



STAFF REPORT

TO: Council **MEETING DATE:** July 31, 2017
FROM: André Boel, Director of Planning **FILE NO:** 3220-20 Gower 377-385
SUBJECT: George Hotel – Environmental Development Permit (DP-2013-03)

RECOMMENDATION(S)

THAT the staff report regarding the George Hotel – Environmental Development Permit (DP-2013-03) be received.

THAT Council authorise issuance of the Development Permit DP-2013-03 as proposed.

PURPOSE

The purpose of this report is to brief Council on the environmental Development Permit for the proposed George Hotel & Residences at 377 – 409 Gower Point Road. The Development Permit is attached for consideration by Council.

BACKGROUND

In February 2013 Klaus Fuerniss Enterprises Inc. submitted Zoning Bylaw Amendment and Development Permit applications for the proposed “George Hotel and Residences” (the George) to allow for hotel, tourist commercial, marine and multifamily uses. This included application DP-2013-03 which is required by the OCP’s Environmentally Sensitive Development Permit Area #2. Initially, review of the project centered on the Official Community Plan and Zoning Bylaw amendments. The George Hotel and Residences received Council approval of requested Official Community Plan and Zoning Bylaw amendments on October 6, 2015 (RS2015-330 and RS2015-331).

Environmental Development Permits are required for developments along the shoreline or along watercourses. Through the Development Permit Delegation Authority Bylaw No. 1054, 2007, staff has a delegated authority to review and approve these permits except where “significant enhancement” is being proposed. The most important environmental concern on the George Hotel site is site contamination from previous uses. Because the remediation of the site can reasonably be considered a “significant enhancement” under the bylaw, this Development Permit is being forwarded to Council for consideration.

DISCUSSION

The George Hotel and Residences development application includes the following proposed elements that result in the requirements for Development Permits for geotechnical hazards (DPA#1), Gibsons Aquifer protection (DPA#9) and for environmentally sensitive areas (DPA#2):

- Marine foreshore habitat improvements and waterfront walkway construction
- Marina expansion involving dredging and pile driving
- Remediation and management of site contamination on site and in the foreshore
- Construction of foundation in the vicinity of the Gibsons Aquifer and near the foreshore

This report covers the Development Permit for Environmentally Sensitive Areas (DPA#2) and specifically looks at habitat protection and contamination remediation. In addition to the list above the following is included within the scope of the Environmental Development Permit.

- Demolition of existing structures

The draft Environmental Development Permit is attached to this report. Below, a number of key items are discussed.

Qualified Professionals

A key requirement for the Development Permit is to ensure properly Qualified Professionals are retained to evaluate the project and to provide recommendations for the construction. For the George the applicant has retained the Keystone Environmental to address foreshore, marine habitat protection and contaminated sites issues. Balanced Environmental, the firm that provided the 2012 Environmental Assessment will work with Keystone Environmental on federal permitting.

Initially, a 2012 Environmental Assessment (by Balanced Environmental) was provided for the rezoning application of 2013. Since then, a more detailed Environmental Assessment (by Keystone Environmental) has been provided in 2016. Moreover, landscaping details have been provided regarding habitat protection and improvements in the foreshore area. The relevant documents for the Development Permit are attached to the draft permit. In addition, other background documents have been attached to this report. Full copies of the extensive assessments (several hundred pages) are available upon request.

Habitat Protection – Marine Shore

With regards to habitat protection of the marine shore areas, Development Permit Area #2 addresses possible impacts of development on fish habitat. Appropriate setbacks and vegetation near the foreshore are key considerations for the Qualified Environmental Professional to consider. The guidelines of the permit area outline the requirement for an assessment that considers the impact of the project on fish habitat and the conditions under which the development may proceed. This typically includes conditions related to the construction process.

