



## REFERRAL REPORT

Report Date: January 7, 2025  
Contact: Belinda Liu  
Contact No.: 604.829.9730  
RTS No.: 17708  
VanRIMS No.: 08-2000-20  
Meeting Date: January 21, 2025

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Rezoning: 767-791 West 28th Avenue

### **RECOMMENDATION TO REFER**

THAT the rezoning application, described below, be referred to Public Hearing together with the recommendations set out below and with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

### **RECOMMENDATION FOR PUBLIC HEARING**

- A. THAT the application by Forme Development, on behalf of:
- Penako Holdings Ltd., the registered owner of 767 West 28th Avenue [PID 010-721-134; Lot 14 Block 718 District Lot 526 Plan 7090], and
  - Petar Joseph Kokan, the registered owner of 777-791 West 28th Avenue [Lots 15 and 16 Block 718 District Lot 526 Plan 7090; PIDs 010-721-142 and 010-721-169 respectively],

to rezone the lands from R1-1 (Residential Inclusive) District to RM-8A (Multiple Dwelling) District, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B.

- B. THAT, subject to approval of the zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C; FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning amendment by-law.
- C. THAT Recommendations A and B 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 by-law 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 767-791 West 28th Avenue. The proposed amendment would rezone the properties from R1-1 (Residential Inclusive) District to RM-8A (Multiple Dwelling) District to allow for a townhouse or rowhouse development. The maximum floor space ratio (FSR) for RM-8A is 1.20. Based on the site area, approximately 25 townhouses can be developed at this location.

The application meets the intent of the *Cambie Corridor Plan* (Plan). Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it in principle, subject to the Public Hearing, and conditions contained within Appendix B.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- Cambie Corridor Plan (2018, amended 2023)
- RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule (2018, amended 2024)
- RM-8, RM-8N, RM-8A and RM-8AN Guidelines (2018, amended 2023)
- Vancouver Plan (2022)
- Interim Housing Needs Report (2025)
- Tenant Relocation and Protection Policy (2015, amended 2019)
- Bulletin: Density Bonus Contributions (2014, amended 2024)
- Vancouver Development Cost Levy By-Law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183
- Latecomer Policy (2021)
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)

## REPORT

### Background/Context

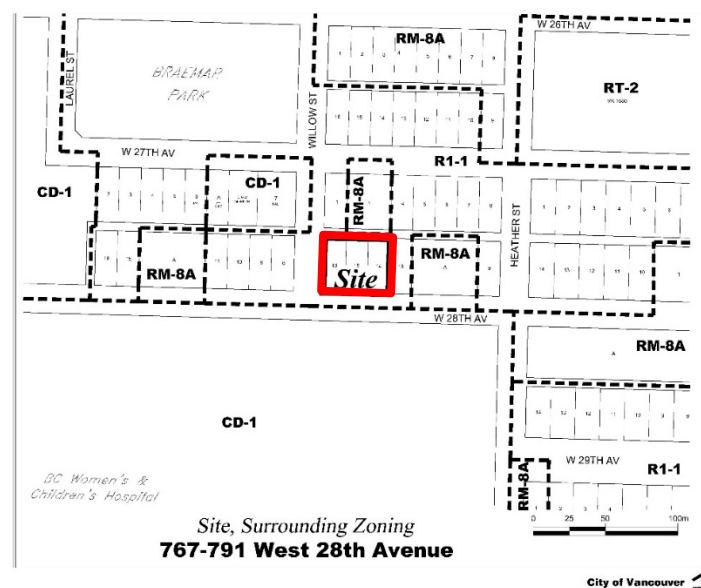
#### 1. Site and Context

The subject site at 767-791 West 28th Avenue (see Figure 1) is comprised of three legal parcels along 28th Avenue, bound by Willow Street to the west and a lane to the north. The site area is approximately 1,751.5 sq. m (18,853 sq. ft.), with a frontage of 46.0 m (151 ft.) and a depth of 38.1 m (125 ft.).

