



## Planning and Land Use Committee Report

For the Meeting of January 14, 2016

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**To:** Planning and Land Use Committee                      **Date:** December 18, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit Application No. 00490 for 1845 Gonzales Avenue

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion after the Public Hearing for Rezoning Application No. 00490, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00490 for 1845 Gonzales Avenue in accordance with:

1. Plans date stamped November 12, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 920 (8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1845 Gonzales Avenue. The proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to the R1-B-GS2 Zone, Single Family Dwelling with Garden Suite for Plus Sites District, in order to construct a garden suite.

The following points were considered in assessing this Application:

- The proposal is consistent with the objectives for sensitive infill in Development Permit Area 15E: Intensive Residential – Garden Suites of the *Official Community Plan 2012* (OCP).
- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy* (2011).

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct a garden suite. Specific details include:

- the garden suite incorporates architectural elements from the existing residence
- the exterior materials include Hardiplank siding, Hardie shingle siding and fibreglass shingle roofing
- the unit would have a covered entry that would be oriented towards the street
- windows would be minimized on the sides facing adjacent properties
- a new patio and path to access the garden suite would be added.

### **Sustainability Features**

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

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit Application.

### **Existing Site Development and Development Potential**

The site is presently a single family home.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Fairfield Gonzales CALUC at a Community Meeting held on June 15, 2015. The minutes from this meeting are attached to this report.

## ANALYSIS

### Development Permit Area and Design Guidelines

As supported in the *Garden Suite Design Guidelines*, the design of the building relates to the principal building on site and fits in with the traditional character of the neighbourhood. The garden suite has a covered front entry, a peaked roofline, exterior light fixtures and Hardie shingle siding. To address potential privacy concerns, the larger windows are located on the side facing the interior of the site. The windows on the sides facing adjacent properties are smaller and located to reduce privacy concerns.

The proposed garden suite would not be clearly visible from the street as encouraged in the *Garden Suite Design Guidelines*; however, a new entrance gate with an address sign would be added to help increase visibility from the street. The proposed landscaping blends with the existing landscaping with the addition of a path to the garden suite surfaced with walking stones and a patio located at the side entrance.

## CONCLUSIONS

This proposal to construct a garden suite is generally consistent with Development Permit Area 15E: Intensive Residential – Garden Suites. The garden suite creates an opportunity for another form of rental housing and will have minimal infringement on the neighbouring dwellings. Staff recommend that Council consider supporting this Application.

## ALTERNATE MOTION

That Council decline Development Permit Application No. 00490 for the property located at 1845 Gonzales Avenue.

Respectfully submitted,



Rob Bateman  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: December 30, 2015

## List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated August 12, 2015
- Minutes from Fairfield Gonzales Community Association meeting dated June 15, 2015
- Plans dated November 12, 2015.





1845 Gonzales Avenue  
Rezoning #00490  
Bylaw #





1845 Gonzales Avenue  
Rezoning #00490  
Bylaw #





August 12, 2015

Mayor Helps and Council  
City of Victoria  
c/o 1 Centennial Square,  
Victoria, BC  
V8W 1P6

Dear Mayor Helps and Council,

Re: 1845 Gonzales Avenue - Garden Suite Rezoning Application

We are requesting a land use/zoning change from **R1-G** to **R1-B-GS-2** to our home at 1845 Gonzales Avenue. This change will allow us to make application to build a single detached 'Garden Suite' in the rear corner of our lot. Once built the intent is to initially house our elderly mother, offering her a semi-independent lifestyle. After she ceases to inhabit this home, it will be adopted as a rental home offered to a cross section of potential renters. As neither my husband nor I have company pension plans, it may eventually act as our home, with the larger home being rented to augment our income.

