



Committee of the Whole Report For the Meeting of October 14, 2021

To: Committee of the Whole **Date:** September 29, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00769 for 941 Fullerton Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00769 for 941 Fullerton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 941 Fullerton Avenue. The proposal is to rezone from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to a site-specific zone to legalize the existing secondary suite.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development, as described in the *Official Community Plan, 2012 (OCP)*
- the proposal is consistent with the *Victoria West Neighbourhood Plan* which envisions secondary suites on small lot properties.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property at 941 Fullerton Avenue from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to a site-specific zone in order to legalize the existing secondary suite.

Affordable Housing

The applicant proposes the legalization of an existing secondary suite which would not increase the overall supply of housing in the area but would improve the safety and security for future tenants.

Tenant Assistance Policy

The existing suite is currently vacant and therefore a Tenant Assistance Plan is not required.

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Land Use Context

The area is characterized by low density residential development, including single family dwellings and duplexes.

Existing Site Development and Development Potential

The site is presently a single-family dwelling with an illegal secondary suite. Under the current R1-S2 Zone, the property could be developed with only a single-family dwelling.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify a legal non-conforming condition.

Zoning Criteria	Proposal	Existing Zone
Site area (m ²) – minimum	330	260
Density (Floor Space Ratio) – maximum	0.55	0.6
Total floor area (m ²) – maximum	180	190

Zoning Criteria	Proposal	Existing Zone
Lot width (m) – minimum	18.20	10
Height (m) – maximum	7.15	7.5
Storeys – maximum	3 **	2
Site coverage (%) – maximum	46.97 *	40
Secondary Suite	Yes *	Not Permitted
Setbacks (m) – minimum		
Front (Fullerton Ave)	3.53 ** (cantilever) 2.32 ** (porch)	6.0
Rear (east)	2.83 * (deck)	6.0
Side (north)	2.34 **	2.4
Side (south)	1.79 *	2.4
Parking – minimum	1	1

Relevant History

The number of storeys, front yard setback and north side yard setback were previously approved by Council in 1999 through a small lot rezoning application and are therefore existing legally non-conforming conditions. The site coverage, rear yard setback and south side yard setback were altered through a deck addition and the secondary suite change of use after the small lot rezoning from 1999, and therefore trigger new variances or new regulations within a site-specific zone.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Victoria West CALUC, who waived the requirement for a Community Meeting.

ANALYSIS

Official Community Plan

The property is located within the Traditional Residential Urban Place Designation of the *Official Community Plan*, which envisions ground-oriented housing including small lots and secondary suites.

Victoria West Neighbourhood Plan

The property is located within the Northwest Sub-Area of the Traditional Residential designation in the *Victoria West Neighbourhood Plan*. This designation supports small lots with secondary suites.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts and there are no impacts to public trees with this application.

Regulatory Considerations

The existing house on the property was constructed in 1912 and has since had an addition to the deck and a change of use for a secondary suite in the basement, both completed without permits. As such, the setbacks for the south side yard and rear yard as well as the site coverage do not meet the requirements within the R1-S2 Zone. Staff recommend enshrining these setbacks within the new site-specific zone for buildings constructed prior to 1950. The existing building would therefore not require variances, but any new structures would be required to conform to the standard setbacks in the R1-S2 Zone or apply to Council for a variance.

CONCLUSIONS

The proposal to rezone the property at 941 Fullerton Avenue to permit a secondary suite within a small lot house is consistent with Traditional Residential designation in both the OCP and the *Victoria West Neighbourhood Plan*. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00769 for the property located at 941 Fullerton Avenue.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 15, 2021
- Attachment D: Letter from applicant to Mayor and Council submitted March 16, 2021
- Attachment E: Letter from the Victoria West Community Association Land Use Committee dated February 23, 2021
- Attachment F: Correspondence.