

To: Electoral Area Services Committee  
 From: Julie Mundy, Planning Technician

Date: 2020-01-14  
 File No: 3090-20 2019-32

**Subject: Application for Development Variance Permit 2019-32 to reduce the number of required on-site parking spaces at 126 First Avenue, Cultus Lake Park - Electoral Area H**

## RECOMMENDATION

**THAT** DVP 2019-32 for 126 First Ave, Cultus Lake Park be referred to the Cultus Lake Park Board for comments;

**AND THAT** upon receipt of comments from the Cultus Lake Park Board DVP 2019-32 be considered by Fraser Valley Regional District Board.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services  
 Support Healthy & Sustainable Community

## BACKGROUND

The lease holders of 126 First Ave have applied for a Development Variance Permit (DVP) to reduce the number of required on-site parking spaces as outlined in *Cultus Lake Park Zoning Bylaw No. 1375, 2016*. The bylaw requires two (2) on-site parking spaces to support a residential use. The applicant proposes zero (0) fully on-site parking spaces. The applicant applied for a similar DVP in August 2018, which was deferred until a residential parking study could be undertaken for the waterfront lots.

PROPERTY DETAILS			
<b>Electoral Area</b>	H (Cultus Lake Park)		
<b>Address</b>	126 First Avenue		
<b>PID</b>	n/a		
<b>Folio</b>	733.07001.126		
<b>Lot Size</b>	1375 ft <sup>2</sup>		
<b>Lease Holder</b>	Casey and Gail Smit	<b>Agent</b>	N/A
<b>Current Zoning</b>	R-3 (Waterfront Residential)	<b>Proposed Zoning</b>	No change
<b>Current OCP</b>	N/A	<b>Proposed OCP</b>	N/A

<b>Current Use</b>	Residential (Single Family Dwelling)	<b>Proposed Use</b>	No change
<b>Development Permit Areas</b>	N/A		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Waterfront Residential (R-3) / Residential
<b>East</b>	>	Urban Residential (R-2) / Residential
<b>West</b>	<	Cultus Lake
<b>South</b>	v	Waterfront Residential (R-3) / Residential

#### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

Fraser Valley Regional District administers the Cultus Lake Park Zoning Bylaw, which includes parking requirements, while the Cultus Lake Park Board regulates local roads, on-street parking, on-street parking permits, road maintenance, and a number of related functions.

During the establishment of the FVRD Cultus Lake Park Zoning Bylaw and with the support of the Cultus Lake Park Board, it was regulated that each lease lot must provide two (2) on-site parking spaces (a parallel parking space may use a portion of the road right-of-way). During the re-development of existing lease lots the opportunity arises to require two on-site parking spaces.

Land use patterns in Cultus Lake have developed, in part, by relying on street parking spaces. Roads are typically narrow. There are a variety of issues associated with on-street parking for waterfront lots including road safety for all road users; access for emergency and service vehicles; the use of public space for private vehicle storage; and others. The amount of on-street parking is limited in Cultus Lake Park and there is currently not enough on-street parking to accommodate all residential leaseholders and their guests.

Given the development history, and the interconnectedness of parking issues in the FVRD and Cultus Lake Park bylaws, it has become apparent that a collaborative solution for parking on waterfront lots has to be found that is supported by both agencies.

## Property History/Context

### Previous Variance Request – DVP 2018-26 – 126 First Ave

DVP 2018-26 to vary the on-site parking requirements from two (2) spaces to (0) spaces was considered at the September 5, 2018 Electoral Area Service Committee Meeting. The committee passed a motion to postpone consideration of DVP 2018-26 until Cultus Lake Park Board adopts a policy to address on-site parking. The applicants subsequently withdrew their DVP application.

### Current Building Permit

The applicants submitted plans to substantially renovate their house in June 2019. The intention was to retain 25% of the house so the works could utilize grandfathering provisions in the *Local Government Act*. With the proposed plan, the pre-existing parking use / configuration would be grandfathered, and would be permitted to continue without the need for a variance.

