

The Mystery of the Disappearing Letter

By: Judith Hammill

Documents from the Town of Gibsons acquired through Freedom of Information (FOI) requests are revealing some interesting facts. Three in particular, relating to events occurring on May 1, May 3, and May 7, 2013, are raising questions.

A letter has surfaced dated May 1 from town planner André Boel to Klaus Fuerniss, the proponent of the George hotel and condo project on Gibsons' waterfront. In the 13-page letter (see attached #1), Boel lays out strong concerns about the fit of the project and details where "there is a lack of information about economic / community benefits and costs as well as other items." He also provides an "overview of key impacts of the proposal."

Boel describes the building as "massive" in scale and with a "monolithic appearance" that "departs from OCP [Official Community Plan] goals and policies which repeatedly refer to the 'village scale' and 'small-scale' character of development." Boel concludes, "There are significant Official Community Plan policies that are not met by the proposal. **Density and scale of the development don't fit the current long term plans.**"

The letter is, essentially, a rejection of the proposed George.

He goes on to question the assumptions behind the proponent's claims for economic and community benefits and concludes: "Because the economic benefits to the community appear to be a primary rationale for the very high density of the project, more information is needed about the costs and benefits of the project in terms of direct cost as well as community cost for example through providing road area and water surface for this project."

Boel itemizes 12 implications of the proposed project on the public realm/space and points to the proponent's lack of clarity regarding what constitutes public space: "many of the areas described as 'public access' or 'public views' seem in fact, private, commercial spaces within the hotel, not public areas."

He lists 18 areas where additional information is required, including around the site survey (setbacks, floor-space ratio, boundaries, etc.); parking spaces; the "true building size"; amenities; mathematical errors in the project data; effects on Winegarden Park, including but not limited to shading; the use or purchase of public land; view analysis; and archeological values, among other things.

Boel concludes with a request for changes. "The proposed development provides a land use that is a good fit with OCP polices that encourage tourist accommodation, higher density housing, improved marine facilities and upgrades to the sea walk. **The scale of development, however, does not conform to the OCP policies which refer throughout the OCP to maintaining the 'scale and character' of the Town, particularly in Gibsons Landing/Harbour Area. There are also significant impacts on the 'public realm' in the community that need to be addressed (or reduced). Key objectives from the Harbour Area Plan [HAP] have not been met or are not addressed.**"

He goes on to recommend four revisions that would bring the proposal within the framework of the Official Community Plan:

1. revisions to the building scale and massing to conform with OCP policies and DPA [Development Permit Area] guidelines with respect to scale of development. Revisions should include fewer storeys, as well as increased building setbacks and greater extent of terracing;
2. revisions to the building siting to provide a minimum 4.5m setback from Winegarden Park;
3. revisions to the building design to avoid use of Winn Road or, provide a lower profile building through this section that retains the view corridor;
4. revision to the marine component of the project so it is contained fully within the existing commercial waterlots and does not extend into the waterlot adjacent to Winegarden Park or the Gibsons Marina and provides a 15 m waterfront park upland from the natural boundary.

The long and short of it is: Gibsons' town planner rejected the George as proposed. And, as time has shown, the proponent has never addressed three of the four issues listed above.

One might think that had the proponent complied with the planner's requests at the outset, we would have a fine hotel that was value-added to Gibsons, and we would not have a town that is bitterly divided on this issue.

However, it didn't happen that way. Instead this document disappeared.

In a pre-scheduled meeting for May 3, 2013 (see May 1 letter page 1), André Boel met with Klaus Fuerniss's project consultant Art Phillips. Boel's meeting notes (see attached #2) indicate Phillips conveyed the message that the proponent was unable or unwilling to comply. The notes (FOI p. 3) reveal that Phillips told Boel the massing and scale of the building was "not to be changed" and that the marina "can't be smaller." In fact the proponent declared that "if the Town cannot secure the marina finger [GMHI A-Dock] for the fuel dock, the project is not viable."

On May 7, 2013, Boel's notes (FOI p. 4) show a meeting between Phillips, Emanuel Machado (the town's Chief Administrative Officer and Boel's boss), and Mayor Wayne Rowe. This time the notes describe the "need [for] additional floor area" and "3 Key ingredients: Winn Rd / marina finger / need for density." The notes also include the following comment: "Art would like to meet regularly starting in June...."

