrial area and there are other activities which may contribute to the two particulate categories.

Questions

Dr. Ramsey responded to questions as follows:

- there are no significant combustion sources proposed on the site other than motorized equipment. However, the adjacent rail locomotives produce large amounts of particulate, particularly when idling. The ships in the harbour are also another major source of combustion particulate;
- the standards that have emerged from the Canada-wide process are based on very thorough and extensive scientific assessment of the potential health impacts. They are quite appropriate levels and they are significantly more restrictive than most comparable regulatory limits in other jurisdictions around the world. The emerging standard for PM10 is approximately 65 micrograms per cubic metre, which is slightly less restrictive than the current provincial standard of 50 micrograms per cubic metre;
- any monitoring program should probably reference the criteria used in other jurisdictions in other applications in British Columbia;
- mitigation against dust emissions from this kind of industrial activity is very easy and effective, the most effective method being water spray.

Mr. Losito noted the GVRD has a mobile air monitoring unit that could be used to establish a baseline before construction of the plant.

Mr. Wilmer said the only potential equipment activity between 10.00 pm and 7.00 am would be occurring on the barge moored offshore during nighttime unloading. They have discussed with the WCB alternative means of meeting its safety requirements, eliminating the need for back-up beepers during nighttime hours. With respect to the cladding for the plant, Mr. Wilmer explained the siding will be 24 - 26 gauge corrugated steel, capable of reducing noise from internal sources by at least 15 decibels. If the VPA believes further measures are needed to reduce noise for the plant or the aggregate storage areas, they will consider shielding insulation. The project will comply with the National Building Code. Lafarge has not proceeded to final design development as lease arrangements with the VPA are entirely dependent on the Port's review of their environmental assessment documents and approval of the application. Issues such as equivalencies for code compliance will be dealt with when the final design is developed.

Elevations and building heights have been provided to the best of their ability given that certain on-site data have yet to be obtained. Area calculations for the open storage bunkers have also been provided.

Regarding the status of the property lines, Mr. Wilmer noted that since the site is located on Port property and Lafarge intends to lease the lands, the leasable site area will be defined by lease boundaries to be described in the final lease document. With respect to the design of Commissioner Street, while most of Engineering Services' recommendations have been incorporated in their plans, they are off-site works outside the scope of their project. As such, they are subject to the Port Authority accepting the proposed works and instructing Lafarge which of them they require them to construct. Issues such as street lighting, pedestrian corridors and intersections are outside the scope of the proposed lease area and are within the Port's jurisdiction to respond. Mr. Wilmer stated they

intend to comply with the intent of the City's requirements concerning on-site parking and will review their planned staffing levels to ensure they have met these requirements.

Mr. Wilmer advised the size of the Ocean plant on Granville Island is of similar size to this proposal in terms of production capacity.

Questions

Mr. Wilmer responded to questions as follows:

- Lafarge supports the recommendations in the Staff Committee Report, subject to areas under the Port's jurisdiction, including referencing the latest particulate control standards in condition 1.5;
- there may be three occasions per year when it may be necessary to go beyond the hours of 10.00 pm and 7.00 am;
- the distance from the barge to the nearest residence is 232 m;
- barge traffic is anticipated at a maximum of one every four days to maintain storage capabilities;
- the conveyors at any transfer point will be misted and all the aggregate bins will have sprinkler systems;
- trucks will exit the site via Heatley Street and the Commissioner/Wall Street overpass. Victoria Drive would be used only in the event of blockage on Commissioner Street.

With respect to port activities that occur after 10.00 pm, Mr. Crandles noted the port is a 24-hour port and there are activities taking place at all times. However, there are no activities occurring on this site at present. Regarding the off-site improvements, Mr. Crandles said their interest is on any impacts this project may have on the port road, noting it is a private road whereas the staff recommendations would apply to a typical public road. There are some issues that are related to this proposal and these will be considered in the context of improving the roadway. Mr. Crandles said he would expect that the VPA will respond to the City on the issues that relate to the Port, whether in connection with this application or any other along this road. In response to a question from Mr. Timm, he confirmed it can be part of the Port's normal development approval process to require off-site improvements. He noted the traffic impact reports are still being assessed. He stressed that access along this road is very important for all the port facilities and it is constantly being monitored to find ways to improve it.