During construction, the entire structure was demolished with the exception of the foundation. The result is that grandfathering provisions for the parking use are no longer available. Subsequently, the structure must be considered a new build, and all zoning and parking regulations apply.

### **DVP 2019-32**

In light of the recent construction history, the lease holders have applied for a DVP to reduce the number of on-site parking spaces from two (2) to zero (0). This is the same variance request that was considered by EASC in September 2018. All parking spaces would be provided in a configuration where spaces are located partially on the property and partially on the Cultus Lake Park road right of way. The applicants propose to have 6 feet of parking on their property (the required setback for a house from the front property line), and 12 feet of parking on the road right of way.

### Application Rationale

The applicant advises the reasons to support the variance include:

- Three (3) existing parking spaces in front the property are partially on the property and partially on the road right-of-way. The spaces meet the required parking space length from the yellow line to the house
- Visitors to the lake would not park in front of the house (on the road right-of-way), so additional spaces will not be created
- First Avenue is a one-way street that poses no traffic issues or congestion at this location
- The zoning bylaw does not consider different size lots or street / lane access. Twenty-five (25) foot lots with one access are difficult to build on with the current parking requirements

- It is a hardship to give up lot space to park a vehicle. The parking requirements will take up 19.6% of the main floor area. Based on the last property assessment, the property value of 162 square feet (18 x 8) is \$180,655.
- The construction footprint is the same as in the submitted 'renovation' construction plans

#### Cultus Lake Advisory Planning Commission (APC)

The Cultus Lake APC met on December 18, 2019 to consider the reduced parking proposal, and recommended support for the variance for 126 First Ave. The Cultus Lake APC meeting minutes are attached as Appendix B. Comments were offered regarding:

- The need to have a consistent approach for parking that works for the community
- The need to ensure the roads can be used safely
- The unique circumstances of 126 First Ave. The Cultus Lake APC offered the opinion that the works at 126 First Ave are different from new construction and that the parking variance should be supported

#### New construction

Parking on-site is entirely possible, and new dwelling construction provides an opportunity for off-street spaces to be created. Staff estimate that approximately 160 square feet of dwelling area would be removed from the main floor to accommodate one 90 degree parking space and one 0 degree (parallel) parking space that utilizes part of the road right-of-way.

The construction plans show the residence to have approximately 1760 square feet of living space, plus a roof top patio and outdoor covered decks. Approximately 9.1% of the living space floor area would be lost to accommodate required on-site parking. This option would require the applicants to redesign their house.

#### Key Considerations and New Parking Study

First Avenue is a one-way road with a travelled road portion of approximately 16 feet. Most areas outside of the vehicle travelling area are used for residential parking. The road width raises concerns about:

- Road safety for a variety of users. Pedestrians, cyclists, and mobility scooters must travel in the portion of road intended for vehicles
- Suitable travel width for road. Cars appear to frequently park over the yellow line, in the travelled portion of the road, reducing road space
- Service Vehicle Access (garbage, snow removal, contractors, emergency vehicles)
  - Often garbage/ recycling containers are placed on the travelled portion of the road

The FVRD Board and the Cultus Lake Parks Board have indicated support for a parking study to inform a consistent approach for residential parking on waterfront lots in Cultus Lake. This study has been

included in draft 2020 budget and work plan for the Electoral Area Planning service. The study could look at parking alternatives, road safety, parking dimensions, and availability and demand.

### **Neighbourhood Notification and Input**

All lease holders within 30 metres of the property were notified by the FVRD of the Development Variance Permit application and were given the opportunity to provide written comments or to attend the Cultus Lake Park APC meeting to state their comments. FVRD staff encouraged the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. The FVRD received 41 letters of support from 36 distinct addresses prior to the Cultus Lake APC meeting.

### **COST**

The \$350 application fee has been paid by the applicant.

