



## Council Report

### For the Meeting of March 13, 2025

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**To:** Council **Date:** March 06, 2025  
**From:** Curt Kingsley, City Clerk  
**Subject:** 1132 and 1134 Empress Avenue: Heritage Designation Application No. 000208

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## RECOMMENDATION

That the following bylaw be given first and second readings:

1. Heritage Designation (1132 Empress Avenue) Bylaw, No. 25-004

## BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 25-004.

The issue came before Council on December 12, 2024 where the following resolution was approved:

***1132 and 1134 Empress Avenue: Rezoning Application No. 00784 and Development Permit with Variances Application No. 00174 (Fernwood)***

### ***Rezoning Application***

1. *That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in the staff report dated November 28, 2024, for 1132 and 1134 Empress Street.*
2. *That, after publication of notification in accordance with section 467 of the Local Government Act, first, second, and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions have been met:*
  - a. *Revised plans showing the long-term bicycle parking stall as being located 0.45m away from the wall.*
  - b. *Consider revising plans and elevations showing the design and placement of exterior lighting that aligns with the guidance provided in the General Urban Design Guidelines (2022).*
  - c. *Preparation of a Heritage Designation Bylaw to designate the exterior of the building at 1132 and 1134 Empress Street, as described in the Statement of Significance in Attachment E, pursuant to Section 611 of the Local*

*Government Act, to the satisfaction of the Director of Planning and Development, and that the introductory readings of the Heritage Designation Bylaw be considered by Council concurrently with the Zoning Regulation Bylaw amendment.*

3. *That following third reading of the Zoning Regulation Bylaw amendment, the applicant prepares and execute legal agreements, with contents satisfactory to the Director of Planning and Development and the Director of Engineering and Public Works, and form satisfactory to the City Solicitor prior to adoption of the bylaw for the following:*
  - a. *To secure the five new residential dwelling units as rentals in perpetuity and restrict strata titling of the property.*
  - b. *Provision of sustainability features, including:*
    - i. *Building design to meet Step 4 of the BC Energy Step Code.*
    - ii. *Rough-in electrical conduit to roof for future solar panels.*
  - c. *Provisions of transportation demand measures including:*
    - i. *One car share membership per dwelling unit. Each membership comes with a \$100 usage credit.*
    - ii. *Electrical outlets for all long-term bike parking stalls.*
  - d. *A 3.38m wide statutory right of way (SRW) along Bay Street for highway purposes.*
4. *That adoption of the Zoning Regulation Bylaw amendment will not take place until:*
  - a. *All the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.*
  - b. *After third reading of the associated Heritage Designation Bylaw noted in 2.c.*
5. *That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.*

### ***Development Permit with Variances Application***

*That Council, after giving notice, consider the following motion:*

1. *That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Permit with Variances No. 00174 for 1132 and 1134 Empress Street in accordance with revised plans submitted to the Planning and Development department subject to:*
  - a. *Proposed development meeting all City Zoning Regulation Bylaw requirements, except for the following variances:*
    - i. *increase the maximum eave projection into the setbacks from 0.75m to 1.00m.*
    - ii. *reduce the front yard setback fronting Empress Street from 4.0m to 3.0m.*
    - iii. *reduce the side yard (east) setback from 2.0m to 1.53m for the trellis, and 1.08m for the existing duplex stairs.*
    - iv. *reduce the side yard (west) setback from 5.0m to 2.7m for the existing duplex, 2.26m for the new three-storey structure, and 2.04m for the trellis.*
    - v. *reduce the required number of accessible parking spaces from one to zero.*
    - vi. *reduce the required long-term bike parking stalls from ten to six.*
2. *That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.*

Respectfully submitted,

Curt Kingsley  
City Clerk

**Report accepted and recommended by the City Manager**

**List of Attachments:**

- Bylaw No. 25-004