



# STAFF REPORT

**TO:** Council **MEETING DATE:** March 7, 2023  
**FROM:** Planner II **FILE NO:** 3220-GibsonsWay-529  
**SUBJECT:** Amendment to OCP and Zoning Bylaw at 529 Gibsons Way to preserve the Stonehurst building and construct 22 new residences

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## RECOMMENDATIONS

**THAT Council consider the Waste Management Plan in conjunction to Official Community Plan Amendment Bylaw No. 985-29, 2022 pursuant to Section 477 of the Local Government Act;**

**AND THAT Council receives the Community Amenity Offer dated November 14, 2022, enclosed as Attachment D to this report;**

**AND THAT Council receives the Traffic Impact Study titled “Stonehurst Inn & Bistro, Stonehurst Residences and Public Parking Development Traffic Impact Study” dated October 31, 2022;**

**AND THAT Council gives *Official Community Plan Amendment Bylaw No. 985-29, 2022* Second Reading;**

**AND THAT Council gives *Zoning Amendment Bylaw No 1065-65, 2022* Second Reading as amended;**

**AND THAT Council endorses the Terms for the Development Agreement outlined in the Term Sheet, enclosed as Attachment F to this report;**

**AND THAT Council endorses the Strata Conversion for Stonehurst in principle;**

**AND THAT Council requests that the applicant hold a Public Information Meeting to provide the latest proposal drawings to interested community members prior to the public hearing;**

**AND FURTHER THAT a Public Hearing to consider the *Town of Gibsons Official Community Plan Amendment Bylaw No. 985-29, 2022* and *Zoning Amendment Bylaw No. 1065-65, 2022* be scheduled to begin at XX pm on MONTH DAY, 2023.**

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**PURPOSE**

The Town has received updated application materials for the proposed development at 529 Gibsons Way. This includes new development drawings reducing the number of units and massing, a new Community Amenity Contribution letter and a Traffic Impact Study for the development.

The purpose of this report is to provide Council with an update to the OCP and Zoning Amendment application for 529 Gibsons Way and recommend next steps.

**BACKGROUND**

The application was initially presented to Council at the [March 30, 2022 Special Committee of the Whole](#). This background report can be found on the Town's civicweb page. Council members resolved the following:

**R2022-90      Amendment to OCP and Zoning Bylaw for additions and alterations to historic Stonehurst home, upgrades to Inglis Park, and construction of 26 residences over parking**

MOVED by Councillor Croal  
SECONDED by Councillor Lumley

THAT a workshop be scheduled for Council and Planning staff to have further discussion on the Stonehurst project proposal, specifically with regards to height/massing of the structure, parking issues, and clarification of community amenities.

A workshop was held on May 24, 2022 to discuss the items in the resolution, in addition, staff provided a background on the proposal and discussed the Community Amenity Contribution policy's applicability to the project.

First Reading was given to the Bylaws on June 21, 2022, with the following resolution:

**R2022-176      Amendment to OCP and Zoning Bylaw for additions and alterations to historic Stonehurst home, upgrades to Inglis Park, and construction of 26 residences over parking**

MOVED by Councillor Lumley  
SECONDED by Councillor Croal

THAT Official Community Plan Amendment Bylaw No. 985-29, 2022 be given first reading;

AND THAT pursuant to Section 477 of the Local Government Act, Council has considered Official Community Plan Amendment Bylaw No. 985-29, 2022 in conjunction with the Town's Financial Plan;

AND THAT Zoning Amendment Bylaw No. 1065-65, 2022 be given first reading;

AND THAT prior to second reading, staff work with the developer to reduce

the height and massing;

AND FURTHER THAT prior to second reading, a traffic impact study be received.