With respect to truck movement, Paul Pinsker, Parking & Development Engineer, said Engineering Services would expect the trucks to use the port roadways as much as possible. He pointed out that most of the traffic from the site will be to the downtown peninsula where most of the construction activity is located, and this site is roughly half as far removed from the downtown peninsula as Lafarge's existing operation on Kent Street. There would therefore be some benefits in terms of the environment and to residents because the trucks would travel on fewer residential streets. A further benefit is that it will provide better regional coverage than the Kent Street facility.

Comments from Other Speakers

The following residents addressed the Board in opposition to the proposal:

Bob Durant, resident of Cannery Row

Janet Szliske, resident of Cannery Row

Dave Pritchett, Secretary, Grain Safety Committee, IOW Local 500

Peter Haynes, IOW Local 500

Brent Eichler, Wall Street resident

Shane Simpson, President, Burrardview Neighbourhood Association/Co-Chair, Stop Lafarge Coalition

Art Cader, resident of McGill Street

Brian Collins, volunteer with the Wall Street Health Community Project and member of Wall Street Community Garden

Carole Smith

Kathleen McGarvey, resident of Wall Street area

Dan Barbour, Vice President, Burrardview Neighbourhood Association/Co-Chair, Stop Lafarge Coalition

April Obersteiner

David Welsh, 2277 McGill Street

Jim Campbell, 2800 block Wall Street

Diana Conway, resident of Cannery Row

Suzanne Rouse, resident of Cannery Row

Ray Becker

Susan Hollick-Kenyon, Wall Street resident

George Rammell, 2700 Yale Street

Dave Friedman
Kostas Nicoli
Jim Cummins, resident of Cannery Row
Isabel Cummins, resident of Cannery Row
Rob Danielsen, 2500 block Trinity Street
Thea Beil, 2300 block Wall Street
James Fletcher
Giovanni Colletta
David Stemler, Wall Street resident
Sherry Fleming, Marco Marine Containers
Francoise Blumeau

Comments from speakers in opposition included:

- serious concerns about noise, dust and traffic;
- it will be at the expense of people in the community for the next fifty years;
- a more appropriate use for this site would be something related to tourism;
- the City should protect the health and well being of its citizens by not allowing a noisy, dusty, polluting, heavy industry so close to where people live; or should not have allowed a developer to build the homes if it planned to allow such an industry so close;
- Lafarge's application was not accepted at the New Brighton Park location because it was environmentally unsound, too close to residences and not wanted by the community - all of these issues still apply at this site;
- the City has an obligation to fully investigate the situation before agreeing to allow Lafarge onto the site;
- the plant will damage the livability of the neighbourhood and community spirit, and kill the community garden;
- the plant will displace container movement and other marine activities;
- concerns about aggregate contaminating grain cargo;
- there is a problem with the proposed monitoring program;
- a baseline should be done before entertaining the application;
- there will be serious traffic congestion on the port road;
- truck traffic from the cement plant cannot be considered in isolation because it will restrict the free movement of containers on the dock;
- the port lands should be protected for deep sea use;
- a fifty year lease for Lafarge will stifle the growth of Vancouver as a port city;
- the processing of empty containers is essential for a container port;
- the proposal is essentially the same proposal that the Board dealt with in June 1999;
- the VPA's processing of this application has been inappropriate;
- it makes no sense for the Development Permit Board to consider this application because it does not have the authority and jurisdiction to deal with it; the Board should refer the matter to Council;
- the City should investigate the situation with its legal counsel to determine whether or not it has jurisdiction over the land;
- this site is one of the most heavily contaminated sites in the province and there is no remediation plan;
- the proposed use does not conform to the Port's land use plan;
- comparison to the Granville Island batch plant is unfair because there is no open storage on that site;
- this site is as close, if not closer, to residential as the site at New Brighton Park;
- serious concerns about the environmental assessment;
- Lafarge has a very poor environmental record;
- Lafarge has low standards and does not care about the community;
- the CD-1 by-law designation was introduced in 1990 as a temporary measure until the planning process was completed. The planning process has still not been done;

The following people spoke in favour of the proposal:

Darcy Rezak, Managing Director, Vancouver Board of Trade
Peter Simpson, Executive Vice President and COO, Greater Vancouver Home Builders' Association

