

Comments on the Saint John Port Authority's draft land use plan

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2011-05-19

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Summary

These comments are in response to the document *Saint John Port Authority 2011 Land Use Plan First Draft*, and to discussions that have taken place during the public consultation period following the release of that document.

I'm a resident of Saint John and I sit on the Citizen Advisory Committee of the City of Saint John's *PlanSJ* municipal planning initiative. The basis of these comments is a focus on the interests of Saint John residents – both present and future.

Context

Saint John has always been a port city, and Saint John residents are inherently comfortable with the types of industry and activity that have traditionally been associated with a seaport.

The Port has been, and will continue to be, an important part of the economic fabric of this region.

However, the Port has experienced an extended decline over a number of decades due largely to externalities. Because of trends in the shipping industry, changing centres of manufacturing internationally, and historical decisions and investments elsewhere by the federal government, there is little *realistic* prospect for the Port to recover fully from that decline or to grow significantly over the coming decades.

The Port also imposes significant burdens on the City of Saint John and its residents in a number of ways:

- as an industrial operator introducing pollution, noise and visual degradations on residents and urban fabric adjacent to the Port
- by introducing environmental, emergency management and security risks into the urban environment
- by holding, and keeping idle, land that could be of great value to the community if used for other purposes
- by having allowed much of the existing Saint John waterfront to fall into extreme disrepair
- by effectively walling off Saint John residents, and visitors, from one of the city's most important natural elements – the St. John River estuary around which the city was born.

My position regarding the proposed land use plan

I am sympathetic to the Port's desire to keep every possible door open to future Port opportunities, and to find ways of generating the revenues it needs today.

I am strongly opposed to the Port's desire to host industrial operations that are not directly and immediately related to marine transport.

I am concerned about the Port's intent to intensify industrial operations in areas adjacent to residential neighbourhoods in the Lower West Side.

I am very disappointed by the Port's position on public access to the harbour. While I've heard a lot of reassuring language regarding increased public access to the inner harbour and Uptown waterfront, I've also noted an active resistance to the idea that the public should have significant access to the waterfront within the harbour.

I am opposed to a potential land sale or lease of the former Lantic Sugar site to the Port, unless significant compromises are reached between the City and Port to guarantee extensive public access to the waterfront elsewhere in the harbour.

I am in favour of proposals that integrate the Port more into the urban fabric (for example, mention of possible retail, office and educational build at Long Wharf, or further investment in Pugsley Park) and enable any form of public access – either in terms of sight lines, interactivity or water access.

I have a general concern regarding the Port's accountability to the community. Those citizens who live closest to the Port should have some *authority* over what the Port is allowed to do and how it will influence them. As we saw in the public hearings both for this land-use plan and for the AIM facility last fall, citizens are not 'against everything'. Many are broadly supportive of the Port and economic development. But the will and interests of the community as a whole should be part of the logic in determining what is appropriate Port development. That doesn't appear to be the case today.

Detailed comments follow.

Revenue opportunities through industrial development

There is a legitimate fear among City stakeholders, including members of the public participating in the City's *PlanSJ* municipal planning initiative, that the Port's desire to generate new sources of revenue will translate into a move into the business of running industrial parks.

Such a move would have the following impacts on Saint John:

- Industries (and possibly very heavy industry) would be introduced into the heart of Saint John, the one place that such industry would have the most deleterious effect on residents and on the sustainability of this city.
- Local industry would be diverted from the City's planned industrial parks, degrading the intent of the City's own planning efforts to minimize impact and realize synergies through industrial intensification. If the Port establishes generalized industrial parks on its lands, it will do so by cannibalizing the industrial parks operated by the City.
- The Port's use of its unique tax status to attract business would mean a reduction in taxes for the City and the Province, without any reduction in the need by the City and Province to pay the costs of hosting those businesses. (Costs born by the City are diverse, but include road maintenance and upgrades, water and sewerage infrastructure, emergency preparedness overheads, emergency services assistance, and loss of revenue opportunities.)

In effect, the city and province would be subsidizing the Port through a diversion of the tax base.