## SUMMARY

The proposal at 529 Gibsons Way requires five development applications before a building permit can be applied for; four of which are Council decisions and underlined below:

1. OCP Amendment to redesignate lower portion of Lot 23 to “Park and Recreation” from the existing “Public/Community Uses” and redesignate the upper portion of Lot 23 from the existing “Public/Community Uses” to “Residential/Tourist Accommodation”.
2. Zoning Amendment to change the zoning from CDA-1 to PRO for the newly enlarged Inglis Park on the southern portion of Lot 23; and from CDA-1 and C-5 to a new Comprehensive Development Area Zone 3 (CDA-3) on the remainder of the development site to allow 22 residential units and convert the historic Stonehurst building into an Inn and Bistro. The Zoning Amendment also removes the development site from the View Protection Area (sub-area F within Schedule B), as height and massing is in the CDA-3 zone.
3. Development Permit for Form and Character under DPA 5 - Gibsons Landing (required after rezoning)
4. Development Permit for Gibsons Aquifer under DPA 9.
5. Strata Conversion – The existing Stonehurst building, previously occupied as a dwelling, is proposed to become one Strata Lot as part of the proposal. Converting a previously occupied building into a strata unit requires a resolution from Council.

The applicant has submitted new development plans with a reduced number of units (from 26 units to 22 units), decreased massing, and a Traffic Impact Study as per Council’s request.

Staff have amended the Zoning Amendment bylaw to reduce the number of units permitted on the site to a maximum of 22 and removed the custom parking requirements, as the development now meets Part 6 of the Zoning Bylaw.



Figure 1: Location of subject sites 529 Gibsons Way (blue) and Lot 23 (yellow)