The May 1 letter and these meetings were never reported on to the other members of Council or to the Advisory Planning Commission. The May 1 letter and the developer's demands that the town deliver non-compliant density, a public road, and a piece of a sublease **held by a locally owned private business** were completely buried.

Moreover, until a concerned citizen sought information about the whole process through freedom of information requests to the town, the public had no access to this critical information, there being no public record of it.

Fuerniss's response to the May 1 letter was to replace his architect and come up with a second iteration of the George project that split it into two massive buildings, *increased* the size of the hotel from 96 to 118 rooms, *added over 8 metres in height* to the hotel building, and expanded the project to include 407 and 409 Gower Point Road in order to reduce the density to only approximately *double the allowable density* in the OCP and Zoning Bylaw. Since the provisions of the May 1 letter were not known, neither councillors nor the public were in a position to compare the changes in the George project with the original analysis and requests from the Town.

On July 23, 2013, before George v.2 was presented, the planner gave an interim report to council (constituted as Committee of the Whole, available on the Town's website CoW Agenda for that date). It considerably softens the wording of the May 1 letter. For example, "massive" becomes "large"; "monolithic appearance" that "*departs from OCP goals and policies which repeatedly refer to the 'village scale' and 'small-scale' character of development*" becomes "The building is substantially higher and bulkier than any other building in the area and it *raises the question if it fits with OCP goals and policies which repeatedly refer to the 'village scale' and 'small-scale' character of future development*"; "Implications on Public Space—The main impacts on the public realm are..." becomes "Proposed Use of Public Space—The proposed development brings several changes to public space in the area."

A comparison of the July report also reveals that huge sections of the May 1 letter were omitted. Paragraphs dealing with form and volume; Winn Road; public parking; natural environment; marine development; view protection; the waterfront walkway; economic and community benefits (where three of four paragraphs were left out); and his conclusion on the "numerous impacts on the 'public realm'" were simply gone.

The biggest and most significant omission of all is from Boel's conclusion and request for changes in the May 1 letter, quoted entirely above. All that remains is "The proposed development provides a land use that is a good fit with OCP policies that encourage tourist accommodation, higher density housing, improved marine facilities and upgrades to the sea walk." No mention of the hugely qualifying "however" statement. Total absence of the four recommendations for revision.

Eight months later, on March 25, 2014, after the submission of the even less compliant George v.2, the planner again reported to the CoW on the George project. (Find this report with the CoW agenda for this date on the Town's website.) Much of the report dealt with the Advisory Planning Commission's recommendations. But the APC, like council (except for the mayor), like the public, had never seen the May 1, 2013 letter. They were unaware of all the deficiencies that should have been dealt with.

Despite the fact that none of the fundamental objections he laid out in his May 1 letter rejecting George v.1 were dealt with in George v.2, in his analysis of fit with form and character for Councillors on March 25, André Boel stated: “On the one hand, it could be argued that the described intent of section 5.2 of the Harbour Area Plan...suggests that new buildings have a similar size as existing buildings.” (Note that this is precisely the position he took on May 1, 2013, when he said “the scale of development does not meet the intent of the Harbour Area Plan policies...which repeatedly refer to the ‘Village scale’ and ‘small scale’ character of development” and then went on to list the 14 separate references in the HAP to the importance of maintaining village scale and character.)

Yet on March 25 in a masterful exercise of equivocation, Boel advises Council, “On balance, staff consider that the form and character as presented appropriately balances the Town’s objectives for the area as set out in the OCP Harbour Area Plan and merits support.”

The planner had taken a 180° turn from an accurate, factual, professional, and objective letter detailing the ways in which the George project did not fit with the OCP, particularly the “village scale and character” component of the HAP.

What can we take away from all this?

- Wayne Rowe has attended meetings about the George development application with staff and the developer’s consultant.*
- Wayne Rowe has known since May 2013 that the George hotel *DOES NOT COMPLY* with the Town of Gibsons Official Community Plan.
- On January 14, 2014, at a Committee of the Whole meeting, Wayne Rowe said, “The Director of Planning says that this proposal is in line with the OCP. So, it’s not a question of breaking the rules.” (Audio recording).
- On March 25, 2014, Wayne Rowe voted to approve the form and character of this non-compliant project, without ever telling anyone about the May 1 letter or its implications.

The question is: Why?

* <http://webcache.googleusercontent.com/search?q=cache:uC9oU2Dg238J:www.coastreporter.net/news/local/motion-flops-after-rowe-squelches-rumour-about-george-meetings-1.1420802&hl=en&gl=ca&strip=1>