

SUMMARY AND RECOMMENDATION

1. REZONING: 807 Powell Street

Summary: To rezone 807 Powell Street from M-2 (Industrial) District to I-2 (Industrial) District to allow for an increase within the existing building in the amount of general office use tenancies permitted, from 25% (M-2) to 33.3% (I-2).

Applicant: Mr. Bill Fisher, W.D. Fisher Architects

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- 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, to allow an increase in the amount of office use permitted, generally as presented in Appendix A of the Policy Report dated April 30, 2013, entitled "Rezoning - 807 Powell Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL 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.

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.

B. THAT Recommendation 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.

(RZ - 807 Powell Street)