CITY OF VICTORIA

Planning and Land Use Committee Report

Date: March 20, 2014 **From:** Helen Cain, Senior Planner
Development Services

Subject: **Rezoning Application #00406 and Development Permit for 1270 Dallas Road**
Application to permit the conversion of a garage to a garden suite

Executive Summary

The purpose of this report is to present Council with updated information and recommendations regarding a Rezoning Application for the property located at 1270 Dallas Road. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to a new zone to permit the conversion of an existing garage to a garden suite. In an earlier Planning and Land Use Standing Committee report (report and minutes attached), staff had recommended that this proposal proceed to a Public Hearing for the Rezoning Application and that a Development Permit with Variances be issued.

However, staff have determined that the total floor area of the garage, which exceeds the maximum permitted for a garden suite, can be considered as density. To ensure that the zoning is appropriate, staff are recommending that this application proceed to a Public Hearing with the preparation of a custom zone and a Development Permit. This amendment to the original recommendation involves no changes to the proposal.

Recommendation

1. That Rezoning Application #00406 for 1270 Dallas Road proceed to a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.
2. Following consideration of Rezoning Application #00406, that Council authorize the issuance of a Development Permit for 1270 Dallas Road, in accordance with:
   (a) plans stamped dated June 27, 2013;
   (b) development meeting all *Zoning Regulation Bylaw* requirements;
   (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Helen Cain

Helen Cain
Senior Planner
Development Services Division

D. E. Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Jason Johnson

HC:aw

Date: March 24, 2014

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00406\DALLASROAD_1270_REZ_PLUCAMENDMENT.DOC

List of Attachments

- Council Minutes from October 24, 2013
- Planning and Land Use Standing Committee Minutes from the October 17, 2013 meeting
- Planning and Land Use Standing Committee report, dated October 2, 2013 with appended:
    - Zoning map
    - Aerial map
    - Letter from David Clark, stamped June 28, 2013
    - Plans for Rezoning Application #00406, stamped June 27, 2013
    - Fernwood Community Association email correspondence dated June 19, 2013.

REPORTS OF THE COMMITTEE

4. Planning and Land Use Standing Committee – October 17, 2013

2. Rezoning Application # 00406 for 1270 Dallas Road

It was moved by Councillor Alto, seconded by Councillor Gudgeon, that Council authorize that Rezoning Application # 00406 for 1270 Dallas Road proceed for consideration at a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.

Carried Unanimously

Council meeting
October 24, 2013

3.1 Rezoning Application # 00406 and Development Permit with Variances for 1270 Dallas Road

Committee received a report dated October 2, 2013, from Development Services regarding a Rezoning Application for 1270 Dallas Road. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to a new zone to permit the conversion of an existing garage to a garden suite. The proposal also involves two variances from the R1-B-GS2 Zone (Single Family Dwelling with Garden Suite District) to relax the regulations for the front and side setbacks of the mail dwelling.

Committee discussed:

- Privacy concerns and how they have been mitigated by adding opaque glass to one window and the elimination of another window that was to be located on the north side.
- The City has been working to provide affordable units in a variety of ways. Secondary suites are one and gardens suites are another. This application is supportable not only in policy, but also from a practical view.

Action: Mayor Fortin moved that Committee recommends that Council authorize:

1. That Rezoning Application # 00406 for 1270 Dallas Road proceed for consideration at a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.
2. Following consideration of Rezoning Application # 00406, that Council authorize the issuance of a Development Permit with Variances for 1270 Dallas Road, in accordance with:
   a. Plans dated June 27, 2013;
   b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following two variances:
      Part 1.113, R1-B-GS2, Single Family Dwelling with Garden Suite District
      - Front and east side setbacks of the single family dwelling relaxed from 1.713m to 1.6m and from 7.5m to 6.2m, respectively
   c. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY 13/PLUSC0163

CITY OF VICTORIA

Planning and Land Use Standing Committee Report

Date: October 2, 2013 **From:** Helen Cain, Senior Planner

Subject: **Rezoning Application #00406 and Development Permit with Variances for 1270 Dallas Road** – Application to permit the conversion of a garage to a garden suite with two variances.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 1270 Dallas Road. The application is to rezone the property from the R1-B Zone (Single Family Dwelling District) to a new zone to permit the conversion of an existing garage to a garden suite. The proposal also involves two variances from the R1-B-GS2 Zone (Single Family Dwelling with Garden Suite District) to relax the regulations for the front and side setbacks of the main dwelling.

The following points were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan 2012* (OCP) and related objectives for sensitive infill in Development Permit Area 15E Intensive Residential Garden Suites
- The proposal to convert the existing garage to a garden suite is consistent with Development Permit Area 15E and the *Garden Suite Policy, 2011*.

Staff recommend that this Rezoning Application proceed for consideration at a Public Hearing because the proposal is consistent with the OCP land use policy and applicable design guidelines.

Recommendation

1. That Rezoning Application #00406 for 1270 Dallas Road proceed for consideration at a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.
2. Following consideration of Rezoning Application #00406, that Council authorize the issuance of a Development Permit with Variances for 1270 Dallas Road, in accordance with:
   (a) Plans stamped dated June 27, 2013;
   (b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following two variances:

   Part 1.113, R1-B-GS2, Single Family Dwelling with Garden Suite District
   - front and east side setbacks of the single family dwelling relaxed from 1.713 m to 1.6 m and from 7.5 m to 6.2 m, respectively

(c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Helen Cain

Helen Cain
Senior Planner
Development Services Division

D. E. Day

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Jocelyn Jenkyns

HC:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00406\PLUSC PLANNING REPORT TEMPLATE REZ2.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit with Variances for the property at 1270 Dallas Road.