Having reviewed the City's criterion for Garden Suite rezoning, we believe that we meet all of these. The property envelopes over 8,000 sq ft, of which we propose to utilize approximately 24% of the lot, well under the allowable 40%. The proposed site location of the Garden Suite has an extremely low impact to the adjoining neighbours as it will be surrounded by neighbouring green-space and not directly abutting or close to existing buildings or homes. Our proposed Garden Suite will offer 597 square feet of living space, as allowed by the City on a lot our size. The design and site location of the Garden Suite took into consideration all required City of Victoria guidelines. The Garden Suite entrance and walk way face the main street and will be self contained meeting all building and mechanical permit requirements. The architectural building design and finish materials will blend in and compliment the surrounds. Preservation of existing landscaping will be maintained as much as possible.

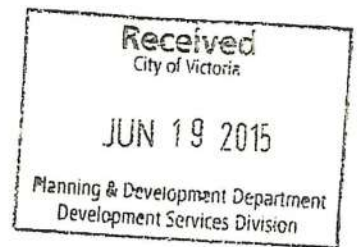
We believe this rezoning will add a long term benefit to our community by offering a rental option to individuals and families that may not have the ability to purchase. This benefit will carry on long after we cease to inhabit the property. This density and diversity will have a positive, long term effect on both neighborhoods and surrounding businesses and we applaud that and would like to participate in this initiative.

Yours truly,



Gale L. Penhall  
Home Owner

**Minutes of Community Meeting  
Planning and Zoning Committee  
Fairfield-Gonzales Community Association (FGCA)  
June 15, 2015**



Facilitators for the FGCA: George Zador (Chair)  
Susan Snell  
Ken Roueche

**Subject property:** 1845 Gonzales Ave ; garden suite application (66 notices sent)  
Proponent/presenter: Gale Penhall, Max Maxie.

Attendance: 5 people.

**Attendee Questions and Comments:**

- Does it meet all setback requirements? Yes, more than minimum.
  - Length of construction? Using prefab components, very short time.
  - Type of exterior finish? Stained Hardie board and cedar roof.
  - Added landscaping? Yes, extensive coverage planned.
  - One neighbour extensively critical about the project: why not extend the existing home, or build basement suite instead of a separate structure that infringes on his privacy.
- Proponent responded that the garden suite is the most economically feasible way of providing separate accommodation and all efforts to ensure neighbour's privacy are demonstrated in the plans.

George Zador

## Anita Walper

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**From:** George Zador <planandzone@fairfieldcommunity.ca>  
**Sent:** Friday, Jun 19, 2015 12:47 PM  
**To:** caluc@victoria.ca  
**Cc:** [REDACTED]  
**Re:** FGCA Community Meeting minutes

Anita, would you please attach this note to the June 15th Minutes of the Meeting, 1845 Gonzales Ave Garden suite application.

The Minutes of the Meeting has omitted to mention a verbal detail on the assumption of it not being an issue of significance.

There was an inadvertent error in the Development Proposal notice sent to affected homes, describing the location of the project as "situated in the south-east corner" of the property.

The actual location is the south-west corner, clearly shown in the plans as submitted and shown at the meeting. Proponent Max Maxie had covered this error at the beginning of the meeting, and apologized for whatever confusion it may have caused..

### George Zador

Planning and Zoning Chair  
Fairfield Gonzales Community Association  
1330 Fairfield Rd. Victoria, BC V8S 5J1  
[planandzone@fairfieldcommunity.ca](mailto:planandzone@fairfieldcommunity.ca)  
[www.fairfieldcommunity.ca](http://www.fairfieldcommunity.ca)  
Facebook

**From:** [caluc@victoria.ca](mailto:caluc@victoria.ca)  
**Sent:** Friday, June 19, 2015 11:17 AM  
**To:** [George Zador](mailto:George Zador)  
**Subject:** FGCA Community Meeting minutes

Thank you George  
Anita

Anita Walper  
Administrative Assistant  
Sustainable Planning and Community Development  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0212 F 250.361.0386



**From:** George Zador [<mailto:planandzone@fairfieldcommunity.ca>]

**Sent:** Friday, Jun 19, 2015 10:20 AM  
**To:** [caluc@victoria.ca](mailto:caluc@victoria.ca)  
**Cc:** Chris Coleman (Councillor)  
**Subject:** FGCA Community Meeting minutes

Attached please find Minutes of Community Meetings held at the FGCA on June 15th 2015.