### **CONCLUSION**

FVRD staff recognize that parking issues at Cultus Lake are challenging. The Cultus Lake APC has recommended support for DVP 2019-32, and community support has been demonstrated by the 41 letters of support received.

The FVRD zoning bylaw requirement for on-site parking is an attempt to reduce safety concerns from narrow road ways, however, it may need amending to match the needs of the community. It is likely that trade-offs will need to be considered; for example, efforts to increase road safety may reduce the supply of on-street parking.

Both FVRD and CLPB have important roles in this. For that reason, staff recommend that the DVP application be referred to the Cultus Lake Park Board for comment on matters within the Park Board's before a decision on the DVP is made.

### **OPTIONS**

#### **Option 1 – Refer to Cultus Lake Park Board for comment (Staff recommendation)**

**THAT** DVP 2019-32 for 126 First Ave, Cultus Lake Park be referred to the Cultus Lake Park Board for a formal recommendation **AND THAT** the matter be considered by Fraser Valley Regional District Board.

#### **Option 2 – Defer consideration until a parking study is complete**

If the Board wishes to defer the application until a parking study is complete, the following motion would be appropriate:

MOTION: THAT the FVRD Board defer consideration of Development Variance Permit 2019-32 for the property at 126 First Ave, Cultus Lake, Electoral Area H until a parking study of waterfront lots in Cultus Lake Park is completed.

### **Option 3 – Refer to Staff**

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

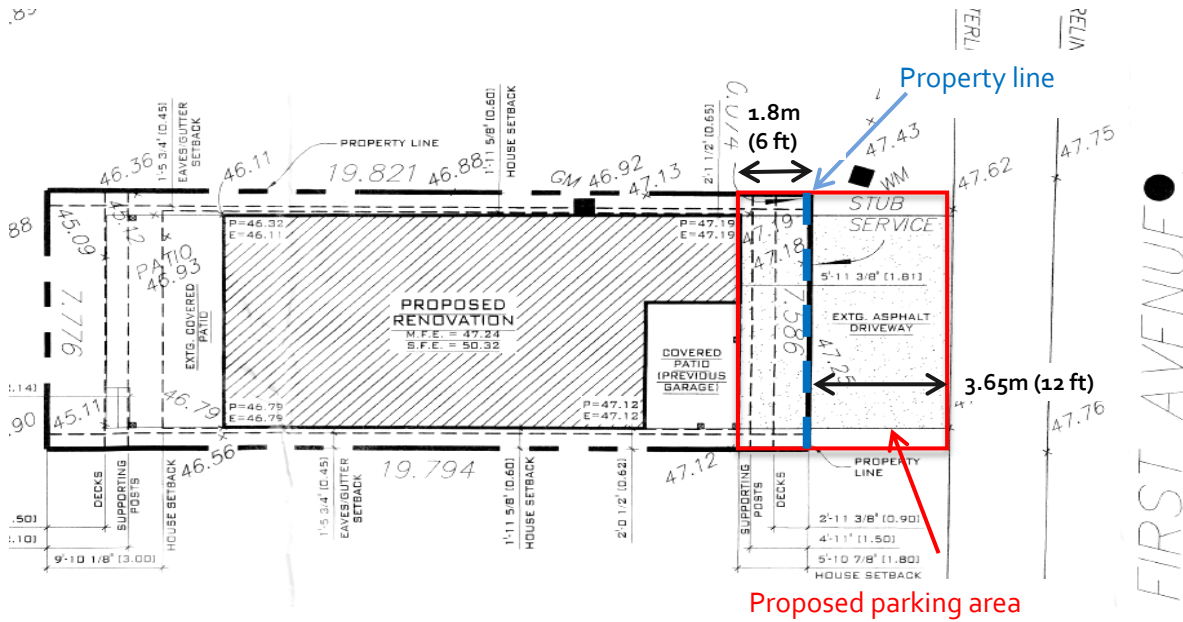
MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-32 for the property at 126 First Ave, Cultus Lake, Electoral Area H to FVRD Staff.

