



# **City of Vancouver** *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 873.7060  
planning@city.vancouver.bc.ca

## CD-1 (267)

*2110-2148 West 38th Avenue*

*By-law No. 6759*

*(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)*

**Effective November 6, 1990**

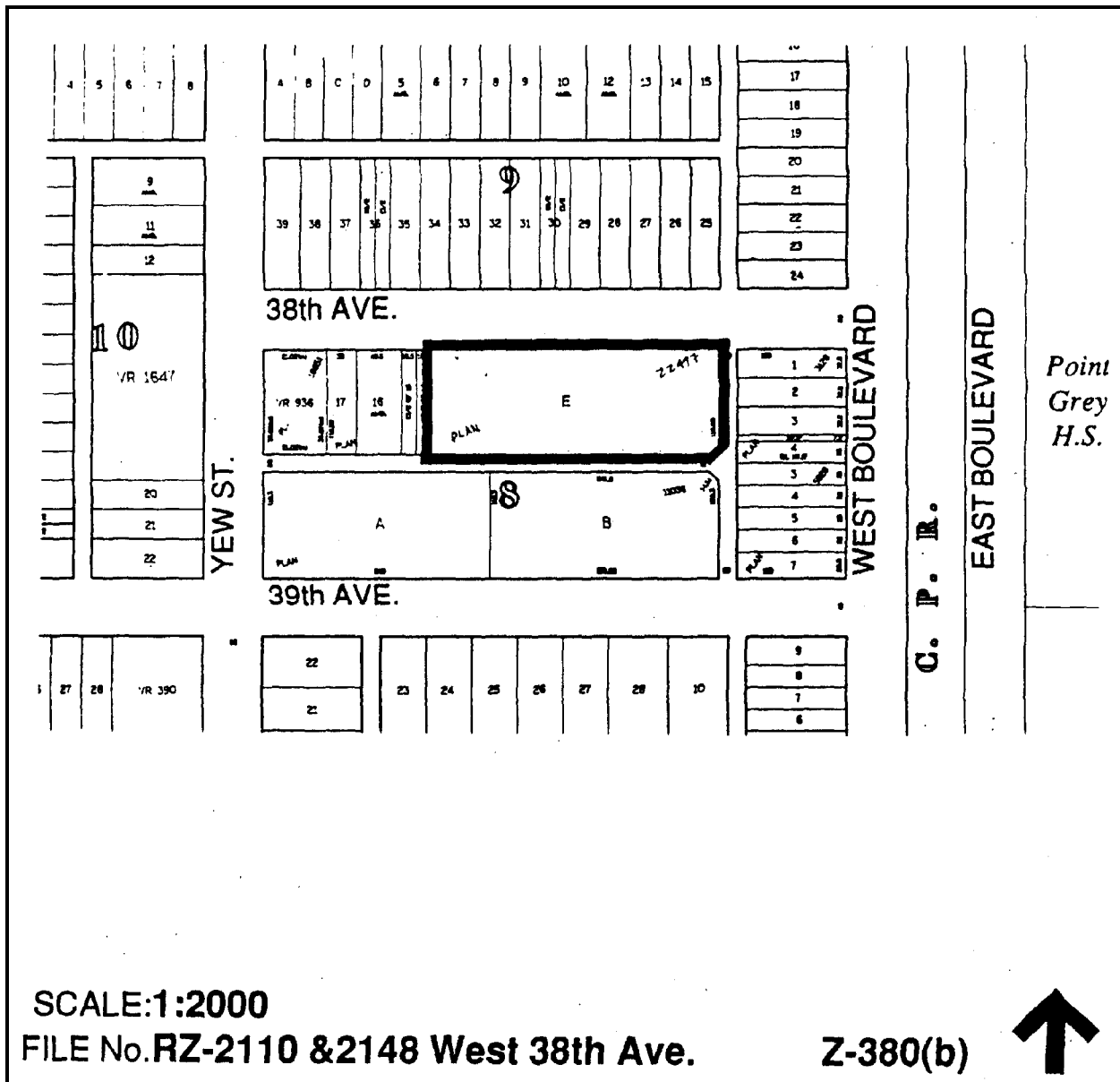
*(Amended up to and including By-law No. 8169, dated March 14, 2000)*