Finally, as noted in more detail below, the Port could place industrial operations adjacent to areas of the city that simply aren't suitable for industry. Since the Port isn't subject to either a public approval regime or the City planning process, **there are no mechanisms in place to protect residents or the City from inappropriate siting of industrial activity.**

Heavy industry

Despite questioning during consultation period, the Port Authority has chosen not to define what it considers to be acceptable 'heavy industry' for Port lands adjacent to the Lower West Side. The one limitation on industry for the 'Upper Westside Port Land' seems to be the impact that heavy industry might have *on port operations*.

I was very disappointed by the Port Authority's failure to define appropriate industrial activities and thresholds as part of this land-use plan. While I trust that Port management will be sensitive to the impact that certain types of industry might have on adjacent residents and urban fabric, the fact that there is no written definition of what constitutes acceptable or unacceptable industry – and the Port Authority's unwillingness to be specific in discussions over the last two months – raises red flags regarding the future industrial environment for residents of the Lower West Side, and even the Uptown, across the harbour and downwind.

If heavy industry translates into the types of activity traditionally associated with a seaport, such as cargo handling and light fabrication, I believe residents would be comfortable with that development. However, industrial operations that generate significant noise, dust, effluents, light pollution or environmental risk are **not acceptable**. This simply isn't an appropriate location for those types of industrial activities, regardless of the Port's desire to generate revenue from otherwise idle lands.

Public access to the harbour

Public access to the waterfront has been an issue at the forefront of discussions with Saint John residents during the *PlanSJ* process. Saint John citizens want reasonable, quality access to the waterfront.

Specifically, citizens expressed a strong desire for walking routes that allow access along different sides of the harbour, to give residents in different areas of the city access to the waterfront.

While the City is able to create some additional waterfront access through extensions of Harbour Passage and other potential walking routes facing the Bay itself, the greatest interest is in access to harbour waterfront – the St. John River estuary itself. Citizens have seen this done successfully in other cities and harbours, and they want it here.

Citizens also expressed an interest in a pedestrian ferry connecting the Lower West Side with the Uptown. Again, this could be done using a west side landing above the Harbour Bridge and outside the main harbour, but the most effective location for a ferry landing on the west side would be at or below Navy Island.

In discussions with Port officials, the requirement for security perimeters was cited as the main reason why the Port could not allow these types of public access. I'm very sympathetic to the post-9/11 reality and the security requirements imposed on the Port, but I don't accept the suggestion that such public access is *impossible* because of security constraints. Access may require modifications of the security perimeter, but that's a matter of cost and the desire to enable such access. The Port could make access possible, if it chose to do so.

Unfortunately the area that Port officials currently suggest might be appropriate for west side access – the derelict space directly beneath the Harbour Bridge – is not useful as a public access point. While I understand the Port's logic, since that is land it obviously does not use itself, the area is grim and unattractive, has virtually no signlines into the harbour, and simply isn't acceptable. No one would want to go there.

The draft land-use plan cites potential retail and office development at Long Wharf, and public access at Pugsley's Park. However, in public hearings Port officials spoke about potential reconfigurations of Long Wharf and activities at Long Wharf that would have a detrimental effect on public access and adjacent residences. Those reconfigurations are not reflected in the proposed land use plan, but are not in contravention of it either. And comments made by Port representatives during the consultation period call into question what compromises the Port is actually willing to make to allow public access.

Even the idea of allowing space in the harbour for pleasure vessels was shut down by Port officials during a recent tour for PlanSJ representatives. The reason given was the high tidal range of the harbour. But tidal range is not an issue; the small floating wharf provided by the City at Market Slip is perfectly safe for visiting vessels at any tide. However, it can accommodate at most a handful of vessels. What's needed to attract more regular visitors to what could be a premier cruising destination for New England boaters is a proper marina for pleasure vessels, located close enough to the uptown to make access convenient. Such a project is not something the

Dust and noise concerns aren't limited just to the west side. Past operations within the Port have caused significant particulate contamination throughout the community (for example, the incident involving offloading of petcoke for NB Power). And effluent releases or chronic, high intensity noise from operations on the west side of the Port could have detrimental effects on residential areas on the peninsula.

Port would be expected to develop, but it is something that the Port's position on public access and its threshold on space within the harbour will forever prevent.

The Port and City should actively negotiate to satisfy mutual goals, including public access for city residents. (See *Lantic Sugar site*, below.)

Lantic Sugar site

I acknowledge that the Lantic Sugar site is not likely to be useful to the City as a residential or development area due to the ground contamination present there. However, barring other public access guaranteed by the Port, the Lantic Sugar site may become the only unconstrained public access point for residents to the harbour itself.

That is the case today for many residents, despite the poor condition of the current site. Tin Can Beach is a popular destination for many living on the peninsula. Unfortunately, it's less accessible for residents elsewhere in the city, particularly west siders.

I understand that the Port sees potential for future (and possibly very near future) use of the Lantic Sugar site, and may be interested in either leasing or purchasing the land from the City. **I would strongly urge the City of Saint John not to surrender this land unless significant public access is guaranteed by the Port elsewhere in the harbour.**

Citizens and the City as stakeholders in Port decisions

One of the ILA members at the second public hearing spoke passionately against what he perceived to be interference from developers and 'people who had to drive across the bridge to get [to the Lower West Side]'.

I wasn't aware of any developer concerns, but that ILA member obviously believed that developers had been reacting negatively to the Port's plans. That's a problem. If the Port is going to proceed in a direction that makes it difficult for developers to sell properties, that by definition means the Port is going to be doing things that make Saint John a less attractive place to live. The ILA member's disrespect for that fact, and the Port Authority's lack of response to his challenge, is an even greater problem. It suggests that such considerations aren't even on the Port's radar.

The Port's proposed land use *is* an issue for Lower West Siders, many of whom may not share the ILA members' goals or perspectives. It is also of concern to all Saint Johners, and impacts the community's need to attract new residents and retain existing ones, protect residential areas, control pollution and environmental threats, and ensure waterfront access.

Unfortunately, the City and its citizens have no authority and no direct influence over the Port's decisions regarding land use on Port properties, despite the fact that those properties are directly adjacent to sensitive urban areas and buried in the heart of Saint John's urban core. (Having attended the second public hearing, I was left with the sense that even the ILA's 60-odd members may actually have a greater voice in Port planning than Saint John's 68,000 citizens.) If the Port and the City are going to work together as effective partners, that needs to change. I would urge the Port to voluntarily participate in the municipal planning process and consider establishing a joint committee with the City to oversee the suitability of new development.

Conclusion

This is possibly the most crucial moment in Saint John's recent history when it comes to municipal planning and land use. Urban sprawl has challenged the ability of the City to sustain itself. Failing infrastructure has been left to decay to the point where catastrophic investments are needed. Traditional industries have failed. Many residents have fled what they perceive to be a dirty, industrial city centre at a time when industry is seen as a necessary

evil rather than an asset. Out-migration is an ongoing challenge, and immigration is an opportunity that the City has yet to realize. The tax base has crumbled while service and infrastructure costs have risen. The City faces a crisis unless things change.

So it is very fortunate that the Saint John Port Authority – a key partner in the future of this City – has undertaken a review of land-use planning at the same time that the City has revisited its own municipal planning.

The Port was once the heart of this city. Dating back to the earliest days of Saint John, the harbour was the *raison d'être* of the community. The Port used to be a primary employer in Saint John, giving jobs to a significant percentage of the total workforce. More than that, much of the remaining employment in the community could be mapped directly back to Port activity, either in terms of supporting the Port, or because of the opportunities created by trade through the Port. The Port was integrated into the very fabric of the city. Port lands were accessible. More than accessible, since in fact a great many residents actually spent part or all of their working day at or on the Harbour. There were no security perimeters, no barriers to entry, and no sense that the waterfront itself was 'off limits' to Saint Johners.

Now, however, the Port is littered with derelict space and forbidding fences. While it has admirably avoided the blight that some failed ports have become in other cities, our Port is no longer accessible, no longer a part of daily life for the vast majority of Saint Johners. And it is no longer a primary employer. The workforce at the Port today is a tiny fraction of what it once was, and I have serious doubts about the results of the Gardner Pinfold economic impact study (cited in the draft land-use plan) given the obvious role – or lack thereof – of the Port and its cargoes in the daily economic life of this city today.

