

To: Fraser Valley Regional District Board

Date: 2020-01-28

From: Graham Daneluz, Director of Planning & Development

File No: 3090-20-2019-17

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

---

### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board consider the comments received from Cultus Lake Park Board regarding Development Variance Permit 2019-17 for 155 First Avenue, Cultus Lake Park, Area H;

**AND THAT** the Fraser Valley Regional District Board refuse to reduce the minimum building elevation and refuse to reduce the rear lot line setback as requested in the application for Development Variance Permit 2019-17 for 155 First Avenue, Cultus Lake Park, Area H;

**AND FURTHER THAT** the Fraser Valley Regional District Board consider the following options regarding the off-street parking variance requested in the application for Development Variance Permit 2019-27:

Option 1: ISSUE	THAT the FVRD Board issue only the parking variance requested in the application for DVP 2019-17 for 155 First Avenue, Area H
Option 2: REFUSE	THAT the FVRD Board refuse the parking variance requested in the application for DVP 2019-17 for 155 First Avenue, Area H
Option 2: DEFER	THAT the FVRD Board defer consideration of the parking variance requested in the application for DVP 2019-17 for 155 First Avenue, Area H

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### 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.

The leaseholders of 155 First Avenue, Cultus Lake Park propose to build a new single family dwelling with a basement and two storeys. 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.

Details of the application are provided in the Corporate Report dated January 14, 2020 included here as Attachment 1.

### **FVRD Board Resolution – Parking Variances**

In September, 2019, the FVRD Board passed the following resolutions regarding parking variances in Cultus Lake Park:

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.

### **Cultus Lake Advisory Planning Commission**

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

### **Cultus Lake Park Board**

The proposed parking variance would reduce parking within the residential lease lot and increase reliance on parking within the First Avenue roadway. The CLPB is responsible for roadways within the Park, including on-street parking. Accordingly, the Development Variance Permit application was referred to the Cultus Lake Park Board (CLPB) for comment. At the January 15, 2020 meeting, the CLPB resolved that the parking variance for 155 First Avenue be deferred pending review of parking on waterfront properties in Cultus Lake Park. Comments from the CLPB are attached as Attachment 2.

## **DISCUSSION**

More detailed analysis of the proposed variances is provided in the Corporate Report dated January 14, 2020 included as Attachment 1. The following comments highlight main issues.

## **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 45.5 m elevation in the bylaw already represents a 1 m reduction in the flood construction level recommended by the Ministry of Environment. The applicant requests a further reduction to 44.55 meters and proposes a waterproof foundation to mitigate the flood and groundwater risk.

The requested variance is inconsistent with provincial guidelines and FVRD policies. The submitted reports do not contain hydrological analysis of flood levels. The proposed mitigation measures are inconsistent with provincial guidelines and no design or engineering certification has been provided to assure their suitability and effectiveness.

Reducing flood protection standards contrary to FVRD and policy would expose FVRD to liability for future flood damages should they occur.

For these reasons, staff do not support the requested variance to reduce the minimum building elevation.

## **Rear Setback**

The applicant proposes to construct a 'bump out' in the foundation forming the basement wall to provide below-grade storage area for a generator and has requested a reduction in the rear setback from 3.0 m to 0.3 m to facilitate it.

The storage area would not meet the minimum building elevation outlined above. Furthermore, below grade storage for a generator could likely 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; no setback variance would be required.

For these reasons, staff do not support the requested variance.

## **Parking**

The FVRD zoning bylaw requirement for off-street parking is an attempt to address 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. A study of parking for waterfront lots is needed to identify a safe, practical and consistent approach.

Both 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. Both organizations have expressed support for a parking study and for deferring one-off parking variances until the study is complete.

## **COST**

The Development Variance Permit application fee of \$350.<sup>00</sup> was paid by the applicant.

## **CONCLUSION**

### **Building Elevation & Setback Variances**

For the reasons described above, staff recommend that that the requested minimum building elevation and setback variances be refused.

### **Parking Variance**

The Regional Board may wish to consider the following options regarding the off-street parking variance requested in the application for Development Variance Permit 2019-27:

- |                  |   |
|------------------|---|
| Option 1: ISSUE  | THAT the FVRD Board issue only the parking variance requested in the application for DVP 2019-17 for 155 First Avenue, Area H             |
| Option 2: REFUSE | THAT the FVRD Board refuse the parking variance requested in the application for DVP 2019-17 for 155 First Avenue, Area H                 |
| Option 2: DEFER  | THAT the FVRD Board defer consideration of the parking variance requested in the application for DVP 2019-17 for 155 First Avenue, Area H |

## **COMMENTS BY:**

### **Mike Veenbaas, Director of Financial Services**

No further financial comments.

### **Jennifer Kinneman, Acting Chief Administrative Officer**

Reviewed and supported.