

To: Electoral Area Services Committee

Date: 2020-01-14

From: Graham Daneluz, Director of Planning & Development

File No: 3090-20-2019-17

Subject: Development Variance Permit 2019-17 for 155 First Ave, Cultus Lake Park, Area H

RECOMMENDATION

THAT DVP 2019-17 for the property at 155 First Ave, Cultus Lake, Area H be referred to the Cultus Lake Park Board for comments respecting on-street parking;

AND THAT upon receipt of comments from the Cultus Lake Park Board DVP 2019-17 be considered by Fraser Valley Regional District Board.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services
Support Healthy & Sustainable Community

PRIORITIES

Priority #3 Flood Protection & Management

BACKGROUND

The residential lease lot at 155 First Avenue in Cultus Lake Park is 24.88 feet wide, 65 feet long and 0.037 acres in area. It borders Cultus Lake to the west and First Avenue to the east. It is a small lot consistent in layout with others on its block that were originally created for seasonal cottage use. Details of the property are provided in the table below.

The leaseholders proposes to build a new single family dwelling with a basement and two storeys. The dwelling would have a footprint of 825 sq. ft. (76.6 m²) and a total floor area of 2530 sq. ft. (235 m²). It would cover 51% of the lot.

They have applied for a Development Variance Permit to:

1. reduce to required off-street parking spaces from two to zero to allow residential parking primarily within the road allowance;
2. reduce the minimum building elevation from 45.50 metres GSC to 44.55 metres GSC; and,
3. reduce the rear lot line setback from 3.0 metres to 0.3 metres for a portion of the basement foundation walls.

The application and related information provided by the applicant is included in Attachment 1.

PROPERTY DETAILS			
Electoral Area	H		
Address	155 First Avenue		
PID	n/a		
Folio	733.07001.155		
Lot Size	24.88 ft. x 65 ft. = 1617 ft ² (approx.)		
Owner	Gwyllyn Goddard	Agent	Wood Tiger Adv.
Current Zoning	Waterfront Residential	Proposed Zoning	No change
Current OCP	n/a	Proposed OCP	No change
Current Use	Residential	Proposed Use	No change
Development Permit Areas	RAR		
Hazards	potential flooding from Cultus Lake; overland storm flows		
Agricultural Land Reserve	no		

ADJACENT ZONING & LAND USES		
North	^	Waterfront Residential (R-3), Single Family Home
East	>	Urban Residential (R-2), Single Family Home
West	<	Local Park & Recreation (P-1), Single Family Home
South	v	Waterfront Residential (R-3), Single Family Home

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Many of the lease lots in Cultus Lake Park were laid out between 1928 and 1936. The small 25 by 65 feet lots along First Avenue – a narrow 40 feet wide roadway – were suited to modest seasonal cottages. In contrast, urban residential lots set out in Chilliwack in the same era tend to be roughly twice the size - 60 feet by 120 feet – and they fronted on roads typically 66 feet wide.

The small cottage lots of Cultus Lake Park are under immense pressure today. Most are now primary year-round residences. The amenity and recreational value of Cultus Lake, and the charm of the park community, has pushed the assessed land value of these lots to almost \$1,000,000 (2019). The expectations of leaseholders have risen proportionally. New homes in Cultus Lake Park maximize floor area and push against setbacks and building regulations in all dimensions.

The capacity of the lots and the road infrastructure to support the increased intensity and scale of use is strained. The proposed variances are symptomatic of this tension associated with the transition in use from small seasonal cottage lots to year-round modern 'executive-style' houses.

Parking

Cultus Lake Park Zoning Bylaw No. 1375 requires two off-street parking spaces on lots within the Waterfront Residential (R-3) zone.