The Port will never again be what it once was. While I hope the Port will be able to establish a niche that will allow it to remain viable, the suggestion made by some that the Port could return to its former days of glory or even expand beyond its traditional facilities is patently ridiculous. Barring a catastrophic security incident in the United States, or a radical shift in manufacturing to Europe or Africa, we're simply too far from future economic engines in Asia and too inflexible to adapt to the changing needs of the global shipping industry to make a go of it.

While I understand it is in the Port's interests to plan to accommodate any conceivable opportunity, no matter how remote, I do not accept the costs that would be imposed on the community by unjustified Port expansion (or even by needless retention of current properties). There are realistic opportunities for the Port's future (for example, potash cargo) that make sense both for the Port and the community to pursue. Other opportunities, such as occasional 'special projects' that have been hosted at Lower Cove (for example, wind turbine laydown and assembly) don't make sense if they require the community to sacrifice other uses for prime lands. The Port should not be looking to expand its land base when such expansion would not only be damaging to the community, but would also lock more land into a cycle of underuse.

It is important not to make compromises that will have real, degrading effects on Saint John and its citizens, in return for largely imaginary opportunities that might bring diffuse economic benefits to the community or the federal government.

Early in this exercise, I took it as accepted doctrine that the Port needed to expand and realize its opportunities. The desire for a return to the glory days of Saint John, when it once rivalled cities like Boston and Halifax, is rooted in the Saint John psyche and founded in our attachment to our harbour. While most Saint Johners understand that the world is a very different place and that Saint John is now a different city, there is a natural sympathy for the Port and a willingness to make compromises to protect it. There is also a sense that the Port exists unto itself, separate from the Saint John of today and to a certain extent untouchable. Citizens tend not to engage on issues around the Port because of that lack of authority, and unfortunately because of heated and even threatening positions taken in the past by some of the Port's partners.

That perception that citizens have no say in the running of the Port is valid. As a federal entity, the Port is largely isolated from local influence. While the Port speaks often of its role in promoting local economic development, it has no actual responsibility to do so. Some of the Port policies discussed during the first public hearing

highlighted this fact. The Port makes decisions that optimize its own economic interests. The community's interests are also considered, but are clearly not a primary consideration. There is nothing wrong with that, as the Port is currently structured, but we should all acknowledge the fact and frame our discussions accordingly.

The Port remains an economic engine for the community, but it is now only one of many. The economic benefits *to the City and its citizens* of today's Port activities, and even of the much flouted cruise ship business, are real but not necessarily windfall. And the question of whether those benefits justify the compromises that the City and its citizens are asked to make is a valid one. It is appropriate to consider *cost and benefit*, with a *local focus*, when setting strategy, making investments, and reaching compromises regarding Port development.

It is important that the Port bring benefits to every stakeholder group. The City of Saint John is a key stakeholder, yet the City has no authority in Port strategy and operations. In fact, the only influence that the local community has over the Port is the understanding within Port management that the Port's *social license* is important to the Port's long-term future.

The Port Authority's management and Board are executing their duties, as defined by the federal government and the Port's letters patent. Nothing in this document should be taken as a criticism of that group or those individuals. The real heart of the issue, and the root of much of my concern, is the structural problems caused by the Port's relationship – or lack thereof – to the municipality in which it exists.

This isn't something that the Port Authority's management can change by itself. What is needed is a change by the federal government in the very definition of the Port as an organization. The Port should be made responsible to the municipality in which it resides, and to the Province. Both city and province bear the burdens of the Port's existence as well as presumably benefitting from its prosperity. The Port should also be incited, if not obligated, by the federal government to disposition unused lands responsibly, so those lands are made available for other uses in the community. Otherwise, the Port may become a dead zone of lost opportunity within the heart of our city.

In closing, I want to thank the Port Authority for its efforts at public consultation and for the opportunity to submit this response. Throughout the consultation process I've been impressed by the professionalism of the various Port Authority representatives, including Captain Soppit, Mr. Quinn, and the various supporting consultants.

I look forward to a finalized land-use plan that reflects Saint Johners' strong desire for greater public access and the City's need for sustainable, livable communities even in areas adjacent to Port lands. I also hope for ongoing consultation between the Port, the City and its residents as Port initiatives and opportunities develop. Finally – although I know this is far outside the scope of current land-use planning – I hope that the federal government comes to recognize the need for a more formal voice for municipalities in the management of urban ports.

Best regards,

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