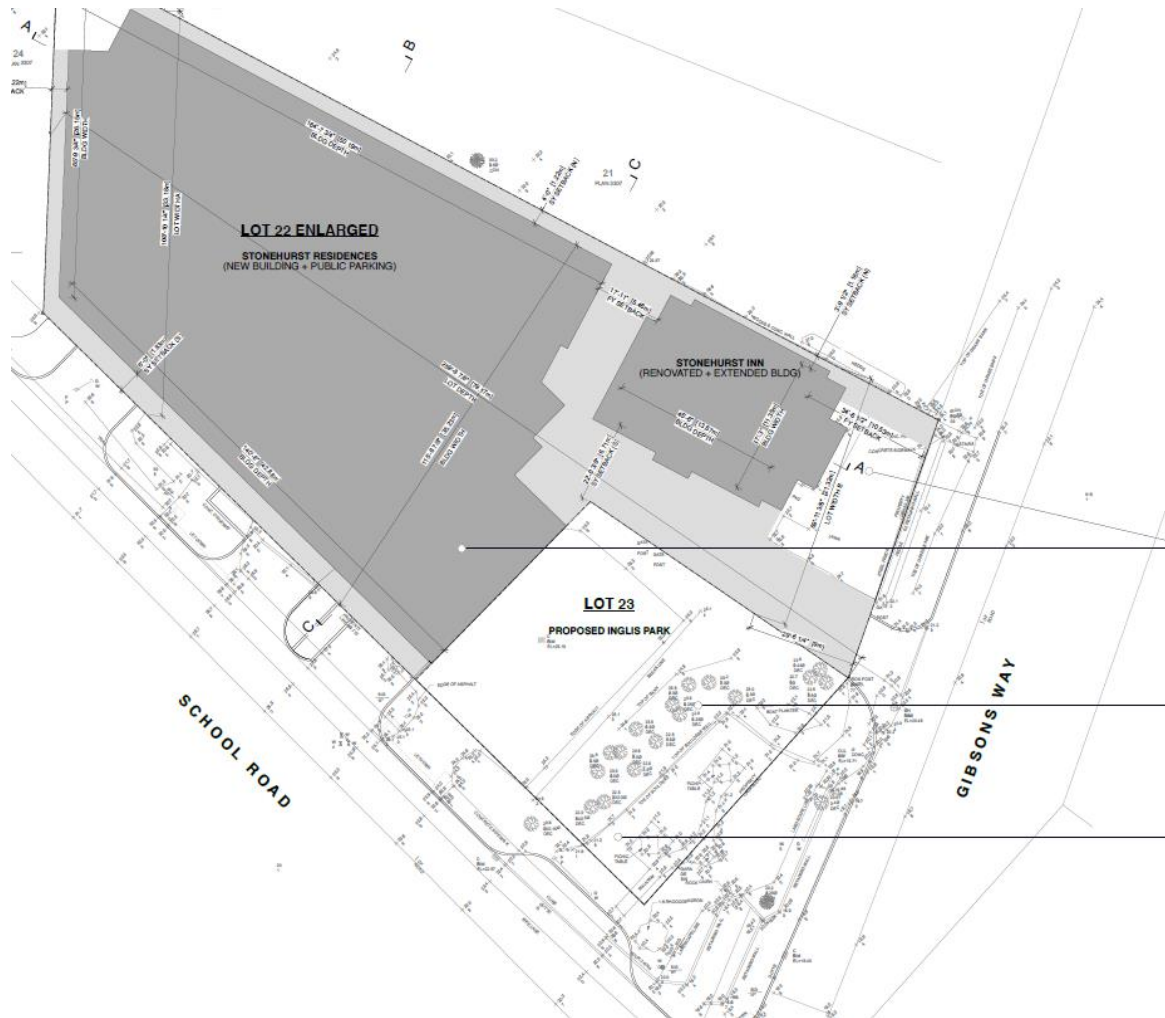


Figure 2: Proposed Site Plan, showing Lot 22 amalgamated with the upper portion of Lot 23, and the subdivided lower portion of Lot 23 becoming the newly enlarged Inglis Park.

**DISCUSSION**

**Reduction of units and reduction of massing**

Council requested that staff and the developer work together to reduce the height and massing of the proposal, before bringing the application back for second reading.

The developer has submitted new drawings which show that the number of the units have been reduced by four, from 26 to 22 units.

Three units were removed from the top floor of the middle building – directly behind Stonehurst, and this therefore reduces the overall height and massing of the building, as shown in Figure 3.

An additional unit was removed from the upper building to accentuate building massing stepping down the hill. Figure 4 shows the original design, whereas Figure 3 shows the new design.

The architect has removed several of the pitched roofs to address the height concerns, as shown in Figure 5.



Figure 3: Revised Design showing the reduced height and addition of flat roofs



Figure 4: Original Design

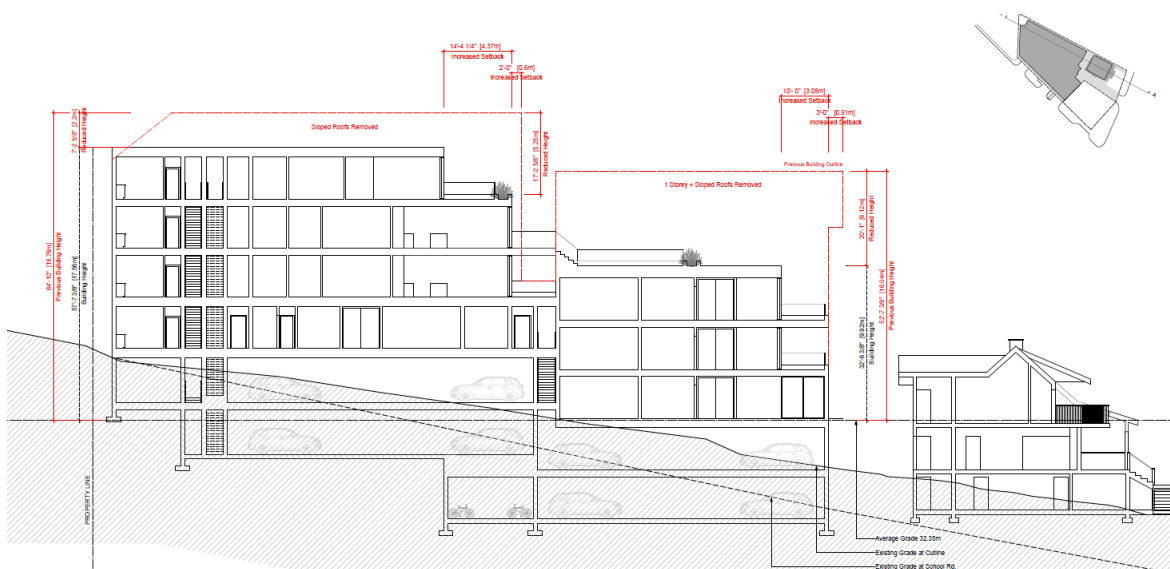


Figure 5: Annotated drawing showing the original design height in red

### Traffic Impact Study

A Traffic Impact study was requested by Council.

The Traffic Impact Study completed by Urban Systems was submitted to the Town in November 2022, and is enclosed as Attachment E. The document reviewed site access required, proposed parking, the existing road network and calculated the traffic volumes for the proposed development.