- 1 The “Zoning District Plan” annexed to By-law No. 3575 as Schedule “D” is hereby amended according to the plan marginally numbered Z-380(b) and attached to this By-law as Schedule “A”, and in accordance with the explanatory legends, notations and references inscribed thereon, so that the boundaries and districts shown on the Zoning District Plan are varied, amended or substituted to the extent shown on Schedule “A” of this By-law, and Schedule ‘A’ of this By-law is hereby incorporated as an integral part of Schedule “D” of By-law No. 3575.
- 2 The area shown included within the heavy black-outline on Schedule “A” is rezoned to CD-I, which area shall be more particularly described as M-1(261), and the only uses permitted within the said Area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:
- (a) a multiple dwelling containing a maximum of 41 dwelling units;
  - (b) a multiple dwelling containing a minimum of 29 dwelling units; and
  - (c) accessory uses customarily ancillary to the above uses.
- 3 **Floor Space Ratio**  
The floor space ratio, computed in accordance with the applicable provisions of the RM-3 District Schedule and calculated on the total site area, shall not exceed 2.40, distributed as follows:
- a maximum floor space ratio of 1.87 for the 41 dwelling unit multiple dwelling; and
  - a minimum floor space ratio of 0.53 for the 29 dwelling unit multiple dwelling.
- 3.1 Where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, shall be excluded in the computation of floor space ratio, except that this section shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]
- 4 **Height**  
The maximum building height measured above the base surface shall be:
- 36.58 m (120 ft.) for the 41 dwelling unit multiple dwelling; and
  - 13.05m (42.8 ft.) for the 29 dwelling unit multiple dwelling.
- 5 **Site Coverage**  
The maximum site coverage for both buildings shall be 29 percent of the site area.
- 6 **Off-Street Parking and Loading**  
Off-street parking and loading shall be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that a minimum of 123 parking spaces shall be provided and allocated as follows:
- a minimum of 93 spaces for the 41 dwelling unit multiple dwelling; and
  - a minimum of 30 spaces for the 29 dwelling unit multiple dwelling.
- 7 *[Section 7 is not reprinted here. It contains a standard clause including the Mayor and City Clerk’s signatures to pass the by-law and to certify the by-law number and date of enactment.]*

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 6759 or provides an explanatory note.

By-law No. 6759 Being a By-law to amend By-law No. 3575, being the Zoning and Development By-law

The property shown below ( **—** ) outlined in black is rezoned from RM-3 to CD-1



CITY OF VANCOUVER  
MEMORANDUM

Item 2 2110-48  
11-20-90

From: CITY CLERK

Date: July 20, 1990

To: CITY MANAGER  
DIRECTOR OF PLANNING  
→ ASSOCIATE DIRECTOR, ZONING  
DIRECTOR OF LEGAL SERVICES  
CITY ENGINEER

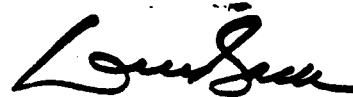
Refer File: P.H. 235

Subject: Public Hearing - July 12, 1990

RECEIVED
PLANNING DEPARTMENT
JUL 24 1990
NUMBER L 5090
REFERRED TO FAS
COPY TO
ANSWER REQ'D

I wish to advise you of the attached minutes of the Special Council Meeting (Public Hearing) held on July 12, 1990.

Please note any matters contained therein for your attention.



DEPUTY CITY CLERK

JT:ci  
Att.

Clause No. 1 cont'd

Ed Safarick, 5300 Block Elm Street, opposed, suggested the building would be more appropriately sited in an apartment area. Creeping development was unfair to residents of single family areas.

Carol Lee, 5600 Block Larch Street, in opposing the application, circulated drawings of her home superimposed on the bulk of the proposed building. A 4 1/2-storey building was too drastic an intrusion on a block of single family homes.

Alan Baxter, 5400 Block Larch Street, spoke in favour but suggested Council re-examine the zoning in the area as the existing mix of single family, RM-3 and CD-1 did not make sense.

Betty Tancve, 1200 Block West 48th Avenue, supported the proposal but expressed concern about spot zoning. An overall rezoning should have been considered in advance of the current application.

Council also noted a petition in opposition to the rezoning with 46 signatures, and letters opposing the project from Ms. M. Ostrowski, 5367 Elm Street; Mr. & Mrs. A. Harris, 5558 Elm Street; Mr. & Mrs. S. Northcott, 5611 Larch Street; and Ms. K. Walsh, 5612 Elm Street.

