

George Public Hearing – SAMPLE Comments

1. PROCESS

Improper Process

- I am concerned that Council is not approaching this Public Hearing with an open mind but rather that **the outcome is a foregone conclusion regardless of community input**. I don't trust the process. Therefore, I oppose the proposed bylaws.
- Throughout the development application review process, the mayor hurried each decision along, repeatedly describing that every step was only "keeping the process going". The mayor promised elected people and the public that there would be plenty of opportunity to discuss the project and have input "at a later date". This "opportunity to discuss the project" has never occurred. **Neither the citizens of Gibsons, nor elected people have been afforded an honest opportunity to review the pros and cons of the project and inform changes to the project in a real way**. Therefore, I oppose the proposed bylaws.
- **A letter dated May 1, 2013** and sent to the developer by the Director Planning, detailed specifically how the George contravenes the official community plan and would have serious impacts on public space. The mayor, who participated in the harbour Area Planning process and voted to adopt the HAP, has known since at least May 2013 exactly how and why the project does not conform to OCP requirements. **Yet, the mayor has publicly declared since January 2014, that the George "fits the OCP"**. These declarations have influenced many citizens and certain elected people. **The rezoning application is based on a false premise**. Therefore, I oppose the proposed bylaws.
- On May 7th 2013, Mayor Rowe, the Director of Planning Andre Boel, Chief Administrative Officer Emanuel Machado and Klaus Fuerniss' consultant, Art Phillips appear to have **conspired to process the George rezoning application with the full understanding that the project contravenes the Official Community Plan, Harbour Area Plan and zoning bylaws**. I don't trust the process. Therefore, I oppose the proposed bylaws.
- In a meeting on May 7th 2013, the Mayor discussed the developer's requirement to acquire a public road access to the waterfront for the project to be viable. **No replacement access of equal or greater value exists, yet the public road has now been delivered to the developer, which breaches the provincial regulatory requirement**. I don't trust the process, therefore, I oppose the proposed bylaws.
- The developer's requirement to acquire Gibsons Marina A-Dock (a public asset) was discussed in a meeting on May 7th 2013, in which the mayor was quoted explaining that the "Town has no control over water lease". In 2014, the mayor publicly denied that Gibsons Marina A-Dock would be lost to the George. **Documents recently released by the Town show that Gibsons Marina A-Dock through negotiations held behind closed doors, Gibsons Marina A-Dock has been transferred to the George**. I don't trust the process. Therefore, I oppose the proposed bylaws.
- I am concerned that on May 24th 2013, the town initiated an **"Official Community Plan Update" process in order to circumvent the issues clearly outlined by the director of planning in his rejection letter to the developer dated May 1st, 2013**. I don't trust the process. Therefore, I oppose the proposed bylaws.
- In my opinion, **elected people were bullied and due process despoiled at the May 12, 2015 council meeting in which the Town gave first reading** to the George rezoning and OCP amendment bylaws. Therefore, I oppose the proposed bylaws.
- In my opinion. **due process was despoiled when second reading of the George rezoning and OCP amendment bylaws was fast tracked at a last minute special meeting of council at the end**

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of July before council resolved the issues they agreed to have “substantively” addressed before second reading. Therefore, I oppose the proposed bylaws.

- Mayor Rowe has suppressed information, refused to answer question, denigrated citizens, ignored public outcry and outrage -- meanwhile facilitating the processing a project he knew contravened the Official Community Plan. **In my opinion, this behaviour has despoiled the development application review process.** Therefore, I oppose the proposed bylaws.
- Mayor Rowe appears to believe that he was elected to ensure the George development is approved. I am concerned that the elected people, especially Rowe, will **blindly ensure any and all approvals for this project, meanwhile not doing the best thing for the Town as a whole.** Therefore, I oppose the proposed bylaws.
- The Community Charter strictly prohibits a council from providing a benefit, advantage or other form of assistance to a business. **In my opinion, the town council would be providing benefits, advantages, and other forms of assistance to KFE Enterprises Inc. and other corporate entities affiliated with this project by approving these bylaws.** Therefore, I oppose the proposed bylaws.
- I am deeply concerned that the **resolving of issues concerning impacts to the aquifer and environmental assessment of the contaminated site has been put off.** Therefore, I oppose the proposed bylaws.
- **I do not feel that conditions for this project have been negotiated with the best interests of Gibsons taxpayers as a first priority.** In my opinion, the town has consistently demonstrated bias in their treatment of this development application on behalf of the developer. Therefore, I oppose the proposed bylaws.