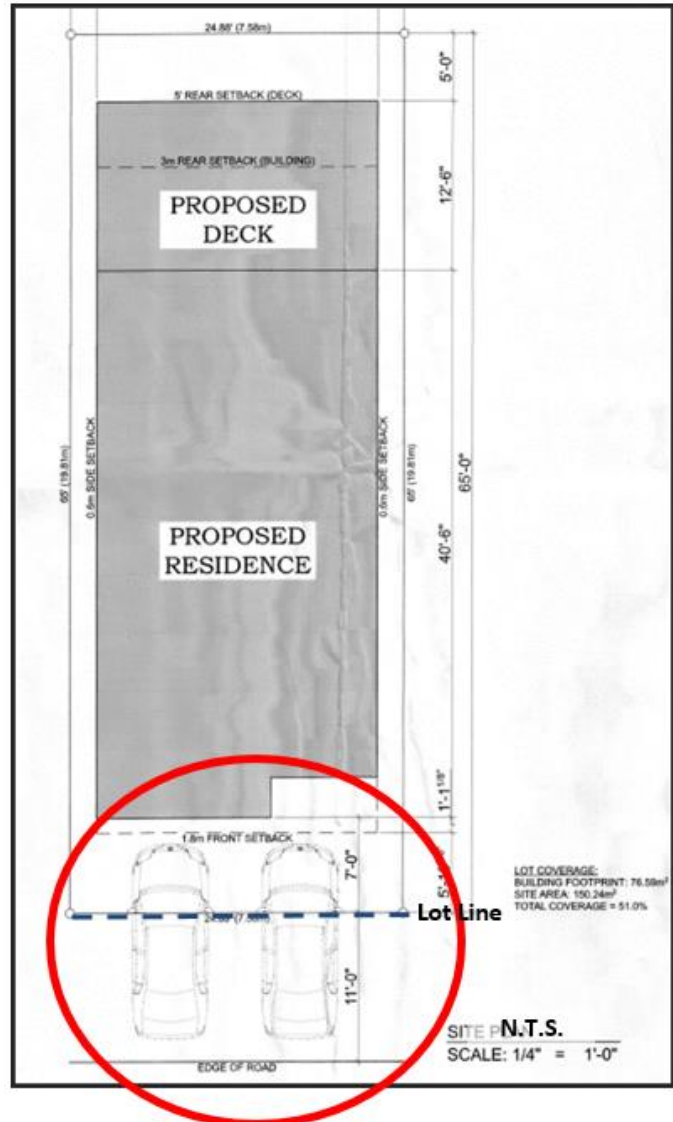
The bylaw allows vehicles using parallel parking spaces to use a portion of the road width. However, the vehicle must be able to park entirely outside the travel lane delineated by the yellow lines painted on the road surface.

The applicant has requested a variance to reduce the number of off-street parking spaces from two to zero to allow the parking configuration shown at right. The proposed parking spaces would be oriented 90 degrees (perpendicular) to the road. They would extend 11 feet into the road allowance, but not into the travelled portion of the road, as shown below.

The applicant provides the following reasons in support of the variance:

- The small lot provides a limited building footprint relative to larger lots in the park;
- Providing two off-street parking spaces would unreasonably reduce useable space on the main floor of the home; and,
- Vehicle parking within the footprint of the home may lead to exposure of occupants to carcinogenic vehicle emissions.

Certainly, the size of the lots and the lack of rear lane access create challenges for providing off-street parking within lease lots. Trade-offs between building area and parking are inherent. Land use patterns in Cultus Lake have developed, in part, by relying on street parking spaces. For these reasons, neighbours seem to support the requested parking variances. The applicant



provided ten letters of support from nearby lease holders. A similar parking variance on First Avenue also attracted strong support from neighbours. It appears that the community generally accepts that residential parking needs will be met within the road allowance on First Avenue.

Nevertheless, there are a variety of issues associated with reliance on on-street parking. 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 relatively narrow road width raises concerns about:

- Road safety for a variety of users; if road shoulders are entirely used for parking 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 capacity;
- Service Vehicle Access (garbage, snow removal, contractors, emergency vehicles); often garbage/ recycling containers are placed on the travelled portion of the road; and,
- Space available for on-street parking will not meet the long-term demand for resident and guest parking.

Redevelopment provides an opportunity to reduce reliance on on-street parking. It is possible for the leaseholder to provide off-street parking spaces and meet the requirements of the zoning bylaw.

The FVRD zoning bylaw requirement for off-street parking is an attempt to address the concerns associated with narrow roads and extensive on-street parking. 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.

FVRD and Cultus Lake Park Board (CLPB) have important roles in this. FVRD regulates land use through zoning. CLPB is responsible for local roads, on-street parking, on-street parking permits, road maintenance, snow clearing and a number of related functions. 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 jurisdiction before a decision on the parking variance is made.