For the George an initial assessment was provided in the 2012 assessment by Balanced Environmental (summary attached). Along the shoreline, the project will construct a new waterfront walkway (on top of a sanitary sewer) and this will include improvement of the habitat values of the site. Currently, the habitat values of the shoreline are very limited, however the 2012 mitigation plan (attached to the permit) identified a loss of approximately 300sqm (approx. 3200 sft) of riparian and intertidal habitat. Under the mitigation plan, benches with vegetation will be added for a total area of 500sqm (approx. 5400 sft), improving the habitat values. The improvements will be located around the outfall of the storm water channel north of the site along the shoreline in front of Winegarden Park.



Figure 1. Habitat Enhancement Feature (from 4.4.2 Balanced Environmental, Environmental Assessment, 2012)

For the Development Permit, a landscape detail has been provided showing the habitat improvements in more detail. The project includes the creation of a number of steps in the shoreline area that will be planted with shoreline vegetation as shown in Figure 2.

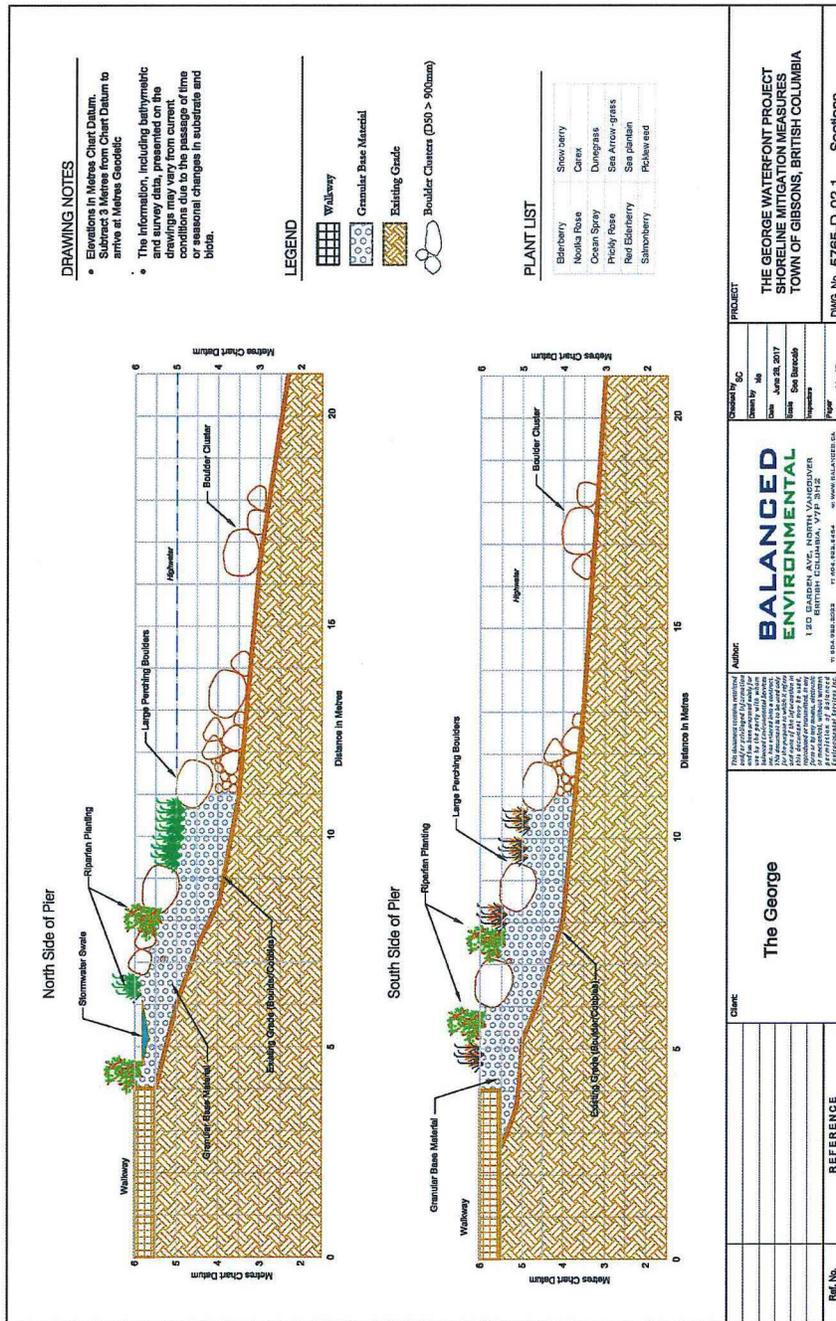


Figure 2. Landscaping detail for habitat improvements by Balanced Environmental, July 2017

Site Contamination Remediation

With regards to contaminated sites, Development Permit Area #2 identifies a number of known contaminated sites, including the site for the George. The guidelines require a detailed assessment to identify the extent and nature of the contamination and to recommend actions for site remediation. Also, applicants need to ensure they adhere to relevant provincial and federal regulations.