## Alicia Ferguson

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**From:** George Zador <planandzone@fairfieldcommunity.ca>  
**Sent:** Monday, Jun 29, 2015 3:30 PM  
**To:** caluc@victoria.ca  
**Subject:** Fw: 1845 Gonzales Development Proposal

Hi Anita.....forwarding yet another submission to be added to the subject file.

Thanks and regards

George Zador.

**From:** Jim Lauder  
**Sent:** Monday, June 29, 2015 1:14 PM  
**To:** planandzone@fairfieldcommunity.ca  
**Subject:** 1845 Gonzales Development Proposal

Dear George Nador,

I was unable to attend the community meeting held on the 15th, however, I want to make it clear that my wife and I are **against** this development. We reside at 1730 Richardson St. and the proposed building would be in our view plane. I know that the neighbour who resides next door to 1845 is against the development, and also my neighbour is as well. My understanding is they both did not want to view their objection at the meeting. Most likely to avoid conflict. An open meeting can appear to be open, however, can also be a limited forum for those who are afraid to speak their truth for fear of creating conflict. I prefer to state my truth.

My objection to this proposal is based on what I have learned so far from the applicant, in person with her, and also based on information derived from my neighbour.

1. The applicant claims to make the application based on housing a relative who lives in Winnipeg. There is no evidence of that fact.
2. When I questioned the applicant, she said, that if the parent passed, then they would turn it into a public rental situation.
3. My neighbour discovered that the applicant lived in Oak Bay prior to purchasing the Gonzales home. Oak Bay allows rentals for in-laws and parents. So why did the applicant purchase in Victoria, or at least, purchase a home that could already accommodate this alleged parent? The applicant knew in advance what the bylaw currently allows!
4. There is no provision or intention to provide parking off street for this development, and I object to creating more parked cars on Gonzales. It is a narrow street that is already plagued with speeding car issues, that compromise the safety of young children who reside there. When I questioned the applicant on this issue, she stated that her mother doesn't own a car, and she argued that there was lots of parking on Gonzales and it wasn't crowded. The street in fact is crowded with cars! From a longer term perspective, when the applicant intends to rent the proposed suite out publicly, it is clear that they will not provide off street parking.

5. I moved into this area because of the beautiful environment, and the lack of development of building structures in this area. What are the environmental implications here? More sewer, less green space for birds and animals, valuable insects, drainage issues, more water cascading off a structure...etc. These are serious issues to be considered. Its time our community stood up and put a halt to development of this nature! The encroaching of our beautiful Fair Field Community must be stopped, and this is one project that needs to stopped.

In summary, the applicant knowingly has moved into this community with the expressed intention of creating a rental property that I suspect is pitched under the guise of accommodating an elderly parent who we don't even know exists! If the parent does exist, they surely could have accommodated them in another area of Victoria in a suite for them, that does not create more building in our community. The applicant was clear that she intended to rent out the proposed suite in the future.

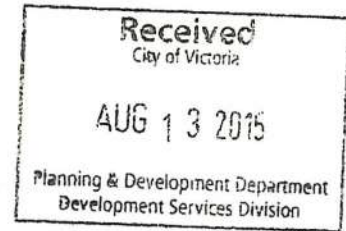
As the Land Use Committee Chair, I thank you for your volunteer work on behalf of our beautiful Fairfield area, and I urge you to take our objection seriously and advocate for the beauty and non development of our community. Please advise what I can do as a further step to halt this development.

Sincerely,

Jim and Janine Lauder  




Melanie Stewart/Graham Whitmarsh  
1750 Richardson St.  
Victoria BC V8S 1R7



June 12, 2015

To whom it may concern,

This letter is to provide formal support to our neighbours, Gale Penhall and Maxwell Maxey, in their garden suite application.

We have met with the applicants and reviewed their plans in detail and have no concerns whatsoever with their application.

Further to this, we believe that this is the sort of thing that our city should be encouraging and we congratulate Gale and Max on making this application.

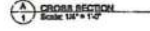
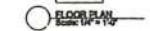
Please do not hesitate to contact us for any further information.