During discussion, Council members questioned the Tillicum representatives on the viability of the project at a reduced floor space ratio and the effect on the number and price of units.

MOVED by Ald. Eriksen,

THAT this Public Hearing be adjourned to permit staff to report back on a possible compromise at an FAR between 1.0 and 1.34.

- LOST

(Aldermen Baker, Bellamy, Owen, Taylor, Wilking and the Mayor opposed)

MOVED by Ald. Taylor,

A. THAT the application be approved at a maximum 1.0 fsr, subject to the conditions proposed by the Director of Planning, as set out in this minute of the Public Hearing, except that the form of development be further considered and reported back to Council for approval.

B. THAT condition (a)(iii) be amended to read:  
(iii) off-street parking space requirement to be 1.0 space per unit.

C. THAT the following be added as condition (b)(vi):  
(b)(vi) provision of landscaping on the north side of the property to improve the relationship to the single family house to the north.

- CARRIED UNANIMOUSLY

2. Rezoning: 2110-48 West 38th Avenue

An application by The Hulbert Group B.C. Ltd., was considered as follows:

REZONING: 2110-48 WEST 38TH AVENUE (Lot E of 8, Block 17, D.L. 526, Plan 22497)

Present Zoning: RM-3 Multiple Dwelling District  
Proposed Zoning: CD-1 Comprehensive Development District

Clause No. 2 cont'd

- (i) If approved, the CD-1 by-law would permit the use and development of the site generally as follows:
  - two apartment buildings, one containing a maximum of 41 dwelling units, the other a minimum of 29 dwelling units; \*
  - accessory uses customarily ancillary to the above;
  - maximum floor space ratio of 2.40;
  - maximum height of 36.58 m (120.0 ft.) for the 41-unit building;
  - maximum height of 13.05 m (42.8 ft.) for the 29-unit building; and
  - provisions regarding off-street parking.

- (ii) Any consequential amendments.

\*It is intended that the 29 dwelling units will be secured rental tenure only, through proposed conditions (c) (i) through (vi), detailed below.

The Director of Planning recommended approval, subject to the following conditions as proposed for adoption by resolution of Council:

- (a) That the proposed form of development be approved in principle, generally as prepared by The Hulbert Group B.C. Ltd. and stamped "Received City Planning Department - May 3, 1990," provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in resolution (b) below.
- (b) That, prior to the enactment of the CD-1 by-law, the detailed scheme of development in a development application be approved by the Director of Planning, having particular regard to the following items, as outlined in the City Manager's report dated May 28, 1990:
  - (i) further design development to incorporate the two "gatehouse" units into the rental apartment building;
  - (ii) further design development to improve the livability of the 'locked-in' units in the rental apartment building having a single outlook to the west, including consideration of shifting this building further to the east;
  - (iii) provision of storage areas adjacent to each of the apartment buildings for residential recycling facilities, to the satisfaction of the City Engineer;
  - (iv) provision for bicycle storage, at a rate of one bicycle per four units; and
  - (v) proposed landscaping for the site, including details of fencing and screening, with special consideration to possible apportionment of the central open space between the two apartment buildings.
- (c) That, prior to enactment of the CD-1 by-law, the registered property owner shall, at no cost to the City:
  - (i) enter into an agreement with the City whereby an occupancy permit for the proposed 41 market apartment units will not be issued until an occupancy permit has been issued for the proposed 29 rental apartment units;