Conflict of interest

- **I am concerned that one or more of the elected people has an apparent conflict of interest** with regard to this development application. In my opinion, the mayor should declare a conflict of interest and recuse himself from any discussion or decision-making relating to the George Hotel and Residences application.

2. OFFICIAL COMMUNITY PLAN POLICIES

Form and Character

- The density and scale of the development don't fit the current long-term plans as prescribed in our OCP. **These bylaws** completely and disrespectfully contravene the Town of Gibsons Official Community Plan (OCP), Harbour Area Plan, and Zoning bylaw 1065; and undermine 10 years of community planning in Gibsons. Therefore, I oppose the proposed bylaws.
- **The Harbour Area Plan promotes “village scale”** development with policies that protect form and character by limiting building height and massing, and favouring building designs that blend into the hillside. The design of the project does not fit the form and character policies in the OCP's Harbour Area Plan. Therefore, I oppose the proposed bylaws.
- The **height and massing of the development would be visible from anywhere in the harbour, destroying the grain and small-town character of Gibsons forever.** These bylaws clearly contravene the form and character policies in the OCP. Therefore, I oppose the proposed bylaws.

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Scale of development

- The project is **three times the height and density** allowed in the Official Community Plan (OCP) and zoning bylaws. Therefore, I oppose the proposed bylaws.
- The eight storey building is **massive compared to the scale of other development in Gibsons Landing**, despite some terracing of portions of the building. Therefore, I oppose the proposed bylaws.
- While this project may not block views from some uphill residential areas (due to the distance from the development), it does **block public views as it has a monolithic appearance** from Gower Point Road, Winegarden Park and nearby properties. Therefore, I oppose the proposed bylaws.
- The building is **substantially higher and bulkier than any other building**, and departs from the OCP goals and policies, which repeatedly refer to the “Village scale” and “small-scale” character of development. Therefore, I oppose the proposed bylaws.
- **The form and volume of the building would be very imposing** from the waterfront area and from adjoining properties. Therefore, I oppose the proposed bylaws.
- The proposal **does not conform to OCP goals such as: “Building massing should be low near the waterfront, “stepping back” from the water”**. Therefore, I oppose the proposed bylaws.

Density Policies

- **The development is not consistent with OCP density provisions for higher density uses.** The Smart Plan defines high-density multi-family designation as “Areas which permit apartments and condominiums greater than 3 storeys with a density range between 60-110 units per hectare (typical floor space ratio of 1.2 – 1.4).” The George Hotel greatly exceeds this density range overall with an estimated FSR of 2.6 (without parking). Even though no specific density is established for the mix of commercial and residential uses proposed for this site, **the very high density/FSR of the overall project does not conform to OCP density policy**. Therefore, I oppose the proposed bylaws.

View Protection Policies

- The **loss of public views on Winn Road contradicts the HAP policy** objective to “Create and protect public and private views through to the water.” Therefore, I oppose the proposed bylaws.
- With 8 stories, the **building impacts views throughout lower Gibsons**. Therefore, I oppose the proposed bylaws.
- The proposal does not satisfy the requirement for OCP Development Permit Area 5, which requires “unobstructed view corridors of 3.0 m wide every 30 metres”. Therefore, I oppose the proposed bylaws.
- The Gibsons OCP includes specific policies with regard to view protection, and the Zoning Bylaw contains a map with boundaries designating a “view protection area.” **The height and mass of this development would not protect views, but instead would block the view of the water, Keats Island, and the mountains in significant ways**. Therefore, I oppose the proposed bylaws.
- **The view corridor looking down Winn Road from Gower Point Road will be blocked by the “plaza” which will rise up above Gower Point**, much as the Sechelt Watermark development’s plaza blocks the view to the ocean from street level. Therefore, I oppose the proposed bylaws.

