

SUMMARY AND RECOMMENDATION

3. REZONING: 767-791 West 28th Avenue

Summary: To rezone 767-791 West 28th Avenue from R1-1 (Residential Inclusive) District to RM-8A (Multiple Dwelling) District, to permit a townhouse development with a maximum floor space ratio (FSR) of 1.20.

Applicant: Forme Development

Referral: This relates to the report entitled “Rezoning: 767-791 West 28th Avenue”, dated January 7, 2025 (“Report”), referred to Public Hearing at the Council Meeting of January 21, 2025.

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

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, generally as presented in the Report, be approved in principle;

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

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

B. THAT, subject to approval of the zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C of the Report;

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.

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