

SUMMARY AND RECOMMENDATION

3. TEXT AMENDMENT: 2001 Nanton Avenue (The Arbutus Club)

Summary: To amend an existing CD-1 (Comprehensive Development) District By-law (27) to permit a second seasonal, air-supported structure ("tennis bubble") over four existing tennis courts which are located on the roof of a building adjacent to Arbutus Street. The new tennis bubble would be 11 metres (36 feet) tall measured from court level, which is 5.5 to 6.5 metres (18.0 to 21.3 feet) above Arbutus Street. The new bubble would be installed temporarily during the fall and winter.

Applicant: Mr. Kevin Hanvey, Omicron.

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

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 (PID: 002-787-792, Lot B, Block 76, District Lot 526, Plan 11136) to increase the Floor Space Ratio (FSR) to allow for an additional seasonal air-supported structure ("tennis bubble") over existing tennis courts, generally as presented in Appendix A of the Policy Report dated November 23, 2011, entitled "CD-1 Text Amendment - 2001 Nanton Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE 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:
 - 1. 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.

(RZ - 2001 Nanton Avenue)