Don Doerksen, Vice President, Teamsters Local 213
Anibal Valente, Vice President, PCL Constructors Canada Inc., BC Operations
Wayne Henderson, Dominion Construction
Myrna Kitchen
Bob Landucci

Comments in support of the proposal included:

- construction is a natural part of the city's planned growth and all the new developments require concrete;
- the plant is a welcome addition to the port that will help provide a competitive source of concrete close to the core of the city;
- the site of the plant will allow Lafarge to conveniently barge in aggregate to the proposed plant so that trucks can travel minimal distances;
- the industrial land base of the port must be protected so that it continues to provide stable waterfront jobs; the economic base must be protected and enhanced if the port is to continue to be competitive internationally;
- Lafarge has been an active member of the City's corporate community; it is a good fit for the port and the future growth of Vancouver;
- Lafarge has made serious commitments to the health and safety of the local area;
- this proposal to build a concrete batch plant on industrial zoned land should be supported;
- this state-of-the-art facility will introduce Vancouver to the newest in technology and an environmentally sensitive production facility. It will provide numerous benefits for Vancouver, including increased corporate investment, increased employment, decreased truck traffic, providing quick and efficient delivery of ready-mix concrete to the continuing renewal of the downtown core;
- the new plant will enhance competition and lead to more efficient and economical construction;
- it is vital to the construction industry to maintain a competitive market for the supply of building materials;
- a recommendation of the "Goals for Vancouver" was that the ports land should be protected for industrial activities;
- the proposed Lafarge concrete plant appears to be a very suitable use of this site and a less intrusive project than many others;
- it conforms to the zoning the City would have in place if they had jurisdiction over the land;
- the design of the plant fits with the industrial nature of the portion of the waterfront in which the site is located;
- it will have a positive economic impact;
- the extensive public consultation process has offered the community an opportunity to express their concerns and has afforded Lafarge the ability to design the project to mitigate impacts on the community.

The following points of clarification were made in response to speakers' comments:

by staff:

- the width of the rail right-of-way is 99 ft. and the width of Commissioner Street is approximately 90 ft., for a minimum total distance from the nearest residence of 189 ft.

by Lafarge:

- there will be misters at the caissons at the barge offloading for misting onto the barge in dry conditions; they are also evaluating a logic control that will lock out the conveyor systems in the event of onshore winds at a certain speed.

by VPA:

- the Port's land use plan was approved in 1994 and it designated this property as marine and port service. It is the VPA's interpretation that the proposed use would be consistent as a marine use;
- issues relating to the Port's mandate have been addressed and are being reviewed in the context of this proposal.

Clarification from the Chair regarding Jurisdiction

The Chair advised the Port has obtained legal opinion which has been reviewed by the City's Law Department. The City's counsel has concluded there is no reason for the City to contest the position being offered in the legal opinion being provided to the Port. The legal opinion reinforces the position the Port has been advancing from the outset, that the Port has jurisdiction and the City's zoning is not operative on these lands. The Port is, as part of its process, applying to the City for its advice and is not a proponent of the proposed concrete batch plant.

The current proposal before the City differs significantly in terms of jurisdiction from the previous proposal. In the previous proposal the site consisted of some lands that were owned by the Port and some lands that were private property (owned by Lafarge). That private property is subject to the City's land use regulations. The City therefore had a decision making role in dealing with the previous application, on that portion of the land that was owned by Lafarge. The Port had a decision making process to be made on that part of the proposal owned by the Port. The City did not refuse the earlier proposal but it was rejected by the Port. The Development Permit Board, in dealing with its decision making responsibility on the earlier proposal, had some concerns about how to actually administer the City's zoning in terms of a discretionary increase in height, and decided to seek direction from Council for clarification. Since the Port then rejected the proposal as part of its process related to its portion of the lands, the proposal was not returned to the Board. The subject site is clearly different because it is entirely on lands owned by the Port.

