



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: November 23, 2011
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RTS No.: 9388
VanRIMS No.: 08-2000-20
Meeting Date: December 13, 2011

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Text Amendment: 2001 Nanton Avenue

RECOMMENDATION

- A. THAT the application by Omicron on behalf of The Arbutus Club to amend CD-1 (27) (By-law No. 4085 as amended) for 2001 Nanton Avenue (Lot B, Block 76, District Lot 526, Plan 11136, P.I.D. 002-787-792) to increase the Floor Space Ratio (FSR) to allow for an additional seasonal air-supported structure ("tennis bubble") over existing tennis courts be referred to a Public Hearing, together with:
- (i) plans prepared by Omicron received July 15, 2011;
 - (ii) draft CD-1 By-law amendments, generally as presented in Appendix A;
 - (iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law amendment generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT Recommendation A 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; 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 to amend By-law CD-1 (27)

and that any costs incurred in fulfilling requirements imposed as a condition of amending By-law CD-1 (27) 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 assesses an application by Omicron on behalf of The Arbutus Club to amend the existing CD-1 By-law to permit the erection of an additional seasonal air-supported structure over existing tennis courts (a "tennis bubble") and permit the construction of a structure to store the tennis bubble when it is not being used and to house mechanical equipment necessary to maintain the inflation of the structure. The By-law needs to be amended to increase the maximum permitted floor area for temporary structures from 0.10 FSR to 0.175 FSR. The proposed mechanical and storage structure would create a small increase in permanent floor area that falls within the current FSR limits for permanent structures.

Staff have reviewed the application, concluded that the amendments proposed are supported by existing policy and recommend that the application be approved with conditions, subject to a Public Hearing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council Policies for this site include:

- CD-1(27) (By-law No. 4085), (enacted December 19, 1963 and amended November 1, 2005 by By-law No. 9176);
- Arbutus Ridge/Shoughnessy Kerrisdale (ARKS) Community Vision Rezoning Policy:
 - Direction 14.1 Changes to CD-1 Zones - requires a rezoning process to amend a CD-1 By-law,
 - Direction 8.2 Provide more public recreation facilities in Arbutus Ridge and Shoughnessy;
- Community Amenity Contributions -Through Rezoning (adopted by City Council on January 20, 1999, amended June 24, 2003, February 12, 2004 and June 15, 2006); and
- Green Buildings Policy for Rezoning (Adopted by City Council on July 22, 2010)

The CD-1 (27) By-law for this site permits a social and recreational club as the sole use. The floor space ratio must not exceed 0.69 for permanent structures and 0.10 for temporary air-supported structures. Parking on the site must meet the requirements of the Parking By-law but must have at least 330 off-street parking spaces.

City Council approved amendments to CD-1(27) by By-law No. 9176, on November 1, 2005 to permit interior and exterior alterations to the existing social and recreational club (The Arbutus Club) building on this site. The by-law amendment permitted new development to add 15,749 sq.ft., (1 463 m²) consisting of a three level below ground parking structure under four tennis courts (with a seasonal air-supported cover (tennis bubble) and a one storey multi-purpose fitness and amenity space addition. The addition of the parking structure relieved parking pressure on local streets.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

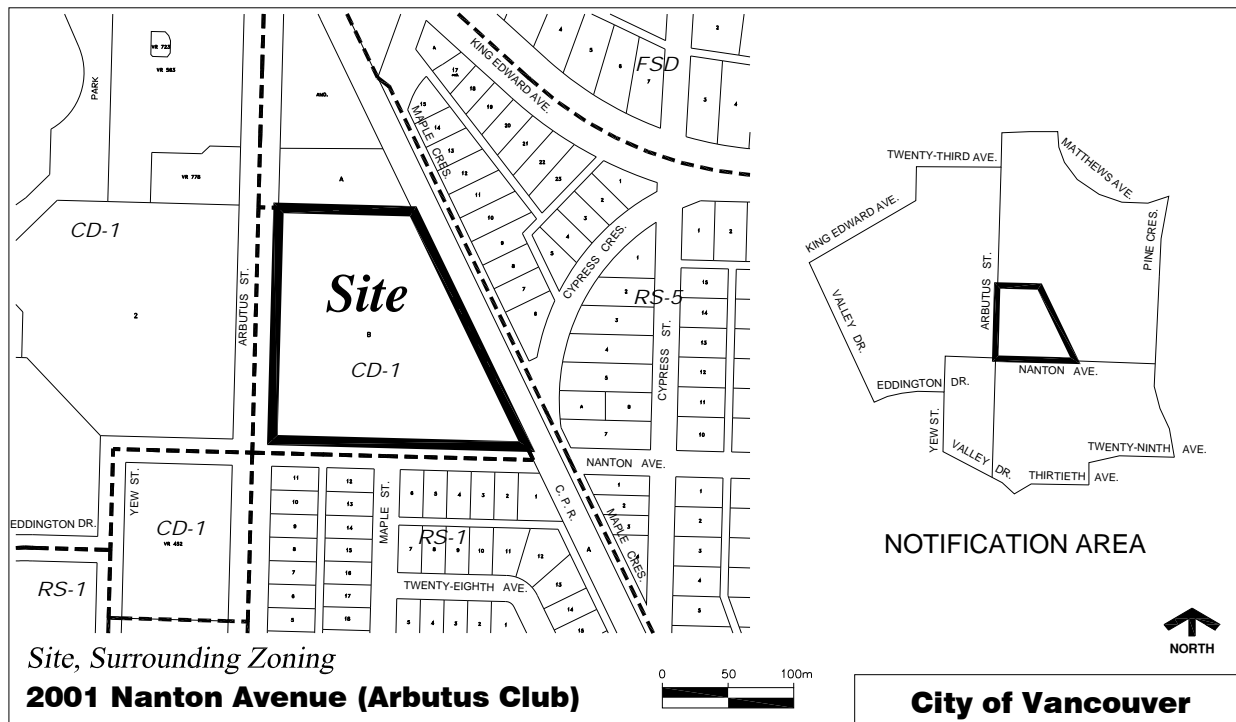
Background/Context

The applicant requests an amendment to the existing CD-1 By-law for The Arbutus Club to permit a second tennis bubble over 4 existing outdoor tennis courts which are located on the roof of a building adjacent to Arbutus Street. The tennis bubble would cover 21,684.6 sq. ft. (6 609.6 m²). A permanent structure of 726.56 sq. ft. (67.50 m²) to house the mechanical equipment and off-season storage of the bubble is also proposed.

