



POLICY REPORT

Report Date: April 16, 2019
Contact: Jason Olinek
Contact No.: 604.873.7492
RTS No.: 13153
VanRIMS No.: 08-2000-20
Meeting Date: May 14, 2019

TO: Vancouver City Council

FROM: General Manager, Planning, Urban Design and Sustainability in consultation with the Director of Legal Services

SUBJECT: Heritage Revitalization Agreement Amendment – 2082-2088 Charles Street

RECOMMENDATIONS

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law to amend the Heritage Revitalization Agreement (the "HRA") pursuant to Heritage Revitalization Agreement By-law No. 11502 in respect of the new building located at 2082 Charles Street (PID 029-894-913; Lot A Block 136 District Lot 264A Group 1 New Westminster District Plan EPP57456) (the "New Building Parcel") and the heritage building known as the Carlsen Residence (the "Heritage Building"), located at 2088 Charles Street (PID 029-894-921; Lot B Block 136 District Lot 264A Group 1 New Westminster District Plan EPP57456) (the "Heritage Parcel"), to permit an increase in density while retaining the benefit of by-law variances in the HRA, generally in accordance with Appendix B.
- B. THAT the amendment to the Heritage Revitalization Agreement shall be prepared, completed, registered and given priority on title to the lands described above to the satisfaction of the Director of Legal Services and the Director of Planning.
- C. THAT Recommendations A and B be adopted on the following conditions:
 - (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and

- (ii) THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

The purpose of this report is to seek Council's approval for enactment of a by-law to amend the Heritage Revitalization Agreement (HRA) currently registered on title to the New Building Parcel and Heritage Parcel as described in Recommendation A, located at 2082 and 2088 Charles Street.

The purpose of the proposed HRA amendment, as part of development permit application DP-2018-00970 ("DP Application"), is to address the current minor amendment to the previously issued development application for a modest increase in floor area, and at the same time address housekeeping measures to update provisions that now apply as per the rezoning of the area from RT-4 to RT-5.

The General Manager of Planning, Urban Design, and Sustainability is prepared to approve the DP Application should Council approve the recommendations of this report.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Pursuant to Section 592(4) of the *Vancouver Charter*, an HRA may only be amended by by-law and with the consent of the owner of the subject property. Notice of the HRA was filed in the Land Title Office on title to the parcels of 2082 and 2088 Charles Street as required by the *Vancouver Charter*, and the owner of the Property has consented to the proposed amendment. Therefore Council may consider the amendments to the HRA as proposed. This matter requires a Public Hearing and by-law enactment as the amendment to the HRA proposes a change to the density on the site (s.592(8), *Vancouver Charter*).

The following Council policies are applicable to the project:

- *Heritage Policies and Guidelines (April, 1991, last amended September 2002)*
- *Grandview-Woodland Community Plan*, adopted by Council July 28, 2016

GENERAL MANAGER'S COMMENTS

The General Manager of Planning, Urban Design, and Sustainability recommends approval of A through C.