Clause No. 2 cont'd

- (ii) enter into an agreement with the City requiring the applicant to use the 29 units in the proposed frame apartment building only for residential rental dwellings, at initial rents of \$1.00 per net rentable square foot and rent increases equal to the Consumer Price Index of Canada;
- (iii) enter into a Section 215 covenant restricting use of the land and the building to the use permitted by the above-noted agreement;
- (iv) enter into an unrestricted option to lease the building granted in favour of the City, to be registered as a first charge against title to the land as security for the performance of the applicant's obligations under the above-noted agreement;
- (v) enter into a form of lease of the building by the applicant to the City, to come into existence only on exercise by the City of the above-noted option to lease;
- (vi) enter into an agreement with the City that the building not be strata-titled prior to occupancy;
- (vii) enter into an agreement with the City to provide tenants in the existing rental buildings on site as of April 25, 1990 with a first right of refusal to rent in the proposed frame apartment building;
- (viii) *DONE OCT 10/90* make arrangements, to the satisfaction of the City Engineer, to ensure provision of underground B.C. Telephone and B.C. Hydro services within the site and from the closest existing suitable service point;
- (ix) make arrangements to subdivide the site to create a separate legal parcel(s) for the 29-unit apartment building, with secure access to, and use of, its ancillary parking spaces and related facilities;
- (x) enter into a Section 215 covenant providing that occupancy or possession shall not be denied to families with children; and
- (xi) enter into a Section 215 covenant precluding future redevelopment of the westerly portion of the site other than with a rental apartment building in accordance with conditions (ii) through (vi) above, subject to the initial rental rate per net rentable square foot being adjusted to a 'moderate' rate, as established by the City, at such future date as reconstruction of the rental apartment building is contemplated.

In an overview, Mr. R. Scobie, Associate Director, Zoning & Subdivision, referred to the conditions proposed by the Director of Planning, noting the applicant has already undertaken some work, and staff believe a design solution is at hand.

Cont'd

Clause No. 2 cont'd

The Mayor called for speakers and two delegations addressed the Public Hearing:

Joyce Diggins, 3100 Block West 42nd Avenue, member of Kerrisdale Concerned Citizens for Affordable Housing, expressed support for the project and appreciation for the efforts made on behalf of senior renters.

Dora Poole, resident of the area, deplored the loss of 3-storey buildings and their replacement with buildings 12-storeys in height, which deprived neighbours of sunlight and privacy.

MOVED by Ald. Wilking,

THAT the application be approved, subject to the conditions proposed by the Director of Planning, as set out in this minute of the Public Hearing.

- CARRIED UNANIMOUSLY

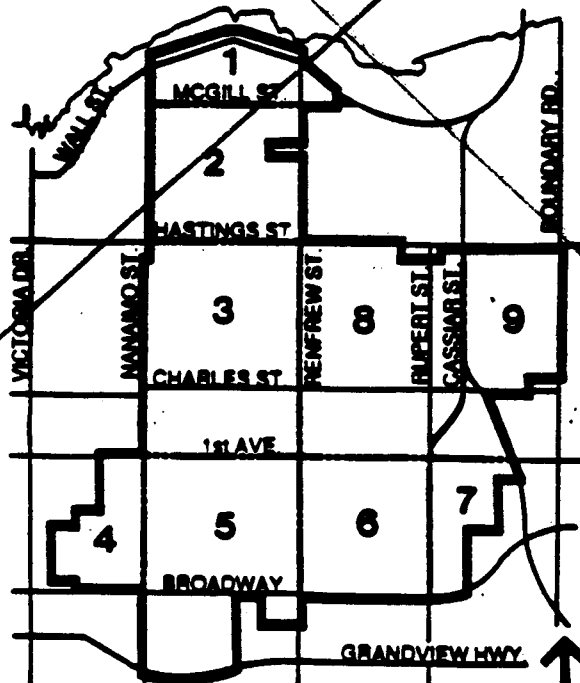
Rezoning: Hastings-Sunrise. Areas 1-9

An application of the Director of Planning was considered as follows:

REZONING: HASTINGS-SUNRISE, AREAS 1-9 (As shown on the map below)

Present Zoning: RS-1 One-Family Dwelling District  
Proposed Zoning: RS-1S One-Family Dwelling District

- (i) The draft by-law, if approved, would rezone those properties zoned RS-1 and located within the heavy black outline on the map below to RS-1S. The RS-1S district would permit a two-unit multiple conversion dwelling (existing house with a permanent secondary suite), or a two-family dwelling (new house with a permanent secondary suite) in addition to uses allowed in the RS-1 district.
- (ii) Any consequential amendments



Cont'd



2110-48 West 38th Avenue

BY-LAW NO. 6759

A By-law to amend the  
Zoning and Development By-law,  
being By-law No. 3575

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting  
assembled, enacts as follows:

1. The "Zoning District Plan" annexed to By-law No. 3575 as Schedule "D" is hereby amended according to the plan marginally numbered Z-380(b) and attached to this By-law as Schedule "A", and in accordance with the explanatory legends, notations and references inscribed thereon, so that the boundaries and districts shown on the Zoning District Plan are varied, amended or substituted to the extent shown on Schedule "A" of this By-law, and Schedule "A" of this By-law is hereby incorporated as an integral part of Schedule "D" of By-law No. 3575.