Sincerely,

A handwritten signature in dark ink, appearing to be "Melanie Stewart/Graham Whitmarsh", written over a horizontal line.

Melanie Stewart/Graham Whitmarsh  
Owners, 1750 Richardson St., Victoria BC.



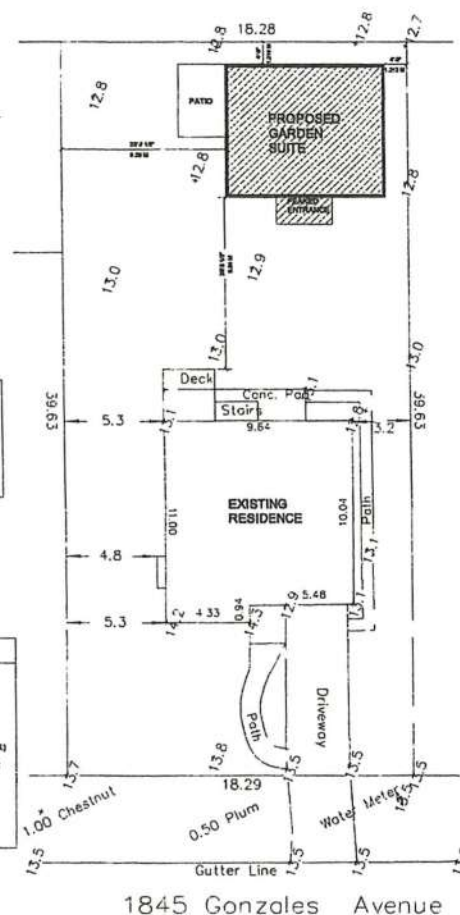


**PROPOSED BARAGE  
GRADE CALCULATIONS**

(12.5+12.7) ÷ 2 X 30 = 307
(12.7+12.8) ÷ 2 X 20.5 = 208.250
(12.8+12.8) ÷ 2 X 13 = 108.4
(12.8+12.8) ÷ 2 X 7 = 56.8
(12.8+12.8) ÷ 2 X 4 = 41.2
(12.8+12.8) ÷ 2 X 3 = 30.6
(12.8+12.8) ÷ 2 X 11 = 140.8
(12.8+12.8) ÷ 2 X 20.5 = 208.25

1367.025 + 1.07 = 1378  
AVG. GRADE = 12.78

SITE DATA FOR GARDEN SUITE	
OWNER	1
ADDRESS	1846 DONZELLE AVENUE
ZONE	211-028-2 D(18)
LOCAL DESCRIPTION	
LOT	5
PLAN	28
SECTION	28
DISTRICT	VICTORIA
RANGE	
BITE AREA	3779.040 SQ.FT. (73.91 R)
TOTAL SITE COVERAGE	1078.040 SQ.FT. 28.2%
PEARL YARD AREA	1078.040 SQ.FT. (21.31 R)
PEARL YARD SITE COVERAGE	102.130 SQ.FT. 9.52%
TOTAL FLOOR AREA	201.878 SQ.FT. (4.04 R)
REMARKS	
TO PROPOSED DEVELOPMENT	202.4 107 (0.24 R)
PEARL	47.4 (1.21 R)
BITE	47.4 (1.21 R)
PEARL	102.1 (2.61 R)
BUILDING HEIGHT	10.4 - 15.4 (0.24 R)