2.0 Background

2.1 Description of Proposal

The applicant proposes to rezone the property at 1270 Dallas Road from the R1-B Zone (Single Family Dwelling District) to a new zone to allow for the conversion of a garage to a one-storey garden suite. Exterior changes would be made to the garage to improve the appearance and new landscaping would be added to identify the garden suite as a separate, private dwelling unit. The proposal complies with the criteria in the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District) except for two variances. The minimum front and east side setbacks of the main dwelling will be relaxed from 1.713 m to 1.6 m and from 7.5 m to 6.2 m, respectively.

2.2 Land Use Context

The subject property is located across from the ocean in south Fairfield where the place character is predominantly single family dwellings and duplexes, with pockets of multi-unit residential buildings in the form of low-rise apartments. In the immediate area to the west, east and north, all of the land parcels are in the R1-B Zone (Single Family Dwelling District). There are no commercial uses in the vicinity. New infill in the form of low-density, ground-oriented housing is well suited to the streetscape that includes 1270 Dallas Road and the surrounding context in this part of the Fairfield neighbourhood.

2.3 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association on June 17, 2013. A letter from the Land Use Committee is attached to this report.

2.4 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B-GS2 Zone (Single Family Dwelling with a Garden Suite District). The proposal is less stringent than the standard zone for the criteria identified with an asterisk (*) below.

Zoning Criteria	Proposal	Zone Standard R1-B-GS2
Site area (m^2) – minimum	802	460
Total floor area (m^2) – maximum	259	280
Site coverage (%) – maximum	30.8	40
Site coverage (%) – maximum	30.8	40
Storeys – maximum	2	2

Setbacks (m) – minimum north (rear) south (front) east (side) west (side)	 21.03 6.2** 5.5 1.6**	 11.7 7.5 3 1.713
Parking – minimum	2	1
Garden Suite		
Height (m) – maximum	3.9	5.5
Storeys	1	1.5
Floor area (m^2) – maximum	58.3*	56
Setbacks (m) – minimum north (rear) east (side) west (side)	 0.9 4 1.6	 0.6 0.6 0.6
Separation space from main building	11.6	2.4

2.5 Legal Description

Lot 148, Fairfield Farm Estate, Victoria District, Plan 834.

2.6 Consistency with City Policy

2.6.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of housing within the boundaries of the City.

2.6.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*. The property at 1270 Dallas Road is designated as Traditional Residential in the OCP where single family dwellings are enabled as appropriate forms of infill.

In accordance with the OCP, the new small lot dwellings are subject to DPA 15E Intensive Residential – Garden Suites. The objectives of DPA 15E are:

4. (a) *To accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages, and residential areas, to encourage and support future and existing commercial and community services.*

   (b) *To provide Victoria renters with small, ground-oriented rental housing as a rental housing option.*

(c) *To integrate more intensive residential development in the form of garden suites, accessory to single-family dwellings, within existing Traditional Residential areas in a manner that is compatible with and respects the established character of neighbourhoods.*

(d) *To achieve a high quality of architecture, landscape and urban design of properties with garden suites to enhance neighbourhoods and minimize conflicts with immediate neighbours.*

The proposal for 1270 Dallas Road is consistent with DPA 15E objectives to achieve new infill that is of high-quality design and that respects the established character in residential areas.

2.6.3 Garden Suite Policy, 2011

Under the *Garden Suite Policy 2011*, proposals that involve the conversion of a garage may exceed the standard requirements in the applicable zone, subject to the following conditions:

5. *Exceptions*
Exception #1: Existing Garage Conversions

The structure was built with all appropriate permits and has not been altered
The structure is fully upgraded to meet all Building Code requirements for residential use.

The garage at 1270 Dallas Road was constructed in 2010 with the required Building Permit and would undergo code upgrades for habitation, should Council approve this Rezoning Application. It should also be noted that this proposed garage conversion will comply with the R1-B-GS Zone (Single Family Dwelling with Garden Suite District) standards except for maximum floor area of a garden suite.

2.7 Consistency with Design Guidelines

2.7.1 Siting and Shading

The garage that is proposed for conversion to a garden suite is sited at the rear of the subject property, but is partially visible from the street. There are no shadow impacts of the existing garage on neighbouring yards because the adjacent lots to the north and east each have an accessory building located along the shared property line. There is a wide setback between the side of the garage and the lot to the immediate east of the subject property.

2.7.2 Windows and Entries

Conversion of the garage includes changes to the windows and entries. The south elevation, facing the interior of the lot, will retain the existing garage door and introduce a main entrance to the dwelling and three new windows. There is a small window on the north elevation and one door and two windows on the west side of the building, where views to neighbouring yards are blocked by accessory buildings on each adjacent lot. A side door and two window openings will be retained on the east elevation from which views to and from the adjacent yard to the east are limited due to the wide setback on that side of the garage, and plantings that provide for privacy.

2.7.3 Outdoor Space and Landscape

Landscape features include permeable materials for the driveway and vehicle turnaround space and a new path to the front entryway of the garden suite with plantings at the front, rear and sides of the dwelling to ensure privacy and to soften the hard surfaces. The east side of the garden suite also features a relatively large, private patio with wood surface.

2.7.4 Character

Proposed finishes for the garage conversion are a mix of HardiePlank on all sides with cedar shingle details on the south and east elevations. Although the window at the rear (north side) is small, already providing a high degree of privacy, translucent glazing is proposed. Overall, the exterior improvements will result in a design that is rustic, in the general spirit of Arts and Crafts houses, which is appropriate to the immediate context of older character homes.