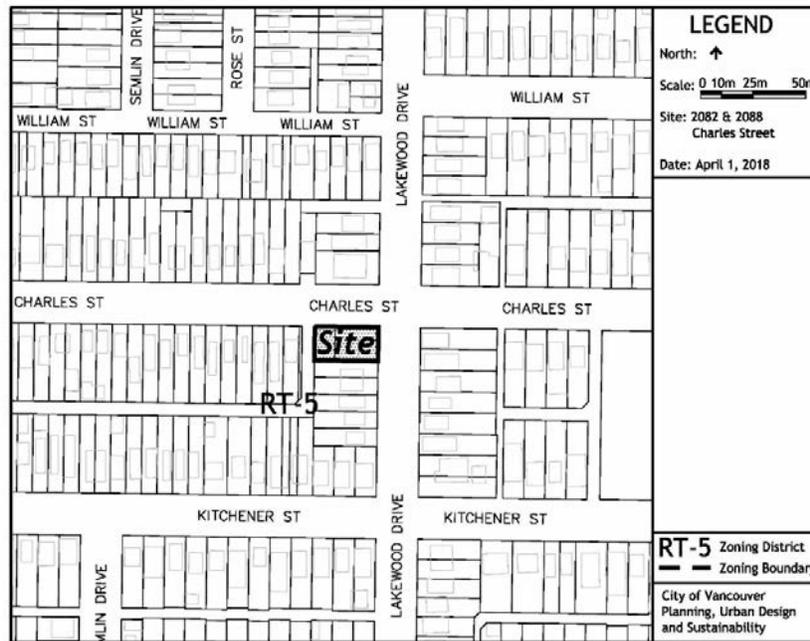
REPORT

Site and Context

The site is located in the Grandview-Woodland neighbourhood in an area zoned RT-5 (see Figure 1). The *RT-5 District Schedule of the Zoning and Development By-law* permits One and

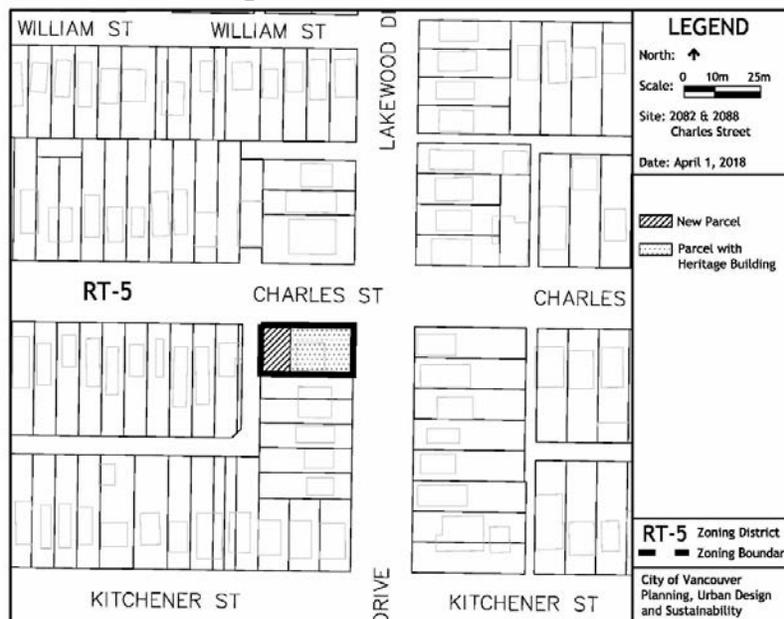
Two-Family Dwellings and infill development on certain sites. The total area of the two parcels is 489.6 m² (5,270 sq. ft.). There is a 6-metre (20-ft.) wide paved lane at the west side of the site.

Figure 1: Site Location



There are two parcels on the subject site to which the HRA applies: the New Building Parcel on the west side adjacent the lane, 156.2 m² (1,681 sq. ft.) in area, and the Heritage Parcel on the east side, 333.4 m² (3,589 sq. ft.) in area, at the corner of Charles Street and Lakewood Drive (see Figure 2).

Figure 2: Detailed Site Plan



Background

In April 2016, Council approved the addition of the Heritage Building at 2088 Charles Street to the Vancouver Heritage Register as a B-listing, the heritage designation for the structure and exterior envelope of the improvements and exterior building materials, and the HRA to be registered against title. At that time, the property was zoned RT-4. The purpose of the HRA was to allow an increase in permitted density as well as other zoning and subdivision variances, including the creation of a second parcel now addressed as 2082 Charles Street, as an incentive to rehabilitate and provide long-term protection to the Heritage Building. Variances to the *Zoning and Development By-law* and the *Subdivision By-law* were approved through the HRA. At that time, density under RT-4 zoning was limited to 0.6 FSR and approval of the HRA allowed a modest increase in density to 0.65 FSR on the Heritage Parcel and 0.68 FSR on the New Building Parcel, for an overall FSR of 0.66 (10% over permitted) under the *RT-4 District Schedule* of the *Zoning and Development By-law*. The subdivision variance was in response to the siting of the heritage building on the property, and allowed a parcel to be created, the New Building Parcel, which was smaller than normally allowed.