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OCP - PUBLIC LANDS

Winegarden Park

- Winegarden Park borders one side of the George site, and the developer is asking to have building set-backs waived. This means the condominium tower will be built right to the edge of the Park and not set back a few meters as is currently required in the zoning bylaw. Building setbacks are used to create a buffer area between properties, especially where they form a border between two distinctly different uses of the land. **The removal of required setbacks will have severe negative impacts on valued public space.** Therefore, I do not support these bylaws.
- Winegarden Park is a place where public events and concerts are commonly held. This could be a source of conflict for residents living in the condominium who may not tolerate the noise or disruption from regular community events. There do not appear to be plans to have a covenant in the development agreement to ensure that the community can enjoy public events into the evening at Winegarden Park or on the Holland lands. **This project will have severe negative impacts on public enjoyment of this space.** Therefore, I do not support these bylaws.

Gibsons Marina

Gibsons Marina is a public asset. The Marina exists because the Town of Gibsons holds a lease of the water area “lands” with the province of BC. **The Town of Gibsons invested tax dollars to establish Gibsons Marina.** The Town subleases these “lands” to the owner of the Gibsons Marina business. The Marina business recently sold to Klaus Fuerniss.

- Klaus Fuerniss plans to restructure the float layout, in a manner that will decrease the already limited mooring space available for residents and their visitors in Gibsons Marina. **Restructuring of the marina to provide LESS moorage is contrary to the Official Community Plan and the intent of the lease agreement between the Province and the Town.** Therefore, I oppose these bylaws.

Public Water Lease

- The George developer is requesting to extend the water lease in front of Winegarden Park in order to create slips for luxury yachts. This will rob the community of our last open water access and block the view from the Park out to Keats Island. **I do not support giving, leasing or selling the town’s water lot in front of Winegarden Park for this or any development project.** Therefore, I do not support these bylaws.

Waterfront Park Policies

- Policy 5.8 is to “Acquire a right of way, through density bonusing, or purchase of land along the waterfront, **a minimum of 15 metres in width** for a linear waterfront park joining Gibsons Marina to Winegarden Park.” This policy has not been met. Therefore, I do not support these bylaws.
- The OCP specifically requires that the town will acquire and secure land in public ownership for a waterfront linear park/ pedestrian/cycling corridor between Winegarden Park and the Marina Lands, in the Harbour Area. And, that any development must provide a 15 metre, linear park walkway above high tide along the waterfront. **The proposed OCP amendment bylaw REMOVES the OCP requirement to acquire and secure land in public ownership for a 15m linear waterfront park/walkway along the waterfront.** Therefore, I oppose this bylaw.

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Public Parking Policy

- The Project would remove on-street public parking. **This conflicts with Harbour Area Plan policy 5.8 - “Retain and expand on-street parking to provide buffers between moving traffic and pedestrians on sidewalks”**. Therefore, I do not support these bylaws.

Winn Road

- **Closure of Winn Road conflicts with the Pedestrian Circulation Plan** of the Harbour Plan. Therefore, I oppose these bylaws.
- Winn Road is considered a “highway”. The municipality may only dispose of a highway or part of a highway if the municipality is exchanging the property for other property that the council considers will provide public access to the same body of water, and that access is of at least equal benefit to the public. **The Town has not met their regulatory obligations to provide public access to the same body of water that is of at least equal benefit to the public.** Therefore, I oppose these bylaws.
- The public right of way to the water at Winn Road will be blocked to vehicle traffic forever. This will severely limit access for those with physical mobility issues. The Community Charter requires that any transfer of the road to construct the plaza ensure there is “at least equal benefit to the public.” i.e. vehicle traffic, parking and access to the foreshore. **In my opinion, replacing Winn Road with a pedestrian plaza in the middle of a private commercial/residential development does not equate to access of “at least equal benefit to the public.”** I cannot support these bylaws until the Town acquires a replacement public water access of “at least equal benefit to the public.”

Natural Environment Policies

- The proposal involves **considerable dredging of the foreshore/water areas and construction of riprap slopes** (7157 sq m are indicated in Table 3 of the Environmental Assessment). Therefore, I oppose these bylaws.
- There is **considerable alteration proposed to marine habitat and riparian areas** to accommodate expanded marina moorage, pier/boardwalks over the foreshore. Therefore, I oppose these bylaws.
- **The small stream and riparian area on the Hyak site is not protected.** Therefore, I oppose these bylaws.
- **The small stream and riparian area on the edge of the Shoal Bay/Brady properties is not protected.** Therefore, I oppose these bylaws.
- OCP policy 4.4.6 (Marine Environment) – it is Council policy to “discourage the purchase of Crown fill areas located between the seawalk and the adjacent upland properties by the upland owners, as **these areas may have value for increased public access along the seawalk**, for benches, rest areas or other uses”. The hotel proposal appears to incorporate fill areas adjacent to the properties. Therefore, I oppose these bylaws.
- The proposal creates **large areas of hard infrastructure** for floats, moorage and pub development, and for decking adjacent to the hotel building. Therefore, I oppose these bylaws.
- Although mitigation is proposed, the **extent of marine development appears to contradict the OCP policy intent.** Therefore, I oppose these bylaws.
- Development Permit Guidelines for area #2 and section 411.2 of the Zoning Bylaw refer **to setback of 15 m from the natural boundary of the sea** for any buildings or structures. This **requirement is not met** in the current proposal. Therefore, I oppose these bylaws.

