

K. **BYLAWS**

K.3 **Bylaw for 1284-1298 Gladstone Avenue: Rezoning Application No. 00640**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1172) No. 19-013

**CARRIED UNANIMOUSLY**



## **Council Report**

**For the Meeting of August 8, 2019**

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**To:** Council **Date:** July 25, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00640 for 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road

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### **RECOMMENDATION**

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 19-013 (Amendment No. 1172).

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding the Rezoning Application for the properties located at 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road. The proposal is to rezone from the C-1 Zone, Limited Commercial District, to the new CR-F Zone, Fernwood Commercial Residential District, in order to allow live-work units on the ground level of the existing heritage-designated building.

In accordance with Council's motion of September 20, 2018, included below, the necessary condition that would authorize the approval of the Rezoning Application for the subject properties has been fulfilled. The motion from the September 20, 2018 Council meeting is as follows:

*That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00640 for 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:*

- 1. Preparation of a legal agreement to secure a statutory right-of-way of 3.90m on Fernwood Road, and executed by the applicant to the satisfaction of City Staff.*

### **COMMENTS**

#### Public Hearing Conditions

With regard to the pre-condition that Council set in relation to these applications, staff can report that a Section 219 Covenant to secure a 3.90m statutory right-of-way on Fernwood Road was registered on title.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

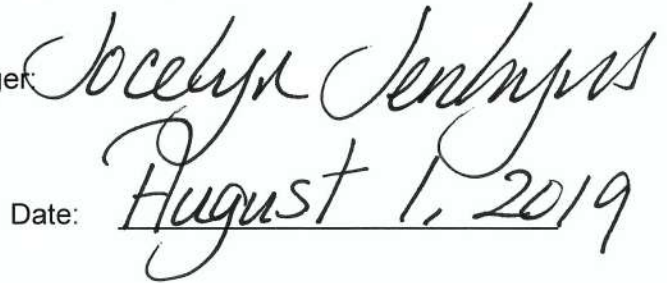


Leanne Taylor  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: August 1, 2019

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CR-F Zone, Fernwood Commercial Residential District, and to rezone land known as 1284 to 1298 Gladstone Avenue and 2000 to 2004 Fernwood Road from the C-1 Zone, Limited Commercial District, to the CR-F Zone, Fernwood Commercial Residential District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1172)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – GENERAL COMMERCIAL ZONES by adding the following words:

“4.92 CR-F Fernwood Commercial Residential District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 4.91 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1284 to 1298 Gladstone Avenue and 2000 to 2004 Fernwood Road, legally described as PID: 002-817-381 Lot A, Spring Ridge, Victoria City, Plan 24752 and shown hatched on the attached map, is removed from the C-1 Zone, Limited Commercial District, and placed in the CR-F Zone, Fernwood Commercial Residential District.

READ A FIRST TIME the	day of	2019
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READ A SECOND TIME the	day of	2019
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Public hearing held on the	day of	2019
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READ A THIRD TIME the	day of	2019
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ADOPTED on the	day of	2019
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CITY CLERK

MAYOR

**PART 4.92 – CR-F, FERNWOOD COMMERCIAL RESIDENTIAL DISTRICT****4.92.1 Definition**

In this Zone, “live-work unit” means a self-contained dwelling unit used in conjunction with a commercial use by the occupant of the self-contained dwelling unit, with such commercial use limited to one the following uses:

- a) Artist studio
- b) High tech
- c) Office
- d) Professional service
- e) Retail
- f) Trade or craft requiring artisan skills including garment makers and tailors, goldsmiths, silversmiths and jewellers, graphic artists, potters, weavers, and similar craftspeople, provided such use is not noxious or offensive to adjacent property or the general public by reason of emitting odours, dust, noise, smoke, gas, effluent, radiation, humidity, heat, vibration or hazard

**4.92.2 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Call centre
- b. Chartered banks
- c. Clubs for social or recreational purposes
- d. Commercial-residential buildings
- e. Drycleaning or clothes pressing businesses or both, which
  - (i) do not occupy in excess of 280m<sup>2</sup> of floor space, and
  - (ii) are used or intended to be used for the purpose of dealing directly with the members of the public serviced thereby
- f. High tech
- g. Laundrettes, provided that there is at least one off-street automobile parking space on the same lot for every 18.5m<sup>2</sup> of floor area in the building, with proper ingress and egress for the automobiles
- h. Live-work unit
- i. Office
- j. Professional businesses
- k. Retail stores, including, without limiting the generality hereof, the retail sale of bakery products

**PART 4.92 – CR-F, FERNWOOD COMMERCIAL RESIDENTIAL DISTRICT**

- l. Theatres
- m. Establishments for the care and treatment of animals under the supervision of a duly registered veterinarian, provided that such establishments are not used or intended to be used for the care or treatment of an animal of the equine or bovine species and that no animal shall be permitted or suffered to remain in such establishment at any time during the hours of darkness in any day
- n. Home occupation subject to the regulations in Schedule “D”
- o. Accessory Buildings subject to the regulations in Schedule “F”

**4.92.3 Location of Uses**

- a. Live-work units are not permitted:
  - i. above the ground floor of a building; or
  - ii. along a street frontage
- b. Commercial uses in commercial-residential buildings are only permitted on the ground floor
- c. Except within a building lawfully in use, no commodity, merchandise, stock in trade, or other material or thing related to any commercial use shall be stored or displayed within a setback, side yard or rear yard