Heritage Value

Built in 1932, the Heritage Building is an excellent example of the influence of the Tudor Revival (or “Mock-Tudor”) style in residential designs from the 1920s to 1940s (see Appendix A). The inter-war years saw a rise in the interest in traditional residential architecture styles. Designed with Tudor influences, the Heritage Building features include the prominent dormer on the front façade, with half-timbering in the gable end, a projecting hipped-roof front entryway with arched openings, as well as leaded glass sidelights on the east side of the portico. Other details include scroll-cut window box brackets, pointed wood bargeboards, and a variety of original wooden sash and frame windows, some with leaded glass. An original door exists on the west side.

The Grandview-Woodland neighbourhood developed rapidly during the Edwardian building boom which lasted until 1913. Economic hard times followed but during the mid-1920s new houses with different styles and material began to be built in the area on undeveloped lots. The Heritage Building exemplifies this period of inter-war residential development in the area.

Development Application and Proposed Incentives

If approved, the incentives to be provided to the owner for the amendment to the HRA will be in the form of variances to the *Zoning and Development By-law*, including a further density variance and as set forth in the DP Application and as described below. The zoning now applicable to the site is RT-5. A summary of density and use is provided in Table 1 (see Appendix C for a full technical summary).

Table 1: Density Summary

Total Site Area = 489.6 m² (5,270 sq.ft.)
Heritage Parcel = 333.4 m² (3,589 sq.ft.)
New Building Parcel = 156.2 m² (1,681 sq.ft.)

Item	Existing (Approved under HRA)	Permitted or Required under RT-5	Proposed HRA Amendment
Floor Area – Heritage Parcel (2088 Charles)	0.65 FSR 229 m ² (2,467 sq.ft.)	0.75 FSR Maximum 250.1 m ² (2,691.7 sq.ft.)	0.8 FSR 268.1 m ² (2,886 sq.ft.)
Floor Area – New Building Parcel (2082 Charles)	0.68 FSR 106.5 m ² (1,146 sq.ft.)	0.75 FSR 250.1 m ² (1,260.7 sq.ft)	0.6 FSR 93.8 m ² (1,009.5 sq.ft.)
Two parcels combined	0.66 FSR 323.6 m ² (3,483 sq.ft.) 0.6 FSR Permitted at the time of permit approval	0.75 367.2 m ² (3,952.5 sq.ft)	0.74 FSR 361.9 m ² (3,895.5 sq.ft.)

Under the previous development permit, a portion of the ground floor (basement) was left undeveloped as crawl space in order to limit the total FSR to 0.66 for the overall site, which was 10% over permitted under the previous RT-4 zoning. Council approval of the heritage designation was a condition of the Director of Planning approving the development permit at 10% over permitted FSR, and the HRA allowed subdivision of the property into two parcels and addressed existing non-conformities.

Subsequently, the zoning for this area of Grandview-Woodland underwent amendment from RT-4 to RT-5. What was sought by the applicant at that time could have been achieved under the then-proposed amendments to the zoning, without an HRA. However, the owner chose to proceed with the heritage designation and the HRA amid the amendments to the area zoning. With the now-adopted RT-5 zoning, the DP Application proposes to retain and restore the Heritage Building and to convert a portion of the ground floor (basement) from crawl space to livable space, all within the confines of the existing building. There are no proposed changes to the exterior, only interior changes that will provide a full basement that will slightly exceed zoning requirements.

The floor area of the building on the New Building Parcel was not built to the maximum permitted under the HRA; accordingly, the HRA will be amended to reflect the existing floor area for that building. The proposed added FSR for the Heritage Building is approximately 7% over permitted under the *RT-5 District Schedule*; the proposed overall FSR for the two parcels is within permitted, just under 0.75.

Staff have considered the potential impact of the proposed development, the conservation approach (see Condition of the Heritage Building and Conservation Approach section), and the compatibility of the development with the zoning, and conclude that the DP Application is supportable. The General Manager of Planning, Urban Design and Sustainability is prepared to approve the DP Application should Council approve the recommendations of this report.