For the George site several investigations have been completed over the years, as far back as 2003. In 2012 Balanced Environmental provided a preliminary assessment (summary attached). In 2016 Keystone Environmental submitted a Detailed Site Investigation (summary attached). Based on the historic uses at the site and earlier assessment three areas of environmental concern were identified for the detailed site investigation: the former fuel storage area; the former marine repair shop and the creosote treated timber wharf pilings.

The Detailed Assessment included 10 boreholes, 20 test pits, 29 (marine) sediment samples and 6 soil samples. The soil and sediment contamination appears to be related to past activities or possibly the presence of the access walkway to the marina floats. The following types of contamination are present:

- Metals (likely from repair works)
- Tributyltin (from antifouling paint used on boat hulls before it was banned)
- Petroleum Hydrocarbons (oil and fuel related contamination)
- Polycyclic Aromatic Hydrocarbons (oil and fuel related contamination)

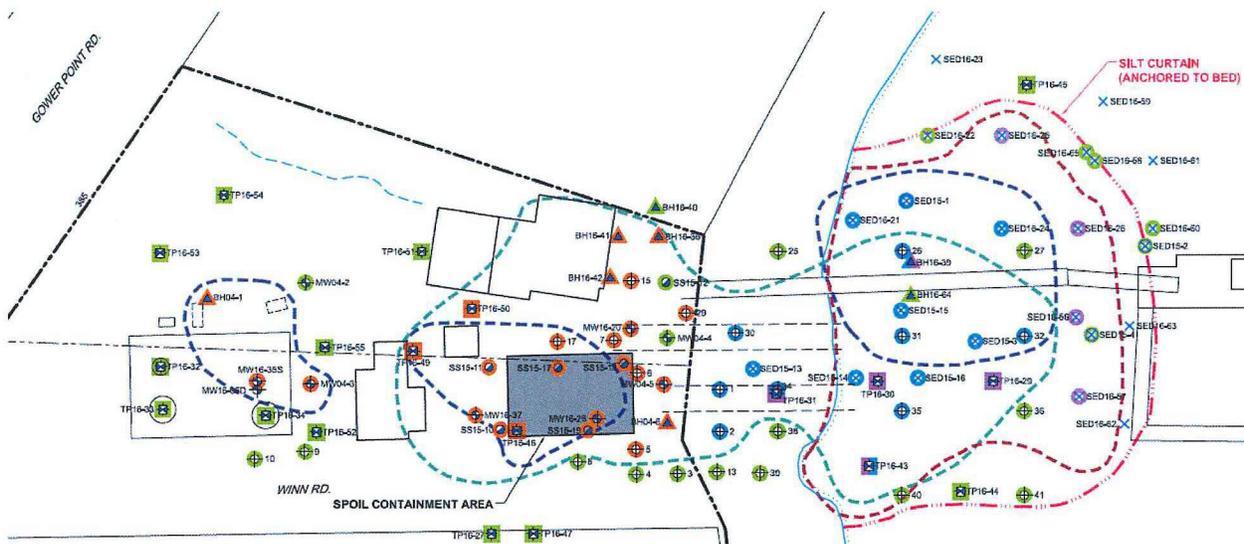


Figure 3. Extent of site contamination of metals (green line), tributyltin contamination (red line), and hydrocarbon contamination (blue line areas) from Figure 1 Remediation Project, Keystone Environmental, 2017.