Panel Opinion

Walter Franci advised the Urban Design Panel considered the proposal's massing and the disposition of the various elements that make up the facility. The Panel recognized there was not a lot of building mass given what could be put on the site. The Panel supported the proposal to put the storage facilities and conveyors against the higher Versacold building to minimize visual impact. It was noted the 87 ft. batch facility building is well over the outright allowable 30 ft. However, given its relatively small footprint and relatively narrow horizontal dimension, the Panel did not think it was a major impact on views from the south. The Panel's comments related mostly to the landscaping and the impact of the loss of the mature London Plane trees, which the Panel strongly recommended should be replaced. Otherwise, there was fairly strong support for the project.

Mr. Hancock commented it is a very challenging proposal. He noted the site is in an industrial zone and the proposed use is permitted outright. The only conditional factor is the height relaxation being sought. Nevertheless, he said he felt the case is not made as to (1) whether this is the most appropriate location for the proposed facility, (2) whether the air quality measures being proposed are adequate, given there is no baseline from which to measure, and (3) whether the noise mitigation measures are adequate, given there is no target. In summary, there are a number of issues which have not been properly addressed, and the report recommendations are too generic to provide reassurance. Mr. Hancock said he could not recommend support at this time.

Ms. Leduc stated this is an industrial area and no residential neighbourhood wants industry so close, noting there is a dilemma in locating industry in a city like Vancouver because of its impact on residents. However, she shared Mr. Hancock's concern about the proposed air quality and the noise mitigation measures which are very imprecise, with no real assurance that they will be met. Mr. Leduc said that at this point in time, although in favour of industrial lands, she would want a lot more information before she would be willing to support the project. Her advice to the Board was that before the City could make any recommendation to the Port they would have to have a lot more assurance about the air quality and noise mitigation.

Mr. Mortensen agreed this is a challenging proposal to consider. If this was simply an industrial zone, the proposal would be appropriate. There have been a number of assurances made with respect to air quality and noise mitigation, and a lot of good reasons for locating a batch plant close to the city core. As well, there is the matter of historical land use and the fact that industrial port lands have been shrinking and replaced by other uses. Industry faces a difficult situation given industrial land use has been there as long as the residential neighbourhoods. However, given this is a fringe condition with industrial uses abutting residential, and live/work use, ultimately the City should be considering the

health and safety of its citizens. Mr. Mortensen said what troubled him about the proposal was the grey area around accountability and that by placing its application within the Vancouver Port Authority, Lafarge is circumventing what would be a normal planning process. He urged the residents to write to the Minister responsible for the port because in this situation their negotiation is with him since the City believes it is not within its jurisdiction. Mr. Mortensen said he was not convinced that the City would benefit by supporting this application given the ambiguity with respect to compliance and the lack of control or recourse if the project is approved.

Mr. Scott said he had many questions about this proposal that have not been answered. He said that, at the present time, he could not support it. At some time in the future there could be a cement batch plant in this location, but not now.

Mr. Chung did not believe the issues around air quality and noise levels had been dealt with. He said the Port Authority should think harder about this application and whether some other use might be more beneficial to the port, container storage for example. He noted that barges can operate in the river. He urged the Port to consider whether this is the best use of the land, and for the Board to re-consider the application when the air quality and noise factors have been properly addressed.

Board Discussion

Mr. Timm thanked the public and the Advisory Panel for their input. He added, it was also helpful for the Chairman to have clarified the matter of the City's jurisdiction in this matter, noting he agreed with the interpretation. Mr. Timm stated, it is not the role of the Development Permit Board to set land use policy for the City but to administer land use policy established by City Council. In this case, the zoning in place clearly allows a concrete batch plant on this site. The issue which makes it conditional, and the reason it is being contemplated by the Board, relates only to its height. There are significant differences from this proposal and the previous one. The other site was immediately adjacent to New Brighton Park and there were significant issues raised by members of the public about view obstruction. In this case, not only has the plant been reduced in height but it is flanked on one side by Versacold which is almost at the same height, and on the other side by a conveyor system from the BC Sugar Refinery which is of similar height. It is also not substantially higher than the current use on this site, being the stacking of containers. The Board referred the previous proposal to Council because of the issue of height and because the Board felt it needed direction as to whether Council would be ultimately prepared to approve the form of development that would be necessary for the proposal to proceed, given the height. In this case, it is not part of the process because it is not within the City's jurisdiction and Council does not have that decision to make.