Construction of the mechanical and storage structure affects seven existing parking spaces. They would be removed and replaced by five new spaces. Parking provision would continue to meet the CD-1 By-law requirement of a minimum of 330 spaces.

The new tennis bubble would be 36 feet (11 metres) tall measured from court level which is 18 to 21.3 feet (5.5 to 6.5 metres) above Arbutus Street. The bubble would be installed temporarily during fall and winter.

MAP 1 - Site, Surrounding Zoning



Strategic Analysis

Site and Context

The Arbutus Club is located on the north-east corner of Arbutus Street and Nanton Avenue on a site of 289,128 sq. ft. (26 860 m²). The site slopes down from a high point at its north-east side to its lowest point at the south-west corner. It is bounded on its east side by the CP rail corridor. The areas to the east and south of the site are zoned for and developed with detached houses. A BC Hydro sub-station is located to the north. The west side of Arbutus Street is developed with a shopping centre and parking lot and has recently been approved in principle to be rezoned to permit residential development as part of the Arbutus Centre. The site south-west of the site across Arbutus Street and Nanton Avenue is developed with low-rise residential four-plexes.

Land Use

Use of the new tennis bubble is consistent with the approved and permitted use of the site as a social and recreational club. Increasing the wet and cold weather use of the tennis courts would enhance the permitted use of the site. Tennis bubbles are a common feature of tennis clubs and permit year round use of the courts.

Density

The existing CD-1 by-law has separate FSR limits for permanent structures and temporary air-supported structures. The By-law currently permits one tennis bubble over the courts in the south-east corner of the site (on the roof of the new parkade). The proposed amendment would increase the permitted density for temporary structures from 0.10 to 0.175 FSR thereby permitting a second bubble.

The proposed mechanical and storage structure would not increase the floor area of permanent structures beyond the currently permitted limit of 0.69 FSR.

Form of Development and Views (Note Plans: Appendix C)

The applicant has submitted extensive view studies, including fully dimensioned illustrations of the proposed tennis bubble, from the following locations:

- Multiple points north and south of the site along Arbutus Street
- The single family homes immediately south of the proposed tennis bubble
- 3rd and 6th floors of the potential residential development on the west side of Arbutus Street that may occur as part of the Arbutus Centre redevelopment.

The proposed tennis bubble is a standard size and height. It would be located at the south-west corner of the property at its lowest point. This helps reduce the prominence and visibility of the structure. There is no height limit in the existing CD-1 By-law. The permanent structure proposed to store the tennis bubble when it is not erected is effectively screened by perimeter landscaping and would be virtually unnoticeable from public vantage points outside the property.

The view analysis and staff review indicate that the proposal is consistent with the Arbutus Ridge Kerrisdale Shaughnessy Community Vision (ARKS) (Section 24.14 Preserve Public Views) that states that "views from public places of the water, North Shore Mountains and other panoramas should be protected". The proposal has no effect on these public views cited by the ARKS Community Vision.

The applicant submitted view studies to examine the effect on private views from locations surrounding the property, including from potential future development on the west side of Arbutus Street in the proposed Arbutus Centre development, from other points on Arbutus Street and from Nanton Avenue. These indicate that the impact on these private views is modest because the bubble is on the low point of ground and/or is screened by existing trees and perimeter landscaping.

Parking, Loading and Circulation

While the development of the storage and mechanical structure would remove 7 existing parking stalls, the proposed addition of 5 new stalls would leave the site with 330 on-site parking spaces, which meets the CD-1 By-law requirements for at least 330 on-site parking spaces.

Environmental Sustainability

The tennis bubble will be white since white fabric admits the most light and therefore requires less indoor lighting than any other colour and therefore the least amount of electricity to illuminate the courts. While The Green Buildings Policy for Rezoning applies to all rezonings, green building standards such as LEED® have little application to the tennis bubble and no conditions are required.

Environmental Protection staff have advised that there are no concerns with soils on this site and therefore there is no condition of rezoning in Appendix B, Section (c) with respect to soils.

PUBLIC INPUT

Notification and Open House – A rezoning information sign was installed on the site on September 6, 2011, and a notification letter and invitation to a public information open house, dated September 8, 2011, was mailed to 719 surrounding property owners in the notification area shown in Map 1.

The public information open house was held on September 22, 2011 at the Arbutus Club with staff and the applicant team in attendance. A total of four people attended. In addition, the City of Vancouver Rezoning Centre webpage included notification and application information and an on-line comment form.

The applicant also held a public open house on May 3, 2011 before submitting the application which was attended by fewer than 10 people.

Public Response – Three written responses were received from the Open House and from the on-line comment form including two who opposed the rezoning. (See Appendix D for a summary of public comments.)

One comment opposed the application because the bubble would block a view of the north shore mountains, from a back yard, that is currently enjoyed when the deciduous trees on the perimeter of the site have shed their leaves. While the effect of development on views from private areas is a consideration in the review of development applications and development can be modified where possible to minimize negative impact, Council approved policy addresses the need to protect views from public areas. This is not a view protected by Council policy. The existing view is obscured by the deciduous trees when they are in leaf.