2.7.5 Parking and Driveways

The proposed use of the existing parking and vehicle turnaround space at the rear of the subject property will result in no net increase in paved surfaces and will retain the placement of "car-oriented" design features away from the street. However, the existing garage door is the building feature that will be most visible from Dallas Road.

3. Issues

The outstanding issues related to this application are:

- visibility of the front entryway from Dallas Road
- habitable area.

4. Analysis

4.1 Visibility of Front Entryway

In order to maintain the parking stall that is presently located in the garage and to have a functional interior floor plan, the front entryway to the garden suite will be obscured from view on Dallas Road. While the prominence of the garage door is not as desirable as visible "people" features, the guidelines state that "where possible, the Garden Suite should be located to be at least partially visible from the street" and this would be achieved through the garage conversion.

4.2 Habitable Area

The exception for existing garage conversions in the *Garden Suite Policy 2011* allows for deviating from standard zoning criteria and related design guidelines. The proposal for a minor increase in habitable space from the standard floor area is reasonable and supportable.

5. Resource Impacts

There are no anticipated resource impacts that are associated with this development.

6. Options

Option One (Proceed to a Public Hearing)

1. That Rezoning Application #00406 for 1270 Dallas Road proceed for consideration at a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.
2. Following consideration of Rezoning Application #00406, that Council authorize the issuance of a Development Permit with Variances for 1270 Dallas Road, in accordance with:
   (a) Plans stamped dated June 27, 2013;
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   - front and east side setback of the single family dwelling relaxed from 1.713 m to 1.6 m and from 7.5 m to 6.2 m, respectively

   (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Option Two (Decline Application)

That Rezoning Application #00406 be declined.

7. Conclusions

This proposal to convert an existing garage to a new dwelling is consistent with the OCP objectives and guidelines for sensitive infill in the form of garden suites within established residential areas. While the proposed garden suite will have a built-in garage visible from Dallas Road and involves a minor increase in the standard for floor area, these details are acceptable in relation to the *Garden Suite Policy* and relevant guideline exceptions for garage conversions.

8. Recommendation

1. That Rezoning Application #00406 for 1270 Dallas Road proceed for consideration at a Public Hearing, subject to the preparation of a *Zoning Regulation Bylaw* amendment.
2. Following consideration of Rezoning Application #00406, that Council authorize the issuance of a Development Permit with Variances for 1270 Dallas Road, in accordance with:
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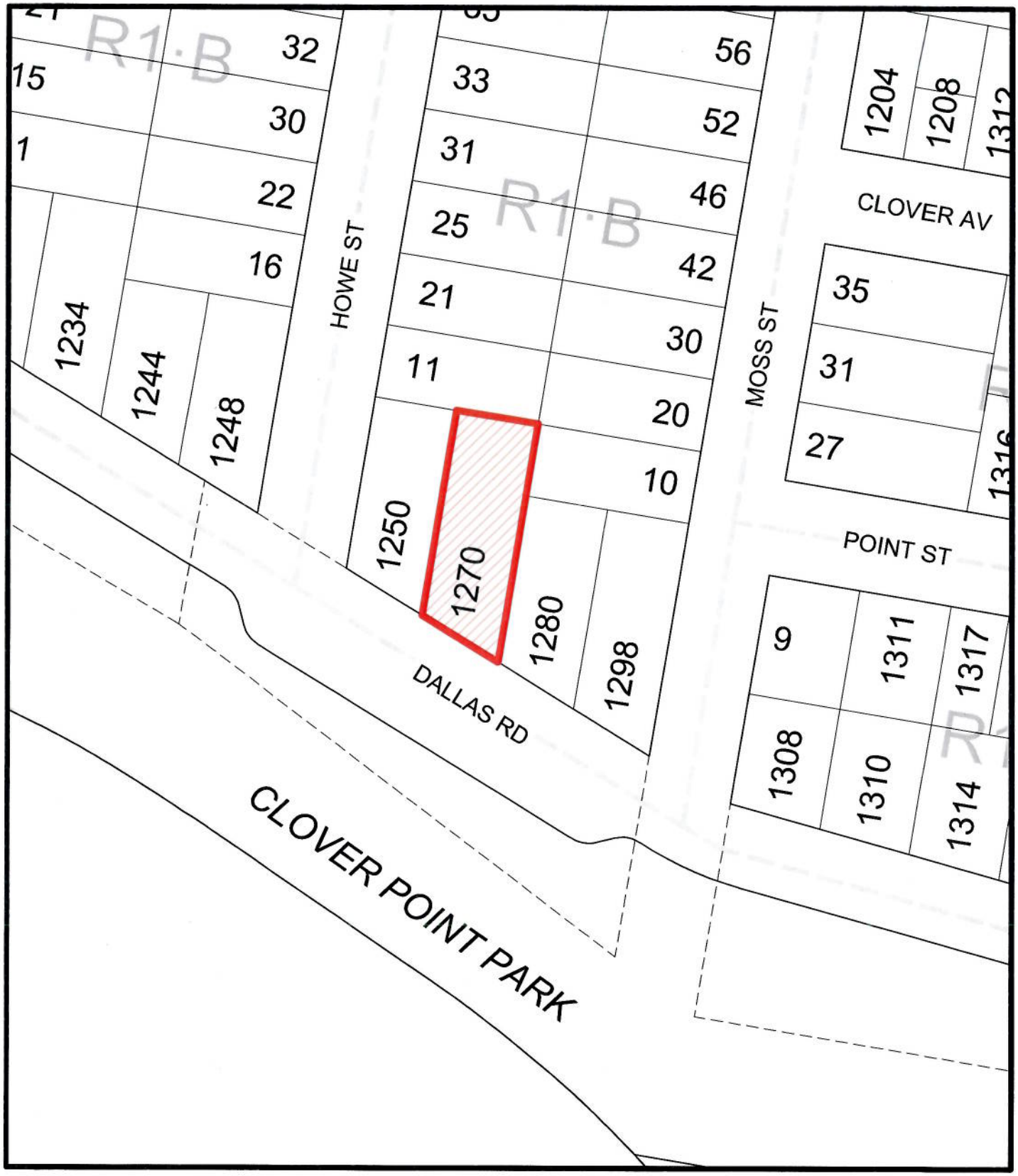
   (c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