**4.92.4 Floor Space Ratio**

<u>Floor space ratio</u> (maximum)	1.4:1
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**4.92.5 Height**

Principal <u>building height</u> (maximum)	12m
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**4.92.6 Setbacks, Projections**

- a. Front yard setback (minimum) 6m
- b. Side yard setback on a flanking street for a corner lot (minimum) 2.4m
- c. Rear yard setback (minimum) 6m
- d. Side yard setback (minimum) 0m
- e. Side yard setback if abutting a residential use (minimum) 2.4m or ¼ of the height of building, whichever is greater

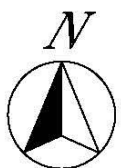
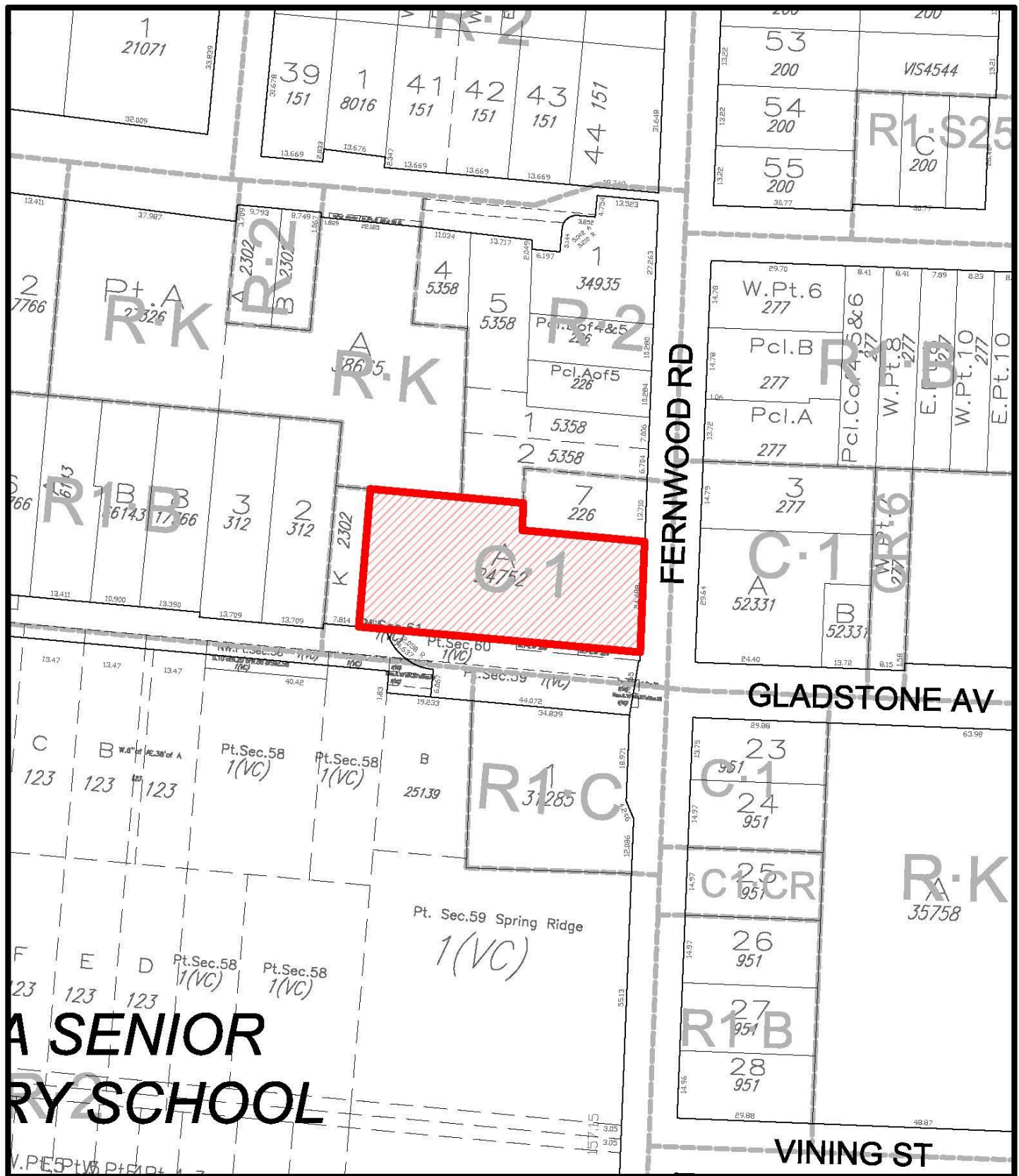
**PART 4.92 – CR-F, FERNWOOD COMMERCIAL RESIDENTIAL DISTRICT****4.92.7 Site Coverage**Site Coverage (maximum)

59%

**4.92.8 Vehicle and Bicycle Parking, Loading**

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|---|--|
| a. Vehicle parking  | Subject to the regulations in Schedule “C”, except as otherwise specified by the regulations in this Section |
| b. Vehicle parking spaces on a <u>lot</u> (minimum)   | 21   |
| c. Bicycle parking (minimum)  | Subject to the regulations in Schedule “C”   |
| d. Where no lane exists giving access to the <u>rear yard</u> , one <u>side yard</u> of a minimum <u>width</u> of 3m shall be provided giving access to the <u>rear yard</u> for the purpose of permitting off-street loading and unloading |  |





1284 - 1298 Gladstone Ave and  
2000 - 2004 Fernwood Rd  
Rezoning No.00640