The site and surrounding areas consist of a range of zoning districts that are developed with single-detached homes, townhouses, a two-storey community care facility to the northwest and BC Women's and Children's Hospitals to the south. Queen Elizabeth Park and Braemar Park are within two blocks of the site.

The houses on the properties were constructed between 1944 and 1950 and are not listed on the *Vancouver Heritage Register*. The site contains three rental tenancies which are eligible for tenant protections under the *Tenant Relocation and Protection Policy* (TRPP).

**Figure 1: Location Map – Site and Context**



#### 2. Policy Context

**Cambie Corridor Plan (Plan)** – The Plan guides the transformation of the Corridor into an area where people can live, work, shop, play and learn – all within close proximity to the Canada Line. The Corridor's population is anticipated to double between 2011 and 2041, with 30,000 new homes, making it one of the largest growth areas outside of downtown.

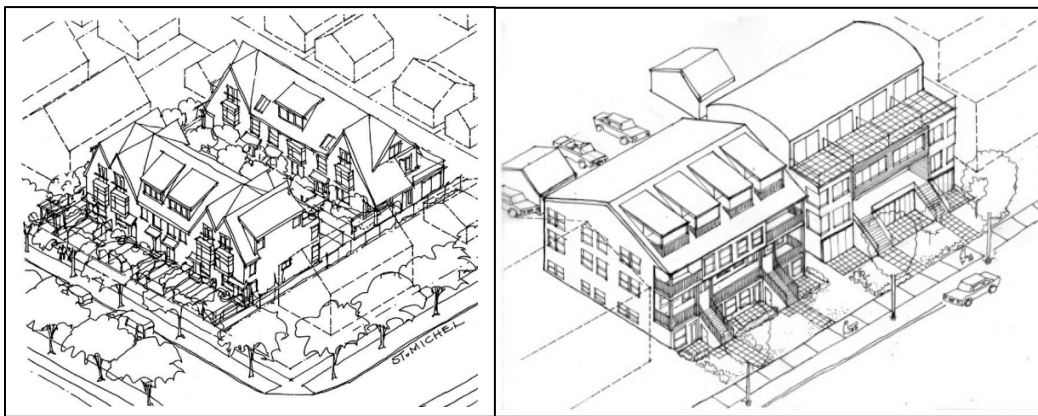
The Plan identifies over 1,100 detached lots as eligible to redevelop for townhouses, creating opportunities for approximately 8,200 units of much-needed ground-oriented housing.

Specifically, Section 4.2.9 of the Plan supports residential townhouses or rowhouses for up to three storeys and a maximum density of 1.20 FSR.

The site is located within the Queen Elizabeth neighbourhood, characterized by its existing low-density residential character and green park-like setting.

**Design Guidelines** – The RM-8A/AN District Schedule is accompanied by clear design guidelines. These guidelines establish form of development expectations which provide predictability and certainty for new buildings. Design criteria sets out expected typologies, requirements for family housing, access to sunlight, privacy, landscape treatment, along with flexible development options for smaller lots (see Figure 2).

**Figure 2: Form of Development per the Design Guidelines – Courtyard Rowhouses (Left) and Multiple Unit Stacked Townhouses (Right)**



RM-8AN zones are located along arterials and therefore contain more robust acoustic requirements than the RM-8A zones. Since 28th Avenue is classified as a local street and not an arterial, the proposed rezoning is to the RM-8A District Schedule.

**Vancouver Plan** – The *Vancouver Plan* was approved by Council on July 22, 2022 and is a land use strategy to guide long-term growth of the City over the next 30 years. The *Vancouver Plan* serves as a framework with further implementation planning work to follow over the next two to four years. The site is located within the *Cambie Corridor Plan* which is in alignment with the *Vancouver Plan*.

**Transit-Oriented Areas (TOA) Designation By-law and Transit-Oriented Areas (TOA) Rezoning Policy** – To align with provincial legislation, Council adopted a by-law and rezoning policy that establishes heights and densities for developments within TOAs. This site is within Tier 3 of the TOA legislation.

This rezoning application is proposing less than the prescribed heights and densities of the Tier 3 King Edward Station TOA, which permits a density up to 3.0 FSR and up to eight storeys in height. This proposal is for residential townhouses or rowhouses up to three storeys and 1.20 FSR. Council may consider this rezoning application, despite the applicant proposing less than the prescribed heights in the TOA By-law.

The applicant is aware that this site is within a TOA but has elected to proceed with the current application under the Plan.

**Interim Housing Needs Report** – Provincial legislation requires Council to receive and consider regular Housing Needs Reports when creating or amending a development plan in relation to Council's housing policies on affordable, rental and special needs housing. The most recent report amendment was received on January 1, 2025.

## **Strategic Analysis**

### **1. Simplified Rezoning Process**

Rezoning to an RM-8A follows a simplified rezoning process. Since this rezoning is to an established District Schedule which sets out the allowable uses, maximum heights and densities, architectural drawings are not required at the rezoning stage. The rezoning review is limited to a plan amendment to the Zoning and Development By-law to designate the site from R1-1 to RM-8A (see Appendix A).

Staff review drawings according to the RM-8A/AN design guidelines at a future development permit (DP) process which streamlines the rezoning process.

An Urban Design Panel review is not required due to the small scale of the buildings and comprehensive design guidelines that accompany the District Schedule.

### **2. Transportation and Parking**

The site is well served by public transit, situated 500 m from the King Edward Canada Line station, and within three blocks of frequent bus service along King Edward Avenue, Oak Street and Cambie Street. The 29th Avenue and Heather Street bikeways are within one block, also providing sustainable transportation options.

Parking, loading and bicycle spaces must align with the Parking By-law and reviewed at the time of development permit application when architectural drawings are submitted. The applicant is required to upgrade the sidewalk and street lighting at 28th Avenue and Willow Street, along with a new curb and gutter on 28th Avenue. In the laneway, the applicant is required to upgrade the pavement structure and provide a lane crossing on Willow Street. Local servicing requirements are secured through a services agreement. Additional Engineering conditions are in Appendix B.

### **3. Natural Assets**

The *Urban Forest Strategy* seeks to protect and strengthen Vancouver's urban forest and tree canopy. The Protection of Trees By-law requires that permission be granted to remove trees to protect viable trees while supporting a healthy urban forest. There are approximately 15 trees on-site and four street trees. A landscape plan and arborist report will be required as part of a development permit application which will allow staff to apply conditions to enhance green assets in and around the site.

### **4. Public Input**

A site sign was installed on August 30, 2024. Approximately 953 notification postcards were distributed within the neighbouring area on or about September 4, 2024. Notification, application information, and an online comment form was provided on the Shape Your City website (<https://shapeyourcity.ca/>). Staff received three responses from the public, expressing support for the application as it provides housing options for families and healthcare workers and fits in

with the neighbourhood. Concerns were expressed about residential tenant displacement and additional construction in the area.

A question and answer period is not required for townhouse rezoning applications as public engagement was undertaken during the Plan process to inform land use changes. Further opportunities for public input, including for building design, will be available at the development permit stage.

## **5. Housing**

**Tenants** – The site contains existing rental tenants, including three units of secondary rental housing.

All of the existing residential tenancies are eligible under the TRPP. Prior to development permit issuance, the applicant must provide a Tenant Relocation Plan (TRP) for eligible tenants who meet the eligibility criteria of the TRPP. The draft TRP is summarized in Appendix D of this report.

All residential tenancies are protected under the provincial Residential Tenancy Act.

### ***Financial Implications***

This project is expected to provide a Density Bonus Zone (DBZ) contribution of \$721,125 and Development Cost Levy (DCL) of \$201,731, should it achieve the maximum of 1.20 FSR. A summary of public benefits associated with this application is included in Appendix E.

## ***CONCLUSION***

Staff have reviewed the application to rezone 767-791 West 28th Avenue from R1-1 to RM-8A for a townhouse or rowhouse development. The proposal aligns with the RM-8A/AN District Schedule and the Plan.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to a Public Hearing with a recommendation that, subject to the Public Hearing, the rezoning application be approved in principle, subject to the applicant fulfilling the Conditions of Approval in Appendix B.

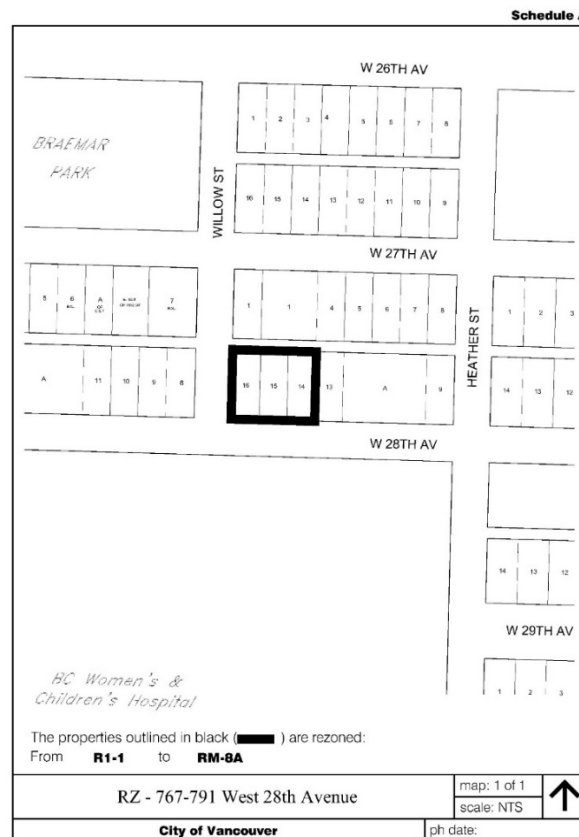
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**767-791 West 28th Avenue  
PROPOSED BY-LAW AMENDMENTS**

*Note: A by-law to rezone an area to RM-8A will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

**Zoning District Plan Amendment**

1. This by-law amends the indicated provisions or schedules of the Zoning and Development By-law No. 3575.
2. This by-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan attached as Schedule A to this by-law, and incorporates Schedule A into Schedule D of By-law No. 3575.
3. The area shown within the heavy black outline on Schedule A is rezoned and moved from the R1-1 District to the RM-8A District.



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**767-791 West 28th Avenue  
CONDITIONS OF APPROVAL**

*Note: If the application is referred to a Public Hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the Public Hearing minutes for any changes or additions to these conditions.*

**PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION**

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:

**Engineering**

- 1.1 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (COV Design Guidelines and Construction Standards and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site prior to building permit issuance.

Note to Applicant: Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services at [shoringreview@vancouver.ca](mailto:shoringreview@vancouver.ca) for details.

<https://vancouver.ca/streets-transportation/street-design-construction-resources.aspx>

<https://vancouver.ca/home-property-development/construction-street-use-permits.aspx#shoring-and-excavation>

- 1.2 The owner or representative is advised to contact Engineering Services at [streetusereview@vancouver.ca](mailto:streetusereview@vancouver.ca) to acquire the project's permissible street use after building permit issuance.

Note to Applicant: Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.

<https://vancouver.ca/home-property-development/construction-street-use-permits.aspx>

- 1.3 Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.



- 1.4 Provision of the following information as part of the drawing submission at the development permit stage to facilitate a complete Transportation review:
- (a) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided;
  - (b) All types of parking and loading spaces individually numbered and labelled;
  - (c) Dimension of any/all column encroachments into parking stalls;
  - (d) Identification of all columns in the parking layouts;
  - (e) Dimensions for typical parking spaces;
  - (f) Dimensions of additional setbacks for parking spaces due to columns and walls;
  - (g) Dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates;
  - (h) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates;  
  
Note to Applicant: These clearances must consider mechanical projections and built obstructions.
  - (i) Details on the ramp/parkade warning and/or signal systems and locations of lights, signs and detection devices to be shown on the plans;
  - (j) Areas of minimum vertical clearances labelled on parking levels;
  - (k) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances;  
  
Note to Applicant: The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.
  - (l) Indication of the stair-free access route from the Class A bicycle spaces to reach the outside;  
  
Note to Applicant: Stair ramps are generally not acceptable.
  - (m) Existing street furniture including bus stops, benches etc. to be shown on plans; and
  - (n) The location of all poles and guy wires to be shown on the site plan.

- 1.5 This development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.

Note to Applicant: The applicant will be required to demonstrate compliance with these requirements at the building permit application stage. See [vancouver.ca/rainwater](http://vancouver.ca/rainwater) for more information.

- 1.6 Provision of a Final Hydrogeological Study which addresses the requirements outlined in the Groundwater Management Bulletin and includes:

- a) A Groundwater Management Plan which includes:

- (i) Anticipated groundwater discharge rates for City approval.

Note to Applicant: The City does not support the long-term discharge of groundwater to our drainage system. Every effort should be made to prevent or limit this discharge.

- b) An Impact Assessment which achieves the following objective:

- (i) Analysis to confirm that there are no significant risks from groundwater extraction/diversion.

Note to Applicant: The City does not accept the dewatering of peat due to associated risk of offsite settlement.

Notes to Applicant: Construction-related discharge to the sewer must be measured and reported to the City. This monitoring must include daily average flow rates, and be submitted monthly to [groundwater@vancouver.ca](mailto:groundwater@vancouver.ca). A hold will be placed on the Building Permit; to lift the hold, provide an anticipated start date for excavation, and the contact details for the professional services that have been retained to conduct this monitoring, to [groundwater@vancouver.ca](mailto:groundwater@vancouver.ca).

The site is located within a Groundwater Area of Concern, and as such is subject to the requirements outlined in the City's Groundwater Management Bulletin. This rezoning submission is not compliant with the City's requirements as it does not include a hydrogeological study.

- 1.7 Developer's Engineer to submit a sewer abandonment plan to the City that details the following:

- (a) The abandonment or removal of all existing storm, sanitary, and combined connections to the development site; and
- (b) The abandonment or removal of all existing storm, sanitary, and combined sewer mains that are no longer in use due to the development of the site.

Note to Applicant: The abandonment plan is required to be reviewed and accepted by the City Engineer prior to issuance of the Sewer Permit.

- 1.8 Provision of all third-party utility services (e.g., BC Hydro, Telus and Shaw) to be underground. BC Hydro service to the site shall be primary. All required electrical plants will be provided within private property.

Notes to Applicant: BC Hydro System Vista, Vista switchgear, pad mounted transformers, low profile transformers and kiosks as well as telecommunications kiosks are to be located on private property with no reliance on public property for placement of these features.

For questions on this requirement, please contact Utilities Management Branch at 604-829-9447 or at [umb@vancouver.ca](mailto:umb@vancouver.ca).

- 1.9 Submission of a Key Plan to the City for review and approval prior to submission of any third party utility drawings is required. The review of third party utility service drawings will not be initiated until the Key Plan is defined and achieves the following objectives:

- (a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan.

<https://vancouver.ca/files/cov/engineering-design-manual.PDF>;

- (b) All third party service lines to the development is to be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.

Note to Applicant: Use of street for temporary power (e.g., temporary pole, pole mounted transformer or ducting) is to be coordinated with the City well in advanced of construction. Requests will be reviewed on a case-by-case basis with justification provided substantiating need of street space against other alternatives. If street use for temporary power is not approved, alternate means of providing power will need to be proposed. An electrical permit will be required.

- 1.10 Submission to Engineering of an updated landscape plan and site plan reflecting all the public realm changes, including:

- (a) All proposed streetscape materials on City property to be City standard materials;

Note to Applicant: deviations from the standard streetscape materials must be justified in a report and approved by City prior to the DP application. Encroachment agreements may be required for non-standard streetscape materials on City property.

- (b) The following statement is to be placed on the landscape plan:

- (i) "This plan is NOT FOR CONSTRUCTION and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development and

Major Projects and/or your Engineering, Building Site Inspector for details.”

- (ii) "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, installed with approved root barriers and appropriate soil. Installation of Engineered Soil may be required to obtain appropriate soil volumes based on site conditions. Root barriers shall be of rigid construction, 8 ft. long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Contact Park Board at [pbdevelopment.trees@vancouver.ca](mailto:pbdevelopment.trees@vancouver.ca) for inspection after tree planting.

Note to Applicant: Where a design is not available, make note of the improvement on the plan. Public realm changes shall include all off-site improvements sought for this rezoning. The Streets Design Guidelines are viewable online at <https://vancouver.ca/streets-transportation/streetscape-design-guidelines.aspx> and are to be used alongside the City construction and design manuals.

- 1.11 Submission to Engineering of an updated architectural plan showing City issued Building Grades for the site.

Note to Applicant: A Building grade application has not been initiated for this site. Building grades are required to be finalized prior to development permit application.

## **PART 2: CONDITIONS OF BY-LAW ENACTMENT**

THAT, prior to enactment of the amending By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, and the General Manager of Engineering Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### **Engineering**

- 2.1 Make arrangements for the consolidation of Lots 14-16 Block 718 District Lot 526 Plan 7090 to create a single parcel.

Note to Applicant: Restrictive Covenants GB39945, GB39946, and GB39947 on title require the approval of the CPR Company for any new houses proposed and that they have a minimum dollar value. The applicant may wish to pursue having these charges released from title; however, as these Restrictive Covenants are not in favour of the City, their release is not a condition of redevelopment of these properties.

- 2.2 Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the “Services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the Services are provided all to the satisfaction of the General Manager of Engineering Services. No development permit for the Rezoning Site, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit, as security for the Services, is provided.

The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. Except as explicitly provided for in Condition 2.3, the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

Note to Applicant: For general *Latecomer Policy* information refer to the website at <https://vancouver.ca/home-property-development/latecomer-policy.aspx#redirect>

(a) Provision of adequate water service to meet the fire flow demands of the project.

- (i) Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Aplin & Martin Consultants Ltd. dated April 26, 2024, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 200 mm along West 28th Avenue or 300 mm along Willow Street. Should the development require water service connections larger than the existing main along West 28th Avenue, the developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost of the upgrading. The maximum size for a water connection service is 300 mm.

Note to Applicant: Should the development's Fire Underwriter's Survey Required Fire Flow calculation change as the building design progresses, a resubmission to the City of Vancouver Waterworks Engineer is required for re-evaluation of the Water System.

(b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.

- (i) Implementation of development(s) at 767-791 West 28th Avenue require the following in order to improve sewer flow conditions.

Local Servicing Upgrade:

- Separate 85 m of existing 300 mm COMB main to 750 mm STM and 300 mm SAN in West 28th Avenue from MH\_\_FJCS6W (Heather Street) to MH\_\_FJCS84 (Willow Street).

Notes to Applicant: The lengths and diameters of these improvements are approximate and subject to detailed design by Developer's Engineer.

Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. All submittals including Issued for Construction (IFC) drawings are required to be reviewed and accepted by the City Engineer prior to building permit issuance.

The Sewer servicing plan for this area is under development. Developer to contact City Engineer prior to commencing design or analysis of sewer

system as the upgrade requirement may be modified based on servicing plan (requirement will be approximately equivalent to the above condition).

Development to be serviced to the proposed 750 mm STM and 300 mm SAN sewers in West 28th Avenue.

- (c) Provision of street improvements along West 28th Avenue and Willow Street adjacent to the site and appropriate transitions including the following:
  - (i) 2.14 m (7.0 ft) wide broom finish saw-cut concrete sidewalks;
  - (ii) Curb ramps; and
  - (iii) New concrete curb and gutter on West 28th Avenue along the development site's frontage.
- (d) Provision to reconstruct the full width of West 28th Avenue along the development site's frontage per City "Higher Zoned Street" pavement structure.
- (e) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.
- (f) Provision of entire intersection lighting upgrade to current City standards and IESNA recommendations at Willow Street and West 28th Avenue.
- (g) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (h) Provision to reconstruct the existing laneway along the development site's frontage per City "Higher Zoned Lane" pavement structure with a center valley. Install two new catch basins in the laneway to capture laneway run off.
- (i) Provision of a new standard concrete lane crossing, new curb returns and curb ramps at the existing lane crossing on Willow Street adjacent to the site.
- (j) Provision of lane lighting on standalone poles with underground ducts. The ducts must be connected to the existing City street lighting infrastructure. BC Hydro poles, where they exist, may be used to mount lane lights with overhead supply provided the applicant/applicant's consultant obtains written approval from BC Hydro.

- (k) Provision for the installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.

- 2.3 Provision for the collection of a Latecomer deposit or charge to satisfy this application's proportionate share cost for Condition 2.2 (b).

Note to Applicant: The deposit or charge is based upon the approved developable floor area of the development permit application to be collected prior to building permit issuance.

### **Housing**

- 2.4 Enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:

- (a) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design and Sustainability as per the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.
- (b) Provide a notarized declaration prior to issuance of the development permit that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each eligible tenant summarizing the Tenant Relocation Plan offer and signed as received by each eligible tenant.
- (c) Provide an Interim Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the demolition permit. The Report must include, but may not be limited to whether each tenant has indicated interest in the Right of First Refusal to return to the new building (if applicable); the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant) and their total compensation amount(s); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.

Note to Applicant: If a long period of time elapses between Public Hearing and before issuance of demolition permit, the City may request an additional Interim Tenant Relocation Report be submitted.

- (d) Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to the names of tenants; whether each tenant has taken up the Right of First Refusal in the

new building (if applicable) and their starting rent; and for those not returning to the new building, the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.

### **Environmental Services**

2.5 As applicable:

- (a) Submit a site disclosure statement to Environmental Services (Environmental Protection);
- (b) As required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (c) If required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements constructed on the site pursuant to this rezoning until separate Certificates of Compliance, satisfactory to the City, for the on-site and off-site contamination, issued by the BC Ministry of Environment and Climate Change Strategy, have been provided to the City.

### **Agreements**

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 registerable charges pursuant to 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 site 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-law and at no cost to the City.

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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**767-791 West 28th Avenue**  
**DRAFT CONSEQUENTIAL AMENDMENT**

**DRAFT AMENDMENT TO THE SUBDIVISION BY-LAW NO. 5208**

Council amends Schedule A of the Subdivision By-law in accordance with the plan labelled Schedule A and attached to and forming part of this By-law, by deleting the following property from the R1-1 maps forming part of Schedule A of the Subdivision By-law:

- (a) PID 010-721-134; Lot 14 Block 718 District Lot 526 Plan 7090;
- (b) PID 010-721-142; Lot 15 Block 718 District Lot 526 Plan 7090; and
- (c) PID 010-721-169; Lot 16 Block 718 District Lot 526 Plan 7090.

\* \* \* \* \*

**767-791 West 28th Avenue**  
**SUMMARY OF TENANT RELOCATION PLAN TERMS**

<b>Tenant Relocation and Protection Requirements</b>	<b>Tenant Relocation Plan Offer</b>
Financial Compensation	<ul style="list-style-type: none"> <li>• Compensation in the form of free rent, a lump sum payment, or a combination of both, will be available for each unit eligible for Tenant Relocation Plan according to the following schedule:               <ul style="list-style-type: none"> <li>○ 4 months' rent for tenancies up to 5 years;</li> <li>○ 5 months' rent for tenancies over 5 years and up to 10 years;</li> <li>○ 6 months' rent for tenancies over 10 years and up to 20 years;</li> <li>○ 12 months' rent for tenancies over 20 years and up to 30 years;</li> <li>○ 18 months' rent for tenancies over 30 years and up to 40 years;</li> <li>and</li> <li>○ 24 months' rent for tenancies over 40 years.</li> </ul> </li> </ul>
Notice to End Tenancies	<ul style="list-style-type: none"> <li>• Landlord to provide regular project updates to tenants throughout the development approvals process.</li> <li>• A minimum of four months' notice to end tenancy after all permits are issued is required (e.g. all development, building, and demolition permits in place).</li> </ul>
Moving Expenses (flat rate or arrangement of an insured moving company)	<ul style="list-style-type: none"> <li>• A flat rate of \$750 or \$1000 will be provided to all eligible tenants depending on the type of unit.</li> </ul>
Assistance in Finding Alternate Accommodation (3 options)	<ul style="list-style-type: none"> <li>• Applicant will distribute tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences.</li> <li>• Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver that best meet the tenants' identified priorities.</li> </ul>
Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing	<ul style="list-style-type: none"> <li>• For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.</li> </ul>

\* \* \* \* \*

**767-791 West 28th Avenue**  
**PUBLIC BENEFITS SUMMARY**

**Project Summary** – Rezoning to RM-8A District for a townhouse or rowhouse development.

The Cambie Corridor Plan guides change and growth over the next 30 years. The Plan identifies over 1,100 detached lots that have the rezoning potential for future townhouses, creating opportunities for up to 8,200 units of this much-needed ground-oriented housing type. City-initiated rezonings for townhouses are being phased to align with the availability of infrastructure upgrades to service the Corridor. In the meantime, owner-initiated rezonings, such as this application, can apply for a rezoning prior to these upgrades but be required to service off-site utility upgrades as a condition of rezoning.

Sites that are rezoned to district schedules with a density bonus contribution, such as the RM-8A/AN, are not subject to Community Amenity Contributions (CACs). DBZs in the Cambie Corridor area applied to support delivery of the Cambie Corridor Public Benefits Strategy.

**Density Bonus Zone Contributions (DBZs)** – Density bonus contributions are payable prior to building permit issuance based on rates in effect at that time and the additional floor area, above the base allowable FSR up to the maximum, proposed at the development permit stage. The RM-8A/AN sets the base density of 0.75 FSR for duplex or multi-family dwelling uses.

**Development Cost Levies (DCLs)** – DCLs are payable prior to building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage.

**Summary of development contributions anticipated under proposed zoning**

City-wide DCL <sup>1</sup>	\$124,027
Utilities DCL <sup>1</sup>	\$77,704
Density Bonus Zone Contribution (for density above 0.75 FSR) <sup>1</sup>	\$721,125
<b>TOTAL</b>	<b>\$922,856</b>

<sup>1</sup> Based on by-laws in effect as of September 30, 2024, assuming the development maximizes the allowable FSR. Rates are subject to future adjustment by Council including annual inflationary adjustments. A development may qualify for in-stream rate protection, see the [DCL Bulletin](#) and the [DBZ Bulletin](#) for details.

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**767-791 West 28th Avenue  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**Property Information**

Address	Property Identifier (PID)	Legal Description
767 West 28th Avenue	010-721-134	Lot 14 Block 718 District Lot 526 Plan 7090
777 West 28th Avenue	010-721-142	Lot 15 Block 718 District Lot 526 Plan 7090
791 West 28th Avenue	010-721-169	Lot 16 Block 718 District Lot 526 Plan 7090

**Applicant Information**

Applicant	Forme Development
Property Owner	Penako Holdings Ltd. and Petar Joseph Kokan

**Site Statistics**

Site Area	1,751.5 sq. m (18,853 sq. ft.); Site dimensions 38.1 m (125 ft.) x 46.0 m (151 ft.)
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**Development Statistics**

	Permitted Under Existing Zoning	Development Permitted Under Proposed Zoning
Zoning	R1-1	RM-8A
Uses	Residential	Multiple Dwelling (Residential)
Maximum Density	0.70 FSR	0.75 FSR to 1.20 FSR
Floor Area	1,226.1 sq. m (13,198 sq. ft.)	Up to 2,101.8 sq. m (22,624 sq. ft.)
Height	11.5 m (38 ft.)	Up to 3 storeys (at the street): 11.5 m (38 ft.)
Unit Mix	n/a	as per RM-8A District
Parking, Loading and Bicycle Spaces	as per Parking By-law	as per Parking By-law
Natural Assets	To be assessed at the development permit stage	

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