Table 1: Estimated Development Generated Trips

Land Use	Size	AM Peak			PM Peak			Saturday Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Low-Rise Residential	22 units	2	7	9	7	4	11	5	5	10
Inn	6 rooms	1	1	2	1	1	2	2	1	3
High-Turnover (Sit-Down Restaurant)	761 sq. ft	4	3	7	4	3	7	5	4	9
<b>Total</b>		<b>7</b>	<b>11</b>	<b>18</b>	<b>12</b>	<b>8</b>	<b>20</b>	<b>12</b>	<b>10</b>	<b>22</b>

The estimated weekday morning and afternoon and Saturday peak hour development generated trips are shown in Table 1.

The report concludes the following:

1. The proposed development is expected to generate minimal traffic, which will not significantly affect traffic operations along School Road.
2. The proposed accesses meet the requirements and guidelines outlined in the Town’s bylaw and Transportation Association of Canada (TAC) Design Guide. In order to maintain clear sightlines at each access along School Road, areas adjacent to the driveways have been identified to be clear of obstructions.
3. The access along Gibsons Way will primarily operate as one-way but will be converted to operate as two-way in the event that School Road is closed.

### Community Amenity Contribution Offer

As per Council Policy 3.14, Community Amenity Contributions (CAC) are monetary (or in-kind) contributions made by the developer to the Town as part of the rezoning process. CACs are intended to help offset the cost of providing community amenities associated with new residential development that are seeking a change in use or change in density.

The applicant has provided an updated CAC offer letter enclosed as Attachment D. The letter outlines three main items:

1. Preserving the historical integrity of the Stonehurst Building;
2. Contributing financially to the design of the new Inglis Park, by providing a Landscape Architect and initiating ground works; and
3. Providing 16 underground public parking spaces.

Council must accept the Community Amenity Contribution offer prior to the Public Hearing.

### **Development Agreement**

A Development Agreement is a document that outlines the conditions of a development. Staff recommend that as a condition of the OCP and Zoning Amendment for 529 Gibsons Way, a Development Agreement incorporating all items listed in the Term Sheet, enclosed as Attachment F, is executed as a Section 219 Covenant after Third Reading and prior to Adoption. The Terms include:

1. Provision of CACs
  - a. Preservation covenant for Stonehurst building.
  - b. Financing the retention of a Landscape Architect/Designer to design Inglis Park – Landscape Architect to work with Town staff and/or Committee to develop a park plan.
  - c. Sub grading for the newly designed and enlarged Inglis Park
  - d. Provision of 16 public parking spaces
2. Subdivision of Lot 23 to separate Inglis Park from northern portion through a lot-line alteration
3. Sale of Town Land at accessed value after rezoning.
4. Strata Conversion Application to Town to convert Stonehurst building into strata unit
5. Building Strata deposited with Land Titles
6. Transfer of public parking Lot to Town.

Development plans would be attached to the Development Agreement for clarity.

The Development Agreement would outline when each item is required, providing a roadmap for the developer and the Town, to ensure the items Council negotiates through this OCP and Zoning Amendment Process is secured.

### **Public Information Meeting**

Staff recommend a second Public Information Meeting be held to share the proposal with interested members of the community before the public hearing. This provides an opportunity for community members to ask questions and understand the project fully before the public hearing.

Staff would attend the meeting to hear any comments from the public. The Active Applications webpage would also be updated to include this staff report and relevant material for those interested to read.

## **Strata Conversion**

Pursuant to Section 242 of the Strata Property Act if a previously occupied building is to be included in a new strata plan, the developer must submit the proposed strata plan to the approving authority – in this case the Town of Gibsons.

The developer plans to create a strata development, which would include both the Stonehurst Building and the public parking lot. The Stonehurst Building would be one strata lot as would the public parking, making each its own legal entity. The developer would transfer the Title of the public parking to the Town, in exchange for the Town endorsing the strata conversion for Stonehurst.

The endorsement must be dated not more than 180 days before the date of the strata plan is tendered for deposit at Land Titles, and therefore this is included in the Terms Sheet. Staff recommend endorsing the Strata Conversion in principle, if Council intends to proceed with supporting the proposed development. The developer will be required to return to Council with the new Strata Plan once the building is substantially completed for approval.