2. The area shown included within the heavy black outline on Schedule "A" is rezoned to CD-1, which area shall be more particularly described as CD-1(267), and the only uses permitted within the said area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) a multiple dwelling containing a maximum of 41 dwelling units;
- (b) a multiple dwelling containing a minimum of 29 dwelling units; and
- (c) accessory uses customarily ancillary to the above uses.

3. Floor Space Ratio

The floor space ratio, computed in accordance with the applicable provisions of the RM-3 District Schedule and calculated on the total site area, shall not exceed 2.40, distributed as follows:

- a maximum floor space ratio of 1.87 for the 41 dwelling unit multiple dwelling; and
- a minimum floor space ratio of 0.53 for the 29 dwelling unit multiple dwelling.

4. Height

The maximum building height measured above the base surface shall be:

- 36.58 m (120 ft.) for the 41 dwelling unit multiple dwelling; and
- 13.05 m (42.8 ft.) for the 29 dwelling unit multiple dwelling.

5. Site Coverage

The maximum site coverage for both buildings shall be 29 percent of the site area.

6. Off-Street Parking and Loading

Off-street parking and loading shall be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that a minimum of 123 parking spaces shall be provided and allocated as follows:

- a minimum of 93 spaces for the 41 dwelling unit multiple dwelling; and
- a minimum of 30 spaces for the 29 dwelling unit multiple dwelling.

7. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 6th day of November, 1990.


(signed) Gordon Campbell  
\_\_\_\_\_  
Mayor

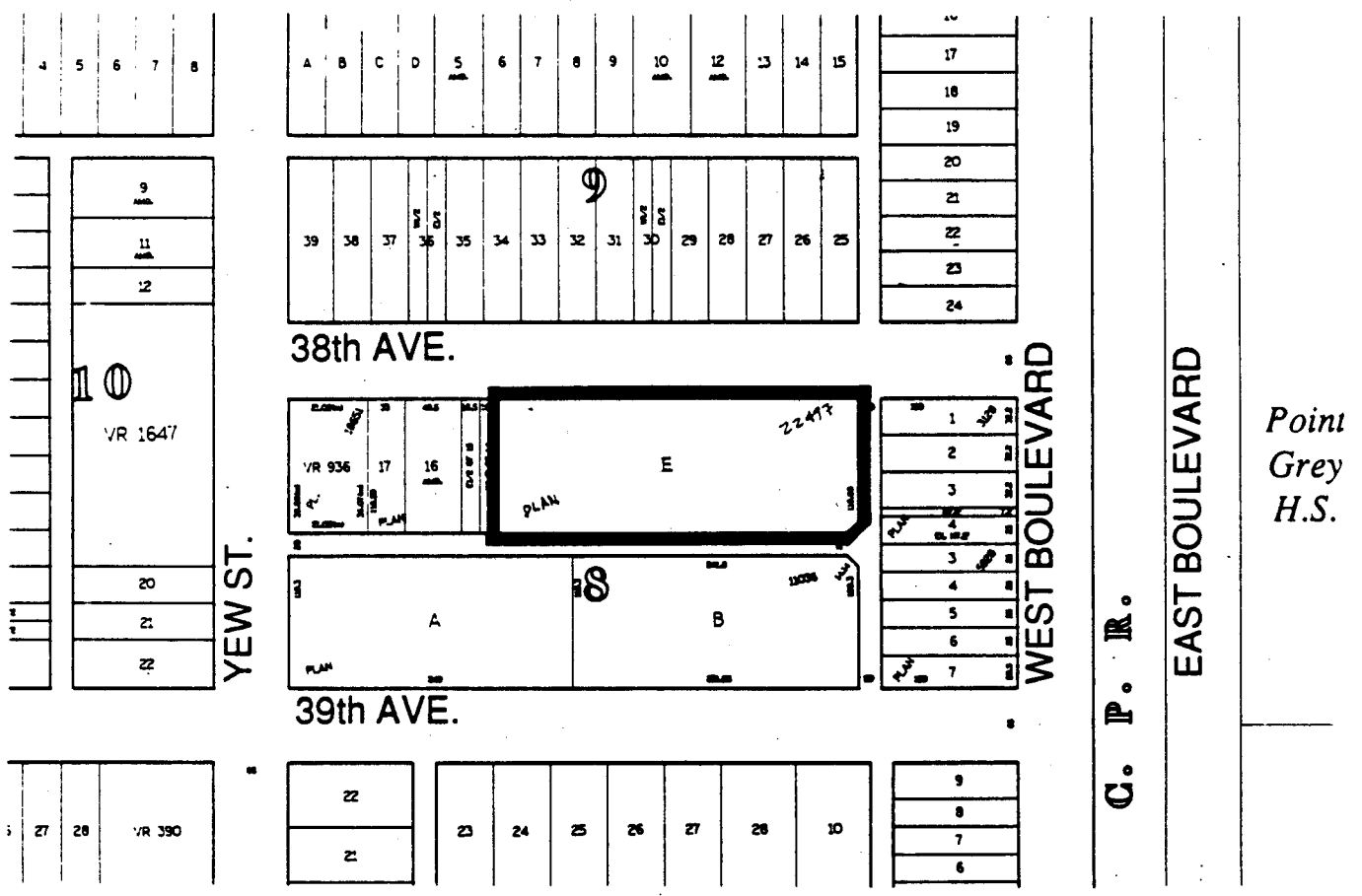
(signed) Maria C. Kinsella  
\_\_\_\_\_  
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 6th day of November 1990, and numbered 6759.

CITY CLERK"

BY-LAW No. 6759 BEING A BY-LAW TO AMEND BY-LAW No.3575  
 BEING THE ZONING AND DEVELOPMENT BY-LAW

THE PROPERTY SHOWN BELOW (  ) OUTLINED IN BLACK SCHEDULE A  
 IS REZONED:  
**FROM RM-3** **TO CD-1**



Point Grey H.S.

C. P. R.

EAST BOULEVARD

WEST BOULEVARD

YEW ST.

38th AVE.

39th AVE.

SCALE:1:2000

FILE No. RZ-2110 & 2148 West 38th Ave.

Z-380(b)



APPENDIX A

EXTRACT

Special Council (Public Hearing), July 12, 1990 . . . . . 1

2. Rezoning: 2110-48 West 38th Avenue

An application by The Hulbert Group B.C. Ltd., was considered as follows:

REZONING: 2110-48 WEST 38TH AVENUE (Lot E of 8, Block 17, D.L. 526, Plan 22497)

Present Zoning: RM-3 Multiple Dwelling District  
Proposed Zoning: CD-1 Comprehensive Development District

- (i) If approved, the CD-1 by-law would permit the use and development of the site generally as follows:
  - two apartment buildings, one containing a maximum of 41 dwelling units, the other a minimum of 29 dwelling units; \*
  - accessory uses customarily ancillary to the above;
  - maximum floor space ratio of 2.40;
  - maximum height of 36.58 m (120.0 ft.) for the 41-unit building;
  - maximum height of 13.05 m (42.8 ft.) for the 29-unit building; and
  - provisions regarding off-street parking.

- (ii) Any consequential amendments.

\*It is intended that the 29 dwelling units will be secured rental tenure only, through proposed conditions (c)(i) through (vi), detailed below.

The Director of Planning recommended approval, subject to the following conditions as proposed for adoption by resolution of Council:

- (a) That the proposed form of development be approved in principle, generally as prepared by The Hulbert Group B.C. Ltd. and stamped "Received City Planning Department - May 3, 1990," provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in resolution (b) below.
- (b) That, prior to the enactment of the CD-1 by-law, the detailed scheme of development in a development application be approved by the Director of Planning, having particular regard to the following items, as outlined in the City Manager's report dated May 28, 1990:
  - (i) further design development to incorporate the two "gatehouse" units into the rental apartment building;
  - (ii) further design development to improve the livability of the 'locked-in' units in the rental apartment building having a single outlook to the west, including consideration of shifting this building further to the east;

Clause No. 2 cont'd

- (iii) provision of storage areas adjacent to each of the apartment buildings for residential recycling facilities, to the satisfaction of the City Engineer;
  - (iv) provision for bicycle storage, at a rate of one bicycle per four units; and
  - (v) proposed landscaping for the site, including details of fencing and screening, with special consideration to possible apportionment of the central open space between the two apartment buildings.
- (c) That, prior to enactment of the CD-1 by-law, the registered property owner shall, at no cost to the City:
- (i) enter into an agreement with the City whereby an occupancy permit for the proposed 41 market apartment units will not be issued until an occupancy permit has been issued for the proposed 29 rental apartment units;
  - (ii) enter into an agreement with the City requiring the applicant to use the 29 units in the proposed frame apartment building only for residential rental dwellings, at initial rents of \$1.00 per net rentable square foot and rent increases equal to the Consumer Price Index of Canada;
  - (iii) enter into a Section 215 covenant restricting use of the land and the building to the use permitted by the above-noted agreement;
  - (iv) enter into an unrestricted option to lease the building granted in favour of the City, to be registered as a first charge against title to the land as security for the performance of the applicant's obligations under the above-noted agreement;
  - (v) enter into a form of lease of the building by the applicant to the City, to come into existence only on exercise by the City of the above-noted option to lease;
  - (vi) enter into an agreement with the City that the building not be strata-titled prior to occupancy;
  - (vii) enter into an agreement with the City to provide tenants in the existing rental buildings on site as of April 25, 1990 with a first right of refusal to rent in the proposed frame apartment building;
  - (viii) make arrangements, to the satisfaction of the City Engineer, to ensure provision of underground B.C. Telephone and B.C. Hydro services within the site and from the closest existing suitable service point;
  - (ix) make arrangements to subdivide the site to create a separate legal parcel(s) for the 29-unit apartment building, with secure access to, and use of, its ancillary parking spaces and related facilities;

Clause No. 2 cont'd

- (x) enter into a Section 215 covenant providing that occupancy or possession shall not be denied to families with children; and
- (xi) enter into a Section 215 covenant precluding future redevelopment of the westerly portion of the site other than with a rental apartment building in accordance with conditions (ii) through (vi) above, subject to the initial rental rate per net rentable square foot being adjusted to a 'moderate' rate, as established by the City, at such future date as reconstruction of the rental apartment building is contemplated.

In an overview, Mr. R. Scobie, Associate Director, Zoning & Subdivision, referred to the conditions proposed by the Director of Planning, noting the applicant has already undertaken some work, and staff believe a design solution is at hand.

The Mayor called for speakers and two delegations addressed the Public Hearing:

Joyce Diggins, 3100 Block West 42nd Avenue, member of Kerrisdale Concerned Citizens for Affordable Housing, expressed support for the project and appreciation for the efforts made on behalf of senior renters.

Dora Poole, resident of the area, deplored the loss of 3-storey buildings and their replacement with buildings 12-storeys in height, which deprived neighbours of sunlight and privacy.

MOVED by Ald. Wilking,

THAT the application be approved, subject to the conditions proposed by the Director of Planning, as set out in this minute of the Public Hearing.

- CARRIED UNANIMOUSLY

CITY OF VANCOUVER  
MEMORANDUM

From: CITY CLERK

Date: November 8, 1990

To: CITY MANAGER  
DIRECTOR OF PLANNING  
→ ASSISTANT DIRECTOR OF PLANNING - ZONING

Refer File: 2609-3

Subject: Comprehensive Development District  
Form of Development (2110 - 48 West 38th Avenue)

<b>RECEIVED</b>	
PLANNING DEPARTMENT	
NOV 13 1990	
NUMBER.....	L 7397
REFERRED TO.....	FAS
ANSWER REQ'D.....	

I wish to advise you Vancouver City Council, at its meeting on November 6, 1990, when considering the above matter, resolved as follows:

THAT the approved form of development for the CD-1 zoned site known as 2110 - 48 West 38th Avenue be generally as illustrated in DA 211664, prepared by The Hulbert Group B.C. Ltd., Architects, and stamped "Received, City Planning Department August 16, 1990", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CITY CLERK

TT:mjh

CITY OF VANCOUVER  
MEMORANDUM

CD-1  
File

From: CITY CLERK

Date: November 9, 1990

To: CITY MANAGER  
DIRECTOR OF LEGAL SERVICES  
→ DIRECTOR OF PLANNING

Refer File: 5308-3

<b>RECEIVED</b>	
PLANNING DEPARTMENT	
<b>NOV 13 1990</b>	
NUMBER...	L 7410
REFERRED TO...	THH/FLE
COPY TO...	
ANSWER REQ'D...	