Compatibility with Existing Zoning and Land Use Regulations and Community Plans

The intent of the *RT-5 District Schedule* of the *Zoning and Development By-law* is to:

“.....strongly encourage the retention and renovation of existing character houses by providing incentives such as increased floor area, additional dwelling units, and additional relaxation provisions. New development has an emphasis on preserving consistency with existing lot patterns, and compatibility with neighbourhood character while also providing variety in housing choices.”

The proposed HRA Amendment as it applies to the heritage building meets this intent.

Condition of the Heritage Building and Conservation Approach

The property is in very good condition and the exterior rehabilitation of the heritage building has been completed in conjunction with the previously approved development permit. The modest amount of additional floor area as proposed in the DP Application will have no effect on the exterior appearance of the heritage building, as it will be contained within the existing building envelope.

Financial Implications

The site is subject to the City-wide DCL and the City-wide Utilities DCL and it is anticipated that, based on rates in effect as of September 30, 2018, the applicant will pay approximately \$2,700 in DCLs on the additional floor area proposed as part of the HRA amendment.

Legal

The owners of the Property have agreed to the above described amendment to the HRA which has been prepared by Legal Services in consultation with Planning, Urban Design and Sustainability.

CONCLUSION

The owners of 2082 and 2088 Charles Street have applied to amend the HRA for those addresses. The DP Application has been reviewed and is supported by staff to allow residential development to take place under the provisions of the *RT-5 District Schedule* of the *Zoning and Development By-law*. The proposed HRA amendment will specifically address a modest increase to density applicable to 2088 Charles Street, all within the existing footprint of the Heritage Building. No changes to density are proposed for 2082 Charles Street. Staff recommend that Council instruct the Director of Legal Services to bring forward for enactment a by-law to enter into an agreement to amend the HRA as set out in this report.

* * * * *

2088 Charles Street – Carlsen Residence



2082 Charles Street – New Residence



Schedule A

FORM C_V24 (Charge)

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

1555014381 PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.



1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Joanna Track, Solicitor
City of Vancouver
453 West 12th Avenue
Vancouver

BC V5Y 1V4

LTO Client number: 10647
Phone number: 604-873-7513
Matter number: 15-1189-004
Modification of Heritage Revitalization Agreement

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST

CHARGE NO. ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

CITY OF VANCOUVER

453 WEST 12TH AVENUE
VANCOUVER

BRITISH COLUMBIA
CANADA

V5Y 1V4

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Shirley M. Manfron
Notary Public
#3 2445 E. Hastings St.
Vancouver, B.C. V5K 1Y8
Telephone: 604-253-5241

Execution Date

Y	M	D
19	04	30

Transferor(s) Signature(s)

EUSTATHE SIRSIRIS
by his Attorney, VASILIOS
Bill VASILIOS, SEE
CA 7471893

OFFICER CERTIFICATION:

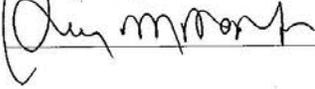
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM_01_V24

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

PAGE 2 of 13 PAGES

Officer Signature(s)



Shirley M. Manfron
Notary Public
#3 2445 E. Hastings St.
Vancouver, B.C. V5K 1Y8
Telephone: 604-253-5241

Execution Date

Y	M	D
19	04	30
19		
19		

Transferor / Borrower / Party Signature(s)



VASILIOS BILL SIRIRIS

VANCOUVER CITY SAVINGS CREDIT
UNION, IN TRUST (SEE BL051963) by
its authorized signatory(ies):

Print Name:

Print Name:

OLIVER ALAN KNAUS

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_E_V24

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 13 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-894-913 **LOT A BLOCK 136 DISTRICT LOT 264A GROUP 1 NEW WESTMINSTER
DISTRICT PLAN EPP57456**

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-894-921 **LOT B BLOCK 136 DISTRICT LOT 264A GROUP 1 NEW WESTMINSTER
DISTRICT PLAN EPP57456**