9. List of Attachments

- Zoning map
- Aerial photo
- Letter from David Clark, stamped June 28, 2013
- Plans for Rezoning Application #00406, stamped June 27, 2013
- Fernwood Community Association e-mail correspondence dated June 19, 2013.



1270 Dallas Road
Rezoning #00406
Bylaw #

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CITY OF VICTORIA

1270 Dallas Road
Rezoning #00406
Bylaw #

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CITY OF VICTORIA

Received
City of Victoria

JUN 28 2013

Planning & Development Department
Development Services Division

June 21, 2013

To: The Mayor and Members of the City Council,

My name is David Clarke and I own and reside at 1270 Dallas Road. I am submitting my application for the rezoning of my property to allow for a Garden Suite. The existing zoning is R1-B single family home. The tenure of the garden suite will be rental. With the addition of the garden suite there will be two units on the property; a single family home and a garden suite. I am asking to convert an existing garage/shop that was completed in 2010 to a Garden Suite. To allow for a Garden Suite the footprint of the existing garage/shop will not change. My proposal conforms to the Official Community Plan for Garden Suites.

Having a Garden Suite will allow for a legal living space in an area of the city where affordable and desirable rental units are at a premium. Having a rental unit on my property fits with what now exists on my block of Dallas Road. Next door to me is a 4 unit rental property and two doors down is another 4 unit property. The location for the Garden Suite allows for walking distance to Cook Street Village, Fairfield Village, and downtown. The bus stop is 100 meters away on Moss Street.

My lot size is 802.0 sq m (8633 sq. feet) which qualifies it as a "Plus Size" Garden Suite location. The location of the Garden Suite complies with the guidelines in location, set backs, height, lot coverage and access. The design will compliment the main house and the neighborhood. Privacy for both the main house and the Garden Suite can be enhanced with landscaping. The design changes allow for a beautiful cottage like appearance.

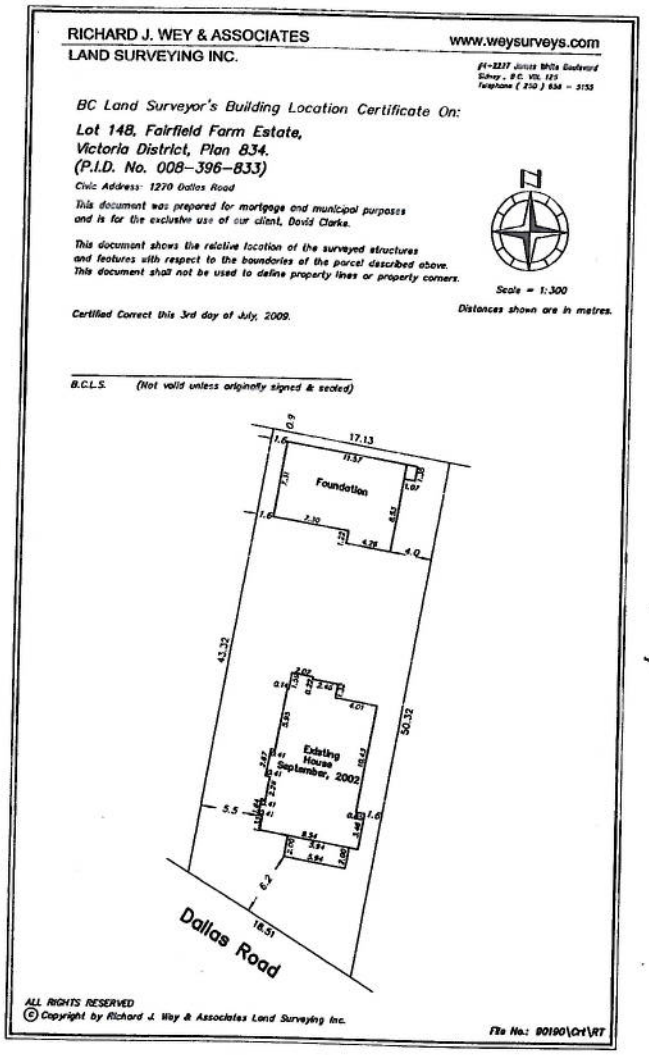
Overall my Fairfield Community meeting went well. With the exception of my neighbor to the back; all of my adjoining neighbors were supportive of my Garden Suite proposal. I have included two changes to the building plans that deal with the privacy issues raised by my rear yard neighbors at 11 Howe. I also had a conversation the day after the meeting with Paul, my rear yard neighbor. He said, " Tell the city we can work out the situation with you having a garden suite between us and to go ahead with my application."

On a personal note; I am a single senior and will be looking at retirement in the next few years. My hope would be to live in the Garden Suite. It would make for a very manageable and economical living space for myself and "Ollie" my dog. My ability to live on the property and rent the main house will help with my mortgage, property taxes, and supplement my retire income.

Thank You for taking the time to consider my request!