There were two comments that the tennis bubble itself would be unsightly or ugly. One written comment supported the application on the basis that there was minimal view impact on neighbours and offered to attend the Public Hearing to support the application.

PUBLIC BENEFITS

In response to City policies that address changes in density, this application for a text amendment to the rezoning offers the following public benefits:

Development Cost Levies (DCLs) – Development Cost Levies (DCLs) collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. The site is in the City-wide DCL District where the rate is \$11.33/sq. ft. (\$121.96/m²) for permanent structures. On this basis, a DCL of approximately \$8231.92 (\$11.33 X 726.56 sq. ft.) would be anticipated for the new permanent structure. The tennis bubble is classified as a temporary structure and a payment of \$10.00 per building permit is required. On this basis, a total DCL of approximately \$8241.92 (\$8231.92 + \$10.00) is anticipated. DCLs are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment which takes place on September 30th of each year.

Public Art Program –The Public Art Program does not apply to this application because the additional floor area proposed of 726.56 sq. ft. (67.50 m²) is less than the minimum qualifying size of 100,000 sq. ft. (9 290 m²).

Offered Public Benefits:

Community Amenity Contribution – In the context of Financing Growth Policy, the City anticipates the offer of a Community Amenity Contribution (CAC) from the owner of a rezoned site to address the impacts of rezoning. The City-wide standard of \$3.00 per sq. ft. is the appropriate basis for determining the anticipated CAC. For this proposed text amendment, the applicant offers a Community Amenity Contribution in the form of a cash payment of \$65,053.82 (\$3.00 X 21,684.61 sq. ft.). Real Estate Services staff recommend that this offer be accepted. Payment of the Community Amenity Contribution is a condition of zoning enactment. Staff are recommending that the CAC be allocated to the Parks Board and applied to community facilities for youth in Quilchena Park such as the existing skateboard park. See Appendix E for a summary of all of the public benefits for this application.

FINANCIAL

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

CONCLUSION

Staff have reviewed the application by Omicron to amend CD-1 By-law (27) for 2001 Nanton Avenue to permit an increase in maximum permitted density for temporary structures from 0.10 FSR to 0.175 FSR and to amend the approved form of development to permit an additional air-supported structure for the October to March period.

Upon review and analysis, staff have concluded that the proposal is supportable. The Director of Planning recommends that the application be referred to a Public Hearing, together with the draft by-law amendment contained in Appendix A, and that, subject to Public Hearing, the application be approved subject to conditions contained in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix C.

* * * * *

2001 Nanton Avenue
DRAFT AMENDMENTS TO CD-1 (27) (BY-LAW NO. 4085), as amended

Note: An amending By-law will be prepared in accordance with the provisions listed below, subject to change and refinement prior to posting. Text ~~crossed out~~ is to be deleted and text in **bold** is to be added.

(a) Replace the opening passage of section 3 with the following:

3 Floor Space Ratio The floor space ratio must not exceed 0.69 for permanent structures and ~~0.10~~ **0.175** for temporary air-supported structures."

* * * * *

2001 Nanton Avenue
PROPOSED CONDITIONS OF APPROVAL

Note: The recommended approval conditions supplement or amend those approved by City Council for this site at its meeting of July 14, 2005.

Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Omicron and stamped "Received City Planning Department, July 15, 2011", 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 have particular regard to the following:
 - (i) design development to ensure that the existing landscaping shall be retained and protected during construction, or replaced by equal or better quality.

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering Services

- 1. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (i) for discharge of the existing sewer right of way 68962H;

Note: this was to be discharged following completion of the on-site sewer relocation project approved in the 2004/2005 rezoning of the site.

- (ii) make arrangements for all new BC Hydro and Telus services to be undergrounded within and adjacent the site from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switchgear (vista switches) and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service

the area must be located on private property. The development is not to rely on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged; and

Community Amenity Contribution

2. That, prior to enactment of the amended CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services and the General Manager of the Park Board, deliver to the City the Community Amenity Contribution of \$65,053.82 which the developer has offered to the City, to be allocated to the Park Board for community facilities such as the skateboard park and other youth related facilities in Quilchena Park;

Note: 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 sites 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-laws.

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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2001 Nanton Avenue Form of Development and View Studies