## **PLAN IMPLICATIONS**

Pursuant to Section 477 of the Local Government Act, Council must consider Official Community Amendment Bylaw 985-29, 2022 in conjunction with the Town's Waste Management Plan.

## **Waste Management Plan**

The SCRD is responsible for regional solid waste management and planning. This application was referred to the SCRD. The SCRD provided the following comments, which have been forwarded to the applicant:

*The applicant is encouraged to ensure building design includes adequate space for storage and servicing of recycling, food waste and garbage receptacles.*

*Through the construction phase, the applicant is encouraged to review materials accepted at the Sechelt Landfill and sort accordingly to maximize diversion and ensure compliance with recyclable materials and controlled waste. Consideration should also be given to make sure any containers for separating garbage, recycling and food waste remain accessible to collection service providers during construction and will be accessible post-construction.*

## **OPTIONS**

Staff recommend proceeding with option 1, with all relevant recommendations on page 1.

**Option 1** – Proceed with proposal as presented.

This option moves the proposal forward, allowing additional public participation in the form of a Public Information Meeting, as well as a Public Hearing. The Public Hearing will enable Council to hear from community members on the proposal before the application comes back to Council for consideration of Third Reading.



**Option 2** – Request changes prior to scheduling a Public Hearing.

Council may request further changes to the proposal before scheduling a public hearing.

For example, Council may request changes or further clarity on the CAC offer, in accordance with Policy 3.14. Alternatively, Council may reject the CAC offer and choose to obtain an economic analysis and take a financial contribution to the CAC and Affordable housing reserve funds instead.

This option would delay the Public Hearing until Council accepts the CAC offer.

**Option 3** – Deny the application.

This option rejects the development proposal, and the application will be closed. Council's approval in principle to sell a portion of Lot 23 to the developer is subject to the Adoption of the rezoning. Therefore, rejecting the proposal will also reject the sale of land.

*THAT Council rejects both OCP Amendment Bylaw No. 985-29, 2022 and Zoning Amendment Bylaw No. 1065-65, 2022.*

**COMMUNICATION**

OCP and Zoning Amendments must undertake public consultation as legislated by the Local Government Act.

An online community survey was conducted between July 29-September 4, 2020, to solicit feedback on the proposal and sale of Town land.

The developer hosted a Public Information meeting on October 6, 2021, to present the proposal to the public.

This includes mailing notice of the Public Hearing to neighbouring properties within 100-metres of the subject property and advertising notice in two consecutive newspapers. The on-site notification sign will be updated with the Public Hearing date.

Prior to considering the development application, Council decided to seek public input on the proposal through an online survey that was posted on July 29 - September 4, 2020. It solicited 196 responses.

**NEXT STEPS**

If Council moves forward with Second Reading and scheduling a Public Hearing, the developer will hold a Public Information Meeting for interested community members before the Public Hearing is held.

Third Reading takes place after Public Hearing. Once this is completed, the Development Agreement will be finalized and registered and the Ministry of Transportation and Infrastructure is required to sign off the Zoning Amendment Bylaw, as the property is within 800-metres of the Highway.


After staff have received confirmation of the registration of the Development Agreement and

MOTI have approved the Bylaw, the Bylaws would come back to Council for the final reading/Adoption.

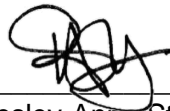
**Attachments**

- Attachment A – Revised Annotated Application
- Attachment B – *Official Community Plan Amendment Bylaw No. 985-29, 2022*
- Attachment C - *Zoning Amendment Bylaw No. 1065-65, 2022*
- Attachment D – CAC Letter
- Attachment E – Traffic Impact Study
- Attachment F – Terms Sheet

Respectfully Submitted,



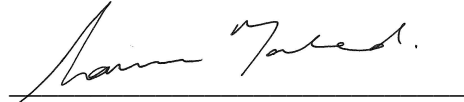
Katie Thomas  
Planner II



Lesley-Anne Staats, MCIP, RPP  
Director of Planning and Development Services

**CHIEF ADMINISTRATIVE OFFICER’S COMMENTS:**

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



Emanuel Machado  
Chief Administrative Officer