STC? YES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES

FORM E V24

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 5 OF 13 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Modification	CA5155617	Modification of Covenant
NATURE OF INTEREST Priority Agreement	CHARGE NO.	ADDITIONAL INFORMATION granting the Modification of the Covenant with one registration number less than this Priority Agreement priority over Mortgage CA3970137 and Mortgage CA5554552 Page 12
NATURE OF INTEREST Priority Agreement	CHARGE NO.	ADDITIONAL INFORMATION granting the Modification of the Covenant with two registration numbers less than this Priority Agreement priority over Mortgage CA6914975 Page 13
NATURE OF INTEREST Modification	CHARGE NO. CA5155619	ADDITIONAL INFORMATION Modification of Covenant
NATURE OF INTEREST Priority Agreement	CHARGE NO.	ADDITIONAL INFORMATION granting the Modification of the Covenant with one registration number less than this Priority Agreement priority over Mortgage CA3970137 and Mortgage CA5554552 Page 12
NATURE OF INTEREST Priority Agreement	CHARGE NO.	ADDITIONAL INFORMATION granting the Modification of the Covenant with two registration numbers less than this Priority Agreement priority over Mortgage CA6914975 Page 13

FORM E_V24

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 6 OF 13 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Modification	CA5155621	Modification of Statutory Right of Way
Priority Agreement		granting the Modification of the Statutory Right of Way with one registration number less than this Priority Agreement priority over Mortgage CA3970137 and Mortgage CA5554552 Page 12
Priority Agreement		granting the Modification of the Statutory Right of Way with two registration numbers less than this Priority Agreement priority over Mortgage CA6914975 Page 13
Modification	CA5155623	Modification of Equitable Charge
Priority Agreement		granting the Modification of the Equitable Charge with one registration number less than this Priority Agreement priority over Mortgage CA3970137 and Mortgage CA5554552 Page 12
Priority Agreement		granting the Modification of the Equitable Charge with two registration numbers less than this Priority Agreement priority over Mortgage CA6914975 Page 13

FORM_E_V24

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 7 OF 13 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFERORS:

EUSTATHE SIRSIRIS

VASILIOS BILL SIRSIRIS

VANCOUVER CITY SAVINGS CREDIT UNION (Incorporation No. FI 97, In Trust (see BL051963)), as to Priority (as to Mortgage CA3970137 and Mortgage CA5554552)

OLIVER ALAN KNAUS, as to Priority (as to Mortgage CA6914975)

TERMS OF INSTRUMENT - PART 2

MODIFICATION OF HERITAGE REVITALIZATION AGREEMENT

WHEREAS:

- A. It is understood and agreed that this instrument shall be read as follows:
- (a) the Transferors, EUSTATHE SIRSIKIS and VASILIOS BILL SIRSIKIS are, together, called the "Owner";
 - (b) the Transferee, CITY OF VANCOUVER, is called the "City" when referring to the corporate entity and the "City of Vancouver" when referring to the geographic area;
- B. The Owner is the registered owner of two parcels of land in the City of Vancouver, Province of British Columbia, having civic addresses of:
- (a) 2082 Charles Street and legally described as:

Parcel Identifier: 029-894-913
Legal Description: Lot A Block 136 District Lot 264A Group 1 New Westminster District Plan EPP57456

(the "New Building Parcel", as more particularly defined in the HRA); and
 - (b) 2088 Charles Street and legally described as:

Parcel Identifier: 029-894-921
Legal Description: Lot B Block 136 District Lot 264A Group 1 New Westminster District Plan EPP57456

(the "Heritage Parcel", as more particularly defined in the HRA).
- C. There is situated on the Heritage Parcel a building, known as the "Carlsen Residence" (the "Heritage Building"), which is designated as a protected heritage building and listed in Category 'B' on the Vancouver Heritage Register.
- D. As part of a proposed development of the Lands under Development Permit Application No. DE419160, the Owner of the Lands and the City entered into a heritage revitalization agreement in respect of the Lands, which was registered in the Land Title Office on May 3, 2016 under Nos. CA5155617 to CA5155624 (the "HRA"), which agreement is binding on the Owner.
- E. The Lands have been rezoned from the RT-4, RT-4A, RT-RN and RT-4AN Districts Schedule of *Zoning and Development By-law No. 3575* (the "Zoning and Development By-law") to the RT-5 and RT-5N Districts Schedule of the Zoning and Development By-law.