Relation to Gibsons Aquifer

A total of 4 existing wells and 4 new wells were sampled. In the report, Keystone Environmental confirms that Drinking Water Use Standards apply to the test results. Fortunately, none of the wells showed contamination levels that exceeded current standards. The site contamination was found to be concentrated within fill materials and organic silts, generally limited to a depth of approximately 1 m (3 ft).

Role of Ministry of Environment and others

The proposed works trigger the need for review and approvals from Federal and Provincial agencies. The agencies involved in the review and authorization processes include:

- Ministry of Environment for contaminated sites regulation compliance;
- Department of Fisheries and Oceans for marine and foreshore habitat protection authorization of works;

The developer's qualified environmental consultants are responsible to plan for and meet all Provincial and Federal regulations, and to keep the Town informed of their compliance with requirements.

The Town, like many other municipalities, has 'opted out' of the Ministry of Environment (MoE) Contaminated Sites Regulation Site Profile process, and as such, the development applicant is required to address site contamination reviews directly with the Province. Keystone Environmental has submitted their detailed assessment to the Ministry as well as plan for remediation (see attached). Staff has liaised with the Ministry and confirmed that Ministry staff is aware of the planned remediation. On July 12, 2017 the Ministry confirmed by letter (see attached) that it had accepted the Remediation Plan.

One of the key approvals under the Provincial Contaminated Site Regulation is the Certificate of Compliance (CoC). CoC's are issued at the end of the remediation process. The Town's Development Permit specifically requires confirmation of completion of remediation. The CoC will serve as confirmation that the remediation has successfully been completed.

Construction Management

For the construction phase, a Construction Environmental Management Plan has been provided (attached to the permit). It provides direction for the day to day management of the site, to prevent adverse effects due to the works. These guidelines are included in the Development Permit as conditions for construction.

The Development Permit also requires on-going on-site monitoring of this plan by a Qualified Professional. In this case there will be two Qualified Environmental Professionals: one for habitat protection and one for site remediation.

CONCLUSION

The proposal substantially addresses the relevant guidelines of the OCP's Environmentally Sensitive Development Permit Area No. 2.

RECOMMENDATIONS / ALTERNATIVES

Staff recommendations are listed on page 1.

Alternatively, Council can request changes or further information or delegate the approval of the permit to staff:

THAT Council request further information / changes to the proposed Development Permit to address the following;

THAT Council authorise the Director of Planning to review and approve Environmental Development Permit DP-2103-03.

Respectfully Submitted,



André Boel, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer

ATTACHMENT(S):

- Draft Development Permit and attachments:
 - George Hotel Marine Residences Foreshore Remediation, Construction Environmental Management Plan, by Keystone Environmental, dated July 21, 2017
 - Paragraph 4.4.2 from Environmental Assessment, by Balanced Environmental, dated December 31, 2012
 - Drawing No. 5765-D-02.1, titled The George Waterfront Project Shoreline Mitigation Measures, by Balanced Environmental, dated June 28, 2017
 - Landscape plans L1, L6, L7 by PMG Landscape Architects, 16.aug.17 (L1, L6) and 17.July.19 (L7) plus landscape estimate

- Other background documentation:
 - Executive Summary from Environmental Assessment by Balanced Environmental, dated December 31, 2012
 - Executive Summary from Detailed Site Investigation by Keystone Environmental, dated October 31, 2016
 - Remedial Plan by Keystone Environmental, dated June 29, 2017
 - Letter re. High Risk Site and Reporting Requirements, by Ministry of Environment, dated July 12, 2017