Subject: CD-1 Rezoning: 2110 - 48 West 38th Avenue  
Nova Eight Development Corporation

I wish to advise you Vancouver City Council, at its meeting on Tuesday, November 6, 1990, approved the recommendations of the City Manager, as contained in the attached clause dated November 2, 1990, regarding the above matter.

*M. Kinella*  
CITY CLERK  
#

TT:mjh  
Attachment

Letter Also Sent To:

Mr. Fred Roman, The Hulbert & Group B.C. Ltd., Architects  
505 - 1168 Hamilton Street, Vancouver, B.C. V6B 2S2



2. CD-1 Rezoning: 2110-48 West 38th Avenue  
Nova Eight Development Corporation

The Director of Legal Services, in consultation with the Director of Planning, reports as follows:

"BACKGROUND

At a public hearing on July 12, 1990, Council approved an application for the rezoning of 2110-48 West 38th Avenue, Lot E of 8, Block 17, District Lot 526, Plan 22497, from RM-3 Multiple Dwelling District to CD-1 Comprehensive Development District. The rezoning would permit use of the site for construction of one 29-unit affordable rental building and one 41-unit condominium apartment building.

Council's approval was subject to fulfillment of conditions proposed by the Director of Planning and set out in the minute of the public hearing. This report concerns the conditions numbered 2(c)(ii) to (v) and (ix), each of which may be found in the attached Appendix A. Conditions 2(c)(ii) to (v) were intended to secure the applicant's obligation to rent the 29-unit building at agreed affordable rents.. Condition 2(c)(ix) was designed to ensure that the property is subdivided, so that the 29-unit building and the 41 unit building are built on separate parcels.

DISCUSSION

(1) Securing affordable rentals

Conditions 2(c)(ii) to (v) would have provided that if the building owner breached its affordable rentals obligation, the City could take over the building as landlord, decrease the rents and charge the affordable rents as permitted in a Section 215 Covenant between the applicant and the City. That structure would have required the applicant's lenders to grant first priority to the City's option to lease the building.

In discussions with the applicant following the public hearing, it was made clear to City staff that the applicant's lenders would not agree to grant the City the necessary priority for the option to lease, unless the City agreed to service the mortgage of the property if necessary. As a result of these discussions, which included the City Manager, an alternative method has been identified for enforcing the affordable rentals obligation. The new approach satisfies both the City's need for enforcement of the affordable rentals agreement and the applicant's concerns about financing of the project.

The applicant has agreed that if the affordable rentals agreement is breached, it must pay the City three times the amount of any excess rent charged in breach of that agreement. The City would then refund the excess rent to the over-charged tenants and keep the rest of the money paid to it by Nova. The applicant will secure the obligation to pay the 'three times excess' amount by granting the City an assignment of rents and a rent charge. The applicant will also pay the City \$7,000.00 now, to hold as security for this arrangement.

Clause No. 2 Continued

(2) Arrangements for subdivision

Condition 2(c)(ix) relates to arrangements which are to be made for subdivision of the property, so that the two buildings are located on separate lots. Staff have concluded that approval of the subdivision in accordance with the form of development would be inappropriate until the rezoning setting such form of development is enacted. However, on the assumption that the rezoning is enacted, the approving officer is of the view that the subdivision is acceptable and will grant approval immediately after the rezoning is enacted. Staff have arranged for the subdivision plan to be held in the City's offices pending enactment of the rezoning. Once that has occurred, the plan will be filed for registration in the Land Title Office. The applicant has agreed with the City to make the subdivision application and not to withdraw it for any reason without the prior written consent of the Director of Legal Services. Staff are satisfied that this will obviate the problem of granting subdivision approval before the rezoning enactment, without compromising the likelihood of registration of the subdivision occurring.

RECOMMENDATIONS

The Director of Legal Services recommends:

- A. THAT the conditions numbered 2(c)(ii) to (v) in the minute of the Special Meeting of Council of July 12, 1990, be waived and that in their place an agreement be entered into on terms securing the applicant's affordable rentals obligation by way of a Section 215 Covenant, an assignment of rents, a rent charge, cash security and the obligation to pay excess rent to the City, and the Director of Legal Services is authorized to execute such agreements as are in his opinion necessary to effect that arrangement.
- B. THAT the arrangement for subdivision of the property as discussed above in part (2) of this report is approved. "

The City Manager RECOMMENDS approval of A and B.