- F. Pursuant to the RT-5 and RT-5N Districts Schedule of the Zoning and Development By-law, the Owner has now applied for an amendment with respect to the floor space ratio for the Heritage Building.
- G. The City and the Owner have agreed to modify the HRA on the terms and conditions set out herein, subject to enactment of a by-law authorizing this Agreement pursuant to Section 592(4) of the *Vancouver Charter*.

NOW THEREFORE in consideration of the matters referred to in the foregoing recitals, covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the Owner and the City), the Owner and the City hereby covenant and agree as follows:

1. Interpretation

All capitalized terms in this Agreement, unless otherwise defined in this Agreement, have the meanings ascribed thereto in the HRA.

2. Modification of HRA

The HRA is hereby modified as of the date that this Agreement is registered in the Land Title Office as follows:

- 1. Section 8.3 will be deleted in its entirety and replaced by the following:

"8.3 Zoning & Development By-law - RT-5 and RT-5N Districts Schedule

Provided that the Subdivision has occurred, the RT-5 and RT-5N Districts Schedule to the Zoning & Development By-law is hereby varied as follows for the Lands, for purposes of the Development:

(a) New Building Parcel

- (i) Section 4.1.1 is varied so that a minimum site area of 156 m² (1,681 sq. ft.) is permitted;
- (ii) Section 4.4 is varied so that a front yard with a minimum depth of 2.6 metres (8.5 feet) shall be provided;
- (iii) Section 4.6.1 is varied so that a rear yard with a minimum depth of 0.6 metres (2 feet) shall be provided;
- (iv) Section 4.7.1 is varied so that the floor space ratio, inclusive of all buildings, shall not exceed 0.60 (approximately 93.7 m² (1,009 sq. ft.)), which is the existing floor space ratio;
- (v) Section 4.7.6(f) is varied so that the Director of Planning may permit covered verandas or porches to exceed thirteen percent (13%) of the permitted floor space ratio;
- (vi) Section 4.8 is varied so that it does not apply.

(b) Heritage Parcel

- (i) Section 4.4 is varied so that a front yard with a minimum depth of 7.2 metres (23.8 feet) shall be provided, which is the existing setback;
- (ii) Section 4.5.1 is varied so that it does not apply except that the north side yard shall not be less than 3.7 metres (12 feet), which is the existing setback;
- (iii) Section 4.6.1 is varied so that a rear yard with a minimum depth of 1.5 metres (5 feet) shall be provided; and
- (iv) Section 4.7.2 is varied so that the floor space ratio, inclusive of all buildings, shall not exceed 0.80 (approximately 268 m² (2,886 sq. ft.)."

3. HRA Ratified and Confirmed

Except as hereby expressly modified, the HRA is hereby ratified and confirmed by the City and the Owner to the effect and with the intent that the HRA and this Agreement will be read and construed as one document.

4. Conflict

In the event of any conflict between the terms and conditions of the HRA and this Agreement, the terms and conditions of this Agreement will prevail.

5. Further Assurances

The City and the Owner will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

6. Binding Effect

This Agreement will enure to the benefit of and be binding upon the City and the Owner and their respective successors and permitted assigns.

7. Amendment

No alteration or amendment of the Agreement or this Agreement shall have effect unless the same is in writing and duly executed by all the parties.

8. City's Other Rights

Nothing contained or implied in this Agreement will derogate from the obligations of the Owners under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Vancouver Charter* and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as

fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the owners and the City.

9. Time

Time shall be of the essence of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this modification agreement on the General Instrument - Part 1 which is attached hereto and forms part hereof.

CONSENT AND PRIORITY INSTRUMENT

In this consent and priority instrument:

- (a) "Existing Charges" mean the Mortgage registered under number CA3970137 and the Mortgage registered under number CA5554552;
- (b) "Existing Chargeholder" means VANCOUVER CITY SAVINGS CREDIT UNION (Incorporation No. FI 97, In Trust, see BL051963);
- (c) "New Charges" means the modification of the Section 219 Covenants, the Statutory Right of Way and the Equitable Charge contained in the attached Terms of Instrument - Part 2; and
- (d) words capitalized in this instrument, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument - Part 2.

For ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder:

- (i) consents to the Owner granting the New Charges to the City; and
- (ii) agrees with the City that the New Charges charge the Lands in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charges, and they had been registered against title to the Lands, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

To witness this consent and priority instrument, the Existing Chargeholder has caused its duly authorized signatories to sign the attached General Instrument - Part 1.

CONSENT AND PRIORITY INSTRUMENT

In this consent and priority instrument:

- (a) "Existing Charge" means the Mortgage registered under number CA6914975;
- (b) "Existing Chargeholder" means OLIVER ALAN KNAUS;
- (c) "New Charges" means the modification of the Section 219 Covenants, the Statutory Right of Way and the Equitable Charge contained in the attached Terms of Instrument - Part 2; and
- (d) words capitalized in this instrument, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument - Part 2.

For ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder:

- (i) consents to the Owner granting the New Charges to the City; and
- (ii) agrees with the City that the New Charges charge the Lands in priority to the Existing Charge in the same manner and to the same effect as if the Owner had granted the New Charges, and they had been registered against title to the Lands, prior to the grant or registration of the Existing Charge or the advance of any money under the Existing Charge.

To witness this consent and priority instrument, the Existing Chargeholder has caused its duly authorized signatories to sign the attached General Instrument - Part 1.

END OF DOCUMENT

**2082-2088 CHARLES STREET
TECHNICAL ZONING SUMMARY**

Table 1: RT-5 Zoning District Schedule Summary
Site Area: 2082-2088 Charles Street – 489.6 m² (5,270 sq.ft.)

Heritage Parcel = 333.4 m² (3,589 sq.ft.)
New Building Parcel = 156.2 m² (1,681 sq.ft.)

RT-5 District Schedule	Existing (Approved under HRA)	Required or Permitted (RT-5)	Proposed HRA Amendment
4.1.1 Site Area – New Building Parcel	148 m ² (1,600 sq.ft.)	Minimum 306 m ² (3,294 sq.ft.)	No change to existing except for reference to Section number for RT-5 District Schedule
4.4 Front Yard – New Building Parcel	Minimum depth of 2.6 m (8.5 ft.)	Minimum 7.3 m (24 ft.)	
4.4 Front Yard – Heritage Parcel	Minimum depth of 7.2 m (23.8 ft.)		
4.5.1 Side Yard (North) – Heritage Parcel	No less than 3.7 m (12 ft.)	Minimum 1.5 m (5 ft.)	
4.6.1 Rear Yard – New Building Parcel	Minimum depth of 0.6 m (2 ft.)	Minimum 10.7 m (35 ft.)	
4.6.1 Rear Yard – Heritage Parcel	Minimum depth of 1.5 m (5 ft.)		
4.7.1 Floor Area – New Building Parcel	0.68 FSR 106.5 m ² (1,146 sq.ft.)	0.75 FSR 250.1 m ² (1,260.7 sq.ft)	0.6 FSR 93.8 m ² (1,009.5 sq.ft.)
4.7.2 Floor Area – Heritage Parcel	0.65 FSR 229 m ² (2,467 sq.ft.)	0.75 FSR Maximum 250.1 m ² (2,691.7 sq.ft.)	0.8 FSR 268.1 m ² (2,886 sq.ft.)
4.7 Floor Area – Two parcels combined	0.66 FSR 323.6 m ² (3,483 sq.ft.) 0.6 FSR Permitted at the time of permit/HRA approval	0.75 FSR 367.2 m ² (3,952.5 sq.ft)	0.74 FSR 361.9 m ² (3,895.5 sq.ft.)
4.7.6(f) – Exclusions from Floor Space Ratio	Director of Planning may permit verandahs or porches to exceed 13% of permitted floor space	Covered verandahs or porches provided it does not exceed 13% of permitted floor space	No change to existing except for reference to Section number for RT-5 District Schedule
4.8 Site Coverage – New Building Parcel	Shall not apply	Maximum 45% of site area	