



## POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: April 30, 2013  
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Meeting Date: May 15, 2013

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: Rezoning - 807 Powell Street

### **RECOMMENDATION**

- A. THAT the application by W.D. Fisher Architects, on behalf of 122 Hawks Investments Ltd., to rezone 807 Powell Street [Lots 1 to 4 and Lot A (Reference Plan 127) and Lot B (Reference Plan 1456), Block 45, District Lot 181, Plan 993; PIDs 015-008-461, 015-008-487, 015-008-517, 015-008-533, 015-008-690 and 015-008-720 respectively] from M-2 (Industrial) District to I-2 (Industrial) District, be referred to a Public Hearing, together with the recommendation of the General Manager of Planning and Development Services to approve the application, subject to conditions of approval contained in Appendix B.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT Recommendations A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

**REPORT SUMMARY**

This report recommends a plan amendment to the Zoning and Development By-Law for the site located at 807 Powell Street. The proposed amendment would rezone the land from M-2 (Industrial) District to I-2 (Industrial) District, to allow an increase in the percentage of office uses allowed within the existing building located on the site. Staff recommend that the application be referred to Public Hearing and, subject to the Public Hearing and to conditions contained in Appendix A, that it be approved.

**COUNCIL AUTHORITY/PREVIOUS DECISIONS \***

Relevant Council policies for this site include:

- Industrial Lands Policies (1995)
- North of Hastings and Railway Street Industrial Areas Policy Directions (1995)
- Metro Core Jobs and Economy Land Use Plan: Issues and Directions (2007).

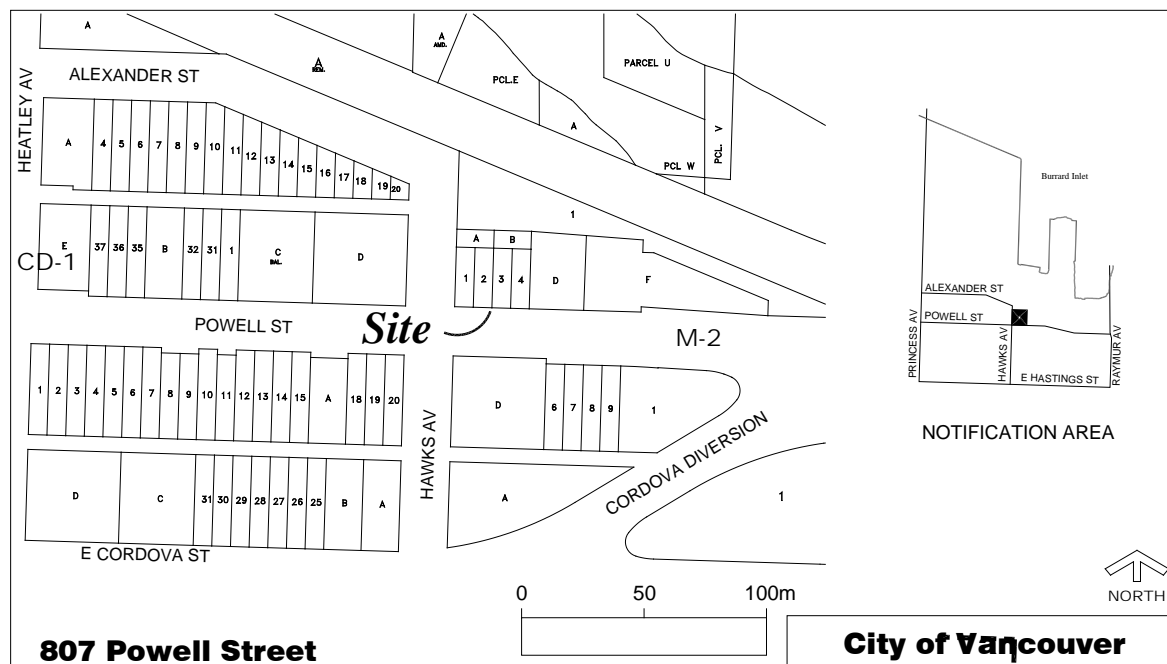
**REPORT**

**Background/Context**

**1. Site and Context**

The site, located at the northeast corner of Powell Street and Hawks Avenue, is currently developed with a two-storey mixed-use wholesale/office/storage/retail building. North of the site are vacant land and the Port Lands, south and west of the site are two-storey warehouse buildings, and east of the site is a three-storey manufacturing building.

Figure 1 - Site and Surrounding Zoning



## 2. Land Use

The applicant has requested that the site be rezoned to I-2 to permit increased general office use in the existing building. The current uses in the building were subject to a property use inspection, which determined that the general office use operating within the building exceeds the percentage allowed under the current zoning. This resulted in the application for rezoning. The current M-2 zoning only allows 25% of the total floor area to be general office uses, while the I-2 zone permits a maximum of 33% floor area in general office use. No alterations to the building are anticipated. If approved by Council following a public hearing, the new zoning for the site will permit the percentage of current general office uses present on the site.