Respectfully Submitted,

David Clarke
1270 Dallas Road
Victoria BC V8V-1C4



NEIGHBOURHOOD LAYOUT

Garden Suite Proposal

1270 Dallas Road Victoria B. C.

- **Applicant**
  David Clarke
  1270 Dallas Rd
  ph 778 265 4610
- **Zoning** (existing)
  R1-B Single Family
- **Legal Description**
  Lot 148
  Fairfield Farm Estate plan 834
- **Site Area**
  802.0 sq m (8633 sq ft)
- **Rear Yard Area**
  360.0 sq m (3875 sq ft)
- **Floor Areas**
  House
  --259.0 sq m existing
  Garden Suite Area
  --58.3 sq m proposed
  Total Floor Area
  --317.0 sq m proposed
- **Floor Space Ratio**
  -- .396 (317/802)
- **Site Coverage**
  -- 30.8% (247/802)
- **Coverage of Suite**
  16.2% (58.3/360)
- **Open Site Area** 69.2%
- **Height Garden Suite** ?
- **No. Storeys (House)** 2
- **No. Storeys (Suite)** 1
- **Parking On Site** 3

Drawn Jan 26/13
Revision

Proposed Garden Suite for D. Clarke
1270 Dallas Road Victoria, B.C.

Peninsula Design
RESIDENTIAL & COMMERCIAL
www.peninsuladesign.ca

Important

Regional Community Atlas
Capital Regional District
gis.3.crd.bc.ca
http://www.crd.bc.ca

002

P1030032

P1030037

owl ridge 006

P1030034

P1030035

owl ridge 001

FRONT (South) ELEVATION

Drawn Jun 26/13
Revision

Proposed Garden Suite for D. Clarke

1270 Dallas Road Victoria, B.C.

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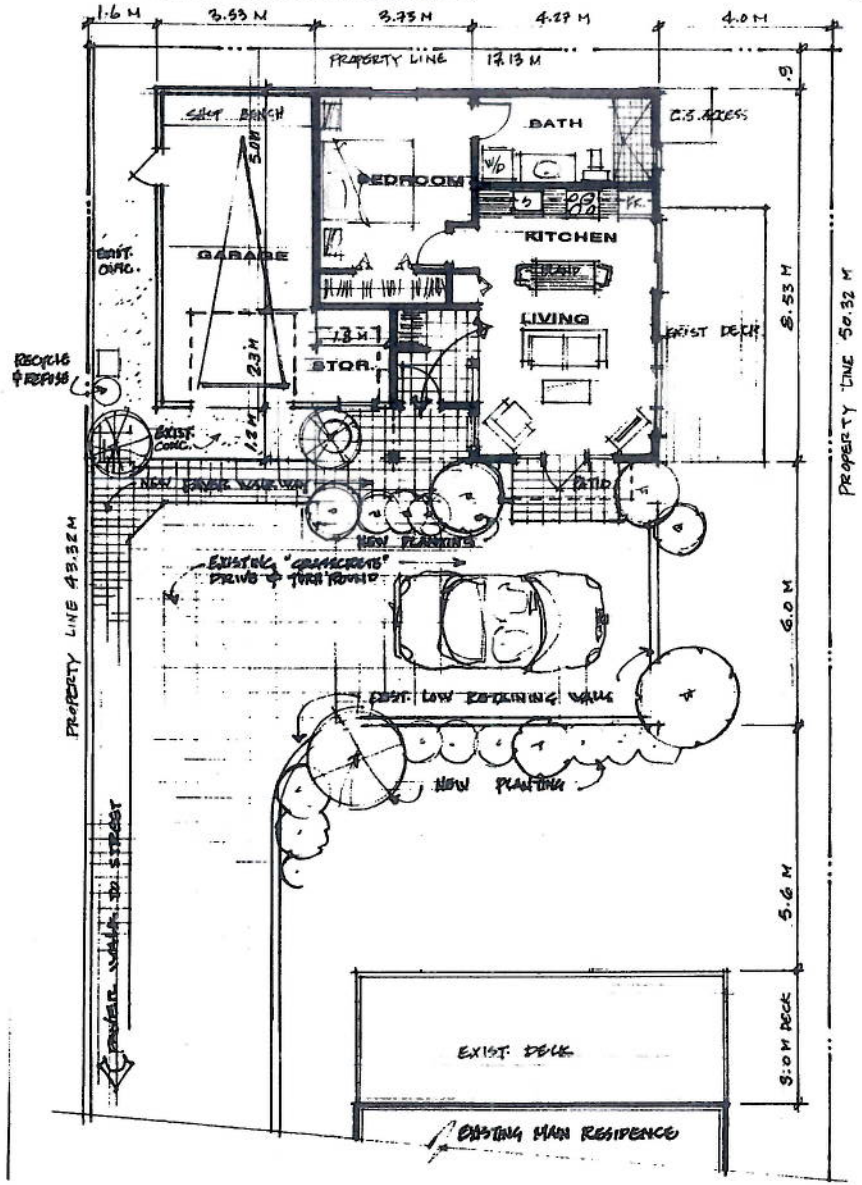
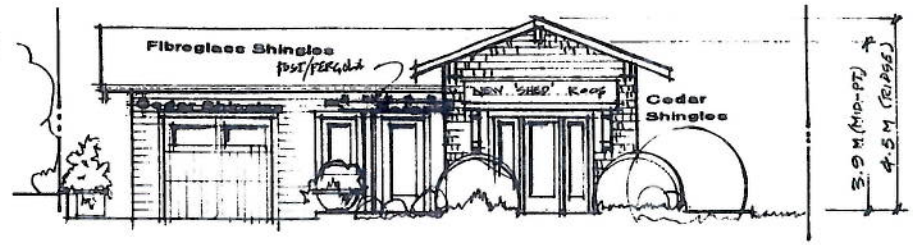
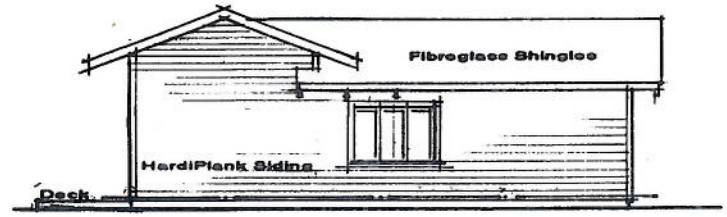
SITE/FLOOR LAYOUT