### **COMMENTS BY:**

<b>Graham Daneluz, Director of Planning &amp; Development:</b>	reviewed and supported
<b>Mike Veenbaas, Director of Financial Services:</b>	no further financial comments
<b>Jennifer Kinneman, Acting Chief Administrative Officer:</b>	Reviewed and supported.

## Appendix A –

### Site Plan





## Appendix B – Cultus Lake Park APC Minutes



### CULTUS LAKE ADVISORY PLANNING COMMISSION OPEN MEETING MINUTES

Wednesday, December 18, 2019  
12:00 pm  
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

#### **Present:**

Chair, Darcy Bauer  
Vice-Chair, Larry Payeur  
Commissioner, Joe Lamb  
Commissioner, David Renwick

#### **Regrets:**

Commissioner, Casey Smit

#### **Staff Present:**

Jennifer Kinneman, Acting CAO  
Graham Daneluz, Director of Planning and Development  
Julie Mundy, Planning Technician  
Kristin Webb, Planning Assistant

#### **Also Present:**

Director Taryn Dixon, Electoral Area H  
Gail Smit (Owner), with respect to Item 4.1  
Francis Wallace (Planning Consultant), with respect to Item 4.2  
Approximately twelve members of the public

#### **1. CALL TO ORDER**

Chair Bauer called the meeting to order at 12:03 p.m.

#### **2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS**

Moved By PAYEUR  
Seconded By LAMB

**THAT** the Agenda, Addenda and Late Items for the Cultus Lake Advisory Planning Commission Meeting of December 18, 2019 be approved;

**AND THAT** all delegations, reports, correspondence and other information set to the Agenda be received for information.

**CARRIED**

**3. MINUTES/MATTERS ARISING**

**3.1 Cultus Lake Advisory Planning Commission - August 21, 2019**

Moved By PAYEUR  
Seconded By RENWICK

**THAT** the Minutes of the Cultus Lake Advisory Planning Commission of August 21, 2019 be adopted.

**CARRIED**

**4. NEW BUSINESS**

**4.1 Application for Development Variance Permit 2019-32 to vary parking regulations - 126 First Avenue**

Discussion ensued regarding the width of the travelled portion of the road and road right-of-way, the size of the lot, and the definition of "renovation." Non-conforming regulations from *The Local Government Act* were discussed and confirmation was received that the footprint of the building was to remain the same. Conversation amongst the Commissioners regarding finding a consistent approach for parking in the community that works for their unique circumstances; particularly for the "waterfront lots."

Moved By PAYEUR  
Seconded By LAMB

**THAT** the Cultus Lake Advisory Planning Commission support Development Variance Permit 2019-32 for 126 First Avenue, Cultus Lake, to waive the requirement for on-site parking from two (2) spaces to zero (0) spaces; resulting in no on-site parking. Parking would be located in the non-travelled portion of the road.

**CARRIED**

**4.2 Application for Development Variance Permit 2019-17 - 155 First Avenue**

Discussion ensued regarding liability for approving a reduction of the Flood Construction Level (FCL) and whether "water proofing" a basement would be an acceptable alternative. The property owner's Planning Consultant gave a quick presentation of their case. Commissioners discussed the need for a future parking study and asked if FVRD staff would be available to attend a January Park Board meeting. Commissioners were all in favour of deferring the three proposed variance requests contained within the application.

Moved By LAMB  
Seconded By PAYEUR

**THAT** the Cultus Lake Advisory Planning Commission defer Development Variance Permit 2019-17.

**CARRIED**

**5. ADJOURNMENT**

Moved By PAYEUR  
Seconded By RENWICK

**THAT** the Cultus Lake Advisory Planning Commission Meeting of December 18, 2019 be adjourned.

**CARRIED**

The Cultus Lake Planning Advisory Commission Meeting adjourned at 1:47 p.m.

MINUTES CERTIFIED CORRECT:

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Darcy Bauer, Chair