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3. ECONOMICS

- George supporters have used misinformation and fear-mongering to gain support for the project – telling local citizens, **“The town will go bankrupt if the George is not built”**. **The inaccuracy of this statement was confirmed by the Director of Finance at the September 24th, 2015 “information meeting” hosted by the Town of Gibsons**. I am concerned that council members do not recognize that citizens have been intentionally misinformed. I do not trust the process and I oppose the bylaws.

Parking spaces

- Under section 615 of our Zoning Bylaw, the developer is required to pay the town \$30,000 for each parking space shortfall. This proposal is missing at least 43 parking spaces. I believe that as negotiated, **this project would deprive the municipality of \$1,290,000** in parking space shortfall. Therefore, I oppose these bylaws.

Servicing and Infrastructure Requirements

- In any development project, the developer is financially responsible for bringing all servicing infrastructure up to the standard needed to service the development (Bylaw No. 1175, 4.1.7). This includes paying for upgrades to water and sewer services, extension of works to merge with existing infrastructure, and upgrades to existing services. Developers are required to pay for servicing infrastructure improvements so that the Town does not incur a capital cost in order to provide servicing to the new development. These costs are not DCC credit eligible. **I believe that as negotiated, this project would deprive the municipality of \$1,280,000.00 in servicing infrastructure that is not DCC credit eligible**. Therefore, I oppose these bylaws.

Development requirements/Cash in lieu

- I believe that as negotiated, **this project would deprive the municipality and its taxpayers of over \$3,000,000** in required revenues from development cost charges, parking space requirements, affordable housing requirements, Winn Road sale, use of Recreational Water Lease, use of Gibsons marina, and use of Winegarden Park. Therefore, I oppose these bylaws.
- I believe that as negotiated, this project would **deprive the municipality of at least \$646,704.00 in affordable housing requirement shortfall**. Therefore, I oppose these bylaws.
- I believe that as negotiated, this project would **deprive the municipality of at least \$125,000.00 (conservative) in Winn Road sale shortfall**. Therefore, I oppose these bylaws.

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4. TOXIC CONTAMINATION

- A portion of the development site (Hyak Marine) has already been designated as a contaminated site. One of the contaminants, **tributyltin**, is highly toxic and also highly resistant to remediation. We need a full environmental assessment and remediation plan to ensure contaminants will not escape into the water or affect the aquifer – BEFORE rezoning for a project that requires dredging the foreshore. **I cannot support these bylaws until and unless the town undergoes a full environmental assessment and satisfactory remediation plan for this site.**
- Section 946.2 of the Local Government Act requires that a municipality must not approve an application for a development permit on a contaminated site if they have not received a site profile required by the Environmental Management Act. **The Town of Gibsons has refused to require the development applicant to prepare a site profile for this application.** Therefore, I oppose the proposed bylaws.
- On September 24th 2015, the town of Gibsons received a letter from West Coast Environmental Law, which stated the following **Re: Rezoning of Hyak Marine Site, Gibsons, BC:**

“We write on behalf of the Gibsons Alliance of Business and Community Society with regard to your consideration of a proposal to rezone the Hyak Marine Site. In particular, we submit that a Site Profile should be required prior to proceeding with rezoning.

We understand that you have taken the position that a site profile is not required in respect of this site, since Gibsons has “opted-out” of s. 40(1) of the Environmental Management Act (EMA) under the Contaminated Sites Regulation (CSR), s. 4(4).

However, we submit that the municipality has legal obligations under s. 40(2) and (4) of the EMA and ss. 946.1 and 946.2 of the Local Government Act, which create independent obligations in relation to site profiles.