HEAT PUMP HEATING SYSTEM &  
ELECTRIC BACKGROUND HEATING  
WARMEST STUFF PUMP

THESE PLANS ARE DESIGNED  
FROM THE CANADIAN WOOD  
CUTTING "THE SPAN BOOK",  
1982 EDITION

for

**PROJECT:**  
PROPOSED GARDEN  
SUITE FOR 1845  
GONZALES

**DWG TITLE:**  
GONZALES GARDEN  
SUITE

**SCALE:**  
 $\frac{1}{4}" = 1'-0"$

DWG. NO.:  
R-5

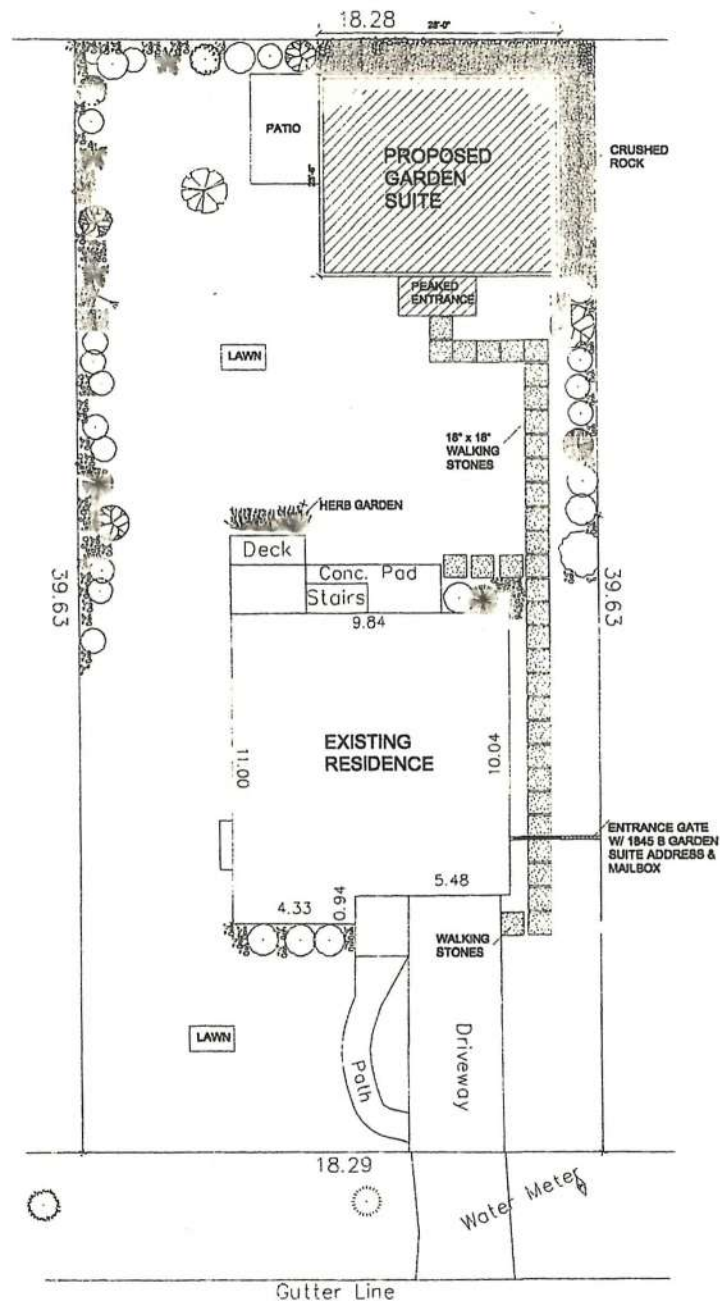
**DATE:**  
2015-NOV-12

**DRAWING BY:**  
A. ROBINSON

**CHECKED BY:**  
T. RYBACK

**#304-409 Swift St.  
Victoria, BC  
V8W 1S2  
T.250.384.3990  
F.250.384.3944**





Garden legend	
	Azalea
	Pernetecia
	Hazelnut
	Rafodendrum
	Bay Laurel
	Hydrangea
	California
	Weeping Willow
	Willow
	Ulm
	Butterfly Bush
	Plum
	Chestnut

A  
1 SITE PLAN LANDSCAPE PLAN  
Scale: 1:100

td  
#304-409 Swift St.  
Victoria, BC  
V8W 1S2  
T.250.384.3990  
F.250.384.3944

**PROJECT:**  
PROPOSED GARDEN  
SUITE FOR 1845  
GONZALES

**DWG TITLE:**  
GONZALES GARDEN  
SUITE LANDSCAPE

**SCALE:**  
1/4" = 1'-0"

**DWG. NO.:**  
R-5

**DATE:**  
2015-NOV-12

**DRAWING BY:**  
A. ROBINSON

**CHECKED BY:**  
T. RYBACK