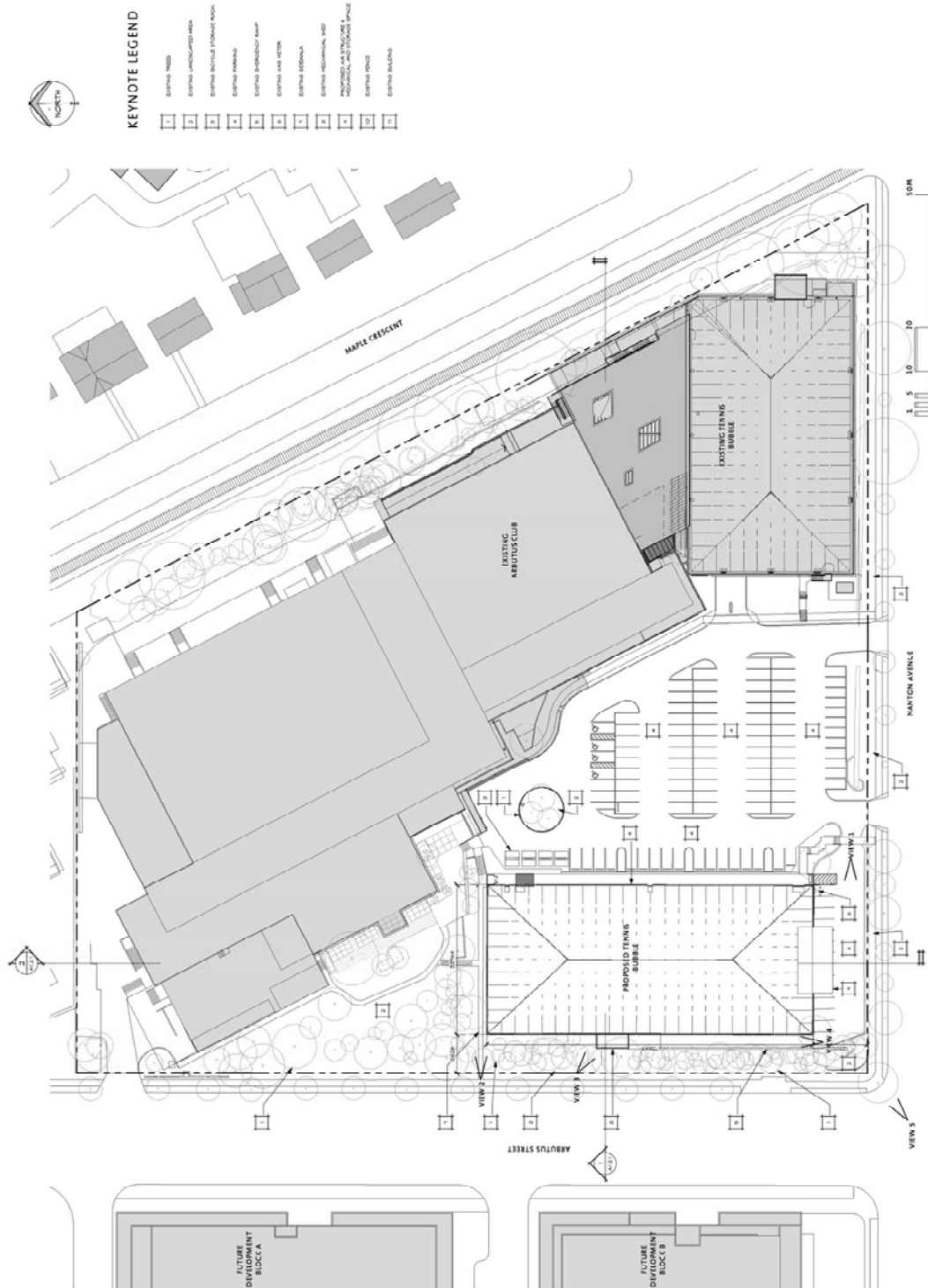


Figure 1: Site Plan

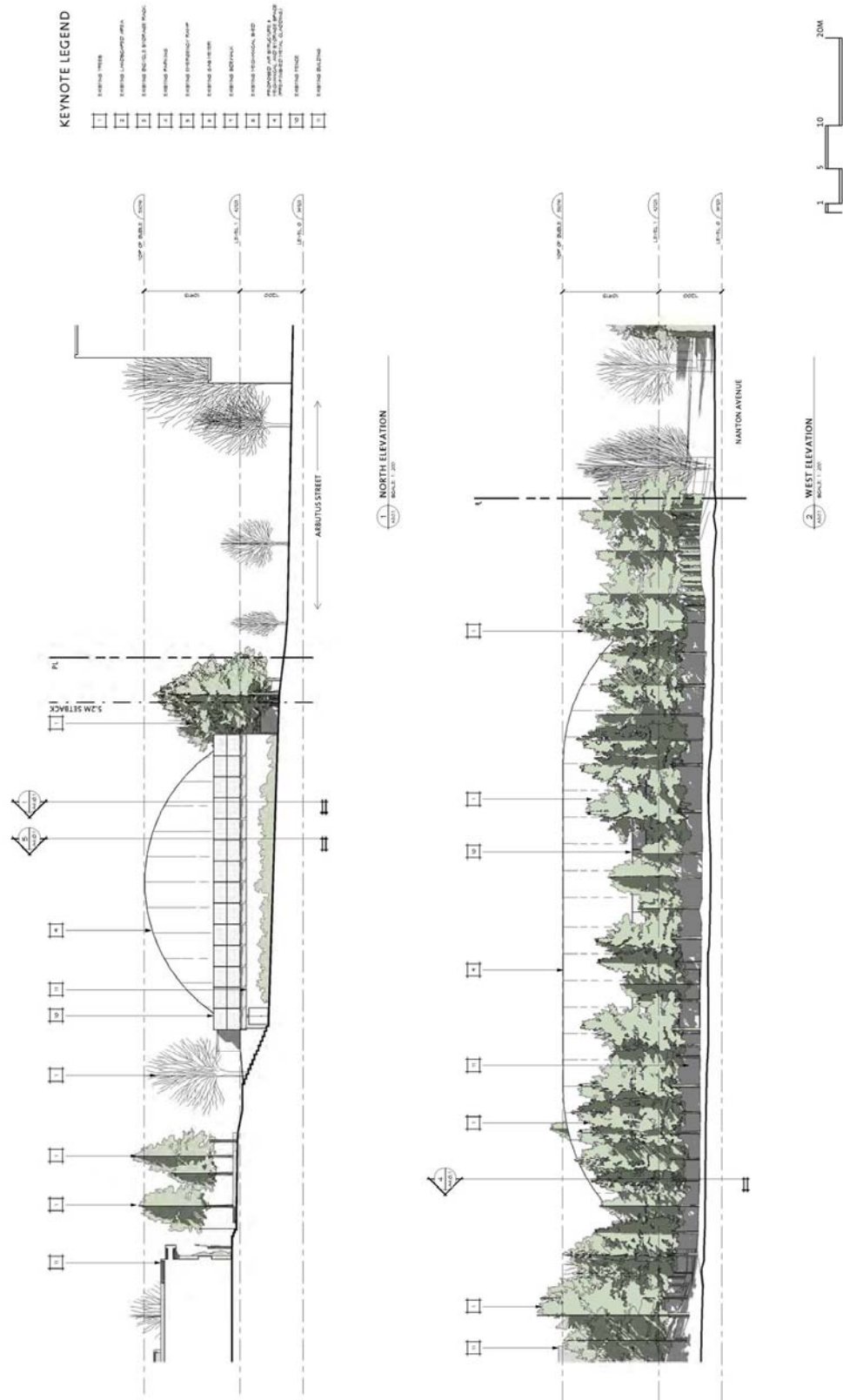


Figure 2: Building Elevations (North and West)

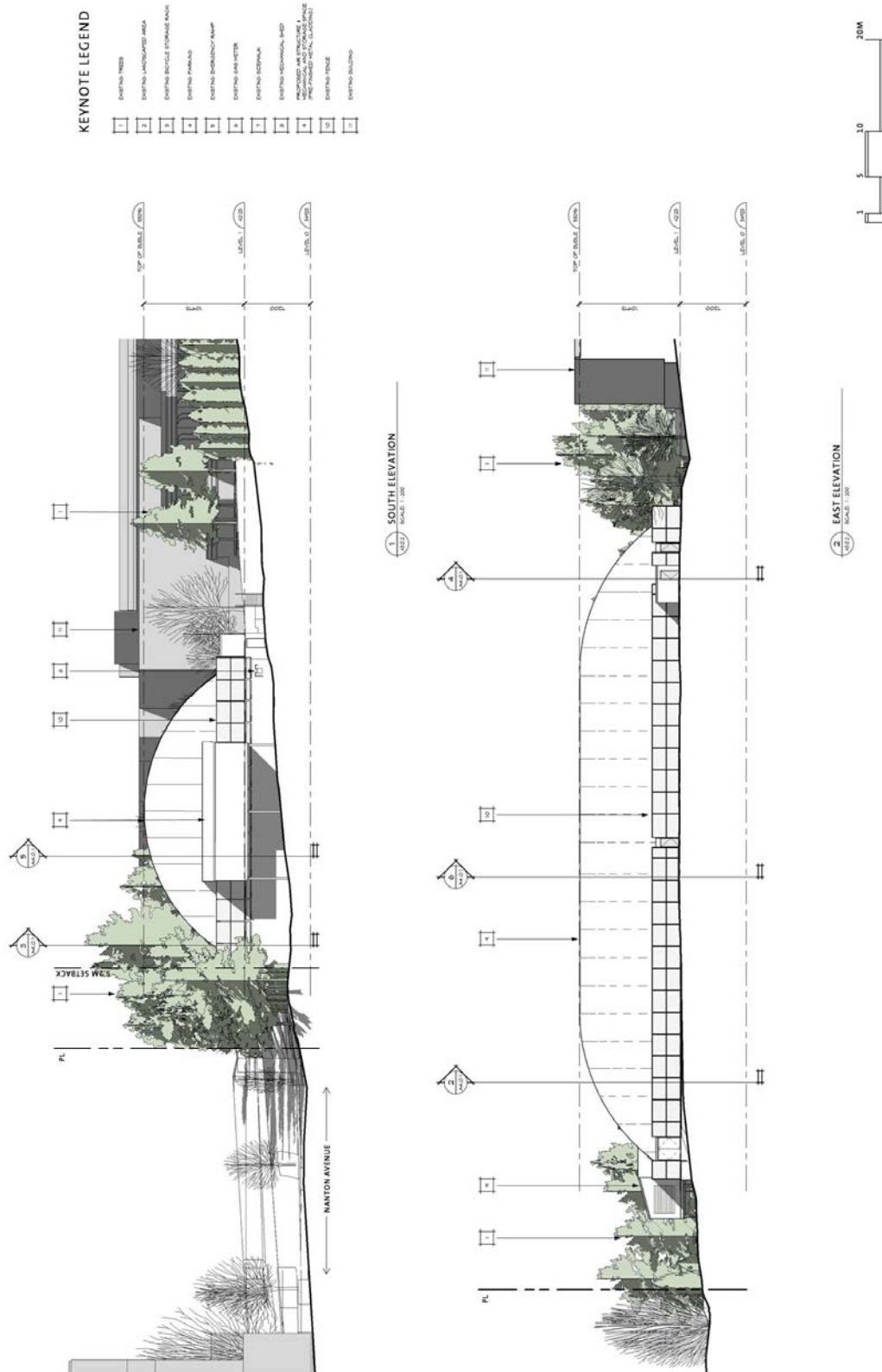


Figure 3: Building Elevations (South and East)

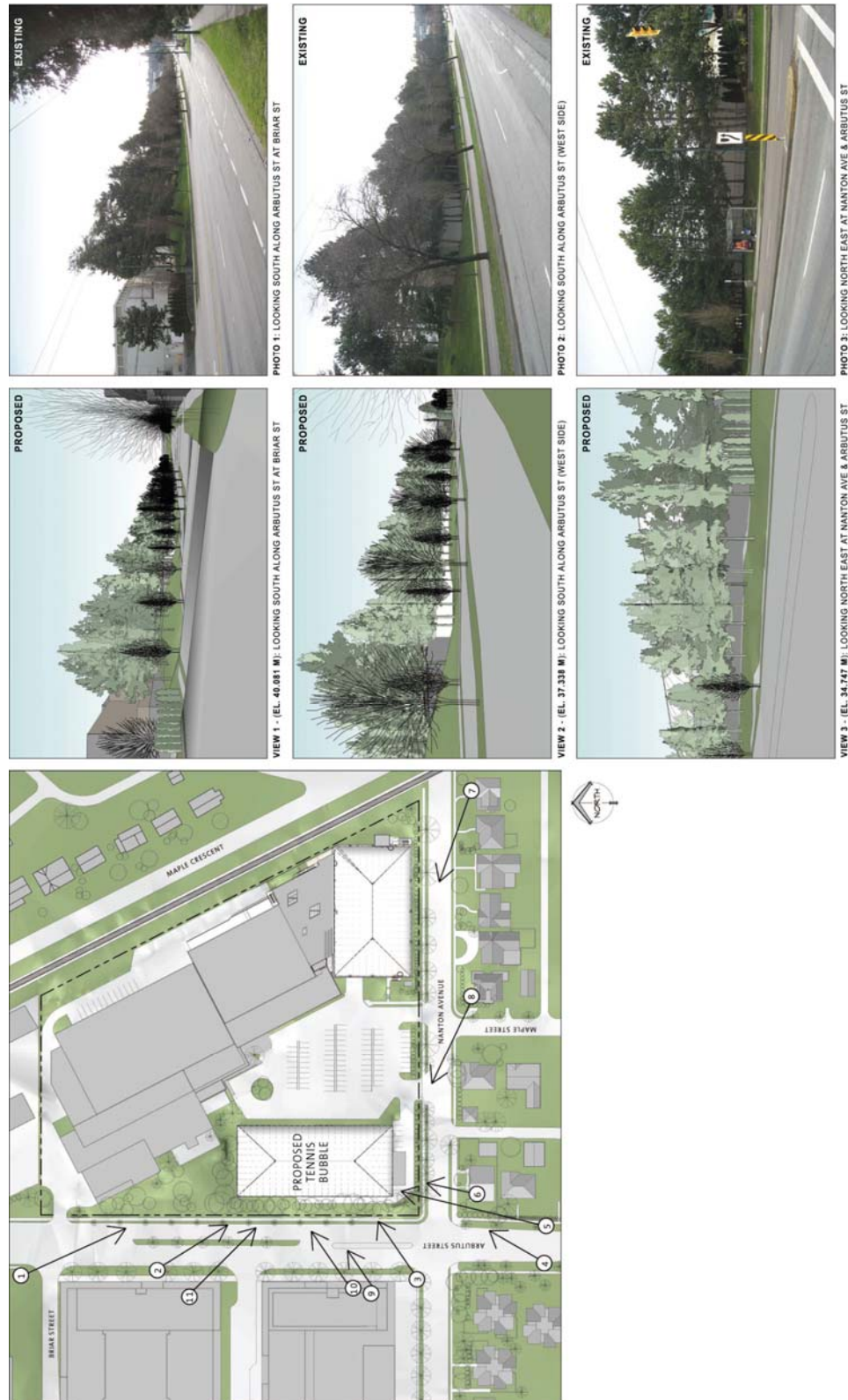


Figure 4: View Impact Analysis (Views 1 to 3)

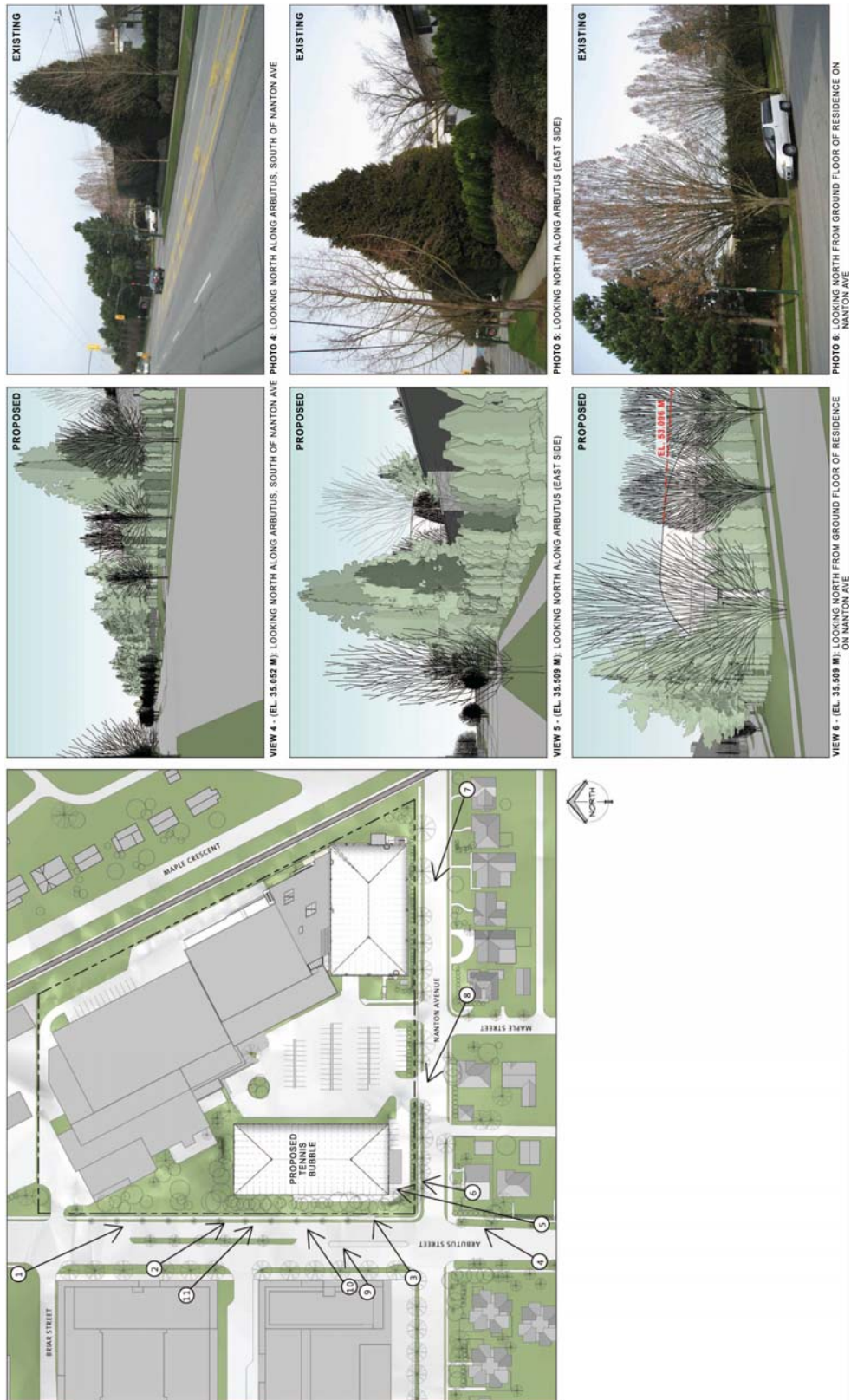


Figure 5: View Impact Analysis (Views 4 to 6)

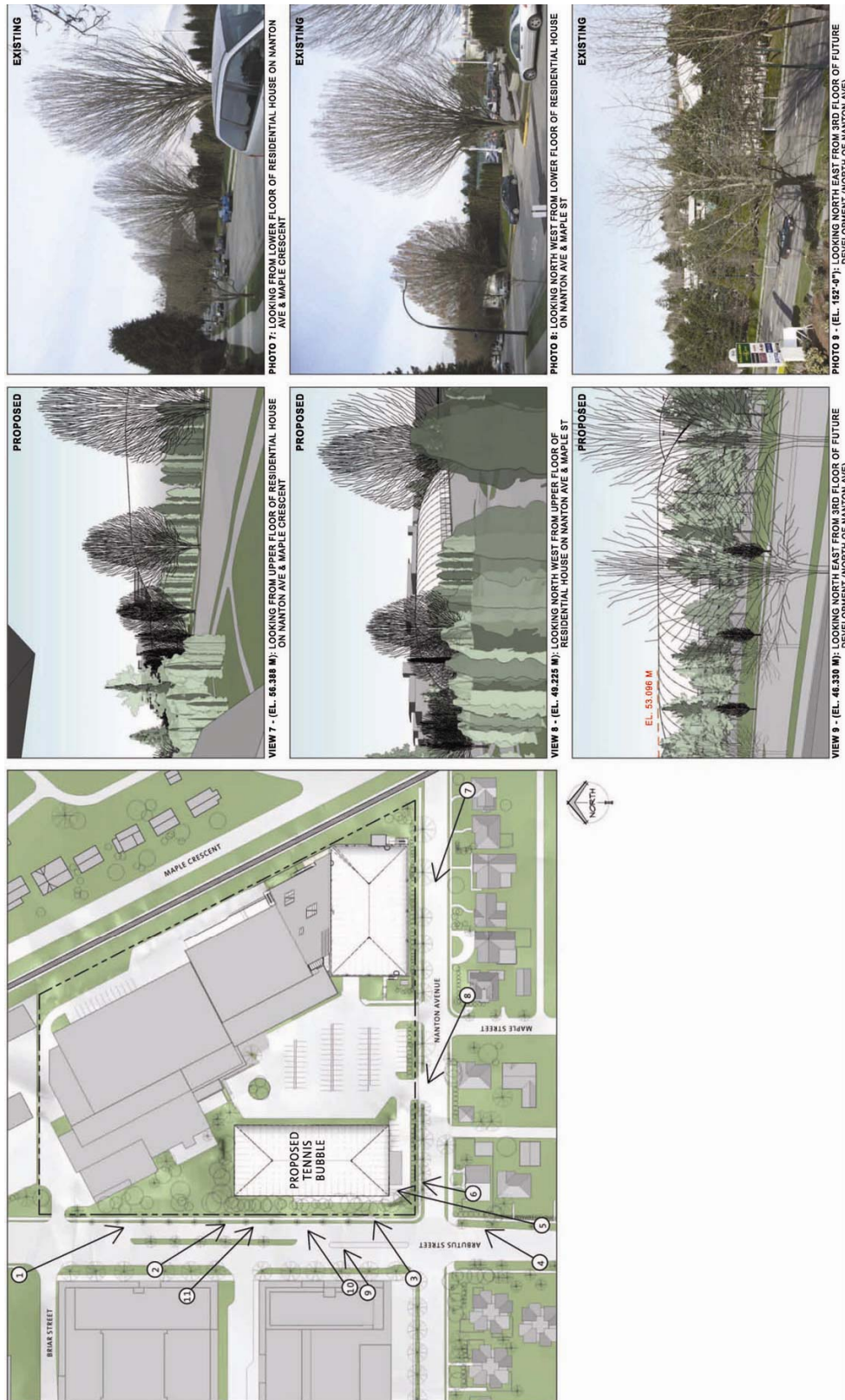


Figure 6: View Impact Analysis (Views 7 to 9)

