



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: December 15, 2020
REPORT: 20-125
FROM: Resort Experience
FILE: SEC00030
SUBJECT: SEC00030 – 7413 AMBASSADOR CRESCENT FLOOD PROOFING EXEMPTION

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council grant an exemption in accordance with Section 524 of the *Local Government Act* – “Requirements in Relation to Flood Plain Areas,” to permit habitable use of the existing basement level below the required flood control elevation specified in “Zoning and Parking Bylaw No. 303, 2015” as shown in Architectural Plans A-01, A-02, A-03, A-04 dated December 4, 2020 and A-05, A-06 dated December 20, 2017 prepared by Progressive Concept Design, attached as Appendix “B” to Administrative Report No. 20-125 and subject to registration of a Section 219 covenant indemnifying the Municipality and attaching the geotechnical report prepared by EXP Services Inc., dated December 9, 2020, confirming that the building location and design are safe for the intended residential use.

REFERENCES

Location: 7413 Ambassador Crescent
Legal: Lot 14 Block J District Lot 4753 Plan 13555
Owner: Last, Timothy Philip
Zoning: RS1 (Single Family Residential One)

Appendix “A” – Location Plan

Appendix “B” – Architectural Plans

PURPOSE OF REPORT

The purpose of this Report is to request Council's consideration of a flood proofing exemption to permit habitable use of the existing basement level of the existing dwelling at 7413 Ambassador Crescent consistent with the geotechnical report from EXP Services Inc., dated December 9, 2020, which confirms that the building location and design are safe for the intended residential use.

Council has the authority to exempt a parcel from flood proofing requirements enacted by bylaw under Section 524 of the *Local Government Act* provided a report prepared by a professional geotechnical engineer or geoscientist is received stating that the land may be used safely for the use intended.

DISCUSSION

7413 Ambassador Crescent is a corner parcel located on the southwest side of the junction of Ambassador Crescent and Nancy Greene Drive.

The existing dwelling on the lands was constructed in 1978 under Building Permit W-67-78. The parcel slopes downward from Ambassador Crescent, and the existing dwelling was constructed with a walk-out basement level. In 2017, the owners applied for a Building Permit (BP004165) for renovations to the existing dwelling, including authorizing a suite on the basement level and building additions. As the Municipality’s flood proofing regulations had changed since the original build in 1978, an exemption to the flood proofing requirements in Part 5 of “Zoning and Parking Bylaw No. 303, 2015” was required prior to issuance of BP004165.

On April 24, 2018, Council considered and approved a flood proofing exemption for the scope of the renovations included in BP004165, and BP004165 was subsequently issued. The recommendations contained in the report prepared by EXP Services Inc., dated December 18, 2017, supporting the 2018 flood proofing exemption required that the existing basement areas were to be sealed from water penetration, including installation of flood-proof doors.

The owners have since communicated to the Municipality that it is difficult to source flood proof doors, and a revised geotechnical report prepared by EXP Services Inc. and dated December 9, 2020 has been received to address this matter. EXP personnel performed further site reconnaissance, topography review and Zoning Bylaw 303 flood proofing regulation review to support their recommendation that the flood proofing of the site as completed meets the intent of “Zoning and Parking Bylaw No. 303, 2015.” The basis for the exemption is EXP’s opinion that the current lot grading and building elevations will satisfy the functional requirements of the flood proofing covenant. EXP maintains that the lands may be used safely for the intended residential use without the use of flood proof doors.

The property is located within Area “A” of the mapped flood proofing area for White Gold as illustrated on Schedule “C” of “Zoning and Parking Bylaw No. 303, 2015”. The applicable bylaw regulation and specific exemption is summarized in the accompanying table.

Bylaw Section	Regulation	Proposed per EXP Geotechnical
5.4 (1) (e) (iii)	No building shall be constructed with the underside of a wooden floor system or top of concrete slab lower than 1 metre above the finished grade surrounding the building, 0.6 metres above the elevation of Fitzsimmons Road or Tony Sailer Lane, whichever is closer, or 0.6 metres above the lowest crown elevation of Nancy Greene Drive, whichever is highest, on lands which lie within Area “A” outlined on Schedule “C”.	<p>EXP’s review of the relevant elevations indicates that the highest floor elevation that needs to be met by the regulation is the “1 metre above finish grade surrounding the building” requirement.</p> <p>The EXP report identifies that the development is 1.46 metres above the lowest crown elevation of Nancy Greene Drive (the applicable street with the highest of the lowest crown elevation), exceeding the bylaw requirement by 0.86 metres.</p> <p>EXP notes that the basement level is less than 1 metre above the finished grade surrounding the building and confirms that the lands may be used safely for the intended residential use without the use of flood proof doors.</p>

Staff have reviewed the report prepared by EXP Services Inc., and have performed a site visit with the Building Inspector, who has authority under S. 56 of the *Community Charter* to require a flood proofing report prior to issuance of a Building Permit. The report addresses the municipality's flood proofing regulations and confirms that the building location and design are safe for the intended residential use. Subject to Council approval, the EXP report will be registered on title of the property, by way of a Section 219 covenant, that also indemnifies the Municipality from any loss or damages, as per the staff recommendation to Council.

OTHER POLICY CONSIDERATIONS

Official Community Plan Bylaw 2199, 2018

The recommended resolution included within this report is consistent with the goals, objectives and policies included within "OCP Bylaw 2199, 2018". A Development Permit is not required.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RS1 (Single Family Residential One). Apart from the flood proofing exemption addressed in this Report, all other aspects of the proposed development comply with the regulations of "Zoning and Parking Bylaw No. 303, 2015." A Development Variance Permit (DVP001146) has previously been issued for a south (rear) setback variance from 7.6 metres to 2.7 metres for the existing detached dwelling.

BUDGET CONSIDERATIONS

The municipality's direct costs of processing and reviewing these applications are covered through applicable application fees.

COMMUNITY ENGAGEMENT AND CONSULTATION

None required.

SUMMARY

This Report seeks Council's consideration to grant a flood proofing exemption for the existing dwelling at 7413 Ambassador Crescent. Per the requirements of Section 524 of the *Local Government Act*, a report prepared by a professional geotechnical engineer has been submitted in support of this application confirming the existing building is safe for the residential use.

Respectfully submitted,

Brook McCrady
PLANNING ANALYST

for

Mike Kirkegaard
DIRECTOR OF PLANNING

for

Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE