

3. REZONING: 970 Union Street

Summary: To rezone from RM-3A (Multiple Dwelling) District to CD-1 District to permit the expansion of the Villa Cathay Care Home with the construction of one additional storey above the existing three-storey building. Existing units in the facility would be renovated to meet current Vancouver Coastal Health Guidelines and requirements. The rezoning proposes a total of 148 rooms with 158 beds and a floor space ratio (FSR) of 1.70, the height of the building would be 11.7 m (38.4 ft.).

Applicant: Joe Y. Wai, Joe Y. Wai Architect Inc.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

THAT the application by Joe Y. Wai Architect Inc., to rezone 970 Union Street (Villa Cathay Care Home) (PID 007-584-415, Block 125, District Lot 181 & 2037, Plan 16060, NWD) from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development), to permit the expansion of the Villa Cathay Care Home, a Community Care Facility - Class B, generally as presented in Appendix A, to the Policy Report "*CD-1 Rezoning - 970 Union Street (Villa Cathay Care Home)*", dated August 25, 2009, be approved, subject to the following conditions:

1. PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as represented by plans prepared by Joe Y. Wai Architect, and stamped "Received City Planning Department, April 20, 2009" and by addendum plans stamped "Received City Planning Department, June 17, 2009", 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 (b) below.
- (b) THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall consider the following:

Design Development

- (i) Clarification of exterior finish and materials on the elevation drawings;

Note to Applicant: Finishes should be consistent in quality with the existing building and nearby development.

- (ii) Provision of reflected elevations indicating the location and use of windows in the adjacent development;

Note to Applicant: Where potential privacy impacts appear, they should be addressed through design refinements.

Sustainability

- (iii) Clarification on the plans and drawings of any sustainable design features;

Note to Applicant: Features should be noted on the plans and elevations where relevant. Designs which reduce building energy consumption in particular are encouraged.

Crime Prevention Through Environmental Design (CPTED)

- (iv) Design development to take into consideration the principles of CPTED.

Landscape Design

- (v) Retention of healthy trees wherever possible in accordance with the Private Property Tree By-law;
- (vi) Review and written confirmation of proposed tree removal to the satisfaction of the General Manager of Engineering Services and the Director of Planning;
- (vii) Provision of a full Landscape Plan;

Engineering

- (viii) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:
 - (1) Modify the size of the parking spaces and the layout of the parking stalls to the proper dimensions as outlined in the Parking and Loading Design Supplement.
 - (2) Provision of all parking stall and drive aisle dimensions, label the small car spaces and number all parking stalls.
 - (3) Show security gate for parking spaces and receiving area on drawings and indicate the vertical clearance.
 - (4) Removal of the disused crossing on Raymur Avenue is required.
 - (5) Relocation of the garbage container from the boulevard onto the site, to a location satisfactory to the Director of Planning in consultation with the General Manager of Engineering Services.
 - (6) Confirmation of the approved garbage pick up location or modification of the pick up location to ensure on-site pick up of all of the garbage bins is required. It appears the on-site bin is only accessible by driving over the sidewalk and boulevard and not directly from on-site.

Housing

- (ix) Provision of a signed Tenant Relocation Plan prior to issuance of the Development Permit, to include, amongst other conditions, the following requirements:
- Construction phasing schedule;
 - Timetable of tenant relocation and management in relation to construction;
 - Compliance with Vancouver Coastal Health Authority regulations for tenant relocation, notification of residents and their families;
 - Approval of Tenant Relocation Plan by Vancouver Coastal Health Authority.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall make arrangements for the following to the satisfaction of the General Manager of Engineering Services, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services:

Engineering

- (i) Clarification of charges on title BK210399- BK210404. These charges allow for a fountain to be constructed encroaching onto a portion of Union Street. If it is not required to be constructed as part of an earlier development approval, and there is no longer intent to build the fountain, then the documents should be discharged.
- (ii) Clarification is required as to whether any portion of the proposed decorative gate at the north property line is intended to encroach onto Union Street. If so, proper arrangements must be made for any encroachment onto City property.
- (iii) Provision of a watercourse preservation agreement. There is an existing watercourse contained in a concrete pipe which runs below the building in a historical watercourse, protection of this drainage corridor is required.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title 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.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letter of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents 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.

(RZ. - 970 Union Street)