Despite the objections of the community and the input of the Advisory Panel, Mr. Timm said he believes the Board must recommend to the Port that the City supports the proposal based on the existing zoning on the land and subject to conditions. In moving to support the proposal, Mr. Timm amended recommendations 1.5 and 1.9.

Mr. MacGregor noted the Board from time to time has to make very difficult decisions and these are made within the context of land use and the zoning that applies. In projects where the City's legal authority does not apply there are policies in place and, in this particular case, agreement with the Port that the Port will consider the City's advice. The process in terms of the Development Permit Board receiving public input is one that has been followed for a number of years and it pertains to all kinds of major and/or controversial projects throughout the city. With respect to suggestions made by some delegations about a land swap having some influence on this proposal, Mr. MacGregor explained there was a land swap and there is an agreement in place, part of which was that Lafarge would build a batch plant on the previous site. This land swap related to the construction of the overpass and extension of New Brighton Park, with some traffic issues in the community being addressed with the removal of the Renfrew overpass and construction of the port road connector. It is a separate matter and is not part of the Board's consideration of this proposal. He seconded Mr. Timm's motion, stating he believes the recommendations in the report deal with the issues relating to air quality, noise and traffic. Mr. MacGregor noted the recommendations are as extensive as the City would want and he would assume the Port will deal with its approvals more stringently. The Port has the jurisdiction to

deal with not only this development but the environmental issues on the site. While the Board cannot approve the proposal under a development permit, Mr. MacGregor said he was comfortable in offering advice to the Port.

Mr. Beasley said he was concerned about the suggestion made by some delegates that the Board had already made its decision before this meeting. He noted that in the last proposal he led the Board in not supporting the application because there were questions that had not been answered. Mr. Beasley stressed it is not for him to decide whether something is within the Port's mandate or not, although it is important for the Port to consider whether this activity is within its mandate and plan. He added, he did not believe it is at the very heart of the Port's objectives but it is also not contrary to the concept and use of port lands. Mr. Beasley said his conclusion about the proposal considered whether or not it has the kinds of protections that would ensure that this very pleasant neighbourhood is not endangered by the proposal. He said he believes this proposal is very different from the previous one: the environmental studies have been done and reviewed independently; there are mitigation measures built into the proposal which were not in the previous proposal; and there is an explicit monitoring requirement, all of which lead him to believe that the issues of pollution, noise and traffic are dealt with. The result will be that this neighbourhood will not negatively suffer as a result of this plant. It is, however, incumbent upon Lafarge and the Port to make sure that the measures recommended are carried out fully and followed up in the legal agreements to ensure that changes are made if the monitoring indicates they are necessary. Part of the Board's advice to the Port must be that the Port is very rigorous and diligent in this matter. He supported the resolution.

Mr. Scobie acknowledged the frustration of residents of the community. It will be a serious challenge for the City, the Port and the community to establish the joint planning policy initiative that was called for when the CD-1 zoning was put in place given the City is not responsible for what transpires on the Port lands. The VPA is the authority created by the federal government, charged with the mandate to achieve the needs and aspirations of the Port - not the City. He added, Planning staff are now beginning to work with Port staff in determining what process can be undertaken so that when the three parties - Port, City and community - engage, it is clear from the outset what are reasonable expectations to derive out of the process.

Motion

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

THAT the Board SUPPORT the development proposal as submitted by the Vancouver Port Authority (VPA), for the construction of a concrete batch plant facility, with ancillary office, barge and storage facilities, subject to the recommendations outlined in the Development Permit Staff Committee Report dated December 12, 2001 and February 6, 2002, including the recommendations in Appendices A and B, with the following amendments:

Amend 1.5:

provision of a written ambient particulate monitoring program *in accordance with the latest appropriate national and provincial standards on airborne particulate concentrations*, prepared in consultation with the GVRD and the Environmental Health Division of the Vancouver Coastal Health Authority, covering at least the first year of operation of the plant;

Amend 1.9:

provision of written confirmation that the construction of the project will respect the City of Vancouver Noise By-law ~~including the application, if necessary, for any noise by-law exemptions to permit pile driving and other intrusive activities.~~

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 9.15 pm.

C. Hubbard
Clerk to the Board

F. Scobie
Chair

/ch

Q:\Clerical\DPB\Minutes\2002\mar4.wpd