

**F.1.a.c Rezoning Application No. 00769 for 941 Fullerton Avenue
(Victoria West)**

Moved By Councillor Potts

Seconded By Councillor Alto

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.

CARRIED UNANIMOUSLY

G.2 941 Fullerton Avenue: Rezoning Application No. 00769 (Victoria West)

Council received a report dated September 29, 2021 from the Director of Sustainable Planning and Community Development regarding information, analysis and recommendations for a Rezoning Application for the property located at 941 Fullerton Avenue in order to rezone the property to a site-specific zone to legalize the existing secondary suite, and recommending that it move forward to a Public Hearing.

Committee discussed the following:

- *That the applicant was not interested in pursuing a heritage designation*

Moved By Councillor Alto

Seconded By Councillor Loveday

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.

CARRIED UNANIMOUSLY



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 Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

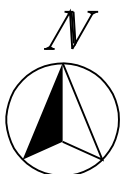
List of Attachments

- 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.



941 Fullerton Avenue
Rezoning No.00769





941 Fullerton Avenue
Rezoning No.00769



SITE PLAN OF LOT A, SECTION 31, ESQUIMALT DISTRICT, PLAN VIP69070.

BCGS MAP SHEET 92B.044



The intended plot size of this plan is 559mm in width by 432mm in height (C-Size) when plotted at a scale of 1:100.

All distances are in metres and decimals thereof, unless otherwise noted.

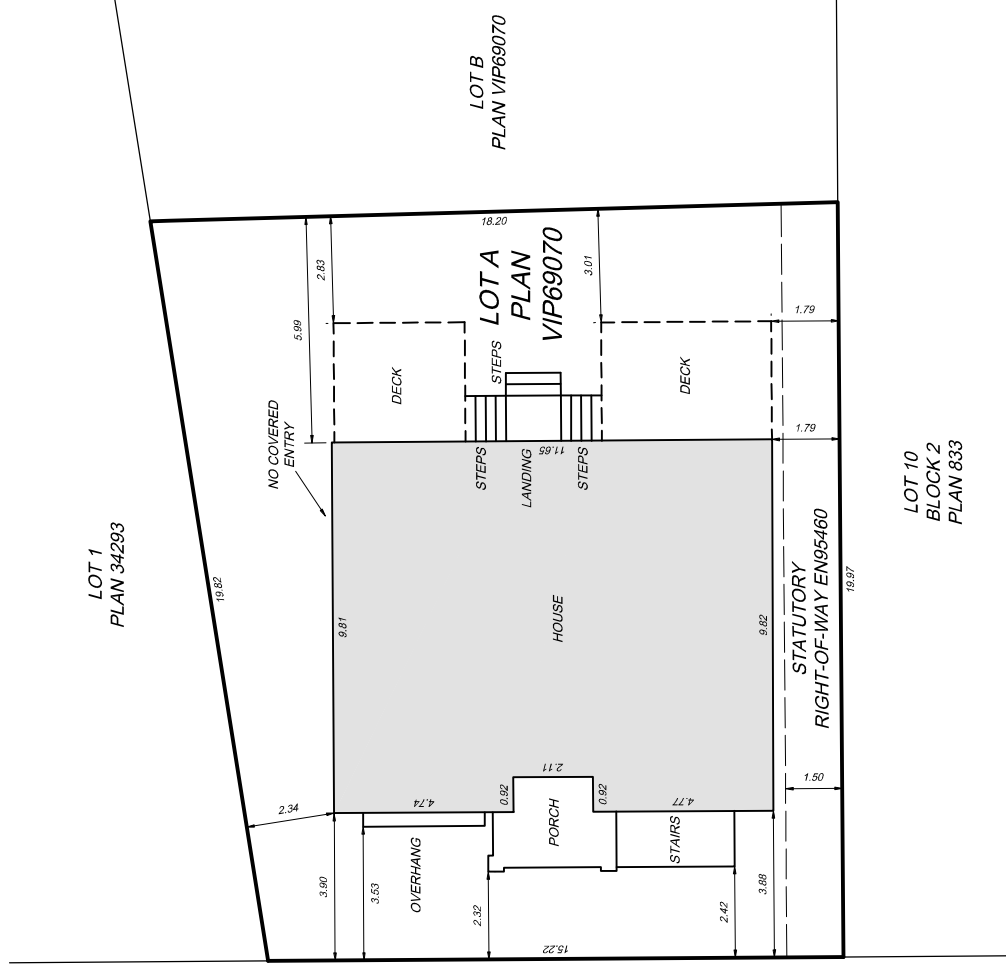
Selbacks are derived from field survey completed on August 27, 2021, and are measured from siding.

The civic address of the building is:
941 Fullerton Avenue, Victoria, BC

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

117596G - Undersurface Rights
EN95460 - Statutory Right of Way

FULLERTON AVENUE



This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners.

Polaris Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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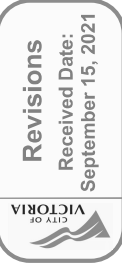


Mailing & delivery address:
Suite 138 1634C Oak Bay Avenue
Victoria, BC, V8R 0A4
Toll Free: (877) 603 7398
Telephone: (250) 412 3513
info@plsi.ca
www.plsi.ca

Certified Correct

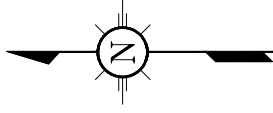
Digitally signed by
Alexander Gorelik 3dM3C4
DN: cn=Alexander Gorelik, o=PLS, ou=BC, email=agorelik@plsi.ca, c=CA
~0700

Alexander Gorelik, BCLS 950
This document is not valid unless digitally signed.



Date: 2021-09-07
File: 2689-01
Drawing: 2689-01-SITE.dwg
Layout: C-Size

ATTACHMENT C



Helen Rogers

941 Fullerton Ave, Victoria, BC

TOTAL AREA: 271.43 m² • LIVING AREA: 146.88 m² • FLOORS: 3 • ROOMS: 10

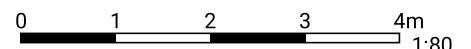


▼ Basement

TOTAL AREA: 124.56 m² • LIVING AREA: 0.00 m² • ROOMS: 4



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Helen Rogers

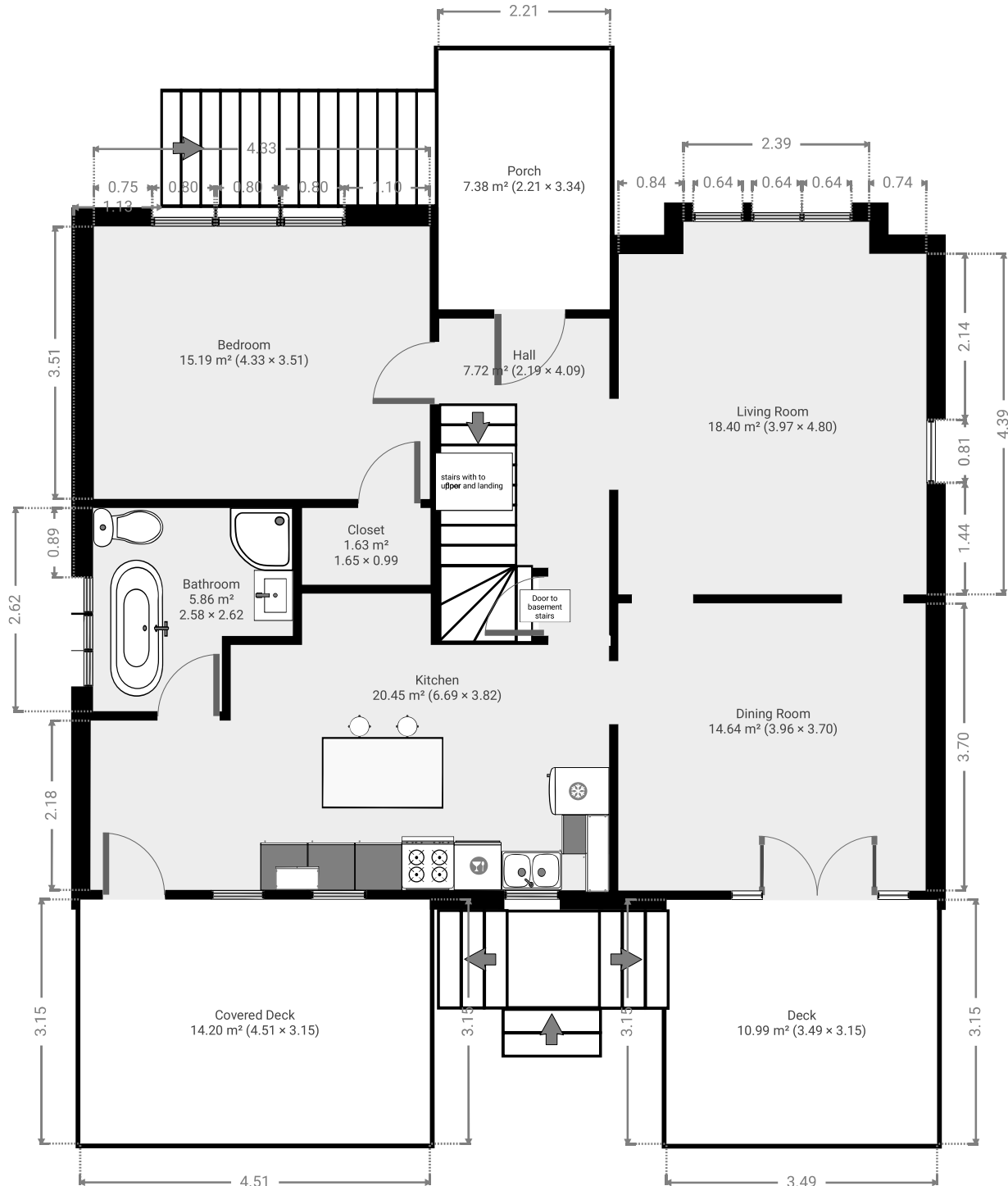
941 Fullerton Ave, Victoria, BC

TOTAL AREA: 271.43 m² • LIVING AREA: 146.88 m² • FLOORS: 3 • ROOMS: 10

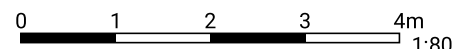


▼ Ground Floor

TOTAL AREA: 83.85 m² • LIVING AREA: 83.85 m² • ROOMS: 4

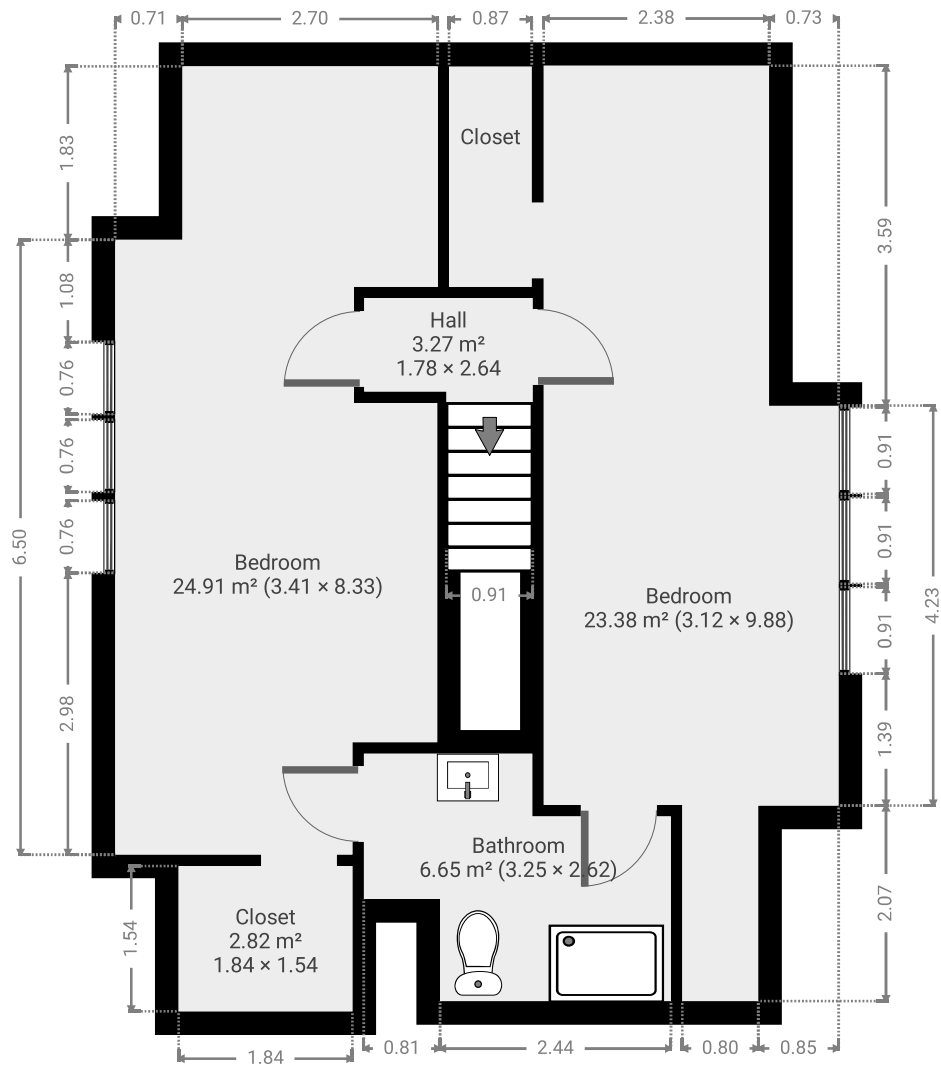


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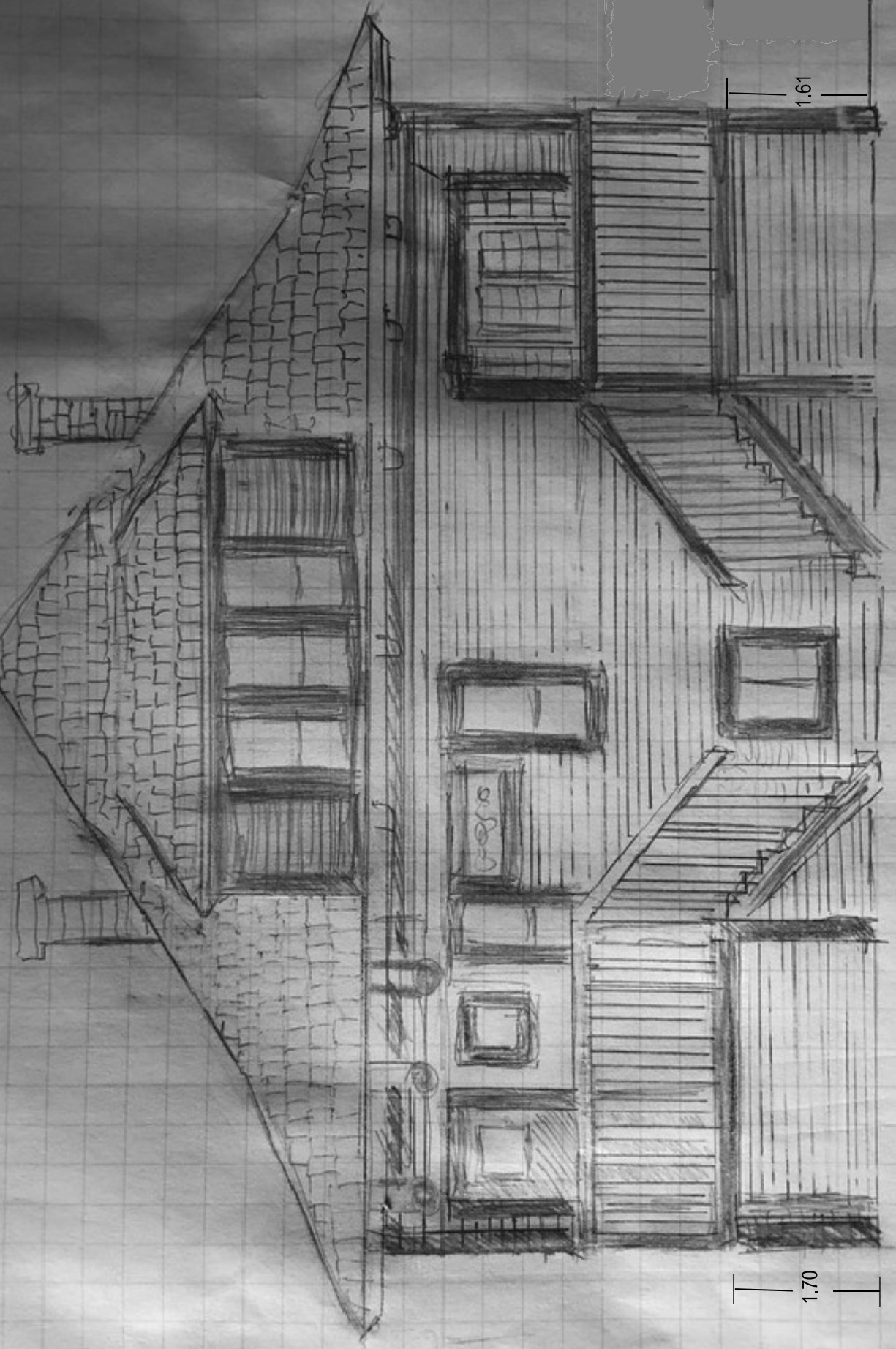


▼ 2nd Floor

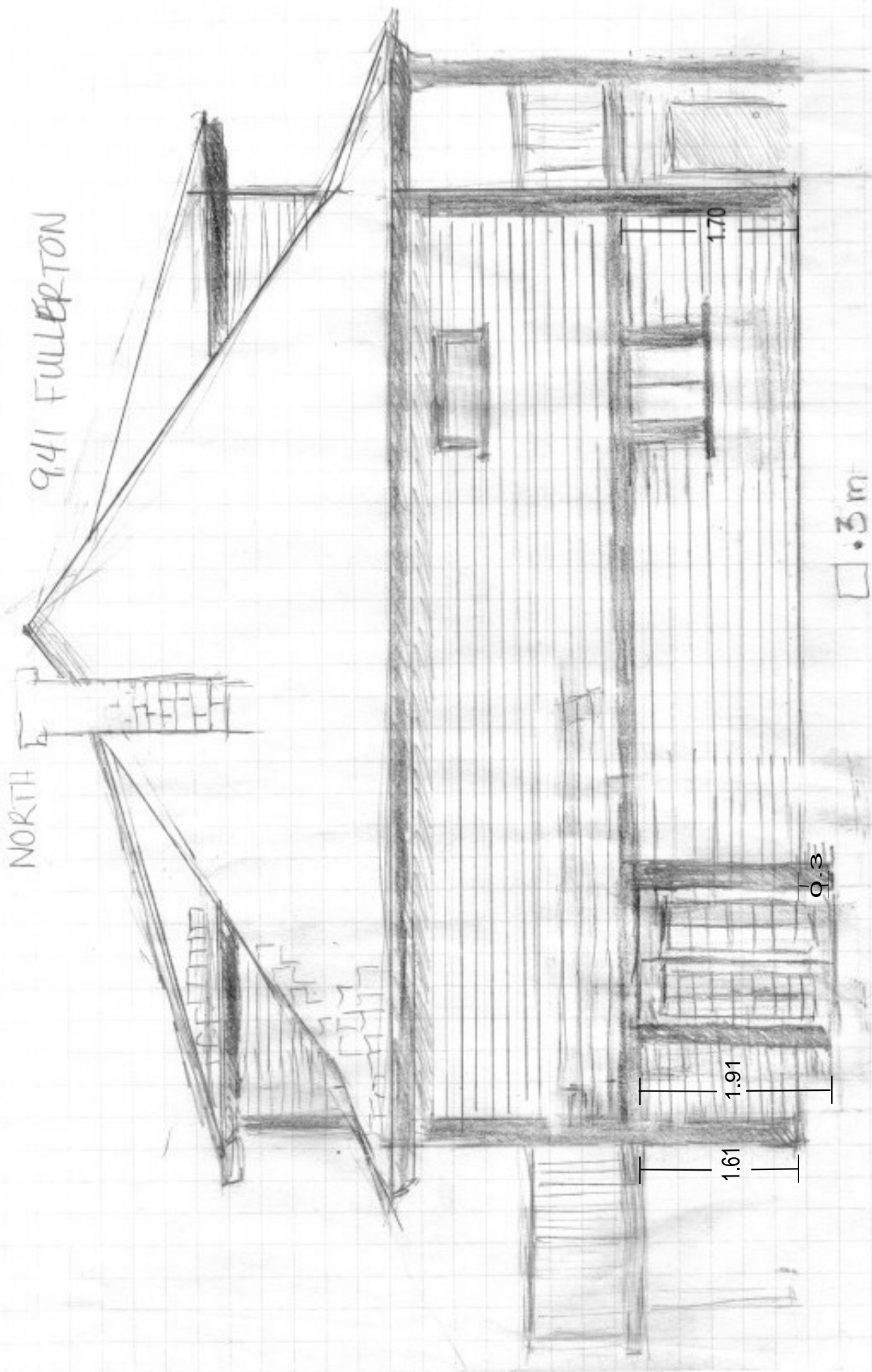
TOTAL AREA: 63.03 m² • LIVING AREA: 63.03 m² • ROOMS: 2



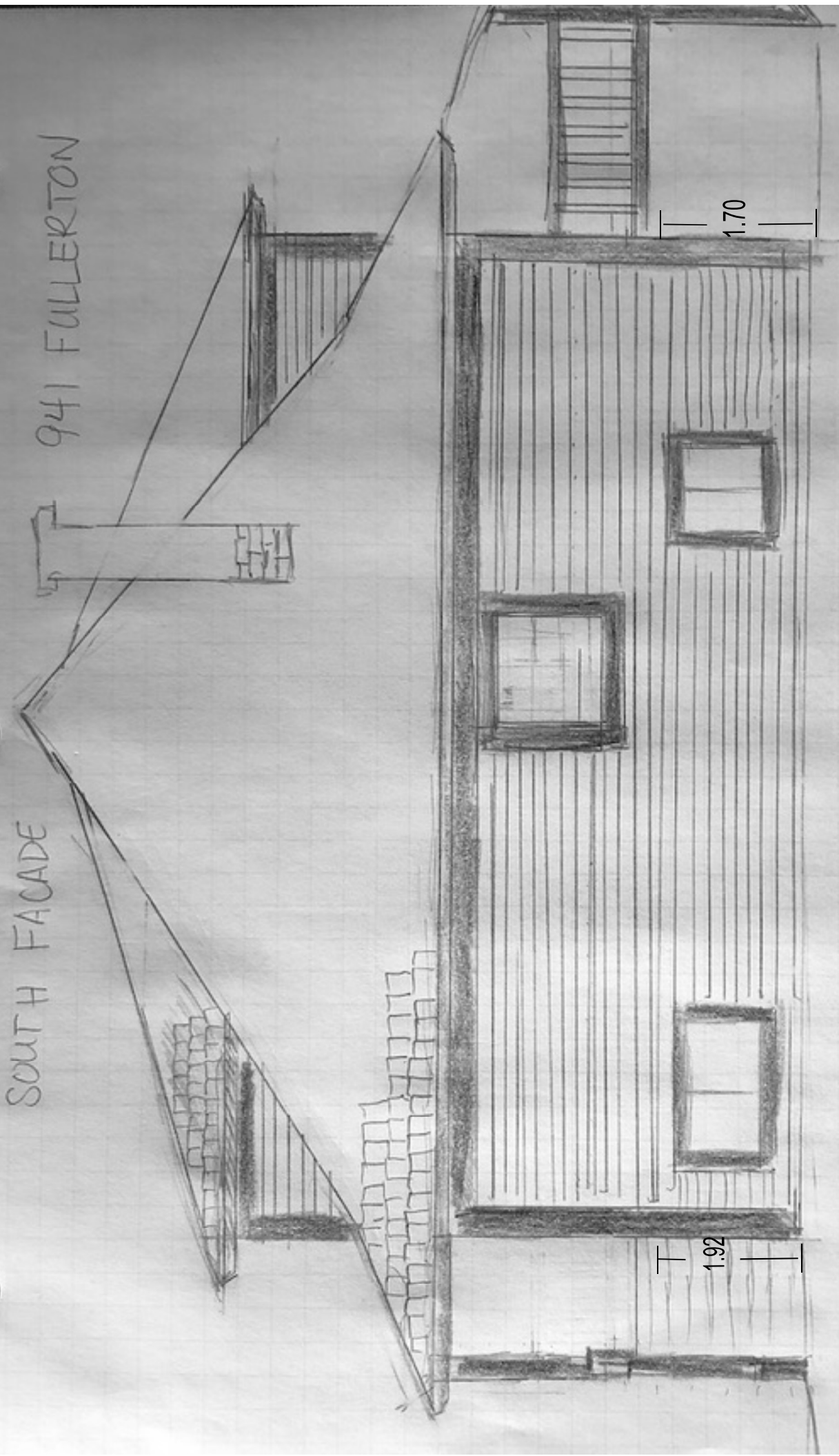
EAST FACADE 941 FULLERTON AVE



North facade - 941 Fullerton

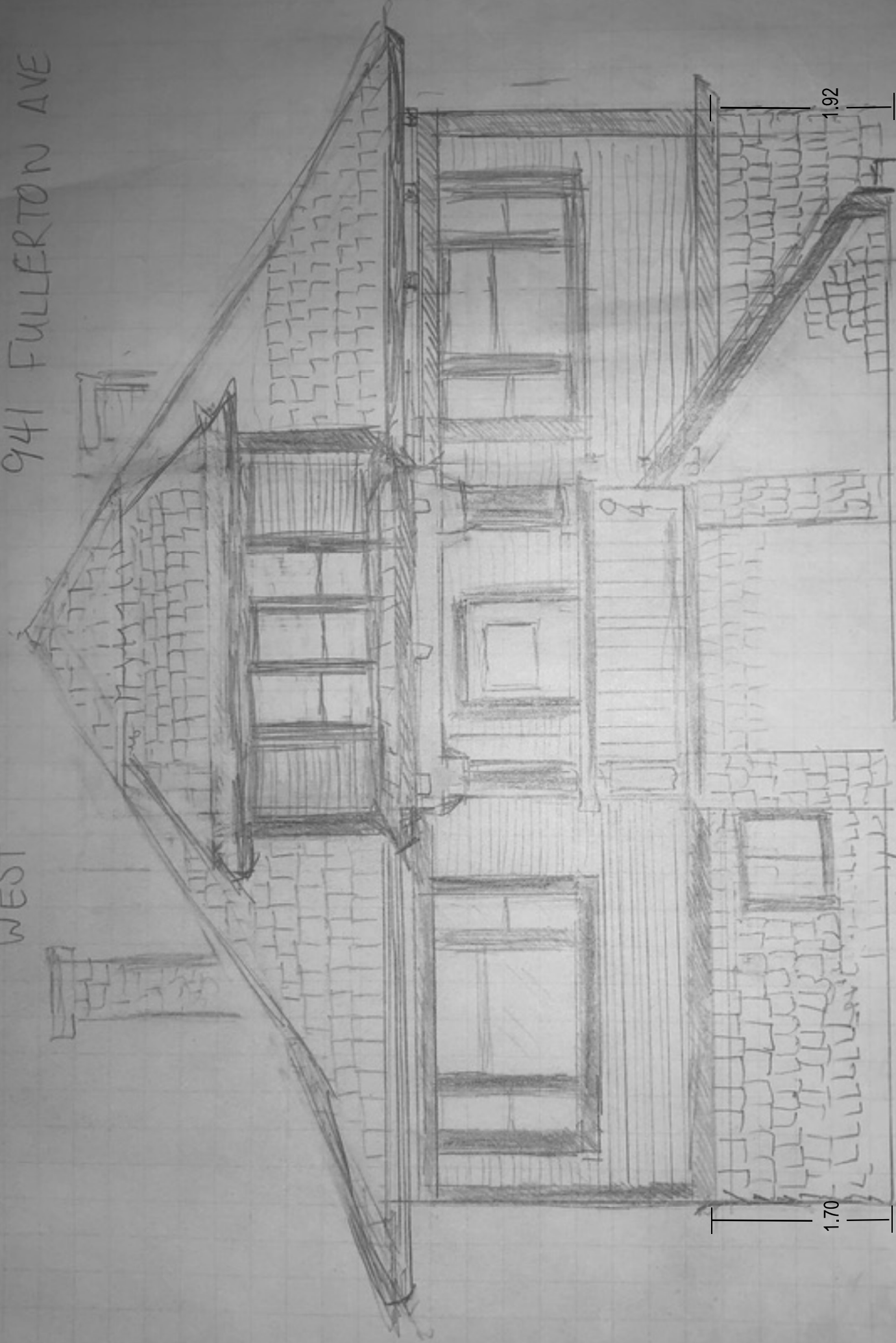


South facade - 941 Fullerton



WEST

941 FULLERTON AVE



1.92

1.70

Average grade

calculation $1.61 + 1.70 + 1.92 + 1.70 / 4 = 1.73$

34.5 ft

10.52 M

Helen Rogers

Prepared by
Wendy

Created on
2020-11-11

Location
941 Fullerton Ave
Victoria
BC

Total area 271.43 m ²	Floors 3	Rooms 10	Bathrooms 3
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Mayor and Council
 City of Victoria
 c/o developmentservices@victoria.ca

Your worship and councillors:

I am writing to seek your support for my proposal to change the zoning of my home at 941 Fullerton Avenue in VicWest from Small Lot to a spot zoning designation that allows a legalized secondary suite.

I am a senior who has been in my home for over 20 years. When I purchased the home, I was drawn to its heritage features and have maintained and enhanced those beautiful features throughout my time in my home. Because I am on a small pension income, in order to purchase and remain in my home, I have relied over the years on the financial support of a non-conforming suite on the ground level of my home. Last year I had a fire in my home and I am now seeking a zoning change in order to be able to legalize my suite when I rebuild.

Description of Proposal

My proposal would create a legal dwelling unit that would be a rental property. It would increase the density of the site through the addition of 20 percent more liveable space, using existing square footage in the basement.

Government Policies

My project supports a number of the objectives of in the City of Victoria Official Community Plan, including:

Urban Design and Heritage

8 (g) That a sense of place is developed and enhanced through urban design features.

The retention of this small lot home with an additional dwelling unit ensures the retention of this 1911 home with important heritage features. My home is not a designated heritage home but I have maintained, and will continue to maintain, all of its beautiful heritage features. The entrance to the proposed suite is on the side of the home and not visible from the street and so will have no impact on home's street view.

8 (j) That heritage property is conserved as resources with value for present and future generations.

The inclusion of a suite at this location ensures the viability of this property through the inclusion of a rental dwelling unit, thereby assisting retention of this structure, with important heritage values.

Housing

13(c) That the existing supply of rental housing is expanded through regeneration.

The project in question ensures the regeneration of a space that would otherwise not be used for housing, while maintaining neighbourhood character through the retention of heritage era housing stock.

13 (d) That a wide range of housing choice is available within neighbourhoods to support a diverse, inclusive and multigenerational community.

The project develops a unit available for rental that can facilitate the inclusion of an elderly occupant requiring a ground-oriented space.

The proposed action is consistent with the VicWest Neighbourhood Plan's suggested approach for development in the Northwest Sub-Area, which advocates for "gentle infill which respects the existing lot pattern and maintains tree planting sites on private property is encouraged.

This project is also supportive of the "Big Moves" in the VicWest Neighbourhood Plan, in that it:

4. Add(s) housing that fits in older residential areas

This proposal would add housing diversity by creating much needed rental accommodation, supporting the retention of a beautiful older heritage style home, and maintaining the character of the street.

5. Create(s) more places to live near existing transit and amenities.

My home is near the Craigflower transit corridor. There are commercial amenities nearby on Craigflower, and slightly further, at Westside Village. The VicWest Community Centre is proximate.

It is our understanding that the project will not require a change to the Official Community Plan.

Project Benefits and Amenities

The project has economic, environmental and social benefits for the City and the neighbourhood. Economic benefits result from the inclusion of an additional dwelling unit in the Craigflower Village area, thereby increasing the number of potential residents within a five-minute walk of retail services in the village. There will also be similar benefits to Westside Village. Environmental benefits result from the gentle infill that creates additional dwelling spaces that are in walking and biking distance of Downtown

Victoria. The project's social benefits result from the fact that the retention of this heritage structure and the sensitive adaptation of its existing use contributes to the continuation of the heritage feel of the Northwest Sub-area of the VicWest Neighbourhood.

There are no public amenities associated with this project.

Need and Demand

The Official Community Plan and a number of other reports and documents point to the ongoing need for additional housing in existing neighbourhoods in Victoria. This sensitive infill of additional density in an existing heritage property supports Victoria's housing and heritage retention goals.

Neighbourhood

The location is within 150 meters of Craigflower Village. Fullerton is a residential street with the exception of a church on the corner of Fullerton and Raynor, on the north side of my property. VicWest School is at the end of Fullerton. The VicWest Community Centre is nearby. There is a small park on Raynor that is accessible from the back of the property.

Impacts

The proposed development does not impact existing heritage values in the area and contributes to the long-term retention of this heritage home through the provision of additional gentle infill.

The rezoning of this Small Lot zoned site to allow for additional density is being pursued following a fire in the home, which impacted an existing non-conforming suite. This non-conforming suite was in-place for approximately twenty years, and over this time, there were no issues between suite tenants and neighbours. The VicWest Community Land Use Committee expressed no reservations about the proposed use at this location. I have sent a letter to my neighbours in anticipation of the zoning process and have received a number of responses, all of them supportive.

Design and Development Permit Guidelines

The project conforms with applicable design guidelines through the continued sensitive retention of the heritage values of this property.

Safety and Security

The suite contributes to Crime Prevention Through Environmental Design Values in that the suite entrance faces to the north and provides additional eyes on the adjacent

church to the north and to the Hudson Street entrance to the pocket park on Raynor Street.

Transportation

The property includes off street parking. There are generally no challenges with parking at this location and the policies of gentle infill for this area mean that the level of parking in the area will likely remain the same. The suite will have access to an area suitable for dry bicycle storage.

Heritage

As already discussed, this project contributes to the long-term viability of this older property and the heritage conservation and retention goals for the City of Victoria in Vic West's Northwest Sub-area.

Green Building Features

There are no green features associated with this project.

Infrastructure

This project, at this site, utilizes existing public infrastructure, including nearby shopping amenities, parks and recreation facilities.

In summary, I believe my proposal supports the heritage nature of the neighbourhood, addresses the need for increased rental housing in Victoria, supports neighbourhood businesses and does so without any negative impacts whatsoever. I ask you to make the zoning change that would allow this project.

If you have any questions about this proposal, I would ask that you address them to my son-in-law, Wayne Beggs, at 604-312-9352, as he is assisting me with the rezoning process. Of course, if you need to speak to me directly, I am happy to do so.

 Recoverable Signature

X 

Helen Rogers

Signed by: c51563e7-b0e2-4b10-9186-f46a93f5192a

Helen Rogers

521 Craigflower Rd. • Victoria, BC • V9A 6Z5
info@victoriawest.ca • www.victoriawest.ca • (250)-590-8922



February 23rd, 2021

Wayne Beggs

Re: Waiving of CALUC process for 941 Fullerton

Dear Wayne,

The Victoria West Community Association Land Use Committee has determined no concerns with your proposal for 941 Fullerton Street. This decision was based on the plans and drawings provided on November 22nd, 2020. As a result, we would like to waive the CALUC process for your proposal. We request that you notify us of any major developments or changes if they come up.

Thank you for including us in this process. We enjoy collaborating to create a vibrant and connected community.

Sincerely,

VWCA Land Use Committee
landuse@victoriawest.ca

Hello Mr. Angrove,

I am a neighbour of the above property, living and owning the house at 646 Langford Street. As a citizen, I am writing to indicate my support for the rezoning to enable a suite. This type of accommodation should be quickly and painlessly available to Vic West, particularly since it enables the retention of a character home on the street.

Could you please confirm receipt of this e-mail? Many thanks.

Sincerely,

Laura E. Tate, PhD
646 Langford Street
Victoria, BC
V9A 3C9

1

Rezoning Application for 941 Fullerton Avenue



1

Aerial View

2



2

Subject Site

3



3

Context

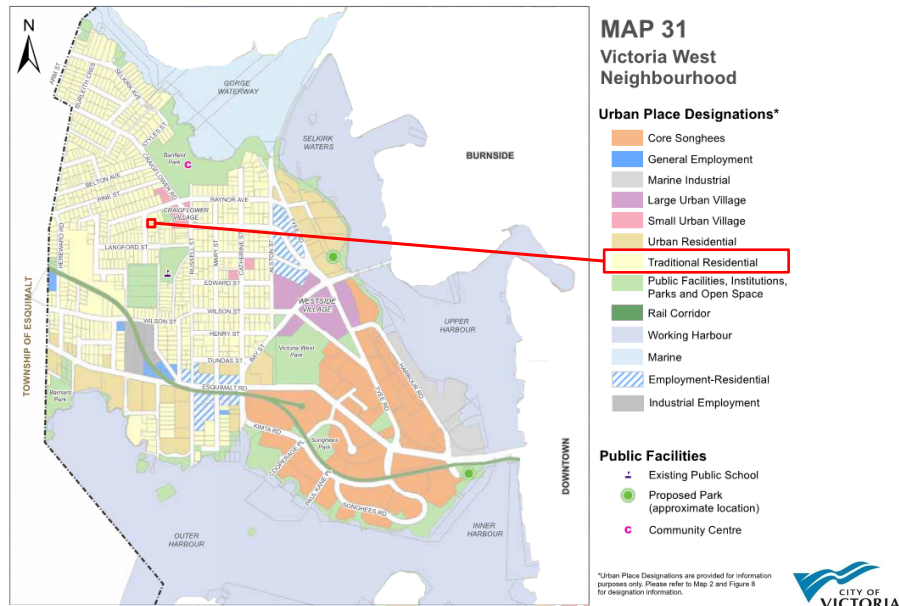
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4

Official Community Plan

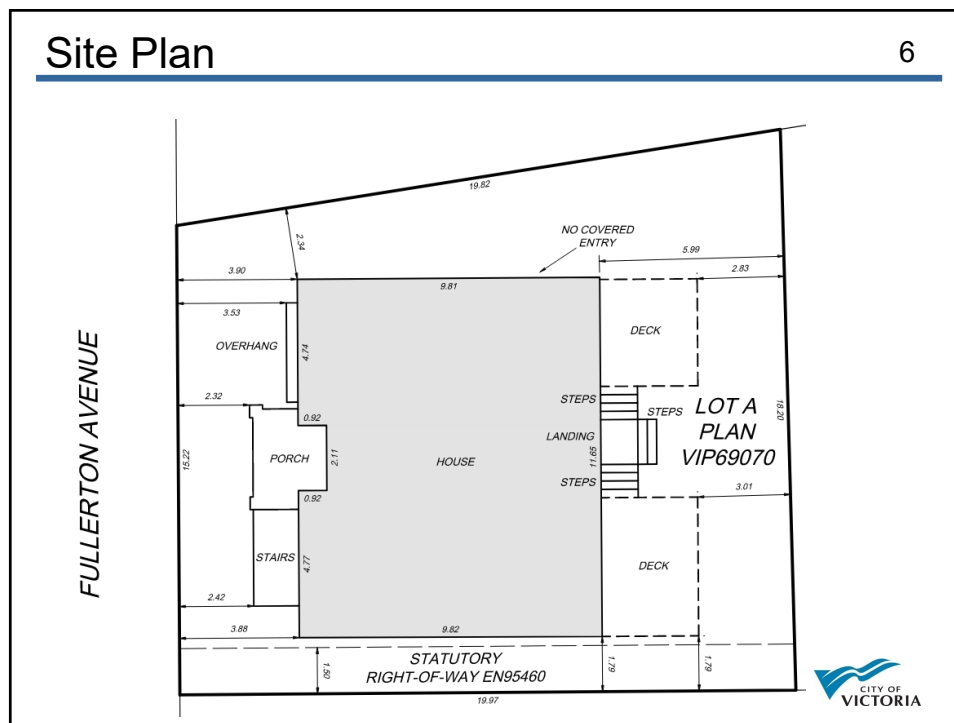
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Site Plan

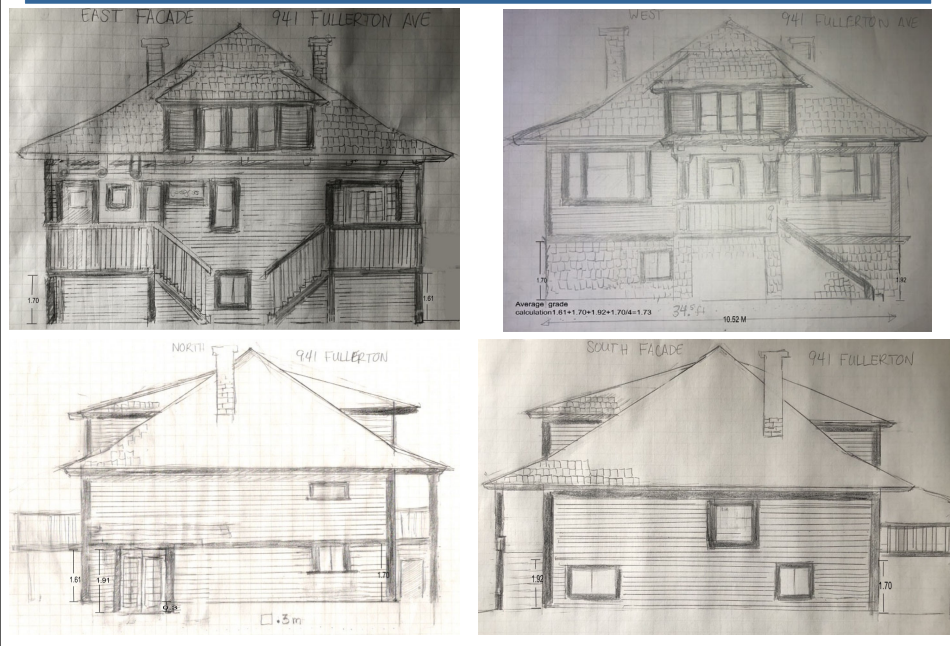
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6

Elevations

7



7

Floor Plans

8



8