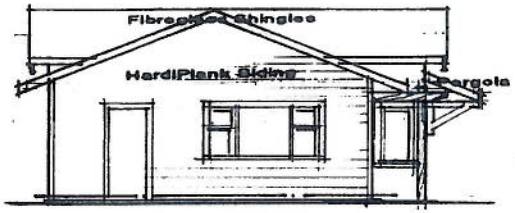




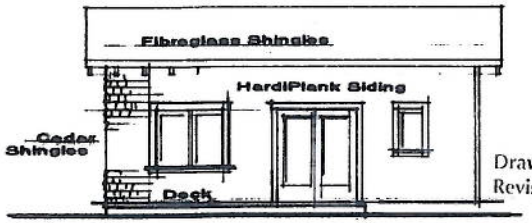
FRONT (South) ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

Drawn DJN 25/13
Revision

Proposed **Garden Suite** for D. Clarke
1270 Dallas Road Victoria, B.C.

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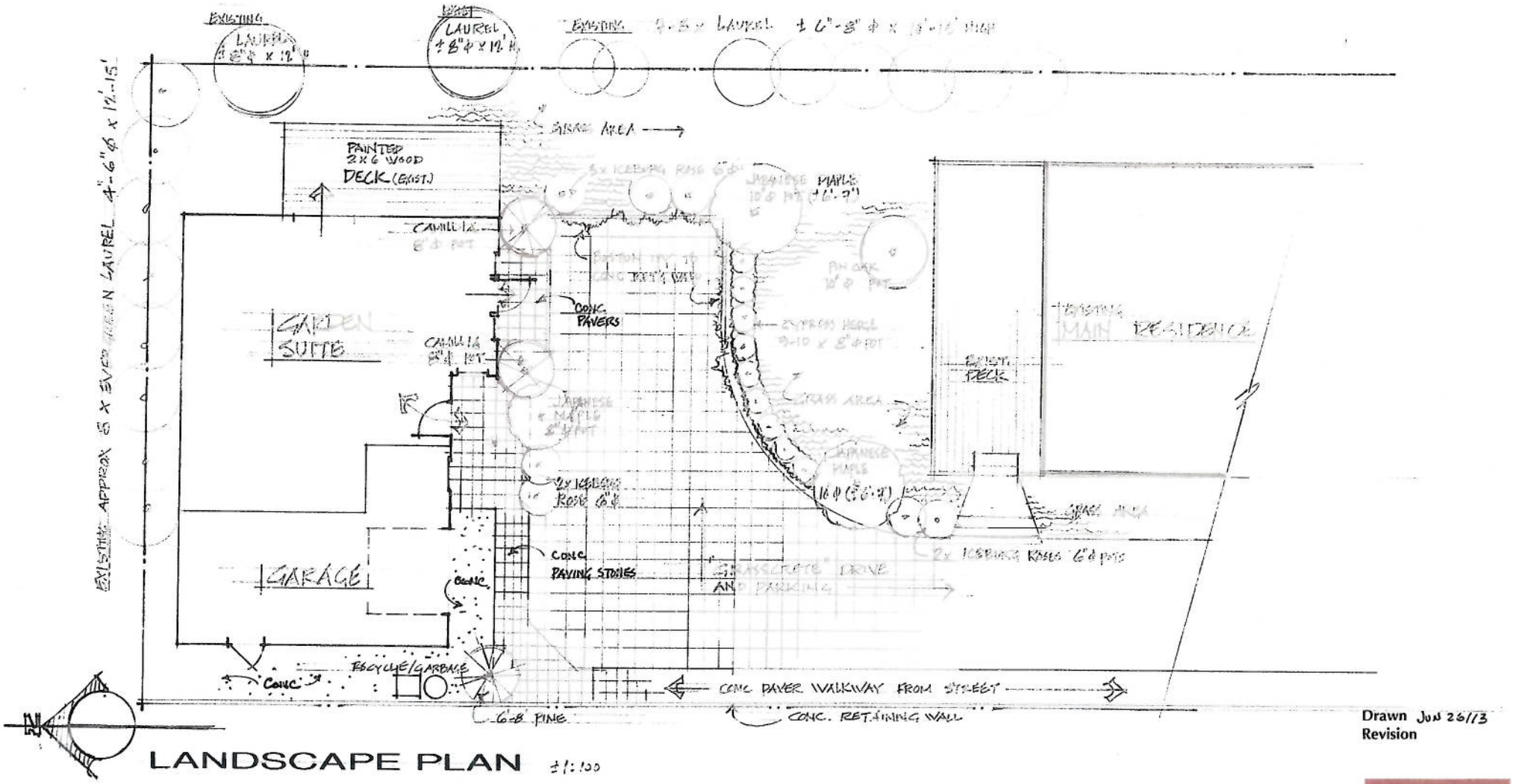

Drawn Jun 26/13
Revision

LANDSCAPE PLAN ±1:100

Proposed **Garden Suite** for D. Clarke
1270 Dallas Road Victoria, B.C.