The opt-out scheme created in section 4(4) of the CSR does not expressly exempt the municipality from its requirements under the Act (or, for that matter, under any other Act), but rather exempts “a person ... from the duty to provide a site profile” under s. 40(1) of the EMA. This CSR exemption does not directly address the obligations of the municipality, and does not in any way purport to address Gibsons’s obligations under statutory provisions other than s. 40(1). Notably, s. 4(4), does not purport to exempt Gibsons from the requirements of ss. 40(2), 40(4) or section 946.1 and 946.2 of the Local Government Act.

In our view, the Town of Gibsons likely continues to have legally enforceable obligations in relation to the preparation and assessment of site profiles, notwithstanding advice to the contrary received from the BC government.

The Town of Gibsons has a fiduciary responsibility to the taxpayers of Gibsons as well as obligations under the Environmental Management Act and the Local Government Act to ensure the Hyak site is dealt with appropriately, through the proper channels, including the BC Ministry of Environment, Ministry of Forest Lands and natural Resource Operations, Department of Fisheries and Oceans, Squamish First Nation and any other potentially impacted parties. The town has not done this. Therefore, I oppose these bylaws.

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5. **AQUIFER PROTECTION**

- Horizon Engineering's original design for the George required excavation of the site more than 20 feet deep. GABC retained an engineer to review their report in January, 2014. He found that Horizon's excavations would penetrate the aquitard by 14 feet. The Town hired Levelton Engineering and Waterline Resources to review Horizon's work; and in March, 2014, Levelton's findings confirmed a serious problem. It appears that Horizon revised their design in early 2014 (documents were withheld from the public) and in a second report on June 23, 2014, Levelton once again identified major issues with Horizon's work. Nine months later, Horizon was back with a new design. Waterline Resources and Levelton Engineering once again reviewed the design and determined that Horizon's MOST CURRENT DESIGN for the George has "not considered factors that might result in **upward seepage and the potential for soil piping, uncontrolled sinkhole, aquifer depressurization, or ground settlement, any of which could be catastrophic.**" Waterline said, "**The possibility of an uncontrollable breach of the Gibsons Aquitard**" by excavation for the George project "**is a MAIN CONCERN.**" **The Town's own geotechnical and hydrogeological consultants have identified major risks to Gibsons aquifer posed by this project.** Therefore, I oppose the proposed bylaws.
- Two professional peer review reports reviewed the George development plans and raised serious issues about protection of the Gibsons aquifer, particularly in the Northwest corner of the building site, and in the harbour where a restaurant will be constructed on a pier. Although the developer assures us that plans have been modified to address concerns, we had already been assured by the developer's engineer that there were no issues of concern prior to conducting the peer review. **BUT THIS PROVED TO BE UNTRUE.** The Town's consultants, Levelton and Waterline, need to review the recent changes and advise Council and the community of the level of risk to our drinking water source. **The Town's geotechnical and hydrogeological consultants have NOT assured the Town that the project will NOT risk the aquifer.** Therefore, I oppose the proposed bylaws.
- The Town has refused repeated requests to invite the peer reviewers to present their findings to the public or to have them present at the Information Session, although the developer's experts will be there. It is my understanding that the purpose of retaining the peer reviewers was to look out for the community's interests, yet they have apparently not been asked to evaluate the revised plans. I believe this shows the town to be biased in favour of the development, rather than acting in the interests of the entire community. **The Town's geotechnical and hydrogeological consultants have NOT assured the Town that the project will NOT risk the aquifer.** Therefore, I oppose the proposed bylaws.
- **Nothing has changed since Waterline and Levelton reported on the Horizon April 7, 2015 report. Horizon has simply written some memoranda and tried to pass them off as "enough information."** Yet Horizon claims that at this stage of the project they have demonstrated a high level of professional due diligence. They also state they **are confident** that the recommendations provided—to use an unusual technique of foundational slabs using soil-mixing—are valid and can safely be implemented for the design and construction of the project. **I do not consider that Horizon has adequately addressed the many alarming concerns raised by Waterline Resources and Levelton Engineering.** Therefore, I oppose the proposed bylaws.
- Based on Horizon's track record, **I am not confident the Town has protected Gibsons aquifer from serious risks.** The Town's peer reviewers could not recommend that council accept Horizon's plans. Therefore, I oppose the proposed bylaws.