Both organizations have indicated support for a parking study to inform a consistent approach for residential parking on waterfront lots in Cultus Lake. In September, 2019, the FVRD Board passed the following resolutions:

THAT the Fraser Valley Regional District Board direct staff to conduct a parking study of waterfront lots in Cultus Lake Park to develop a consistent approach for off-street residential parking;

AND FURTHER THAT the Fraser Valley Regional District Board defer any future development variance permit applications for off-street parking variances until a parking study of waterfront lots in Cultus Lake Park is completed.

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.

Minimum Building Elevation

Cultus Lake Park Zoning Bylaw No. 1375 sets out a minimum building elevation of 45.5 metres GSC for single family dwellings. This minimum elevation is intended to ensure that homes are protected from flooding and high ground water associated with 1:200 year lake water levels.

The leaseholder has requested a variance to reduce the minimum building elevation from 45.5 m to 44.55 meters to facilitate a construction of a residence with a below-grade basement and two storeys. The rationale provided by the applicant is that the extra depth will allow construction of a full height basement to increase living and storage area.

In support of this variance, the applicant has submitted:

- A letter by Out of the Box Engineering supporting a flood construction level of 45.5 m GSC and a lower basement elevation within a water-proofed structure; and,
- A report by Madrone Environmental Services LTD identifying a 1:40-1:200 flood hazard and recommending:
 - o A flood construction level of 45.5 m GSC;
 - o Any development below the FCL be designed and signed off by a qualified engineering professional to be geotechnically and structurally engineered to be waterproof; and,
 - o Grading away from the development to an elevation of 45.8 m GSC.

These reports are included as Attachment 2.

The FVRD Hazard Acceptability Thresholds for Development Approvals policy stipulates that new buildings subject to flood hazards with a probability of occurrence of 1:40 to 1:200 are approvable with protective works to mitigate the hazard.

The applicant proposes to provide mitigate in the form of a waterproof foundation. No designs or engineering certifications have been provided regarding the effectiveness of the proposed foundation. While some homes in the park have used this mitigation strategy, it is not a widely accepted practice. The Province of BC *Flood Hazard Area Land Use Management Guidelines* recommends that, “areas used for habitation, business, or storage of goods damageable by floodwaters should be constructed within any building at an elevation such that the underside of the floor system thereof is not lower than the designated flood level.” This is consistent with the flood mitigation strategy set out in *FVRD Floodplain Management Bylaw No. 0681* and policies in Electoral Area official community plans.

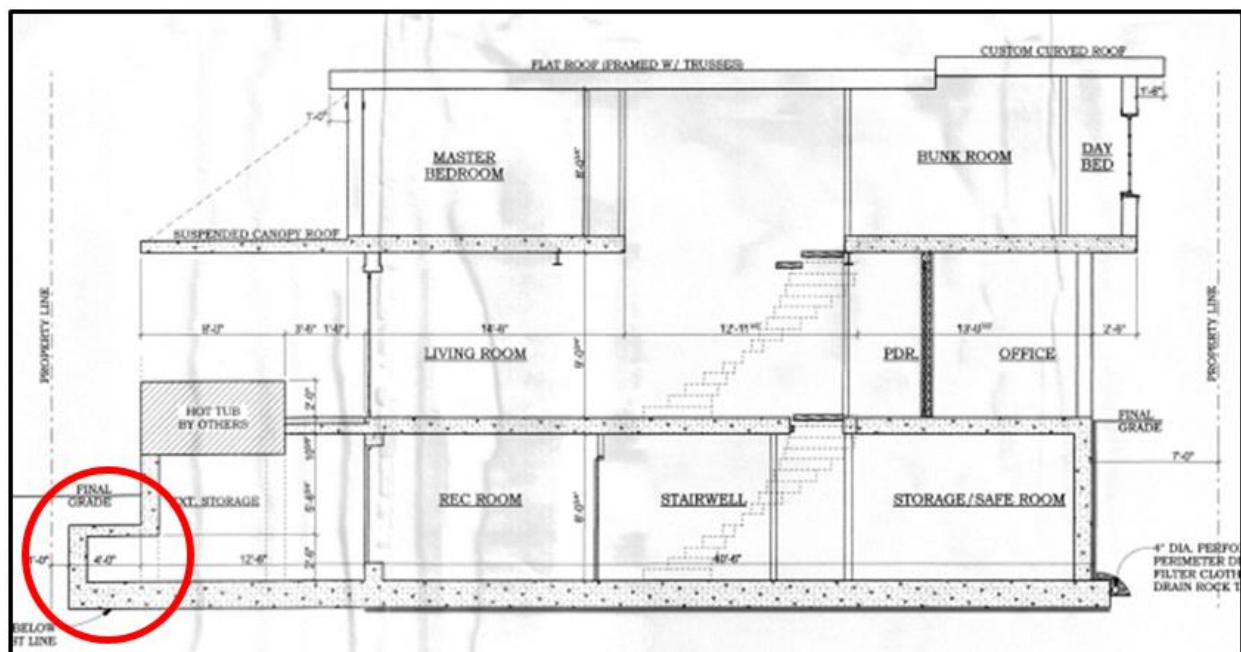
Where local governments are considering a site-specific request to lower the minimum building elevations, or flood construction levels, the provincial guidelines state:

- The local government may alter a bylaw condition to best match the flood hazard provided the level of protection is not altered. This discretion extends to the reduction of elevation requirements, where flood plain mapping exists, by the freeboard (0.6 m).
- In order to avoid setting difficult precedents these site characteristics should be unique to the subject property and environs. The economic circumstances or design and siting preferences of the owner should not be considered as grounds for hardship.

This variance is inconsistent with provincial guidelines and FVRD policies. The submitted reports do not contain hydrological analysis and don't appear to meet the professional practice guidelines prepared by the Engineers and Geoscientists of BC for *Legislated Flood Assessments in a Changing Climate in BC* (the standard for flood hazard report in BC). Furthermore, the proposed mitigation measures are inconsistent with provincial guidelines and no design or engineering certification has been provided to assure their suitability and effectiveness.

Rear Setback

Cultus Lake Park Zoning Bylaw No. 1375 requires that the dwelling be setback at least 3.0 metres from the rear lot line. The applicant proposes to construct a 'bump out' in the foundation forming the basement wall to provide below-grade storage area for a generator (as shown below) and has requested a reduction in the setback to 0.3 meters to facilitate it.



The applicant feels that accessible, out-of-sight underground storage for a generator is required due to the frequency of power outages at Cultus Lake.

This intent can be achieved with a stand-alone in-ground storage structure not connected to the foundation or floor area of the dwelling. In-ground structures are required to be setback only 0.3

metres from all property lines whereas single family dwellings must be setback 3.0 m from the rear property line. No variance would be needed for a stand-alone in-ground generator storage area.

The constant pressure to maximize building dimensions on small lots in Cultus Lake Park creates large challenges for maintaining minimum development standards, such as setbacks, that are intended to support community safety and amenity. As there is an alternative for locating a generator on the lot in a manner that meets many of the applicants objectives, the variance seems to be unnecessary.

Cultus Lake Advisory Planning Commission

The Development Variance Permit application was consider by the Cultus Lake Advisory Planning Commission (APC) on December 15, 2019. The APC recommended that the application be deferred.

CONCLUSION

Staff recommend that the DVP application be referred to the Cultus Lake Park Board for comment on-street parking which is within the jurisdiction of the CLPB. Once comment has been received from the Park Board, the DVP application should be considered by the FVRD Board.

OPTIONS

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

MOTION: THAT DVP 2019-17 for the property at 155 First Ave, Cultus Lake, Area H be referred to the Cultus Lake Park Board for a comments respecting on-street parking; AND THAT upon receipt of comments from the Cultus Lake Park Board DVP 2019-17 be considered by Fraser Valley Regional District Board.

Option 2 – Defer consideration until a parking study is complete

If the Board wishes to defer consideration of 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 2019-17 for the property at 155 First Ave, Cultus Lake, Area H until a parking study of waterfront lots in Cultus Lake Park is completed and appropriate flood levels are assessed.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff for further work with the applicant, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-17 for the property at 155 First Ave, Cultus Lake, Area H to FVRD Staff for

further work with the applicant to address concerns notes in the Corporate Report dated 2020-01-14.

COST

The Development Variance Permit application fee of \$350.00 was paid by the applicant.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

No further financial comments.

Jennifer Kinneman, Acting Chief Administrative Officer

Reviewed and supported.