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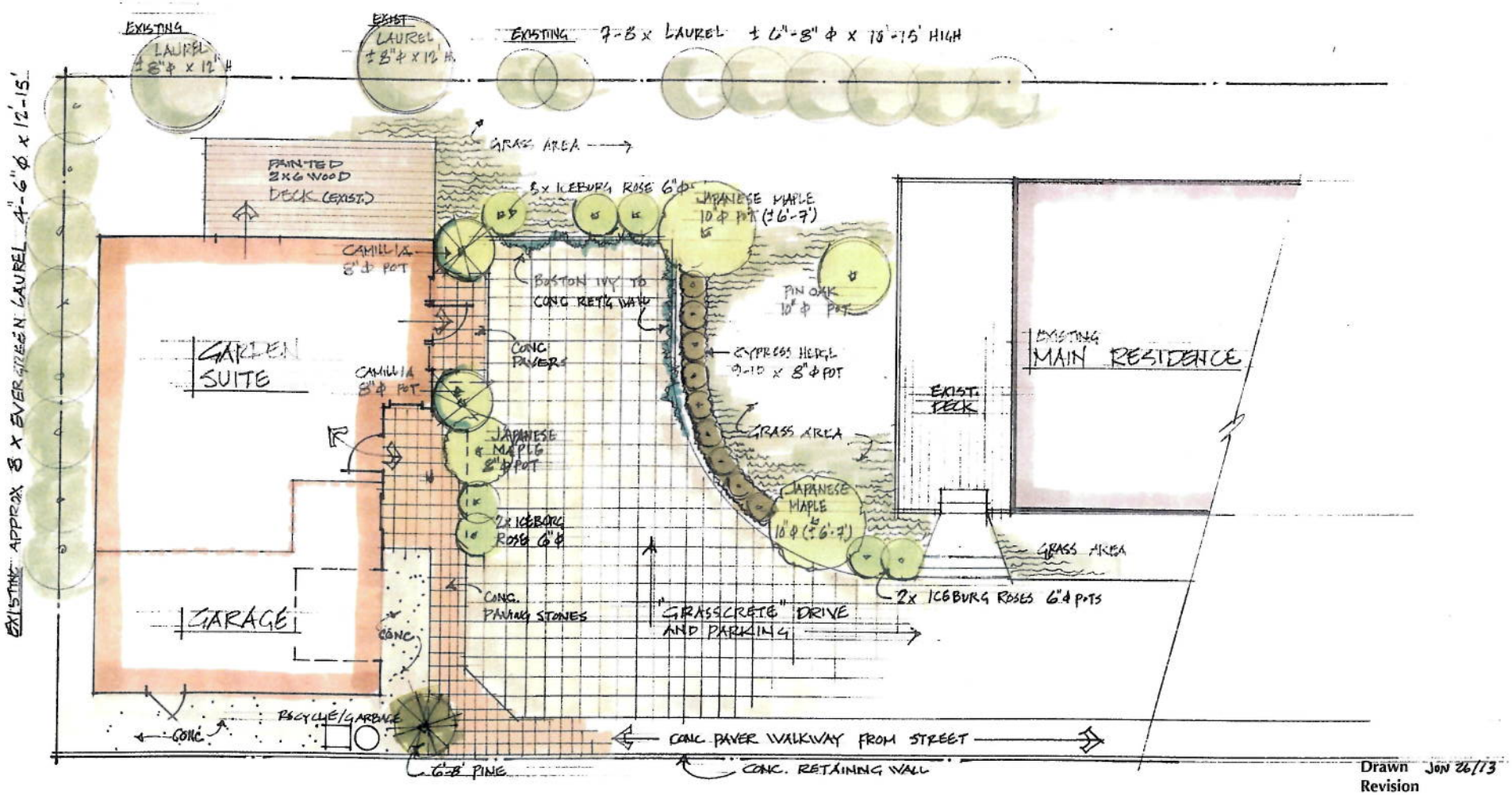

Drawn JON 26/13
Revision

LANDSCAPE PLAN ±1:100

Proposed **Garden Suite** for D. Clarke
1270 Dallas Road Victoria, B.C.