## 3. Policy Context

The "Industrial Lands Policies" (1995) and the "North of Hastings and Railway Street Industrial Areas Policy Directions" (1995) both confirm that this area should be retained for industrial land uses. The "Metro Core Jobs and Economy Land Use Plan: Issues and Directions" (2007) states that the Powell-Clark Industrial Area should continue to play a key production, service and repair role for the Metro Core economy and notes further that the role would be protected and enhanced by increasing job density through the introduction of modest amounts of office and services uses, provided that industrial functions are not displaced. The requested increase in additional general office floor area is considered to be modest in scale and industrial activities will remain as the predominant use.

On January 20, 2011 Council directed the City Manager to strike a community committee to "enhance and accelerate a Downtown Eastside (DTES) Local Area Plan and to develop a clear strategy to implement the existing Council approved DTES Housing Plan." As part of the LAP program, Council adopted an Interim Rezoning Policy. Under that policy, any active rezoning applications, that had been registered and had received a written response from the City prior to the establishment of the LAPP Committee on February 15, 2012, can be considered on its own merit and would not be subject to the Interim Rezoning Policy. This application had received a letter of support and was submitted prior to establishment of the LAPP Committee. It is therefore eligible for consideration by Council prior to completion of the DTES LAP.

## 4. Public Input

**Notification and Open House** – A notification postcard was mailed to 160 surrounding property owners on June 26, 2012. The City of Vancouver Rezoning Centre webpage included notification and application information as well as an on-line comment form. Notification signs were posted on the site, as well as mailed information to property owners within two blocks from the site. No comments were received through the notification process. Based on the response rate and the minor nature of the proposed zoning change, no open house was held for this application.

**Downtown East Side Local Area Plan Development Sub-Committee** – The rezoning application was reviewed by the Development Sub-committee of the DTES Local Area Plan Committee on January 9, 2013. No concerns were raised about the proposal.

## 5. Public Benefits

**Development Cost Levies (DCLs)** —Development Cost Levies (DCLs) are a growth-related charge on new development. As this rezoning is for a change of use to an existing building with no addition of floor area, there are no DCLs payable.

**Community Amenity Contribution (CAC)** — Real Estate Services have reviewed the application and have determined that the proposed rezoning does not result in any increase in land value (land lift). As there is no land lift generated by this rezoning, staff recommend that in this particular case a Community Amenity Contribution (CAC) is not appropriate.

### *Financial*

As noted in the Public Benefits Section above, there are no Community Amenity Contributions or Development Cost Levies associated with this rezoning.

### *CONCLUSION*

Planning staff conclude that this rezoning application is consistent with the Industrial Lands Policies and support rezoning the site to I-2. Staff recommend that the application be referred to Public Hearing with the recommendation of the General Manager of Planning and Development Services that, subject to the Public Hearing, it be approved, subject to the conditions of approval listed as Appendix A.

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807 Powell Street  
DRAFT BY-LAW PROVISIONS

A By-law will be prepared for public hearing which would amend the Zoning & Development By-law by amending the map attached to the by-law as Schedule D in order to remove this site from District M-2 and add this site to District I-2.

807 Powell Street  
PROPOSED CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

**CONDITIONS OF BY-LAW ENACTMENT**

That, prior to enactment of the amendment to the Zoning and Development By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

**Engineering**

1. Consolidation of the site into a single parcel is required.
2. Clarification of the demountability and drainage of the existing canopy over City street, and the potential encroachment of the upper-storey corrugated metal cladding onto Hawks Avenue and Powell Street (see sheet A3 of the drawings). An encroachment agreement will be required for any portion of the building that may encroach and, if the canopy is not demountable or drained internally, it also must be included in any encroachment agreement.

Note: A BC Land Surveyor building location certificate is required to show all encroachments. The surveyor's site plan appears to predate the installation of the exterior metal cladding. An application to the City Surveyor is required for all encroachments onto City street.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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807 Powell Street  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

**Applicant and Property Information**

Address	807 Powell Street
Legal Descriptions	Lots 1 to 4 and Lot A (Reference Plan 127) and Lot B (Reference Plan 1456), Block 45, District Lot 181, Plan 993
Developer	122 Hawks Investments Ltd.
Architect	W.D. Fisher Architect
Property Owners	122 Hawks Investments Ltd.

**Development Statistics**

	Development Permitted Under Existing Zoning	Development Permitted Under Proposed Zoning
ZONING	M-2	I-2
SITE AREA	966.2 m <sup>2</sup> (10,400 sq. ft.)	
USES	Industrial, General Office (up to 25%)	Industrial, General Office (up to 33%)
MAXIMUM Floor Space Ratio (FSR)	5.0 FSR	3.0 FSR
MAXIMUM HEIGHT	30.5 m (100 ft.)	18.3 m (60 ft.)
PARKING, LOADING AND BICYCLE SPACES	As per Parking By-law	As per Parking By-law