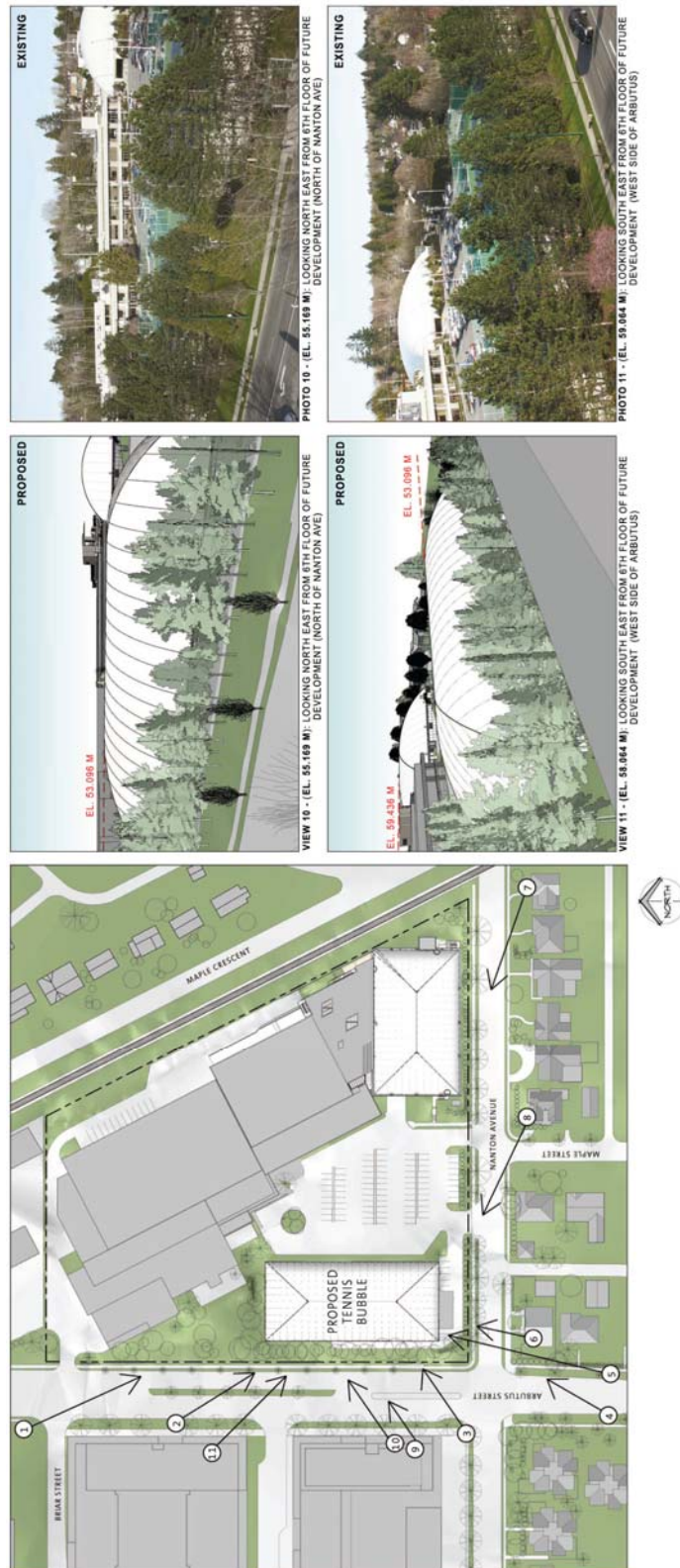


Figure 7: View Impact Analysis (Views 10 and 11)

2001 Nanton Avenue
ADDITIONAL INFORMATION

Public Input: A notification letter was sent to 719 nearby property owners on September 8, 2011 and rezoning information signs were posted on the site on September 6, 2011. A public open house was held on September 22, 2011 and was attended by 4 people. Two expressed concern that tennis bubbles were unattractive. One of these letters also was concerned that private views to the north shore mountains would be lost.

One comment supported the application and offered to address the Council Public Hearing in favour of the application.

Comments of the General Manager of Engineering Services: The General Manager of Engineering Services has no objection to the proposed rezoning, provided that the applicant complies with conditions as shown in Appendix B.

Environmental Implications: The proposed rezoning neither contributes to nor detracts from the objective of reducing atmospheric pollution.

Social Implications: There are no major positive or negative social implications to this proposal. There are no implications with respect to the Vancouver Children's Policy or Statement of Children's Entitlements.

Comments of the Applicant: The applicant has been provided with a copy of this report and has provided the following comments:

"We support the report's recommendations and thank staff for their assistance with the successful public process that has brought us to this point."

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2001 Nanton Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Installation of a fabric “bubble” over the existing tennis courts located at the south west corner of the Arbutus Club.

Public Benefit Summary:

	Current Zoning	Proposed Zoning
Zoning District	CD-1 (27)	CD-1 (27)
FSR (site area = 26 860.0 m ² /289,128.1 sq. ft.)	0.69 for permanent structures 0.10 for temporary air supported structures	0.69 for permanent structures 0.175 for temporary air supported structures
Max. Allowable Buildable Floor Space (sq. ft.)	199,498.39	228,411.20
Land Use	Social and recreational club	Social and recreational club

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)		\$8,241.92
	DCL (Area Specific)	0	
	Public Art	0	
	20% Social Housing	0	
Offered (Community Amenity Contribution)	Childcare Facilities	N/A	
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage (transfer of density receiver site)		
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		\$65,053.82
	Social/Community Facilities		
	Unallocated		
Other			
TOTAL VALUE OF PUBLIC BENEFITS		\$0	\$73,295.74

Other Benefits (non-market and/or STIR components):

n/a

DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ among Area Specific DCL Districts

2001 Nanton Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	2001 Nanton Avenue
Legal Description	Lot B Block 76 District Lot 526 Plan 11136 (P.I.D. 002-787-792)
Applicant	Omicron on behalf of the Arbutus Club
Architect	Kevin Hanvey, MAIBC, Principal of Omicron
Property Owner	Arbutus Club, Brent Elkington, CEO

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	289,128 sq. ft. (26 860 m ²)	Nil	289,128 sq. ft. (26 860 m ²)

DEVELOPMENT STATISTICS

	DEVELOPMENT UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	CD-1(27) as amended	CD-1(27) - further amended
USES	social and recreational club	social and recreational club
DWELLING UNITS	0	0
DEVELOPMENT - permanent structures	0.68 FSR 1 463.1 m ² (15,749.0 sq. ft.)	0.68 FSR 16,475.56 sq. ft. (1 530.53 m ²) Increase = 726.56 sq. ft. (67.50 m ²)
DEVELOPMENT - air-supported structures	0.08 FSR 23,130.2 sq. ft. (2 149.0 m ²)	0.175 FSR 26,626.04 sq. ft. (2 473.56 m ²)
MAX. FLOOR SPACE RATIO	0.69 permanent structures; 0.10 temporary air-supported structures	0.69 permanent structures; 0.175 temporary air-supported structures
MAXIMUM HEIGHT/STOREYS	n/a	n/a
PARKING SPACES required	330 (332 existing)	330