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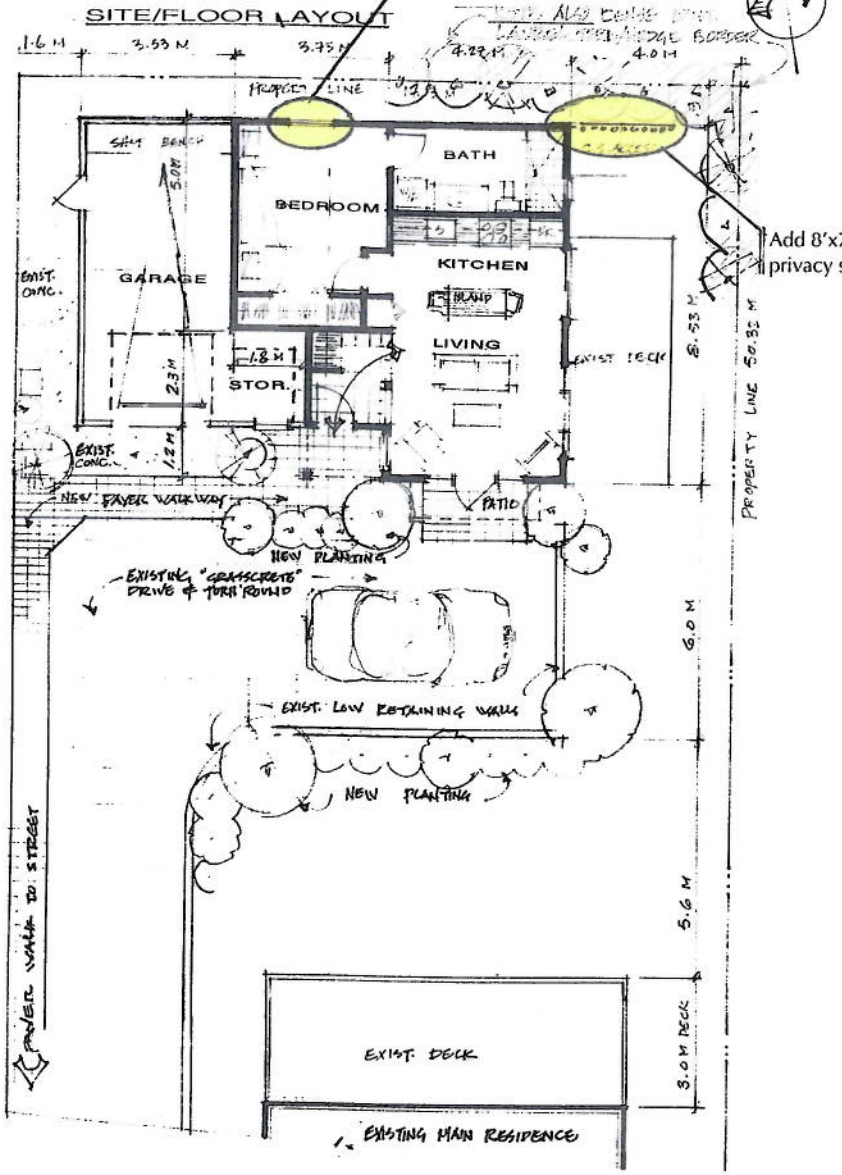
Translucent/opaque glazing to enhance privacy to neighbours' rear yard.

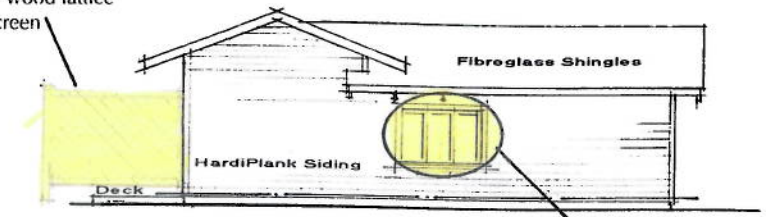
SITE/FLOOR LAYOUT



FRONT (South) ELEVATION

Looking North to neighbour

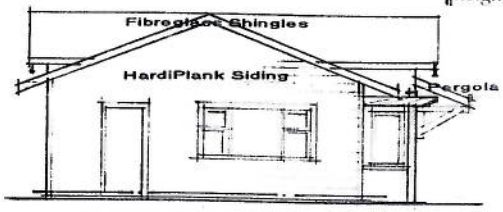
Add 8'x7' wood lattice privacy screen



NORTH ELEVATION

View from bedroom window

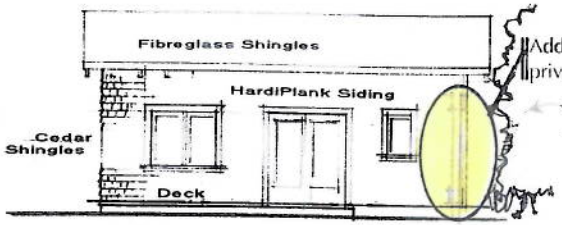
Translucent/opaque glazing to enhance privacy to neighbours' rear yard



WEST ELEVATION

Bedroom window/North wall

Add 8'x7' wood lattice privacy screen



EAST ELEVATION

Drawn JUN 26/13
Revision

Proposed Garden Suite for D. Clarke

1270 Dallas Road Victoria, B.C.

Peninsula Design
RESIDENTIAL & COMMERCIAL
www.peninsuladesign.ca

Anita Walper

From: Joan Kotarski <executivedirector@fairfieldcommunity.ca>
Sent: Wednesday, Jun 19, 2013 1:29 PM
To: Anita Walper
Cc: Pam Madoff (Councillor)
Subject: FW: P & Z meeting. June 17/13 re: 1005 Oliphant and 1270 Dallas

Hi Anita ,
Below is the P&Z report from our meeting on June 17/13.

Joan Kotarski
Executive Director

FAIRFIELD GONZALES
COMMUNITY ASSOCIATION
the place to connect

1330 Fairfield Road
Victoria, BC V8S 5J1
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1005 Oliphant Ave.

The applicant is requesting the subdivision of property to create a small lot house.
There were only three neighbours in attendance.
The presentation by the applicant was straightforward and there were no negative comments.
The only questions posed for the record were relating to the expected process of the application through the City.
This project appear to have the approval of the affected neighbourhood.

1270 Dallas Rd.

The applicant is proposing the creation of a garden suite by the conversion of an existing two-car garage.
The entire exterior structure remains as at present, only interior work and landscaping is proposed.
There were six neighbours in attendance.
No objections were raised by five of the attendees.

The owner of 11 Howe St, with their backyard directly behind the proposed garden suite, presented a lengthy and emotionally charged appeal as to how the change from an occasionally used garage to a residence would affect her privacy, mainly because of a small bedroom window facing her property. Both the applicant and the owner of 11 Howe St were encouraged to see how the problem could be mitigated for peaceful coexistence. The applicant has readily offered to use privacy (opaque) glass in windows looking at the neighbour's yard, the erection of a privacy screen to the side of the existing small patio deck and landscaping enhancement at the property line.

At the end of the meeting, the o . .r of 11 Howe was satisfied with the so. .ons offered and would no longer contest the proposal.

Meetings chaired and minutes reported by George Zador.